UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS
FIRST SESSION

VOLUME 153—PART 12

JUNE 18, 2007 TO JUNE 26, 2007
(PAGES 16083 TO 17562)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

SENATE—*Monday, June 18, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and dependable Creator of the Universe, we acknowledge You as the giver of every good and perfect gift. You are our solid rock. You arm us with strength. Thank You for the seasons and climates, for sowing and reaping, for color and fragrance. Thank You for the time of harvest when our labors and dreams are rewarded.

Today, bless our lawmakers. Illumine their lives to keep them on the right paths. May the creative power of Your word produce in them a stronger faith and an indomitable hope. Keep them from slipping. Fill them with courage as You show them Your unfailing love. Give them an attitude of openness to receive the fullness of Your grace and truth.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Today the Senate will be in a period of morning business until 3:30 p.m. The time will be equally divided and controlled between the two leaders or their designees. Once morning business has closed, the Senate will resume consideration of the energy legislation. There are no rollcall votes today. There are a number of amendments pending. The managers are going to work on trying to dispose of some of those, and maybe there will be other amendments that will be offered today and debated today.

ENERGY

Mr. REID. Mr. President, it is summertime and school is out and people are planning their vacations. Most all the vacations are ones where people drive. They, of course, go visit relatives, they go to the beaches and the mountains where it is cool, barbecuing with friends, but driving is part of America. If you have traveled in Nevada, which millions of people do by automobile every year, going through Nevada and coming to places such as Las Vegas, Reno, and Lake Tahoe, you find the price of gas is very high. But it is that way all over the country, not just Nevada. The record-high price is no accident. It is a result of America's addiction to oil.

I say again, as I have said many times before, today in America we are going to use 21 million barrels of oil; 65 percent of that oil we will import. We will do it from unstable countries and regions. We have been told with no uncertainty by scientists that we have only 10 to 15 years to do something to dramatically reduce the elements of pollution that cause global warming.

This week we are going to continue our debate on energy legislation. This is a bill on which every Senator should agree, but they do not. This is a bill that comes out of the Energy Committee on a bipartisan basis, a bill that comes out of the Environment and Public Works Committee on a bipartisan basis, a bill that comes out of the Commerce Committee on a bipartisan basis. They were all put together and this is what is before us, a bipartisan energy bill.

The bill addresses both sides of the energy crisis, consumption and supply. That is what it is all about. On the consumption side, this bill raises fuel economy standards for cars and trucks and raises efficiency standards for light, heat, and water.

We now know we have to produce vehicles that get 27 miles to the gallon. For people, including our automobile manufacturers, to say: We can't do it, we can't simply in a decade produce vehicles that will be 35-miles-per-gallon efficient—our country is one of ingenuity, of inventing things—certainly we can do that. We have to do that.

On the supply side, our legislation invests in renewable fuels that can be produced right here in America. It would sure be good for our country if we could include an amendment that would diversify power generation to include at least 15 percent of the energy from renewable sources. This will save consumers tens of billions of dollars every year, cut our oil consumption by more than 4 million barrels a day, reduce our dependence on oil and foreign energy sources, and take a giant step forward in the fight against global warming.

Raising CAFE standards and implementing a renewable portfolio standard are two of the most crucial parts of this legislation. I urge my colleagues to stand on the side of the American people by supporting this legislation: CAFE that is in the bill, and the renewable portfolio standard that was introduced by Senator BINGAMAN.

There are some who say we need to produce more oil. Of course we do. But keep in mind, out of 100 percent of the oil in the world, America controls less

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

than 3 percent of it. This is the world; here we are. We have that much of the oil. We can't produce our way out of the problems we have. But it appears to me that many are saying more of the same: drill, drill, drill, which is similar to what the administration is saying about the war in Iraq, more of the same. That will not work. Drill, drill, drill will not work either.

It is time for our country to stop stonewalling and start supporting the kind of innovation that is already happening across America with the renewable portfolio standard. In the State of Nevada, there is a renewable portfolio standard. American ingenuity is looking at things, like in California where one professor is working on a new technology that can manufacture fuel out of simple plant material in any industrial park in America. I have eminent scientists who visit with me on this issue. There is wide-ranging support. I had come to my office one day last week—I was surprised—Paul Newman, the famous actor. He came to talk about this plant material. He is a person who is devoted to the environment. He is using his celebrity status to come and tell Members of Congress to do something about it.

So we have eminent scientists, we have people of celebrity status such as Paul Newman, and the rest of Americans who want us to do something about it.

In Pennsylvania, Amish farmers are charging their buggy batteries with solar power. In the State of Nevada, the Southern Nevada Water Authority, which is Las Vegas, is using solar energy at water pumping stations to move water uphill, something that in the past would have required tremendous nonrenewable power. There are things that can be done.

I was listening to public radio this morning. They are having a drought in Australia—I believe it was Sydney. I am not sure what the name of the city was. But they have had a lot of new people come and their water supply has dropped by 21 percent, so they are desalinizing water from the ocean. But the people said: We are not going to do that by burning fossil fuel. So what they have done is they have wind farms 60 miles away—I think that is how far it is; quite a ways away—wind farms, producing all the energy which now supplies 20 percent of the water for that city in Australia which needs millions of gallons of water every day.

It can be done. We need to lessen our dependence on fossil fuel. That kind of innovation is exactly what America does best, and that is what the Government should be investing in, things like I just talked about. The energy crisis will not be solved overnight, but this bill is a crucial first step. So let's take that first step. It is a bipartisan piece of legislation; not divided by our political parties but united, I hope, by our commitment to a cleaner, safer energy future. We are going to finish this bill sometime this week unless something goes haywire.

Then, when we finish that, we are going to move on to everyone's favorite subject, immigration.

I mentioned this last Friday, and I say it again: People who have weekend schedules should understand if they are going to be gone from the Senate, they are likely going to miss votes. We cannot get to immigration until Thursday at the earliest. In an effort to finish by our Fourth of July recess, we have to take up the bill Thursday, probably late in the day, which will mean votes over the weekend. It is always possible by unanimous consent that may not be necessary, but I am telling everybody the odds are tremendous that we will be voting this weekend. And on Monday there will be votes and there will be votes before 5:30. It is our last weekend before the Fourth of July recess. We have work to do. I hope we don't run into the Fourth of July recess, but we may have to if we can't get things done.

I am sorry to be the bearer of bad news regarding the schedule, but we have obligations to complete energy and immigration.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. WEBB). Under the previous order, there will now be a period of morning business until 3:30 p.m. with Senators permitted to speak therein up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees.

The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask the time be charged equally against both the majority and minority time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Ms. KLOBUCHAR. Mr. President, I am in the Chamber to speak to some amendments to the Energy bill which the Senate debated last week and is continuing to debate this week.

The first is an amendment I offered last week, along with Senator SNOWE, where we are joined by many Senators, including Senator BINGAMAN, who is managing the bill on the majority side, as well as Senator COLLINS and Senator COLEMAN, as well as Senators KERRY, BOXER, and CARPER.

There are a number of people supporting this amendment throughout the Senate because they understand if we are going to discuss any kind of climate change policy going forward, we at least need to have accurate information. Other countries are doing this quite successfully.

The idea is to have one gathering place for information, and that would be our EPA. The amendment gives them latitude to set this up as they would like, but the idea is to have one place for a carbon registry or, to make it easier, a carbon counter. I figure if Weight Watchers can have a calorie counter, we can have a carbon counter.

Now, what is interesting about this is the type of business support we have seen for action in this area. Obviously, we have seen action across our States—in places such as my State of Minnesota, in places such as California and Arizona and New Jersey—all over this country.

I have often said the States have taken the lead, that they have been more than the laboratories of democracy, they have been the aggressors. One of our national magazines this week has a picture of Governor Schwarzenegger and Mayor Bloomberg on the front cover, and it says: "Who Needs Washington?" Because they are moving so quickly? Well, that cover says it all.

We need to be relevant. We need to lead the national energy policy. We need to at least gather the information we need to make good decisions about climate change policy going forward.

Now, as for the businesses, in January, it made quite a big splash when some American businesses came together to form the U.S. Climate Action Partnership. They actually urged Congress to fast track a greenhouse gas inventory and registry. They asked it be done by the end of this year.

With my short time in the Senate, I realize you cannot wait until September or December to get this idea passed. If you are actually going to get it done by the end of the year, you need to get it passed now.

Now, let me go through some of the companies that are part of this U.S. CAP group that is advocating for change, that is acknowledging climate change is an issue, and is advocating for a national registry. They include Alcoa; American Industry Group, or AIG; Boston Scientific Corporation; BP America; Caterpillar; ConocoPhillips; Deere & Company; the Dow Chemical Company; Duke Energy; DuPont; General Electric; General Motors Corporation; Johnson & Johnson; Marsh, Inc.;

PepsiCo; PG&E Corporation; PNM Resources; Shell; and Siemens Corporation. These are the kinds of companies I am talking about.

Now, there has been some concern expressed over this bill by the National Chamber of Commerce, and I have to tell my colleagues it kind of surprises me. First of all, we have a number of good business Democrats as well as good business Republicans on this bill who understand that you don't want 31 States doing their own national climate registry. I don't have a problem with it because there is no choice. It is the right thing to do. But, in fact, it is much better if we do this on a national basis involving the U.S. Government.

Responding to the challenges these businesses laid out, the Klobuchar-Snowe-Bingaman amendment establishes a national greenhouse gas registry that will gather and consolidate consistent, transparent, and reliable data on greenhouse gas emissions at the facility level. The amendment, as I mentioned, requires the Environmental Protection Agency to consider cost and coordinate with existing Federal and State programs in implementing the registry.

The new registry only covers major emitting facilities and major sources of fossil fuel. Utilities already reporting under the Clean Air Act would not have to report their data twice.

How this is working now is a patchwork of reporting. Some industries are reporting to the Energy Department, some industries are reporting to the EPA, some are reporting every 3 years, some are reporting every year, and it makes it very difficult to get the kind of greenhouse gas emissions data we need to make adequate decisions about climate change legislation.

Let me say this bill, with three Republicans and several Democrats on it, does not in any way dictate what our next step will be for climate change. It puts the data in place as these major companies asked for and fast-tracks it by the end of the year.

I also note that for facilities facing burdensome costs in purchasing advanced monitoring equipment, the EPA would accept basic fossil fuel data, which is collected by businesses for general accounting purposes. The EPA would then calculate emissions based on that fuel data.

The amendment also specifies that confidential business information would not be published; however, we will have a Web site which would at least give the greenhouse gas emissions data to the public.

There was a recent report by National Public Radio which showed that a reporter tried to find out who are some of the larger emitters of greenhouse gases in this country. She was unable to figure it out. She could figure it out in Canada. Because greenhouse gases are invisible, it is very difficult to do by looking at businesses. The registry excludes small businesses as defined by the Small Business Administration, which is less than 500 employees that emit less than 10,000 metric tons of greenhouse gas per year.

This amendment makes a lot of sense. It is a commonsense amendment, and I am going to be urging my colleagues to support it in the next 2 days. If we can't take this simple step when we are looking at an energy bill, as we are looking at a new direction for energy policy and as we are looking at great new ideas for buildings and appliances—as I like to say, I heard somewhere of building a fridge to the 21st century—as we look at the possibility of raising the gas mileage standards and setting standards in a way that will spur investment across this country, we have to put in place at least the building blocks, sensible building blocks toward a new climate change policy.

The other thing I would like to address today on this vital topic of energy security is the role I believe renewable fuels ought to play in meeting our Nation's future energy needs.

The United States today spends more than $200,000 per minute on foreign oil. That is $200,000 per minute. That is $13 million per hour. The money is shipped out of our economy, adding to our enormous trade deficit, and leaving us vulnerable to unstable parts of the world to meet our basic energy needs.

Oil companies would have you believe that energy security is decades away; that we need some new technology, some vehicle of the future before we can break the stranglehold oil has on us. I believe we are going to see this new technology. I believe we are going to see these vehicles of the future. But meanwhile, we can't sit and wait and wait and wait. We have to start now.

Any Minnesota farmer can tell you that one way to go about this is with homegrown renewable fuels. They are here today. Ask someone in Brazil, and they will tell you that with sugarcane, they become energy independent. They moved to homegrown energy. In our State, they are ready to use this homegrown energy, and they believe it will help us to break free from our addiction to oil.

Consider this: In 2006, ethanol offset the need for 170 million barrels of imported oil and kept $11 billion in rural America. Consider this as well: A flexible fuel vehicle driven on about 85 percent ethanol fuel offsets 477 gallons of gas per year. A hybrid electric vehicle saves 94 gallons. That means that flex-fuel vehicles run on high blends of renewable fuels are by far our best near-term opportunity for energy independence. Obviously, the best is to combine these vehicles.

Renewable fuels also have tremendous potential to revitalize our rural economy. Ethanol has been nothing short of a revolution in our State. We have 16 ethanol plants up and running and 5 more under construction. By 2008, Minnesota will be producing 1 billion gallons of ethanol each year, and that will generate $5 billion for the State's economy and support 18,000 jobs.

Last year, my daughter did a report for her sixth grade class on ethanol, and she interviewed a number of farmers throughout Minnesota. She drew a big picture with the State of Minnesota on it. She had two little dots designating Minneapolis and St. Paul. Then she had this huge circle that said Pine City, home of farmer Tom Peterson.

Well, that is the future for rural America. That is what is revitalizing so many of our towns. Of course, we started with corn-based ethanol and soybean-based biodiesel. But now we are moving to a new level with cellulosic ethanol which can involve all kinds of things. We are focusing on switchgrass and prairie grass and doing this in a way that is good for our environment and carbon neutral and creates habitat for wildlife, something our hunters in Minnesota are very interested in. I know the Presiding Officer's brother who lives in Minnesota is especially interested as a hunter in having that habitat that we need.

In spite of the clear advantages of renewable fuels to our economy and our energy security, we face a chicken-and-egg-type problem when it comes to the challenge of making them available to more drivers. The automakers haven't traditionally wanted to sell flex-fuel vehicles in areas where there are no E85 pumps, and the gas stations don't want to put in E85 pumps when there are no flex-fuel vehicles. That is why I am so pleased the amendments that came out of the Commerce Committee, on which I serve, included not only the increase in gas mileage standard but also a requirement that by 2015, 80 percent of the vehicles produced be flex fuel.

In order to ensure that the drivers who purchase the flexible-fuel vehicles know they can use E85, our language requires automakers to put that information on the fuel tank cap and to put a flex-fuel emblem on the back of the vehicle that drivers will be able to recognize.

On the other end of this problem—the ability for consumers to fill up their cars with ethanol and biodiesel—it is crucial that Congress act to provide more American drivers with access to renewable fuel pumps.

Right now, Minnesota ranks first in the country for E85 pumps. We have more than 300—I think the last number I heard was 314—of the 1,200 pumps nationally, far more than any other State. That is great for Minnesota, and it shows the vision of our State government in Minnesota, but it limits the positive impact that renewable fuels can and should have on the entire Nation's security. If we are serious about finding alternatives to foreign oil, we should ensure that drivers in every State have access to E85 and biodiesel.

That is why I wish to speak to two amendments to the Energy bill aimed at making renewable fuels available across the country. Senator BOND and I have introduced an amendment that would provide grants to promote the installation of E85 biodiesel pumps at gas stations nationwide. I would also like to thank Senator VOINOVICH, Senator HAGEL, and Senator KERRY for their support of this amendment.

In past years, Congress has only provided a small amount of money each year for E85 infrastructure, and last year, even that small amount of funding was cut. As a Nation, we are stuck in a rut. Less than 1 percent of the gas stations sell E85. It is time for the country to make a serious investment in renewable fuels. That is going to mean, as I said, more flex-fuel vehicles. It is also going to mean investment in cellulosic ethanol, acknowledging we are not going to have all this ethanol based on corn and we are not going to have just soybean-based biodiesel; that there are all kinds of possibilities, as we move forward, for how we are going to get our ethanol. We need to be creative about that and we need to put the investments in place and put the standards in place.

But what we need, if we are going to do this, is the pumps on the ground. That is why Senator BOND and I have an amendment to give grants for ethanol and biodiesel pumps. It would be enough for 1,000 to 2,000 new pumps, which would nearly double or triple what we have now.

I am also introducing an amendment that would block oil company tactics to keep renewable fuels out of gas stations. I have heard from gas stations in Minnesota that their franchise contracts make it difficult to sell ethanol and biodiesel, so many of them can't even do it. Here are some examples. Remember, these are just dealing with gas stations in which they have franchise contracts involving the oil companies: They are not allowed to sell renewable fuels under the main canopy that bears the oil company name. They are not allowed to convert the pumps they already have to sell E85 or B20. They can't put up signs to let customers know they have renewable fuel or how much it costs.

That is why I call it the "Right to Retail Renewable Fuel." Look what we have on the other side. We have these oil companies. Last year, Exxon made $29 billion in profit—a record—and the big five oil companies made $120 billion. Now they are blaming ethanol, the small amount—these 1,200 pumps across the country at 170 gas stations—they are blaming that for the reason they can't do anything about their refineries. It is outrageous.

We need to encourage competition. That is what I am trying to do with the right to retail renewable fuel amendment. This amendment would prohibit oil companies from placing restrictions on where and how renewable fuels can be sold to gas stations. This will ensure that franchise owners across the country have the ability to make ethanol and biodiesel available to their customers.

In conclusion, I believe that ethanol and biodiesel have tremendous potential to meet the energy needs of our country. Again, I think of the ethanol industry akin to the beginning of the computer industry when we had the big computers in the room. That is where we are. It is going to become more efficient, it is going to become better for the environment, and it is going to become less costly as we move forward. That is why we are moving into things such as cellulosic ethanol that can be grown on marginal farmland that is carbon neutral and that takes less energy to produce.

I believe these alternative fuels will move us toward energy independence in the immediate term—not decades from now. I believe we ought to use the Energy bill before us as an opportunity to invest in renewable fuels and to make them available to every American driver. I believe we should be investing in the farmers and the workers of middle America and not the Middle East.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that going forward, the time be equally divided between Republicans and Democrats.

The PRESIDING OFFICER. The majority time has expired.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The senior Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DOMENICI. Madam President, I understand Senator BINGAMAN and I are going to each call up an amendment, and I think it is in order that we have agreed that I would go first and he second, and then we will arrange everything with unanimous consent.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Kohl amendment No. 1519 (to amendment No. 1502), to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Kohl (for DeMint) amendment No. 1546 (to amendment No. 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Corker amendment No. 1608 (to amendment No. 1502), to allow clean fuels to meet the renewable fuel standard.

Cardin amendment No. 1520 (to amendment No. 1502), to promote the energy independence of the United States.

Domenici (for Thune) amendment No. 1609 (to amendment No. 1502), to provide requirements for the designation of national interest electric transmission corridors.

Cardin amendment No. 1610 (to amendment No. 1502), to provide for the siting, construction, expansion, and operation of liquefied natural gas terminals.

Collins amendment No. 1615 (to amendment No. 1502), to provide for the development and coordination of a comprehensive and integrated U.S. research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change.

AMENDMENT NO. 1628 TO AMENDMENT NO. 1502

(Purpose: To provide standards for clean coal-derived fuels)

Mr. DOMENICI. I ask unanimous consent that the pending amendment be set aside so I can propose an amendment numbered 1628.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BUNNING, for himself, Mr. DOMENICI, Mr. THUNE, Mr. ENZI, and Mr. CRAIG, proposes an amendment No. 1628 to amendment No. 1502.

Mr. DOMENICI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DOMENICI. Madam President, as we resume consideration of the Energy bill, I would note to my colleagues that we have about 120 amendments filed, and we have 10 amendments pending. Additionally, I understand we have a number of Members who wish to offer other amendments. I encourage people to come forward and file amendments if they wish to do so.

I understand the Finance Committee is working on a major energy package over the next couple of days. I have some concerns about what is rumored to be in that package, but I will reserve my comments and judgment until the Senate sees the full product. Additionally, we have a number of large items that I am sure Senator BINGAMAN concurs that we have to resolve over the next few days, including the Bingaman RPS amendment, a potential CAFE amendment to the fuel economy language currently in the base text, as well as the debate on the issue of coal-to-liquids, which received a great deal of attention and debate in the Energy Committee and I am sure will receive the same here.

This bill does some great things in the area of biofuels, and it is important to the Senate that we take action on improving the fuel efficiency of our vehicles. This is a win for the diversification of fuels we use, and it is a win for saving energy, but we must act to increase our domestic energy supply at the same time, especially if we can and especially if we have energy. That is one of the reasons I worked so hard to pass the Gulf of Mexico Energy Security Act, and that is one reason I support the Bunning amendment which I have introduced which will be before the Senate on coal-to-liquids. While Senator BUNNING could not be here this afternoon, we all know of his advocacy on this issue. It is important that the topic of coal-to-liquids be addressed before the Senate. I understand that, provided there is time—and I think there certainly should be—Senator BUNNING will speak on this amendment tomorrow, as I indicated, if at all possible.

We have developed this legislation. This is not the first time the issue of coal-to-liquids has come up. On May 2, we considered an amendment in the Energy and Natural Resources Committee to provide identical treatment of coal-to-liquids as that provided for cellulosic ethanol. Senator Thomas, from Wyoming, and Senator BUNNING offered an amendment to mandate 21 billion gallons of coal-to-liquids by the year 2022. I supported them. But the amendment failed by the slimmest of margins—a 12-to-11 vote in the committee. Since that markup, for over a month there has been an effort to reach out and negotiate a middle ground on the issue of coal-to-liquids. I regret that those discussions ended without agreement.

Let me be clear: I do not support the Tester amendment that may come up before the Senate shortly. I oppose the amendment for a number of reasons we will discuss when these proposals are more fully debated.

The Bunning-Domenici amendment draws wide support from those in the field who will be doing the work necessary to bring those domestic fuels to market. This Bunning-Domenici amendment will establish and mandate for just 6 billion gallons of coal-to-liquid fuel by 2022, a very large difference in terms of the mandated amount, much smaller—22 before and 6 now in the amendment before us. That is a reduction of 15 billion gallons from what we offered in the committee.

This mandate starts in 2016, which is the same year the cellulosic energy mandate begins in the base bill. Importantly, this mandate requires that greenhouse gas emissions from coal-to-liquid fuels be 20 percent better than gasoline—20 percent better than gasoline. Again, that is the same standard as appears in the base bill for cellulosic ethanol. In other words, you can't make the claim that this 6 billion which will be there, this 6 billion gallons, will harm the atmosphere or greenhouse gases any more than cellulosic ethanol, which we are all advocating, and there is so much pressure to get it done and so much almost awe that it is going to get done and how great it will be. It will have the same effect as this is going to have on the air.

There are many ways to provide the incentives for these alternative fuels. One that has been proven to work is to provide a reliable market for the products. We have experience with this approach on ethanol, and I have not been presented with a reason to believe it will not work for other fuels.

In terms of the merits of coal-to-liquid fuels, there are many. Unlike cellulosic ethanol, this has been commercially demonstrated in other countries; now we need to do it here in the United States. Unlike cellulosic ethanol, it can be moved in existing pipes and used in existing vehicles. Coal-to-liquid fuel will reduce the emissions of sulfur dioxide, nitrous oxide, particulate matter, and other pollutants when compared to conventional fuels, and coal-to-liquid fuel will create an investment in rural communities, good-paying jobs for Americans, and cheaper energy for American consumers.

As we move forward with the consideration of coal-to-liquid amendments, there are some points about this particular one I would like to point out.

First, the program is entirely separate and will not compete with the biofuels program.

Second, the mandate is only one-sixth the size of the renewable fuel mandate.

Third, only coal-to-liquid fuel that can meet the same life cycle greenhouse standard as biofuels will be eligible for the program.

There will be much we disagree on as we consider the issue more fully. Many will say: We cannot do coal-to-liquids unless we require carbon sequestration. We should remember that we do not require carbon sequestration for ethanol in this bill. For carbon sequestration, I am concerned about efforts to require it and, after all, we have concluded in the base text of the bill before us that carbon sequestration requires more research and development. That is true.

I will agree that requiring the same greenhouse gas standards for all fuels is a reasonable approach. That is why we have included the same language in our amendment.

The amendment is quite different from the one that was received in the Energy Committee on May 2. It has been written to address the concerns that arose then and have arisen since. This amendment represents an effort to ensure that we provide a stable market for the first coal-to-liquids plants, and if that happens, there is no question that coal, one of Americas most abundant fuels, will be on its way to being a first-rate source of fuel for the automobile and related kinds of activities.

There is broad and growing support for reducing our reliance on foreign sources of energy in affordable and environmentally sound ways. Coal is our most abundant and affordable fossil resource. I do believe that technology will continue to make coal cleaner and that this amendment further establishes the path forward.

Madam President, I ask unanimous consent that Senator MARTINEZ be added as a cosponsor of the Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the amendment Senator DOMENICI just called up be set aside at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1614 TO AMENDMENT NO. 1502

(Purpose: To establish a program to provide loans for projects to produce syngas from coal and other feedstocks while simultaneously reducing greenhouse gas emissions and reliance of the United States on petroleum and natural gas)

Mr. BINGAMAN. Madam President, I call up amendment 1614 on behalf of Senator TESTER, Senator BYRD, Senator SALAZAR, Senator ROCKEFELLER, Senator BINGAMAN, Senator LANDRIEU, and Senator WEBB.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. TESTER, Mr. BYRD, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. LANDRIEU and Mr. WEBB, proposes an amendment numbered 1614 to amendment numbered 1502.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Friday, June 15, 2007, under "Text of Amendments.")

Mr. BINGAMAN. Madam President, I am not going to speak about the amendment at this point or about the Bunning amendment Senator DOMENICI described in general terms. But this is a very important issue. It is one we spent time on in our Energy Committee markup. It is one we clearly need to resolve here on the Senate floor and allow Senators to express their views on the issue.

I know Senator TESTER was hoping to be here to speak on the amendment possibly later today but, if not, then tomorrow. I know he will want to speak both about his amendment and about the Bunning amendment, and I will plan to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I had hoped to call up an amendment that Senator CLINTON filed this afternoon on behalf of herself, myself, Senator LEAHY, and Senator CANTWELL, but I understand that laying aside the pending amendment may not be an option. As such, I ask unanimous consent to be recognized to speak about the amendment we filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, as we continue to work our way through the Energy bill, I ask my colleagues for their support in doing everything we possibly can to remove the ridiculous barriers people face when they try to install renewable electricity generation on their homes and businesses. As we all know, there are disagreements about some aspects of our energy policy, but it only seems to make sense to me that we should all rally around giving individuals an opportunity to make a meaningful contribution toward solving our energy challenges. This is exactly what the Clinton-Sanders net metering amendment does. It empowers citizens of our country to help provide for the energy our country needs.

Unfortunately, today, many millions of people want the opportunity to do their part, but they are blocked by unneeded barriers. The language we have authored, which is supported by a wide range of groups, including the Solar Energy Industries Association, Alaska Wilderness League, U.S. PIRG, Greenpeace, Public Citizen, Friends of the Earth, Union of Concerned Scientists, the League of Conservation Voters, and the Center for American Progress Action Fund, would amend the Public Utility Regulatory Policies Act to require utilities to offer net metering to their customers and to require the Federal Energy Regulatory Commission to establish interconnection standards for small electricity generators to connect to the grid.

The amendment would accomplish many of our shared goals all at once. It would help people to lower their electric bills, it would help to stabilize the electricity grid by ensuring less reliance on central generating plants, it would help to address environmental concerns, and it would even be good for the utilities by cutting down on their load during hot summer days—a load that is usually met with increasingly expensive natural gas.

I want to quickly talk about what net metering is before I go any further, and for the sake of my colleagues who would prefer to hear it directly from the Department of Energy's mouth as opposed to mine, I will quote directly from the DOE's Web site:

> Net metering programs serve as an important incentive in consumer investment in renewable energy generation. Net metering enables customers to use their own generation to offset their consumption over a billing period by allowing their electric meters to turn backwards when they generate electricity in excess of their demand.

That is, again, from the DOE's Web site. The Department of Energy goes on to note:

> Net metering is a low-cost, easily administered method of encouraging customer investment in renewable energy technologies. It increases the value of the electricity produced by renewable generation and allows customers to bank their energy and use it in a different time than it is produced, giving customers more flexibility and allowing them to maximize the value of their production. Providers, i.e. utilities, may also benefit from net metering because when customers are producing electricity during peak periods, the system load factor is improved.

Again, that is a quote from the Department of Energy. To summarize net metering, let me make the following points: Net metering allows an electricity customer to send electricity back to the grid when generating more than she or he is utilizing. So if you are producing more than you need, it goes back into the grid.

Net metering promotes wider use of renewables, especially at the residential level because credit is given for energy produced. In other words, every homeowner in America can become a producer and earn credit for what they produce.

Net metering advances energy security by helping to stabilize the grid.

Net metering empowers Americans to help meet the Nation's energy needs.

Perhaps an example would make it clearer. Imagine a sunny day and a homeowner's solar photovoltaic panels on the roof are generating more electricity than the homeowner needs to power all of her appliances. Where does the excess electricity go? It flows back through the electric meter, spinning it backwards, and out to the wires on the street and down the street to other homes where it is needed to help run the neighbors' air conditioners and other appliances. This provides more power to the grid just when the grid needs it—on sunny days.

The Clinton-Sanders amendment would provide for a very conservative Federal minimum standard for net metering to encourage more electricity generation from renewables, such as solar panels and other distributed generation technologies. More specifically, the amendment specifies, among other things, that customers shall be credited for excess electricity generation from solar, wind, biomass, geothermal, anaerobic digesters, landfill gas, and fuel cells, up to 2 megawatts. Net metering must be offered to customers until the distributed generation capacity is at least 4 percent of a utility's peak load, and States may adopt more aggressive net metering provisions.

As my colleagues know, many States have moved forward on net metering, and as I have mentioned, our amendment would in no way hamper a State's ability to move forward even more aggressively. Today, 41 States have some sort of net metering standards or programs, but a modest national net metering standard would create a level playing field, encourage greater competition, and accelerate the deployment of solar and other distributed generation technologies.

Vermont passed a net metering law in 1998, and as of July 2006, over 200 Vermont solar projects, wind projects, and methane digesters were feeding electricity into the grid. New Mexico has an aggressive net metering standard in place, as does Colorado, New Jersey, and California.

In closing, as we work to wrap things up this week, I hope we can send a clear message that every single household and business across this country should be given the opportunity to be part of solving our energy challenges. Adoption of the Clinton-Sanders net metering amendment will send such a signal.

Mr. President, I ask that the Clinton amendment be set aside, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I ask unanimous consent that on Tuesday, June 19, when the Senate resumes H.R. 6 following morning business, there be up to 2½ hours of debate prior to a vote in relation to Bunning amendment No. 1628 and Tester amendment No. 1614, to run concurrently, with the time equally divided and controlled between Senators Bunning and Tester or their designees; that the Senate recess from 12:30 to 2:15 p.m. for the respective party conferences; that upon reconvening at 2:15 p.m., the Senate resume debate on the above-mentioned amendments; that upon the use or yielding back of time, the Senate proceed to vote in relation to Bunning amendment No. 1628; that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to Tester amendment No. 1614, with no amendment in order to either of the above amendments prior to the vote; that upon disposition of the Tester amendment, the Senate then debate consecutively the following amendments listed below and that the debate time on each be limited to 30 minutes equally divided and controlled in the usual form with no amendment in order to any of the amendments enumerated below; that upon the use or yielding back of all time with respect to the amendments listed below, the Senate proceed to vote in relation to the amendments in the order listed; that there be 2 minutes of debate equally divided and controlled prior to each vote; and that after the first vote in this sequence, the remaining votes be 10 minutes in duration: The listed amendments are Kohl amendment No. 1519, Thune amendment No. 1609, and Cardin amendment No. 1610.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION HOLD

Mr. WYDEN. Mr. President, more than 30 months ago, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed he would move expeditiously to implement the National Emergency Technology Guard—NET Guard—Program. Unfortunately, Secretary Chertoff has failed to honor this pledge.

The idea of NET Guard was born in the aftermath of 9/11, when a number of communications and technology companies told me they wanted to help New York City when it was attacked—and there was no system for using their volunteers. Then-Senator George Allen and I moved on a bipartisan basis to support a program, called NET Guard, that would ensure that volunteers with technology expertise could be fully utilized in future crises. These teams of local volunteers with science and technology expertise would be vital in assisting our communities in responding to attacks on communications networks or recovering from natural disasters. Congress authorized the establishment of NET Guard 5 years ago, in the Homeland Security Act of 2002.

However, DHS has utterly failed to make any visible progress in implementing this critical program. DHS's failure to act in this critical area is inexcusable.

Had the Department followed through and created NET Guard, I believe it could have played a significant role in alleviating the chaos, confusion, and suffering after Hurricane Katrina. Had NET Guard been properly implemented, there would have been teams of volunteers with expertise ready to mobilize instantly to tackle technical challenges in the wake of the storm. Indeed, on an ad hoc basis, companies and individuals with technology expertise did come forward to assist the suffering. I can only imagine how effective these efforts might have been had NET Guard been in place.

Since my meeting with Secretary Chertoff in 2005, my staff and I have been given one excuse after another for delaying implementation of NET Guard. I have been promised briefings that never happen and reports that never materialize. At the outset, I was willing to accept some delay, but that time has passed.

We know that it is only a matter of time before there is another crisis that will put American communities and their critical communication networks at risk. Further delay is unacceptable.

Out of options, I reluctantly feel that I must put a hold on the nomination of Dennis Schrader who has been nominated by President Bush to serve as Deputy Administrator for National Preparedness, until the NET Guard Program is up and running nationwide.

It gives me no pleasure to place this hold and I do so grudgingly.

I recognize the importance of the position of Deputy Administrator for National Preparedness, but the position didn't even exist for the first 4 years after the Department of Homeland Security was created; it was just created in March. Since then, Mr. Corey Grouber has served as Acting Deputy Administrator, so delaying Mr. Schrader's confirmation while the long-overdue Net Guard Program is put in place will not leave the office leaderless. Mr. Corey Grouber has extensive experinace at FEMA, so he can manage for a little longer while the NET Guard Program is established. Unfortunately, I see no evidence that the Secretary intends to uphold his pledge to me, and until he does, I will keep my hold on Mr. Schrader's nomination.

I hope DHS will quickly begin to take action so I can remove this hold and Mr. Schrader's nomination can move through the Senate.

ADDITIONAL STATEMENTS

IN MEMORIAM: DR. RON BANGASSER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the lifetime of achievement and community leadership of Dr. Ron Bangasser. Dr. Bangasser passed away in Redlands on May 2, 2007.

Born on January 25, 1950, in Freeport, IL, Ron Bangasser served the Inland Empire, his State and our Nation as a physician and advocate for health and wellness. After completing medical school at Chicago Medical School, Dr. Bangasser trained at San Bernardino County Medical Center in southern California, later served at St. Luke's Presbyterian Hospital in Milwaukee, and with the Navy Diving Medical Officer's Training School. Most recently, he was a physician with the Beaver Medical Group in Inland Southern California, where he served as medical director and director of external affairs. He also served as the chief of staff at nearby Redlands Community Hospital. In 1986, Dr. Bangasser founded the Paul F. Bangasser Wound Care Center at Redlands Community Hospital, named after and dedicated to his father.

Dr. Bangasser was a tremendous advocate for patients and physicians, serving with a number of medical associations. For 28 years he provided key leadership for the San Bernardino County Medical Society, the California Medical Association, and the American Medical Association. He served as the speaker for the California Medical Association's house of delegates, and as chair for the California delegation to the American Medical Association. He also served as chair of the California Medical Association's finance committee, and vice chair of the California Medical Association's hospital medical staff section.

Dr. Bangasser was also the recipient of numerous prestigious awards and honors. He received the Nicholas P. Krikes, M.D. Award for Outstanding Contributions to the San Bernardino County Medical Society, the American Medical Association Pride in the Professions Award, Riverside County Medical Association's Outstanding Contribution to Organized Medicine Award, the California Medical Association Young Physician's Joseph Boyle Young at Heart Award, the James C. MacLaggan, M.D. Political Action Award, and the Medical Board of California's Physician Humanitarian Award.

While serving in each of his varied capacities, Dr. Bangasser also found the time to serve as the team physician for the San Bernardino Valley College football team for 22 years. San Bernardino Valley College honored him for these years of service and awarded him its Distinguished Service Award in 1999.

Dr. Ron Bangasser will be remembered for all that he did to make his community and this country a better place to live. His was a life well lived.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Republican Leader re-appoints Mr. LAHOOD of Illinois to the Abraham Lincoln Bicentennial Commission.

The message further announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Mr. JACKSON of Illinois.

The message also announced that pursuant to 2 U.S.C. 501(b), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the House Commission on Congressional Mailing Standards: Mr. CAPUANO of Massachusetts, Chairman; Mr. SHERMAN of California; Mr. DAVIS of Alabama; Mr. EHLERS of Michigan; Mr. PRICE of Georgia; and Mr. MCCARTHY of California.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1639. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2292. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Permissible Uses of Official Seal" (72 FR 29246) received on June 13, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2293. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism"; to the Committee on Armed Services.

EC–2294. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the Navy's decision to conduct a public-private competition for the emergency dispatch management support services at the Naval Post Graduate School in Monterey, California and Naval Support Activity in Culter, Maine; to the Committee on Armed Services.

EC–2295. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's inventory of non-inherently governmental activities during fiscal year 2006; to the Committee on Armed Services.

EC–2296. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to General Order No. 3: Expansion of the General Order and Addition of Certain Persons" (RIN0694–AD99) received on June 14, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2297. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2298. A communication from the Interim President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, a report entitled "2006 Statement on System of Internal Controls of the Federal Home Loan Bank of Indianapolis"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2299. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's Annual Report for calendar year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2300. A communication from the Under Secretary (Industry and Security), Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign-policy based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–2301. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Panama including the sale of six Boeing 737–800 passenger aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–2302. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (RIN0648–XA57) received on June 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2303. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Extend Interim Measures to Reduce Overfishing of Atlantic Sea Scallops in the 2007 Fishing Year by Modifying the Elephant Trunk Access Area Management Measures" (RIN0648–AV05) received on June 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2304. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements and Conservation Measures; Coastal Pelagic Species Fishery Management Plan" (RIN0648-AU72) received on June 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2305. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the 2007 Gulf of Mexico Deep-Water Grouper Fishery" (RIN0648-XA46) received on June 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2306. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Section 506 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003—Limitation on Charges for Services Furnished by Medicare Participating Inpatient Hospitals to Individuals Eligible for Care Purchased by Indian Health Programs" (RIN0917-AA02) received on June 15, 2007; to the Committee on Finance.

EC-2307. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice: Guidance to Clarify the Treatment of Certain Distributions Under IRC Section (897)(h)(1)" (Notice 2007-55) received on June 15, 2007; to the Committee on Finance.

EC-2308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarification and Modification of Rev. Proc. 2005-66" (Notice 2007-44) received on June 15, 2007; to the Committee on Finance.

EC-2309. A communication from the General Counsel, Department of the Treasury, transmitting, the report of a draft bill that intends to modernize the Treasury Tax and Loan statute; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment and with a preamble:

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States (Rept. No. 110-83).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 1644. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-84).

By Mr. REED, from the Committee on Appropriations, without amendment:

S. 1645. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-85).

By Mr. LEVIN, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself and Mr. SPECTER):

S. 1639. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 1640. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. BAUCUS):

S. 1641. A bill to amend Public Law 87-383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. ENZI, Mr. BINGAMAN, Mr. BROWN, Mr. DODD, Mrs. CLINTON, Mrs. MURRAY, Mr. OBAMA, Mr. REED, and Mr. SANDERS):

S. 1642. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 1643. A bill to establish the Reclamation Water Settlements Fund, and for other purposes; to the Committee on Indian Affairs.

By Mr. BYRD:

S. 1644. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. REED:

S. 1645. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1646. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share and incentive payments for innovative fuels management conservation practices, including prescribed grazing management on private grazing land and practices that complement commensurate public land, to prevent the occurrence and spread of, and damages caused by, wildfires fueled by invasive species; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN:

S. Res. 237. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 238. A resolution amending Senate Resolution 458 (98th Congress) to allow the Secretary of the Senate to adjust the salaries of employees who are placed on the payroll of the Senate, under the direction of the Secretary, as a result of the death or resignation of a Senator; considered and agreed to.

By Mr. BROWN:

S. Con. Res. 38. A concurrent resolution recognizing that the plight of Kashmiri Pandits has been an ongoing concern since 1989 and that their physical, political, and economic security should be safeguarded by the Government of the Republic of India and the state government of Jammu and Kashmir; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 83

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 83, a bill to provide increased rail transportation security.

S. 161

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 161, a bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

S. 430

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the

Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 593

At the request of Mr. BURR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 593, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 721

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 773

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 860

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 903

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 970

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1149

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1260

At the request of Mr. CARPER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1260, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1407

At the request of Mr. PRYOR, the name of the Senator from Idaho (Mr. CRAPO) was withdrawn as a cosponsor of S. 1407, a bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings.

At the request of Mr. PRYOR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1407, supra.

S. 1418

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1451

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Pennsylvania (Mr. CASEY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1455

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1455, a bill to provide for the establishment of a health information technology and privacy system.

S. 1500

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1509

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1509, a bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes.

S. 1535

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1535, a bill to amend the Internal Revenue Code of 1986 and the Foreign Trade Zones Act to simplify the tax and eliminate the drawback fee on certain distilled spirits used in nonbeverage products manufactured in a United States foreign trade zone for domestic use and export.

S. 1551

At the request of Mr. BROWN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1618

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1618, a bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of a cellulosic biofuel.

S.J. RES. 16

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 185

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 185, a resolution supporting the ideals and values of the Olympic Movement.

S. RES. 197

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 197, a resolution honoring the accomplishments of AmeriCorps.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as "National First Responder Appreciation Day".

S. RES. 231

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1221

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1221 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1510

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1544

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 1544 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1557

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was withdrawn as a cosponsor of amendment No. 1557 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1610

At the request of Mr. CARDIN, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of amendment No. 1610 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1614

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1614 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 1640. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a small but important piece of intellectual property legislation today with my friends from Texas, Wisconsin, and Rhode Island. Our recent collaborations have been fruitful and important. The OPEN Government Act with Senator CORNYN, NOPEC with Senator KOHL, and patent reform with Senator WHITEHOUSE. Today, we are joining together to reintroduce the Vessel Hull Design Protection Act Amendments of 2007.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress passed 7 years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than 50 percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. As anyone who has visited our seaports can attest, much of our commerce involves sea travel. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I hope we can move quickly to pass this bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Vessel Hull Design Protection Amendments of 2007".

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

(c) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

Mr. CORNYN. Mr. President, I rise today along with the senior Senator from Vermont to introduce the Vessel Hull Design Protection Act Amendments of 2007. This is another significant piece of legislation on which I proudly have teamed with Senator LEAHY, the chairman of the Senate Judiciary Committee. Most recently, we have worked together on important reforms to the Freedom of Information Act, and also introduced comprehensive patent reform legislation. I am glad to continue our work by introducing this legislation which, though seemingly technical and minor, offers very important clarifications about the scope of protections available to boat designers.

Boat designs, like any technical designs, are complex and are the result of a great deal of hard work and contribution of intellectual property. Accordingly, Congress enacted the Vessel Hull Design Protection Act in 1998 to provide necessary protections that were not present among copyright statutes prior to that time. The act has been instrumental for the continued development and protection of boat designs but unfortunately recently has encountered a few hurdles.

A recent court decision raised questions about the scope of protections available to various boat designs. Justifiably or not, this interpretation under the VHDPA unfortunately has led many in the boat manufacturing industry to conclude that the act's provisions are not effective at protecting vessel designs. Intellectual property protection of those designs is critical to these manufacturers in order to encourage innovative design, and a clarification of the law is needed.

The legislation we offer will clarify that the protections accorded to a vessel design can be used to separately protect a vessel's hull and/or deck as well as a plug or mold of either the hull or deck. The proposed amendments would make clear that it remains possible for boat designers to seek protection for both the hull and the deck, and plug or mold of both, of a single vessel, and many designers no doubt will continue to do so. However, these amendments are intended to clarify that protection under the VHDPA for these vessel elements may be analyzed separately.

This bipartisan legislation provides the necessary assurance to boat manufacturers that the Vessel Hull Design Protection Act will remain a vital intellectual property protection statute. The bill offers very important clarifications about the scope of protections available to boat designs and will be welcome news to boat makers across the Nation and in Texas. The thousands of miles of coastline in Texas, and all the lakes and rivers in between, provide significant opportunities for recreational and commercial boating throughout the state. This legislation will ensure that there will be continued innovation in the design and manufacture of boats for many years to come.

By Mr. DOMENICI:

S. 1643. A bill to establish the Reclamation Water Settlements Fund, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, one unresolved issue that is of grave concern to many in the west is unresolved Indian water rights claims. Over the past century, many parties have sought to determine the extent of Indian water rights in the courts. However, litigation to determine Indian water rights has failed in many respects for both Indians and non-Indians. Unresolved Indian water rights claims are of particular concern in New Mexico which has 23 Indian tribes.

As with all litigation, the outcome is uncertain and one party generally loses. If the Indian nations were to receive a large award by the courts and those water rights were exercised, the senior priority date of many Indian water rights claims have the potential to displace existing users. This means that non-Indian towns, farmers, and industry could ultimately have their water supply cut off. However, in many instances, even if an Indian nation were to receive a water windfall from the courts, many of the Indian nations lack the water infrastructure to make use of the water awarded by the courts. Additionally, Indian water rights litigation often takes decades. For example, the Aamodt litigation in New Mexico was filed in 1966 and is the longest standing litigation in the federal judiciary. Finally, the numerous unresolved Indian water rights claims in many western states such as New Mexico impair our ability to effectively undertake water rights planning as we are unsure of the award that the Indian nations will receive.

Over the past two decades, many parties have pursued negotiated settlements in lieu of litigation, an approach beneficial to all parties involved. In negotiated settlements, multiple parties get together and determine how best to allocate water among Indians and non-Indians in a way that does not curtail existing uses. Many of the settlements also contain authorization for the Federal Government to provide funding to the Indian nations so that the Indian nations involved can make use of the water they are awarded under the terms of the settlement, resulting in economic development and health benefits on the Indian nation.

Secretary of the Interior Dirk Kempthorne and his staff deserve a great deal of credit for trying to advance the New Mexico Indian water rights settlements. However, current Federal budgets cannot accommodate the upcoming New Mexico settlements. This is troublesome for several reasons. First, it impairs Congress's ability to resolve Indian water rights claims in a way that keeps all water users whole. Additionally, many of the settlements require the construction of water infrastructure benefiting an Indian nation. Lack of a steady stream of Federal money results in water projects that take far longer to construct, costing taxpayers significantly more money in the long run.

Today I introduce the Reclamation Water Settlements Fund Act of 2007. This bill would establish a reliable source of Federal funding to resolve Indian water rights claims in New Mexico. The bill provides that, over the next 10 years, 30 percent of the revenues generated in New Mexico that would otherwise be deposited in the reclamation fund would instead be used to fund Indian water rights settlements. The amounts deposited in this fund could be used to pay for the Aamodt, Abeyta, and Navajo Indian water rights settlements after the parties resolve outstanding issues and the settlements are signed into law. It is important to note that the fund created by this legislation would allow us to fund New Mexico Indian water rights settlements without compromising the sustainability of the reclamation fund.

The consequences of not settling outstanding Indian water rights claims in New Mexico are dire. The legislation I introduce today would remove the main impediment to the resolution of Indian water rights settlement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Water Settlements Fund Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) FUND.—The term "Fund" means the Reclamation Water Settlements Fund established by section 3(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of New Mexico.

SEC. 3. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of the 10 years after the date of enactment of this Act, the Secretary of the Treasury shall deposit in the Fund an amount equal to 30 percent of the revenues generated within the external boundaries of the State of New Mexico that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—On deposit, the amounts in the Fund under subsection (a)(1), and on accrual, any interest earned under subsection (d), shall be available annually, without further appropriation, to carry out subsection (c).

(c) USE.—

(1) IN GENERAL.—On request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary such amounts in the Fund as are necessary to fund any activities of the Bureau of Reclamation relating to Indian water rights settlements in the State that are approved by Congress and are associated with the planning, designing, or construction of—

(A) water supply infrastructure; or

(B) a project to rehabilitate a water delivery system to conserve water.

(2) PRIORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), amounts shall be transferred under paragraph (1) in the order in which the Indian water rights settlements are approved by Congress.

(B) EXCEPTION.—Amounts may be made simultaneously available under paragraph (1) to fund activities relating to multiple approved Indian water rights settlements in the State if the Secretary determines that—

(i) sufficient amounts are available in the Fund to carry out activities relating to more than 1 Indian water rights settlement simultaneously; and

(ii) deviation from the priority order required under subparagraph (A) would not adversely affect the timely completion of the activities that would otherwise have priority under that subparagraph.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—The amounts required to be transferred to the Fund under this section shall be transferred at least annually.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1646. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share and incentive payments for innovative fuels management conservation practices, including prescribed grazing management on private grazing land and practices that complement commensurate public land, to prevent the occurrence and spread of, and damages caused by, wildfires fueled by invasive species; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. REID. Mr. President, today my colleague from Nevada, Senator ENSIGN and I, are introducing The Wildfire Presuppression Fuels Management Act of 2007. This bill establishes a USDA conservation program that helps to prevent the occurrence, spread of, and damages caused by wildfire to rangeland.

Since 1999, approximately 5.8 million acres of Nevada rangeland has been destroyed by wildfire, 3 million of which burned in 2005 and 2006. According to the Nevada Department of Wildlife, prior to the 1980's burned lands averaged less than 25,000 acres per year. Nevada's current acres burned per year have now climbed to 24 times that to 600,000 acres burned per year.

This legislation would allow private land owners to receive annual incentive payments for implementing innovative conservation practices on rangeland that is vulnerable to wildfire or has suffered the consequences of wildfire. Conservation efforts funded through this program would protect unburned areas rich in plant diversity and high resources from the threat of wildfire and restore areas impacted by wildfire and degraded by invasive weeds through reseeding and establishment of native plants.

By creating incentives for private ranchers to manage strips of land that border public lands, we are acknowledging the importance of private land in restoring rangeland health, acknowledging the costs involved to producers and their businesses and equally important, encouraging partnerships between private land and public lands in our efforts to prevent wildfires and improve the environment.

Nevada, along with other Western States, is facing unprecedented threats to the environmental health of its rangeland. Working hand in hand, wildfires and invasive species, such as cheat grass and red brome, are destroying native ecosystems, such as sagebrush habitat, and severely compromising the value of rangeland for livestock production.

According to USDA's Pacific Northwest Research Station more than 50 percent of existing sagebrush habitat has been invaded by cheat grass. That is more than 10 million acres. They predict that cheat grass will displace existing sagebrush and other native plants in much of Nevada over the next 30 years. That is why this bill has the support and endorsement of the Nevada Cattlemen's Association, The Nevada Association of Counties, and the Coalition for Nevada's Wildlife. They understand the importance and economic value of healthy rangeland and welcome opportunities to partner with the Federal Government on finding solutions to these problems.

This program is one small step forward in addressing these important issues. I intend to work to see this legislation included in the farm bill being considered by Congress this year. It is one step forward in addressing the conservation and environmental concerns of Nevada and the Great Basin.

I ask unanimous consent that the text of the bill and a letter of support be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wildfire Presuppression Fuels Management Pilot Program Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) private grazing land in the United States has experienced dramatic increases in the levels of cheatgrass and other invasive or noxious weed species following wildfires; and

(2) to address the needs of private landowners with respect to the protection and management of grazing land, the Secretary of Agriculture should provide cost-share and incentive payments to the landowners to develop fuels management plans and practices and to promote activities—

(A) to protect areas of grazing land and wildlife habitat that have not been negatively affected by wildfire; and

(B) to manage the risks of wildfires that occur—

(i) on public land and rights-of-way from moving onto private grazing land; and

(ii) on private land from moving onto public land and right-of-way.

SEC. 3. FIRE PRESUPPRESSION CONSERVATION PROGRAM.

(a) In General.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "2010" and inserting "2012"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) a producer that develops a fuels management conservation plan, approved by the Natural Resources Conservation Service, and subsequently implements a structural practice or a land management practice relating to fire presuppression on private grazing land as described in the approved conservation plan, shall be eligible to receive cost-share payments and annual incentive payments in accordance with subsection (i)."; and

(2) by adding at the end the following:

"(i) Wildfire Presuppression Conservation Program.—

"(1) In general.—For each of fiscal years 2008 through 2012, the Secretary shall provide cost-share payments under subsection (d) and annual incentive payments under subsection (e) to producers that enter into contracts as described in paragraph (2) for activities described in paragraph (3).

"(2) Term of contracts.—Notwithstanding subsection (b)(2)(A), a contract entered into under this subsection shall have a term of—

"(A) not less than 5 years; and

"(B) not more than 10 years.

"(3) Eligible activities.—In addition to grants under section 1240H, the Secretary may provide cost-share payments and incentive payments under this subsection to producers for planning and carrying out innovative fuels management conservation plans on private grazing land to help prevent the occurrence and spread of, and damages caused by, wildfires fueled by invasive or noxious weed species, including activities relating to—

"(A) managed fuel breaks along a boundary between public and private land to reduce fuel load, including—

"(i) managed grazing practices and the technology required to implement such a practice; and

"(ii) the use of brush strips or mosaic patches;

"(B) restoration of fire-damage areas using adapted plant material, with an emphasis on using native and adapted grasses and forbs to vegetate or revegetate the fire-damaged areas;

"(C) projects that receive expanded conservation innovation grants for technology transfer training programs relating to fuels management techniques;

"(D) protection or restoration of critical wildlife habitat; and

"(E) conservation practices designed to reduce and manage high fuel loads associated with woody plant species.".

(b) Conforming Amendment.—Section 1240H(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(b)) is amended by striking paragraph (2) and inserting the following:

"(2) implement projects or activities, such as—

"(A) market systems for pollution reduction;

"(B) innovative conservation practices, including the storing of carbon in the soil; and

"(C) innovative grazing management activities described in section 1240B(i)(3); and".

Nevada Cattleman's Association,
June 18, 2007.

Hon. Harry Reid,
U.S. Senate,
Washington, DC.

Dear Senator Reid: The Nevada Cattlemen's Association (NCA) represents public and private land ranchers throughout Nevada. We seek to create a stable business climate for our members in which they can run environmentally sustainable and economically viable operations.

Over the past several years fire has played a large role in the Great Basin. As you know, the State of Nevada can be a harsh environment for those who work the land. Cattlemen are susceptible to wildfire on public and private grazing lands. When fire moves through rangelands across the west vegetation communities change from shrub dominated, to annual cheatgrass dominated landscapes. Not only do the vegetation communities change, but the fire cycle increase, habitat for wildlife is decreased, and forage for both domestic livestock and wildlife is greatly reduced throughout the grazing year.

Reducing fuels before the fire season using prescriptive grazing, brush thinning, green strips, and spring grazing on already cheatgrass dominated areas will help reduce the catastrophic fires that have moved through Nevada over the past few summers. The Nevada Cattlemen's Association would like to Thank You for realizing working on landscapes before the fires start is the best method not only for the landscape but for Ranchers across the state. Fire not only hurts the rancher during the fire, but for the years after when the federal land is closed off. Your recognition of the role that fire plays in these lives of rural Nevadans is greatly appreciated. We hope that you continue to support pre-fire management by ranchers and the federal land agencies. Your support on a national level shows your constituents that you care, and sets a national precedence that fire management should happen just as much before the fire bums as after. We Thank You for your support of pre-suppression fuels reduction on both public and private ground. Your recent legislation shows strong support for ranchers and the landscape they utilize.

The Nevada Cattlemen's Association works to protect ranchers and the landscapes they help to manage. Please help that tradition, value, and future continue.

Best Regards,

Boyd M. Spratling,
President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

Mr. CORNYN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 237

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance For Murder Victims on September 25 of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits offered by the organizations that provide services to the loved ones of murder victims.

SENATE RESOLUTION 238—AMENDING SENATE RESOLUTION 458 (98TH CONGRESS) TO ALLOW THE SECRETARY OF THE SENATE TO ADJUST THE SALARIES OF EMPLOYEES WHO ARE PLACED ON THE PAYROLL OF THE SENATE, UNDER THE DIRECTION OF THE SECRETARY, AS A RESULT OF THE DEATH OR RESIGNATION OF A SENATOR

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Resolved, That (a) subsection (a)(1) of the first section of Senate Resolution 458 (98th Congress) is amended by inserting after "respective salaries" the following: ", unless adjusted by the Secretary of the Senate with the approval of the Senate Committee on Rules and Administration,".

(b) The amendment made by subsection (a) shall take effect January 1, 2007.

SENATE CONCURRENT RESOLUTION 38—RECOGNIZING THAT THE PLIGHT OF KASHMIRI PANDITS HAS BEEN AN ONGOING CONCERN SINCE 1989 AND THAT THEIR PHYSICAL, POLITICAL, AND ECONOMIC SECURITY SHOULD BE SAFEGUARDED BY THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE STATE GOVERNMENT OF JAMMU AND KASHMIR

Mr. BROWN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON RES. 38

Whereas Jammu and Kashmir has an ancient culture of religious tolerance and pluralism, and Hindus, Muslims, Sikhs, Buddhists, and Christians were able to practice their faith in an atmosphere of mutual respect and peace until 1989;

Whereas Kashmiri Pandits are the original inhabitants of Kashmir, tracing their heritage and culture back several millennia;

Whereas Kashmiri Pandits have been the victims of a sustained ethnic cleansing campaign initiated in 1989 by Pakistan-based terrorist groups, which forced a mass exodus of Pandits from Jammu and Kashmir, many of whom now live in Indian refugee camps;

Whereas the Kashmiri Pandit population has declined from 400,000 in 1989 to a current level of only 8,000;

Whereas international human rights organizations have failed to accurately report the campaign of intimidation and violence directed against Kashmiri Pandits;

Whereas hundreds of Kashmiri Pandit civilians, elected officials, and military personnel have been killed in terrorist attacks; and

Whereas Harakat ul-Mujahidin, Jaish-e-Mohammed, and Lashkar-e Tayyiba, which are Pakistan-based terrorist groups and have been designated by the Department of State as foreign terrorist organizations, are seeking to drive out Kashmiri Pandits from Jammu and Kashmir and fight the security forces of the Government of the Republic of India: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the human rights violations committed against Kashmiri Pandits;

(2) urges the Government of the Islamic Republic of Pakistan to end cross-border terrorism by dismantling the infrastructure for terrorist activities in territory under its control, so that all Kashmiris can live, work, and worship in peace; and

(3) encourages the Government of the Republic of India and the state government of Jammu and Kashmir to ensure that Kashmiri Pandits are treated with respect and dignity and are able to safely return to Kashmir.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1623. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1624. Mrs. DOLE (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1625. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1626. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1627. Mr. KOHL (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1628.. Mr. BUNNING (for himself, Mr. DOMENICI, Mr. ENZI, Mr. CRAIG, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1629. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1630. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1631. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1632. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1633. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1634. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1635. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1636. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table.

SA 1637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1638. Mrs. FEINSTEIN (for herself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1639. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1640. Mr. GRAHAM (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1641. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1642. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1643. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1644. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1645. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1646. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1647. Mrs. CLINTON (for herself, Mr. Sanders, Mr. Leahy, and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1648. Mr. WYDEN (for himself, Mr. Harkin, Ms. Landrieu, and Mr. Salazar) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H .R. 6, supra; which was ordered to lie on the table.

SA 1649. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1650. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1651. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1652. Mr. HAGEL (for himself and Mr. Menendez) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1653. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1654. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1623. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. FEDERAL FLEET FUEL EFFICIENT VEHICLES.

(a) In General.—The Secretary of Energy shall coordinate with the Administrator of General Services to ensure that vehicles procured by Federal agencies are the most fuel efficient in their class.

(b) Purchase of Advanced Technology Vehicles.—

(1) The Secretary of Energy shall coordinate with the Administrator of General Services to ensure that, of the vehicles procured after September 30, 2008—

(A) not less than 5 percent of the total number of such vehicles that are procured in each of fiscal years 2009 and 2010 are advanced technology vehicles;

(B) not less than 10 percent of the total number of such vehicles that are procured in each of fiscal years 2011 and 2012 are advanced technology vehicles; and

(C) not less than 15 percent of the total number of such vehicles that are procured each fiscal year after fiscal year 2012 are advanced technology vehicles.

(2) Waiver.—The Secretary, in consultation with the Administrator, may waive the requirements of paragraph (1) for any fiscal year to the extent that the Secretary determines necessary to adjust to limitations on the commercial availability of advanced technology vehicles.

(c) Report on Plans for Implementation.—At the same time that the President submits the budget for fiscal year 2009 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (a) and (b).

(d) Advanced Technology Vehicle Defined.—The term "advanced technology vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that is—

(1) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(2) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code); or

(3) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

SA 1624. Mrs. DOLE (for herself and Mr. Carper) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 5, insert "(including flow batteries)" after "batteries".

SA 1625. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. REPORT ON OIL AND GAS OPERATIONS IN SUDAN.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Treasury, in consultation with the Secretary of State and Secretary of Energy, shall report to the Congress and the President regarding persons and entities engaged in oil or gas operations in Sudan with respect to which sanctions are applicable under Executive Order 13400 (71 Fed. Reg. 25483, May 1, 2006).

SA 1626. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, line 3, strike "oil consumption" and insert "reliance on foreign sources of oil".

On page 139, strike lines 5 through 9 and insert the following:

(2) Limitations.—

(A) Advertising.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(B) Prohibition on certain uses.—None of the funds made available under subsection (e) shall be used—

(i) for partisan political purposes, or for express advocacy in support of, or to defeat, any clearly identified—

(I) political candidate;

(II) ballot initiative; or

(III) legislative or regulatory proposal;

(ii) to fund advertising that features any elected official, person seeking elected office, cabinet-level official, or other Federal official employed pursuant to section 213 of schedule C of title 5, Code of Federal Regulations (or successor regulations); or

(iii) to fund advertising that does not contain a primary message in accordance with subsection (a).

(3) Matching requirement.—The amount of funds made available under subsection (e) for the procurement of media time or space for the campaign under this section shall be matched by an equal amount of non-Federal funds, to be provided in cash or in-kind.

SA 1627. Mr. KOHL (for himself and Mr. Burr) submitted an amendment intended to be proposed to amendment

SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. USE OF HIGHLY ENERGY EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

(a) In General.—Title 40, United States Code is amended—

(1) by redesignating sections 3313 through 3315 as sections 3314 through 3316, respectively; and

(2) by inserting after section 3312 the following:

"SEC. 3313. USE OF HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

"(a) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of General Services.

"(2) Highly energy-efficient commercial water heater.—The term 'highly energy-efficient commercial water heater' means a commercial water heater that—

"(A) meets applicable standards for water heaters under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

"(B) has thermal efficiencies of not less than—

"(i) 90 percent for gas units with inputs of a rate that is not higher than 500,000 British thermal units per hour; or

"(ii) 87 percent for gas units with inputs of a rate that is higher than 500,000 British thermal units per hour.

"(b) Maintenance of Public Buildings.—Each commercial water heater that is replaced by the Administrator in the normal course of maintenance, or determined by the Administrator to be replaceable to generate substantial energy savings, shall be replaced, to the maximum extent feasible (as determined by the Administrator) with a highly energy-efficient commercial water heater.

"(c) Considerations.—In making a determination under this section relating to the installation of a highly energy-efficient commercial water heater, the Administrator shall consider—

"(1) the life-cycle cost effectiveness of the highly energy-efficient commercial water heater;

"(2) the compatibility of the highly energy-efficient commercial water heater with equipment that, on the date on which the Administrator makes the determination, is installed in the public building; and

"(3) whether the use of the highly energy-efficient commercial water heater could interfere with the productivity of any activity carried out in the public building.".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act.

SA 1628. Mr. BUNNING (for himself, Mr. Domenici, Mr. Enzi, Mr. Craig, and Mr. Martinez) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Redesignate sections 141 through 150 as sections 151 through 160.

Redesignate subtitle C of title I as subtitle D.

After subtitle B of title I, insert the following:

Subtitle C—Clean Coal-Derived Fuels for Energy Security

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Clean Coal-Derived Fuels for Energy Security Act of 2007".

SEC. 142. DEFINITIONS.

In this subtitle:

(1) Clean coal-derived fuel.—

(A) In general.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) Inclusions.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) Covered fuel.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) Small refinery.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 143. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) Program.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) Provisions of regulations.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) Relationship to other regulations.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) Applicable volume.—

(A) Calendar years 2016 through 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2016 through 2022 shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of clean coal-derived fuel (in billions of gallons):**
2016	0.75
2017	1.5
2018	2.25
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) Calendar year 2023 and thereafter.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2016 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) Minimum applicable volume.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) Applicable Percentages.—

(1) Provision of estimate of volumes of certain fuel sales.—Not later than October 31 of each of calendar years 2016 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) Determination of applicable percentages.—

(A) In general.—Not later than November 30 of each of calendar years 2016 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

SA 1629. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF FEASIBILITY AND IMPACT OF RENEWABLE FUEL AND ADVANCED BIOFUEL REQUIREMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Administrator of the Energy Information Administration, the Secretary of Agriculture, and the Director of the United States Geological Service, shall conduct a study—

(1) to determine the feasibility of meeting the renewable fuel and advanced biofuel requirements of section 111; and

(2) to evaluate the impact of meeting those standards in accordance with the phase-in schedule required under section 111.

(b) SCOPE.—In conducting the study, the Secretary shall consider—

(1) the technological feasibility and economic impact of the renewable fuel and advanced biofuel requirements of section 111;

(2) the environmental impact of the requirements, including the impact on water supply;

(3) the overall costs and benefits of meeting the requirements;

(4) the degree in which the requirements will maintain a level playing field among all biofuel technology alternatives;

(5) the degree to which energy security benefits can be measured and considered, measured in part by how much less oil is imported;

(6) the impact on fuel fungibility;

(7) the impact on price volatility;

(8) the impact on overall energy supply and distribution;

(9) the capability of infrastructure for alternative fuels, including distribution and transportation;

(10) the actual and projected domestic renewable fuel production capability, by type;

(11) actual and projected imports of renewable fuel, by type;

(12) the impact on domestic food prices;

(13) the impact on tallow prices; and

(14) the impact on domestic animal agriculture feedstocks.

(c) PEER REVIEW.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a peer review of the results of the study.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report

describing the results of the study required under this section.

(2) UPDATES.—Not later than 2 years after the date of submission of the report under paragraph (1), and every 2 years thereafter through December 31, 2022, the Secretary shall submit to Congress an update on the study required under this section.

(e) ADJUSTMENT OF ALTERNATIVE FUEL STANDARD AND SCHEDULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, if the study or an update required under this section demonstrates a shortfall in the supply of the actual or projected renewable fuel or advanced biofuel production and imports necessary to meet the phase-in schedule required under section 111, not later than 1 year after the date on which a report or update is submitted to Congress, the Administrator of the Environmental Protection Agency shall promulgate, through notice and comment rulemaking, such regulations as are necessary to make a downward adjustment in the level of renewable fuel or advanced biofuel required under section 111 or adjust the phase-in schedule, or both, to alleviate the shortfall.

(2) EFFECTIVE DATE.—Any adjustment of the phase-in schedule under paragraph (1) shall take effect not earlier than 90 days after the date of publication of the final rule in the Federal Register, as determined by the Administrator of the Environmental Protection Agency.

SA 1630. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, strike lines 6 though 12 and insert the following:

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

(a) ENERGY-EFFICIENT APPLIANCE PURCHASE ASSISTANCE FOR LOW-INCOME PERSONS PROGRAM.—Section 413 of the Energy Conservation and Production Act (42 U.S.C. 6863) is amended by adding at the end the following:

"(f) ENERGY-EFFICIENT APPLIANCE PURCHASE ASSISTANCE FOR LOW-INCOME PERSONS PROGRAM.—

"(1) IN GENERAL.—As part of the weatherization program established under this part, the Administrator shall carry out a program, to be called the 'Energy-Efficient Appliance Purchase Assistance for Low-Income Persons Program', under which the Administrator shall provide grants to low-income persons to pay the Federal share of the cost of purchasing eligible home appliances.

"(2) ELIGIBLE HOME APPLIANCE.—A grant provided under this subsection may only be used to purchase a home appliance that is certified under the Energy Star program or is otherwise determined by the Administrator to be energy efficient, including a home heating system, home cooling system, refrigerator, water heater, washer, or dryer.

"(3) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of a grant provided under this subsection shall be 95 percent of the cost of purchasing an eligible home appliance.

"(B) SOURCE OF NON-FEDERAL SHARE.—The non-Federal share of a grant provided under this subsection may be derived from funds provided by charitable, State, or local organizations or agencies.

"(4) PREFERENCE.—In providing grants under this subsection, the Administrator shall give preference to low-income persons that are located in States that have implemented programs, including programs in partnership with for-profit and nonprofit organizations, that promote the purchase of energy-efficient appliances, as determined by the Administrator.

"(5) ADMINISTRATION.—The terms and conditions of the weatherization program established under this part shall apply to this subsection to the extent determined appropriate by the Administrator.

"(6) FUNDING.—Of the funds that are made available under section 422, the Secretary shall use to carry out this subsection not less than $4,000,000 for each of fiscal years 2008 through 2012.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "$700,000,000 for fiscal year 2008" and inserting "$750,000,000 for each of fiscal years 2008 through 2012".

SA 1631. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year after the date of enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress towards complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1632. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, strike lines 13 through 17 and insert the following:

SEC. 272. STATE ENERGY CONSERVATION PLANS.

(a) FINDINGS AND PURPOSES.—Section 361 of the Energy Policy and Conservation Act (42 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) the dependence of the United States on foreign energy sources (especially petroleum products) has long-term security implications that necessitate actions at the local and national levels to increase energy independence, particularly through support of sustainable domestic production of renewable energy; and"; and

(2) in subsection (b)—

(A) by striking "energy and reduce" and inserting "energy, reduce"; and

(B) by inserting ", and increase energy independence through use of local renewable energy" after "demand".

(b) OPTIONAL FEATURES OF PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking "and" after the semicolon at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

"(17) programs to improve energy independence through the production and use of domestic renewable energy, with an emphasis on programs that—

"(A) maximize the benefits for local communities through local, cooperative, or small business ownership; and

"(B) are environmentally sustainable; and".

(c) SUPPLEMENTAL STATE ENERGY INDEPENDENCE ASSESSMENT AND PLANNING PROGRAMS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end the following:

"(h) SUPPLEMENTAL STATE ENERGY INDEPENDENCE ASSESSMENT AND PLANNING PROGRAMS.—

"(1) IN GENERAL.—As part of a review conducted under subsection (g), each State is encouraged to consider filing a supplement to the energy conservation plan of the State that includes an energy independence assessment and planning program.

"(2) PLAN.—Each State is encouraged to include in the program a plan that includes—

"(A) a comprehensive assessment of the statewide energy demand and renewable energy production capabilities; and

"(B) 1 or more implementation strategies (including regional coordination) for decreasing dependence on foreign energy sources, including petroleum.

"(3) INFORMATIONAL PURPOSES.—The submission of the plan and program shall be for informational purposes only and shall not require approval by the Secretary.

"(4) CONTENTS.—In preparing a program of a State under paragraph (1), each State is encouraged to consider ways to—

"(A) support local and regional sustainable bioenergy use and production (including support of small businesses);

"(B) support and coordinate between other renewable energy, energy efficiency, and conservation activities at the local, State, regional, or Federal level;

"(C) in the case of bioenergy production, support a broad range of farm sizes, crops (including agroforestry), and production techniques, with a particular focus on small- and moderate-sized family farms;

"(D) maximize the public value of developing and using sustainable bioenergy, including activities that—

"(i) manage energy usage through energy efficiency and conservation;

"(ii) develop new energy sources in a manner that is economically viable, ecologically sound, and socially responsible; and

"(iii) grow or produce biomass in a sustainable manner that—

"(I) has net environmental benefits; and

"(II) takes into account factors such as relative water quality, soil quality, air quality, wildlife impacts, net energy balance, crop diversity, and provision of adequate income for agricultural producers; and

"(E) support local and farmer-owned projects in order to retain and maximize local and regional economic benefits.".

(d) State Energy Efficiency Goals.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—

(1) by striking the section heading and all that follows through "Each" and inserting the following:

"SEC. 364. STATE ENERGY EFFICIENCY GOALS.

"(a) In General.—Each"; and

(2) by adding at the end the following:

"(b) Additional Goals.—Each State is encouraged to consider establishing goals for—

"(1) reducing dependence on foreign energy sources; and

"(2) encouraging local sustainable renewable energy production and use in a manner that maximizes benefits to the State and local communities.".

(e) Authorization of Appropriations.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "fiscal year 2008" and inserting "each of fiscal years 2008 through 2012".

SA 1633. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows: .

On page 55, strike lines 3 through 8 and insert the following:

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030; and

(4) an evaluation of and recommendations for improvements to current and proposed biofuel and bioenergy incentives, including—

(A) modifications of law (including regulations) and policies to provide or increase incentives for the potential production of bioenergy (at levels greater than in existence as of the date of enactment of this section) to maintain local ownership, control, economic development, and the value-added nature of bioenergy production;

(B) potential limits to prevent excessive payments as the bioenergy industry matures, including variable or countercyclical support or other payment limitations;

(C) an evaluation of incentives at stages in the bioenergy production system (including agricultural production, fuel and energy production, blending, and retail sale), including recommendations regarding the relative cost-effectiveness and benefits to local and regional communities and consumers; and

(D) an assessment of incentives and recommendations to ensure—

(i) the presence and effectiveness of sufficient environmental safeguards; and

(ii) that the use of Federal funds does not contribute to adverse environmental impacts, particularly with respect to the effects on or changes in—

(I) land, air, and water quality; and

(II) land use patterns.

SA 1634. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, strike line 8 and insert the following:

(b) Protection for Small Business.—Section 111(c)(3) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(c)(3)) is amended by striking "subsection (d)(7) or (8)" and inserting "paragraph (7), (8), (16), or (17) of subsection (d)".

(c) Natural Gas Utilities.—Section 303(b) of the

SA 1635. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, line 21, strike "; and" and insert a semicolon.

On page 166, line 24, strike the period and insert "; and".

On page 166, between lines 24 and 25, insert the following:

"(4) to increase energy independence with an emphasis on sustainable local and regional renewable energy production and use in a way that maximizes benefits for local and regional communities.

SA 1636. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) Study.—

(1) In general.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) Requirements.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SA 1637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION AND MODIFICATION OF CREDIT FOR NEW ENERGY EFFICIENT HOMES.

(a) Extension.—Subsection (g) of section 45L (relating to termination) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(b) Use of 2006 IECC Standards.—Clause (i) of section 45L(c)(1)(A) of the Internal Revenue Code of 1986 (relating to energy savings requirements) is amended by striking "the 2003 International Energy Conservation Code" and inserting "the 2006 International Energy Conservation Code".

(c) Credit Allowed for Homes Increasing Efficiency by 30 Percent.—

(1) IN GENERAL.—Subsection (c) of section 45L of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

“(3) certified—

“(A) to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level described in paragraph (1) but less than 50 percent below such level, and

“(B) to have building envelope component improvements account for at least ⅓ of such 30 percent, or”.

(2) AMOUNT OF CREDIT.—Section 45L(a)(2)(B) of such Code is amended by striking “paragraph (3)” and inserting “paragraph (3) or (4)”.

(d) INCREASE IN CREDIT AMOUNT.—

(1) IN GENERAL.—Section 45L(a)(2) of the Internal Revenue Code of 1986, as amended by subsection (c)(2), is amended—

(A) in subparagraph (A), by striking “$2,000” and inserting “$4,000”, and

(B) in subparagraph (B), by striking “$1,000” and inserting “$2,000”.

(2) ADDITIONAL CREDIT AMOUNT FOR HOMES IN STATES ADOPTING 2006 IECC.—Paragraph (2) of section 45L(a) of such Code is amended by adding at the end the following new flush sentence:

“In the case of any dwelling unit which is located in a State which has adopted the 2006 International Energy Conservation Code, the amounts under subparagraphs (A) and (B) shall each be increased by $1,000.”.

(e) CLARIFICATION WITH RESPECT TO RENTAL UNITS.—Subparagraph (B) of section 45L(a)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) acquired by a person from such eligible contractor and used by any person as a residence (whether as a principal residence, for rental, or otherwise) during the taxable year.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) RENTAL UNITS.—The amendment made by subsection (e) shall take effect as if included in section 1332 of the Energy Policy Act of 2005.

SA 1638. Mrs. FEINSTEIN (for herself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, strike lines 15 through the table and insert the following:

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended—

(1) in paragraph (1), by striking the table and inserting the following:

“Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.”; and

(2) by adding at the end the following:

“(4) The Architect of the Capitol shall comply with the requirements of this subsection with respect to the Capitol complex.”.

On page 161, after line 2, insert the following:

SEC. 269. LEGISLATIVE BRANCH ENERGY EFFICIENCY INITIATIVE.

(a) AUDIT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architect of the Capitol shall complete—

(A) comprehensive energy audits of the Capitol complex; and

(B) identify and evaluate energy-efficient and renewable-energy projects.

(2) SUBMISSION.—The audits required by paragraph (1) shall be submitted to the Committee on Rules and Administration.

(b) REPORT ON CARBON DIOXIDE EMISSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architect of the Capitol, in collaboration with Federal agencies with the relevant expertise to judge both the environmental benefits and technical feasibility of applying carbon sequestration technologies to operations of the Capitol Power Plant, shall complete a feasibility study on options for reducing the carbon dioxide emissions associated with providing electricity, steam, and chilled water to the Capitol complex which shall include—

(A) an analysis of the costs, feasibility and ancillary benefits of reducing the current level of carbon dioxide emissions through the installation of a highly efficient combined heat and power plant;

(B) an analysis of various alternatives for reducing, capturing, and storing carbon associated with the Capitol Power Plant, including options for carbon sequestration, coal gasification, and clean-coal technology; and

(C) recommendations for reducing carbon dioxide emissions from the operations of the Capitol complex by 20 percent by 2020.

(2) BASELINE.—The baseline year for reductions under paragraph (1)(C) shall be fiscal year 2006.

(3) SUBMISSION.—The report required by paragraph (1) shall be submitted to the Committee on Rules and Administration.

(c) BIODIESEL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architect of the Capitol shall complete a feasibility study on the technical and economic feasibility of requiring biodiesel in Architect of the Capitol and Senate Sergeant at Arms compatible vehicles.

(2) SUBMISSION.—The report required by paragraph (1) shall be submitted to the Committee on Rules and Administration.

(d) BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architect of the Capitol shall complete a study assessing the feasibility of installing a Building Integrated Photovoltaic System on the rooftop of the Hart Senate Office Building.

(2) SUBMISSION.—The report required by paragraph (1) shall be submitted to the Committee on Rules and Administration.

SA 1639. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, line 7, insert “and storage” before “of carbon”.

On page 180, line 11, strike “the compression” and insert “advanced compression”.

On page 180, line 18, strike “and”.

Beginning on page 180, strike line 19 and all that follows through page 181, line 9, and insert the following:

“(v) research and development of new and improved technologies for—

“(I) carbon use, including recycling and reuse of carbon dioxide; and

“(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

“(vi) research and development of new and improved technologies for oxygen separation from air.

On page 181, line 10, strike “(3)” and insert “(2)”.

On page 182, line 2, strike “and”.

On page182, line 4, strike the period and insert “; and”.

On page 182, between lines 4 and 5, insert the following:

“(vii) coal-bed methane recovery.

On page 183, line 8, strike “(4)” and insert “(3)”.

On page 183, line 12, insert “involving at least 1,000,000 tons of carbon dioxide per year” after “tests”.

On page 183, line 14, insert “collect and” before “validate”.

On page 184, line 1, strike “(5)” and insert “(4)”.

On page 184, line 7, strike “(6)” and insert “(5)”.

On page 184, line 11, strike “(7)” and insert “(6)”.

On page 186, strike lines 18 through 20 and insert the following:

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

On page 189, strike lines 14 through 18 and insert the following:

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

On page 190, line 25, strike “or”.

On page 191, line 2, strike the period and insert “; or”.

On page 191, between lines 2 and 3, insert the following:

(G) manufacture biofuels.

On page 191, strike lines 10 through 15 and insert the following:

(2) Scope of award.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

On page 192, line 7, insert "carbon dioxide by volume" after "95 percent".

SA 1640. Mr. GRAHAM (for herself and Mr. Dorgan) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the hydrogen installation and infrastructure costs credit determined under subsection (b), and

"(2) the hydrogen fuel costs credit determined under subsection (c).

"(b) Hydrogen Installation and Infrastructure Costs Credit.—

"(1) In general.—For purposes of subsection (a), the hydrogen installation and infrastructure costs credit determined under this subsection with respect to each eligible hydrogen production and distribution facility of the taxpayer is an amount equal to—

"(A) 50 percent of so much of the installation costs which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $200,000, plus

"(B) 30 percent of so much of the infrastructure costs for the taxable year as does not exceed $200,000 with respect to such facility, and which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $600,000.

Nothing in this section shall permit the same cost to be taken into account more than once.

"(2) Eligible hydrogen production and distribution facility.—For purposes of this subsection, the term 'eligible hydrogen production and distribution facility' means a hydrogen production and distribution facility which has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

"(c) Hydrogen Fuel Costs Credit.—

"(1) In general.—For purposes of subsection (a), the hydrogen fuel costs credit determined under this subsection with respect to each eligible hydrogen device of the taxpayer is an amount equal to the qualified hydrogen expenditure amounts with respect to such device.

"(2) Qualified hydrogen expenditure amount.—For purposes of this subsection—

"(A) In general.—The term 'qualified hydrogen expenditure amount' means, with respect to each eligible hydrogen energy conversion device of the taxpayer with a production capacity of not more than 25 kilowatts of electricity per year, the lesser of—

"(i) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for hydrogen which is consumed by such device, and

"(ii) $2,000.

In the case of any device which is not owned by the taxpayer at all times during the taxable year, the $2,000 amount in subparagraph (B) shall be reduced by an amount which bears the same ratio to $2,000 as the portion of the year which such device is not owned by the taxpayer bears to the entire year.

"(B) Higher limitation for devices with more production capacity.—In the case of any eligible hydrogen energy conversion device with a production capacity of—

"(i) more than 25 but less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$4,000' for '$2,000' each place it appears, and

"(ii) not less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$6,000' for '$2,000' each place it appears.

"(3) Eligible hydrogen energy conversion devices.—For purposes of this subsection—

"(A) In general.—The term 'eligible hydrogen energy conversion device' means, with respect to any taxpayer, any hydrogen energy conversion device which—

"(i) is placed in service after December 31, 2004,

"(ii) is wholly owned by the taxpayer during the taxable year, and

"(iii) has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

If an owner of a device (determined without regard to this subparagraph) provides to the primary user of such device a written statement that such user shall be treated as the owner of such device for purposes of this section, then such user (and not such owner) shall be so treated.

"(B) Hydrogen energy conversion device.—The term 'hydrogen energy conversion device' means—

"(i) any electrochemical device which converts hydrogen into electricity, and

"(ii) any combustion engine which burns hydrogen as a fuel.

"(d) National Hydrogen Installation, Infrastructure, and Fuel Credit Limitation.—

"(1) In general.—There is a national hydrogen installation, infrastructure, and fuel credit limitation for each fiscal year. Such limitation is $15,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, $40,000,000 for fiscal year 2010, and $50,000,000 for each succeeding fiscal year.

"(2) Allocation.—Not later than 90 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a hydrogen installation, infrastructure, and fuel credit allocation program.

"(e) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) Application With Other Credits.—

"(1) Business credit treated as part of general business credit.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to amounts which (but for subsection (g) would be allowed as a deduction under section 162 shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) Personal credit.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

"(B) the tentative minimum tax for the taxable year.

"(g) Denial of Double Benefit.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(h) Recapture.—The Secretary shall, by regulations, provided for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(i) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(j) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(k) Termination.—This section shall not apply to any costs after the earlier of—

"(1) December 31, 2017, or

"(2) the date on which the Secretary estimates that at least 5 percent of all registered passenger motor vehicles are powered by hydrogen.".

(b) Conforming Amendments.—

(1) Section 38(b) of such Code is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting "plus", and by adding at the end the following new paragraph:

"(32) the portion of the hydrogen installation, infrastructure, and fuel credit to which section 30D(f)(1) applies.".

(2) Section 55(c)(3) of such Code is amended by inserting "30D(f)(2)," after "30C(d)(2),".

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(e).".

(4) Section 6501(m) of such Code is amended by inserting "30D(i)," after "30C(e)(5),".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Hydrogen installation, infrastructure, and fuel costs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007, in taxable years ending after such date.

SA 1641. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 4, strike "processing" and insert "harvest, processing, storage".

On page 44, line 12, strike "processing" and insert "harvest, processing, storage".

SA 1642. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(4), strike subparagraph (A) and insert the following:

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance and restoration and large-tree retention of subsections (e)(2) and (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

---

SA 1643. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF MARGINAL PRODUCTION COST OF REQUIRING USE OF FLEXIBLE FUEL MIXTURES IN CERTAIN VEHICLES.

(a) DEFINITION OF FLEXIBLE FUEL MIXTURE.—In this section, the term "flexible fuel mixture" means—

(1) any mixture of gasoline and ethanol, not more than 85 percent of which is ethanol, as measured by volume;

(2) any mixture of gasoline and methanol, not more than 85 percent of which is methanol, as measured by volume; and

(3) diesel or biodiesel, of which 85 percent is biodiesel, as measured by volume.

(b) STUDY.—The Secretary shall conduct a study of the likely average marginal production cost of requiring that each new passenger vehicle with a weight of less than 10,000 pounds that is sold in the United States shall be capable of using a flexible fuel mixture.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, using funds made available to the Secretary, the Secretary shall prepare and submit to Congress a report describing the results of the study under subsection (b).

SA 1644. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, after line 23, add the following:

SEC. 255. STUDY OF SMART GRID SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the "Secretary"), shall conduct a study to assess the costs and benefits of modernizing the electric transmission and distribution grid (including investments relating to advanced grid technologies).

(b) INPUT FROM OTHER ENTITIES.—

(1) PARTICIPATION.—In conducting the study under subsection (a), the Secretary shall provide to any interested individual or entity an opportunity to participate in the study, including—

(A) consumers of electricity;

(B) manufacturers of components; and

(C) representatives of—

(i) the government of any State;

(ii) the electric utility industry;

(iii) the smart grid system; and

(iv) any electric utility.

(2) CONSIDERATION OF INPUT.—The Secretary may consider the input of any interested individual or entity described in paragraph (1).

(3) AUTHORITY OF SECRETARY.—In conducting the study under subsection (a), the Secretary may require any electric utility to provide to the Secretary any information relating to the deployment of smart grid systems and technologies.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress and the President a report that—

(A) covers the transmission and distribution components of the electric transmission and distribution grid; and

(B) includes—

(i) an updated inventory of smart grid systems in existence as of the date of enactment of this Act;

(ii) a description of—

(I) procedures for—

(aa) monitoring the condition of grid infrastructure; and

(bb) determining the need for new grid infrastructure; and

(II) any plan developed by any State, electric utility, or other individual or entity to introduce any smart grid system or technology;

(iii) an assessment relating to—

(I) any constraint relating to the deployment of smart grid technology;

(II) the potential benefits resulting from the introduction of smart grid systems, including benefits relating to—

(aa) energy efficiency;

(bb) the improved reliability and security of electricity;

(cc) the reduced price of electricity;

(dd) the ability to facilitate real-time electricity pricing; and

(ee) the improved integration of renewable resources; and

(III) the ancillary benefits for any other economic sector or activity outside of the electricity sector; and

(iv) any recommendations for legislative or regulatory changes to remove barriers and create incentives for the implementation of the smart grid system.

(2) BIANNUAL UPDATES.—Not later that 180 days after the date on which the Secretary submits to Congress and the President the report under paragraph (1), and biannually thereafter, the Secretary shall update the report.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to propose policies to facilitate the transition to real-time electricity pricing based on marginal generation costs;

(6) to develop high-performance computers and algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary may establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and greenhouse gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) FINDINGS.—Congress finds that—

(1) each element of a digitally interactive electric system needs to easily connect and operate in a safe, dependable manner that enhances the efficient and reliable operation of the overall electric system;

(2) without a framework for integrating electric system resources, information exchange agreements would emerge in an ad hoc manner with great inconsistency from region to region, organization to organization, and application to application; and

(3) ad hoc development would lead to—

(A) slower adoption rates of smart grid technology and applications;

(B) inefficiencies from uncoordinated efforts; and

(C) potential solutions that would stifle supplier competition and technical evolution.

(b) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the "Commission"), in cooperation with the Secretary, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network that will not—

(1) prevent appliances or other electric loads from properly functioning; and

(2) endanger the health and safety of any consumer of an appliance.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to include voluntary standards for certain classes of new mass-produced electric appliances and equipment for homes and businesses that are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(d) DEVELOPMENT OF FRAMEWORK.—In developing the framework, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology shall—

(1) consult with—

(A) sectors of the electricity industry, including sectors relating to the generation, transmission, and distribution of electricity;

(B) end-users of electricity;

(C) the Gridwise Architecture Council, the Institute of Electrical and Electronics Engineers, the Association of Home Appliance Manufacturers, the National Electrical Manufacturers Association, and other electric industry groups; and

(D) any appropriate Federal and State agencies; and

(2) not later than 1 year after the date of enactment of this Act, make the proposed framework available for public review and comment.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) FINANCIAL INCENTIVES FOR SMART GRID DEPLOYMENT.—

"(A) IN GENERAL.—Each State shall consider incentives to encourage the rapid national deployment of a qualified smart grid system, including each incentive described in this paragraph.

"(B) DECOUPLING FROM UTILITY REVENUES.—To improve energy efficiency and use, each State shall consider requiring that a major portion of the profits of each electric utility of the State shall—

"(i) be based on criteria relating to—

"(I) performance;

"(II) achievement of designated goals;

"(III) service reliability; and

"(IV) customer support and assistance; and

"(ii) not be based exclusively on the volume of electricity sales of the electric utility.

"(C) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) cost-effectiveness;

"(ii) improved reliability;

"(iii) security; and

"(iv) system performance.

"(D) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(E) ENHANCED RETURN.—Each State shall consider authorizing each electric utility of the State to earn an enhanced return on the capital expenditures of the electric utility for the deployment of a qualified smart grid system, including an amount equal to not less than 130 percent of the maximum return that the electric utility is authorized to earn on other investments and expenditures for the transmission and distribution network of the electric utility.

"(F) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(G) RETAINED SAVINGS.—Each State shall consider authorizing any electric utility or other party deploying a qualified smart grid system to retain an amount equal to not less than 50 percent of the cost savings of the electric utility that are attributable to the use by the electric utility of the qualified smart grid system.

"(17) SMART GRID CONSUMER INFORMATION.—

"(A) IN GENERAL.—Each State shall provide to each electricity consumer located in the State direct access, in written and electronic machine-readable form, information describing—

"(i) the time-based use, price, and source of the electricity delivered to the consumer; and

"(ii) any available optional electricity supplies (including the price and quantity of the optional electricity supplies).

"(B) AVAILABILITY.—In providing to each electricity consumer located in a State the information described in subparagraph (A), the State in which the electricity consumer is located shall—

"(i) update the information on an hourly basis; and "(ii) ensure that the information is available to each electricity consumer on a daily basis.".

SA 1645. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. LIMITATION ON RADIO-FREQUENCY INTERFERENCE LEVELS IN THE 902–928 MEGAHERTZ BAND.

(a) FINDINGS.—Congress finds the following:

(1) Unlicensed radio devices are critical to promoting energy efficiency in the United States. This equipment is used by virtually all of the major companies involved in exploration, production, refining, marketing, and transportation of petroleum, petroleum products, and natural gas. Unlicensed devices carry out myriad functions in the Supervisory Control and Data Acquisition ("SCADA") systems that ensure effective oil and natural gas industry operations and are critical to safety of life and the protection of property and the environment. Systems that rely on these devices remotely operate large production fields, sometimes comprised of thousands of oil and natural gas wells, collect and transmit critical data regarding well pressures, temperature, and rates of flow that are essential to the coordinated and safe operation, and transmit alarms in the event of a leak or other emergency. Similar devices in petroleum and natural gas transmission pipeline operations measure and report flow rate, temperature, and pressure. Energy utilities nationwide use unlicensed systems for remote meter reading, which facilitates time-of-day pricing to spread load and promote energy efficiency, and for SCADA systems that efficiently manage the hugely complex electric grid and gas distribution networks and minimize disruptive outages.

(2) Unlicensed devices in the hundreds of millions likewise serve other critical societal needs, including transportation, manufacturing, education, health care, entertainment, construction, broadband access, retailing, and data processing.

(3) Unlicensed operation in the 902–928 MHz band is a large and essential component of all the benefits identified in paragraphs (1) and (2).

(4) Increased radio-frequency interference in the 902–928 MHz band would impair many industries, and, in particular, would threaten the integrity and safety of energy production and distribution.

(b) PROTECTION OF UNLICENSED OPERATION.—

(1) IN GENERAL.—In issuing or amending any regulations related to the operation, use, and maintenance of the 902–928 megahertz band, the Federal Communications Commission shall not permit increased levels of radio-frequency interference in such band to unlicensed devices and operations.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to any regulations issued by the Federal Communications Commissions that directly govern unlicensed operation in the 902-928 megahertz band.

(3) GOAL.—Consistent with paragraphs (1) and (2), the Federal Communications Commission shall endeavor to maximize efficient use of the 902-928 megahertz band.

(c) DEFINITIONS.—In this section:

(1) UNLICENSED DEVICE.—The term "unlicensed device" means an intentional radiator authorized pursuant to part 15 of the Federal Communication Commission's Rules (47 C.F.R. Part 15).

(2) UNLICENSED OPERATION.—The term "unlicensed operation" means operation of an unlicensed device.

SA 1646. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, between lines 5 and 6, insert the following:

SEC. 521. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

"§ 32920. Fuel economy indicators and devices

"(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2012 that requires each such automobile and light truck to be equipped with—

"(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data; and

"(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy.

"(b) EXCEPTION.—Subsection (a) shall not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

"(c) ENFORCEMENT.—Subchapter IV of chapter 301 shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32919 the following:

"32920. Fuel economy indicators and devices.".

SA 1647. Mrs. CLINTON (for herself, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, add the following:

SEC. 279. NET METERING AND INTERCONNECTION STANDARDS.

(a) IN GENERAL.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is amended by adding at the end the following:

"(d) NET METERING.—

"(1) DEFINITIONS.—In this subsection and subsection (e):

"(A) CUSTOMER-GENERATOR.—The term 'customer-generator' means the owner or operator of a qualified generation unit.

"(B) ELECTRIC GENERATION UNIT.—The term 'electric generation unit' means—

"(i) a qualified generation unit; and

"(ii) any electric generation unit that qualifies for net metering under a net metering tariff or rule approved by a State.

"(C) LOCAL DISTRIBUTION SYSTEM.—The term 'local distribution system' means any system for the distribution of electric energy to the ultimate consumer of the electricity, whether or not the owner or operator of the system is a retail electric supplier.

"(D) NET METERING.—The term 'net metering' means the process of—

"(i) measuring the difference between the electricity supplied to a customer-generator and the electricity generated by the customer-generator that is delivered to a local distribution system at the same point of interconnection during an applicable billing period; and

"(ii) providing an energy credit to the customer-generator in the form of a kilowatt-hour credit for each kilowatt-hour of energy produced by the customer-generator from a qualified generation unit.

"(E) QUALIFIED GENERATION UNIT.—The term 'qualified generation unit' means an electric energy generation unit that—

"(i) is a fuel cell or uses as the energy source of the unit solar energy, wind, biomass, geothermal energy, anaerobic digestion, or landfill gas, or a combination of the any of those sources;

"(ii) has a generating capacity of not more than 2,000 kilowatts;

"(iii) is located on premises that are owned, operated, leased, or otherwise controlled by the customer-generator;

"(iv) operates in parallel with the retail electric supplier; and

"(v) is intended primarily to offset all or part of the requirements of the customer-generator for electric energy.

"(F) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means any electric utility that sells electric energy to the ultimate consumer of the energy.

"(2) ADOPTION.—Not later than 1 year after the date of enactment of this subsection, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority), and each nonregulated electric utility, shall—

"(A) provide public notice and conduct a hearing with respect to the standards established under paragraph (3); and

"(B) on the basis of the hearing, adopt the standard.

"(3) ESTABLISHMENT OF NET METERING STANDARD.—

"(A) IN GENERAL.—Each retail electric supplier shall offer to arrange (either directly or through a local distribution company or other third party) to make net metering available, on a first-come, first-served basis, to each of the retail customers of the retail electric supplier in accordance with the requirements described in subparagraph (B) and other provisions of this subsection.

"(B) Requirements.—The requirements referred to in subparagraph (A) are, with respect to a retail electric supplier, that—

"(i) rates and charges and contract terms and conditions for the sale of electric energy to customer-generators shall be the same as the rates and charges and contract terms and conditions that would be applicable if the customer-generator did not own or operate a qualified generation unit and use a net metering system; and

"(ii) each retail electric supplier shall notify all of the retail customers of the retail electric supplier of the standard established under this paragraph as soon as practicable after the adoption of the standard.

"(4) Net energy measurement.—

"(A) In general.—Each retail electric supplier shall arrange to provide to customer-generators who qualify for net metering under subsection (b) an electrical energy meter capable of net metering and measuring, to the maximum extent practicable, the flow of electricity to or from the customer, using a single meter and single register.

"(B) Impracticability.—In a case in which it is not practicable to provide a meter to a customer-generator under subparagraph (A), a retail electric supplier (either directly or through a local distribution company or other third party) shall, at the expense of the retail electric supplier, install 1 or more of those electric energy meters for the customer-generators concerned.

"(5) Billing.—

"(A) In general.—Each retail electric supplier subject to subsection (b) shall calculate the electric energy consumption for a customer using a net metering system in accordance with subparagraphs (B) through (D).

"(B) Measurement of electricity.—The retail electric supplier shall measure the net electricity produced or consumed during the billing period using the metering installed in accordance with paragraph (4).

"(C) Billing and crediting.—

"(i) Billing.—If the electricity supplied by the retail electric supplier exceeds the electricity generated by the customer-generator during the billing period, the customer-generator shall be billed for the net electric energy supplied by the retail electric supplier in accordance with normal billing practices.

"(ii) Crediting.—

"(I) In general.—If electric energy generated by the customer-generator exceeds the electric energy supplied by the retail electric supplier during the billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period and credited for the excess electric energy generated during the billing period, with the credit appearing as a kilowatt-hour credit on the bill for the following billing period.

"(II) Application of credits.—Any kilowatt-hour credits provided to a customer-generator under this clause shall be applied to customer-generator electric energy consumption on the following billing period bill (except for a billing period that ends in the next calendar year).

"(III) Carryover of unused credits.—At the beginning of each calendar year, any unused kilowatt-hour credits remaining from the preceding year will carry over to the new year.

"(D) Use of time-differentiated rates.—

"(i) In general.—Except as provided in clause (ii), if a customer-generator is using a meter and retail billing arrangement that has time-differentiated rates—

"(I) the kilowatt-hour credit shall be based on the ratio representing the difference in retail rates for each time-of-use rate; or

"(II) the credits shall be reflected on the bill of the customer-generator as a monetary credit reflecting retail rates at the time of generation of the electric energy by the customer-generator.

"(ii) Different tariffs or services.—A retail electric supplier shall offer a customer-generator the choice of a time-differentiated energy tariff rate or a nontime-differentiated energy tariff rate, if the retail electric supplier offers the choice to customers in the same rate class as the customer-generator.

"(6) Percent limitations.—

"(A) 4 percent limitation.—The standard established under this subsection shall not apply for a calendar year in the case of a customer-generator served by a local distribution company if the total generating capacity of all customer-generators with net metering systems served by the local distribution company in the calendar year is equal to or more than 4 percent of the capacity necessary to meet the average forecasted aggregate customer peak demand of the company for the calendar year.

"(B) 2 percent limitation.—The standard established under this subsection shall not apply for a calendar year in the case of a customer-generator served by a local distribution company if the total generating capacity of all customer-generators with net metering systems served by the local distribution company in the calendar year using a single type of qualified generation units (as described in paragraph (1)(D)(i)) is equal to or more than 2 percent of the capacity necessary to meet the average forecasted aggregate customer peak demand of the company for the calendar year.

"(C) Records and notice.—

"(i) Records.—Each retail electric supplier shall maintain, and make available to the public, records of—

"(I) the total generating capacity of customer-generators of the system of the retail electric supplier that are using net metering; and

"(II) the type of generating systems and energy source used by the electric generating systems used by the customer-generators.

"(ii) Notice.—Each such retail electric supplier shall notify the State regulatory authority and the Commission at each time at which the total generating capacity of the customer-generators of the retail electric supplier reaches a level that equals or exceeds—

"(I) 75 percent of the limitation specified in subparagraph (B); or

"(II) the limitation specified in subparagraph (B).

"(7) Ownership of credits.—

"(A) In general.—For purposes of Federal and State laws providing renewable energy credits or greenhouse gas credits, a customer-generator with a qualified generation unit and net metering shall be treated as owning and having title to the renewable energy attributes, renewable energy credits and greenhouse gas emission credits relating to any electricity produced by the qualified generation unit.

"(B) Retail electric suppliers.—No retail electric supplier shall claim title to or ownership of any renewable energy attributes, renewable energy credits, or greenhouse gas emission credits of a customer-generator as a result of interconnecting the customer-generator or providing or offering the customer-generator net metering.

"(8) Safety and performance standards.—

"(A) In general.—A qualified generation unit and net metering system used by a customer-generator shall meet all applicable safety and performance and reliability standards established by—

"(i) the national electrical code;

"(ii) the Institute of Electrical and Electronics Engineers;

"(iii) Underwriters Laboratories; or

"(iv) the American National Standards Institute.

"(B) Additional charges.—The Commission shall, after consultation with State regulatory authorities and nonregulated local distribution systems and after notice and opportunity for comment, prohibit by regulation the imposition of additional charges by retail electric suppliers and local distribution systems for equipment or services for safety or performance that are in addition to those necessary to meet the standards and requirements referred to in subparagraph (A) and subsection (e).

"(9) Determination of compliance.—

"(A) In general.—Any State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), and each nonregulated electric utility, may apply to the Commission for a determination that any State net metering requirement or regulations complies with this subsection.

"(B) Orders.—In the absence of a determination under subparagraph (A), the Commission, on the motion of the Commission or pursuant to the petition of any interested person, may, after notice and opportunity for a hearing on the record, issue an order requiring against any retail electric supplier or local distribution company to require compliance with this subsection.

"(C) Penalties.—

"(i) In general.—Any person who violates this subsection or any order of the Commission under this subsection shall be subject to a civil penalty in the amount of $10,000 for each day that the violation continues.

"(ii) Assessment.—The penalty may be assessed by the Commission, after notice and opportunity for hearing, in the same manner as penalties are assessed under section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)).

"(e) Interconnection Standards.—

"(1) Model standards.—

"(A) In general.—Not later than 1 year after the date of enactment of this subsection, the Commission shall publish model standards for the physical connection between local distribution systems and qualified generation units and electric generation units that—

"(i) are qualified generation units (as defined in subsection (d)(1)(D) (other than clause (ii) of subsection (d)(1)(D)); and

"(ii) do not exceed 2,000 kilowatts of capacity.

"(B) Purposes.—The model standards shall be designed to—

"(i) encourage the use of qualified generation units; and

"(ii) ensure the safety and reliability of the qualified generation units and the local distribution systems interconnected with the qualified generation units.

"(C) EXPEDITED PROCEDURES.—

"(i) IN GENERAL.—The model standards shall have 2 separate expedited procedures, including—

"(I) a standard for interconnecting qualified generation units of not more than 15 kilowatts; and

"(II) a separate standard that expedites interconnection for qualified generation units of more than 15 kilowatts but not more than 2,000 kilowatts.

"(ii) BEST PRACTICES.—The expedited procedures shall be based on the best practices that have been used in States that have adopted interconnection standards.

"(iii) MODEL RULE.—In designing the expedited procedures, the Commission shall consider Interstate Renewable Energy Council Model Rule MR–I2005.

"(D) ADOPTION OF STANDARDS.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall—

"(I) adopt the model standards established under this paragraph, with or without modification; and

"(II) submit the standards to the Commission for approval.

"(ii) APPROVAL OF MODIFICATION.—The Commission shall approve a modification of the model standards only if the Commission determines that the modification is—

"(I) consistent with or superior to the purpose of the standards; and

"(II) required by reason of local conditions.

"(E) NONAPPROVAL OF STANDARDS FOR A STATE.—If standards have not been approved under this paragraph by the Commission for any State during the 2-year period beginning on the date of enactment of this subsection, the Commission shall, by rule or order, enforce the model standards of the Commission in the State until such time as State standards are approved by the Commission.

"(F) UPDATES.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and after notice and opportunity for comment, the Commission shall publish an update of the model standards, after considering changes in the underlying standards and technologies.

"(ii) AVAILABILITY.—The updates shall be made available to State regulatory authorities for the consideration of the authorities.

"(2) SAFETY, RELIABILITY, PERFORMANCE, AND COST.—

"(A) IN GENERAL.—The standards under this subsection shall establish such measures for the safety and reliability of the affected equipment and local distribution systems as are appropriate.

"(B) ADMINISTRATION.—The standards shall—

"(i) be consistent with all applicable safety and performance standards established by—

"(I) the national electrical code;

"(II) the Institute of Electrical and Electronics Engineers;

"(III) Underwriters Laboratories; or

"(IV) the American National Standards Institute; and

"(ii) impose not more than such minimum cost and technical burdens to the interconnecting customer generator as the Commission determines, by rule, are practicable.

"(3) ADDITIONAL CHARGES.—The model standards under this subsection shall prohibit the imposition of additional charges by local distribution systems for equipment or services for interconnection that are in excess of—

"(A) the charges necessary to meet the standards; and

"(B) the charges and equipment requirements identified in the best practices of States with interconnection standards.

"(4) RELATIONSHIP TO EXISTING LAW REGARDING INTERCONNECTION.—Nothing in this subsection affects the application of section 111(d)(15) relating to interconnection.

"(5) CONSUMER-FRIENDLY CONTRACTS.—

"(A) IN GENERAL.—The Commission shall—

"(i) promulgate regulations that ensure that simplified contracts will be used for the interconnection of electric energy by electric energy transmission or local distribution systems and generating facilities that have a power production capacity of not greater than 2,000 kilowatts; and

"(ii) consider the best practices for consumer-friendly contracts that are used by States or national associations of State regulators.

"(B) LIABILITY OR INSURANCE.—The contracts shall not require liability or other insurance in excess of the liability or insurance that is typically carried by customer-generators for general liability.

"(6) ENFORCEMENT.—

"(A) IN GENERAL.—Any person who violates this subsection shall be subject to a civil penalty in the amount of $10,000 for each day that the violation continues.

"(B) ASSESSMENT.—The penalty may be assessed by the Commission, after notice and opportunity for hearing, in the same manner as penalties are assessed under section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)).".

(b) CONFORMING AMENDMENT.—Section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451) is amended by striking paragraph (5) and inserting the following:

"(5) ELECTRIC UTILITY COMPANY.—

"(A) IN GENERAL.—The term 'electric utility company' means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

"(B) EXCLUSION.—The term 'electric utility company' does not include an electric generation unit (as defined in section 113(d) of the Public Utility Regulatory Policies Act of 1978).".

SEC. 280. RELATIONSHIP TO STATE LAW.

Section 117(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2627(b)) is amended—

(1) by striking "Nothing" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing"; and

(2) by adding at the end the following:

"(2) NET METERING AND INTERCONNECTION STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), no State or nonregulated utility may adopt or enforce any standard or requirement concerning net metering or interconnection that restricts access to the electric power transmission or local distribution system by qualified generators beyond those standards and requirements established under section 113.

"(B) EQUIVALENT OR GREATER ACCESS.—Nothing in this Act precludes a State from adopting or enforcing incentives or requirements to encourage qualified generation and net metering that—

"(i) are in addition to or equivalent to incentives or requirements under section 113; or

"(ii) afford greater access to the electric power transmission and local distribution systems by qualified generators (as defined in section 113) or afford greater compensation or credit for electricity generated by the qualified generators.".

SA 1648. Mr. WYDEN (for himself, Mr. HARKIN, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term "terrestrial ecosystem" means any ecological and surficial geological system on public or private land.

(B) INCLUSIONS.—The term "terrestrial ecosystem" includes—

(i) agricultural land;

(ii) forest land;

(iii) grassland;

(iv) freshwater aquatic ecosystems; and

(v) coastal ecosystems (including estuaries).

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of the Interior;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the National Oceanic and Atmospheric Administration;

(5) the heads of other relevant agencies;

(6) consortia based at institutions of higher education and with research corporations; and

(7) representatives of agricultural producers and forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2005"; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the 3 years following the date of enactment of this Act.

SA 1649. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 131. ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) (as amended by section 124(a)) is amended—

(1) in subsection (b), by adding at the end the following:

"(11) Energy efficiency residential financing guarantees provided under subsection (g)."; and

(2) by adding at the end the following:

"(g) ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall make guarantees under this section for single and multifamily mortgage bonds and related financing for energy efficiency purposes.

"(2) PURPOSES.—The Secretary shall make a guarantee under this subsection only for—

"(A) bonds and related financing issued by State housing and energy agencies; or

"(B) debt financing for energy efficiency measures in new or existing housing supported by Federal financial assistance programs (including the low-income housing credits under section 42 of the Internal Revenue Code of 1986 and project-based rental housing assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) under which energy efficiency projects are approved jointly by State housing finance and energy agencies.

"(3) CRITERIA.—Not later than 90 days after the date of enactment of this subsection, the Secretary (in consultation with State housing finance, energy, weatherization and public utility commissioners) shall promulgate regulations establishing criteria for energy efficiency projects eligible for guarantees under this subsection.

"(4) ADMINISTRATION.—Subsections (a)(2) and (d) shall not apply to a guarantee made under this subsection.".

SA 1650. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC HOUSING CAPITAL FUND.

Section 9(e)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended by adding at the end the following:

"(iv) EXISTING CONTRACTS.—The term of a contract described in clause (i) that, as of the date of enactment of this clause, is in repayment and has a term of not more than 12 years, may be extended to a term of not more than 20 years to permit additional energy conservation improvements without requiring the reprocurement of energy performance contractors.".

SA 1651. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Retail Fuel Fairness

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "Future Accountability in Retail Fuel Act" or the "FAIR Fuel Act".

SEC. 2. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT.

(a) IN GENERAL.—

(1) NEW MOTOR FUEL DISPENSERS.—Beginning 90 days after the issuance of final regulations under subsection (c), all motor fuel dispensers that are newly installed or upgraded at any retail fuel establishment in the United States shall be equipped with automatic temperature compensation equipment to ensure that any volume of gasoline or diesel fuel measured by such dispenser for retail sale is equal to the volume that such quantity of fuel would equal at the time of such sale if the temperature of the fuel was 60 degrees Fahrenheit.

(2) EXISTING MOTOR FUEL DISPENSERS.—Not later than 5 years after the issuance of final regulations under subsection (c), all motor fuel dispensers at any retail fuel establishment in the United States shall be equipped with the automatic temperature compensation equipment described in paragraph (1).

(b) INSPECTIONS.—

(1) ANNUAL INSPECTION.—Beginning on the date described in subsection (a), State inspectors conducting an initial or annual inspection of motor fuel dispensers are authorized to determine if such dispensers are equipped with the automatic temperature compensation equipment required under subsection (a).

(2) NOTIFICATION.—If the State inspector determines that a motor fuel dispenser does not comply with the requirement under subsection (a), the State inspector is authorized to notify the Secretary of Commerce, through an electronic notification system developed by the Secretary, of such noncompliance.

(3) FOLLOW-UP INSPECTION.—Not earlier than 180 days after a motor fuel dispenser is found to be out of compliance with the requirement under subsection (a), the Secretary shall coordinate a follow-up inspection of such motor fuel dispenser.

(4) FINE.—

(A) IN GENERAL.—The owner or operator of any retail fuel establishment with a motor fuel dispenser subject to the requirement under subsection (a) that is determined to be out of compliance with such requirement shall be subject to a fine equal to $5,000 for each noncompliant motor fuel dispenser.

(B) ADDITIONAL FINE.—If a motor fuel dispenser is determined to be out of compliance during a follow-up inspection, the owner or operator of the retail fuel establishment at which such motor fuel dispenser is located shall be subject to an additional fine equal to $5,000.

(5) USE OF FINES.—Amounts collected under paragraph (4) may be used to carry out section 3.

(c) RULEMAKING.—

(1) COMMENCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall commence a rulemaking procedure to implement the requirement under subsection (a).

(2) FINAL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall issue final regulations to implement the requirement under subsection (a), including specifying which volume correction factor tables shall be used for the range of gasoline and diesel fuel products that are sold to retail customers in the United States.

(d) DEFINED TERM.—In this subtitle, the term "automatic temperature compensation equipment" has the meaning given the term in the National Institute of Standards and Technology Handbook 44.

SEC. 3. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Commerce is authorized to award grants to owners and operators of retail fuel establishments to offset the costs associated with the installation of automatic temperature compensation equipment on motor fuel dispensers.

(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this subsection in excess of—

(A) $1,000 per motor fuel dispenser; or

(B) $10,000 per grant recipient.

(3) INELIGIBLE COMPANIES.—A major integrated oil company (as defined in section 167(h)(5) of the Internal Revenue Code of 1986) is ineligible to receive a grant under this subsection.

(4) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to offset the costs incurred by owners and operators of retail establishments to acquire and install automatic temperature compensation equipment in accordance with the requirement under section ___2(a).

(b) REIMBURSEMENT OF STATE INSPECTION COSTS.—The Secretary of Commerce is authorized to reimburse States for the costs incurred by the States to—

(1) inspect motor fuel dispensers for compliance with the requirement under section ___2(a); and

(2) notify the Secretary of Commerce of any noncompliance with such requirement.

SEC. 4. SAVINGS PROVISION.

(a) IN GENERAL.—Nothing in this subtitle may be construed to preempt a State from enacting a law that imposes an equivalent standard or a more stringent standard concerning the retail sale of gasoline at certain temperatures.

(b) DEFINED TERM.—In this section, the term "equivalent standard" means any standard that prohibits the retail sale of gasoline with energy content per gallon that is different than the energy content of 1 gallon of gasoline stored at 60 degrees Fahrenheit.

SEC. ___5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 1652. Mr. HAGEL (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, add the following:

SEC. 2___. TRAFFIC SIGNAL COORDINATION.

(a) IN GENERAL.—Of funds made available to carry out this Act, the Secretary shall use not less than $2,000,000 to carry out, through the Clean Cities Program established under sections 404, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256), a program for traffic signal coordination.

(b) REQUIREMENT.—The Secretary shall ensure that any activity under the program under subsection (a) shall be carried out by a certified civil engineer with experience relating to traffic patterns, signals, and congestion.

(c) ACTION BY STATE AND LOCAL GOVERNMENTS.—

(1) REPORT.—Each unit of State or local government that receives funds from the Secretary to carry out an activity under the program under subsection (a) shall submit to the Secretary a report describing the quantity of fuel savings of the State as a result of the activity—

(A) by not later than 3 years after the date on which the State receives the funds; and

(B) every 3 years thereafter.

(2) TREATMENT OF EMISSION REDUCTIONS.—Any emission reductions due to fuel savings in a State as a result of an activity under the program under subsection (a) shall be taken into account with respect to the State implementation plan of the State under the Clean Air Act (42 U.S.C. 7401 et seq.), regardless of whether the activity is part of a transportation implementation plan of the State.

SA 1653. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. STUDY OF INDUSTRIAL APPLICATIONS OF CARBON DIOXIDE.

The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of uses (including industrial applications) for captured carbon dioxide, other than sequestration, enhanced oil recovery, or carbon trading.

SA 1654. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. COAL-TO-LIQUID AND GAS-TO-LIQUID TECHNOLOGIES.

(a) FINDINGS.—Congress finds that—

(1) coal-to-liquid and gas-to-liquid technologies are mature, known technologies that are used around the world;

(2) with sizable coal reserves, the United States is ideally suited for the use of coal-to-liquid and gas-to-liquid technologies to produce alternatives for petroleum products; and

(3) it is in the best interest of the national security of the United States to develop and commercialize a synthetic fuels industry.

(b) COAL-TO-LIQUID AND GAS-TO-LIQUID FACILITIES LOAN GUARANTEE PROGRAM.—

(1) AMOUNT.—Section 1702(c) of the Energy Policy Act of 2005 (42 U.S.C. 16512(c)) is amended—

(A) by striking "Unless" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), unless"; and

(B) by adding at the end the following:

"(2) EXCEPTION.—The amount of a loan guarantee provided under this title for a project described in section 1703(b)(11) shall be not more than the lesser of—

"(A) 50 percent of the project cost of the facility that is the subject of the guarantee, as estimated at the time at which the guarantee is issued; or

"(B) $100,000,000.".

(2) ELIGIBLE PROJECTS.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C.

16513(b)) is amended by adding at the end the following:

"(11) Coal-to-liquid and gas-to-liquid facilities that produce not less than 150,000,000 gallons of liquid transportation fuel per year.".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

"(c) COAL-TO-LIQUID AND GAS-TO-LIQUID PROJECTS.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving coal-to-liquid and gas-to-liquid facilities under section 1703(b)(11).".

(c) DEPARTMENT OF DEFENSE REQUIREMENTS FOR UTILIZATION OF COAL-TO-LIQUID OR GAS-TO-LIQUID FUEL IN MILITARY AIRCRAFT.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2263. Fuel: minimum requirements for utilization of coal-to-liquid or gas-to-liquid fuel

"(a) IN GENERAL.—Of the total amount of fuel utilized by the Department of Defense in a calendar year, the percentage of such fuel that is coal-to-liquid fuel, gas-to-liquid fuel, or both shall be the percentage as follows:

"(1) In the first applicable utilization year, 5 percent.

"(2) Except as provided in subsection (c), in any year after the first applicable utilization year, a percentage that is 5 greater than the percentage of utilization in the preceding year under this section.

"(b) FIRST APPLICABLE UTILIZATION YEAR.—For purposes of subsection (a)(1), the first applicable utilization year for coal-to-liquid fuel and gas-to-liquid fuel shall be the earlier of the following:

"(1) The first calendar year after the Secretary Defense certifies to Congress that at least 50 percent of the aircraft fleet of the Department has the proven capability to utilize coal-to-liquid fuel or gas-to-liquid fuel without—

"(A) any adverse effect on the aircraft engines of such fleet;

"(B) any adverse effect on the overall performance of the aircraft; and

"(C) any adverse effect on health and safety of the aircrew, passengers, and maintenance crew.

"(2) 2017.

"(c) EXCEPTION.—If as of December 31 of any year in which subsection (a) is in effect the average price of crude petroleum (as determined by the Secretary of Energy in 2007 constant dollars) is less then $40 per barrel, paragraph (2) of that subsection shall not be operative in the next succeeding year.

"(d) MAXIMUM PERCENTAGE.—

"(1) The maximum percentage of the fuel utilized by the Department that is required by this section to be coal-to-liquid fuel, gas-to-liquid fuel, or both is 50 percent.

"(2) Nothing in paragraph (1) shall be construed to limit the percentage of fuel utilized by the Department that is coal-to-liquid fuel or gas-to-liquid fuel.".

(2) CLERICAL AMENDMENT.—The table of section at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"Sec. 2263. Fuel: minimum requirements for utilization of coal-to-liquid or gas-to-liquid fuel.".

(d) COMMERCIAL AIRCRAFT STUDY.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Administrator of the Federal Aviation Administration, shall conduct a study on commercial style aircraft engines and airframes to determine the quantity of fuel produced using coal-to-liquid or gas-to-liquid technology that may be used without compromising health, safety, or the longevity of the engines and airframes, including an analysis of any environmental benefits from using the fuel.

(2) REPORT.—Not later than 180 days after the date of the completion of the study under paragraph (1), the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretary of Energy.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 21, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on law enforcement in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, June 26, 2007, at 10 a.m., to conduct a hearing to receive testimony on Smithsonian Institution governance reform and a report by the Smithsonian's Independent Review Committee.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a roundtable entitled "SBA Reauthorization: Small Business Venture Capital Programs," on Thursday, June 21, 2007, at 10 a.m., in room 428A of the Russell Senate Office Building.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold 2 days of hearings entitled "Excessive Speculation in the Natural Gas Markets." The subcommittee's hearing will examine the reasons for the extreme price levels and volatility in the natural gas futures markets in 2006 and how excessive speculation by a single hedge fund, Amaranth LLC, dominated the natural gas market and distorted natural gas futures prices. The hearing also will examine the extent to which excessive speculative trading on unregulated energy exchanges contributed to the price distortions, and the need for statutory and regulatory changes to prevent manipulation and excessive speculation on unregulated exchanges from detrimentally affecting energy prices. Witnesses for the upcoming hearing will include a Counsel to the Permanent Subcommittee on Investigations who will present a report on the subcommittee's year-long investigation, Amaranth, the Commodity Futures Trading Commission, the Intercontinental Exchange, the New York Mercantile Exchange, natural gas users, and academics. A final witness list for the June 25 hearing will be available on Friday, June 22, 2007. A final witness list for the July 9 hearing will be available on Friday, July 6, 2007.

The subcommittee hearings are scheduled for Monday, June 25, 2007, at 11 a.m., in room 106 of the Dirksen Senate Office Building, and Monday, July 9, 2007, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224–9505.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 110th Congress: Senator RICHARD LUGAR of Indiana, Senator JOHN WARNER of Virginia, Senator JEFF SESSIONS of Alabama, Senator PETE DOMENICI of New Mexico, Senator BOB CORKER of Tennessee.

AMENDING SENATE RESOLUTION 458

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 238, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 238) amending Senate Resolution 458 (98th Congress) to allow the Secretary of the Senate to adjust the salaries of employees who are placed on the payroll of the Senate, under the direction of the Secretary, as a result of the death or resignation of a Senator.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 238) was agreed to, as follows:

S. RES. 238

Resolved, That (a) subsection (a)(1) of the first section of Senate Resolution 458 (98th Congress) is amended by inserting after "respective salaries" the following: ", unless adjusted by the Secretary of the Senate with the approval of the Senate Committee on Rules and Administration,".

(b) The amendment made by subsection (a) shall take effect January 1, 2007.

MEASURE READ THE FIRST TIME—S. 1639

Mr. BINGAMAN. Mr. President, I understand that S. 1639, introduced earlier today by Senators KENNEDY and SPECTER, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Mr. BINGAMAN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, JUNE 19, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, June 19; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes, and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that upon the close of morning business, the Senate resume consideration of H.R. 6, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BINGAMAN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Tuesday, June 19, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 2007:

DEPARTMENT OF TRANSPORTATION

PAUL R. BRUBAKER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE ASHOK G. KAVEESHWAR, RESIGNED.

DEPARTMENT OF STATE

NANCY GOODMAN BRINKER, OF FLORIDA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE, VICE DONALD BURNHAM ENSENAT, RESIGNED.

EUNICE S. REDDICK, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DEPARTMENT OF LABOR

DAVID W. JAMES, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE RANDOLPH JAMES CLERIHUE.

DEPARTMENT OF COMMERCE

STEVEN H. MURDOCK, OF TEXAS, TO BE DIRECTOR OF THE CENSUS, VICE LOUIS KINCANNON.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD C. WURSTER, 1815

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MICHAEL D. AKEY, 2758
BRIGADIER GENERAL MICHAEL G. BRANDT, 5080
BRIGADIER GENERAL RICHARD H. CLEVENGER, 3395
BRIGADIER GENERAL CYNTHIA N. KIRKLAND, 3880
BRIGADIER GENERAL DUANE J. LODRIGE, 8683
BRIGADIER GENERAL PATRICK J. MOISIO, 4550
BRIGADIER GENERAL CHARLES A. MORGAN III, 9002
BRIGADIER GENERAL DANIEL B. O'HOLLAREN, 9443
BRIGADIER GENERAL PETER S. PAWLING, 2613
BRIGADIER GENERAL WILLIAM M. SCHUESSLER, 4670
BRIGADIER GENERAL HAYWOOD R. STARLING, JR., 5897
BRIGADIER GENERAL RAYMOND L. WEBSTER, 8145

To be brigadier general

COLONEL MAURICE T. BROCK, 4316
COLONEL JIM C. CHOW, 5643
COLONEL MICHAEL G. COLANGELO, 7498
COLONEL BARRY K. COLN, 9046
COLONEL STEVEN A. CRAY, 0543
COLONEL JAMES D. DEMERITT, 6715
COLONEL MATTHEW J. DZIALO, 0982
COLONEL TRULAN A. EYRE, 5649
COLONEL JON F. FAGO, 3355
COLONEL WILLIAM S. HADAWAY III, 6437
COLONEL SAMUEL C. HEADY, 2267
COLONEL JOHN P. HUGHES, 1068
COLONEL MARK R. JOHNSON, 3950
COLONEL PATRICK L. MARTIN, 9994
COLONEL RICHARD A. MITCHELL, 1179
COLONEL JOHN F. NICHOLS, 5335
COLONEL GRADY L. PATTERSON III, 1791
COLONEL GEORGE E. PIGEON, 3194
COLONEL WILLIAM N. REDDELL III, 9147
COLONEL HAROLD E. REED, 4539
COLONEL LEON S. RICE, 1235
COLONEL ALPHONSE J. STEPHENSON, 1248
COLONEL ERIC W. VOLLMECKE, 2843
COLONEL ERIC G. WELLER, 2274

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. GARDNER, 1994

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT B. ABRAMS, 0429
COLONEL RALPH O. BAKER, 1784
COLONEL ALLEN W. BATSCHELET, 3064
COLONEL PETER C. BAYER, JR., 4267
COLONEL ARNOLD N.G. BRAY, 2301
COLONEL JEFFREY S. BUCHANAN, 2774
COLONEL ROBERT A. CARR, 8041
COLONEL GARY H. CHEEK, 5138
COLONEL KENDALL P. COX, 8942
COLONEL WILLIAM T. CROSBY, 8622
COLONEL ANTHONY G. CRUTCHFIELD, 9770
COLONEL JOSEPH P. DISALVO, 9884
COLONEL BRIAN J. DONAHUE, 0140
COLONEL PATRICK J. DONAHUE II, 6240
COLONEL PETER N. FULLER, 3244
COLONEL WILLIAM K. FULLER, 4797
COLONEL WALTER M. GOLDEN, JR., 3792
COLONEL PATRICK M. HIGGINS, 6649
COLONEL FREDERICK B. HODGES, 7686
COLONEL BRIAN R. LAYER, 6190
COLONEL RICHARD C. LONGO, 4173
COLONEL ALAN R. LYNN, 8649
COLONEL DAVID L. MANN, 8247
COLONEL LLOYD MILES, 7819
COLONEL MARK A. MILLEY, 6104
COLONEL JOHN W. NICHOLSON, JR., 6582
COLONEL HENRY J. NOWAK, 8712
COLONEL RAYMOND P. PALUMBO, 9347
COLONEL GARY S. PATTON, 6191
COLONEL MARK W. PERRIN, 7150
COLONEL WILLIAM E. RAPP, 4511
COLONEL THOMAS J. RICHARDSON, 5539
COLONEL STEVEN L. SALAZAR, 0710
COLONEL DAVID A. TEEPLES, 1729
COLONEL RAYMOND A. THOMAS III, 0142
COLONEL PAUL L. WENTZ, 3661
COLONEL LARRY D. WYCHE, 9416

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ALICE A. HALE, 9587

To be major

NATALIE A. JAGIELLA, 3920

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ANNE M. BEAUDOIN, 6730
CRAIG A. MYRMEL, 9375

To be major

CALVIN M. KANEMARU, 6144
LAUREN E. KITCHENS, 4017
SAMUEL B. MUNRO, 3149
JUSTINA U. PAULINO, 4541

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BIRGET BATISTE, 3681

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JAMES P. HOUSTON, 5536

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN C. LOOSE, JR., 3475

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRUCE BUBLICK, 0487
JAMES MADDEN, 9267

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JACKIE L. BYAS, 3283
WILLIAM R. CLARK, 3883

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JEFFREY R. KEIM, 0119
RICHARD C. RUCK, 5565

To be major

STAN ROWICKI, 8296

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

PHILIP A. HORTON, 0288

To be major

JOHN S. COLE, 3347
CHAD A. EICHER, 8015
TUNG M. HA, 0215
ERIC D. MARTIN, 4745
MATTHEW D. MCDONALD, 2408
CHRISTOPHER NEWTON, 9596
KIRK S. RUSSELL, 8088
PATRICIA YOUNG, 9252

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BERNADINE F. PELETZFOX, 0166

To be major

DAMION D. GILDAY, 4855
SUSAN P. STATTMILLER, 1492

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

JEFFERY H. ALLEN, 9508
THOMAS E. BROWN, SR., 3406
TROY B. CHAPPELL, 1565
MATTHEW L. DANA, 5342
GREGORY P. FISCHER, 3894
DANIEL L. GARDNER, 5947
MICHAEL B. HOLMES, 4687
GARY E. HUFFMAN, 8675
ANTHONY N. KANELLIS, 0656
THOMAS J. LINEK, 6846
CAROLYN G. LOTT, 6070
CLARK W. MURFF, 7375
PHILIP T. PUGLIESE, 0489
GARY R. RUSS, 7347
VICTOR H. STEPHENSON, 0103
BOBBY C. THORNTON, 0446

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DIRK R. KLOSS, 3913
MICHAEL E. MONTOYA, 1784
ROBERT G. MOSER, 5896
MARK C. STRONG, 7269

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

DAVID M. GRIFFITH, 9133
PAUL A. HAVELES, 8048
CURTIS M. HELLENBRAND, 9780
GEORGE P. MAUGHAN, 6514
RICHARD L. OTT, 1042
JOSEPH THOMPSON, 6900

To be lieutenant colonel

JOHN ABRUSCATO, 8326
PHIL L. AUBEL, 1521
MICHAEL K. BEANS, 4123
ROBERT T. BEIDLEMAN, 3126
JOSHUA P. BERISFORD, 1147
JOSEPH C. BIGGERS, 6958
CARLOS BLANCHARD, 8525
TYLER L. BOSCO, 2031
ROBERT M. BURTON, 8908
REBECCA CARTER, 1636
RICHARD A. CHALOUPKA, 9544
CHARLES J. CLAYTON, 3069
MARK W. CRUMPTON, 4046
ANN M. DALKIEWICZ, 7572
JEFFREY J. DANTONIO, 1482
LEONARD E. DRAVES, 7044
GARY M. ELLIOTT, 9887
FRANCIS V. FRAZIER, 9568
MICHAEL B. FRAZIER, 3544
ROBERT D. FRUM, 1091
FRANK E. GRAY, 8584
JAMES W. GRAY, 8783
KEVIN A. GREGORY, 1193
JAY A. HAMMER, 0306
DANIEL J. HAVEMAN, 3817
LUCIA M. HEUGH, 1606
JAMES W. HICKS, 6647
GARY L. HILL, 4221
JEFFERY A. HOLLAMON, 7620
DAVID J. HOTOP, 8007
DONALD C. HOUK, 0929
MARK HUNTER, 2320
JAY W. INMAN, 3209
AURELIA L. JETER, 1660
WILLIAM S. JONES, 8403
MARTHA E. KIENE, 3350
GUIFFRE J. KILGREN, 7620
JOHN D. KOCH, 9304
ADAM J. LAMAR, 2762
JAMES M. LINDLEY, 7222
ROBERT S. LYMAN, 4234
SHAWN P. MAHANA, 5232
HUGH R. MCNEELY, 9600
MATTHEW B. MEDNICK, 7794
WILL G. MERRILL, 8004
RANDOLPH MOFFAT, 1553
MARIA A. MORENO, 6207
SCOTT S. NAELITZ, 0548
MICHAEL R. NELSON, 9260
ROBERT R. NIEVES, 0255
MICHAEL A. OFFE, 4072
MICHAEL T. OHALPIN, 4662
ROGER L. PASCHALL, 9968
ANDREW PETRETTI, 1879
BASIL A. PIAZZA, 6533
WILLIAM C. PRAY, 5861
CHRISTIAN G. PRESCOTT, 7479
MICKEL A. SAWYER, 1266
GLORN I. SINE, 4660
DAVID F. SMITH, 2839
ANTHONY D. TAYLOR, 7045
SANDRA A. TOOMEY, 9609
RICHARD D. VINAS, 0925
JAMES D. WALLACE, 8901
WALTER W. WHEELER, 0853
SCOTT R. WILD, 5808
SCOTT W. WILDE, 3542
JAMES D. WOOD, 4244

To be major

SHAFFIR ALIKHAN, 6528
MATTHEW S. ALLISON, 9820
FAYE W. ANTHONY, 6349
BETHANY C. ARAGON, 4379
DAVID D. ARVIK, 8272
TODD A. AULD, 9954
SCOTT H. BAILEY, 3961
LEON J. BATIE, 6389
SAMUEL L. BATTAGLIA, 5521
JAMES E. BEAN, 3975
CRAIG J. BONDRA, 1733
JAMES E. BONO, 5216
DENA M. BRAEGER, 3511
STEVEN E. BREWER, 9645
WILLIAM J. BRODHEAD, 1078
WILLIE E. BROWN, 2768
TERRENCE H. BUCKEYE, 6858
CHRIS A. BUCKNER, 5446
KAREL A. BUTLER, 1956
TYLER G. CANTER, 0645
JAMES F. CARLISLE, 4998
ROGER C. CASTRO, 0716
KEVIN E. CLARK, 1880
CHRISTOPHER L. COLEMAN, 7411
ASHLEY D. COMBS, 7941
CHRISTOPHER M. CRAWFORD, 0915
WILLIAM M. CUNNINGHAM, 2092
ANDREW J. DEATON, 4259
CORY J. DELGER, 1478
CHRISTOPHER D. DRINKARD, 8048
WILLIAM H. DUNBAR, 8621
DANIEL J. DUNCAN, 1349
LEONARD J. ERAZOSLOAT, 5359
ALETA ESCOTO, 4937
JAMIE GARCIA, 1093
LISA A. GARCIA, 7006
DOUGLAS F. GIBSON, 3333
JEFFREY R. GOLDBERG, 7878
JEANETTE H. GRIFFIN, 9876
JERRY D. HALLMAN, 2986
DANIEL C. HART, 1937
STEVEN T. HAYDEN, 7031
DAVID J. HAYES, 9424
TWYLLA W. HENRY, 9896
WILLIAM H. HOGE, 3533
KENNETH V. HOLSHOUSER, 4289
LAWRENCE P. HOUSE, 6053
ALANA L. JACKSON, 9288
DONALD F. JEAN, 4504
PETER W. JENKINS, 0588
EDWARD J. JOHNSON, 1844
MARGARET M. KAGELEIRY, 4251
RHONDA L. KEISTER, 7593
RUTH A. KEITH, 9769
YON C. KIMBLE, 7909
RYAN R. KING, 5869
MICHAEL K. KOLB, 4895
ARNETTA L. LAWRENCE, 2833
JOSEPH P. LUONGO, 0249
CARL W. MAROTTO, 8461
ANDREW F. MCCONNELL, 8884
GEORGE J. MEKIS, 2805
MATTHEW T. MORGAN, 3700
KURT A. MUELLER, 9396
JEREMY S. MUSHTARE, 4302
JOHN B. NALLS, 9756
JEFFREY J. NERONE, 2457
CHRISTOPHER E. NIX, 8730
ROBERT J. OBRIEN, 6790
DANIEL L. PALMER, 8199
LARRY A. PARKS, 5634
KEVIN J. PARRISH, 9993
JEAN M. PERRY, 6457
DAVID W. PINKSTON, 7247
RANDALL S. PITCHER, 8584
GROVER W. PRICE, 2822
AMY H. REESE, 5514
CHRISTOPHER G. REID, 4099
HAROLD J. RIDER, 5108
ANDREW J. RIMAR, 8400
SIDNEY D. ROSENQUIST, 0942
JERMAIN R. SABBATT, 4980
RICHARD C. SANTIAGO, 4234
MICHAEL G. SHANDS, 1026
NICHOLAS R. SIMONTIS, 9203
JAY B. SMITH, 5286
DENNIS R. SWANSON, 6342
BRIAN H. TAYLOR, 8823
MICHAEL A. TAYLOR, 6882
ANDREW L. TURNER, 6442
ANDREW A. VINCENT, 8339
MARY C. VOWELL, 1986
BRIAN L. WALLACE, 4492
TERRY L. WESCOTT, 9656
BRIAN A. WICKENS, 7110
ANTHONY D. WILCHER, 4508
DAVID E. WILLIAMS, 2285
JAMES WILLS, 1850
BRIAN N. WITCHER, 1238

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

CARLOS E. GOMEZ-SANCHEZ, 2507

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOTT F. ADAMS, 1499
EUGENE J. AGER, 9423
JAMES D. ALGER II, 7976
ERIK M. ANDERSON, 7910
RUSSELL J. ARIZA, 7776
JAMES L. AUTREY, 4596
HERMAN T. K. AWAI, 1879
LEON R. BACON, 9568
CHARLES E. BAKER III, 9506
EDWARD J. BARON II, 6605
MARTIN A. BECK, 2830
EUGENE H. BLACK III, 6874
MARK E. BLACK, 2717
LUIS A. BOTICARIO, 4709
KENNETH J. BOWEN II, 8822
STEPHEN G. BOWEN, 8349
ROBERT D. BOYER, 3276
DONALD H. B. BRASWELL, 1094
JOHN A. BREAST, 6617
PETER J. BRENNAN, 4484
CARL F. BUSH, 0131
BRETT W. CALKINS, 1616
SEAN C. CANNON, 4813
REGGIE P. CARPENTER, 5806
FRANK CATTANI, 7385
DANIEL S. CAVE, 5185
DAVID A. CHASE, 5639
JAMES C. CHILDS, 2750
RICHARD L. CLEMMONS, JR., 6689
DOUGLAS F. COCHRANE, 2728
MICHAEL K. COCKEY, 1561
SCOTT D. CONN, 5706
SCOTT P. COOLEDGE, 5259
BRIAN K. COREY, 9976
RICHARD A. CORRELL, 2403
ROBERT E. COSGRIFF, 5156
GREGORY H. CREWSE, 5498
DONALD R. CUDDINGTON, JR., 4482
ROBERT L. DAIN, 5280
MARC H. DALTON, 6969
MATTHEW W. DANEHY, 0037
EDWARD J. DANGELO, 0528
JEFFREY D. DAVILA, 5847
JEFFREY A. DAVIS, 4717
MARK E. DAVIS, 1905
JOHN D. DEEHR, 0758
PETER C. DEMANE, 2924
CARL J. DENI, 0966
BRUCE A. DERENSKI, 5638
DOMINIC DESCISCIOLO, 6367
ROBERT B. DISHMAN, 7335
JOHN R. DIXON, 5505
JAMES S. DONNELLY, 2573
FRANCIS W. DORIS, 2175
ROBERT I. DOUGLASS, 1391
PETER M. DRISCOLL, 1720
TIMOTHY J. DUENING, 8591
JOHN G. EDEN, 2874
PAUL T. ESSIG, JR., 4890
STEPHEN C. EVANS, 3463
STEVEN Y. FAGGERT, 7531
JON R. FAHS, JR., 1687
GREGORY J. FENTON, 6886
THOMAS J. FITZGERALD IV, 7086
HUGH M. FLANAGAN, JR., 9025
KEVIN P. FLANAGAN, 1001
PAUL E. FLOOD, 6056
ROBERT G. FOGG, 0215
MICHAEL J. FORD, 9689
GARY H. FOSTER, 9251
RICHARD N. FOX, 3631
STEPHEN N. FRICK, 0457

DAVID G. FRY, 7979
AMOS M. GALLAGHER, 4600
BERNARD M. GATELY, JR., 6196
SEAN P. GEANEY, 2992
CURTIS J. GILBERT, 0297
KERRY S. GILPIN, 4500
ROBERT P. GONZALES, 5220
COLLIN P. GREEN, 8968
DANIEL C. GRIECO, 5277
JEFFREY T. GRIFFIN, 8885
JOHN P. GRIFFIN, 9616
CLAYTON A. GRINDLE, JR., 9544
STEPHEN P. GRZESZCZAK III, 2502
HARVEY L. GUFFEY, JR., 7606
STEVEN M. GUILIANI, 8526
ROBERT V. GUSENTINE, 4541
ADAM J. GUZIEWICZ, 5827
GERARD W. HALL, 0776
PETER HALL, 7046
CHRISTOPHER H. HALTON, 0228
JAMES C. HAMBLET, 1445
GARY R. HANSEN, 2169
JONATHAN L. HARNDEN, JR., 2194
MARK W. HARRIS, 0901
JEFFREY S. HAUPT, 3865
PETER D. HAYNES, 1508
DOUGLAS E. HEADY, 1486
JOHN P. HEATHERINGTON, 8802
JAMES A. HILDEBRAND, 8639
KEVIN C. HILL, 9681
PAUL D. HILL, 5671
JAMES H. HINELINE III, 1471
JAMES B. HOKE, 9810
ERIC C. HOLLOWAY, 2662
MICHAEL D. HORAN, 9018
CAROL A. HOTTENROTT, 1123
JAMES J. HOUSINGER, 9122
TRACY L. HOWARD, 3080
BRIAN T. HOWES, 9842
MARK M. HUBER, 1124
FRANK E. HUGHLETT, 8478
ERIC S. IRWIN, 5998
ROBERT V. JAMES III, 5612
JOSEPH G. JERAULD, 4396
GREGORY J. JOHNSTON, 5161
DEVON JONES, 9645
LOGAN S. JONES, 7131
MORGAN B. JONES, 2549
WERNER H. JURINKA, 2039
RAYMOND F. KELEDEI, 9888
MARK E. KELLY, 2648
SCOTT J. KELLY, 2651
JAMES W. KILBY, 0135
DAVID W. KIRK, 5199
KENNETH C. KLOTHE, 0496
BRIAN M. KOCHER, 8291
STEPHEN T. KOEHLER, 8927
THOMAS G. KOLLIE, JR., 7463
KENNETH A. KROGMAN, 0631
RICHARD A. LABRANCHE, 7881
KIMO K. LEE, 7217
MELVIN E. LEE, 2125
PATRICK A. LEFERE, 3207
DAVID A. LEMEK, 7164
JOSEPH J. LEONARD, 0119
YANCY B. LINDSEY, 6174
SHAWN W. LOBREE, 8913
LEONARD R. LOUGHRAN, 5067
MICHAEL D. LUMPKIN, 4375
CHARLES E. LUTTRELL, 1989
PAUL S. MACKLEY, 9782
JEFFREY D. MACLAY, 8288
JOHN MALFITANO, 2445
DOUGLAS A. MALIN, 3899
JAMES J. MALLOY, 7077
MARK S. MANFREDI, 5947
KEVIN MANNIX, 1635
BRADLEY W. MARGESON, 8620
ROBERT L. MASON, 3612
DAVID A. MAYO, 3283
THOMAS F. MCGOVERN, 7877
BRYANGERARD MCGRATH, 8431
JAMES J. MCHUGH IV, 4067
PAUL P. MCKEON, 8354
BRADLEY R. MCKINNEY, 4706
MARK A. MCLAUGHLIN, 9560
PHILIP G. MCLAUGHLIN, 2961
DEIDRE L. MCLAY, 8850
TIMOTHY R. MCMAHON, 5756
KEVIN G. MEENAGHAN, 1389
JOHN F. MEIER, 5517
ERIC G. MERRILL, 5063
WILLIAM R. MERZ, 6610
FRANK J. MICHAEL III, 5249
DOUGLAS W. MIKATARIAN, 6251
PETER W. MILLER, 9891
WILLIAM C. MINTER, 6858
PATRICK A. MOLENDA, 3010
NICHOLAS MONGILLO, 9655
STEVEN A. MUCKLOW, 2844
ELMER E. NAGMA, 2780
MICHAEL K. NAPOLITANO, 6239
DOUGLAS M. NASHOLD, 8012
WILLIAM J. NAULT, 0925
BRIAN C. NICKERSON, 6406
WILLIAM C. NOLL, 9484
GEORGE P. NORMAN, 5039
SAMUEL R. M. NORTON, 8316
DAVID A. OGBURN, 3327
FRANK J. OLMO, 8540
DAVID A. OWEN, 7670
PETER PAGANO, 9340
ROBERT E. PALISIN II, 0804
KENT A. PARO, 5019
THOMAS L. PECK, 7883
JOHN C. PETERSCHMIDT, 5743
CURTIS G. PHILLIPS, 0816
BRETT M. PIERSON, 1014
JAMES E. PITTS, 3887
CHRISTOPHER W. PLUMMER, 6794
ALAN G. POINDEXTER, 4173
RICKS W. POLK, 9771
CEDRIC E. PRINGLE, 7661
RINDA K. RANCH, 4625
DANIEL G. RIECK, 1620
KENNETH C. RITTER, 8916
NANNETTE S. ROBERTS, 2719
STANLEY M. ROBERTSON, 4453
JOHN R. RODRIGUEZ, 0677
RICHARD A. ROGERS, 1240
S. R. ROTH, 1515
JOHN K. RUSS, 1427
JEFFREY S. RUTH, 7938
MARK T. SAKAGUCHI, 8861
MICHAEL R. SAUNDERS, 0484
SAMUEL D. SCHICK, 2383
BRUCE W. SCHNEIDER, 3436
JOHN J. SCHNEIDER, 7436
JOHNNY L. SCHULTZ, 3471
MARK H. SCOVILL, 9571
LORIN C. SELBY, 8711
MICHAEL W. SELBY, 1559
JAY D. SHAFFER, 7859
JOHN C. SHAUB, 8064
CHRISTOPHER L. SHAY, 9554
DAVID J. SHERIDAN, 0908
PAUL J. SHOCK, 3150
WILLIAM R. SILKMAN, JR., 4240
THOMAS W. SITSCH, 5522
JOHN B. SKILLMAN, 0232
BRADLEY D. SKINNER, 6314
GEORGE H. SLOOK, 7870
GORDON B. SMITH, 1768
MICHAEL D. SMITH, 2504
BRIAN A. SOLO, 9747
TIMOTHY B. SPRATTO, 9058
JOSEPH K. SULLIVAN, 9087
STEVEN A. SWITTEL, 4212
MICHAEL T. TALAGA, 8575
KEITH T. TAYLOR, 1392
RICHARD J. TESTYON, 6259
KARL O. THOMAS, 4752
CARL T. TISKA, 1324
JEFFREY L. TRENT, 3810
JOHN M. UHL, 8938
RODNEY M. URBANO, 5574
PHILIP W. VANCE, 8444
MICHAEL G. VANDURICK, 0527
ACE E. VANWAGONER, 6674
IAN V. VATET, 2503
TODD G. VEAZIE, 8730
JOSEPH P. VOBORIL, 8487
WILLIAM T. WAGNER, 1653
MICHAEL S. WALLACE, 7549
PATRICK M. WALSH, 6088
NORMAN E. WEAKLAND, 8409
RICHARD W. WEATHERS, 3158
JAMES D. WEBB, 7252
MICHAEL A. WETTLAUFER, 4785
DENNIS B. WHITE, 5292
ANDREW C. WILDE, 4102
RINEHART M. WILKE IV, 2788
WADE F. WILKENSON, 9558
BARRY E. WILMORE, 9156
JESSE A. WILSON, JR., 7337
ROBERT C. WILSON, 2473
TIMOTHY M. WILSON, 3261
WILLIAM W. WILSON, 8730
STEPHEN WISOTZKI, 2170
JEFFREY S. WOLSTENHOLME, 4031
STEPHANIE L. WRIGHT, 3315
CRAIG W. YAGER, 7692
PERRY D. YAW, 0472
JOHN S. ZAVADIL, 0804
LAWRENCE K. ZELVIN, 9393
WILLIAM A. ZIRZOW IV, 7385

HOUSE OF REPRESENTATIVES—*Monday, June 18, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

REGRETTABLE REMITTANCES

Mr. STEARNS. Madam Speaker, the immigration problem has been a topic of contentious debate for years now, with few results. The influx, both legal and illegal, of immigrants from Mexico to North America numbers at a minimum about 500,000 people a year. It is clear that the majority of these immigrants are coming to our country for the better wages to provide for their families. And this is the heart of the problem. The Mexican economy is continually stunted in its growth by fiscal mismanagement, corruption, and a perpetual dependence upon foreign aid and remittances. Mexico must make tough decisions and get its economy in shape. Until then, Madam Speaker, we will continue to face massive immigration from the south.

While we are painfully aware of the problems illegal immigration is causing our society, consider what it is doing to Mexico in the long run. The massive immigration is draining many villages across Mexico of their important labor pool. Families are separated while the husbands and fathers choose to cross our borders to get better lives for themselves and for their families. Mexico is slow in reforming their economic policies, in part perhaps because of the influx of money from the remittances from the United States that enables them to continue their unhealthy policies.

Let me explain. The money sent in the form of remittances amounted to about $23 billion in 2006, according to the Bank of Mexico, the country's central bank. That amount is up almost sevenfold in a dozen years. As that number has grown, the fee for remitting money has dropped from an average of about 9.2 percent in 1999 to just about 3 percent this year, according to Bancomer, a Mexican bank.

Sending money back to Mexico has become cheaper partly because the amounts have become bigger. It was about $290 on average 8 years ago, and now is up to over $350. More importantly, according to the Bank of Mexico, over 90 percent of remittances are now sent by electronic wire transfer compared with only 50 percent in 1995. In rural poor communities in Mexico, even the 3 percent transaction fee is a huge chunk cut out of a remittance check. That is why the Bank of Mexico and America's Federal Reserve are running a program called Directo a Mexico, or FedACH International Mexico Service, to cut the cost further for these folks.

In this program, people receive an overnight transfer from an American bank account to a Mexican one. The two central banks act as middlemen, taking a cut of about 67 cents no matter what the size of the transaction. According to Elizabeth McQuerry of the Federal Reserve, banks then typically charge $2.50 to $5 to transfer about $350. In total, this new program cuts the costs of remittances by at least half. In America, 200 banks are now signed up for this service compared with just six that signed up when it was initiated in 2004. So far, the program is just beginning, handling about 27,000 transactions a month. However, another point of serious concern is that about 26,000 of which are Social Security payments made by the American government to beneficiaries in Mexico.

One kink in the program was that most of Mexico's poor, who are often the intended recipients of the funds, do not have bank accounts to pay them into. So to ensure that these funds can still get to Mexico, they developed another program, run by Bansefi, a Mexican government bank, that allows people in America to open bank accounts for their relatives in Mexico. Their relatives can then use these accounts to withdraw the money deposited through the remittance program.

Madam Speaker, another question is, do the legal and illegal immigrants themselves have accounts to send money from? Statistics indicate as many as 70 percent do, according to a recent report by the Bank of Mexico. This is largely because hundreds of American banks, eager for deposits, will happily open accounts for people carrying only a Mexican consular identity card, rather than requiring official United States Government identification. This allows people without officially sanctioned rights to be in this country to send money out of it. As a result, the Mexican bank has seen rapid growth, with 3.4 million accounts now open, compared to just 850,000 in the year 2001.

If this trend continues, Madam Speaker, it will enable the Mexican government to continue to operate as it is today. Their economy will continue to stagnate, immigration will continue to bleed across our border, and the Mexican people will be caught in a downward spiral for generations to come.

Obviously another part of any immigration reform is making sure that U.S. banks only open accounts for persons who have legally sanctioned rights to be in this country and not illegal aliens.

HONORING LIEUTENANT GENERAL KEVIN J. SULLIVAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Utah (Mr. BISHOP) is recognized during morning-hour debate for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, it is with great pleasure that I stand to honor Lieutenant General Kevin J. Sullivan upon his promotion to Air Force Deputy Chief of Staff for Installations and Logistics.

Kevin Sullivan was born in Bridgeport, Connecticut, and grew up in an Air Force family. He married the former June Young, also from Connecticut. He is an alumnus of the University of Connecticut, and he and June are Husky fans through and through.

General Sullivan entered the Air Force and was commissioned through the Air Force ROTC program upon graduation. His first assignment took him in 1975 to England Air Force Base, Louisiana, as a weapons loading officer. He has since had assignments in the Philippines, North Dakota, Nebraska, here in Washington, Alabama, Germany, Utah, Ohio, Florida, and most recently a return engagement to Hill Air Force Base as Commander of the Ogden Air Logistics Center.

General Sullivan is the longest serving commander in the history of the Ogden ALC and he has led with superb application of financial, human and material resources during his tenure.

Despite living the itinerant life that is part and parcel of the Air Force, and despite his affection and affinity to his alma mater, we consider Kevin and June to be true Utahns, and we look forward to their future visits, official and not-so-official.

General Sullivan, please accept my heartfelt thanks for your outstanding leadership and stewardship at Hill Air Force Base during the past 4 years and my very best wishes upon your important new assignment. You exemplify the tradition of "Integrity first, Service before self, and Excellence in all we do" that is the hallmark of the United States Air Force.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Great Creator and Ruler of the universe, every creature of Yours quickens to a new day. Each in proper order gives You glory simply by its being. Every plant, animal and element lives according to its own unique pattern of life as beautiful, irregular or routine as that may be.

Only we, as Your people, with minds and hearts can spontaneously and consciously give You praise and thanks.

Outside our moments of prayer, we become focused on primal responsibilities. In doing so, Lord, we continue to give You glory by simply performing our work with dedication and wholehearted effort, by following Your holy inspiration and by keeping Your commands. Empower us with Your spirit, that we may fulfill Your law today, always trusting in Your promises.

To Your holy name be all honor and praise, forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Pursuant to 16 U.S.C. 431 note, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. MOORE, Kansas
Mr. BOSWELL, Iowa
Mr. THORNBERRY, Texas
Mr. MORAN, Kansas

IT'S STILL A BAD DEAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the "Grand Bargain" is what people are calling the new inclusive, comprehensive give-America-away immigration bill. Since it got nowhere in the Senate last week, Senators have returned to the back room and behind closed doors to come up with a "Greater Grand Bargain" than before. In other words, throw in something for the left, more family reunification for illegals, and something for the right, more border security promises, and this all done in an effort to get a deal, any deal, passed quickly. Of course, the underlying principle of this deal is if you are here illegally, you're going to get to stay.

Now, smart people on the left and the right say this is not amnesty. Of course they say it's not amnesty because these smart people know Americans are overwhelmingly opposed to amnesty. So they call it a reform.

Mr. Speaker, if 12 to 20 million people are on our land illegally, and shall I speak politically incorrect and call it trespassing, and if they pay some kickback fees to Uncle Sam but get to stay on our land, it's still amnesty.

So let's be honest. The new "Greater Grand Bargain" is a bargain for illegals, but a costly, bad deal for Americans.

And that's just the way it is.

RECOGNIZING ADMIRAL EDMUND GIAMBASTIANI

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in the coming months, the United States Navy will lose one of its greatest leaders. ADM Edmund P. Giambastiani, Jr., will retire as vice chairman of the Joint Chiefs of Staff in August of this year. Admiral Giambastiani has held this post since August 2005.

A native of Canastota, New York, Admiral Giambastiani graduated from the U.S. Naval Academy with leadership distinction in 1970. Admiral Giambastiani and his wife, Cindy, have two children, Pete and Cathy.

We are grateful to work closely with Pete, who serves as military legislative assistant to Congressman JEFF MILLER of Florida. Pete, an academy graduate and lieutenant in the Navy, followed proudly in his father's footsteps.

I appreciate Admiral Giambastiani, his family, and their service to the people of the United States.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING STAX RECORDS FOR ENRICHING THE NATION'S CULTURAL LIFE WITH "50 YEARS OF SOUL"

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) recognizing Stax Records for enriching the Nation's Cultural life with "50 years of soul," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 154

Whereas the origins of southern soul may be traced back to Memphis, Tennessee;

Whereas soul music integrates elements of gospel music and rhythm and blues;

Whereas soul music became a new genre of American music in the 1950's with Stax Records paving the way for soul recordings;

Whereas Stax Records of Memphis, Tennessee is an icon of the American recording industry;

Whereas Stax Records produced some of the earliest recordings by such soul music legends as Isaac Hayes, Otis Redding, the Staple Singers, Wilson Pickett, Luther Ingram, Albert King, the Bar-Kays, Booker T. and the M.G.'s, Johnnie Taylor, The Mar-Keys, Sam & Dave, B.B. King, Rufus and Carla Thomas, and many other artists whose work continues to exert a profound influence on popular music today;

Whereas Stax Records also produced important recordings by, among others, the Reverend Jesse Jackson, Bill Cosby, and Richard Pryor;

Whereas Memphis, Tennessee, over 5 decades as the epicenter of all genres of soul music, earned the moniker "Soulsville, USA";

Whereas the Royal Studio for the Hi Records label served as the birthplace of trailblazing soul artists Aretha Franklin, Al Green, and Maurice White of Earth, Wind, and Fire who also added to the depth of soul Memphis produced for the international music community;

Whereas in 2007 the Memphis Convention and Visitors Bureau, Concord Music Group/Stax Records, and the Soulsville Foundation will celebrate American soul music and the 50th anniversary of the founding of Stax Records through their "50 Years of Soul" celebration; and

Whereas the influence of soul music permeates some modern music art forms, including Contemporary R & B, and deepens American music history and the Nation's cultural life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the founding of Stax Records and its role in launching the careers of many legendary soul music artists;

(2) recognizes the important role Memphis, Tennessee played in immortalizing soul music; and

(3) recognizes the continuing contributions and influence of soul music to America's music history and cultural life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to recognize the influence of soul music on this Nation and the contributions of the city of Memphis, Tennessee, and Stax Records for enriching the Nation's cultural life with 50 years of soul.

Soul music became a new genre of American music in the 1950s and incorporates various types of music including gospel and rhythm and blues. The origins of Southern soul music can be traced back to Memphis, Tennessee, the home of Stax Records.

Stax Records produced some of the earliest recordings of soul music legends including Isaac Hayes, Otis Redding, and B.B. King. Over time, other important recordings were produced at their studios, including works from the Reverend Jesse Jackson, Bill Cosby and Richard Pryor.

Throughout 2007, the Memphis Convention and Visitors Bureau, Concord Music Group/Stax Records, and the Soulsville Foundation will celebrate American soul music and the 50th anniversary of the founding of Stax Records with an event titled "50 Years of Soul."

Mr. Speaker, soul music has greatly contributed to the music culture in our Nation and has a lasting influence on current art forms, such as contemporary rhythm and blues. I would like to thank the city of Memphis and Stax Records for their commitment to this inspirational music, and I encourage my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 154, recognizing Stax Records for enriching the Nation's cultural life with its 50 years of soul.

Stax Records is a name which is synonymous with Southern soul music. The record label began as Satellite Records in Memphis, Tennessee, in 1959. Founded by Jim Stewart, a former country fiddler, and Estelle Axton, the company had its first top 10 hit in 1961 with "Gee Whiz" by Carla Thomas. During the next few years, Stax developed a branch of music which was to have worldwide repercussions. With its house rhythm section, better known as Booker T. and the MGs, its tight horn section, which later became the Memphis Horns, and its gospel-rooted recording artists such as Otis Redding and Sam and Dave, Stax virtually created contemporary soul music.

The death of Otis Redding in 1967 signaled the end of the first Stax era, but it was soon to be revitalized with a successful new breed of Stax artists, including Isaac Hayes. In his own way, Hayes developed a unique blend, part jazz, part soul, part easy listening. He talked on his records in a mellow, bantering manner, and he used an orchestra in many ways to provide instrumental cushioning. In many ways, Hayes was a founding father of the sweet soul of the 1970s.

Stax's roster ran the gamut of black popular music. Albert King displayed his great personality, playing his guitar with a bluesy sense of urgency. The Staple Singers were at their artistic peak when they recorded for Stax during the late 1960s and early 1970s, turning out records that blended a utopian social vision with rhythmic excitement. The music behind these singers was more varied than in early days, and some of it was recorded outside Memphis, but the spirit of Stax was burning as brightly as ever.

The thing that made Stax go was teamwork; and when artists visited the studio, they could feel it. The halls were always full of people who seemed to be working furiously, dropping in on friends in their offices, or heading down to Studio A to check on the progress of a mixing session. The cooperation between white and black musicians and producers was practically unprecedented. Indeed, it was one of the secrets of the company's across-the-board success.

On August 20, 1972, the Stax label reached a pinnacle of success by representing a major concert, Wattstax, featuring performances by Stax recording artists and the humor of a rising young comedian named Richard Pryor. Known as the "Black Woodstock," Wattstax was hosted by Reverend Jesse Jackson and drew a crowd of over 10,000 attendees, most of them African American. Wattstax was filmed by motion picture director Mel Stuart, and a concert film of the event was released to theaters by Columbia Pictures in February 1973.

The influence of soul music permeates nearly all of today's modern music art forms and has deepened American music history and the Nation's cultural life. Today, we recognize the 50th anniversary of the founding of Stax Records and its role in launching the careers of many legendary soul music artists.

For these reasons, I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Tennessee (Mr. COHEN), the sponsor of the resolution.

Mr. COHEN. Mr. Speaker, I appreciate the opportunity to speak on Stax and 50 years of soul music that my hometown, Memphis, Tennessee, has provided this Nation. H. Res. 154 recognizes the rich history of Stax, its 50-year celebration.

Last Saturday in Memphis, we started what's called "Seven Days of Soul," honoring 7 days of soul, and while we're honoring 7 days of soul starting last Saturday, the rest of the year is just as good in Memphis. Every day is good in Memphis, and every day's really good on this Earth.

Soul music is a special part of American music, and I wish to quote from The Commercial Appeal, which did a special feature on Stax and soul this past week by Mr. Bob Negr. He quotes Peter Guralnick, great rock and roll raconteur, and he says, what soul music is is the story of blacks and whites together. It is the story of the complicated intertwinings of dirt-poor roots and middle-class dreams, aesthetic ambitions and social strivings, the anarchic impulse and the business ethic.

Guralnick, while not a Memphian, has been a great recounter of stories of Memphis music. He's done a lot with Elvis, and he's done a lot with Stax. And Memphis has got the roux that has made music what it's been in America.

At Sun Records, things came together, and Sam Phillips put them together there, and Rufus Thomas, a staple of Stax, recorded at Sun Records. That was a fusion of music, just as Stax and soul music is a fusion of rhythm and blues and gospel music.

Steve Cropper, one of the famous Booker T. and the MGs musicians and song writers, along with Duck Dunn, Booker T. Jones and the late Al Jackson, said, the main reason Stax was so singular and phenomenal was that we had no idea what we were doing. Kind of reminds you of Congress on occasion, like last week, but we had no idea what we were doing. I guess you'd say there was a kind of magic in not knowing, and that made it special.

As Cropper noted, everything that made Stax great was, at its essence, beautifully raw and largely untutored. Certainly, that kind of description makes so many things in America so great.

Mr. Speaker, what made Stax so great was it was a natural energy and it was a coming together of blacks and whites. The House band there was Booker T. and the MGs. Steve Copper and Duck Dunn are Caucasian, and Al Jackson and Booker T. Jones are African American. And they put out the music. They didn't put out white onions, they didn't put out red onions. They didn't put out yellow onions. They put out "Green Onions," and because of "Green Onions," the world rocks to a Memphis beat and Stax soul.

The Memphis Horns were two gentlemen, Andrew Love and Wayne Jackson, one black and one white. That's the story that Memphis had in music, and it's the story that Memphis and this country need to have to come together and move forward.

□ 1415

Stax is an embodiment of the American dream, the promised land, as Dr. King would call it. I am pleased the House considers this bill today, and welcome the gentleman from Arizona's manager's amendment which recognizes the important role that Memphis played in immortalizing the great genre of soul music at large.

Now at the site of the old Stax headquarters and studio on historic McLemore Avenue is the Stax Museum of American Soul Music. It is the world's only soul music museum. No matter what Detroit might say, Memphis has the world's only soul music museum, and you need to come to Memphis and visit the Stax Museum of American Soul Music. The many exhibits there include award-winning documentary film and an authentic 100-year-old Mississippi Delta church that was home to the gospel roots of soul music, original studio equipment, costumes, artwork and memorabilia intended to preserve the legacy of American soul music and its contributions worldwide.

Stax was founded in 1957, not on a specific day with a cornerstone laid by the masons, but generally in 1957. That's the way soul music was. There is not exactly a date for it. It's just kind of a thing that happened. It was Jim Stewart and his sister, Estelle Axton. Jim Stewart's last name, Stewart starts with S-t, and Ms. Axton's, Ax, together S-t-a-x. Stax Records came together with Jim Stewart and Estelle Axton. They put the Stax in Stax music.

Stax Records brought forth so many hits. Otis Redding, "(Sittin' on) The Dock of the Bay," and I have got to parenthetically relate a personal story. I was a freshman at Vanderbilt University one night when Otis Redding performed in the Bar-Kays. The Bar-Kays, a great instrumental group, "Soul Finger" was their big hit. Ben Cauley, James Alexander are the surviving members.

Two days after they performed at Vanderbilt, their plane crashed. Just as when the Big Bopper's plane crashed, soul music would have crashed. We lost great, great talents, Otis Redding and the Bar-Kays that night.

Fortunately, Mr. Cauley missed the plane and Mr. Alexander wasn't on it. But it was a night I will remember and all students at Vanderbilt will remember as well. We saw their next-to-last concert.

But Otis came to Memphis to do "(Sittin' on) The Dock of the Bay," the Staple Singers, "Respect Yourself," Sam & Dave, famed for "Hold On! I'm Comin," as well as "I'm a Soul Man," Gene Knight's "Mr. Big Stuff," so many instrumentals by Booker T. & the MGs; Eddie Floyd came to Memphis to do "Knock on Wood." Other great musicians performed there, the Mar-Keys and others.

It is fitting this resolution be considered this month of June, which is Black Music Month. Black Music Month recognizes the outstanding contributions African American singers have made to our Nation.

This Friday, June 22, the Memphis Orpheum Theatre will celebrate this occasion with a concert entitled "50 Years of Stax: A Concert to Benefit the Stax Museum of American Soul Music." Artists scheduled to perform at the event include such legendary talents as Isaac Hayes of "Shaft" fame, and one of the nicest human beings you would ever want to meet, and I have had that great fortune; Booker T. & the MGs, Eddie Floyd, William Bell Mavis Staples, the Soul Children and the Reddings will be honoring their father, the late legendary Otis Redding.

I am honored this resolution recognizes their talents, as well as such legendary artists as Aretha Franklin, who was born in Memphis; B.B. King; Albert King, no relation, but just as good at putting hot licks on those guitars; the Memphis Horns, Wayne Jackson & Andrew Love, Sam & Dave, the Mar-Keys; and even though not on Stax Records, Al Green and his legendary producer Willie Mitchell can't not be mentioned for all they did for Memphis music.

David Porter was a great songwriter. He'll be there too in the Stax Days. Stax Records was something special for Memphis and the country. It lives on through the museum, but it also lives on through now the Concord Music Group, which just announced the relaunch of Stax Records as a creative home for present-day soul stars such as Angie Stone, Soulive, Lalah Hathaway and Leon Ware who will be performing as well, and they will be joined along with other heritage artists such as Isaac Hayes to record on this label which has returned to its prominent place in Memphis and hopefully a prominent place in the charts.

It is a great honor and privilege that the House of Representatives would consider this bill today. I am thankful to have the opportunity to sponsor this legislation because of the great impact soul music has had on my life, the lives of my constituents, so many of us here in Congress and so many Americans.

Tomorrow is Juneteenth. Juneteenth is the anniversary of the last free emancipation of slaves. The word got to east Texas that the Emancipation Proclamation had been signed in 1863. It wasn't until 1865, June 19, the news got to Texas and all the slaves were freed. It's appropriate that in Black Music Month, during the celebration of Juneteenth and weekend before last, Middle Passage Weekend, when we celebrate the people who made their passage, and some were so brave that rather than put themselves into slavery as Jews at Masada in the same way gave up their lives rather than be enslaved that we honor Stax Records.

It's going to be a great night Friday night. We will remember our heritage in Memphis. We will remember our heritage in America. And we have a new future with a recording label, with Stax Records. I urge every one to be soulful, to listen to soul music and ask the House of Representatives to pass H. Res. 154.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I also want to thank the gentleman for yielding, and I want to commend my colleague, Representative COHEN, for introducing this resolution that talks about the impact of Stax Records. Although I am not from Memphis, but Memphis is essentially a part of the Delta, and I grew up in the Mississippi Delta, but in the State of Arkansas. So Memphis was always a part of where we were.

Then, of course, Chicago was the beneficiary of a great migration of African Americans who migrated from Mississippi, from Memphis. Memphis being the largest town in the area. Individuals would oftentimes leave their rural communities and first get to Memphis. Then after they got to Memphis and stayed for 2, 3 years, they would make their way to Saint Louis, or they would make their way to Chicago.

So we have a great affinity for the City of Memphis. It's almost like being home.

But also Stax knew where to find talent, and so they came to Chicago and found people like the Staple Singers, whose friends and associates took them out of the church and put them on a stage and a platform far beyond what they otherwise would have been able to do.

In addition to its music, Stax was also always seriously engaged and involved in what we called, especially during the 1960s and 1970s, the Civil Rights Movement, relative to putting on concerts to benefit events, activities, raise money for marches, demonstrations. So they were more than just purveyors of music. They were purveyors of music, but they were also part of the liberation movement, part of what those of us who grew up during the 1960s and 1970s call "the era of struggle."

So, again, I simply want to commend my colleague, and, of course, one of the Staple Singers, a young lady named Cynthia, used to actually work in the same organization that I worked in, and she was a member of the Staples family. The rest of the group, Pervis and Mavis and Pops, they were part of our community.

So I commend Stax. I also commend my colleague from Tennessee for taking the time to honor their tremendous contributions.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 154, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution recognizing the rich and resounding impact 50 years of Memphis-originating soul music has offered to American music history.".

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF ARIZONA WILDCATS FOR WINNING THE 2007 NCAA DIVISION I SOFTBALL CHAMPIONSHIP

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 475) congratulating the University of Arizona Wildcats for winning the 2007 National Collegiate Athletic Association Division I Softball Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 475

Whereas, on June 6, 2007, the University of Arizona Wildcats defeated the University of Tennessee Lady Volunteers to win the 2007 National Collegiate Athletic Association Division I Women's College World Series Softball Championship, their eighth such title since 1991;

Whereas Wildcats pitcher Taryne Mowatt set a College World Series record for most innings pitched, and was named the Most Valuable Player of the qualifying tournament;

Whereas Wildcats players Kristie Fox, Jenae Leles, and Caitlin Lowe were selected for the all-tournament team;

Whereas the Wildcats, after beginning the 2007 season with a losing record, completed the season with a 50–14–1 record; and

Whereas Wildcats coach Mike Candrea has taken the Wildcats to the College World Series 19 times in the last 20 years, winning eight College World Series titles: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Arizona Wildcats on their victory in the National Collegiate Athletic Association 2007 Division I Women's College World Series Softball Championship; and

(2) recognizes and commends the efforts of the University of Arizona Wildcats players, coaches, and support staff in achieving their victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I rise today to congratulate the University of Arizona Women's Softball Team on their eighth national championship. The Wildcats won their title June 6, 2007, giving them back-to-back championships over the University of Tennessee Lady Volunteers.

The road to the championship was not easy for the Wildcats. The Wildcats climbed out of the loser's bracket turning the tournament to face off in the best of three championship series against the Lady Volunteers of Tennessee. After losing the opener of the series, the Wildcats won the second game 1–0. The final game of the series was the most-viewed women's college game on television and was played in front of a sold-out audience. The game was 0–0 until the fifth inning, when the Wildcats scored five runs. Ms. Mowatt, the pitcher, continued to pitch a no-hitter, leading the Wildcats to their second title in a row.

For those of us that are alumni and have the pleasure of living in the community where the Wildcats Women's Softball Team has brought us great honor and prestige, know that the effort and the victories are due to great team effort. It's about teamwork, but there are individuals that must be acknowledged, and it begins with the head coach, Coach Candrea, who has taken the team to every one of their championship titles, in addition to leading the United States team to a Gold Medal in the 2004 Olympics.

Acknowledgment has to be extended to the pitcher, Ms. Mowatt, who threw 1,035 pitches in eight games in 7 days, setting a new women's college record for pitching 60 innings.

The members of the team that were selected to the all-tournament team due to their performance were the shortstop, Ms. Fox; third basewoman, Ms. Leles; and second basewoman, Ms. Lowe.

In addition to the team and support staff, I would like to recognize the endless support of family, friends and fans who give to the university and support the university throughout the whole season. The victory for U of A Wildcats Women's Softball Team is celebrated throughout my district and by Wildcat alumni across the world.

But I think their victory is more than a championship title. It is a testament of the ability of women and the need and the importance of the continued investment in title IX. The victory reminds us of that importance every time that a women's team at a collegiate level is as successful as the University of Arizona Wildcats and other teams.

My congratulations to the University of Arizona Women's Softball Team for their great victory, for the honor that they bring the State, and for the honor that they bring women athletics across this Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 475, congratulating the University of Arizona Women's Softball Team for winning the 2007 NCAA Division Women's College World Series Championship.

On June 6 of this year, the University of Arizona Wildcats Women's Softball Team defeated a very strong and successful University of Tennessee Lady Volunteers Team by a score of 5–0 to win the three-game series 2–1 and capture the 2007 National Collegiate Athletic Association Division I Women's Softball Championship.

This is Arizona's second consecutive title. Much of the team's success is due to its coach, Mike Candrea. Over the last 21 seasons, he has compiled a record of 1,131 victories, only 228 defeats and two ties; however, you have a tie in the softball game. He has won 18 Coach of the Year awards and is an inductee in the National Fastpitch Coaches Association Hall of Fame.

In his career as a Wildcat coach, he has taken the team to the College World Series 19 times and has won eight College World Series titles. During the 2007 season, the Wildcats compiled an impressive record of 50 wins, 14 losses and only 1 tie.

☐ 1430

The junior, Taryne Mowatt, the 2007 World Series MVP, set a record for the most pitches thrown in the College World Series by throwing 1,000 pitches in a week, pitching every inning of the tournament for the Wildcats. This season she compiled a record of 42 wins and 12 losses.

The University of Arizona should be recognized as an outstanding academic institution as well. Now in its second century of service to the State, the University of Arizona has become one of the Nation's top 20 public research institutions. It is one of only 62 members in the Association of American Universities, a prestigious organization that recognizes universities with exceptionally strong research and academic programs. With a world-class faculty in fields as diverse as astronomy, plant science, biomedical science, business, law, music and dance, the University of Arizona offers a rewarding educational experience to all of its students.

I extend my congratulations to the University's president, Robert Shelton, the athletic director, Jim Livengood, head coach Mike Candrea and his staff, all of the hardworking players, the fans and to the University of Arizona. I am happy to join my friend and colleague, Representative GRIJALVA, in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I don't have any other speakers on the subject. And I would like to acknowledge the comments, and I'm very appreciative of the comments of Mr. BISHOP.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I would like to yield as much time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I won't take much time. I'll be very brief.

I just wanted to come over here and congratulate my colleague, Congressman GRIJALVA, and especially congratulate his women's softball team from the University of Arizona. They proved, once again, as they have done several times before, that they really have another great team. I think this was probably, what, their seventh national championship or something like that.

This was the first time that my Lady Vols softball team had gone as far as that team did. The University of Tennessee is my alma matter. It's a school of which I am very proud; and it has not only great academics, but it also has a very rich athletic heritage and history. We've been primarily known for our men's football team and our women's basketball, several national championships by both of those programs. But the Lady Vols softball team this year was one of the greatest sports teams in the history of the University of Tennessee. And, in fact, our great pitcher, Monica Abbott, won more games than any pitcher in women's collegiate softball history. And probably no athlete in the history of the University of Tennessee has ever dominated a sport like Monica Abbott.

So once again I want to say congratulations to my Lady Vols, my Tennessee Lady Vols softball team. But I'm here today to especially offer congratulations to a great women's softball team from the University of Arizona. They won another national championship, and it was a well-deserved championship because they had to fight very hard to get it, and I just wanted to come and say congratulations at this time.

Mr. GRIJALVA. Mr. Speaker, let me thank the gentleman from Tennessee (Mr. DUNCAN), and just indicate to him that both teams presented themselves, not only athletically, but as fine sportsmanship, fine athletes and fine universities. And I appreciate his comments.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this resolution may deal with the University of Arizona Wildcats, but it obviously honors all people, all ladies who were involved in softball athletics this year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 475.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS "MR. WIZARD"

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 485) expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 485

Whereas many citizens of the United States remember Donald Jeffry Herbert as "Mr. Wizard" and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher's College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the U.S. Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with three oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in "Watch Mr. Wizard", a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education and has since been recognized by numerous awards;

Whereas an additional educational program, "Mr. Wizard's World", inspired children from 1983 to 1990 on cable television;

Whereas "Mr. Wizard" continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas "Mr. Wizard" encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas "Mr. Wizard's" dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders its condolences to the family of Don Herbert and thanks them for their strong familial support of him.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I rise today to honor the life of Donald Jeffry Herbert and to express appreciation for his great educational contributions.

Donald Herbert was born in Waconia, Minnesota, on July 10, 1917. He graduated from La Crosse State Teachers College in 1940, where he studied to become a science teacher. Before Don Herbert could make an educational contribution, he first served in the United States Army Air Force in World War II. During his service to our country, he earned the Distinguished Flying Cross and the Air Medal with three oak leaf clusters.

Don Herbert is best known for developing an idea which became "Watch Mr. Wizard," a live television show which introduced many children to science. This show aired from 1951 to 1964. Don Herbert, who came to be known as Mr. Wizard, also produced another children's show from 1983 to 1990 titled "Mr. Wizard's World."

Mr. Wizard was able to explain seemingly difficult science to children with visually stunning experiments. Mr. Wizard amazed all of us that watched that show. He could make a Bunsen burner change colors by the elements that he used on there. He could take two colored solutions, pour them into a beaker and it would become clear.

And today, when there is such an emphasis across this country and by this Congress to instill an appreciation and a love for science among our students, and among the children of this country, Mr. Wizard stands as a great example and a wonderful show that did just that, stimulated interest and created appreciation among children for science.

Don Herbert's television programs inspired generations of children to become knowledgeable in science. These educational television programs earned Don Herbert a Peabody Award in 1954. He also won three Thomas Edison National Mass Media Awards and the Robert Millikan Award from the American Association of Physics Teachers.

Don Herbert realized that an education including science and technology is a necessary component in forming a productive and competitive society. While he passed away on June 12, 2007, his great contributions to advancement of the education in the field of science will continue to have effects for many, many years to come.

Mr. Speaker, I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 485, expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known to all of us of my generation as "Mr. Wizard."

Donald Jeffry Herbert will be remembered as the host of two popular children's television shows about science. A general science and English major at the University of Wisconsin-La Crosse, he showed interest in drama until his career as an actor was interrupted by World War II when he enlisted in the United States Army as a private.

He later joined the United States Air Corps, took pilot training and became a B–24 bomber pilot who flew combat missions with the 15th Air Force, flying out of a base in Italy. As the gentleman from Arizona said, he distinguished himself in combat, winning the Distinguished Flying Cross and the Air Medal with the three oak leaf clusters.

After the war, Herbert worked at a radio station in Chicago where he acted in children's programs such as the documentary health series "It's Your Life." It was during that time that Herbert formulated the idea of Mr. Wizard and a general science experiments show that utilized the new medium of television. Herbert's idea was accepted by a Chicago NBC station, and the series "Watch Mr. Wizard" premiered on March 3, 1951. That was even before I was born.

The weekly 30-minute show featured Herbert as Mr. Wizard, with a young assistant who watched while Herbert performed interesting science experiments. The experiments, many of which seemed impossible at first glance, were usually simple enough to be recreated by viewers. The show was very successful, and 547 live episodes were created before it was cancelled in 1965. It was briefly revived by NBC during the 1971–1972 season. In 1953 Herbert won a Peabody Award for his work on this program.

In 1983, Herbert developed "Mr. Wizard's World," a faster-paced version of the show that was shown three times a week on the cable channel Nickelodeon. This show ran until 1990, and reruns were shown until 2000, making it the longest-running show on Nickelodeon.

In 1994, Herbert developed another series of 15-minute spots for Nickelodeon called "Teacher to Teacher with Mr. Wizard." The new show highlighted individual elementary school teachers and their projects and was sponsored by the Daschle Science Foundation.

Mr. Wizard inspired legions of children across the Nation. Kids in every town joined thousands of Mr. Wizard clubs and did some of the same experiments that were seen on television, sometimes even without burning up the house. Many of these young viewers went on to careers in science and all were at least taught the practicalities of science in our daily lives.

On June 12, 2007, Donald Herbert lost his battle with cancer, slightly more than a month shy of his 90th birthday at his home in Bell Canyon, California. For the immeasurable contributions he made in children's lives and to the field of science, I would ask my colleagues to support this resolution recognizing his life and work.

Mr. Speaker, I'd ask the gentleman from Arizona if he has other speakers on this particular topic. I do have one other I'd like to yield time to.

Mr. GRIJALVA. Mr. Speaker, I will continue to reserve.

Mr. BISHOP of Utah. Mr. Speaker, I yield the balance of my time to someone who really understands what he's talking about.

I enjoyed Mr. Wizard shows. They were fascinating. I still hated chemistry, but I enjoyed Mr. Wizard. And with that I'd like to yield to the distinguished gentleman and scientist from the State of Michigan, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding. And had I been your teacher, you never would have disliked any science course. I would have been delighted to recognize your native ability.

Mr. Speaker, I rise in support of House Resolution 485, which expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, who passed away on June 12, 2007.

Many people fondly remember Donald Herbert as Mr. Wizard, and they mourn his passing. He was born in Waconia, Minnesota, which also happens to be my birth State, and he graduated from the La Crosse State Teachers College in Wisconsin in 1940, where he trained to be a science teacher.

He volunteered for the U.S. Army Air Corps and served our country during World War II in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with three oak leaf clusters.

Mr. Wizard will be remembered as a pioneer of commercial educational programming. He made science education and science exciting and approachable for millions of children across the United States. He developed the idea for science programs on radio and television, culminating in "Watch Mr. Wizard," a live television show produced from 1951 to 1964. Another of his shows, "Mr. Wizard's World," inspired children from 1983 to 1990 on cable television. Incidentally, these were precursors to today's Mr. Wizard equivalent, Bill Nye, the Science Guy, who has developed an outstanding reputation on Saturday morning television for educating children about science.

The National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education. He has since been recognized by numerous awards.

For the duration of his life, Mr. Wizard served as an ambassador for science education. Outside of his television shows, he promoted science by offering multiple books and programs and by traveling to schools to provide classroom demonstrations. Not surprisingly, Mr. Wizard's dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were initially disinterested or unmotivated in science.

Mr. Wizard taught the magic about science by doing science. In fact, Mr. Wizard encouraged children to duplicate his experiments at home, leading children into independent inquiry into science with simple household equipment.

□ 1445

I might add he was a precursor to what is happening in the classrooms today, because teachers have discovered the best way to teach science is to let students do the science themselves.

I also appreciate what he did in leading children into independent inquiry. I grew up before television, and so I did not have the opportunity to watch him. But I developed my interest in science by doing experiments at home. These were experiments that were outlined in Popular Science Magazine, and that gave me my start in science, just as Mr. Wizard gave many other children their start in science.

Certainly, Mr. Wizard's efforts were very important, and are relevant to legislation currently under consideration by our Congress. Evidence indicates that young children make decisions about future careers at an early age and are influenced greatly by positive contacts with science and technology. Recently passed bipartisan bills have focused on the need to improve science education, promote innovation, and ensure our Nation's competitiveness.

This year I introduced several bills related to science education, including the Science Accountability Act, H.R. 35; the Standards to Improve Educational Achievement for Kids, better known as the SPEAK Act, H.R. 325; and the National Science Education Tax Incentive for Teachers Act, H.R. 36.

Through this resolution the House of Representatives expresses its appreciation for the profound public service and educational contributions of Donald Herbert. Also, we should recognize the major impact of higher educational institutions that train teachers who encourage students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields.

I offer my condolences to the family of Don Herbert, and we thank them for their strong support of Mr. Wizard's tremendous educational efforts. He has set a path that all of us should follow, and if we are serious about competing with other nations and keeping the jobs on our soil rather than letting them be outsourced, we must follow his example and educate our children in mathematics and science so that we can continue to be ranked number one in the world in the areas of science and mathematics.

Finally, I thank the Members who cosponsored this resolution: Mr. AKIN, Mrs. BIGGERT, Mr. GINGREY, Mr. HALL, Mr. KUHL, Mr. LAMPSON, Mrs. MCCARTHY, Mr. JOHN PETERSON, and Mr. MARK UDALL. Also, I thank the Education and Labor Committee staff for their work on this resolution, especially Chad Miller and Rob Borden, as well as my staff member, Rachel Post, who has contributed invaluably to this.

I urge all Members to vote for this resolution to honor Don Herbert for all his work on science education and to honor his memory by continuing to support science education in the future.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 485.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND RECOGNIZING THE NEED TO CONTINUE PURSUING EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 406) celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 406

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has moved this Nation closer to the fulfillment of access and opportunities for women and girls in all aspects of life;

Whereas title IX has increased educational opportunities for women and girls, resulting in improved graduation rates, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Opportunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas 35 years of progress under title IX is widely acknowledged, but because women continue to earn less for work than men with the same educational background; sexual harassment remains pervasive in schools and on college campuses; women and girls face substantial barriers in pursuing high-wage fields such as science, technology, engineering, and math; and women and girls' sports teams do not receive an equal share of resources, including fewer recruiting and scholarship dollars at the college level; and athletic participation opportunities still lag behind those provided for men, there is still much work to be done if the promise of title IX is to be fulfilled: Now, therefore, be it

Resolved, That the House of Representatives celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the resolution.

Thirty-five years ago, a college applicant could be denied admission simply because she was a woman. Title IX of the Education Amendments of 1972 changed that. Led by the late Representative Patsy T. Mink, who had been denied admission to a medical school because of her sex, and Representative Edith Green, Congress established a principle we often take for granted today, the prohibition of sex discrimination in any federally funded educational program.

Title IX requires that "No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal assistance."

These 35 words over the last 35 years have had a profound impact, and the results are astounding. More women than ever now attend college, which means more women than ever go on to advanced degrees. In 1972 only 9 percent of law degrees were earned by women. In the mid-1970s, when I attended law school, that number had improved. Women then had made up 15 percent of the graduating class. Today women earn almost half of all law degrees. The story is similar for medical degrees and Ph.D.s.

This new generation of highly educated women has made a substantial impact on society. Expectations have changed. Girls expect to grow up and contribute to our country and the world in any way they want, as doctors, lawyers, CEOs, school principals, consultants, just to name a few careers previously underrepresented by women.

Title IX also literally changed the face of athletic programs and colleges throughout the country. In fact, it is through athletics that title IX's impact has seeped into the public's consciousness. In athletics the change from 1972 to 2007 is astounding. Today, college athletic opportunities abound for young women. In the past three decades, title IX has led to a 450 percent increase in the rate of female participation in college sports and a more than 900 percent increase in participation at the high school level. And the recent surge in women's professional sports teams could not have happened without the dramatic increase in women playing college sports.

The thousands of women athletes in basketball, volleyball, soccer, and other sports, where we can see them, root for them, and even play on the team with them, have had a huge impact. Young girls today take it for granted that they can play a sport and aspire to athletic scholarships to college. My own niece started playing volleyball in junior high, continued in high school, and is aiming for a volleyball scholarship to attend college. Women in my generation did not even consider this a possibility. Title IX opened the door to higher education for women in many ways, including through athletic scholarships.

These successes, both academic and athletic, are worth celebrating, as are the women who came before us here on the House floor as leaders of the title IX movement. In 2002, after Representative Patsy T. Mink passed away, Chairman GEORGE MILLER introduced a bill that named title IX the "Patsy Takemoto Mink Equal Opportunity in Education Act."

This picture of Patsy hangs in my office. She was my friend and continues to be an inspiration to me. I am proud to represent the congressional district that Patsy represented for so long and so well. I know that if she were here today, she would remind us that our work is not done.

There are many challenges still to be addressed. Women continue to face substantial barriers, especially in high-wage fields such as science, technology, engineering, and math. Women own less than 30 percent of all U.S. firms. Women make up only a third of chief executive officers and less than 20 percent of engineers. Sexual harassment remains pervasive in schools and on college campuses. Women's and girls' sports teams still receive only 33 percent of recruiting dollars and 38 percent of athletic operating dollars.

Title IX is as necessary today as it was in 1972.

I am pleased that over 120 of my colleagues are cosponsors on this resolution, including Speaker PELOSI. I urge all of my colleagues to join me in celebrating title IX's successes and in recognizing the work still to be done in our march towards equal educational opportunities.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Resolution 406 is a resolution honoring the 35th anniversary of title IX of the Education Amendments of 1972. I would like to recognize my colleague Ms. HIRONO for introducing this resolution. The Education and Labor Committee will continue to celebrate the 35th anniversary of this law with a hearing tomorrow on this subject before the Subcommittee on Higher Education, Lifelong Learning and Competitiveness.

President Nixon signed title IX into law on June 23, 1972. The purpose of title IX was to eliminate discrimination based on gender in the education arena. While title IX applies to all areas of education, it is possibly best known for its role in sports. Thanks to this law, and perhaps more significantly from the growing interest in sports in this country, we have seen a dramatic increase in female athletes.

This law is far from perfect. Institutions continue to struggle with how to comply with title IX, trying to balance the participation rates of men with those of women. We do not want institutions to build up female participation at the expense of men's teams at the schools.

As I stated earlier, title IX is best known for its effect on sports. However, title IX does apply to all areas of education. In a time when we are continually talking about the need to educate America's students in the area of math and science, it is important that we also recognize the increasing numbers of female students pursuing careers in math and science. In 2004 the General Accounting Office issued a report on the participation of women in science. The report found that women's participation in the sciences increased substantially over the past 30 years. However, there is always more that can be done. As Congress looks to reform current programs, we should ensure that the programs being reformed are to encourage all students to enter into the sciences, math, and especially history.

The committee has no stated opposition to this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I would like to thank the gentleman from Utah for his remarks in support of the resolution.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 406, in celebration of the accomplishments of title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act. I would like to thank my friend and colleague from Hawaii, Ms. Mazie Hirono, for bringing this to the House floor this week as we commemorate the 35th anniversary of this landmark legislation.

Title IX has forever changed the landscape of opportunity for women and girls. Since the enactment of title IX, the number of women participating in intercollegiate athletics has increased fivefold. The number of female high school athletes has grown by almost 900 percent. In 1972, just as title IX was enacted, women earned merely 28 percent of the bachelor's degrees in the fields of science, technology, engineering, and mathematics, better known as the STEM fields.

□ 1500

Today, women earn 49 percent of the bachelor's degrees in these fields.

On a personal point of privilege, I am proud to say that my four daughters, who are considering STEM fields as their professional careers, are proud to see that we remember Patsy Mink.

Despite these successes, we still have work to do to achieve the promises of full equality and freedom from discrimination that is at the heart of title IX. There are still gaps in support for women's athletics, gaps in participation in various disciplines in the STEM fields, and disparities in career and technical education programs. More critically, there is still much to be done to ensure that our educational institutions are free from sexual harassment.

It was a privilege to have served on the Education Committee with Congresswoman Patsy Mink of Hawaii, the original author of title IX. I joined her on the Committee of Education and also on the House floor to defend title IX and its reauthorization, and I am pleased to say we won.

It is up to us to honor her legacy and maintain the integrity of title IX, which simply states: "No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

As the father of four daughters, I reaffirm my commitment to title IX and the legacy of Patsy Mink today with this vote. I urge all my colleagues to support this resolution, H. Res. 406.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I want to thank my freshman colleague from Hawaii for bringing this particular resolution. It is appropriate that she honors her predecessor, Congresswoman Mink, who did so much in this Hall. In passing this bill, she did some of the things that were similar to civil rights laws of the 1960s in a continuum, because discrimination, whether it be race or gender or national origin or sexual orientation, is wrong.

There are barriers this country needs to tear down and present a level playing field and an opportunity for all to enjoy the benefits of America. It is what Dr. King did talk about when he looked forward to getting to the Promised Land. That's part of what the Promised Land was, is, and will be. And so I thank the gentlelady for bringing the resolution.

I am going to take an opportunity here to make a mea culpa. Earlier, when I had to address the House on Stax Records, I forgot a few people. And one of the people I forgot was a women, Carla Thomas, who did "Gee Whiz," and her father, Rufus Thomas, who did "Walking the Dog." In music, many of the Stax Record people were men, they were the Staple Singers, but Carla Thomas was a great singer. And there are so many fields that have been opened up.

When I looked at the statistics that were made available to me, before title IX only 9 percent of the graduates from medical school were women. In 2004, there were 46 percent. In law, 7 percent had J.D. degrees for women, now 49 percent. When you think about those numbers, and that was just 35 years ago, Mr. Speaker, it's amazing how far we've come from the discrimination that existed at that time because of gender and what Representative Mink and the United States Congress' work did. It shows what can be positive and good about government.

There is a lot of good things that government can do and does do, and people forget that. If it weren't for civil rights pioneers, there would still be segregation. If it weren't for the work of the Congress in the middle 1960s, there would still be discrimination possibly in housing and public employment and other public facilities. And if it weren't for Congresswoman Mink, there would be discrimination against women. There is much good that comes. Forces within society help, but they propel people in government to act and take action that this Congress has seen has made America a greater place.

So it is my honor to stand and support the passage of this resolution that celebrates the 35th anniversary of title IX. It tells us just how far we've come in 35 years, but how just 35 years ago there were these limits. And the fact is, it was only 87 years ago that women got the right to vote. Mr. Speaker, 87 years ago women could not vote in this country, but this Congress, through a passage of a constitutional amendment, passed eventually by Tennessee as the perfect 36th State, gave women the right to vote in this country. So we've come a long way, but we've got a long way to go. And it is an honor to participate in this 35th anniversary.

I thank the gentlelady for giving me the time.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate this opportunity of sharing this time with the gentlelady from Hawaii on this particular bill that was sponsored by the gentlelady from California (Ms. MATSUI).

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, before I yield back the balance of my time, I would just like to clarify that I am the original sponsor of this measure.

Ms. PELOSI. Mr. Speaker, today I join with my colleagues to celebrate the 35th anniversary of title IX of the Higher Education Act, which assured a woman's right to educational equality. And I thank Congresswoman HIRONO for bringing this resolution to the floor and for her leadership on this issue.

By ending gender discrimination in all education programs, title IX has given women the chance to excel and to take their rightful place as leaders and achievers on campuses across the United States. No longer would young women find their educational options limited by years of engrained discrimination. Thanks to title IX, women can now prepare for their future—whether in the halls of power or corporate boardrooms—in the classrooms and on the playing fields of America's colleges and universities.

Today also gives us the opportunity to honor our former colleague, friend, and champion for women's equality—Congresswoman Patsy Mink. As a member of the Education Committee in 1972, Congresswoman Mink helped craft title IX, and engineer its passage.

The day that the title IX legislation came to the floor, Congresswoman Mink was called away on a family emergency. She knew it would be a close vote. And she was right. That time, the bill was defeated by only a single vote. But Patsy fought on. Through sheer force of will, Congresswoman Mink forced another vote, an uncommon occurrence made possible by a woman of uncommon strength. And that time, women won. Congress passed title IX.

For her determination, the women of America will always owe a debt of gratitude to Congresswoman Patsy Mink.

As a mother and a grandmother, I have seen firsthand the results of title IX. Some are more visible, like the growing number of girls on soccer fields and basketball courts, the women of the WNBA, or the famous victory of Mia Hamm and Team USA in the World Cup.

Equally important, though less tangible, is the message that title IX sends to women and girls: Your education is crucial and your future is limitless.

Young women today believe that they can do anything. And they can.

For our children, we must continue to support this belief by fulfilling and sustaining the promise of title IX.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of H. Res. 406, celebrating the accomplishments of title IX of the

Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls.

Title IX changed the way the United States educates its women and girls. It states that, "No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." This monumental legislation has had far-reaching effects on the women in this country. Title IX may be best known for its changes in athletics, but the academic world has been significantly changed as well. Since 1981, women have received more bachelor's degrees than men, and since 1986, women have received more master's degrees than men. None of this would have been possible without the hard work of Patsy Mink and Edith Green. Generations of women have and will benefit from the work of these women.

I had the honor of serving with Patsy Mink for 12 years, representing the State of Hawaii in the U.S. House of Representatives. She strove to ensure equality and fairness for all Americans. Through her work on title IX, she was able to accomplish just that for every American woman. The renaming of title IX to the Patsy Takemoto Mink Equal Opportunity in Education Act honors her work and reminds us all of her dedication to equality.

We should take this time to reflect on where we have come from and the progress we have made. Millions of women have access to the education to make their dreams come true, and that access was guaranteed 35 years ago by a woman who believed that we should all be able to better our lives.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of H. Res. 406, a resolution celebrating the accomplishments of Title IX. I would like to thank Congresswoman HIRONO for introducing this legislation addressing what is an important issue for women's equality.

Title IX requires that schools and colleges receiving Federal funds provide female students with athletic opportunities comparable to those of male students.

But as critical as this is, we must all begin to realize that Title IX is about more than civil rights.

For many young athletes, the scholarship opportunities afforded by Title IX might be the only way they can go to college. What is more, female athletes tend to graduate at higher rates, perform better in school, are less likely to use drugs and smoke, and have a more positive body image, more confidence, and better self-esteem than non-athletes.

As a direct result of Title IX, women's participation in intercollegiate sports has skyrocketed, proving that interest follows opportunity. In 1972, about 30,000 women played college sports. Today, that number has increased by more than 450 percent. Similarly, in 1972, about 200,000 girls participated in high school athletics. Today, that number has increased by more than 900 percent.

It would be wrong of me to speak about Title IX without taking time to honor my dear friend and beloved colleague, Patsy Mink. In 1972, Patsy helped to enact Title IX and in honor of her valiant work, Congress renamed Title IX the "Patsy Takemoto Mink Equal Opportunity in Education Act." She struggled for 30 years to protect educational equity for men and women, and if she were with us today, I am certain that she would be proud of our continued fight to promote equality for all young women around the country.

While we celebrate how far we have come, we must also recognize that we still have a way to go. Women remain underrepresented in school sports, with men receiving 1.3 million more high school athletic opportunities and $148 million more athletic scholarship money each year.

In the face of such realities, I am proud to join my colleagues to support this resolution, a statement of our determination to recommit ourselves to the causes of education, opportunity, and equality in our society.

Ms. WATERS. Mr. Speaker, throughout this Nation's history there has been an undeniable struggle to insure that the American dream of liberty and justice for all becomes the American reality. For the current reality is one of a country tainted with prejudice; a country in which discrimination based on race, sex, and class permeates every aspect of our society. Still, throughout history there have been those who have fought with courage and conviction for justice and equity, and it is because of them that we as a Nation have progressed.

The late Congresswoman Patsy Takemoto Mink is one such person. Today I rise in support of H.R. 406 which celebrates the accomplishments of Congresswoman Mink and the passage of Title IX of the 1972 Education Amendments. Title IX, also known as the Equal Opportunity in Education Act, prohibits discrimination on the basis of sex in the administration of education programs.

Congresswoman Mink, a courageous champion of women's rights, once declared, "All persons regardless of their sex, must have enough opportunities open so that they can contribute as much to their lives and this society as they can." Mink served 12 terms in this House representing Hawaii, and throughout those 12 terms, she was steadfast in her commitment to social justice. Due to her stalwart conviction, Title IX and its enactment are responsible for increased educational opportunities for women and girls. As such, among women, high school graduation rates have risen to 85 percent, those earning bachelors degrees has reached 26 percent, and employment opportunities are ever improving. It is because of Title IX that our country's women and girls are able to pursue their dreams without the hindrances of institutionalized oppression. As a result of Title IX, our women are able to learn, grow, and thrive unapologetically.

It must, however, be noted that despite this undeniable progress, there still remains much work to be done. H.R. 406 enumerates the numerous arenas in which women must still battle for fair and equitable treatment. To this day, women are still victims of sexual harassment in the workplace, salary inequality in comparison to their male counterparts, and limited access to career opportunities in the fields of math and science. Let us not become complacent and find solace in the status quo, as true equality has yet to be attained.

The 35 years since enactment of Title IX can be lauded as 35 years of progress. We must continue to commemorate the legislatures and the legislation that propel our country forward. We must continue to work towards a future in which social ills such as bigotry and sex discrimination are of the past. Let us take pride in what has been accomplished by pioneers such as Congresswoman Mink while continuing the fight for equality, justice, and the realization of the American dream.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H. Res. 406, introduced by our new colleague from Hawaii, MAZIE HIRONO. Following in the long tradition of her fellow Hawaiian, our beloved Congresswoman PATSY MINK, Rep. HIRONO has introduced this important resolution which celebrates the 35th anniversary and accomplishments of Title IX of the Higher Education Act.

Title IX constituted a landmark civil rights victory for equal opportunity. It has created an even playing field for women to obtain crucial scholarships to help defray the rapidly escalating costs of a college education, facilitating the steady rise in the number of female doctors, attorneys, professors and corporate executives who help keep the American economy humming. Title IX has also signaled a sea change in women's athletics, with girls' participation in high school sports skyrocketing by 800 percent and in college by 400 percent since its passage. Because of Title IX, our daughters are healthier, have higher grades, lower pregnancy rates, are less likely to use drugs and are more likely to graduate from college.

Though Title IX has been a huge success, the battle for equality is not yet won. In 2002, women made up 54 percent of college students, but they only comprised 43 percent of college athletes. Meanwhile, men received 36 percent more athletic scholarships than women. Women also receive only 20 percent of computer science and engineering-related technology bachelor's degrees and only 39 percent of all full professors at colleges and universities are women.

Girls and women have benefitted immeasurably from this critical legislation. Now is the time to praise and protect Title IX, not curtail it. I thank Congresswoman HIRONO for recognizing this important anniversary and call on my colleagues to support this resolution.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this week, we celebrate the 35th anniversary of the signing of title IX into law. Title IX was enacted on June 23, 1972, and it marked a major milestone for American women.

Title IX is a deceptively simple piece of legislation, requiring that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Who knew that one unpretentious sentence could accomplish so much? But title IX has provided the framework for an America that finally guaranteed a truly equal education for men and women.

The positive effects of this legislation are evident. Women now have the opportunity to participate in any sport they desire. Before title IX, two-time Olympic gold medalist Donna de Varona was effectively forced to retire from amateur swimming at the age of 17 because no American colleges were offering women scholarships in swimming or most other competitive sports. But today, just a generation later, NCAA women's sports and professional female sports leagues such as the WNBA are thriving and giving women everywhere chances to be superstars that they've never had before.

But I think the most telling effect of title IX is the fact that today, more women than men are attending college. Equal education for women was rare before 1972, when many law and medical schools allowed a maximum of 15 women in per year, and when women were often shut out of classes such as criminal justice and auto mechanics. Today, well over half of all undergraduate college students are women—and women outnumber men in graduate school enrollment, including high-paying, high-powered professional programs like law.

Title IX was all about opportunities. Title IX gave women new chances that they had never had before, and today, it is easy to see that women around the country are taking full advantage of them. While you might be able to name only a few famous women making news at the turn of the 20th century, it wouldn't take you more than a minute to name dozens—maybe even hundreds—of female news makers at the turn of the 21st century. It's amazing how many outstanding women have carved out careers in journalism, science, law, politics, sports, and the arts—and disheartening to imagine the amazing women of the past who were never given the chance. I am excited to see what today's little girls will do with the opportunities title IX will provide to them.

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this resolution honoring Title IX and the woman who played a key role in its passage, Congresswoman Patsy Mink. I was privileged to serve with Patsy on the Education and Labor Committee from the time I started serving in 1993. She took me under her wing and was a true mentor to me, inspiring me with her example.

There has been no stronger voice in Congress for girls, women, and minorities than Patsy's. Her work here has touched countless women's lives. Women today don't have to face the barriers and discrimination that Patsy faced when applying to graduate school.

Her firsthand experience with gender discrimination—being denied admission to medical school as a promising young science student—did not discourage her or break her spirit, but sparked her desire for change.

Most importantly, when she overcame gender and racial barriers to climb the ladder of success, she did not kick that ladder aside for other women; instead, she led the way and supported their upward rise, most importantly, paving the way with legislation such as Title IX. She never gave up the struggle to give every child access to a quality education.

Her memory continues to be an inspiration for me on the Education and Labor committee and in the legislation that I introduce and cosponsor. This Congress, I will again introduce legislation to start a Patsy Mink fellowship program to help more women and minorities earn graduate degrees and become college professors.

A lot more work remains to be done to give women more educational opportunities: women are still underrepresented in math, science, and engineering-related fields.

Thanks in large part to Patsy's work, a majority of people agree that women should be allowed to apply to college and graduate programs without facing discriminatory admissions policies, sexual harassment in schools when they do get in, or even a lack of athletic opportunities. We are well served by Patsy's legacy, a true guiding star.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 406 and the far reaching achievements of Title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act. There is no question that women in this country have come a long way in the past 35 years, and there is little doubt that much of that progress is a result of title IX.

Prior to the passage of title IX, it was commonplace for colleges and universities to refuse admission to women simply on the basis of their gender. Of the handful of female college professors, most taught at all-female colleges, received salaries lower than their male counterparts, and very few were ever awarded tenure. Back then, schools could deny women training in fields deemed "inappropriate" such as woodworking or automotive repair, and girls ere discouraged from studying math and science. Only 1 in 27 girls played high school sports, and female college athletes received only 2 percent of overall athletic budgets.

This landmark legislation, passed in 1972, prohibits gender-based discrimination in federally funded education programs and activities. Its effects have been felt far beyond the classroom and athletic field.

Today, women earn undergraduate and graduate degrees at much higher rates, even comprising a majority of undergraduate and graduate school enrollment. Women can no longer be denied access to the vocational courses of their choice, and girls now take upper-level math and science classes at the same rate as boys. Additionally, female participation in intercollegiate athletics has increased by 400 percent over the past 30 years. In high school athletics, female participation has increased by 800 percent.

Title IX's passage has allowed girls and women to see no boundaries to their potential. Today, they can look around and see female doctors, lawyers, astronauts, CEOs of Fortune 500 companies, Nobel laureates and NASCAR drivers. They even have a female Speaker of this House to serve as their role model. Title IX has led to the advancement of women in countless areas of our society. However, the work of title IX is not yet complete.

Still today, women, on average, earn only 75 cents for every $1 a man earns. Even more, women continue to lag behind men in earning doctoral and professional degrees. In academia, women earn less, hold lower ranking positions and are less likely to be awarded tenure than men. Despite comprising over 50 percent of the student population, women make up only 42 percent of high school and college varsity athletes, and male athletes receive $137 million more than female athletes in college athletic scholarships. That does not even take into account the barriers that title IX does not address. Negative stereotypes, subtle discrimination, and workplace practices that indirectly adversely affect women are still pervasive in our society.

Mr. Speaker, even in this great body, which is supposed to be representative of the American people,. only 17 percent of our Members are female. Therefore, while we celebrate title IX's accomplishments over the last 35 years, it is necessary to remember that the struggle for gender equity continues.

I proudly commend Congresswoman HIRONO for introducing this resolution which celebrates the far reaching accomplishments of title IX. I look forward to the day that all Americans are able to achieve their promise regardless of their gender.

Mr. SARBANES. Mr. Speaker, title IX of the Education Amendments of 1972 changed everything about our college admissions process. Led by the late Representatives Patsy T. Mink and Edith Green, Congress established a principle we often take for granted today—the prohibition of gender discrimination in any federally funded educational program. The effects of the law have been substantial.

In 1972, only 42 percent of Bachelors of Arts degrees were earned by women; by 2004 that number rose to 57 percent. Only 9 percent of medical degrees were awarded to women; now it's above 45 percent. Not surprisingly, law degrees were the most imbalanced. In 1972, only 7 percent of law degrees were held by women and by 2004 almost 50 percent went to women. Only 15 percent of PhD's went to women before title IX and that number is now close to 50 percent.

This progress is worth celebrating but we have plenty more to do. Title IX has as much utility now as it did in 1972. Women continue to face substantial barriers, especially in high wage fields such as science, technology, engineering and math. Sexual harassment remains pervasive in schools and on college campuses. Women and girls' sports teams still do not receive an equal share of resources.

Ms. HIRONO. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 406.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DR. FRANCIS TOWNSEND POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1352) to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the "Dr. Francis Townsend Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Francis Townsend Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself as much time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of S. 1352, which names a postal facility in Fairbury, Illinois, after Dr. Francis Townsend.

S. 1352, which was introduced by Senator RICHARD DURBIN on May 10, 2007, was reported from the Oversight Committee on June 12, 2007 by a voice vote.

Dr. Francis Townsend was born in 1867 into an impoverished Illinois farming family. Shortly after he was born, his family moved to Nebraska, where he graduated from high school and began a varied career. He tried farming and selling in Kansas, land speculation in Los Angeles, and worked as a laborer in Colorado.

In 1899, he enrolled in the Omaha Medical College, and graduated in 1903 at the age of 36. He served as an Army doctor in World War I and during the Great Depression, and took a job as the assistant director of the City Health Office in Long Beach, California. At the age of 66, Dr. Townsend lost his job and found himself both poor and out of work.

There were millions of elderly people just like him who were barely making ends meet. One day he had a vision of how to help the elderly and the country as a whole. He wrote a letter to a newspaper outlining his "old-aged pension plan for seniors." This plan created a Federal pension of $200 a month paid to every citizen 60 and older on the condition that the pensioner spend the entire sum within 30 days in order to stimulate the economy. His efforts influenced the passage of President Franklin D. Roosevelt's Social Security Act.

Mr. Speaker, I commend my colleague from Illinois, Senator RICHARD DURBIN, for introducing this legislation, and I urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor one of Fairbury, Illinois' most famous citizens, and that was Dr. Francis Townsend. He was an American physician best known for creating the Townsend Old-age Revolving Pension plan and for spurring social movement that advocated for benefits for the elderly during the 1930s.

Dr. Townsend, the son of a farmer, grew up in Fairbury, Illinois, and attended Omaha Medical College in 1917. Shortly after becoming a physician, he served in the Army Medical Corps during World War I. After leaving the Army, he began a medical practice in Long Beach, California. When this was not successful, he obtained employment as the assistant city health director. Sadly, due to the Great Depression, he lost that job and was forced into retirement.

In 1933, Dr. Townsend witnessed something extremely heartbreaking but not uncommon during the Great Depression when he saw three old ladies searching through trash cans in his back alley for food. This became a watershed moment for the doctor. In response to what he observed, and his inner drive to help others, he decided to become involved in politics. Later that year he created the Townsend Plan, which proposed creating a Federal pension of $200 a month for every citizen 60 years old and older on the condition that the money would be spent within 30 days in order to stimulate the economy.

By 1934, through his leadership and determination to help the downtrodden, the plan generated a great deal of support and gave rise to the establishment of at least 5,000 "Townsend clubs" nationwide. At the height of popularity, membership in the clubs totaled over 2 million people.

By 1935, an additional 25 million Americans signed petitions to Congress and the White House supporting the implementation of Dr. Townsend's plan. He became such a national celebrity by this time that he testified before Congress.

Thanks to Dr. Townsend's efforts, his social crusades sparked a national antipoverty movement in 1933 that likely contributed to the expedited passage of Franklin D. Roosevelt's Social Security Act of 1935, one of the major initiatives of the New Deal.

Dr. Townsend was a steadfast leader and original thinker. His efforts to fight poverty during our Nation's worst economic crisis and his exemplary civic activism are an example for us all.

Naming the Fairbury, Illinois, post office after one of its most famous citizens during the sesquicentennial anniversary of Fairbury is a fitting celebration of both Dr. Townsend's contributions to the city and to this important milestone.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would just close by noting that here is an excellent example of a citizen with an idea, an idea that was promulgated into legislation, legislation that all of us, if we live to be 65 or somewhat close to, benefit from. And so I think it is indeed appropriate.

Again, I want to thank Senator DURBIN for introducing this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1515

RECOGNIZING THE SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 155) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 155

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) Congress supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation;

(3) the President is urged to issue a proclamation calling on the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(4) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this year marks the 142nd anniversary of Juneteenth Independence Day. On June 19, 1865, MG Gordon Granger and Union soldiers arrived in Galveston, Texas, with the news of the Emancipation Proclamation and the end of the Civil War. News of President Abraham Lincoln's Emancipation Proclamation on January 1, 1863, did not reach the frontier areas of the United States, especially the Southwest, for almost 2½ years. General Granger's General Order No. 3 on June 19, 1865, is recognized as the day that all slaves in the United States were finally freed.

Juneteenth has become recognized as a State, regional, and national event that honors the freeing of slaves in the United States. As Americans, we must never forget how precious freedom is. Juneteenth is the day that all Americans of all races, creeds and ethnic backgrounds can celebrate freedom and the end of slavery in the United States. Its historical significance should be regarded as a means of understanding the past and more effectively facing the challenges of the future.

As the sponsor of H. Con. Res. 155, I encourage all of my colleagues to support this legislation and urge President Bush to issue a proclamation observing Juneteenth Independence Day with appropriate ceremonies, activities and programs.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is difficult to imagine a time when national news took months and sometimes years to disseminate throughout the country. Today we get immediate news updates through various outlets. But it was over 2 years after President Lincoln gave the historical Emancipation Proclamation that the slaves of Galveston, Texas, learned that their long-deserved freedom had been won. It was on that date, June 19, 1865, when Union soldiers made their way southwest to spread the joyful news of their Civil War victory.

Every year on June 19, commonly known as Juneteenth Independence Day, African Americans in the Southwest and around the Nation celebrate their emancipation, their culture and the historic significance of the civil rights struggles. It is critical that we educate our children not only of American history and the Civil War, but the tradition of Juneteenth Independence Day. By taking time to celebrate these anniversaries, we honor the richness, diversity and heritage of all races that form our great Nation.

June 19th is a time to acknowledge a period of history that helped shape our Nation and continues to influence our society today. It is with great honor that I support the passage of House Concurrent Resolution 155.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Idaho for his remarks and comments and for his support of this resolution. I also would just note that I attended a Juneteenth celebration in the neighborhood where I live on Saturday, and, of course, they had speeches, poems, readings and historical proclamations that people did.

To make sure that all Members of the House and of the Senate have an opportunity to participate in an observance, Senator BARACK OBAMA and I are sponsoring an observance on tomorrow in the Gold Room in the House Office Building, and certainly would welcome all to attend.

Mr. Speaker, I urge passage of this concurrent resolution.

Mr. HOYER. Mr. Speaker, I rise today to voice my strong support for H. Con. Res. 155, "Recognizing the Historical Significance of Juneteenth Independence Day."

As someone who has spent more than a quarter of a century serving the people of Maryland's Fifth Congressional District in the House of Representatives, I have developed a profound appreciation for the hard work that goes into creating the laws of our land. However, it is not the passage of legislation or signing ceremonies with the President that I will remember most when my time here is done. Rather, it is seeing the way that our work positively impacts the lives of those we serve out in the real world.

This is why Juneteenth Independence Day holds such special significance for me. Because Juneteenth isn't a celebration of the Emancipation Proclamation itself, it is a commemoration of the day that Abraham Lincoln's historic decree finally accomplished what it was designed to do—abolish slavery in the United States forever.

When the Emancipation Proclamation took effect on January 1, 1863, it ended slavery in the Union states, but did nothing to outlaw the cruel and barbaric practice in the states loyal to the Confederacy. It wasn't until 2½ years later—when Major General Gordon Granger landed at Galveston, Texas, with news that the Civil War was over, the United States was whole once again, and that all slaves in every part of our nation were now free—that the spirit of abolition was finally fulfilled.

That day was June 19, 1865—and today, we mark the 142nd anniversary of the moment that freedom, equality and the unabated pursuit of happiness were extended to all citizens of the United States, regardless of race, religion or ethnicity.

It gives me great pride to join my colleagues in Congress—as well as Americans from all walks of life—in commemorating our country's oldest celebration of the abolishment of slavery, and in honoring all of the achievements and contributions of African Americans throughout our nation's history.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 155, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when slaves in Galveston, TX, learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country. The end of American slavery is particularly worthy of recognition since there are few more blatant violations of America's founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly pleased to join the recognition of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution, which I am proud to cosponsor. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Con. Res. 155.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 155, which recognizes the historical significance of Juneteenth Independence Day, and expresses the sense of Congress that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

June 19th also known as Juneteenth, is the oldest nationally celebrated commemoration of the ending of slavery in the United States. From its Galveston, Texas origin in 1865, the observance of June 19th as the African American Emancipation Day has spread across the United States and beyond, yet it is still not a nationally recognized holiday.

On January 1, 1980, Juneteenth became an official Texas state holiday through the efforts of Al Edwards, an African American state legislator. The successful passage of this bill marked Juneteenth as the first emancipation celebration granted official state recognition. Representative Edwards has since actively sought to spread the observance of Juneteenth all across America.

Today, Juneteenth commemorates African-American freedom. This special day emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and for planning the future. Its growing popularity signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society.

The Civil Rights movement of the 50's and 60's yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. This was evidenced by student demonstrators involved in the Atlanta civil rights campaign in the early 1960's, who wore Juneteenth freedom buttons.

Again in 1968, Juneteenth received another strong resurgence through the Poor People's March to Washington, DC, Rev. Ralph Abernathy's call for people of all races, creeds, economic levels and professions to come to Washington to show support for the poor. Many of these attendees returned home and initiated Juneteenth celebrations in areas previously absent of such activity. In fact, two of the largest Juneteenth celebrations founded after this march are now held in Milwaukee and Minneapolis.

Throughout the 80's and 90's Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country. Institutions such as the Smithsonian, the Henry Ford Museum and others have begun sponsoring Juneteenth-centered activities. In recent years, a number of National Juneteenth Organizations have risen to take their place alongside older organizations—all with the mission to promote and cultivate knowledge and appreciation of African American history and culture.

Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures. As it takes on a more national and even global perspective, the events of 1865 in Texas are not forgotten. The future of Juneteenth looks bright as the number of cities and states come on board and form local committees and organizations to coordinate the activities.

Now in 2007, I push forward with the hope that my colleagues will remember with compassion the African American citizens who helped build this country, but were still held in illegal bondage due to the hatred, bigotry and cruelty of others. I ask that my colleagues help support this resolution and its efforts in making Juneteenth a nationally recognized holiday.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the passage of House Concurrent Resolution 155. This resolution recognizes Juneteenth's significance in crafting a rich African American legacy. Juneteenth, also known as Freedom or Emancipation Day, is an informal observance in fourteen states in the United States. It marked the beginning of a new phase in African-American history, when emancipated slaves along with their former owners began, slowly and haltingly, to travel the long road to equality and integration.

Celebrated on June 19th, Juneteenth is the name given to emancipation day by African Americans in Texas. On that day in 1865, Union Major General Gordon Granger read General Order #3, officially proclaiming freedom for slaves in that state. Granger's ride through Galveston culminated a two-and a half-year trek through America's deep south to liberate the enslaved.

Juneteenth is an expression and extension of American freedom, and like the Fourth of July, is a time for all Americans to celebrate our independence, human rights, civil rights and freedom. It is an occasion where time, history and culture conspire to celebrate such a symbolic event.

The celebration of June 19th as emancipation day spread from Texas to the neighboring states of Louisiana, Arkansas, and Oklahoma. It has also appeared in Alabama, Florida, and California as African American Texans migrated to those regions. Juneteenth's commemoration did not only extend its geographic reach but it also embraced participants from all political and civic segments of the black community.

Unfortunately, my home state does not officially recognize Juneteenth but has an unofficial commemoration on May 20th in the capital, Tallahassee. Even as we acknowledge the evils of slavery and the ravages it wrought upon our society while paying tribute to those who suffered with no recompense, Juneteenth challenges us to strengthen our bonds of unity and to offer support to one another.

Even more importantly, Juneteenth does not polarize black and white Americans. Rather, it has become an annual cultural observance primarily devoted to civic affairs because it encourages us to be sensitive to others' conditions and experiences, so that we can make significant and lasting improvements in our society. Like the African Sankofa, we must acknowledge and honor our past. But we must always fervently forge to solidify a hopeful future.

Regrettably, the African American community continues to confront many challenges in mitigating and eventually eliminating institutional racism. Emancipation did not bring equality. We still live in a society plagued by prejudices and stereotypes. I find it unfathomable that such a momentous occasion is seldom acknowledged, much less celebrated. We must not let our past dictate our present. After all, we owe it to the thousands of lives that were mercilessly destroyed by an elitist society designed to subject and suppress them. Let us take the initiative to finally tend to a gashing wound that has crippled the African American community. Let us honor our ancestors and build a future noteworthy of their legacy.

Mr. Speaker, Juneteenth is a significant event that addresses the paradoxical race relations in our nation! It recognizes the impediments faced by the black community yet continues to inspire us to strive for an egalitarian society. We should set precedence on addressing past atrocities and present disparities so that we can truly embody democracy. I am honored to support this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 155.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SIGNIFICANCE OF NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 148) recognizing the significance of National Caribbean-American Heritage Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 148

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds;

Whereas the independence movements in many countries in the Caribbean region during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas there have been many influential Caribbean-Americans in the history of the United States, including Jean Baptiste Point du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President; and Celia Cruz, the world-renowned queen of Salsa music;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Marion Jones, an Olympic gold medalist; Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, a meteorologist and television personality;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States;

Whereas Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas in June 2006, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res 71 in the 109th Congress by both the Senate and the House of Representatives; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 148, a bill that recognizes the significance of National Caribbean-American Heritage Month.

H. Res. 148, which has 53 cosponsors, was introduced by Representative BARBARA LEE of California on May 14, 2007. H. Con. Res. 148 was reported from the Oversight Committee on June 12, 2007, by a voice vote.

National Caribbean-American Heritage Month was established to recognize the historical relationship between people of the Caribbean and the United States of America. Caribbean Americans present a rich diversity of countries, cultures and colloquialisms which are dispersed throughout communities in the United States. Caribbean immigration to the United States reached its peak in the last 5 years, with approximately 6 percent of the more than 7 million immigrants coming from the Caribbean.

Since the founding of the United States, Caribbeans have had a significant role in shaping the conscience of America and are among our great leaders, entrepreneurs and entertainers, including such individuals as Sidney Poitier, Harry Belafonte, Colin Powell, James Weldon Johnson, Shirley Chisholm, Marion Jones, Juan Carlos Finlay, Oscar de la Renta, Malcolm X, Jean Baptiste Point du Sable, the founder of Chicago, Marcus Garvey, and many others.

Mr. Speaker, I commend my colleague for introducing this legislation and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each year in June, we celebrate our strong relationship with the Caribbean nations and appreciate the value and diversity they bring to the United States. We value National Caribbean-American Heritage Month and encourage people from across the country to join with those of Caribbean-American roots in these celebrations. From as far back as the 17th century, citizens from the Caribbean have immigrated to the U.S. Many were slaves, who faced the same obstacles struggling for equality and independence.

We are a Nation of immigrants, and this bill emphasizes the many contributions of Caribbean immigrants to our society. Over 5 million Americans proudly share the Caribbean heritage in promoting and attending Caribbean-style festivals around the country. These festivals appreciate the rich culture, history and diversity brought forth through the joining of these two nations.

I urge all my colleagues to join me in supporting passage of House Concurrent Resolution 148.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. LEE. Mr. Speaker, I am pleased that the House is considering today, my resolution H. Con. Res. 148, recognizing the significance of Caribbean-American Heritage month. This resolution acknowledges the contributions of Caribbean-Americans from the inception of our country to the present and it is my hope that my colleagues in the House and the Senate will join me in celebrating this strong, rich history.

Alexander Hamilton, Hazel Scott, Sidney Poitier, Jean Michel Basquiat, Eric Holder, Colin Powell, Edwidge Danticat, Jean Baptiste Point du Sable, Sidney Ponson, Maryse Condé, Harry Belafonte, Sidney Poitier, Roberto Clemente, Celia Cruz, and former Congressman Mervyn Dymally, are just a few of the many Caribbean-Americans who helped shape American government, politics, business, arts, education, science, and culture, and are joined by modern day figures like Alicia Keys, Lenny Kravitz, Bobby Cannavale, Cameron Diaz, Wyclef Jean, Elizabeth Vargas, Esmeralda Santiago, and Miguel Piñero.

One outstanding Caribbean-American was former Congresswoman Shirley Anita Chisholm. My political career began as a volunteer in her historic Presidential campaign in 1972. Chisholm was the first African-American woman to serve in Congress, the first African-American and the first woman to campaign on a major party ticket, an advocate for civil rights and equal rights, and a daughter of the Caribbean. Her tenacity and principled nature are inspirations to us all.

While we've been fortunate to have Caribbean Americans serve in Congress, it's important for us to realize that Caribbean Americans reside throughout our Nation.

Oftentimes, Congress will focus on "hot spots" in the Caribbean—such as Cuba and

Haiti, and forget that we have many constituents with roots from Jamaica to Trinidad and Tobago and from the Dominican Republic to Guyana. As a member of the House Appropriations Committee's subcommittee on Foreign Operations and the bi-partisan Caribbean Caucus, I believe it is of vital importance to monitor and shape policies to improve relations with our Caribbean neighbors throughout the region.

I'd like to thank my colleagues who brought this legislation forward, particularly Congressman John Tierney, and his staff Kevin McDermott, who helped move the resolution through the House Oversight and Government Reform Committee. On that note, I'd also like to thank Chairman Henry Waxman and the rest of the Oversight and Government Reform Committee for expeditious consideration of this resolution.

I'd like to close by mentioning that this resolution could not have come to the floor of this House at a better time, as members of the Caribbean Community, or CARICOM, are gathering here in Washington, DC, for their conference, which will run through the rest of the week. Heads of State and other leaders of the many nations that are part of CARICOM, representing the nations of Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago, as well as nations that are Associate Members and Observers of CARICOM. It is my hope that this conference will not only allow these nations to help move the Caribbean as a whole, forward, but also provide the opportunity for us to meet with and discuss issues important to growing the relationship between the U.S. and the nations along our Third Border.

I ask all of my colleagues on both sides of the aisle to join me in supporting this measure to honor the Caribbean-American community.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the passage of House Concurrent Resolution 148 which declares June as National Caribbean American Heritage Month. I am honored to be a cosponsor of this bill because it recognizes the contributions of Caribbean Americans to the social, economic and cultural landscape to the United States of America. The West Indies represents a diverse melting pot with each island bringing its own unique enriching element to this country's background. With approximately 34 million people and 16 independent nations sharing an African ethnic heritage, the Caribbean is a cosmopolitan region.

Some may wonder, what are we really celebrating during Caribbean Heritage Month? What makes these dynamic groups of people so distinct? Since the 17th century, West Indian slaves were shipped to the Americas. The Caribbean region continued to suffer slavery's wrath long after its abolition. Colonialism continued to strangle the region's independence, creating fragmented and dependent economies. However, in just over 40 years of independence, the region has established democratic governments and strengthened ties with the United States. Despite extenuating circumstances, these former colonies are now rising states which continue to infuse American mainstream culture.

According to the 2005 American Community Survey, some 2.2 million American residents have a West Indian background. Moreover, approximately 32 percent of the Caribbean-American population is currently enrolled in college or graduate school, and 33 percent of the West Indian population is employed in educational, health care, and social services. In my home state of Florida, there is an estimated 649,000 Caribbean Americans. Approximately 30 percent of this population is currently enrolled in college or graduate school and 25 percent are employed in educational, health care, and social services.

Large, dynamic and remarkable communities with Caribbean ancestry exhibit this diversity in Florida's 23rd Congressional District. I am so privileged to represent people of virtually every single Caribbean heritage. From Lauderhill to Miramar to West Palm Beach to Oakland Park, I am honored to work on behalf of all of these communities and many more. There are approximately 153,000 Caribbean Americans currently residing in Florida's 23rd District. The Haitian community is one of the largest in the United States. In Broward County, Puerto Ricans comprise the largest Caribbean group at more than 50,000.

Furthermore, the second largest concentration of Cubans in the United States is in Broward County, with approximately 50,000 Cuban-American residents. Palm Beach County has the sixth largest concentration of Cuban-American residents in the United States, with more than 25,000 Cuban-American residents. Moreover, about 25,000 Palm Beach County residents are of Puerto Rican descent, and more than 7,500 are of Dominican descent.

Mr. Speaker, the National Caribbean American Heritage Month's declaration attests to the United States' reception to Caribbean influence in our country's history and its present socio-economic structure. Undeniably, the educational, political, and artistic influences of Caribbean Americans continue to permeate several facets of our society. The American spirit is a tapestry that weaves cultures together, one in which people of all traditions and walks of life convene to better protect and educate one another. The Caribbean-American people are an invaluable part of this tapestry.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 148.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAJOR SCOTT NISELY POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2563) to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR SCOTT NISELY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, shall be known and designated as the "Major Scott Nisely Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Scott Nisely Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 2563, which names the postal facility in Marshalltown, Iowa after Major Scott Nisely.

H.R. 2563, which was introduced by Representative TOM LATHAM on June 5, 2007, was reported from the Oversight Committee on June 12, 2007, by voice vote. This measure has the support of the entire Iowa congressional delegation.

Major Scott Nisely was killed in combat near Al Asad, Iraq on September 20, 2006. He served in the Marines as an officer on Active Duty and as a reservist with the 133rd Infantry Battalion Charlie Company.

He worked 12 years for the U.S. Postal Service in Marshalltown, Iowa. Due to his strong desire to serve his country, he accepted an enlisted rank in order to fill a vacancy in the Iowa Army National Guard. Major Scott had served a tour of duty during Operation Desert Storm as a marine, in addition to Operation Iraqi Freedom as a guardsman. He will be fondly remembered for his patriotism and love of family.

Mr. Speaker, I commend my colleague, Representative TOM LATHAM, for introducing this legislation, and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Major Scott Nisely, a father, athlete and musician, made the ultimate sacrifice for his country on the field of battle and deserves the honor of having his name on the post office in Marshalltown, Iowa, where he worked for 12 years.

Scott was born in Syracuse, Nebraska in 1958, and excelled in track and cross country. He attended Doane College on a track scholarship and pursued a degree in biology.

He showed a passion for his country and did not shy away from the duty of serving his Nation. While in college, he enlisted in the United States Marine Corps ROTC, and after completing his Bachelor's degree in 1981, he was commissioned an Infantry Second Lieutenant in the U.S. Marine Corps.

□ 1530

He rose to the rank of captain and commanded an infantry company during Operation Desert Storm. After his tour in Kuwait and Iraq, he returned to the Reserves, where he was promoted to the rank of major.

Scott continued to serve his community even when out of the military. In 1994 he began working for the U.S. Postal Service in Marshalltown. He participated in his church's music ministry program and was active at the local tae kwon do. Above all, he worked tirelessly to serve others.

Even with such an impressive record of service under his belt, he could not ignore the call of duty. When his country went to war again, he enlisted in the Iowa Army National Guard and accepted the rank of staff sergeant in order to do so. In 2005, he returned to Iraq with C Company of the Iowa National Guard's 133rd battalion.

On September 30, 2006, he was providing security for a convoy in Al Anbar Province, Iraq, when his company came under insurgent small arms fire. He and a fellow member of the Guard were killed.

His decorations include the Combat Infantryman Badge, the Bronze Star Medal, the Oak Leaf Cluster, the Purple Heart, the Army Achievement Medal, and a dozen others.

Let us pay our respect to Major Scott E. Nisely and remember his commitment to serving this Nation by naming the Marshalltown post office in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SALI. Mr. Speaker. I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I would like to thank the committee and the gentleman from Illinois, Chairman DAVIS, for moving this piece of legislation as quickly as they have through the committee and for the opportunity to bring this I think most appropriate legislation to the floor today.

Mr. Speaker, I rise today to encourage my colleagues to support legislation that I introduced to honor Major Scott E. Nisely of Marshalltown, Iowa, one of America's heroes who was killed in combat on September 30, 2006, while serving our country in Iraq.

Scott Nisely served 22 years in the Marines as an officer on active duty and as a Reservist, retiring with the rank of major. During his time in the Marines, he served as an infantry company commander in Operation Desert Storm. And following his active duty, Scott worked 12 years for the U.S. Postal Service in Marshalltown, Iowa.

Due to Scott's strong desire to serve his country, he accepted an enlisted rank in order to fill a vacancy in the Iowa Army National Guard in 2002.

According to letters I have received from soldiers in Scott's unit, he did not broadcast the fact that he was a former Marine major, but humbly served his fellow soldiers. One officer also said he was a "natural born leader of soldiers."

Scott served with the Iowa National Guard on the Multinational Forces Observer mission in the Sinai, and finally in Operation Iraqi Freedom.

Scott's friends, family, coworkers, fellow soldiers and marines attest to the positive and lasting impact he had on their lives. Numerous letters from these individuals were sent to me, and I include them for the RECORD.

Scott's life was a shining example of dedication to service, a strong commitment certainly to his family, his faith, and his country. This legislation will name the post office located at 309 East Linn Street in Marshalltown, Iowa, the Major Scott Nisely Post Office.

I want to thank Scott's co-workers at the Marshalltown post office who initiated this proposal, and I am proud to help them make this timely and appropriate honor a reality. I also want to thank my colleagues from Iowa, LEONARD BOSWELL, STEVE KING, BRUCE BRALEY and DAVE LOEBSACK for their support in moving this legislation forward. I strongly urge all Members to pass H.R. 2563.

DEPARTMENT OF THE ARMY,
HEADQUARTERS, 1ST BATTALION 133D INFANTRY,
Al Asad Ab, Iraq, June 8, 2007.

Congressman TOM LATHAM,
Ames, Iowa.

DEAR MR. LATHAM: I am responding to an inquiry to determine if my unit would support the consideration of naming the United States Post Office in Marshalltown, Iowa after one of my soldiers, Scott Nisely.

The bottom line on this is yes, I, and my entire unit fully support this effort, and see this as a fitting tribute to this fallen citizen soldier.

As a Battalion Commander, I have many soldiers that are under my command. I have deployed in the service of our country 3 times since September of 2000, I have been entrusted with some of the finest young people that our State and our Nation have to offer. Let me share with you a little bit about Scott Nisely from my perspective.

Scott joined the Iowa National Guard after completing a full military career in the Marine Corps, retiring from the Marine Corps as a Field Grade Officer. He then joined the National Guard as an enlisted soldier in the rank of a Buck Sergeant, because this was what was offered to him. On my second deployment, and my first with Scott Nisely, I asked him what motivated him to do this; his reply was that he felt he could make a difference in the lives of these young men, and he still felt a strong desire to serve his country in whatever capacity he could. He didn't care about the rank, he didn't care about the job, as long as he was working with young soldiers, and serving our country. To me this was evident during our OEF deployment, and in our current mission in Iraq.

Scott was a man that was respected by all those around him, not because of the words he said, but because of the way that he lived his life and by the example he set for others. We all lost something the day we lost SFC Nisely and SGT Sourivong. We cannot change the events that happened on that day, but we can honor these men, and the sacrifice that they have made. I believe by naming the Marshalltown Post Office in honor of Scott Nisely, we will always have a visible reminder of this sacrifice, and are honoring a great American who lived his life in a manner that we should all strive to pattern. He lived his life with honor and integrity, love for his family, and love for his country.

Sincerely,
BENJAMIN J. CORELL,
Lieutenant Colonel, Infantry,
Commanding.

DON DOUGLAS,
Marshalltown, IA, June 12, 2007.

To: Representative TOM LATHAM, R–IA.

I did not know Maj. Scott Nisely. But I am a veteran of the Vietnam era, who served my country in the Navy during the Vietnam era, 1961 to 1966. But my outfit anti subsquadron 25 North Island San Diego, CA served aboard USS Aircraft Carrier, USS Yorktown, CVS–10 off coast of Vietnam a couple of tours to that area. I am also a member of VFW Post 839 Marshalltown a life member, and I support our troops. Like I said I didn't personally know Maj. Nisely. But have heard his wife talk about him at hospice meetings I attend since my wife passed away in Feb. 07. It would be a great tribute to him and his family if legislation could be passed as soon as possible renaming Marshalltown Post Office after him.

Since Maj. Nisely put his life on line serving his country defending freedom and doing something he believed in this would be the right thing to do to honor him.

Thank you,
DON DOUGLAS.

LETTER FOR THE RECORD, IN SUPPORT OF H.R. 2563 (06/18/07):

I support naming the Marshalltown Post Office after Major Scott Nisely. He is a true American hero. I had the privilege of serving with him in the 1–133 Infantry in Iraq. He was a very dedicated soldier, always caring for his soldiers and everyone around him. I really looked up to him as a man.

He is a soldier that was dedicated to public service, serving our great nation in 2 wars, both in the Marine Corps and the U.S. Army. He also worked as a Postal Worker, which is a hard job for any American. I appreciate the sacrifices that he has made for our country, especially giving the ultimate sacrifice.

I feel that naming the Marshalltown Post Office in his honor is the least we can do to honor this great American. Please name the Marshalltown Post Office to the Major Scott Nisely Post Office. It will be a great memorial of a great American and great Iowan.

FIRST LIEUTENANT KYLE W. OBRECHT,
1–133 Infantry, Iowa Army National Guard.

I had the honor of working directly with "SSG" Nisely during our deployment to Iraq. I am sending this message of support from Iraq as we are still in theater performing our mission. As a squad leader and leader of men SSG Nisely always ensured the vehicles in his command were mission ready and that his soldiers were constantly on top of the readiness of their equipment.

As former NCO turned officer, I understood his role and his rank in the troop leading arena. SSG Nisely was one of the best NCOs I have ever had the experience of serving with. The funny part, and oftentimes told, part of his exemplary service is the fact that he was a former Marine Major before becoming a NCO in the Iowa National Guard. Not once did this fact ever come from him. He was always humble and loved serving his country and even more he honored our country by serving his men.

As a field grade officer in any service one trends to wane away from direct troop leading duties. SSG Nisely was a natural born leader of soldiers. I hope I can take this example and use it in my career.

Scott's sacrifice will never be forgotten by me or any soldier he served with in this war on terrorism. I hope the resolution will pass so that all Americans that come to use the facility being recommended for the name change will know that an American hero is honored and forever remembered.

FIRST LIEUTENANT (P)
MARCUS A. SMOOT, OD,
1–133 Infantry, Iowa Army National Guard.

I strongly support naming the Marshalltown Post Office after my friend Major Scott Nisely. This would be a nice reminder to patrons of the post office that Scott dedicated his life to serving the people. He did that through his selfless service in the Marine Corps, the Iowa National Guard, and his civilian career at the postal service. Scott was a great man; this has been a great loss to his family, to the military and to the Marshalltown community. Please support the initiative to name the Marshalltown post office in memory of Major Scott Nisely.

CAPTAIN JEFFREY STAKER,
1–133 Infantry, Iowa Army National Guard.

I strongly endorse the naming of a Post Office in Marshalltown, Iowa after Major Scott Nisely. I knew him from deployments to Sinai, Egypt and Iraq. I had several conversations with him and they were always pleasant. He was one of the friendliest guys I have ever met—always positive. Scott was a dedicated family man and a fine soldier. This would be a great way to honor him and his family. He deserves it—he was a hero. Thank you for addressing this.

MICHAEL SMITH,
1–133 Infantry, Iowa Army National Guard.

My husband is currently serving in Iraq and was there with Sgt. Nisely. What a hero this man was! I fully support the post office being named after this brave, wonderful man.

MRS. DOUG (BARB) KRAUSE,
Waverly, Iowa.

He was there for his soldiers, always doing something for people.

JOHN FORTUNE,
Specialist, Army National Guard.

I think that this would be a fitting remembrance for a great man and urge you to accept this proposal (H.R. 2563).

SPECIALIST CURTIS OLSON,
134th Brigade Support Battalion, Minnesota Army National Guard.

Mr. SALI. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2563.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CLEM ROGERS McSPADDEN POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2127) to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLEM ROGERS MCSPADDEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, shall be known and designated as the "Clem Rogers McSpadden Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clem Rogers McSpadden Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today in support of H.R. 2127. This bill will designate the Chelsea, Oklahoma, post office as the Clem Rogers McSpadden United States Post Office.

Mr. Speaker, I am extremely proud to be the author of this bill. Today we have the opportunity to honor not just one of Oklahoma's finest individuals, but in any opinion one of America's finest. As many of you know, Clem McSpadden served as a Member of this body from 1973 until 1975. His colleagues will agree that Clem was a highly respected Member of this Chamber. In fact, Clem was honored with being the first freshman Member ever to be appointed to the Rules Committee. He also helped create the Rural Caucus, which I am a proud member of today.

Those are big shoes to fill for anyone, and that is why it is an honor for me to say I represent a portion of his former congressional district.

Mr. Speaker, I am also proud to mention that Clem isn't just known as being a former Member of Congress. As those of us from Oklahoma know, Clem has readily served in all aspects of life, ranging from politics to family to military service to rodeo announcer. If you asked people in Oklahoma about Clem, you will surely be met with warm stories about how he helped them during his time in the State Senate, how they remember him introducing legendary bull rider Freckles Brown, or how he just gave them some good advice.

Very few people, Mr. Speaker, would make such a great role model for us all. For this reason, I am proud to say I know Clem McSpadden and that he is a friend. More importantly, though, I am proud to say I am one of the many Oklahomans that he has had a positive influence on.

Mr. Speaker, Clem is the nephew of Oklahoma's favorite son, Will Rogers. In keeping with the family legacy, Clem, like his uncle, is fully a part of the fabric that makes Oklahomans the people we are today. We are a people who care about our fellow Oklahomans and who pay their dues through hard work. Clem represents these values on a daily basis and has done so his whole life. This, I venture to say, also makes him one of Oklahoma's favorite sons. For this reason, I find it fitting that we honor an individual like Clem Rogers McSpadden for his selflessness and dedication to our State and country.

Mr. Speaker, in 1974 my father ran for Governor and Clem McSpadden ran for Governor the same year; and even though they were opponents in the election of 1974, they were friends after that election. I am also proud to say that when I was a member of the State legislature in my first term, Clem McSpadden took me aside and mentored me as a member of the legislature. He is a good man and I want to thank him for being a mentor to so many young people. I also want to thank his wife, Donna, for all that she does in the community of Chelsea and the State of Oklahoma.

Mr. Speaker, I encourage my colleagues to join me in supporting H.R. 2127.

Mr. SALI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to most residents of Rogers County, Oklahoma, and rodeo fanatics, the name Clem Rogers McSpadden is well recognized and much appreciated. Known as a "son of Oklahoma," Clem Rogers McSpadden was born into the well-known Rogers family of which his home county is named. His great uncle is none other than the famous Will Rogers. But it is not his historical family background that we are here to speak about today.

We rise to honor the achievements of Clem McSpadden during his life in politics, his military service, community leadership, and successful career in rodeo broadcasting.

Clem McSpadden was raised on his two family ranches, Bushyhead Ranch near Chelsea, Oklahoma, and another in nearby Oologah. During his first year in Oklahoma Agricultural and Mechanical College, he left to join the U.S. Navy.

He served during World War II, and upon returning completed his education at Oklahoma A&M with a degree in animal husbandry. While at college, he and some friends formed a rodeo team.

His strong interest in roping began at an early age, and over time he served as general manager for the National Finals Rodeo, the Old Timers Rodeo and the Indian National Finals Rodeo. He has been announcing for over 60 years and estimates he has announced over 1,400 rodeos.

His esteemed career in politics came in 1954 when he was elected to the Oklahoma State senate, where he served until 1972. He went on to serve in the U.S. House of Representatives one term in the 93rd Congress. In 1983, he formed a consulting and lobbying firm McSpadden & Associates, which lobbies the Oklahoma Statehouse on a variety of issues. His powerful presence and influence continue to drive politics of his beloved Oklahoma.

Nowadays, he spends his time more quietly at home on his vast cattle ranch enjoying retirement with his family.

I urge Members to join me, Mr. Speaker, in passing H.R. 2127 to name this post office for Clem Rogers McSpadden.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 2127, which names a postal facility in Chelsea, Oklahoma, after Clem Rogers McSpadden. H.R. 2127, which was introduced by the gentleman from Oklahoma, Dan Boren, on May 3, 2007, was reported from the Oversight Committee on June 12, 2007, by a voice vote. This measure has the support of the entire Oklahoma congressional delegation.

Clem Rogers McSpadden was born on November 9, 1925, on a ranch near the small town of Bushyhead in Rogers County, Oklahoma. He served in the United States Navy during World War II from 1944 to 1946.

He was first elected to public office in November of 1954 to the Oklahoma State senate. In November of 1972, he was elected to the 93rd Congress and served one term from 1973 to 1975. Mr. McSpadden ran for Governor of Oklahoma in 1974 and lost the Democratic nomination. Presently, Mr. McSpadden is retired and living in Chelsea, Oklahoma.

Mr. Speaker, I commend my colleague, Representative DAN BOREN, for introducing this legislation and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SALI. Mr. Speaker, we have no other speakers, so I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, to simply close, let me again commend DAN BOREN for his introduction of this legislation.

□ 1545

I guess Representative McSpadden was kind of a chip off the block, and I asked if he could also make people laugh, and Dan said that he could indeed, as well as do any number of other things. So he is indeed a tribute to the Rogers and McSpadden families. I would urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2127.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL NUCLEAR FUEL FOR PEACE AND NONPROLIFERATION ACT OF 2007

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 885) to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Nuclear Fuel for Peace and Nonproliferation Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—INTERNATIONAL REGIME FOR THE ASSURED SUPPLY OF NUCLEAR FUEL FOR PEACEFUL MEANS

Sec. 101. Findings.
Sec. 102. Sense of Congress.
Sec. 103. Statements of policy.
Sec. 104. Report.

TITLE II—INTERNATIONAL NUCLEAR FUEL BANK

Sec. 201. Voluntary contributions to the International Atomic Energy Agency.
Sec. 202. Authorization of appropriations.

TITLE I—INTERNATIONAL REGIME FOR THE ASSURED SUPPLY OF NUCLEAR FUEL FOR PEACEFUL MEANS

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Since the United States Baruch Plan of 1946, the United States has believed that an increase in the number of countries that possess nuclear weapons and the means to create such weapons makes the world less secure and stable by increasing the chances that nuclear weapons would be used. A world in which nuclear weapons are used again is less secure for all concerned, and could well trigger a global arms race, as more countries will be tempted to arm themselves with nuclear weapons to prevent attacks by countries that possess nuclear weapons.

(2) It is therefore in the general security interest of all countries, and in the vital national security interest of the United States, that the number of countries that possess a nuclear weapons capability necessarily be kept to a minimum and ultimately reduced.

(3) Uranium enrichment and spent-fuel reprocessing facilities produce nuclear material that can either be used for peaceful purposes in electricity-generating reactors, or can be used to produce uranium and plutonium for nuclear weapons. As such, these facilities are inherently a proliferation risk, allowing their possessor to be just months away from the production of a nuclear explosive device.

(4) It is also therefore in the general security interest of all countries that the number of countries that operate uranium enrichment and spent-fuel reprocessing facilities also be kept to a minimum, consistent with the global demand for nuclear power reactor fuel.

(5) The financing and construction of additional uranium enrichment and spent-fuel reprocessing facilities in additional states around the world is indefensible on economic grounds alone, given current and future supplies of uranium and existing providers of uranium enrichment and spent-fuel reprocessing services to the world market.

(6) The desire to construct uranium enrichment and spent-fuel reprocessing facilities by additional countries, therefore, is often based upon considerations other than economic calculations. The possession of such facilities is often elevated to a matter of national pride—a demonstration to the world that the country that possesses this technology has arrived at a level of technological development comparable to that of the United States and other countries with advanced civil nuclear power programs.

(7) Furthermore, the acquisition of uranium enrichment and spent-fuel reprocessing facilities can be perceived as a demonstration of the developing world's independence from technological domination by the more developed states. Article IV of the Treaty on the Nonproliferation of Nuclear Weapons (21 UST 483; commonly referred to as the "Nuclear Non-Proliferation Treaty" or the "NPT") recognizes that State Parties have an "inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination.". However, this is a qualified right conditioned by a State Party acting in conformity with the NPT's obligation for such countries not to acquire, possess, or develop nuclear weapons or nuclear explosive devices.

(8) It has been long recognized that the proliferation of national uranium enrichment and spent-fuel reprocessing facilities would increase the likelihood of the emergence of new nuclear weapon states. Concerned governments, nongovernmental organizations, and individual experts have for decades recognized the need to address this problem through multilateral assurances of the uninterrupted supply of nuclear fuel, the sharing of peaceful application of nuclear energy, an international fuel bank to provide fuel if the fuel supply to a country is disrupted, and even multilateral participation in international uranium enrichment and spent-fuel reprocessing facilities, as a means of reducing incentives of countries to develop and construct such facilities themselves.

(9) Until recently, such efforts have produced little more than reports. However, the revelations of a nuclear black-market in uranium enrichment technology and equipment, combined with the attempt by North Korea and Iran to possess such technology and equipment to provide the basis for nuclear weapons programs, have rekindled this debate with a new urgency.

(10) Iran has used the specter of a potentially unreliable international supply of nuclear reactor fuel as a pretext for developing its own uranium enrichment and spent-fuel reprocessing capability, which would enable Iran to also produce weapons-grade uranium and plutonium for nuclear weapons.

(11) Several initiatives have been proposed over the last year to address these concerns. The United States has proposed the Global Nuclear Energy Partnership (GNEP), which envisions a consortium of countries with advanced nuclear capabilities providing nuclear fuel services—fresh fuel and recovery of used fuel—to other countries that agree to employ nuclear energy only for power generation purposes, without possessing national uranium enrichment and spent-fuel reprocessing facilities.

(12) The United States also joined France, the Russian Federation, Germany, the United Kingdom, and the Netherlands on May 31, 2006, in proposing a "Concept for a Multilateral Mechanism for Reliable Access to Nuclear Fuel" that would facilitate or create new arrangements between suppliers and recipients to provide fuel to countries with good nonproliferation credentials in case of market failure.

(13) Any assurance of the supply of nuclear fuel should meet the condition outlined by President George W. Bush on February 11, 2004, that "The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing.".

(14) The Russian Federation has proposed that one of its uranium enrichment facilities be placed under international management and oversight, as part of a "Global Nuclear Power Infrastructure" proposal to create international nuclear fuel cycle centers.

(15) In conclusion, the creation of a multitiered system to assure the supply of nuclear reactor fuel at current market prices, under appropriate safeguards and conditions, could reassure countries that are dependent upon or will construct nuclear power reactors that they will have an assured supply of nuclear fuel at current market prices, so long as such countries forgo national uranium enrichment and spent-fuel reprocessing facilities and are committed to the nonproliferation of nuclear weapons.

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the "Concept for a Multilateral Mechanism for Reliable Access to Nuclear Fuel", proposed by the United States, France, the Russian Federation, Germany, the United Kingdom, and the Netherlands on May 31, 2006, is welcomed and should be expanded upon at the earliest possible opportunity;

(2) the proposal by the Government of the Russian Federation to bring one of its uranium enrichment facilities under international management and oversight is also a welcome development and should be encouraged by the United States;

(3) the offer by the Nuclear Threat Institute (NTI) of $50,000,000 in funds to support the creation of an international nuclear fuel bank by the International Atomic Energy Agency (IAEA) is also welcomed, and the United States and other member states of the IAEA should pledge collectively at least an additional $100,000,000 in matching funds to fulfill the NTI proposal; and

(4) the governments, organizations, and experts currently engaged in developing the initiatives described in paragraphs (1) through (3) and other initiatives should seek to identify additional incentives to be included in an international regime for the assured supply of nuclear fuel for peaceful means at current market prices, including participation in non-weapons-relevant technology development and fuel leasing to further persuade countries that participation in such a multilateral arrangement far outweighs the temptation and expense of developing national uranium enrichment and plutonium reprocessing facilities.

SEC. 103. STATEMENTS OF POLICY.

(a) GENERAL STATEMENT OF POLICY.—It is the policy of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means under multilateral authority, such as the International Atomic Energy Agency.

(b) ADDITIONAL STATEMENT OF POLICY.—It is further the policy of the United States to—

(1) oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT;

(2) encourage states party to the NPT to interpret the right to "develop research, production and use of nuclear energy for peaceful purposes," as described in Article IV of the NPT, as being a qualified right that is conditioned by the overall purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capability, including by refraining from all nuclear cooperation with any state party that has not demonstrated that it is in full compliance with its NPT obligations, as determined by the International Atomic Energy Agency; and

(3) strengthen the Nuclear Suppliers Group guidelines concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by Nuclear Suppliers Group members to all such violations, including termination of nuclear transfers to an involved recipient, that discourage individual Nuclear Suppliers Group members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

SEC. 104. REPORT.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means at current market prices under multilateral authority, such as the International Atomic Energy Agency. The report shall include an assessment of the feasibility of establishing an international fuel services center within the United States.

TITLE II—INTERNATIONAL NUCLEAR FUEL BANK

SEC. 201. VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) VOLUNTARY CONTRIBUTIONS AUTHORIZED.—The President is authorized to make voluntary contributions on a grant basis to the International Atomic Energy Agency (hereinafter in this section referred to as the "IAEA") for the purpose of supporting the establishment of an international nuclear fuel bank to maintain a reserve of low-enriched uranium for reactor fuel to provide to eligible countries in the case of a disruption in the supply of reactor fuel by normal market mechanisms.

(b) REQUIREMENTS.—Voluntary contributions under subsection (a) may be provided only if the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) the IAEA has received pledges in a total amount of not less than $100,000,000 and is in receipt of not less than $75,000,000 of such pledges for the purpose of supporting the establishment of the international nuclear fuel bank referred to in subsection (a);

(2) the international nuclear fuel bank referred to in subsection (a) will be established within the territory of a non-nuclear weapon state, and will be under the oversight of the IAEA, only if—

(A) the non-nuclear weapon state, among other things—

(i) has a full scope safeguards agreement with the IAEA and an additional protocol for safeguards in force;

(ii) has never been determined by the IAEA Board of Governors to be in noncompliance with its IAEA full scope safeguards agreement and its additional protocol for safeguards; and

(iii) has effective enforceable export controls regarding nuclear and dual-use nuclear technology and other sensitive materials comparable to those maintained by the United States; and

(B) the Secretary of State has never determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, that the government of the non-nuclear weapon state has repeatedly provided support for acts of international terrorism;

(3) the international nuclear fuel bank referred to in subsection (a) will provide nuclear reactor fuel to a country only if, at the time of the request for nuclear reactor fuel—

(A) the country is in full compliance with its IAEA safeguards agreement and has an additional protocol for safeguards in force;

(B) in the case of a country that at any time prior to the request for nuclear reactor fuel has been determined to be in noncompliance with its IAEA safeguards agreement, the IAEA Board of Governors determines that the country has taken all necessary actions to satisfy any concerns of the IAEA Director General regarding the activities that led to the prior determination of noncompliance;

(C) the country agrees to use the nuclear reactor fuel in accordance with its IAEA safeguards agreement;

(D) the country has effective and enforceable export controls regarding nuclear and dual-use nuclear technology and other sensitive materials comparable to those maintained by the United States;

(E) the country does not possess uranium enrichment or spent-fuel reprocessing facilities of any scale; and

(F) the government of the country is not a state sponsor of terrorism for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law;

(4) the international nuclear fuel bank referred to in subsection (a) will not contain uranium enrichment or spent-fuel reprocessing facilities; and

(5) the nuclear reactor fuel referred to in paragraph (3) will be provided to a country referred to in such paragraph only at current market prices.

(c) WAIVER.—The President may waive the requirement of subparagraph (F) of subsection (b)(3) if the President—

(1) determines that it is important to the national security interests of the United States to do so; and

(2) transmits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the basis of the determination under paragraph (1).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize voluntary contributions under subsection (a) to support subsidization of the price of nuclear reactor fuel whose supply would be assured by the United States, the IAEA, or any other state or international entity covered by this section.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out section 201, there is authorized to be appropriated to the President $50,000,000 for fiscal year 2008.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until September 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of our resolution, and I yield myself such time as I might consume.

Mr. Speaker, this bill is a dramatic step forward in the epic struggle to contain the spread of nuclear arms around the globe. Our bill provides a safe, efficient and collaborative means of getting nuclear fuel to any country that pledges not to develop nuclear arms and delivers on that promise. It will help ensure stability and expose the subterfuge that we know Iran is perpetrating in order to further its nuclear weapons pursuit.

We know full well, Mr. Speaker, that Tehran is actively pursuing a nuclear weapons program. But many are persuaded by Iran's argument that it needs access to a reliable nuclear fuel supply to meet its civilian power needs.

Now, of course we know that Iran's argument is bogus, but Tehran has used the illusory threat of a global breakdown in the supply of nuclear reactor fuel to argue that it must have its own facilities to guarantee that its reactors are forever supplied with fuel. At the moment, Iran is going to have two of these reactors.

We know that the Iranian pretext has been long recognized as a gap in the global nuclear non-proliferation regime. A state can exploit the non-proliferation treaty's recognition of its good standing to develop peaceful uses of the atom and acquire potentially dangerous technology such as uranium enrichment. It could then turn around and use the technology to support a nuclear weapons program.

Our legislation, the International Nuclear Fuel for Peace and Nonproliferation Act, addresses this gap in the nuclear non-proliferation regime and removes Iran's pretext for its so-called peaceful enrichment plan. It does so by promoting the development of an international regime of assured supply of peaceful nuclear power fuel to countries in good standing on their nuclear non-proliferation commitments.

Our legislation, Mr. Speaker, authorizes $50 million to support the establishment of an international nuclear fuel bank supervised by the International Atomic Energy Agency. This money will match the $50 million offered by Mr. Warren Buffett to the Sam Nunn Nuclear Threat Initiative.

The Sam Nunn program support is crucial to the realization of this initiative, but so is the political will of countries around the globe capable of cooperating in such a regime. So after this bill's passage today, I intend to work with key nations to establish the international nuclear fuel bank.

I am very pleased, Mr. Speaker, that our Secretary of State, Dr. Condoleezza Rice, and our former distinguished colleague Senator Sam Nunn, who has perhaps done more to advance the cause of nuclear non-proliferation than anyone else, have fully embraced this bill, and the administration is on record supporting it.

Ours is a broadly supported, bipartisan bill. It would not have come to fruition without the enthusiastic support of my good friend, the ranking member of the Foreign Affairs Committee, our colleague ILEANA ROS-LEHTINEN. It was approved by our committee unanimously, a rare phenomenon in this era of divisive partisanship.

It is imperative that we keep nuclear weapons out of the hands of Iran and provide a source of peaceful nuclear fuel to all countries that are currently flirting with nuclear development programs. I, therefore, urge all of my colleagues to support this most important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, it's a joy to bring another truly bipartisan bill to the floor, thanks to the very able and skilled leadership of Chairman LANTOS of our Foreign Affairs Committee.

This bill, as amended, Mr. Speaker, is a version of the original introduced by our esteemed Chairman LANTOS and contains several new and important provisions that I would like to explain today.

The first of these addresses the supposed right of all countries to manufacture their own nuclear fuel through enrichment or repossessing.

The central problem of this assertion, Mr. Speaker, is that there's very little difference, as we know, in the technology that is used for civilian or for military purposes. So countries such as Iran, which are undoubtedly trying to acquire nuclear weapons, can innocently claim to be establishing a legitimate civilian nuclear program, a claim which can be virtually impossible for the outside world to disprove. For this reason, the acquisition of a similar capability by more and more countries, for whatever reason, means that the technology and the infrastructure needed to manufacture nuclear weapons will expand as well.

The continued spread of this deadly capacity poses an existential threat to the United States and, indeed, the entire world. We cannot allow this to continue. Unfortunately, efforts to stop this growing danger are undermined by a common but erroneous interpretation of the Nuclear Non-Proliferation Treaty, or NPT, specifically article IV, which some assert gives every signatory country an absolute right to enrich and to reprocess.

It is both surprising and disappointing that many of the most ardent opponents of continued proliferation throughout the globe are also strong advocates of this supposed unrestricted right. In fact, Mr. Speaker, the treaty clearly states that the right to nuclear technology is conditioned by articles I and II, which are aimed at preventing the spread of nuclear weapons, including the capacity to manufacture them.

As such, it is the responsibility of countries seeking this capability to go beyond mere assertion and adopt measures that will conclusively demonstrate that it can be used only for peaceful purposes. It should not be the responsibility of the rest of the world to prove that the opposite is true. Iran has taught us the deadly foolishness of that approach.

I believe that it is profoundly wrong to hold the security of American people hostage to this flawed interpretation. Therefore, we have a responsibility to the people whom we represent to openly state the truth, that the NPT does not grant to all signatories an absolute right to enrich and reprocess. And the U.S. must work with our allies and others, as Mr. LANTOS has pointed out, to ensure that this position becomes an integral element in the global non-proliferation effort.

A second set of changes to the original legislation places conditions on any country seeking to host a nuclear fuel bank, as well as on states that wish to receive fuel from the bank. The most important of these conditions, Mr. Speaker, is that state sponsors of terrorism would be prohibited from hosting a nuclear fuel bank and also from receiving fuel from it. This provision is essential to ensure that terrorist states, such as Iran, especially in their nuclear programs, do not benefit from the establishment of such a bank.

A further provision mandates that both host and recipient states have an effective and enforceable export control program regarding nuclear and dual-use technology comparable to that of the United States.

In addition, there is a stipulation that countries seeking assistance from a fuel bank cannot possess enrichment and reprocessing facilities.

A final set of changes, Mr. Speaker, would ensure that any fuel made available by the bank would be at the current market price, thereby sparing U.S. taxpayers from the open-ended burden of subsidizing the nuclear programs of other countries.

With the inclusion of these measures, Mr. Speaker, I am proud to cosponsor Mr. LANTOS' legislation, and I believe that it will prove to be a significant addition to the global non-proliferation effort.

I strongly urge my colleagues to support it.

Mr. Speaker, I have no other speakers, and I yield back the balance of our time.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and pass the bill, H.R. 885, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1600

CALLING ON UNITED NATIONS SECURITY COUNCIL TO CHARGE IRANIAN PRESIDENT WITH CERTAIN VIOLATIONS BECAUSE OF HIS CALLS FOR DESTRUCTION OF ISRAEL

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 21) calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 21

Whereas the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (commonly referred to as the "Genocide Convention") defines genocide as, among other things, the act of killing members of a national, ethnic, racial, or religious group with the intent to destroy, in whole or in part, the targeted group, and it also prohibits conspiracy to commit genocide, as well as "direct and public incitement to commit genocide";

Whereas Article 4 of the Genocide Convention provides that individuals committing any of the listed genocidal crimes shall be punished "whether they are constitutionally responsible rulers, public officials or private individuals";

Whereas 133 Member States of the United Nations have ratified the Genocide Convention and thereby pledged to prosecute those individuals who violate its criteria for incitement to commit genocide, as well as those individuals who commit genocide directly;

Whereas 62 years ago the United Nations was founded in the wake of the Holocaust, the Nazi genocide carried out during World War II that resulted in the slaughter of 6 million Jews in Europe, in order to "save succeeding generations from the scourge of war" and uphold and protect the "dignity and worth of the human person";

Whereas Article 2, Section 4, of the United Nations Charter, to which Iran has agreed as a Member State of the United Nations, requires all Member States of the United Nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas on October 26, 2005, at the World Without Zionism Conference in Tehran, Iran, Iranian leader Mahmoud Ahmadinejad called for Israel to be "wiped off the map", described Israel as "a disgraceful blot [on] the face of the Islamic world", and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas on December 12, 2006, Iranian leader Mahmoud Ahmadinejad addressed a conference in Tehran questioning the historical veracity of the Holocaust and said that Israel would "soon be wiped out";

Whereas on December 15, 2000, Iranian Supreme Leader Ali Khamene'i stated to thousands of Muslim worshippers in Tehran that "Iran's stance has always been clear on this ugly phenomenon (Israel). We have repeatedly said that this cancerous tumor of a state should be removed from the region";

Whereas other Iranian leaders have made similar statements and the Government of Iran has displayed inflammatory symbols that express similar intent;

Whereas on December 14, 2006, incoming United Nations Secretary General Ban Ki-moon said that Iran's calls for Israel's destruction and its dismissal of the Holocaust are "unacceptable", and expressed concern about the regional and global security implications of Tehran's nuclear program;

Whereas on August 3, 2006, in a speech during an emergency meeting of Muslim leaders, Iranian leader Mahmoud Ahmadinejad stated that the Middle East would be better off "without the existence of the Zionist regime", called Israel an "illegitimate regime" with "no legal basis for its existence", and accused the United States of using Israel as a proxy to control the region and its oil resources;

Whereas Iran funds, trains, and openly supports terrorist groups, including Hamas, Hezbollah, and Islamic Jihad among many others, all of which have murdered Americans, Israelis, and non-Israeli Jews and are determined to destroy Israel;

Whereas on December 14, 2001, former leader of Iran and current leader of Iran's influential Expediency Council Ali Akbar Hashemi-Rafsanjani threatened Israel with destruction by nuclear attack, saying, "[i]f one day, the Islamic world is also equipped with weapons like those that Israel possesses now, then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything [in Israel], while it will merely harm the Islamic world'';

Whereas Iran has aggressively pursued a clandestine effort to arm itself with nuclear weapons; and

Whereas the longstanding policy of the Iranian regime is aimed at destroying the democratic State of Israel, a vital United States ally and longstanding friend, which is confirmed by statements such as those made by Iranian leader Ahmadinejad, Supreme Leader Khamene'i, and Expediency Council leader Rafsanjani, demonstrating the threat of a nuclear-armed Iran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns, in the strongest terms, Iranian leader Mahmoud Ahmadinejad's offensive remarks, contemptible statements, and reprehensible policies aimed at the destruction of the State of Israel;

(2) calls on the United Nations Security Council to take up charges against Iranian leader Mahmoud Ahmadinejad for violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and Article 2, Section 4, of the United Nations Charter;

(3) further calls on the United Nations Security Council and all Member States of the United Nations to consider stronger measures to prevent Iran from obtaining nuclear weapons, which would be both a dangerous violation of the Nuclear Non-Proliferation Treaty and a potential means to the end of carrying out Mahmoud Ahmadinejad's threats against Israel; and

(4) reaffirms the unwavering strategic partnership and close friendship between the United States and Israel and reasserts the steadfast commitment of the United States to defend the right of Israel to exist as a free and democratic state.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Every Member of Congress is disturbed by the offensive comments that regularly emanate from the mouth of the Iranian President. His pledge to wipe Israel off the map and his denial of the Holocaust have shocked the civilized world.

I am among those who feel it is no longer enough simply to shake our heads disapprovingly and go about our business. Context is everything.

We are talking about a Jewish majority nation, Israel, whose very existence is threatened by another nation developing a nuclear bomb. Less than three-quarters of a century ago, Hitler and Nazi Germany wiped out more than a third of the world's Jewish population. We cannot stand by and watch if the Iranian President has similar designs.

When Ahmadinejad says that Israel is a legitimate regime with no basis for its existence, our sense of justice tells us we cannot simply ignore it. When he describes Israel as "a disgraceful blot [on] the face of the Islamic world" and declares that "anybody who recognizes Israel will burn in the fire of the Islamic nation's fury," we can't, as people of conscience, dismiss these words as mere rhetoric.

That is the premise of this resolution. This resolution urges us not to shrug, but to take action. It calls on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with Article 2, section 4, of the United Nations Charter, which requires all member states of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. Even more poignantly, it calls for the Security Council to charge Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which forbids direct and public incitement of genocide.

I strongly endorse the premise of this resolution, that we should take seriously Ahmadinejad's venomous rhetoric and respond in a serious fashion that will demonstrate our fortitude in stopping him. With this measure, we also set an example by serving notice to other bigoted world leaders that we will not tolerate racism and thinly veiled threats.

We should be more than happy to set aside any notion of prosecuting President Ahmadinejad under the Genocide Convention were the President to renounce his previous positions on the Holocaust and on Israel. In the absence of such apologies, however, the administration should initiate action that would result in the prosecution of President Ahmadinejad for crimes under the genocide convention and to do so without delay.

I strongly support this resolution. I urge all my colleagues to do likewise to send a message to Iran.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 21, which denounces the Iranian regime, its belligerent rhetoric and behavior, and urges the international community to hold it accountable and prevent it from achieving its horrific goals.

As the U.S. and our allies attempt to prevent the radical Islamic regime in Iran from developing nuclear capabilities, we should reflect on that regime's vision of the future. While most people desire to live in a world of freedom, of liberty, of prosperity and of peace, Iran's rulers actively seek a world of oppression, of destruction, of war, a world without Israel and without a United States of America.

The Iranian leader Ahmadinejad frequently pushes for Israel's destruction, saying that this sovereign state should be wiped off the map, calling it a disgraceful blot on the face of the Islamic world, as Ambassador Watson pointed out, and proclaiming that anybody who recognized Israel will burn in the fire of the Islamic Nation's fury.

On June 3, Ahmadinejad stated, "With God's help, the countdown button for the destruction of [Israel] has been pushed." When Ahmadinejad calls for the destruction of the Jewish state, let us be clear, he is calling for the genocide of Jews. That is why he has continued to cast doubt on the veracity of the Holocaust, calling it a "myth."

His despicable comments cheapen the suffering of millions of Jews, desecrate their memory and pave the way for another Holocaust to occur at the hands of Tehran. The Iranian leader does not threaten Jews and Israel, he explicitly threatens our very own existence.

In October of 2005, he asked, "Is it possible for us to witness a world without America and Zionism. . . . You had best know that this slogan and this goal are attainable, and, surely, can be achieved."

Mr. Speaker, his words and actions do not merely reflect his own views or those of a few powerless extremists. Iran's Supreme Leader, for example, said, "This cancerous tumor of a state should be removed from the region."

Rafsanjani, the former Iranian leader who continues to hold significant influence, and who some mistakenly call a moderate, has threatened Israel with destruction by nuclear weapons, saying that the use of even one nuclear bomb inside Israel will destroy everything, while it will merely harm the Islamic world.

These are no idle threats, those are not just mere words and rhetoric. Iran continues to sponsor terrorist groups like Hamas and Hezbollah who have murdered scores of Israelis, they have murdered Americans as well, as well as Jews who live outside of Israel, and they have violated Israel's territory, and they continue to hold Israeli soldiers hostage.

The existence of our Nation and Israel are not subject to compromise and the lives of Americans and Israelis are not negotiable.

Indeed, in the wake of the Holocaust, the United Nations was founded to save succeeding generations from the scourge of war and to protect the dignity and the worth of every person. The words and deeds of Ahmadinejad and his cohorts violate Article 2, section 4 of the U.N. Charter, which require all U.N. member states to "refrain . . . from the threat or use of force against the territorial integrity or political independence of any state."

Their implicit demands for the death of Jews violates the Genocide Convention, which states that those who commit or incite genocide shall be punished, whether they are rulers, government officials or private citizens.

This resolution, offered by my friend and distinguished colleague, Mr. ROTHMAN of New Jersey, and Mr. KIRK of Illinois, calls for the U.N. Security Council to charge Ahmadinejad with violating those binding documents and for the Council to consider stronger measures to prevent Iran from obtaining the nuclear weapons that it could use to threaten and to attack Israel and the world.

Therefore, I strongly urge my colleagues to adopt this very serious resolution and reaffirm our resolve to end the Iranian threat.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentlewoman from California has 16 minutes left. The gentlewoman from Florida has 15 minutes left.

Ms. WATSON. Mr. Speaker, I yield 8 minutes to the author of the concurrent resolution, the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. I thank the distinguished gentlelady from California, who was also a former Ambassador to the Federated States of Micronesia. Thank you for your leadership on this issue and on so many other issues.

To my dear friend, the ranking member of the International Relations Committee, the gentlewoman from California (Ms. ROS-LEHTINEN), thank you for your strong support for this resolution and for countless other measures of importance to the world as well as to the United States of America.

Mr. Speaker, I rise in support of House Concurrent Resolution 21, a resolution that I was proud to author, along with Congressman MARK KIRK from Illinois.

Mr. Speaker, what do you do when you see injustice? What do you do when you see injustice? Well, as I told my children, you only have two choices when you see injustice. You do nothing, you walk away in the face of genocide, or someone else's torment or unjust, unfair treatment, do nothing, wear blinders like most of the world, or you do something, do something in the face of injustice.

Here we have the President of a sovereign nation, a Member of the U.N., Ahmadinejad from Iran, who says that a fellow nation in the world, a member of the U.N., the state of Israel, should be wiped off the face of the Earth, the people killed. Not only is that a violation of the U.N. Charter, which, not surprisingly, says one cannot, as a member nation, advocate the death and destruction of another member nation, it also violates the Geneva Convention rules against incitement to genocide.

Lest one think that Mr. Ahmadinejad, a twisted, backward, lunatic, be some nonthreatening individual crazy man who happens to talk about the death of millions of innocent people, this is the head of a nation, a sovereign nation with oil wealth and an army and with a stated goal of acquiring nuclear weapons to use to carry out his homicidal, genocidal, lunatic delusions of wiping out the State of Israel.

So we must take his threats seriously. Just as so many say in the history of the 20th century as we review it, we should have taken Hitler's threats more seriously and not just disregarded him as some lunatic who couldn't do anything about his threats.

So we have asked the United Nations, we are asking them through this resolution to enforce its own rules against the incitement of the destruction of a member nation of the U.N.

What is happening at the U.N.? Today you have Indonesia, unbelievably, standing in the way of a simple resolution, simple statement of condemnation against Ahmadinejad's genocidal statement to destroy Israel.

Why would Indonesia not support the rules of the United Nations? Why would not they not even stand silent, they are stopping the U.N. from announcing its resolution against Ahmadinejad's genocidal statements.

Why would Indonesia do that? Whatever the reason, my friends, it's wrong.

Unless Indonesia understands clearly that it will pay a price in world opinion and in economic matters and in political relations with the rest of the world, perhaps it won't move. But let Indonesia know that this United States House of Representatives, these Representatives of the 320 million American people, know what is wrong and what is right.

□ 1615

It is wrong to call for the death and destruction of a nation. It is wrong to call for the genocide of a people, and it is wrong for any other nation to stand in the way of justice, and we won't forget who helped us stop injustice and who prevented us from calling for the trial of Ahmadinejad before the international criminal court and sanctions upon Iran at the U.N.

Why is it important for the United States House of Representatives to speak? Because we will not be silent in the face of this lunatic madman who threatens us and threatens our allies.

By the way, if you read the history of the United States of America, we've been standing up for Israel since its founding. And in our founding, in the 1700s, if you read the history of all of our founders, they supported a Jewish homeland in Palestine. From the 1700s in America up until today, long before the Holocaust of the mid-20th century, back in the 1700s, Americans believed that the Jews should be returned to their homeland. And now this lunatic in Iran wants to wipe out this nation.

And Israel is not just a sentimental favorite. Israel happens to be America's number one strategic military, economic ally in the entire Middle East. People say, well, you know Iraq, and we won't get into that debacle at the moment, what it's costing us in troops and our military, 150,000 troops. If the state of Israel did not exist with its powerful, pro-Western military, freedom of speech, freedom of religion, tolerating all peoples in the region, how many more troops would we have to have in the Middle East if Israel didn't exist? Another 100,000, 200,000 Americans? We don't have to.

Our ally, the state of Israel, is there for America, as it has been ever since its founding: military, intelligence, economic.

So for so many reasons, legal, moral, military, national security for the United States, we cannot let this madman Ahmadinejad threaten America's greatest ally, the only Western democracy in the entire Middle East.

I urge my colleagues to support this resolution, and I urge Indonesia to do what is right and join with us.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate Mr. ROTHMAN for a very eloquent statement stating the purpose of this resolution.

And with that, I'd like to yield such time as he may consume to the ranking member of our Middle East Subcommittee, Mr. PENCE of Indiana.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the distinguished ranking member for yielding and for her extraordinary leadership on that area of the world about which I have some responsibilities as the ranking Republican on the Middle East Subcommittee.

And like the gentlelady from Florida (Ms. ROS-LEHTINEN), I too wish to congratulate the principal author of H. Con. Res. 21. There is no greater or more eloquent advocate for that precious relationship between the free peoples of the United States of America and Israel than Congressman STEVE ROTHMAN of New Jersey. And I commend the gentleman for his leadership on this measure and would echo the gentlelady's remarks about the force and eloquence of his presentation. And I will not seek to emulate that today, nor compete with it.

But I will take a moment, Mr. Speaker, to reflect on the importance of this resolution and the facts and the wisdom underpinning the need for Congress to be heard on the issue of calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the U.N. charter because of his calls for the destruction of the state of Israel.

The United Nations, in a very real sense, was formed when history failed. History and the international institutions on the planet failed to prevent barbaric action by fascist Nazi and Axis powers against the free world. And in every sense, genocide, the genocide that we saw perpetrated by the Germans against indigenous Jewish people and other ethnic populations, the genocide perpetrated by certain Japanese forces on mainland China, was part and parcel of the reason for the formation of the United Nations. And therefore the United Nations charter and the aforementioned Treaty on the Prevention and Punishment of the Crime of Genocide are all tied up one with another.

And so for this Congress, as the legislature of that nation which sits on the Security Council, to call on the United Nations to live up to its historic commitment to prevent and confront genocide is, as we say in Indiana, not a stretch. This is at the very essence of what the United Nations was created to do, and the need for action by the United Nations Security Council when one considers the facts in this case truly speak for themselves. And let me lay those facts out.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, commonly known as the Genocide Convention, defines genocide as, among other things, "the act of killing members of a national, ethnic, racial or religious group with the intent to destroy in whole or in part the targeted group."

Now, let's see if some of the statements by the leadership of the nation of Iran against the people of Israel qualify as calling upon the act of killing members of a national, ethnic, racial or religious group with the intent to destroy in whole or in part that group.

Also, the Genocide Convention bans the conspiracy or incitement to commit genocide and states that violators shall be punished "whether constitutionally responsible rulers, public officials or private individuals."

133 member states of the U.N. have ratified the Genocide Convention, including Iran.

Article II, section 4 of the U.N. charter, also to which Iran has agreed, requires all member states of the United Nations "to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

Now, let's get to the facts because that's what the U.N. requires, that's what the treaty requires, that's what the Genocide Convention requires, that's what the U.N. charter requires.

Well, let's start with October 26, 2005. Iranian leader Mahmoud Ahmadinejad called for Israel to be "wiped off the map," and described Israel as a "disgraceful blot on the face of the Islamic world," and declared that "anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

12 December 2006, that same leader, Iranian leader Mahmoud Ahmadinejad, addressed a Holocaust Denial Conference in Tehran and said that Israel would "soon be wiped out."

15 December 2000, Iranian Supreme Leader Ali Khamene'i stated that "Iran's stance has always been clear on this ugly phenomenon" referring to Israel as the ugly phenomenon. He went on to say, "We have repeatedly said that this cancerous tumor of a state should be removed from the region."

Iran, as we know, has aggressively pursued a clandestine effort to arm itself with nuclear weapons. Iran funds, trains and supports terrorist groups, including Hamas and Hezbollah, which have murdered Americans, Israelis and non-Israeli Jews, and seeks to destroy Israel.

14 December 2001, the President of Iran's Expediency Council and former leader of Iran, Ali Rafsanjani, threatened Israel with nuclear destruction saying, and I quote, "if one day the Islamic world is also equipped with weapons like those that Israel now possesses, then the imperialist strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything, while it will merely harm the Islamic world."

Men and women, these are comments made by the leaders of a sovereign nation that is in a headlong pursuit to obtain nuclear weapons, and has, by international consensus, already obtained missile technology that could deliver such weapons within the theater of the Middle East.

History teaches no truth more clearly than this: nations should take tyrants at their word. For the United States of America to fail to call on the institution of the United Nations to take the tyrants in Iran at their word would be a grievous historical error and one for which future generations of Americans like those injured soldiers that I toured through the Capitol earlier this afternoon will likely have to pay.

This resolution, authored by Mr. Rothman from New Jersey and Mr. Kirk from Illinois, strongly condemns Iranian leader Mahmoud Ahmadinejad's offensive remarks, contemptible statements, and reprehensible policies directed at the destruction of Israel; calls on the United Nation's Security Council to take up charges against Ahmadinejad for violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and article II, section 4 of the United Nations charter.

It also calls on the Security Council and all member states of the United Nations to consider stronger measures to prevent Iran from obtaining nuclear weapons, which would both be in violation of nuclear non-proliferation treaties and give them the potential to eliminate Israel.

And it reaffirms, of course, the unwavering strategic partnership and close friendship between the United States and Israel, and reasserts the steadfast commitment of the United States to defend the right of Israel to exist as a free and democratic and Jewish state.

The time for this resolution has come. I commend the gentleman from New Jersey (Mr. Rothman) for his bold leadership, and I pledge my strong support and urge all of my colleagues to make this strong and deafening statement that this Congress and this Nation will take tyrants at their word, and we will call on the United Nations today to live up to their charter.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield the balance of our time to Ambassador Watson. And I thank Mr. Pence for his eloquent statement.

Ms. WATSON. Mr. Speaker, I will yield then the rest of my time to the gentleman from Ohio, Mr. Dennis Kucinich.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentlelady from California (Ms. Watson) and Ms. Ros-Lehtinen.

And I want to begin by stating that the sponsor of this resolution, Mr. Rothman, is a person of great heart and compassion, someone who I admire and am proud to serve with in this Congress. His dedication to peace and to justice is something that is admirable. I share his dedication to the survival and the security of the State of Israel.

At this time, Mr. Speaker, I would like to ask unanimous consent to include a New York Times translation of the text of President Ahmadinejad's speech, a translation by the Middle East Media Research Institute of his speech, articles relating to an analysis of the speech, and the words that were used by Virginia Tilley of Johannesburg, South Africa and by Erash Narsi written on the 18th of January 2007.

☐ 1630

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. ROS-LEHTINEN. Mr. Speaker, reserving the right to object, I would inquire, is the gentleman inserting into the Congressional Record a speech by Ahmadinejad?

Mr. KUCINICH. If the gentlewoman will yield, as part of this debate, that is correct.

Ms. ROS-LEHTINEN. I was just asking if you are putting in the Congressional Record a speech by Ahmadinejad.

Mr. KUCINICH. Yes. The text from the New York Times, a translation.

Ms. ROS-LEHTINEN. Mr. Speaker, this resolution is calling Ahmadinejad's comments akin to genocide, calling for the destruction of the State of Israel, and calling for the wiping out of millions of people because they are Jews. And I object to having this person's words be placed in the Congressional Record, the record of the United States of America, of the people's House, and I object.

With all due respect to the gentleman, he may object to the resolution and speak against it, but I object to having Ahmadinejad's speech being inserted into the Record at the same time that the gentleman is speaking against this resolution.

So I do object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Ohio is recognized.

Mr. KUCINICH. Mr. Speaker, the purpose of this insertion, which is from the New York Times, printed in a newspaper of general circulation, is to be able to clarify that the quotes that are cited in the resolution are either mistranslated or out of context, and I think that should be something that would be of interest.

Ms. ROS-LEHTINEN. Mr. Speaker, if the gentleman would further yield, I understand if that is what you would like to use to make the connection.

Mr. KUCINICH. Reclaiming my time, Mr. Speaker, this is not my translation. This is a translation from the New York Times Tehran Bureau of this speech, and that is what I wanted to submit in the Record, because this debate, even if unintentional, could be used as still another cause for a U.S. attack on Iran, and because the International Atomic Energy Agency has not established that Iran is developing nuclear weapons and because we went to war against Iraq on the basis of misinformation, disinformation, and because I stand for peaceful resolution of all international disputes in the Middle East, in the region, and because I do share the concern that Israel would be in peril, which is why I did the research. I did the research. That is the basis of my wanting to submit a translation.

Now, there is an old saying "much is lost in translation," and if there is so much riding on this resolution, it would appear to me that the prudent approach to take would be to read a translation from Farsi to English. And I have two such translations to offer this Congress if anyone is interested.

Mr. ROTHMAN. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. Of course, I will yield to my friend from New Jersey.

Mr. ROTHMAN. My friend, you referred to a translation of a speech. The offenses of Ahmadinejad are many. And three separate remarks on three separate occasions calling for the destruction of the state of Israel, does the gentleman have translations of each of those three separate remarks calling for the genocidal destruction of the state of Israel?

Mr. KUCINICH. Reclaiming my time, Mr. Speaker, I have pretty thorough translations that I would like to proceed to speak to.

Mr. ROTHMAN. Do you have them, of all three?

Mr. KUCINICH. I am going to proceed specifically with the comments, if I may. Everything that I have relates to this resolution, my good friend. And I am going to proceed now, and then I will yield again, certainly. I just want to make sure we can continue this.

I want to proceed with quotes from this resolution. I am just going to stay very closely to this resolution because this is what we are debating, a resolution before the House that calls on the Security Council to charge Iranian President Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel, something that I obviously would find abhorrent and repugnant if he said that. And I started to do research on this, and I am just calling it to your attention.

With respect to the quote that he said that Israel should be wiped off the map, that is what the quote was, I have seen, from translations in the New York Times and the Middle East Research Institute that this speech that Ahmadinejad gave on October 26, 2005, does not call for Israel to be wiped off the map.

Now, H. Con. Res. 21 states that he has called for Israel to be wiped off the map. But according to the Middle East Research Institute, it is more correctly translated as "eliminated from the pages of history." And when taken in full context, here is what the quote says: "This regime that is occupying Qods," or Jerusalem, "must be eliminated from the pages of history." He is talking about the regime.

Now, H. Con. Resolution 21 accuses President Ahmadinejad of saying that Israel, and these are awful quotes if he said it, it is horrible, that Israel is a "disgraceful blot on the face of the Islamic world." However, the New York Times translates this section of the speech as saying, "Our dear Imam targeted the heart of the world oppressor in his struggle, meaning the occupying regime. I have no doubt that the new wave that has started in Palestine, and we witness it in the Islamic world too, will eliminate this disgraceful stain from the Islamic world."

Now, I object to anyone's putting the word "disgraceful" in connection with Israel. However, he did not say, he wasn't talking about the people of Israel, the nation, he was talking about the regime.

Here again is the quote that is included in this resolution: "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

Look, I recognize Israel and I am not interested in that kind of condemnation. But H. Con. Res. 21 accuses President Ahmadinejad of declaring that anybody who recognized Israel will burn in the fire of the Islamic nations' fury. However, in two separate translations, it is clear that Ahmadinejad is referring to the Israeli regime.

The New York Times translation: "Anyone who recognizes this regime because of the pressure of the world oppressor, or because of naivete or selfishness, will be eternally disgraced and will burn in the fury of the Islamic nations."

The Middle East Media Research Institute translation reads: If someone is under the pressure of hegemonic power," the West, "and understands that something is wrong, or he is naive, or he is an egotist and his hedonism leads him to recognize the Zionist regime, he should know that he will burn in the fire of Islamic Ummah," nation . . .

So what he is calling for is regime change, according to these translations. According to these translations, he is calling for regime change. He is not calling for the destruction of Israel. Now, I am just going on the basis of a New York Times translation.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I will yield to my friend.

Mr. NADLER. Mr. Speaker, is the gentleman aware that it is standard usage in the Government of Iran and in many of the Arab regimes that since they will not say the word "Israel," they refer to Israel as the Zionist entity or the Zionist regime so that when they say the "Zionist regime," they are not necessarily calling for regime change? When they say the "Zionist regime" or the "Zionist entity" must be abolished, they are usually referring to the country of Israel?

Mr. KUCINICH. Mr. Speaker, to respond to my friend, if that is what he meant, then we have cause for great concern. However, in one of the articles I wanted to submit so that Congress could see it, it says, and I quote, "What did Ahmadinejad actually say? To quote his exact words in Farsi," and then they give the quote, "that passage will mean nothing to most people but one word might ring a bell: 'regime.' It is the word 'regime' pronounced just like the English word with an extra e-h sound at the end. Ahmadinejad did not refer to Israel the country or Israel the land mass but the Israeli regime. That is a vastly significant distinction as one cannot wipe a regime off the map."

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I would be glad to have my friend respond and also for Mr. ROTHMAN to respond.

Mr. NADLER. Mr. Speaker, I will respond again. It proves nothing because the fact is that if you are just looking at etymology, it may make sense. But if you look at usage in the Middle East, the Arab and Iranian people who wish the State of Israel eliminated have, since 1947 or 1948, referred to Israel either as the "Zionist regime" or the "Zionist entity." And you can look back at the rhetoric of 1967 when they lined up the troops and they said all the Jews will be killed. They talked about the Zionist regime or the Zionist entity being eliminated. They weren't talking about regime change; they were talking about genocide.

Mr. ROTHMAN. Will the gentleman yield?

Mr. KUCINICH. Yes.

Mr. ROTHMAN. First of all, a lot of these statements occurred in the capital of Iran during the World Without Zionism Conference. Zionism is a historic movement of returning the Jews to their Biblical homeland where they were expelled for thousands of years. So when they have a conference for a world without Zionism and in that conference say that the Zionist regime will be wiped off the map, one could reasonably understand that there would be no more Zionism, no Jewish state, because that is what Zionism is, no Jewish state in the Middle East. By the way, the Middle East, which is a sea of Islamic regimes. A sea of Islamic regimes. Israel's offense is having the nerve to exist as a non-Islamic regime.

But I ask the gentleman for translations of the other matters that came before the U.N. Namely, on December 12 of 2006, during a conference in Iran denying the Holocaust, Ahmadinejad said Israel would soon be wiped out. Not the Labor Government of Israel or the Likud Government of Israel, but Israel would be wiped out. And then again just a few weeks ago on Sunday, June 2, Ahmadinejad said the world would soon see the destruction of Israel. And I say to my friend from Ohio, I know you have the best intentions.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent for an additional 3 minutes to be divided equally between Ms. ROS-LEHTINEN, Mr. ROTHMAN and myself, and I would yield to Mr. ROTHMAN, then Ms. ROS-LEHTINEN, then I will close.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Hearing none, we will have 3 additional minutes of debate, divided equally between the gentleman from Ohio and the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for asking for this time.

I want to be clear about my objection of putting Ahmadinejad's statements in the RECORD. Mr. KUCINICH has an opportunity, as a Member of this House, to clear up the record, as he has pointed out in his statements, and put in those remarks on his own. I would hate to have Ahmadinejad's statements be included as a part of the record in this part of the debate where we are saying that he is a despot. He is a person who denies the Holocaust existence, who has called for Israel's destruction, and to be mincing about with words and translations, I know the gentleman from Ohio's motives are clear. He is not saying that he is calling for Israel's destruction, but I think that any interpretation of Ahmadinejad's words and deeds would clearly say that that is Ahmadinejad's motives.

□ 1645

So I would not like his statements to be made a part of the record in this part of the discussion, but he, as a Member of Congress, is free to clear the record, as he points out, and put Ahmadinejad's words on his own time in the CONGRESSIONAL RECORD.

With that, Mr. Speaker, I would be glad to yield my remaining time to Mr. ROTHMAN.

The SPEAKER pro tempore. The time of the gentlewoman from Florida has previously expired.

Mr. ROTHMAN. I thank the Speaker, the gentlelady from Florida, and the gentleman from Ohio.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Ohio actually has the time.

Mr. KUCINICH. What I had said in my unanimous consent was Ms. ROS-LEHTINEN and Mr. ROTHMAN, then I was going to be last. That was the UC.

The SPEAKER pro tempore. The Chair interpreted the gentleman's request such that he would have 1½ minutes and the gentlewoman from Florida would have 1½ minutes. That is the order of the House.

Mr. KUCINICH. Then I yield 30 seconds to my friend from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, the gentleman is afraid that because at an anti-Zionism "World without Zionism" conference, Ahmadinejad said, "Wipe Israel off the map." We are quibbling over whether he said on another occasion, wipe the Israel regime, Zionist regime off the map and on a third occasion said, the world would soon see the destruction of Israel. The gentleman thinks there is ambiguity there.

This is a regime in Iran sending troops and equipment, killing our soldiers in Iraq, building nuclear weapons, threatening to kill our number one ally, the State of Israel, and he doesn't want the U.N. to look into it to condemn them? I think the gentleman is wrong.

Mr. KUCINICH. If, in fact, that's what he said, then of course the U.N. should look into it. But I think we should look into whether or not he said that. And again, I offered to submit, but was denied a unanimous consent, the text of his speech, and a translation by Nazila Fathi in the New York Times Tehran Bureau of the speech. This is from the New York Times. And they certainly have never been accused of any kind of propaganda against Israel.

So I would say that it is important for us to look at this. And I don't think it is an unreasonable request that we should look at exactly what this person said so we will know what the appropriate course of action is to take.

I stand for peace. I stood before this Congress and challenged the war against Iraq when very few people were willing to do that because I questioned whether or not Iraq did have weapons of mass destruction. I am questioning whether or not this person is trying to destroy Israel. If he is, then I certainly support my friend's concerns.

Mr. GARRETT of New Jersey. Mr. Speaker, I am a proud cosponsor of to day's resolution which calls for the United Nations to take action to uphold one of its most important conventions—the Convention of Genocide. With the violence of the Holocaust just a few years behind them, the members of the United Nations in 1948 established a convention to prevent such atrocities from ever happening again.

There is much talk at the U.N. about preventing war and genocide but unfortunately there is little action. The Iranian President has called for a U.N. member nation to be "wiped off the map." Do we have any doubt that the U.N. would sanction the Israeli Prime Minister if the positions were reversed?

The Iranian president and the Ayatollahs' supreme wish is the destruction of Israel and all her people. They have not tried to mask this goal—they doubt the holocaust of the past and make plans for a holocaust of the future.

Ahmadinejad has even gone as far as speculating that the collateral damage of attacking Israel with nuclear weapons would be worth the cost to the Muslim world. For a regime that is developing nuclear capabilities, these are truly dangerous words. In the 1930s fascist dictators made bold claims of impending violence and we ignored them to our own peril.

The world should not ignore these words of aggression. Today, we call on U.N. member nations to call out Ahmadinejad, to condemn these statements, and to work together to prevent Iran from obtaining nuclear weapons.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H. Con. Res. 21, a resolution calling on the United Nations Security Council to charge Iranian President e.g. Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as, among other things, the act of killing members of a national, ethnic, racial, or religious group with the intent to destroy the targeted group.

Iranian President Mahmoud Ahmadinejad has repeatedly made inflammatory and hateful comments regarding Israel, including direct statements calling for the destruction of Israel, an act of genocide. In 2005, he called for Israel to be 'wiped off the map' and led a group of students in chants of 'death to Israel'. Furthermore, the Iranian president has questioned the history of the Holocaust, an insult to the millions of men and women who perished as a result of that genocide.

These comments are not only hateful and unacceptable, but his comments threaten the security of Israel. As Iran funds, trains, and openly supports terrorist groups, including Hamas, Hezbollah, and Islamic Jihad, that are determined to destroy Israel, Ahmadinejad's words raise concern on Iran's intentions. We must send a clear message to Iran and its President: we condemn your dangerous and reckless remarks.

As a member of the United Nations, the President of Iran's comments violate U.N. rules and must be dealt with decisively by the United Nations leadership and all those in the Security Council.

I want to thank the gentleman from New York, Mr. Rothman, for his hard work on this resolution, and I urge my colleagues to join me in supporting this resolution to call on the United Nations Security Council to hold Iranian President Mahmoud Ahmadinejad accountable for his intolerable words that call for the destruction of the State of Israel.

Mr. BLUMENAUER. Mr. Speaker, I voted "present" on H. Con. Res. 21 because I believe it dilutes the definition of genocide and would ratchet up tensions with Iran without any likelihood of actually doing anything about Mahmoud Ahmadinejad's dangerous anti-Semitism and Iran's ability to inflict harm on Israel. Instead, we need a new framework for relations with Iran that advances our interests and values through engagement and support for the Iranian people. At a time when we haven't dealt meaningfully with the serious and ongoing genocide in Darfur, I am not convinced it advances our long-term interest in strengthening the international legal regime against mass killing by defining another Muslim leader's call for Israel's destruction as genocide.

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this resolution. This resolution is an exercise in propaganda that serves one purpose: to move us closer to initiating a war against Iran. Citing various controversial statements by Iranian President Mahmoud Ahmadinejad, this legislation demands that the United Nations Security Council charge Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

Having already initiated a disastrous war against Iraq citing U.N. resolutions as justification, this resolution is like deja-vu. Have we forgotten 2003 already? Do we really want to go to war again for U.N. resolutions? That is where this resolution, and the many others we have passed over the last several years on Iran, is leading us. I hope my colleagues understand that a vote for this bill is a vote to move us closer to war with Iran.

Clearly, language threatening to wipe a nation or a group of people off the map is to be condemned by all civilized people. And I do condemn any such language. But why does threatening Iran with a pre-emptive nuclear strike, as many here have done, not also deserve the same kind of condemnation? Does anyone believe that dropping nuclear weapons on Iran will not wipe a people off the map? When it is said that nothing, including a nuclear strike, is off the table on Iran, are those who say it not also threatening genocide? And we wonder why the rest of the world accuses us of behaving hypocritically, of telling the rest of the world "do as we say, not as we do."

I strongly urge my colleagues to consider a different approach to Iran, and to foreign policy in general. GEN William Odom, President Reagan's director of the National Security Agency, outlined a much more sensible approach in a recent article titled "Exit From Iraq Should Be Through Iran." General Odom wrote: "Increasingly bogged down in the sands of Iraq, the US thrashes about looking for an honorable exit. Restoring cooperation between Washington and Tehran is the single most important step that could be taken to rescue the U.S. from its predicament in Iraq." General Odom makes good sense. We need to engage the rest of the world, including Iran and Syria, through diplomacy, trade, and travel rather than pass threatening legislation like this that paves the way to war. We have seen the limitations of force as a tool of U.S. foreign policy. It is time to try a more traditional and conservative approach. I urge a "no" vote on this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 21, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE LIFE OF JACOB BIRNBAUM

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 137) honoring the life and six decades of public service of Jacob Birnbaum and especially his commitment freeing Soviet Jews from religious, cultural, and communal extinction, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 137

Whereas Jacob Birnbaum was born on December 10, 1926, and December 10 is International Human Rights Day;

Whereas Birnbaum performed relief work with victims of Nazi and Soviet totalitarianism from 1946 through 1951, then worked with the disintegrating Jewish communities of North Africa in the mid-1950s and early 1960s;

Whereas, in 1964, Birnbaum moved to New York and founded the Student Struggle for Soviet Jewry (SSSJ) on April 27 of that year;

Whereas four days later Birnbaum organized approximately 1,000 students who marched for four hours in front of the Mission to the United Nations of the Soviet Union on May 1, 1964, to begin the direct action public struggle for Soviet Jewry;

Whereas the SSSJ utilized nonviolent methods, including marches, rallies, publication of extensive educational materials, and meetings with government officials, to organize and activate students to take direct action in the cause of freeing Soviet Jews trapped behind the Iron Curtain, utilizing the slogan "Let My People Go";

Whereas, on April 4, 1965, Birnbaum organized the Jericho March, in which students encircled the Soviet Mission and sounded shofars from all around the building and proceeded to rally at the United Nations;

Whereas, on April 12, 1965, petitions were presented at the United Nations's Isaiah Wall;

Whereas Birnbaum organized a Jericho Ride to Washington, DC, on May 20, 1965, where he and the first SSSJ chairman Rabbi Shlomo Riskin met with senior Soviet diplomat Anatoly Myshkov, and thereafter the students circled the Embassy of the Soviet Union to the sound of shofars, then moved on to the Department of State for a vigorous discussion, and finally arrived in Lafayette Park in front of the White House for a rally addressed by Members of Congress and the reading of an Appeal to Conscience;

Whereas Birnbaum and his student steering committee organized approximately thirty events in SSSJ's first two years to awaken the Jewish community in New York and beyond to the plight of Soviet Jews;

Whereas Birnbaum's important New York marches and rallies in the 1960s were the instrumental precursors of the great Solidarity events of the 1970s organized by the Greater New York Conference on Soviet Jewry under the direction of Malcolm Hoenlein, the founding director;

Whereas Birnbaum has testified before committees of the House of Representatives and the Senate and the Helsinki Commission;

Whereas Birnbaum advocated utilizing economic leverage at a Congressional hearing as early as May 1965;

Whereas Birnbaum worked closely in the early 1970s with Senator Henry Jackson, who introduced legislation linking United States trade benefits and capital flow to the Soviet Union with increased Soviet emigration;

Whereas Birnbaum was one of the most persistent of those individuals who fought for passage of the Jackson-Vanik amendment to allow Soviet Jews and other East European Jews to escape oppression and religious, cultural, and communal extinction in the Soviet bloc;

Whereas Birnbaum conducted a number of campaigns with Presidents and Congress for the protection of Soviet Jewish underground self-education groups and organized a delegation of the Synagogue Council of America to meet with the Deputy Secretary of State in 1985;

Whereas Birnbaum received the Prophet in Our Time Award in 1974 on the tenth anniversary of the SSSJ;

Whereas Birnbaum received the Yeshiva University Community Service Award in 1988 and the Freedom Award in 2004 from the Manhattan Beach Jewish Center;

Whereas Birnbaum was honored in 2004 by the Conference of Presidents of Major American Jewish Organizations on the 40th anniversary of the initiation of the Soviet Jewry movement;

Whereas during the 1990s Birnbaum was engaged in a number of interventions in the former Soviet republics of Central Asia, especially Uzbekistan; and

Whereas Birnbaum continues to assist institutions for the Jewish education of former Soviet Jews as part of his "Let My People Know" campaign: Now, therefore, be it

Resolved, That the House of Representatives honors the life and six decades of public service of Jacob Birnbaum and especially his commitment to freeing Soviet Jews from religious, cultural, and communal extinction.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution. I yield myself as much time as I may consume.

I would first like to commend our distinguished colleague, Mr. NADLER of New York, for introducing this resolution. The resolution before the House honors one man, but it also honors all that he symbolizes in the name of human rights and freedom of worship.

Before the Holocaust, the Jewish population of the Soviet Union numbered 5 million. After the war, only 2 million remained. The pain of these Holocaust survivors was compounded. They became the targets of a ruthless and systematic campaign to strip them of their communal rights and Jewish identity.

This resolution pays tribute to a remarkable man who stood up for these victims of brutality. Jacob Birnbaum launched an effort, which turned into a groundswell, to protest the Soviet Union's abhorrent efforts to extinguish the religious, cultural and communal identity of the Jewish people.

His movement began in 1964 as a humble yet bold student group organized to march on the Soviet Mission to the United Nations. Over the years, the group conducted rallies in New York and Washington, circulated petitions, and used every possible means to keep world attention on the plight of the Soviet Jews. This social activism snowballed into the solidarity marches of the 1970s that gathered millions of individuals to fight for the cause.

Birnbaum also worked with the authors of the historic Jackson-Vanik amendment to help free Soviet Jews looking to emigrate. In this way, he helped to elevate the movement so that the U.S. Federal Government had to pay attention and to act. But his dogged and determined work continued, even as the Soviet bloc crumbled and anti-Semitism flared in incidents across the region. Mr. Birmbaum continues to work with educational institutions for former Jews as part of the "Let My People Know" campaign.

Through the years, Jacob Birnbaum has received numerous honors for his services to mankind. He deserves this further accolade on behalf of a grateful Congress for engaging so energetically in a cause that we have long supported, helping to free Soviet Jews from oppression and to help them thrive.

To Jews in Russia and the former Soviet Republic, the name Jacob Birnbaum refers not only to one dedicated man but to the very cause of freedom itself.

I support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Mr. NADLER's resolution, House Resolution 137, honoring the life and public service of Jacob Birnbaum and especially his commitment to freeing Soviet Jews from religious, cultural and communal extinction.

For decades, Mr. Birnbaum has been at the forefront of the nonviolent struggle for Soviet Jewry, establishing the Student Struggle for Soviet Jewry, and organizing marches, rallies and publication of educational materials aimed at freeing Jews trapped in the Soviet Union.

Mr. Birnbaum worked closely with Members of the United States Congress, testified at congressional hearings and consistently pushed for the United States to use our economic leverage against the Soviet Union to pressure that country so they could allow Soviet Jews and other East European Jews to escape the oppression of a religious and cultural nature in the Soviet Union. Throughout the decades, Mr. Birnbaum's persistence and commitment to human rights and religious freedom have been invaluable in freeing Soviet Jews and preserving their religious and cultural heritage.

Mr. Birnbaum's commitment to this cause has not diminished to this day. He continues to help Jewish educational institutions and former Soviet Jews even today. And Mr. NADLER's resolution before us honors Mr. Birnbaum and his years of public service. I urge Members to support this important resolution.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlelady for her support, and I thank Ms. ROS-LEHTINEN for her support.

Mr. Speaker, I rise today to urge my colleagues to join me in supporting House Resolution 137, a resolution to honor the life and six decades of public service of Yaakov Birnbaum, known more familiarly as Jacob Birnbaum, especially his commitment freeing Soviet Jews from religious, cultural and communal extinction.

It is fitting that Jacob Birnbaum was born on December 10, which is also International Human Rights Day. This past December, Mr. Birnbaum celebrated his 80th birthday. It is time for this body to honor the life and work, the 60 years of public service of this remarkable human rights activist. I am very proud to call him a fellow New Yorker.

Jacob Birnbaum was born in Germany, and during World War II, his family fled the Nazis and settled in the United Kingdom. Throughout the war, the Birnbaum family knew the plight of Jews, especially their own relatives, under the Nazis. His personal experience with the horrors of evil sparked the activism of Jacob Birnbaum.

Beginning in 1946, following the end of the war, 19-year-old Jacob Birnbaum devoted several years to providing relief for younger survivors of the Nazi and Soviet totalitarian systems. Through his work with young Polish Jews who managed to leave the USSR after the war, he became familiar with the iniquities of the Soviet system. These earlier experiences fueled his later passion to mobilize American Jewry in the drive to rescue Jews from oppression in the Soviet Union.

In the mid 1950s and early 1960s, he became involved in assisting people from the disintegrating Jewish communities of North Africa caught up in the struggles of the host countries for independence from France and in the persecution of the Jews of North Africa after the independence of Israel.

His activism did not end then. After traveling to the United States, he decided to create a national student organization to activate the grass roots of the American Jewish community. Settling in New York, in 1964, he set up his first student committee. Then he concentrated on building a student core at Yeshiva University. Mr. Birnbaum named the new organization the Student Struggle for Soviet Jewry, known familiarly as the SSSJ.

Finally, he called a national founding meeting at Columbia University on April 27, 1964, followed by a large student demonstration 4 days later on the Soviet holiday May Day in front of the Soviet United Nations Mission. The authoritative Center for Jewish History has listed the demonstration as the beginning of the public struggle for the freedom of Soviet Jews.

Many consider this action as the reason to consider Mr. Birnbaum the father of the movement to liberate Soviet Jewry. Indeed, the evidence supports this notion. Throughout the rest of the 1960s, under his direction, the Student Struggle continued working full time in response to the oppression of Soviet Jews.

As we know, the Bolshevik Resolution in Russia led to the imprisonment of Soviet Jews behind the Iron Curtain. Jewish culture, Jewish religion and Jewish communal life were forcibly extinguished under the Soviet regime, which also indulged in numerous anti-Semitic actions.

Even after Stalin's death, the Soviet kingdom of fear abated only slightly. The Cold War effectively continued to cut off the Jews of Russia and Eastern Europe from their fellow Jews in the West, and almost all expressions of Jewish religion and culture continued to be prohibited.

Nevertheless, expressions of outrage began to accumulate in the early 1960s, with a few pioneers leading the way. Shortly after the initial organizing by Jacob Birnbaum, the major Jewish organizations met in Washington, DC, and established the American Conference on Soviet Jewry. The SSSJ that Mr. Birnbaum had established functioned as its handbook said, "to mobilize a tidal wave of public opinion."

After the mass arrests of young Jewish dissidents on June 15, 1970, and the death sentences handed down to them in the Leningrad trial of December 1970, the National Conference on Soviet Jewry was created.

□ 1700

The Greater New York Conference, under the direction of the then young activist Malcolm Hoenlein, initiated the profoundly important Solidarity Day marches, modeled after Jacob Birnbaum's Jericho, Redemption, and Exodus marches and rallies of the 1960s. Mr. Hoenlein is now the Executive Vice Chairman of the Conference of Presidents of Major American Jewish Organizations. Of great significance was the creation in 1970 of the Union of Councils for Soviet Jews, a coalition of non-establishment regional groups, under the chairmanship of Dr. Louis Rosenblum, with whom Jacob Birnbaum worked for many years.

Mr. Hoenlein has publicly stated that he considers Mr. Birnbaum "the father of the Soviet Jewry movement." Similar statements have been made by other major public figures such as Dr. Meir Rosenne, who worked closely with Mr. Birnbaum in the early formative period of 1964 to 1967. Dr. Rosenne later became Israel's Ambassador to France and then to the United States. Sir Martin Gilbert, the official British historian of Winston Churchill and his times, has made a similar statement.

In May, 1965, Mr. Birnbaum was the first person to testify before a congressional committee on the importance of utilizing economic leverage on the Kremlin to secure the liberation of Soviet Jews. When the late Senator Henry Jackson initiated the legislation which finally resulted in the passage of the Jackson-Vanik Amendment in 1974, Mr. Birnbaum worked closely with the director of Senator Jackson's office, Dorothy Fosdick, and, of course, with his other aide, Richard Perle, who played a major role in the initiation and development of the legislation.

The idea of placing economic pressure on Communist states to increase emigration played a key role in softening up the Kremlin regimes to make possible the Soviet Jewry demand of "Let My People Go." For the first time, there was legislation to put teeth into the previous congressional humanitarian resolutions.

From 1976 to 1986, Jacob Birnbaum conducted annual Most Favored Nation campaigns, based on Jackson-Vanik, to pressure various countries, including Romania, to increase emigration and to release prisoners. He testified annually before both Senate and House Committees.

In the latter 1970s, Mr. Birnbaum enlarged his Soviet Jewry strategy. He expanded the slogan "Let My People Go" by adding "Let My People Know." Let them know their heritage. The Kremlin had pulverized Jewish religious, cultural and community life, and, in the 1960s, the Soviet Jewish resistance underground began to generate Jewish self-education, cultural, religious and Hebrew-speaking groups in the Soviet Union.

Mr. Birnbaum conducted numerous campaigns for their protection, enlisting the aid of many Christian religious denominations. These efforts reached a high point when he organized and led a delegation of the Synagogue Council of America to meet with the Deputy Secretary of State and the Department's Human Rights Director, Warren Zimmermann, in September 1985.

Mr. Birnbaum's vision was partially realized with Malcolm Hoenlein's Solidarity Rallies in New York, and, finally, by the great national rally in Washington on December 7, 1987, on the eve of President Gorbachev's meeting with President Reagan.

Finally, in 1990, the Kremlin conceded to all the pressure and permitted a mass emigration, which has now totaled more than 2 million people, about 1 million to Israel and 1 million elsewhere, mostly to the United States. This was no small accomplishment. And many people played a role in making it happen.

In addition to the courageous work of Mr. Birnbaum, tribute ought to be paid to the pioneers and the other national organizations which fought so strenuously for the liberation of Soviet Jews:

Morris Abram, U.S. Human Rights Commissioner; Dr. Moshe Decter, the scholar whose research fueled the early movement; former Justice Arthur Goldberg; the distinguished theologian, Rabbi Dr. Abraham J. Heschel; Senator Jacob Javits; NASA scientist Dr. Louis Rosenblum of the Cleveland Committee on Soviet Anti-Semitism; and Elie Wiesel, whose book, "The Jews of Silence" was so influential.

Many organizations also played an important role, and I will name them in my extended remarks.

Following the collapse of the Soviet regime, Mr. Birnbaum spent a substantial part of the 1990s in combating anti-Semitic manifestations in former Soviet Central Asia, mostly in Uzbekistan, intervening through the State Department and enlisting Malcolm Hoenlein's aid in engaging the Uzbek Ambassador in Washington.

In his 81st year, Mr. Birnbaum continues to support groups engaged in the Jewish education of former Soviet Jews and their children. His dedication to his beliefs remains as strong as ever.

For all these reasons, Mr. Speaker, the House of Representatives ought to honor the life and six decades of public service of Jacob Birnbaum and especially his successful commitment to freeing Soviet Jews from religious, cultural, and communal extinction. He is a true hero.

I want to thank the gentleman from California (Mr. LANTOS), chairman of the Foreign Affairs Committee, for moving this resolution quickly through his committee. I would also like to thank the gentlewoman from California (Ms. WATSON) for managing the consideration of this resolution today, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on this.

Again, I urge all my colleagues to join me in passing this resolution to honor this work of this unique hero of this century.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 137, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CALLING ON GOVERNMENT OF UGANDA AND LORD'S RESISTANCE ARMY TO RECOMMIT TO POLITICAL SOLUTION IN NORTHERN UGANDA

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 80) calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 80

Whereas for over two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda;

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland called the crisis in northern Uganda "the biggest forgotten, neglected humanitarian emergency in the world today";

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA "vicious and cult-like" and designates it as a terrorist organization under the Immigration and Nationality Act;

Whereas the 2006 Department of State report on the human rights record of the Government of Uganda found that "security forces committed unlawful killings . . . and were responsible for deaths as a result of torture" along with other "serious problems", including repression of political opposition, official impunity, and violence against women and children;

Whereas in the 2004 Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement expired on February 28, 2007, without ever having been fully implemented, and though the parties resumed peace talks on April 26, 2007, and signed a preliminary agreement on May 2, 2007, they have not yet arrived at a sustainable negotiated settlement and observers remain concerned that hostilities between rebel and government forces could resume;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo; and

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) disapproves of the Lord's Resistance Army (LRA) leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the LRA and the Government of Uganda to engage in good-faith negotiations to pursue a political solution to this conflict;

(3) encourages all parties in the region to immediately cease human rights violations and address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for those crimes against humanity already committed;

(4) urges leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue to augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the distinguished gentleman from Georgia, Mr. HANK JOHNSON, for sponsoring this important and timely resolution on the nightmarish conflict in northern Uganda.

Two decades of horrific battle between the Lord's Resistance Army and the Ugandan government have taken up to 200,000 lives and displaced nearly 2 million civilians from their homes. But the human tragedy in Uganda cannot be simply represented but numbers and statistics. It is about the daily pain and terror of victims and their families.

Like other rebel forces that have fought the tragic civil wars of Africa, the Lord's Resistance Army built its ranks with child soldiers, both girls and boys, and used vicious and unspeakable methods to alienate these children from their families and their villages. Time and again, Uganda child victims have been forced to commit unthinkable acts, to kill their parents and other relatives before being abducted themselves.

Over two decades of war, more than 30,000 children have been kidnapped and faced a horrible fate, becoming absorbed into the LRA. Meanwhile, tens of thousands of terrified children leave their home villages each evening at dusk and walk to distant towns to avoid being kidnapped by the LRA and pressed into service. They are known in Uganda as the "night commuters."

Mr. Speaker, every parent in the United States labors to reassure their young children that they are safe at home when sleeping in their own beds. The greatest crime of the Lord's Resistance Army is to take even this basic right away from children and families of northern Uganda.

While the LRA is responsible for the overwhelming majority of violence and abuse of children and their families, the government of Uganda also has been cited time and again for human rights violations. In August of last year, South Sudan's President brokered a cessation of hostilities agreement between the government and the rebel forces, but the accord broke down and only last month did the 10-month effort resume.

I believe the Uganda people deserve both peace and justice. It is incumbent upon the international community to work with Uganda people, particularly the people of northern Uganda, along with the International Criminal Court and the Ugandan judiciary, to make sure both a lasting peace and real justice are achieved.

The healing and the recovery of the Uganda people, particularly the children, from this tragic war, requires that we make their personal peace the priority right now. It is the only path to lasting stability for northern Uganda. That is why I urge the passage of this legislation, to put Uganda on a path to peace once again.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 80, which calls on the government of Uganda and the Lord's Resistance Army, the LRA, to recommit to a political solution to the conflict in northern Uganda by engaging in good faith negotiations, and it urges support for the ongoing peace process from the United States and the international community.

As my good friend from California, Ambassador Watson, has pointed out, since 1986, northern Uganda has been embroiled in a vicious conflict which pits the forces of Uganda President Museveni against the rebel Lord's Resistance Army, LRA, of Joseph Kony. Kony claims to hold mystical powers and asserts that he has been guided by God to protect the Acholi people of northern Uganda who have been marginalized by Museveni's government. However, it is the Acholi themselves who have suffered disproportionately at the hands of the LRA.

The LRA, which has been designated as a terrorist group subject to the State Department Terrorist Exclusion List, moves in small, well-coordinated groups from bases in southern Sudan and more recently in eastern Congo. They hold no clear political agenda and make no attempt to hold territory, but they mutilate, torture, murder, rape and loot with impunity.

The LRA has abducted more than 20,000 people, mostly children, Mr. Speaker, to work as laborers, soldiers and sex slaves. Children are forced to the front lines, and those who do manage to escape from the LRA find it difficult, if not impossible, to return to their villages after having been forced to commit atrocities in front of their families.

One of the most visible signs of the collective trauma suffered by the people of northern Uganda was pointed out by Ambassador Watson, and this is the "night commuter" phenomenon. At the peak of the conflict, over 20,000 children would walk up to 15 kilometers from their village to the relative safety of the towns each and every night. They would spend the night under grossly overcrowded tents, sleeping on concrete floors, before getting up at dawn to make the return journey to their villages. It was not for food, nor for the promise of social services that drew these children to these towns, but it was fear of abduction by the LRA.

While security conditions in northern Uganda have improved and the number of "night commuters" has decreased over the past years, roughly 90 percent, 90 percent, Mr. Speaker, of the local population remains homeless.

☐ 1715

These 1.4 million people have been forced from their homes and herded by the Government of Uganda into camps for internally displaced persons. Despite attempts to "decongest," the conditions in these camps are abysmal.

A health survey conducted by the Ugandan Ministry of Health in 2005 asserts that up to 1,000 people have died in the camps each week due to treatable illnesses such as diarrhea and malaria. The HIV/AIDS rate in the camps is more than double the national average. Sexual violence and domestic violence against women has increased dramatically, and the IDPs complain that camp life has all but destroyed the social fabric of the region.

For its own part, the Ugandan Government has failed in its efforts to defeat the LRA militarily, and to provide adequate protection for the citizens of northern Uganda. Instead, the government has embraced a highly questionable three-pronged approach towards resolving the conflict, and this includes: number one, pursuing a military campaign against the LRA; two, supporting indictments by the International Criminal Court, the ICC, against the LRA's top leaders; while, three, participating in peace talks while offering amnesty to LRA rebels.

It should come as no surprise that these mutually incompatible efforts have complicated matters and have failed to yield lasting results. Ill-timed military campaigns have undermined numerous mediation efforts, and the ICC indictments have led the LRA to question the sincerity of the amnesty deal offered by the government leaders.

Further, both the Government of Sudan and the LRA have routinely violated the agreement that is called the Cessation of Hostilities Agreement which has now expired without ever having been fully implemented. These actions have prompted skeptics to warn that both sides may be using the pretext of talks to rearm and replenish their forces.

If this is in fact the case, both the LRA and the Ugandan Government should be reminded of the fact that a military solution has alluded them for over 20 years. It is unlikely that a military solution will be any more viable now.

Thankfully, peace talks between the Government of Uganda and the LRA have resumed in Juba, Southern Sudan, and appear to be gaining momentum. Despite numerous challenges, not the least of which is the fact that delegations allegedly representing the two parties have questionable credibility, the Juba process is being hailed as the best chance yet to ending the conflict by political means.

H. Con. Res. 80 serves as an expression of support for this political dialogue. It expresses disapproval of the LRA leadership and its inconsistent commitment to resolving the conflict and it urges both the LRA and the Government of Uganda to engage in good-faith negotiations. It encourages all parties to immediately stop human rights violations and address the issues of accountability, and it calls on both the LRA and the Government of Uganda to renounce any intentions and halt any preparations to resume this violence.

Finally, Mr. Speaker, the resolution calls on the State Department, on the United States Agency for International Development, and other similar government and nongovernment organizations within the international community to continue and to augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this humanitarian crisis.

According to the U.N. Office of Humanitarian Affairs, the conflict of northern Uganda is characterized by a level of cruelty seldom seen, and few conflicts rival it for its sheer brutality.

Despite all of this, Mr. Speaker, it remains one of the most overlooked humanitarian and human rights crises in the world today. H. Con. Res. 80 seeks to shed some well-deserved attention on the crisis in northern Uganda. It affirms the resolve of this Congress that the victims of this atrocious conflict shall not be forgotten.

Mr. Speaker, I thank you for bringing this important resolution to the floor. I urge support by all of our Members.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the distinguished gentlewoman from California and also the honorable gentlewoman from Florida for their support for this resolution.

Mr. Speaker, I rise today in strong support of H. Con. Res. 80, a resolution that I introduced which calls on the Government of Uganda and the Lord's Resistance Army, or the LRA, to recommit to a political solution to the conflict now raging in northern Uganda, and to recommence and sustain vital peace talks.

It also urges immediate and substantial support for the ongoing peace process from the United States and the international community.

When it comes to international affairs, Mr. Speaker, the Congress is somewhat limited in the action that it can take to address issues of concern. As we all know, it is primarily and rightfully a function of the executive branch. However, we do have the right and the ability to use this platform to focus attention on human suffering around the globe, if only for a moment.

So now is our moment to put a spotlight on the situation in northern Uganda. The situation has been explained by both the gentlewoman from California and the gentlewoman from Florida so I will not duplicate what they have said.

My sincere hope is that H. Con. Res. 80 will help bring peace to the ravaged region of northern Uganda. Specifically, this bill calls on the Government of Uganda and the LRA to recommit to a political solution to the conflict in northern Uganda and to sustain the vital peace talks that are now ongoing. It also urges immediate and substantial support for the ongoing peace process from the United States and the international community.

Mr. Speaker, the tragedy in Darfur rightfully has been receiving a great deal of attention as of late, but to the southeast of that region, another tragedy has been developing for nearly two decades. More than 200,000 Ugandans have died from the violence and disease brought about by the conflict between the Ugandan Government and the LRA.

Almost 2 million people have been displaced from their homes and villages, having been forced to flee the violence. What is particularly disgusting about this conflict is the forced recruitment of children by the LRA. As many as 38,000 children have been abducted. The boys are turned into killing machines and the girls into sex slaves.

Former U.N. Under Secretary General Jan Egeland has called the crisis in northern Uganda "the biggest forgotten, neglected humanitarian emergency in the world today."

Today, with the passage of H. Con. Res. 80, I hope to take a small step toward changing this unfortunate truth, and I respectfully ask that my colleagues support the resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentlewoman for yielding.

Mr. Speaker, having personally visited Uganda in April 2006, I chaired a hearing on the endangered children of northern Uganda for the Subcommittee on Africa, Global Human Rights and International Operations. We heard from a number of witnesses and we raised it and continue to raise it with the administration.

But one of our witnesses was a particularly noteworthy person, Grace Akallo. Grace is, or was, a child soldier, an abducted young girl, who was totally mistreated by the Lord's Resistance Army. She was turned into a child soldier. And just a couple of days ago, announced her new book called "Girl Soldier" which makes chilling reading for anybody who wants to know what really goes on in northern Uganda, and how crazed Joseph Kony and his people are; and how, as the distinguished gentleman said just a moment ago, they turn girls into sex slaves and killers and the young men into killing machines. It is a terrible, horrible indictment on how low the individual can sink to.

And Joseph Kony, as we all know, has been indicted by the International Criminal Court for serious crimes against humanity. And, regrettably, this killing continues to go on.

I urge Members to read the book. It is an awakening not just on how she suffered, but also how a person when surrounded by people who love her and give her the kind of support that any individual like herself needs to get, how they can come back, the resiliency of the human spirit. She is a soft-spoken, poised, gentle, lovely young woman who has a great future, but she has been through a nightmare. We ought to keep her and her friends in our prayers.

She also pointed out just last week in a meeting that we had announcing her book that she cries out and prays every day for her friends, many of whom she does not know what happened to them. They are still there, she thinks. They may be dead. But she has no idea. I think that puts additional impetus on us to do more, to save these children, this lost generation.

Mr. Speaker, over the last 20 years as many as 1.5 million persons, an estimated 90 percent of the population of the Acholi area in northern Uganda have been forced into internally displaced camps as a result of the violence between the Lord's Resistance Army and the Government of Uganda. Nearly half of these internally displaced persons are children under the age of 15, people like Grace Akallo.

One quarter of the children in northern Uganda over 10 years of age have lost one or more parents. About a quarter of a million children receive no education at all. The fact that 60 percent of the schools in northern Uganda no longer function is directly attributable to the war. I point out that those that do function do so in a very meager way.

Because of the war in the north, Uganda has developed a lost generation that has grown up in dire circumstances with fear and deprivation as their constant companions. Nearly half of the children in one town are stunted from malnutrition. They are likely to never recover.

The latest 2006 Country Reports on Human Rights Practices summarized in a chilling fashion the horror that has been perpetrated on the people of northern Uganda, particularly by the head of the Lord's Resistance Army, Joseph Kony. It states that "at the height of the war, the LRA, led by Joseph Kony, committed serious abuses and atrocities, including abduction, rape and the killing of civilians. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation."

This resolution tries to put additional focus, additional girth, behind the effort to finally find a negotiated solution to this ongoing killing fields, and we all hope and pray this will have at least a happier ending than thus far.

Again, I urge Members to read the book by Grace Akallo, "Girl Soldier."

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 80, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda by engaging in good-faith negotiations, and urging immediate and substantial support for the ongoing peace process from the United States and the international community.".

A motion to reconsider was laid on the table.

NOTING KILLINGS OF DOZENS OF INDEPENDENT JOURNALISTS IN RUSSIA AND CALLING ON RUSSIAN PRESIDENT TO AUTHORIZE COOPERATION WITH OUTSIDE INVESTIGATORS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) noting the disturbing pattern of killings of dozens of independent journalists in Russia over the last decade, and calling on Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 151

Whereas Paul Klebnikov, the editor of the Russian version of Forbes Magazine, who was investigating suspect business dealings and corruption cases in Russia, was shot to death in Moscow on July 9, 2004;

Whereas Mr. Klebnikov's murder remains unsolved;

Whereas Anna Politkovskaya, an acclaimed Russian journalist and human rights activist who wrote numerous articles critical of Russia's prosecution of the war in Chechnya, of human rights abuses by the Russian government and of Russian President Vladimir Putin was shot to death in Moscow on October 7, 2006;

Whereas Ms. Politkovskaya's murder remains unsolved;

Whereas Ivan Safronov, a military affairs reporter for the Russian newspaper "Kommersant" who wrote articles criticizing the failure of Russian military programs and who was planning to report on potential Russian arms sales to Middle Eastern countries, including to state sponsors of terrorism Iran and Syria, died in mysterious circumstances, falling five stories from a window in the stairwell of his apartment building in Moscow on March 2, 2007;

Whereas, Russian prosecutors subsequently suggested that Mr. Safronov may have committed suicide, although he left no suicide note and the circumstances surrounding his death raised unanswered questions;

Whereas the cause of Mr. Safronov's death remains undetermined;

Whereas, according to Reporters Without Borders, twenty-one reporters have been murdered in Russia since March 2000 and many of those murders remain unsolved;

Whereas, according to Reporters Without Borders, Russia was one of the six most dangerous countries for journalists to work in during 2006;

Whereas a number of those reporters who were murdered had reported on alleged corruption, malfeasance and other controversies at the federal, provincial and local levels of government in Russia;

Whereas a number of those murdered had reported on alleged human rights abuses by the Russian Government;

Whereas a number of those murdered had reported on the Russian government's conduct of the war in Chechnya, which has involved numerous allegations of gross human rights violations and corruption;

Whereas, if journalists are killed or silenced through undue pressure with impunity, a vibrant and participatory civil society sector cannot emerge and democratic developments are stalled; and

Whereas, according to the President of the International News Safety Institute, "murder has become the easiest, cheapest and most effective way of silencing troublesome reporting, and the more the killers get away with it the more the spiral of death is forced upwards": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recalls the essential role that transparency and the free flow of information play in creating and preserving democratic institutions and civil society in any country;

(2) recognizes the vital contribution made by independent journalists in Russia in bringing transparency and a free flow of information to readers after decades of Communist censorship and repression;

(3) notes the disturbing trend of murders of independent journalists in Russia over the last decade;

(4) encourages the President of the United States to formally offer Russian President Vladimir Putin and other officials of the Russian Government United States Government law enforcement investigative assistance to help identify and bring to justice those responsible for the many unsolved murders of journalists in Russia during the past decade; and

(5) urges President Putin to seek out competent, outside law enforcement assistance in the investigation of the unsolved murders of numerous independent journalists in Russia.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1730

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to commend our distinguished colleague Mr. CHRIS SMITH of New Jersey for introducing this important resolution that emphasizes the vital necessity of free speech in a democratic state. Often people consider freedom of speech as just icing on the cake of a society that treats its citizenry well. It's a nice touch but not the most essential component.

But let me be clear, freedom of the press is not just a bourgeois middle class concern. It is not just an American concern. It is the essential component of democracy, as much as in Russia as anywhere else.

Freedom of the press sharpens the tools of democracy and holds a government's feet to the fire. It is the only real way to inform the people about their own country and mobilizing them around crucial issues.

Nowhere is this more important than in Russia, where nascent independent press formed in the early 1990s had suddenly dissipated under fear of government reprisal. It is no mistake that this decline has been accompanied by a simultaneous acquiescence of democratic opposition in the country.

The threat to reporters writing about government decisions and engaging in investigative journalism is immediate and real. It has reached the point that journalists in Russia that dare to criticize the government are constantly looking over their shoulders in fear.

According to Reporters Without Borders, 21 reporters have been murdered under mysterious circumstances since Putin took office in March of 2000. Almost all of those mysteries remain unsolved because the Putin government refuses to investigate fully and honestly.

In the case that has led to perhaps the greatest outcry, Anna Politkovskaya was shot to death in the elevator bank of her apartment building in Moscow. She and her family had feared for her life ever since she emerged as an acclaimed journalist and human rights activist. She wrote numerous articles critical of Kremlin human rights abuses and misdeeds in Chechnya, and she paid the highest price for it.

Paul Klebnikov, the editor of the Russian version of Forbes magazine, investigated suspect business dealings and was subsequently shot to death in Moscow.

Ivan Safronov, a military affairs reporter who criticized the failure of Russian military programs, died in mysterious circumstances after falling five stories from a window in his apartment building.

These three deaths, as well as the tragic loss of many of their brave colleagues, remain unresolved. It appears that the Russian government, which is led by a former KGB colonel, somehow no longer knows how to investigate such crimes. I find that awfully curious.

We cannot allow this repression, this silencing of an independent media, to continue, especially in a country with a nascent democracy and starved for objective information.

There was a fleeting moment in Russia in the early 1990s when an independent media flourished and new publications cropped up overnight. Now, the brave critical journalists who remain cower in fear.

So I urge my colleagues to support this resolution, which highlights the disturbing trend of these suspicious deaths in Russia. It stresses the importance of a free flow of information to a democratic society, and praises the courageous men and women who seek to bring transparency to the Russian people after so many years of Communist secrecy.

Finally, it calls on President Putin to seek outside help in investigating these unsolved crimes and on the United States Government to formally offer such assistance.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of House Concurrent Resolution 151, introduced by my distinguished colleague from New Jersey (Mr. SMITH).

As the gentlewoman from California has pointed out, Mr. Speaker, this important resolution deals with a strange and quite troubling pattern of the killing of independent journalists in Russia over the past decade. We have different estimates, but one places the number of murdered reporters at 21 over the past 7 years, that estimate coming from the esteemed organization, Reporters Without Borders. Another estimate from the International News Safety Institute puts the number at close to 90 reporters killed in Russia over the past 11 years.

Now what is truly strange is that most of these murders remain unsolved. Many of the murdered journalists have made it their personal cause to investigate corruption and the abuse of power at all levels of the Russian government.

Perhaps many of our colleagues will recall how just a few weeks ago a brave Russian reporter was shot in the head on a street in Moscow. She had written articles criticizing the Russian government for its human rights abuses. Her murder remains unsolved.

Perhaps our colleagues will recall the more recent death of a reporter who died in March of this year, as the gentlewoman pointed out, falling five stories from a window in the stairway of his apartment building. He was a military affairs reporter who had criticized the Russian Government in his articles, and he had been planning to publish a report on the arms sales of Russia to the state sponsors of terror, Iran and Syria.

All of these seekers of truth did not deserve to die for their journalistic efforts. Bringing to justice the murderers of these reporters does deserve the strongest possible support of their government, their police, their prosecutors, and yet it appears to be strangely absent.

Mr. Speaker, a free and democratic society requires freedom of the press, freedom of the media and respect for the safety of those who at times risk their lives to uncover the truth. Russia will not be a free and democratic society until that is the case in their country.

We can and we should ask the Russian government to stand up in defense of its independent media and the safety of its reporters, but the unwillingness of the Russian government to solve so many of these murders and the successful efforts of the Kremlin to use state-owned or influenced companies to buy up and sensor the Russian media shows that our voices may be falling on willingly deaf ears.

Nevertheless, that is what we should do. We should call on the Russian government to respect human rights and the rule of law by investigating these crimes with vigor and with sincerity. And that is the message, Mr. Speaker, of the resolution before us.

This resolution also calls on our President to specifically offer our assistance to help the Russian government investigate those crimes.

We should also ask the Russian president to seek out and accept competent outside law enforcement assistance to investigate these crimes, and this resolution calls for that.

Mr. Speaker, it is critical that we recognize the tremendous contributions made by independent journalists in Russia, most especially those who suffer a bitter death as an unjust reward for their efforts. It is critical that we condemn in the strongest possible form the brutal murders of those who died trying to bring accurate and honest information to the Russian people about what is happening in their country.

I urge my colleagues to support Mr. SMITH's resolution to honor these intrepid reporters whose murders cry out for justice.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding, and I want to thank Ambassador WATSON for being one of the cosponsors of this resolution, as well as all of those who join us today in making this collective statement to the Russians that there needs to be significant change, a reform, as to how they treat journalists.

Mr. Speaker, today I rise in strong support of H. Con. Res. 151, a resolution which calls upon Russian President Putin to seek outside law enforcement assistance in investigating the unsolved murders of dozens of Russian journalists over the past decade. We also encourage President Bush to formally offer President Putin law enforcement assistance from the United States.

Most observers think, Mr. Speaker, that some Russian officials have ordered or at least connived at these murders since most of the murdered journalists were investigating government corruption or involvement in human rights abuses. There is good reason to think that people in high places are still protecting the murderers.

Mr. Speaker, Russia holds the second worst position in the world in the number of journalists killed in the last 10 years, according to the International News Safety Institute. Reporters Without Borders counts 21 murdered journalists since March of 2000. This is a conservative number. It does not include the death under extremely suspicious circumstances of Ivan Safronov. It does include the murders of Paul Klebnikov and Anna Politkovskaya.

Mr. Speaker, any Member can do this, do a Google search, put in Russian journalists and murders, and you come up with one headline after another and one news story after another, usually in the Western press, of individuals being killed.

On June 15, there was a headline, "Russian Journalist Attacked in Moscow"; May of 2005, "Radio Journalist Badly Beaten Up"; April 21, "Russian Reporters Get Beaten Despite Wearing Special Jackets"; April 20, "Russian Activists Skeptical About 'Special Clothing For Journalists At Protests," they've got to wear special clothing, protective gear, to protect them from the police; April 9, "Television Journalist Found Dead"; April 9, again, "Critical Television Journalist Fears For His Life"; "Photo Journalist Beaten, Injured", on April 5; "Journalist Assaulted During Demonstration"; and the list goes on and on and on. Sorry, Mr. Speaker, but I see a pattern, and I think other Members do as well.

Let me just say a brief word about the three journalists that all three of us are mentioning today, also delineated in the resolution, whose deaths are sadly illustrative of so many others.

Paul Klebnikov was the editor of the Russian edition of Forbes Magazine. In July 2004, he was shot to death in Moscow while investigating suspect business dealings and corruption cases.

Anna Politkovskaya was an award-winning Russian journalist and human rights activist. She wrote many articles criticizing Russian atrocities committed during the war in Chechnya. In October 2006, she was shot to death in Moscow.

Ivan Savronov reported for the Russian newspaper, Kommersant. He wrote articles criticizing the failure of Russian military programs and was planning to report on potential Russian arms sales to Iran and Syria, state sponsors of terrorism. In March of 2007, he died under suspicious circumstances, as has been recounted by both of my colleagues. He fell five stories from a window in the stairwell of his Moscow apartment building. That was no accident, Mr. Speaker. That was a murder.

None of these cases have been solved, and very few of the less famous cases have been even looked at in a meaningful way.

Many of my colleagues in this House have other concerns about human rights problems in Russia. Xenophobic violence continues throughout the Russian Federation.

□ 1745

People continue to disappear in Chechnya. Local officials still discriminate against non-Orthodox religion, and the rule of just law remains shaky. Of course we all care about these. But I would point out to you that a situation in which journalists can be killed with impunity is a human rights problem of a different order.

It is a human rights problem that mitigates the resolution of other human rights problems. When journalists investigating a corruption case or a human rights abuse can be killed without their killers being brought to justice, or without a convincing effort being made to do so, this intimidates and has a chilling effect on other journalists. It marks off the borders of what others know they must not investigate.

As a result, the Russian press cannot properly fulfill its function of holding officials to account. This is exactly what the killers intend.

I raised this issue recently at a hearing of the Commission on Security and Cooperation in Europe. I was glad when Daniel Freed, Assistant Secretary of State for European and Eurasian Affairs, acknowledged the nature of the problem and said, "attacks on journalists, including the brutal and still unsolved murders of Paul Klebnikov and Anna Politkovskaya, among others, chill and deter the fourth estate."

Mr. Speaker, journalists fulfill an essential role in every society, and none more than those who uncover the theft of a country's assets by its elected officials or commit human rights outrages in its name. Journalists who do this at risk of their lives fully deserve to be called heroes. Make no mistake about it. These journalists knew what they were risking as they wrote and wrote and used the power of the pen to expose.

We owe it to them to raise our voice to bring the killers to justice. Mr. Putin, sadly, does not seem to be making any serious efforts to do so. Unfortunately, we have the situation as it exists today in Russia.

Only when journalists can work without fear of intimidation and death will we be able to say that we have a truly democratic Russian Government. Russian journalists, they are the watch dogs, just as they are in this country and every other country.

Alexander Solzhenitsyn, the great conscience of Russia, said in his Nobel Peace Prize speech in 1970, "Any man who has once proclaimed violence as his method is inevitably forced to take the lie as his principle."

My resolution addresses the violence of the murder of independent journalists, and the lie in the claim that their murders have been seriously investigated. Solzhenitsyn said of Communist Russia, in our country, the lie has become not just a moral category, but a killer of the state. We have to ask ourselves and ask Mr. Putin, was this terrible statement also true of post-Communist Russia?

I think we send a clear message today, and I hope Members in a bipartisan way will support this.

Finally, I just want to thank Mark Milosch and Mark Gauge for their work in helping to put this resolution together.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING OVER 200 YEARS OF SOVEREIGNTY OF THE PRINCIPALITY OF LIECHTENSTEIN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 233) recognizing over 200 years of sovereignty of the Principality of Liechtenstein, and expressing support for efforts by the United States to continue to strengthen its relationship with that country, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 233

Whereas in 1806, Napoleon dissolved the Holy Roman Empire and Liechtenstein became a sovereign country;

Whereas Liechtenstein is nestled between Switzerland and Austria in the Upper Rhine valley of the European Alps, and is one of only two doubly landlocked countries in the world;

Whereas Liechtenstein has approximately 35,000 inhabitants, primarily Roman Catholics of German ethnicity;

Whereas Liechtenstein maintains a strong system of checks and balances between the legislative, executive, and judicial branches of government;

Whereas Liechtenstein is a constitutional hereditary monarchy, whose powers were expanded through a popular referendum in March 2004 in which 64 percent of citizens approved a new constitution;

Whereas the parliament of Liechtenstein, the "Landtag", consists of 25 representatives elected for four year terms by proportional representation in two multi-seat constituencies, 10 representing the lowland area and 15 representing the highland area;

Whereas after World War II, on the basis of Liechtenstein's advantageous corporate tax laws and its Customs Union with Switzerland, an industrial upswing transformed Liechtenstein from a poor agricultural state to a modern society;

Whereas despite its small geographic area and limited natural resources, Liechtenstein has a prosperous, highly industrialized, free-enterprise economy with manufacturing as its leading economic sector, complemented by a robust financial sector;

Whereas Liechtenstein has been a member of the European Economic Area since May 1995 and is working to harmonize its economic policies more closely with the European Union;

Whereas Liechtenstein companies have a considerable manufacturing, sales and service presence in the United States, which has resulted in the creation of over 4500 jobs;

Whereas since 1999, the United States has been the most important export market for members of the Liechtenstein Chamber of Commerce and Industry, totaling $521,000,000 in 2005;

Whereas the Mutual Legal Assistance Treaty between the United States and the Principality of Liechtenstein, which entered into force in August of 2003, has resulted in an enhanced pursuit of criminals and terrorists;

Whereas in cooperation with the United States-led coalition after the fall of Saddam Hussein in 2003, Liechtenstein froze assets of the former Iraqi regime, which resulted, among other things, in the return of a Falcon Jet 50 to the Iraqi people;

Whereas in collaboration with experts from the United States, the Liechtenstein Institute on Self-Determination at Princeton University seeks to raise awareness about issues pertaining to self-determination, self-governance and sovereignty through teaching, research and publications;

Whereas Liechtenstein abolished its military in 1868 and has exercised neutrality in its foreign affairs; and

Whereas Liechtenstein is an active member in international organizations such as the United Nations, the World Trade Organization, and the Organization for Security and Cooperation in Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes over 200 years of sovereignty of the Principality of Liechtenstein; and

(2) expresses its support for efforts by the United States to continue to strengthen its relationship with that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself as much time as I may consume.

I would first like to commend our distinguished colleague, Mr. CLIFF STEARNS of Florida, for introducing this important resolution.

Mr. Speaker, it is my great pleasure to rise today in strong support for this measure, which recognizes over 200 years of sovereignty of Liechtenstein and supports efforts by the United States to strengthen and further its relationships with this country. Liechtenstein may be small in size, but it is big in stature.

Just square 62 miles and nestled in the heart of Europe between Switzerland and Austria, it boasts 35,000 inhabitants, a strong democratic government and a constitutional heredity monarchy. Its mountain landscapes have made it renowned as one of the most beautiful countries in Europe. The country punches well above its weight in its contributions to the global banking and financial sectors.

In just the last 60 years, it has developed from a mainly agrarian society to one of the most highly industrialized countries in the world. Indeed, its economic growth should serve as the model for the potential of all small countries. It has become a strong economic partner for the United States, which has been the largest export market for Liechtenstein over the past 10 years.

In addition, Liechtenstein-based companies have created over 4,500 jobs in the United States, mainly in manufacturing, sales and service. Given the celebration last year of Liechtenstein's 200 years of sovereignty, it is fitting that the House pass this resolution to pay tribute to the country's democratic tradition and prosperity.

Furthermore, in recognition of the important partnership between the United States and Liechtenstein in the areas of politics, economics and security, this resolution calls on the United States to strengthen and further its relationship with Liechtenstein.

I strongly support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to take this opportunity to rise in support of House Resolution 233 authored by my good friend from Florida (Mr. STEARNS) that recognizes the more than 200 years of sovereignty of Liechtenstein. With the dissolution of the Holy Roman Empire 200 years ago, Liechtenstein became an independent state.

Since then, it has evolved as both a constitutional monarchy and a parliamentary democracy. With a population of only about 34,000 people, we cannot expect Liechtenstein to take a leading role in international affairs, but it is an important ally in the cause of supporting and promoting democracy and, despite its small size, it has an importance for the United States that exceeds its geographical reach.

Exports are a major factor in the success of Liechtenstein's economy, and that outward-looking approach to commerce with the rest of the world has made it an important economic partner for the United States, creating almost 5,000 jobs here in the United States and achieving over half a billion dollars in exports to the American market in the year 2005 alone.

At home, in Europe, while it is not a member of the European Union, Liechtenstein is very closely aligned with the economic policies of that important organization and works to harmonize its economic policy very closely with it.

In the international arena, this small nation participates as a full partner in the United Nations, as well as in various critical international forums such as the World Trade Organization and the International Court of Justice.

Mr. Speaker, I encourage my colleagues to vote for this resolution by Mr. STEARNS of Florida, which expresses our support for a continued strengthening of our relationships with Liechtenstein.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the author of this resolution, Mr. STEARNS of Florida.

Mr. STEARNS. I thank my distinguished ranking member and my good friend from Florida and also the chairwoman of the subcommittee. I appreciate your words that you said earlier, and I think you succinctly outlined why this resolution is so important, and I compliment you on your speech.

Mr. Speaker, my colleagues, if you heard the word "Liechtenstein," and you didn't know anything about this resolution, and you were out on the street and you were talking to people, and you said to them, what does the word Liechtenstein mean to you, there would probably be a number of things they would say. But I'll bet you one of the things they would say is it sounds like a word of integrity. It sounds like a word of independence. It sounds like a word of idealism. It sounds like a word of responsibility, and it sounds like a word of charm.

I have been there. It's a very charming country, it's a very responsible country, it's an independent country, and it's a country that represents idealism, much as the gentlelady from California has talked about when she mentioned that this country had been very responsible.

As mentioned, it's 34,000 people. It's a small nation, and accomplishes far more as mentioned earlier in social, political and financial influence than its small size would indicate. Nestled between Switzerland and Austria in the European Alps, Liechtenstein has established a stable and growing democracy, the type of government that we can all be proud of.

For over 200 years it has maintained a constitutional monarchy with a vibrant Parliament that employs a strong system, and this is what we believe in in a republic system of government checks and balances. Along with myself and other colleagues, we have had the privilege of visiting Liechtenstein. On several occasions I was introduced to its fascinating history and the people and its commitment to freedom during the last centuries.

The Liechtenstein family of Austria was given the rights to the land in 1713, and the area gained the status of an independent principality of the Holy Roman Empire in 1719 under the name Liechtenstein. When, in 1806, Napoleon defeated the Holy Roman Empire, the conquered Emperor made Liechtenstein a sovereign country.

Now, my colleagues, unfortunately, the people of Liechtenstein were not granted the full rights and liberties that come with this sovereignty. As under Napoleon, the French occupied the country for the next several years. However, in 1815, within the new German Confederation, Liechtenstein regained its full independence.

This country has a long history of diplomacy and peaceful relationships with its neighbors. In 1868, after the Confederation dissolved, Liechtenstein disbanded its army of 80 men and declared its permanent neutrality which, amazingly, was respected throughout both World War I and World War II. That is a feat of diplomacy.

In 1989, Prince Hans Adam II succeeded his father to the throne. Then 10 years ago, Prince Adam accomplished a diplomatic feat by settling a 60-year long dispute with Russia over the Liechtenstein's family archives, which had been confiscated during the Soviet occupation of Vienna in 1945 and later moved all to Russia, more specifically, to Moscow.

After World War II, Liechtenstein became increasingly important as a financial center. In 1978, this country became a member of the Council of Europe and joined the European Free Trade Association, the EFTA, in 1991. Liechtenstein has been a member of the European Economic Area since May of 1995, and is continuing to work to harmonize its economic policies more closely with the European Union every day.

One of Liechtenstein's most industrious resources is its people. It invested much effort in education, and this is something we can all be proud of and respect, they boast a literacy rate of 100 percent.

☐ 1800

The United States and Liechtenstein have enjoyed a positive relationship for many, many years. In 2002, Liechtenstein and the U.S. signed a mutual legal assistance treaty which focused largely on jointly combating money laundering and other illegal banking activities. In addition, from the beginning of the global war on terror, this country took the initiative and has been a valuable and proactive partner in tracking down the finances of international terrorist groups.

Mr. Speaker, we are all aware of the dangerous world we live in today. In the years following the dreadful attack of September 11, we have been honored by the support and compassion of our friends around the world. We appreciate that.

While it is necessary and just to condemn countries for the threat they pose, I believe it is equally important and vital to honor countries for the support that they provide to us. Liechtenstein is one of those countries whose contribution should be recognized. For these reasons, I encourage my colleagues to take a closer look at the unique nation of Liechtenstein and join with me this afternoon in honoring this wonderful country. And my hat's off to them, and I urge passage of the resolution.

Mr. POE. Mr. Speaker, the tiny principality of Liechtenstein has survived and thrived as an independent and sovereign nation for over 200 years, ever since Napoleon dissolved the Holy Roman Empire in 1806. And I rise today in support of a resolution commemorating their independence and their friendship toward the United States.

Like my home state of Texas, Liechtenstein has worked hard to diversify its economy, keeping its important agricultural markets intact while embracing the industrial and financial services sectors, clearly for its immeasurable good.

Small in territory, Liechtenstein boasts an unemployment rate of only 1.3 percent and some of the lowest tax rates in Europe. Every day, the country's population swells to double its normal size, as citizens from the surrounding countries of Austria, Switzerland and Germany join the hardworking natives at work. And those that live and work in Liechtenstein enjoy one of the highest standards of living in the world.

Liechtenstein is also, of course, a great friend to the United States and to democracy. I have invited the Ambassador of Liechtenstein, Ms. Fristche, to visit my district and observe for herself the pride Texans have in their own country and of course, the unique balance of our own economy—the rice fields planted right up against the oil refineries.

I hope she takes me up on the offer.

That's just the way it is.

Mr. STEARNS. Mr. Speaker, the sovereign nation of Liechtenstein is home to 34,000 people and is the size of Washington, DC. Yet this tiny nation accomplishes far more in social, political and financial influence than its size would indicate. Nestled between Switzerland and Austria in the European Alps, Liechtenstein has established a stable and growing democratic government. For over 200 years it has maintained a constitutional monarchy with a vibrant parliament that employs a strong system of checks and balances.

I, along with many of my colleagues, have had the privilege of visiting Liechtenstein on several occasions, and I was intrigued by its fascinating history and the people's commitment to freedom that has lasted for centuries. The Liechtenstein family of Austria were given the rights to the land in 1713, and the area gained the status of an independent principality of the Holy Roman Empire in 1719 under the name Liechtenstein. When, in 1806, Napoleon defeated the Holy Roman Empire, the conquered Emperor made Liechtenstein a sovereign country. Unfortunately, the people of Liechtenstein were not granted the full rights and liberties that come with sovereignty, as under Napoleon, the French occupied the country for the next few years. However, in 1815 within the new German Confederation, Liechtenstein regained its full independence.

Liechtenstein has a long history in diplomacy and peaceful relations with their neighbors. In 1868, after the Confederation dissolved, Liechtenstein disbanded its army of 80 men and declared its permanent neutrality, which amazingly was respected through both world wars. In 1989, Prince Hans Adam II succeeded his father to the throne. Ten years ago, Prince Adam accomplished a diplomatic feat by settling a 60-year-long dispute with Russia over the Liechtenstein family's archives, which had been confiscated during the Soviet occupation of Vienna in 1945 and later moved to Moscow.

After World War II, Liechtenstein became increasingly important as a financial center. In 1978, Liechtenstein became a member of the Council of Europe and joined the European Free Trade Association (EFTA) in 1991. Liechtenstein has been a member of the European Economic Area since May 1995 and is continuing to work to harmonize its economic policies more closely with the European Union. One of Liechtenstein's most industrious resources is its people. Liechtenstein has invested much effort in education, and now boasts a literacy rate of 100 percent.

The United States and Liechtenstein have enjoyed a positive relationship for many years. In 2002, Liechtenstein and the U.S. signed a mutual legal assistance treaty, which focused largely on jointly combating money laundering and other illegal banking activities. In addition, from the beginning of the global war on terror, Liechtenstein took the initiative and has been a valuable and proactive partner in tracking down the finances of international terrorist groups.

Mr. Speaker, we are all aware of the dangerous world we live in. In the years following the dreadful attacks of September 11, we have been honored by the support and compassion of our friends around the world. While it is necessary and just to condemn countries for the threat they pose, I believe it is equally vital to honor countries for the support they provide. Liechtenstein is one of these countries whose contribution should be recognized. For these reasons, I encourage my colleagues to take a closer look at the unique nation of Liechtenstein and join me in honoring their great accomplishments.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank Mr. STEARNS from Florida for offering the resolution before us. I hope our colleagues support it.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SBA Entrepreneurial Development Programs Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REVISIONS TO SMALL BUSINESS DEVELOPMENT CENTERS

Sec. 101. Small Business Development Centers operational changes.

TITLE II—GRANT INITIATIVES

Sec. 201. Capital Access Initiative.
Sec. 202. Disaster Recovery Program.
Sec. 203. Innovation and Competitiveness Services to Manufacturers Initiative.
Sec. 204. Mature Entrepreneurs Assistance Program.
Sec. 205. Small Business Sustainability Initiative.
Sec. 206. Grants to small business development centers to provide assistance in securing affordable health insurance.
Sec. 207. National regulatory assistance.
Sec. 208. Report.

TITLE III—SCORE

Sec. 301. Repeal of Active Corporation of Executives.
Sec. 302. Increasing the proportion of SCORE volunteers from socially and economically disadvantaged backgrounds.
Sec. 303. Benchmark reporting.

TITLE I—REVISIONS TO SMALL BUSINESS DEVELOPMENT CENTERS

SEC. 101. SMALL BUSINESS DEVELOPMENT CENTERS OPERATIONAL CHANGES.

(a) ACCREDITATION REQUIREMENT.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended—

(1) in the proviso, by inserting before "institution" the following: "accredited";

(2) in the sentence beginning "The Administration shall", by inserting before "institutions" the following: "accredited"; and

(3) by adding at the end the following new sentence: "As used in this paragraph, the term 'accredited institution of higher education' means an institution that is accredited as described in section 101(a)(5) of the

Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)).''

(b) PROGRAM NEGOTIATIONS.—Section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)) is amended, in the matter before subparagraph (A), by inserting before ''agreed'' the following: ''mutually''.

(c) CONTRACT NEGOTIATIONS.—Section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) is amended by inserting after ''uniform negotiated'' the following: ''mutually agreed to''.

(d) NO SBA INTERFERENCE IN SBDC HIRING.—Section 21(c)(2)(A) of that Act (15 U.S.C. 648(c)(2)(A)) is amended by inserting after ''full-time staff'' the following: '', the hiring of which is carried out by the center without interference from, and without influence by, any officer or employee of the Administration,''.

(e) CONTENT OF CONSULTATIONS COVERED BY PRIVACY REQUIREMENTS.—Section 21(a)(7)(A) of that Act (15 U.S.C. 648(a)(7)(A)) is amended by inserting after ''under this section'' the following: '', or the content of any consultation with such an individual or small business concern,''.

(f) REPEAL OF AUTHORITY TO USE AUTHORIZED AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 21(a)(4)(C)(v) of that Act (15 U.S.C. 648(a)(4)(C)(v)) is amended by amending subclause (I) to read as follows:

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).''.

(g) NO CAP ON NON-MATCHING PORTABILITY GRANTS IN THE EVENT OF A DISASTER.—Section 21(a)(4)(C)(viii) of that Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended by adding at the end the following: ''However, in the event of a disaster, the dollar limitation in the preceding sentence does not apply.''.

(h) DEFINITION OF SBDC.—Section 21(a) of that Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

''(8) DEFINITION.—For the purposes of this section, a Small Business Development Center is—

''(A) the entity selected by the Administrator to receive funds pursuant to the funding formula set forth in paragraph (4); or

''(B) the site at which the services specified by this section are delivered.''.

(i) LIMITATION ON DISTRIBUTION TO SBDCS.—Section 21(b) of that Act (15 U.S.C. 648(b)) is amended by adding at the end the following:

''(4) LIMITATION ON DISTRIBUTION TO SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—Except as provided in this paragraph, the Administrator shall not distribute funds to a Small Business Development Center if the State in which the Small Business Development Center is located is served by more than one Small Business Development Center. For purposes of this limitation, the term Small Business Development Center shall have the meaning set forth in subsection (a)(8).

''(B) UNAVAILABILITY EXCEPTION.—The Administrator may distribute funds to two Small Business Development Centers, as that term is defined in subsection (a)(8)(A), if no applicant has applied to serve the entire State. Except as provided in subparagraph (C), the Administrator is prohibited from distributing funds to more than two Small Business Development Centers.

''(C) GRANDFATHER CLAUSE.—The limitations in this paragraph shall not apply for any State in which more than one Small Business Development Center received funding prior to January 1, 2007.''.

(j) REPORTING OF BROADBAND SERVICE PURCHASES.—Section 21(c) of that Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

''(9) REPORTING OF BROADBAND SERVICE PURCHASES.—

''(A) IN GENERAL.—Pursuant to policies adopted by the Administrator, Small Business Development Centers shall report information to the Administrator by nine-digit zip code—

''(i) whether the individual seeking counseling purchases broadband service at the address reported to the Small Business Development Center;

''(ii) if the reported address is different than the business address, whether broadband service is purchased at the business address; and

''(iii) if broadband service is not purchased at the addresses set forth in clauses (i) and (ii).

''(B) REPORTING.—The Administrator shall aggregate data by nine-digit zip code reporting such information to the Federal Communications Commission and the National Telecommunication and Information Administration.''.

TITLE II—GRANT INITIATIVES

SEC. 201. CAPITAL ACCESS INITIATIVE.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(n) CAPITAL ACCESS INITIATIVE.—

''(1) IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out a capital access initiative program.

''(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

''(A) provide capital education by creating a model template to assist individuals in preparing for a broad range of capital offerings;

''(B) assess company potential by conducting company assessments, which shall include, at a minimum, risk analysis and mapping of best capital opportunities;

''(C) prepare individuals to request capital by advising on the various aspects of such a request, including the business plan, the financials, the projections, the presentation, and the approach;

''(D) provide education on the rules of access engagement, organizations involved and available, and approaches that maximize successful requests; and

''(E) deliver ongoing assistance once capital is secured.

''(3) SUPPORT.—In carrying out this subsection, the Administrator shall obtain support from national associations and from organizations such as regional development groups and 'angel' groups founded by Small Business Development Centers.

''(4) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $100,000.

''(5) MAXIMUM AMOUNT.—No applicant may receive more than $300,000 in grants under this subsection in a fiscal year.

''(6) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.''.

SEC. 202. DISASTER RECOVERY PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended by this Act, is further amended by adding at the end the following:

''(o) DISASTER RECOVERY PROGRAM.—

''(1) IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out a disaster recovery program.

''(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

''(A) serve, in partnership with the Administration's disaster center response teams, as a locally based resource for first responders by—

''(i) rotating personnel into a disaster area for immediate response on the ground, processing applications, developing an evaluating recovery business models, and distributing accurate information; and

''(ii) providing continued interaction, over time, with businesses that are recovering from a disaster;

''(B) participate in ongoing national disaster training;

''(C) develop specific State-level disaster response plans; and

''(D) form a network with other Centers to serve as a platform for sharing disaster expertise, training, and human resources.

''(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $50,000.

''(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.''.

SEC. 203. INNOVATION AND COMPETITIVENESS SERVICES TO MANUFACTURERS INITIATIVE.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended by this Act, is amended by adding at the end the following:

''(p) INNOVATION AND COMPETITIVENESS SERVICES TO MANUFACTURERS INITIATIVE.—

''(1) IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out an innovation and competitiveness services to manufacturers initiative program.

''(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

''(A) participate in national training institutes to provide training to all programs of the Center to assist those programs to qualify for technology accreditation designation;

''(B) develop, disseminate, and regularly update best practices 'toolkits' that include best practices for resources, training programs, consultative approaches, and support services;

''(C) recruit and engage significant local assets and resources (such as colleges, universities, economic development organizations, and trade associations) in each State;

''(D) launch nationally a locally based but common themed marketing program, targeted at small manufacturers;

''(E) undertake aggressive outreach to increase the levels of innovation and competitiveness, focusing on business advisement and training for manufacturers;

''(F) provide ongoing professional development to personnel of the Center and of other resource partners; and

''(G) develop and report performance, using common evaluation metrics and outcome measurements.

''(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $150,000.

''(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $500,000.

''(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.''.

SEC. 204. MATURE ENTREPRENEURS ASSISTANCE PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended by this Act, is amended by adding at the end the following:

"(q) MATURE ENTREPRENEURS ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out a mature entrepreneurs assistance program.

"(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

"(A) provide advisors and training resources to assist business owners in recognizing and developing transition plans, including by—

"(i) providing training and educational screening processes on the potential benefits and hazards of self-employment; and

"(ii) developing courses, consulting processes, and highly targeted resource materials, and deploying them throughout the Small Business Development Center network;

"(B) link business owners with additional resource service providers to prepare businesses for transition, including by increasing partnership opportunities, particularly with the Service Corps of Retired Executives (SCORE);

"(C) identify business opportunities for those interested in acquiring businesses;

"(D) help individuals identify and acquire financing for acquisition; and

"(E) provide continuing support once transition has occurred.

"(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $175,000.

"(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $350,000.

"(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.".

SEC. 205. SMALL BUSINESS SUSTAINABILITY INITIATIVE.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended by this Act, is amended by adding at the end the following:

"(r) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

"(1) IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out a small business sustainability initiative program.

"(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

"(A) provide necessary support to smaller and medium-sized businesses to—

"(i) evaluate energy efficiency and green building opportunities;

"(ii) understand the cost benefits of energy efficiency and green building opportunities;

"(iii) secure financing to achieve energy efficiency or to construct green buildings; and

"(iv) empower management to implement energy efficiency projects;

"(B) assist entrepreneurs with clean technology development and technology commercialization through—

"(i) technology assessment;

"(ii) intellectual property;

"(iii) Small Business Innovation Research submissions;

"(iv) strategic alliances;

"(v) business model development; and

"(vi) preparation for investors; and

"(C) help small business improve environmental performance by shifting to less hazardous materials and reducing waste and emissions at the source, including by providing assistance for businesses to adapt the materials they use, the processes they operate, and the products and services they produce.

"(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $150,000.

"(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $300,000.

"(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.".

SEC. 206. GRANTS TO SMALL BUSINESS DEVELOPMENT CENTERS TO PROVIDE ASSISTANCE IN SECURING AFFORDABLE HEALTH INSURANCE.

(a) GRANT AUTHORITY.—The Administrator of the Small Business Administration (hereafter in this section referred to as the Administrator) may award a grant under this section to a lead small business development center (as described under section 21 of the Small Business Act (15 U.S.C. 648)).

(b) USE OF FUNDS.—A recipient of a grant under this section shall use the grant only for the purpose of providing to the owner of a small business concern assistance in identifying and securing affordable health insurance for their business and employees. A recipient of such a grant shall identify Federal, State, and local initiatives designed to assist small businesses and provide such education information to small business concerns seeking assistance on obtaining health insurance. A recipient of such a grant shall also work with health insurance providers in the area to identify premiums charged on health insurance for small business. A recipient of such a grant shall also attempt to negotiate lower health insurance premiums for small business concerns that seek the assistance of the recipient.

(c) MINIMUM GRANT AMOUNT.—A grant under this section may not be in an amount less than $200,000.

(d) APPLICATION.—Each applicant for a grant under this section shall submit to the Administrator an application in such form as the Administrator may require. The application shall include information regarding the applicant's goals and objectives for helping address entrepreneur's concerns with health insurance costs.

(e) REPORT TO ADMINISTRATOR.—As a condition of receiving a grant under this section, the Administrator shall require the recipient of a grant to submit to the Administrator, not later than 18 months after the date on which the grant is received, a report describing how the grant funds were used.

(f) COOPERATIVE AGREEMENTS AND CONTRACTS.—The Administrator may enter into a cooperative agreement or contract with the recipient of a grant under this section to provide additional assistance that furthers the purposes of this section.

(g) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under this section shall comply with all of the requirements applicable to a grantee under section 21 of the Small Business Act, except that the matching funds requirements of such section shall not apply.

(h) EVALUATION OF PROGRAM.—Not later than March 31, 2009, the Administrator shall submit to Congress a report that contains an evaluation of the grant program under this section.

(i) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

SEC. 207. NATIONAL REGULATORY ASSISTANCE.

The Small Business Act is amended by inserting after section 21 (15 U.S.C. 648) the following:

"SEC. 21A. SMALL BUSINESS REGULATORY ASSISTANCE.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ASSOCIATION.—The term 'Association' means the association recognized by the Administrator of the Small Business Administration under section 21(a)(3)(A).

"(2) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term 'participating Small Business Development Center' means a Small Business Development Center participating in the program.

"(3) PROGRAM.—The term 'program' means the regulatory assistance program established under this section.

"(4) REGULATORY COMPLIANCE ASSISTANCE.—The term 'regulatory compliance assistance' means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

"(5) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'Small Business Development Center' means a lead Small Business Development Center described in section 21.

"(6) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a program to provide regulatory compliance assistance to small business concerns through selected Small Business Development Centers, the Association of Small Business Development Centers, and Federal compliance partnership programs.

"(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

"(1) IN GENERAL.—In carrying out the program, the Administrator shall enter into arrangements with selected Small Business Development Centers under which such Centers shall provide—

"(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act (42 U.S.C. 7661f);

"(B) training and educational activities;

"(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, as long as such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

"(D) technical assistance;

"(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

"(F) access to the Internet and training on Internet use, including the use of the Internet website established by the Administrator under subsection (d)(1)(C).

"(2) REPORTS.—

"(A) IN GENERAL.—Each selected Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

"(i) a summary of the regulatory compliance assistance provided by the center under the program; and "(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

"(B) ELECTRONIC FORM.—Each report required under subparagraph (A) shall be transmitted in electronic form.

"(C) INTERIM REPORTS.—A participating Small Business Development Center may transmit to the Administrator such interim reports as the Center considers appropriate.

"(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator shall not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal action.

"(d) DATA REPOSITORY AND CLEARINGHOUSE.—

"(1) IN GENERAL.—In carrying out the program, the Administrator shall—

"(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers;

"(B) submit to the President, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives an annual report that includes—

"(i) a description of the types of assistance provided by participating Small Business Development Centers under the program;

"(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the program;

"(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the program;

"(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the program, including any activities conducted in partnership with Federal agencies;

"(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;

"(vi) any recommendations for improvements in the regulation of small business concerns; and

"(vii) a list of regulations identified by the Administrator, after consultation with the Chief Counsel for Advocacy of the Administration, who shall review such list, and the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations; and

"(C) establish an Internet website that—

"(i) provides access to Federal, State, academic, and industry association Internet websites containing industry-specific regulatory compliance information that the Administrator deems potentially useful to small businesses attempting to comply with Federal regulations; and

"(ii) arranges such Internet websites in industry-specific categories.

"(e) REVIEW OF BURDENSOME REGULATIONS AND PETITION FOR AGENCY REVIEW.—

"(1) TRANSMISSION OF LIST OF REGULATIONS TO CHIEF COUNSEL FOR ADVOCACY.—The Administrator shall transmit to the Chief Counsel for Advocacy of the Administration a copy of the list of regulations submitted under subsection (d)(1)(B) as part of the annual report required by that subsection.

"(2) REVIEW OF LIST OF REGULATIONS.—The Chief Counsel for Advocacy shall review the list of regulations transmitted under paragraph (1) and identify any regulation that—

"(A) is eligible for review in accordance with section 610 of title 5, United States Code;

"(B) has a significant impact on a substantial number of small business concerns that is substantially different from the impact indicated in the final regulatory flexibility analysis for that regulation, as published with the final regulation in the Federal Register; or

"(C) has a significant impact on a substantial number of small business concerns and for which no final regulatory flexibility analysis was ever performed.

"(3) NOTIFICATION AND AGENCY REVIEW.—With respect to any regulation identified under paragraph (2) the Chief Counsel for Advocacy shall—

"(A) notify the appropriate Federal rulemaking agency and the Office of Information and Regulatory Affairs of the Office of Management of the identification of such rule or regulation; and

"(B) request the review of such regulation—

"(i) in accordance with section 610 of title 5, United States Code; or

"(ii) for any impact it has on small business concerns.

"(4) ANNUAL REPORT.—The Chief Counsel for Advocacy shall publish an annual report containing a list of any regulation identified under paragraph (2) and the disposition by the appropriate agency.

"(f) ELIGIBILITY.—

"(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the program only if the center is certified under section 21(k)(2).

"(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

"(g) SELECTION OF PARTICIPATING STATE PROGRAMS.—

"(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the program:

"(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

"(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

"(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

"(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

"(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

"(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

"(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

"(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

"(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

"(J) Group 10: Washington, Alaska, Idaho, and Oregon.

"(2) DEADLINE FOR INITIAL SELECTIONS.—The Administrator shall make selections under paragraph (1) not later than 60 days after promulgation of regulations under subsection (k).

"(3) ADDITIONAL SELECTIONS.—Not earlier than the date 3 years after the date of the enactment of this paragraph, the Administrator may select Small Business Development Center programs of States in addition to those selected under paragraph (1). The Administrator shall consider the effect on the programs selected under paragraph (1) before selecting additional programs under this paragraph.

"(4) COORDINATION TO AVOID DUPLICATION WITH OTHER PROGRAMS.—In selecting programs under this subsection, the Administrator shall give a preference to Small Business Development Center programs that have a plan for consulting with Federal and State agencies to ensure that any assistance provided under this section is not duplicated by an existing Federal or State program.

"(h) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the program.

"(i) DISTRIBUTION OF GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each State program selected to receive a grant under subsection (g) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—

"(A) the amount made available for grants under this section for the fiscal year; and

"(B) the ratio that the population of the State bears to the population of all the States with programs selected to receive grants under subsection (g) for the fiscal year.

"(2) MINIMUM AMOUNT.—The minimum amount that a State program selected to receive a grant under subsection (g) shall be eligible to receive under this section for any fiscal year shall be $200,000. The Administrator shall reduce the amount described in paragraph (1) as appropriate to carry out the purposes of this paragraph and subsection (j)(2).

"(j) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the program, the Comptroller General of the United States shall conduct an evaluation of the program and shall transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

"(k) PROMULGATION OF REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this section), the Administrator shall promulgate final regulations to carry out this section, including regulations that establish—

"(1) priorities for the types of assistance to be provided under the program;

"(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

"(3) standards relating to any national service delivery and support function to be provided by the Association under the program;

"(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

"(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the program.

"(l) FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this section.".

SEC. 208. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report evaluating the effectiveness of the new Small Business Development Center programs added by the amendments made by this title.

TITLE III—SCORE

SEC. 301. REPEAL OF ACTIVE CORPORATION OF EXECUTIVES.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by striking "and an Active Corps of Executive (ACE)".

SEC. 302. INCREASING THE PROPORTION OF SCORE VOLUNTEERS FROM SOCIALLY AND ECONOMICALLY DISADVANTAGED BACKGROUNDS.

Section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended by adding at the end the following:

"(H) The Service Corps of Retired Executives (SCORE) established under subparagraph (B) shall carry out a plan to increase the proportion of mentors who are from socially or economically disadvantaged backgrounds. SCORE shall, on an annual basis, report to the Administrator on the implementation of this subparagraph.".

SEC. 303. BENCHMARK REPORTING.

Section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), as amended by section 202, is further amended by adding at the end the following:

"(I) The Service Corps of Retired Executives (SCORE) established under subparagraph (B) shall, in consultation with the Administrator, establish benchmarks for use in evaluating the performance of its activities and the performance of its volunteers. The benchmarks shall include benchmarks relating to the demographic characteristics and the geographic characteristics of persons assisted by SCORE, benchmarks relating to the hours spent mentoring by volunteers, and benchmarks relating to the performance of the persons assisted by SCORE. SCORE shall, on an annual basis, report to the Administrator on the extent to which the benchmarks established under this subparagraph are being attained.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, small businesses play a critical role in our economy. As the leading job creators and generators of nearly half of private sector gross domestic product, their impact is felt throughout the country.

Today, entrepreneurs are confronted with intense competition from foreign and corporate counterparts. They must continually update their products and processes, as well as adapt to change quickly.

Traditionally, the SBA's entrepreneurial development programs were created to provide direction and assistance to small business owners, helping them remain competitive and armed with the tools to maintain successful ventures. While providing critical assistance, these programs were created many years ago to address general business development issues faced by typical small businesses of the time.

There is no question the needs of entrepreneurs change as the environment does. The challenges facing entrepreneurs today are different from those even 5 years ago. SBA's entrepreneurial development programs must evolve to provide small businesses with the ability to deal with the economic conditions of today.

The Small Business Entrepreneurial Development Programs Act of 2007 introduced by Congressman SESTAK not only modernizes this program to adjust the current concerns of small businesses but also enhances them. Today, the leading issues for small firms are the rising health and energy costs and complying with regulations. This legislation will help small business owners identify and secure affordable health care. With less than half of small business owners providing health care, the need for legislation that helps alleviate this is clear.

Considering the current price of gasoline, there's no question why the number one concern for entrepreneurs is the cost of energy. Gasoline is more than $3 a gallon. This price represents a 28 percent increase over a period of just 2 months ago and a 52 percent increase since the end of January. Due to small businesses' limited resources, as production costs are driven up, they become less competitive with their counterparts.

While the costs of energy and health care have risen, so has the regulatory burden for small businesses. In 2006, just seven major rules added over $3.7 billion to the overall regulatory costs. That does not even account for the thousands of other regulations that were added last year. Small firms today require affordable access to information and counseling to address these new rules.

H.R. 2359, with its increased capacities, ensures that the SBDCs located in communities across the Nation have the ability to assist entrepreneurs in facing these challenges. For this reason, the SBA Entrepreneurial Development Act of 2007 has the support of the National Federation of Independent Businesses. They are not only supporting but will key vote this legislation. By tailoring SBA's economic development programs to the economic demands and changing composition of small businesses, they will better promote business development this our communities.

H.R. 2359 will make sure small firms remain a driving force in our economy. I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, I rise in support of the request to suspend the rules and pass H.R. 2359, the SBA Entrepreneurial Development Programs Act of 2007.

I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this bill to the floor. This bill makes modest yet necessary changes in the core entrepreneurial technical assistance programs of the SBA. the Small Business Development Center Program.

Small business development centers, on a relatively modest appropriation, provide free training sessions which last at least 1 hour and free individual one-on-one counseling. The centers met a total of 700,000 individual business owners and prospective owners in fiscal year 2007.

Changes are necessary to clarify the statutory mandate and ensure that small business development centers are appropriately responding to the new challenges facing America's entrepreneurs. These alterations are reflected in title I of the bill.

Even though the program is more than 25 years old, there is no definition of the term "small business development center," which substantially adds to the confusion interpreting the statutory language. I would like to thank the chairwoman for including the definition in the term.

Another key change demonstrates the need to update the mission of the small business development centers as technology and business practices change. Broadband access is no longer a luxury for many, if not most, small businesses; yet the only reliable data on broadband access in America comes from providers that make the reports to the Federal Communications Commission.

Congressman FORTENBERRY, the ranking member of the Committee's

Subcommittee on Rural and Urban Entrepreneurship, had the idea that rather than relying on these providers, a more accurate picture might come from actually asking individuals whether they had access to broadband services. Mr. FORTENBERRY thought it would make sense to have the center survey their clients when they come in the door on the availability of broadband service. The survey might prove a valuable addition to supplement the existing data from broadband providers. And without appropriate information on broadband access and penetration, it is impossible to develop policies that ensure small businesses will have affordable access to broadband.

Title II also includes a mechanism to increase the capacity of small business development centers to offer regulatory compliance assistance to small businesses disproportionately affected by erroneous regulatory burdens. It is an idea supported by the House in the previous four Congresses and by the National Federation of Independent Business. I would like to thank the chairwoman and Mr. SESTAK for including this critical assistance to small business owners.

Ultimately, H.R. 2359 is designed to help small businesses get the advice and assistance they need to continue their ever-increasing importance in maintaining America's prime place in the global economy.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I recognize Mr. SESTAK, the sponsor of the legislation, for as much time as he may consume.

Mr. SESTAK. Mr. Speaker, I would like to thank the distinguished chairwoman from New York for yielding.

Mr. Speaker, I rise today to urge my colleagues to support a piece of legislation to enhance two critical Small Business Administration entrepreneurial development programs, the Small Business Development Centers and the Service Corps for Retired Executives.

Serving as the Representative in a district that has been historically driven economically by vibrant local small businesses, I greatly appreciate and support the entrepreneurial development assistance that the SBA provides.

We know that entrepreneurial development programs work. Businesses who receive SBA entrepreneurial assistance are twice as likely to succeed. And for every Federal dollar spent on entrepreneurial development, $7 are generated in increased tax revenue.

But in the past 3 years, due to changes in our ever-changing globalizing economy, my district has lost 607 small businesses and one out of five manufacturing establishments. This is a trend that I am committed to reversing through fostering entrepreneurial development and creating the right set of conditions to help businesses flourish, stay and be attracted to my district, and I believe that supporting effective small business entrepreneurial development programs is a key part of that strategy.

In 1980, Congress established the SBDC program to foster economic development by providing management, technical and research assistance to current and prospective small businesses. As you know, SBDCs provide services which include assisting small businesses with financial, marketing, production, organizational, engineering and technical problems and feasibility studies.

SBDCs serve Americans with a desire to start their own venture but who lack the technical expertise associated with starting and running a successful business, and in the past decades, SBDCs have provided assistance to millions of entrepreneurs across America.

The SBDC program also represents the effective and efficient use of allocated Federal moneys through public/private collaboration. To that end, SBDCs are funded by matching moneys provided by State legislatures, foundations, State and local chambers of commerce, public and private universities, vocational and technical schools and community colleges. In fact, sponsors' contributions have been increasingly exceeding the minimum 50 percent matching share, signifying greater participation among such groups and institutions.

This is why I feel especially fortunate to have several Small Business Development Sub-Centers located at local universities, such as Widener University and the University of Pennsylvania, which provide critical business resources and technical assistance to small businesses in and around my district.

I would like to stress that the core SBDC program has been extremely effective, but there are certain operational improvements that can be implemented to increase the flexibility of SBDCs.

To that end, changes proposed in this legislation will ensure the quality of grant recipients to host SBDCs; help SBDCs maintain their autonomy from undue SBA interference; protect the confidentiality of SBDC clients; ensure that taxpayer dollars are being spent as efficiently as possible by not using SBDC funds except for the sole purpose of business development; and allowing exemptions to the current cap on non-matching portability grants in the event of federally designated natural or human caused disasters.

□ 1815

In addition to these operational changes, it is important to strengthen the SBDC core program, which successfully navigates entrepreneurs in managing their business, by establishing specific grant programs that will allow SBDCs to tailor their services.

For instance, the Capital Access Initiative would establish grants to assist entrepreneurs in processing loan applications and obtaining private equity. An Innovation and Competitiveness Initiative would establish grants to allow SBDCs to become technology centers, to help market technologies and advanced projects to manufacturers. A disaster recovery program would establish grants to allow SBDCs to assist and coordinate the Federal response for small business disaster victims.

The older entrepreneurial assistance program will target older Americans interested in transitioning to become business owners, while the Small Business Sustainability Initiative will promote the development and implementation of energy-efficient and clean energy improvements and technology. And an Affordable Health Care Initiative will help small business owners provide affordable health care insurance options to their employees, as the chairwoman mentioned.

As I also spoke about, a second program which this legislation will address is SCORE, which provides entrepreneurs with free counseling assistance by former executives. SCORE provides a valuable service to small businesses, and I believe it will be even stronger with a provision to actively recruit volunteer mentors who will then provide a greater reflection of the social and economic diversity of those who will utilize SBA services, such as women and underrepresented minorities.

I urge all my colleagues to support this important bill, which will greatly enhance the business development resources available to America's small business owners and aspiring entrepreneurs.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I would like to yield such time as he may consume to my good friend Mr. LATHAM.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Tennessee for yielding me time, and I congratulate the committee and the chairman for bringing this piece of legislation forward.

Mr. Speaker, I rise today in support of H.R. 2359, the Small Business Administration Entrepreneurial Development Programs Act.

I am especially pleased that the Small Business Committee included legislation that I introduced earlier this Congress, H.R. 731, the National Small Business Regulatory Assistance Act, into this broad legislative package. This National Small Business Regulatory Assistance Act utilizes one of SBA's most effective programs, the Small Business Development Center program. Generally the SBDCs support small businesses with financial, management, and marketing activities. My legislation, included in section 207 of H.R. 2359, creates a pilot program through the SBDCs that will provide free confidential counseling on regulatory compliance and help small businesses gain access to regulatory information and resources.

The research done by the Small Business Administration demonstrates that small businesses with less than 20 employees pay more than $7,600 per employee to comply with Federal regulations each year, while large firms pay 45 percent less per employee. Adjusted for inflation, the annual cost of Federal regulations faced by America's small businesses in 2004 was over $875 billion.

The fact of the matter is many small business owners have neither the time nor the expertise to sort through hundreds of pages of regulations in the Federal Register. Small business owners often learn of their failure to comply with Federal regulations or even that new Federal regulations have been imposed only after a penalty has been assessed. The current system denies small businesses access to regulatory compliance assistance and further weakens the opportunity for America's small businesses to compete with larger firms both domestically and internationally.

The Small Business Regulatory Assistance Act represents a win-win for America's small businesses. Not only will the SBDCs help small business owners understand what they must do to comply with Federal regulations but also how they may do so in a most cost-effective manner.

Again, I would like to thank the committee for including this legislation in the bill, and I urge my colleagues to support the overall bill.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself the balance of my time.

Today's entrepreneurs are facing countless challenges. SBA's entrepreneurial development programs must be modernized to provide small businesses with the ability to deal with the economic conditions of today.

Mr. SESTAK's legislation, the SBA Entreprenurial Development Programs Act of 2007, makes much-needed updates to the agency's programs so that they are better able to assist entrepreneurs and enable small firms to remain a driving force in our economy.

H.R. 2359 has the support of the NFIB, who, in addition to supporting it, has made it one of their key votes for the 110th Congress.

Again I want to thank Mr. SESTAK and also Mr. CHABOT, the ranking minority member, for working in a bipartisan manner to move this legislation and other bills that will be moved today. I want to thank the staff that worked on this bill. From the majority staff, Michael Day, Adam Minehardt, Nicole Witenstein; from Representative SESTAK's staff, Clarence Tong; and from the minority staff, Barry Pineles.

I strongly urge my colleagues to vote for H.R. 2359.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 2359, the SBA Entrepreneurial Development Programs Act of 2007. I commend our colleague from Pennsylvania (Mr. SESTAK) for sponsoring this legislation. I also commend our colleague from New York (Ms. VELÁZQUEZ), Chairwoman of the Committee on Small Business, and the members of the Committee on Small Business for their initiatives to strengthen America's small businesses and for bringing to the House chamber today four important bills aimed at improving programs and services administered by the U.S. Small Business Administration.

H.R. 2359 would reauthorize certain entrepreneurial development programs and aid small businesses across our country in receiving enhanced assistance from Small Business Development Centers (SBDCs). H.R. 2359 would also expand the services available through SBDCs to include assistance aimed to help businesses prepare for and respond to economic disruptions caused by natural and manmade disasters, regulatory burdens, and increased costs. By ensuring that the SBDC core programs remain robust and authorizing new programs that are designed specifically to meet evolving needs of small business owners and operators, this bill will help SBDCs sustain a reputation as trusted and valued sources of technical assistance for our country's entrepreneurs.

This legislation would further make important changes to the Small Business Administration Service Corps of Retired Executives (SCORE) Program. These changes will help ensure that SBA clients from socially and economically disadvantaged backgrounds can benefit from advice, counseling and mentoring from executives from similar, disadvantaged backgrounds. This bill would require the SBA to increase its efforts to recruit such executives to participate in the SCORE Program.

The SBDC and SCORE programs have been remarkably successful. This bill will help ensure that those excellent programs are as responsive as possible to the evolving needs of our country's small businesses. I urge my colleagues' support for this bill.

Mr. SESTAK. Mr. Speaker, Congressman ALBERT WYNN (D–MD) reached out to my office regarding becoming a co-sponsor of H.R. 2359, The SBA Entrepreneurial Development Programs Act of 2007. While we are unable to list Congressman WYNN as a co-sponsor since H.R. 2359 has already been placed on the Union Calendar, please know I consider Mr. WYNN a strong supporter and a co-sponsor of my legislation.

Mr. MANZULLO. Mr. Speaker, I rise in reluctant opposition to the SBA Entrepreneurial Development Programs Act of 2007. I am a strong supporter of Small Business Development Centers (SBDCs). These centers continue to do a lot of good work to promote job creation and small business development throughout our nation. There are three SBDCs that serve constituents in the 16th District of Illinois and they do phenomenal work in oftentimes a difficult local economic climate with limited resources. But I fear that the various SBDC bills we debate this week may kill the program with kindness.

The bills all taken together proposes to create nine new grant initiatives within the SBDC program. According to the non-partisan Congressional Budget Office (CBO), the bills would add $122 million in additional spending in Fiscal Year 2008 alone and $365 million over the next five fiscal years. When you consider that the Democrat-controlled House Appropriations Financial Services Subcommittee recently provided a generous increase of $11 million for the regular SBDC program to reach $100 million for Fiscal Year 2008, these bills taken together proposes to more than double the size of the SBDC program. In an era of tight budgets, I don't think any program deserves a 122 percent increase.

I am sympathetic to many of these initiatives. I am particularly supportive of making sure that Small Business Administration (SBA) employees do not interfere in hiring decisions of local SBDCs. I also support provisions in Section 207 to require more information, primarily through Internet Web-based technologies, about regulatory compliance to small business owners.

But there are still significant outstanding budgetary issues. Throughout my tenure as the former Chairman of the House Small Business Committee, I tried numerous times to see the National Regulatory Assistance and the Native American Entrepreneurial Assistance SBDC initiatives, among others, become law. Last year, we reached a common-sense consensus that in order to get these new initiatives into law, the high $135 million authorization level for the overall SBDC program should be proportionally reduced. However, that consensus is not in these bills that we are debating this week. I find it odd that the "pay-go" fiscal conservative rhetoric of the Democrats is not met by reality. There are no spending offsets in these bills.

Some of these initiatives also are duplicative of existing Federal programs. For example, the Manufacturing Extension Partnership (MEP) program administered by the Department of Commerce through local centers across the nation offers the very same services that are outlined in Section 203 of H.R. 2359. The National Veterans Business Development Corporation (or Vets Corp) offers the same services as those being proposed in H.R. 2366.

I also have concern that some of the provisions in H.R. 2359 go beyond the mission of SBDCs, which historically has been primarily targeted at helping new or struggling small businesses. For example, Section 206 requires that SBDC grant recipients "shall also attempt to negotiate lower health insurance premiums for small business concerns that seek the assistance of the recipient." In my view, it is not the role of SBDCs to get involved in the pricing health insurance premiums. Section 204 of H.R. 2359 establishes a new program to help transition so-called "mature" small businesses even though there is no definition of what the authors of this legislation mean by "transition" or "mature" small business. Again, I don't think it is the role of SBDCs to be involved in initiatives that could result in the closure of small businesses.

I also fear that creating these nine new initiatives all at once will give false hope to SBDCs seeking to receive these grants. These initiatives will not start until a specific amount separate from the regular SBDC appropriation is allocated from the Appropriations Committee. In principle, this is a good policy to help insure that the money to run the regular SBDC program is not raided to fund these new initiatives. However, noting that the Democrat-controlled House Appropriations Financial Services Subcommittee just provided a long-overdue increase for the regular SBDC program, I seriously doubt that any of these specific SBDC initiatives will be funded at a significant level in the near future, further diminishing the expectations behind this legislation.

Finally, these nine new initiatives create many hoops for local SBDCs to jump through in order to qualify for these grants. These bills will create a paperwork and accounting nightmare for SBDCs to keep track of various grants, particularly if they apply and receive multiple awards under different initiatives, for the programs they administer. In retrospect, it is probably best that Congress provides an overall increase in the appropriation for the regular SBDC program and then require that all SBDCs provide some services (even if it is to network with another specialized SBDC or another Federal partner such as a local MEP center or the Vets Corp) in the nine issue areas outlined in H.R. 2359, H.R. 2366, and H.R. 2284 as opposed to the micro-management approach as contained in these bills.

Mr. Speaker, last year, I predicted that if Democrats took over control of Congress, spending on the Small Business Administration (SBA) would dramatically increase. Never in my wildest dreams did I think they would be so brazen. Elections do matter. Thus far this year, the CBO estimates that the Democrat-controlled House Small Business Committee has authorized $5.4 billion in new spending over the next 5 years—$1.379 billion in fiscal year 2008 alone. With these bills on the suspension calendar this week, proposed spending on the SBA will grow once again. All totaled, the CBO estimates that spending on the SBA will increase by nearly $5.8 billion over 4 years and $1.525 billion in fiscal year 2008 alone. To put this massive spending increase in perspective, the House Appropriations Financial Services Subcommittee recommends providing $582 million in total spending on the SBA in fiscal year 2008. I urge my colleagues to stand up for fiscal responsibility and to prevent mission-creep within the SBDC network by voting against these bills.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2359.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SBA VETERANS' PROGRAMS ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2366) to reauthorize the veterans entreprenurial development programs of the Small Business Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SBA Veterans' Programs Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF VETERANS BUSINESS DEVELOPMENT

Sec. 101. Office of Veterans Business Development.

TITLE II—VETERANS ASSISTANCE AND SERVICES

Sec. 201. Veterans Assistance and Services program.

TITLE III—EXPANDING VETERANS BUSINESS OUTREACH CENTERS

Sec. 301. Increasing the number of outreach centers.

Sec. 302. Independent study on gaps in availability of outreach centers.

TITLE I—OFFICE OF VETERANS BUSINESS DEVELOPMENT

SEC. 101. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) PARTICIPATION IN TAP WORKSHOPS.—

"(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Center may provide grants to eligible entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating veterans. Each such presentation must include, at a minimum, the entrepreneurial and business training resources available from the Administration.

"(3) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(d) WOMEN VETERANS BUSINESS TRAINING RESOURCE PROGRAM.—The Associate Administrator shall establish a Women Veterans Business Training Resource Program. The program shall—

"(1) compile information on resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information through Veteran Business Outreach Centers and women's business centers.".

TITLE II—VETERANS ASSISTANCE AND SERVICES

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

"(1) IN GENERAL.—A Small Business Development Center may apply for an additional grant to carry out a veterans assistance and services program.

"(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the Center that are available to veterans, and to target the campaign toward veterans, disabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or small business owners.

"(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $75,000.

"(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $250,000.

"(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE III—EXPANDING VETERANS BUSINESS OUTREACH CENTERS

SEC. 301. INCREASING THE NUMBER OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 647(b)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on existing need, for each fiscal year thereafter.

SEC. 302. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States. The purpose of the study shall be to identify the gaps that do exist so as to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

There is no question our Nation's veterans have made great sacrifices for this country. Many traveled long distances, spent lengthy amounts of time away from their families, and have been in harm's way to ensure our safety.

To date, more than 135,000 troops have come home from Iraq and Afghanistan. These men and women are increasingly turning toward small business ownership. Congressman BUCHANAN's legislation, the Small Business Administration Veterans Programs Act of 2007, ensures that service men and women will not only have the opportunity to pursue entrepreneurship but to succeed at starting their own firms.

While many have the American dream of owning a business, veterans face unique challenges when working to start or maintain their firms. For this sector of the population to be successful in their small business endeavors, there needs to be assistance available in local communities. They cannot be expected to return home knowing all of the necessary and available tools to start a business. Outreach efforts to these aspiring entrepreneurs need to be increased and information must be accessible. The Small Business Administration Veterans Programs Act of 2007 makes these resources available.

Service men and women contributing to economic growth is not a new trend. After World War II, the GI bill provided the opportunity of a college education to this Nation's veterans. By 1956 there were 7.8 million World War II veterans that had participated in an education or training program. The impact that that single piece of legislation had on this Nation's economy was great.

Much like ensuring the right to a college education, as the GI bill did, H.R. 2366 expands business ownership. It provides specific assistance for aspiring business owners. Starting a business after leaving military service provides an opportunity for returning veterans to not only begin a new career but to secure their livelihood. Enabling this to be a viable option for some of the most dedicated individuals in our country spurs economic development in local economies, demonstrates our commitment to their aspirations of entrepreneurship, and represents true patriotism.

I strongly urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, I rise in support of the request to suspend the rules and pass H.R. 2366, the SBA Veterans Programs Act of 2007. I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative, bipartisan manner to bring this bill, authored by Mr. BUCHANAN, a freshman member of the committee, to the House floor.

No one can debate the sacrifice that America's veterans have made and continue to make in defense of our country. While the repayment of that debt may never occur, we can certainly provide them with the needed assistance to prosper in civilian life. H.R. 2366 is a modest contribution to repaying the debt and helping them make a smooth transition into civilian life.

The bill recognizes that veterans learn a variety of critical skills. Recruitment advertisements for the armed services highlight the various technical skills that they can obtain through the military. These skills clearly are valued in civilian companies. In addition, the military inculcates its members with other important skills such as leadership, decision-making, teamwork, and the drive to win. All of these are critical to success as a small business owner.

The military does not teach its members how to take these skills and transfer them to starting a business. They require additional training to understand the key components of operating their own business without first having to serve a sort of "apprenticeship" working with others.

In 1999 Congress recognized that more services should be directed to help the 25 million veterans start and grow their small businesses. Those efforts succeeded because a number of small businesses owned by veterans have grown to 14 percent of all small businesses.

Despite this success more must be done to assist our veterans in the start-up and operation of their businesses. Outreach must improve to ensure that veterans wishing to start their own businesses will have the training and advice needed to transfer their skills to entrepreneurship.

The technical advice and assistance are not limited to veterans leaving the service. Reservists who operate their own small businesses have their own unique set of operational problems associated with their call-up to duty. They may not know how long their call-up will last, and they may need assistance in ensuring that they have in place a plan to operate their businesses while they are on Active Duty.

□ 1830

H.R. 2366 represents an effort to expand the focus of the SBA entrepreneurial assistance programs to our veterans. Of most significant importance is the need to create more Veteran Business Outreach Centers. These centers operate as cooperative agreements between the Small Business Administration and the non-profit entities. These centers provide entrepreneurial development services, such as business training, counseling, mentoring and referrals. They also conduct entrepreneurial business development workshops focusing on self-development and self-employment. Counseling services may range from development of business plans to identifying government procurement opportunities.

There are only four Veteran Business Outreach Centers. To serve our military men and women, more are obviously needed, and title III requires the establishment of two more centers in each of the next two fiscal years.

Another important element of the bill is the recognition of the changing nature of the military with a greater involvement of women. Title I of the bill requires the administrator to establish within the Office of Veterans Business Development a program to provide assistance to women veterans. Given the rapid expansion and success of women-owned businesses, it makes sense to ensure that the needs of women veterans are met when they seek to start and operate small businesses.

Our fighting men and women are the best in the world. Let us help them become the best entrepreneurs in the world by enacting H.R. 2366.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON), a member of the Small Business Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of H.R. 2366.

By now, every American should know who our Greatest Generation is. Our Greatest Generation was made up of the returning heroes of the Second World War. This generation was responsible for one of the greatest periods of economic growth in our Nation's history, leading to the creation of the lone superpower which now has become the world's leader in almost every conceivable category. But it is because we empowered our returning veterans with educational, business and social opportunities which helped create an environment in which success was attainable for those who wanted it. The

Greatest Generation went on to become small business owners and operators, driving the very engine which is critical for the sustained economic growth of our Nation.

We are now witnessing the emergence of another great generation, a generation of volunteer warriors who have sacrificed so much in defense of our Nation's interest. We would be negligent if we did not grant to this generation the same opportunities to succeed as we have done with past generations. That is why I support H.R. 2366, and I move for its passage.

Mr. DAVID DAVIS of Tennessee. I would like to yield to the gentleman from Florida (Mr. BUCHANAN) as much time as he may consume.

Mr. BUCHANAN. I would like to thank my colleague, the gentleman from Tennessee, for yielding, and also the gentleman from Georgia (Mr. JOHNSON).

I would also like to commend Chairwoman VELÁZQUEZ and Ranking Member CHABOT for their proving that leadership and bipartisanship is alive and well in the United States Congress. The Madam Chair has worked very hard on this bill, and I appreciate her effort.

Mr. Speaker, my bill, H.R. 2366, would create an important program within the Small Business Administration that gives our veterans not just a chance in a business enterprise but provides them with all the help and assistance a grateful Nation can offer.

This legislation is intended to help veterans through grants, information services and contacts with professionals in their field of endeavor. This Federal program will enhance the ability of a veteran to become an entrepreneur in his or her own right.

My bill puts an emphasis on providing veterans with market research, financial options and technological training important to become a successful small business owner.

H.R. 2366 not only expands the number and the scope of Veteran Outreach Centers, it ensures the opening of more doors and opportunities for our women veterans. Assisting our veterans returning from combat has been an area long overlooked, and it is high time we did something about it.

I am encouraged by the unanimous consent that this bill received in the committee and by the spirit of bipartisanship that is symbolic of its passage. Today, the House will pass a bill that will help individuals make an important transition from a veteran to a small business entrepreneur.

I urge my colleagues to support H.R. 2366.

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent to withdraw the motion.

The SPEAKER pro tempore. Without objection, the motion is withdrawn.

There was no objection.

PROVIDING FOR EARMARK REFORM

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 491) providing for earmark reform, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentlewoman from New York?

Mr. DREIER. Madam Speaker, reserving the right to object, I would simply ask my very distinguished Chair for an explanation of exactly what it is that we're doing here.

I am happy to yield to the distinguished Chair of the Committee on Rules under my reservation, Madam Speaker.

Ms. SLAUGHTER. I thank the gentleman for yielding.

What this measure does is absolutely guarantee that any earmark in a conference report that has not been passed in the House will be subject to a point of order even though the Rules Committee may have protected against all points of order.

Mr. DREIER. If I may, under my reservation, Madam Speaker, I would just like to make sure that we have in place a provision now, as was agreed on last week, that will ensure that the rights of Members, when it comes to raising a point of order, are maintained when it comes to appropriations bills.

I would say, Madam Speaker, that I believe this is a very good start. My personal preference would have been that we could have gone back to the provision that we had last year to allow the same kind of protection for earmarks when it comes to both authorization and tax bills. And I hope very much, Madam Speaker, that we are going to have an opportunity to work together. I look forward to working with the distinguished Chair of the Committee on Rules and the leadership teams on both sides of the aisle to ensure that we can in fact pursue further transparency, openness, accountability and enforceability when it comes to the issue of earmarks.

With that, I withdraw my reservation, Madam Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That during the remainder of the 110th Congress it shall not be in order to consider a conference report to accompany a regular general appropriation bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks (as that term is used in clause 9(d) of rule XXI) in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the respective House or Senate committee for each respective item included on such list) that were not committed to the conference committee by either House, not in a report on such bill, and not in a report of a committee of the Senate on a companion measure.

SEC. 2. It shall not be in order to consider a rule or order that waives the application of the first section of this resolution.

SEC. 3. A point of order under this resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT CONCERNING AMENDMENT PROCESS FOR RULES COMMITTEE CONSIDERATION OF LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Madam Speaker, the Rules Committee is expected to meet Wednesday, June 20, to grant a rule which may structure the amendment process for floor consideration of the Legislative Branch Appropriations Act, 2008.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 10 a.m. on Wednesday, June 20. Members are strongly advised to adhere to the amendment deadlines to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Appropriations. A copy of that bill is expected to be posted on the Web site of the Rules Committee on Tuesday afternoon.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the Rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

SBA VETERANS' PROGRAMS ACT OF 2007

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2366) to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SBA Veterans' Programs Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF VETERANS BUSINESS DEVELOPMENT

Sec. 101. Office of Veterans Business Development.

TITLE II—VETERANS ASSISTANCE AND SERVICES

Sec. 201. Veterans Assistance and Services program.

TITLE III—EXPANDING VETERANS BUSINESS OUTREACH CENTERS

Sec. 301. Increasing the number of outreach centers.

Sec. 302. Independent study on gaps in availability of outreach centers.

TITLE I—OFFICE OF VETERANS BUSINESS DEVELOPMENT

SEC. 101. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) PARTICIPATION IN TAP WORKSHOPS.—

"(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Center may provide grants to eligible entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating veterans. Each such presentation must include, at a minimum, the entrepreneurial and business training resources available from the Administration.

"(3) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(d) WOMEN VETERANS BUSINESS TRAINING RESOURCE PROGRAM.—The Associate Administrator shall establish a Women Veterans Business Training Resource Program. The program shall—

"(1) compile information on resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information through Veteran Business Outreach Centers and women's business centers.".

TITLE II—VETERANS ASSISTANCE AND SERVICES

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

"(1) IN GENERAL.—A Small Business Development Center may apply for an additional grant to carry out a veterans assistance and services program.

"(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the Center that are available to veterans, and to target the campaign toward veterans, disabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or small business owners.

"(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $75,000.

"(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $250,000.

"(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE III—EXPANDING VETERANS BUSINESS OUTREACH CENTERS

SEC. 301. INCREASING THE NUMBER OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 647(b)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on existing need, for each fiscal year thereafter.

SEC. 302. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States. The purpose of the study shall be to identify the gaps that do exist so as to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlewoman from New York for yielding, and I thank the gentleman from Florida for introducing this legislation.

I rise today to voice my strong support for the SBA's Veterans' Programs Act.

The SBA's Veterans' Business Outreach Initiative was established to facilitate business ownership among disabled veterans by providing one-stop assistance and counseling. Today's legislation will expand the success of this initiative.

As an exemplary public/private partnership, Veterans' Business Outreach Centers represent the comprehensive, cooperative and effective support that our Nation can and should provide our country's veterans.

This program provides greater opportunity to returning servicemembers and encourages economic development in communities across the country. Our troops fight for our country abroad, and we have a responsibility to provide for their future at home. Their sacrifice warrants our support. And they deserve every opportunity to succeed in business after their dedicated service to our country.

This bill provides veterans with the community and government support necessary to ensure their success, and I support its passage.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, veterans have not only been critical to the defense of our Nation, but with the increasing number of service men and women engaging in entrepreneurship, they have also been invaluable in helping our economy grow. These men and women have dedicated their lives to preserving our freedom. It is crucial that we show our appreciation for their service. The SBA Veterans' Programs Act of 2007 does just that.

I strongly urge my colleagues to vote for H.R. 2366, the SBA Veterans' Program Act of 2007. I urge its adoption.

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of H.R. 2366, the SBA Veterans' Programs Act of 2007. This legislation will assist our soldiers when then return home with opportunities and information about starting a small business.

More than a million and a half (1,502,125) men and women have answered the call to serve their country since 2001. They interrupted their careers, put their families economic security at risk, and face big personal challenges upon returning home.

I recently visited Iraq and Afghanistan. That trip gave me an even greater appreciation for the significant sacrifices our soldiers must make and must cope with for the rest of their lives. If our soldiers faced mortal danger every day abroad, let us help them have economic security when they return home.

It isn't just the veteran who makes the sacrifice, their families do as well: their parents, their spouses, their children, girlfriends and boyfriends and siblings. They give up so much in defense of our country.

It is our job, as Members of Congress, to make sure that our Nation lives up to its commitment to our veterans. It is a simple pact we have made with our troops—and one we are obligated to fulfill: after they have sacrificed to serve our country on the battlefield, we must do all we can to serve them here at home. The cost of any war must include caring for the warrior.

This legislation helps our veterans get started with business opportunities in their communities. It does so by providing grants, information services, and personal assistance to help veterans evaluate business opportunities; increasing the number of veteran business outreach centers around the country, and encouraging further assistance to women veterans.

Countless soldiers are returning from their tours of duty with new confidence and skills developed during their time in the military. This SBA program will help to ensure that those new abilities are put to good use when they return to civilian life.

This bill is the right thing to do for those who have given so much and it will directly impact Vermont and every State around the country. 97 percent of all Vermont firms are small businesses. My office has been involved in helping the Vermont Small Business Development Centers (SBDC) run business readiness classes for veterans. The Vermont SBDC is the primary small business assistance resource sought out by small business clients, lenders, government agencies and other economic development partners. The Vermont SBDC is the keystone in a statewide business assistance infrastructure tying together all appropriate resources and serving as a "one-stop" gateway and clearing house to serve small businesses' needs. Drawing on collaborative relationships among service providers, Vermont SBDC leverages economic development resources of all kinds for advancement of small businesses, growing the local economy.

Roughly 6 percent of deployed soldiers have small businesses depending on them. Veterans face a number of unique challenges, from increasing lengths and number of deployments overseas, to translating their military experience into business ventures. Yet, there is a lack of substantive programs to help these businesses survive through deployment, and to assist veterans returning home. This program is designed to meet current, real-time needs of people on active duty in business who now need to leave for protracted periods, or for those who have just come back and really "need" to do something new with their lives.

I urge all of my colleagues to support H.R. 2366.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2366, the Small Business Administration Veterans' Programs Act of 2007. I commend my colleague from Florida (Mr. BUCHANAN) for introducing this legislation.

This bill would authorize the Small Business Administration (SBA) to award grants to Small Business Development Centers (SBDCs) for the establishment of programs that would improve outreach to veterans and veterans service organizations. Specifically, this bill would authorize SBDCs to use such grant funds to create a marketing campaign to promote awareness of the services made available to veterans through that SBDC, and to target the campaign toward veterans, disabled veterans, military units, federal agencies, and veterans service organizations. The bill would also authorize SBDCs to utilize grant funds to develop and expand technology-assisted counseling and distance learning services designed to help veterans and members of the United States Armed Forces overcome barriers to entrepreneurship. This bill would further authorize SBDCs to facilitate and increase coordination among organizations that assist veterans, including through the integration of service providers and offerings into a one-stop point of contact for veterans who are entrepreneurs or small business owners.

This bill would further require that Veterans Business Outreach Centers (VBOCs) participate in the U.S. Department of Labor Technical Assistance Program (TAP). The Technical Assistance Program is offered in 173 locations throughout the United States and 53 locations internationally. H.R. 2366 would authorize VBOCs to provide grants to eligible entities located in TAP locations to make presentations on the opportunities available from the SBA for recently separated veterans. According to this bill such presentations must include, at a minimum, the entrepreneurial and business training resources available from the SBA. This bill would increase the number of authorized VBOCs by two in each of fiscal years 2008 and 2009.

Additionally, H.R. 2366 would direct the SBA to establish a Women Veterans Business Training Resource Program. This program would compile information on resources available to women veterans for business training, including resources for vocational and technical education, the development of general business skills, and business assistance programs. H.R. 2366 would direct that the SBA disseminate such information through VBOCs and women business centers.

Support for this legislation will help Congress fulfill its commitment to ensuring that our veterans and servicemembers receive the support they need upon separation from service. I support this legislation on behalf of all veterans and servicemembers, in particular those veterans and servicemembers from Guam. I urge my colleagues to support H.R. 2366.

Mr. WELCH of Vermont. Mr. Speaker, I rise in support of H.R. 2366, the SBA Veterans' Programs Act of 2007. This legislation will assist our soldiers when they return home with opportunities and information about starting a small business.

More than a million and a half men and women have answered the call to serve their country since 2001. They interrupted their careers, put their families economic security at risk, and face big personal challenges upon returning home.

I recently visited Iraq and Afghanistan. That trip gave me an even greater appreciation for the significant sacrifices our soldiers must make and must cope with for the rest of their lives. If our soldiers faced mortal danger every day abroad, let us help them have economic security when they return home.

It isn't just the veteran who makes the sacrifice, their families do as well: their parents, their spouses, their children, girlfriends and boyfriends and siblings. They give up so much in defense of our country.

It is our job, as Members of Congress, to make sure that our Nation lives up to its commitment to our veterans. It is a simple pact we have made with our troops—and one we are obligated to fulfill: after they have sacrificed to serve our country on the battlefield, we must do all we can to serve them here at home. The cost of any war must include caring for the warrior.

This legislation helps our veterans get started with business opportunities in their communities. It does so by providing grants, information services, and personal assistance to help veterans evaluate business opportunities; increasing the number of veteran business outreach centers around the country, and encouraging further assistance to women veterans.

Countless soldiers are returning from their tours of duty with new confidence and skills developed during their time in the military. This SBA program will help to ensure that those new abilities are put to good use when they return to civilian life.

This bill because it is the right thing to do for those who have given so much but also because it will directly impact Vermont and every state around the country. Ninety-seven percent of all Vermont firms are small businesses. My office has been involved in helping the Vermont Small Business Development Centers (SBDC) run business readiness classes for veterans. The Vermont SBDC is the primary small business assistance resource sought out by small business clients, lenders, government agencies and other economic development partners. The Vermont SBDC is the keystone in a statewide business assistance infrastructure tying together all appropriate resources and serving as a "one-stop" gateway and clearinghouse to serve small businesses'" needs. Drawing on collaborative relationships among service providers, Vermont SBDC leverages economic development resources of all kinds for advancement of small businesses, growing the local economy.

Roughly 6 percent of deployed soldiers have small businesses depending on them. Veterans face a number of unique challenges, from increasing lengths and number of deployments overseas, to translating their military experience into business ventures. Yet, there is a lack of substantive programs to help these businesses survive through deployment, and to assist veterans returning home. This program is designed to meet current, real-time needs of people on active duty in business who now need to leave for protracted periods, or for those who have just come back and really "need" to do something new with their lives.

I urge all of my colleagues to support H.R. 2366.

Mr. RANGEL. Mr. Speaker, I rise in support of the H.R. 2366, Small Business Administration (SBA) Veterans' Programs Act of 2007, an act to reauthorize and invest in the veterans entrepreneurial development programs of the Small Business Administration.

As a Korean War veteran, I appreciate the sacrifices the brave men and women who defend our country make and how great a challenge it can be to return successfully to civilian life. I can relate to their struggle to obtain employment and start businesses after their service. I am supporting this act not only because it reminds me of the sacrifices of these veterans, but because legislation like this sends America a message that Congress believes in supporting and giving the necessary tools to our veterans to help them in their transition when they return from war. With this act, veterans will have the means and information to compete and participate in our economy. It is imperative that Congress let them know that we care about the sacrifices they have made and hardships that they have endured for this Nation.

Further, this act will benefit healthy veterans, disabled veterans, military units, federal agencies and veterans organizations by providing them the information required through an advertising campaign to promote awareness and education of the services available at the centers. Providing knowledge through the use of technology-assisted online counseling and distance learning technology to overcome impediments that veterans and Armed Forces service members can face enables veterans to access vital information.

Finally, it is up to Congress to do everything it can to ensure the most comprehensive service is given to all our service members. We will be taking one more step to accomplish that by supporting this act. We have the best military in the world. The best soldiers in the world. Let's have the best benefits for our soldiers. They deserve no less. Like General Douglas MacArthur said, "the soldier who is called upon to offer his life for his country, is the noblest development of mankind."

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CARDOZA). The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPANDING AND IMPROVING ASSISTANCE PROVIDED BY SMALL BUSINESS DEVELOPMENT CENTERS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2284) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The rate for American Indians and Alaskan Natives living below 50 percent the poverty level is 11.2 percent, nearly double the rate of the general population.

(2) The unemployment rate for American Indians and Alaskan Natives 16 years and over is 13.6 percent, nearly double the rate of the general population.

(3) Indian tribe members and Alaska Natives own more than 201,000 businesses and generate more than $26,000,000,000 in revenues. The construction industry accounted for 16 percent of these businesses and 22.5 percent of their total receipts. The next largest was the service industry (13.2 percent and 3.4 percent, respectively). The third largest was the health care and social assistance industry (12.1 percent and 4.6 percent, respectively).

(4) The Small Business Development Center program is cost effective. Clients receiving long-term counseling under the program in 2005 generated additional tax revenues of $248,000,000, nearly 2.8 times the cost of the program to the Federal Government.

(5) Using the existing infrastructure of the Small Business Development Center program, small businesses owned by Indian tribe members, Alaska Natives, and Native Hawaiians receiving services under the program will have a higher survival rate than the average small business not receiving such services.

(6) Business counseling and technical assistance is critical on Indian lands where similar services are scarce and expensive.

(7) Increased assistance through counseling under the Small Business Development Center program has been shown to reduce the default rate associated with lending programs of the Small Business Administration.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stimulate economies on Indian lands.

(2) To foster economic development on Indian lands.

(3) To assist in the creation of new small businesses owned by Indian tribe members, Alaska Natives, and Native Hawaiians and expand existing ones.

(4) To provide management, technical, and research assistance to small businesses owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

(5) To seek the advice of local Tribal Councils on where small business development assistance is most needed.

(6) To ensure that Indian tribe members, Alaska Natives, and Native Hawaiians have full access to existing business counseling and technical assistance available through the Small Business Development Center program.

SEC. 2. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

"(8) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.—

"(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

"(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Alaska Natives, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

"(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Administration an application that is in such form as the Administration may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

"(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Alaska Natives, and Native Hawaiians;

"(ii) the location of the Small Business Development Center site proposed by the applicant;

"(iii) the required amount of grant funding needed by the applicant to implement the program; and

"(iv) the extent to which the applicant has consulted with local Tribal Councils.

"(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements under paragraph (4)(A) shall not apply.

"(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than $300,000 in grants under this paragraph for one fiscal year.

"(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administration shall issue final regulations to carry out this paragraph, including regulations that establish—

"(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

"(ii) standards relating to any work plan that the Administration may require a Small Business Development Center receiving assistance under this paragraph to develop.

"(G) DEFINITIONS.—In this section, the following definitions apply:

"(i) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term 'Indian country' in section 1151 of title 18, United States Code, the meaning given the term 'Indian reservation' in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term 'reservation' in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

"(ii) INDIAN TRIBE.—The term 'Indian tribe' means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

"(iii) INDIAN TRIBE MEMBER.—The term 'Indian tribe member' means a member of an Indian tribe (other than a Alaska Native).

"(iv) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(v) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(I) a citizen of the United States; and

"(II) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

"(vi) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(H) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2008 through 2010.

"(I) FUNDING LIMITATIONS.—

"(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

"(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.".

SEC. 3. STATE CONSULTATION WITH TRIBAL ORGANIZATIONS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

"(9) ADVICE OF LOCAL TRIBAL ORGANIZATIONS.—A Small Business Development Center receiving a grant under this section shall request the advice of tribal organization on how best to provide assistance to Indian tribe members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, small businesses are responsible for creating three out of every four new jobs and account for almost half of all sales in this country. There is no question the impact they have on economic growth and the development and revitalization of countless neighbors.

Currently, the Native American population is one of the most impoverished. Their unemployment rate is nearly double that of the general population, with almost half of all residents living on a reservation unemployed.

Providing opportunities for business growth within the Native American sector will create jobs, generate revenue and ultimately benefit local economies across the country. The Native American Small Business Development Act of 2007, introduced by Representative UDALL, works to increase prospects for Native Americans through small business ownership.

While many in the Native American population are struggling, there is strong interest to engage in entrepreneurship. For these communities to have a growing small business sector, resources must be available locally and be culturally sensitive.

This legislation has enjoyed bipartisan support in the past and has passed the House in previous Congresses. It is designed to provide culturally tailored assistance for entrepreneurial development in some of the most disadvantaged areas of this country.

□ 1845

Not only will this bill help combat poverty and unemployment, but it will bring new services and opportunities to Native American communities. It is my hope that in the 110th Congress, H.R. 2284 can finally become law and expand the right to business ownership. I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of the request to suspend the rules and pass H.R. 2284, a bill to provide additional Small Business Development Center resources focused on Native Americans, Alaskan Natives and Native Hawaiians. The bill, the product and dedicated effort of the author, Congressman TOM UDALL, former Small Business Committee member, was passed without objection by voice vote.

I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this matter to the House floor.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL), the sponsor of the legislation.

Mr. UDALL of New Mexico. Mr. Speaker, before I begin, I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) for their work and commitment to expanding small business opportunities. I am especially grateful for their efforts to bring this bill to the floor today. I would also like to thank all my colleagues who supported this bill by joining me as cosponsors.

This important legislation before us today, H.R. 2284, allows Small Business Development Centers to apply for an additional SBA grant to provide specified services assisting small business start-ups and expansions owned by Indian Tribal Members, Alaskan Natives or Native Hawaiians. My bill ensures those seeking to create, develop and expand small businesses have full access to the counseling and technical assistance available through SBDCs. The tools offered by the SBDCs can assist these entrepreneurs with the information and opportunity to build sustainable businesses in their communities.

H.R. 2284 also ensures participation of governing bodies of Indian tribes, Alaskan Native entities and Native Hawaiian organizations by requiring grant recipients to request their advice on how best to provide assistance. Our intent is to ensure that these business development tools are provided in a culturally sensitive way.

Small businesses create 75 percent of all new employment opportunities and make up 99 percent of all employers. They anchor our neighborhoods, provide jobs and contribute to the overall economic development of many communities. That is why it is so imperative that we take steps to help ensure that small business development reaches the places in this country where economic prosperity has yet to be fully realized.

I have the great honor of representing 14 Pueblos, the Jicarilla Apache Nation and a portion of the Navajo Nation. Many of these communities would greatly benefit by more economic development. It is clear we can do more to aid Native American entrepreneurs in my district and throughout the country. I hope to help rectify this situation with the passage of this legislation.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, in closing, with unemployment rampant on Native American reservations, legislation that not only fights poverty but fosters the development of job creation is critical. I strongly urge my colleagues to vote for H.R. 2284.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2284, a bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians. I commend the gentleman from New Mexico (Mr. UDALL) for introducing this important legislation to address poverty and unemployment amongst these disadvantaged and underserved communities. I also thank my colleague from New York (Ms. VELÁZQUEZ), Chairwoman of the Committee on Small Business, and the members of the Committee on Small Business for their continued leadership toward helping strengthen our country's small businesses and in addressing the socioeconomic challenges faced by our indigenous communities.

H.R. 2284 will enable small business development centers to assist Native American communities in the areas of job creation and economic growth. This bill helps individuals to utilize their own valuable business skills so that their small businesses, and in turn their community, may prosper.

This is a strong bill. But I believe that it can strengthened by expanding the eligible grant recipients to include small business development centers that work with the indigenous populations of the territories, particularly in Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. Pacific Islanders from the territories endure economic adversity similar to that experienced by Native Americans, Alaska Natives, and Native Hawaiians. I look forward to working with my colleagues to ensure that either in conference on this legislation, or on a similar proposal, that we take action to address the small business development needs of the indigenous peoples of the U.S. territories.

This bill, if enacted, would provide for valuable federal assistance for Native Americans, and I urge my colleagues to support its passage and to support economic development for all indigenous communities throughout the United States.

Ms. HIRONO. Mr. Speaker, I rise in support of H.R. 2284, which will amend the Small Business Act to improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives and Native Hawaiians.

This bill will provide management, technical and research assistance to small businesses owned by Indian tribe members, Alaska Natives and Native Hawaiians and ensure them full access to existing business counseling and technical assistance available through the Small Business Development Center program.

Mr. Speaker, in a recent report by the distinguished Visiting Senior Fellow at the East-West Center and Emeritus Professor at the University Hawaii, Dr. Seiji Naya, the poverty rate for Native Hawaiians was 15 percent in 2005 while the state average was 9.8 percent. Native Hawaiians accounted for 27 percent of the total State population in poverty. The per capita income for Native Hawaiians was only 67 percent of the state average. In terms of per capita income, 32 percent of Native Hawaiians earned less than $10,000 in 2005 compared to only 18 percent for Non-Native Hawaiians.

Native Hawaiians are committed to changing these statistics through innovative educational and entrepreneurial programs. One of the most promising government programs that will enable them to do this is the Small Business Act, particularly Section 8(a) which has given Native Americans an opportunity to participate in the economy of this country by providing a fair chance to obtain federal contracts. As a result, hundreds of Native American, Alaska Native and Native Hawaiian entrepreneurs have been given the opportunity to demonstrate their business capabilities, while providing valuable services and products to the government and the private sector.

The Native Hawaiian organizations that have taken advantage of the 8(a) program have provided hundreds of new well-paying jobs for Native Hawaiians and Non-Native Hawaiians alike. Many Native Hawaiians have received training in new marketable skills. The profits from these enterprises have been plowed back into the Native Hawaiian communities to provide essential social, health and cultural benefits traditionally funded by government or not at all.

H.R. 2284 will provide the necessary assistance to help make sure that these worthy programs continue to grow and expand as much as possible by providing needed assistance and business expertise. I urge unanimous approval of this measure.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time, and encourage adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2284.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SBA WOMEN'S BUSINESS PROGRAMS ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2397) to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SBA Women's Business Programs Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL WOMEN'S BUSINESS COUNCIL

Sec. 101. Annual studies on problems hindering the success of women entrepreneurs.
Sec. 102. Additional progress reports.

TITLE II—WOMEN'S BUSINESS CENTERS

Sec. 201. Revised funding formula.
Sec. 202. Matchmaking formula change.
Sec. 203. Termination of funding.
Sec. 204. Women's business center awards to be made public.

TITLE I—NATIONAL WOMEN'S BUSINESS COUNCIL

SEC. 101. ANNUAL STUDIES ON PROBLEMS HINDERING THE SUCCESS OF WOMEN ENTREPRENEURS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) PROBLEMS HINDERING THE SUCCESS OF WOMEN ENTREPRENEURS.—The Council shall conduct at least one study per year that evaluates the problems hindering the success of women entrepreneurs. The Council shall select the topic for the study in consultation with the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.".

SEC. 102. ADDITIONAL PROGRESS REPORTS.

Section 406(d)(4) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106(d)(4)) is amended by inserting before the semicolon at the end the following: ", and on a biannual basis (notwithstanding paragraph (6)) submit to the President and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing a description of, and the status of, such initiatives, policies, programs, and plans".

TITLE II—WOMEN'S BUSINESS CENTERS

SEC. 201. REVISED FUNDING FORMULA.

Section 29(b) of the Small Business Act (15 U.S.C. 656(b)) is amended to read as follows:

"(b) AUTHORITY.—

"(1) IN GENERAL.—The Administrator may provide financial assistance to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(A) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(B) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(C) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(2) TIERS.—The Administrator shall provide assistance under paragraph (1) in three tiers of assistance as follows:

"(A) The first tier shall be to conduct a 5-year project in a situation where a project has not previously been conducted. Such a project shall be in a total amount of not more than $150,000 per year.

"(B) The second tier shall be to conduct a 3-year project in a situation where a first-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year.

"(C) The third tier shall be to conduct a 3-year project in a situation where a second-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year. Third-tier grants are renewable subject to established eligibility criteria as well as criteria in subsection (b)(4).

"(3) ALLOCATION OF FUNDS.—Of the amounts made available for assistance under this subsection, the Administrator shall allocate—

"(A) at least 40 percent for first-tier projects under paragraph (2)(A);

"(B) 20 percent for second-tier projects under paragraph (2)(B); and

"(C) the remainder for third-tier projects under paragraph (2)(C).

"(4) BENCHMARKS FOR THIRD-TIER PROJECTS.—In awarding third-tier projects under paragraph (2)(C), the Administrator shall use benchmarks based on socio-economic factors in the community and on the performance of the applicant. The benchmarks shall include—

"(A) the total number of women served by the project;

"(B) the proportion of low income women and socio-economic distribution of clients served by the project;

"(C) the proportion of individuals in the community that are socially or economically disadvantaged (based on median income);

"(D) the future fundraising and service coordination plans;

"(E) the diversity of services provided; and

"(F) regional distribution within the 10 districts of the Administration.".

SEC. 202. MATCHMAKING FORMULA CHANGE.

Section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by adding at the end the following:

"(A) For the first and second years of the project, 1 non-Federal dollar for each 2 Federal dollars.

"(B) Each year after the second year of the project—

"(i) 1 non-Federal dollar for each Federal dollar; or

"(ii) if the center is in a community at least 50 percent of the population of which is below the median income, 1 non-Federal dollar for each 2 Federal dollars.".

SEC. 203. TERMINATION OF FUNDING.

Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended by adding at the end the following:

"(5) TERMINATION.—An organization that has conducted a project under this subsection—

"(A) is not eligible to conduct another such project; and

"(B) may continue thereafter to use the women's business center logo only with the consent of the Administrator.".

SEC. 204. WOMEN'S BUSINESS CENTER AWARDS TO BE MADE PUBLIC.

Section 29(g)(2)(B)(ii)(V) of the Small Business Act (15 U.S.C. 656(g)(2)(B)(ii)(V)) is amended by inserting before the semicolon at the end the following: ", and make available to the public the award made to each applicant so selected".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no question that the face of small business is changing in this country. Women entrepreneurs now account for 50 percent of all small business owners and are growing at a phenomenal rate. The SBA Women's Program Act of 2007, sponsored by Congresswoman FALLIN, works to enhance opportunities for women by increasing access to in-depth outcome-oriented counseling and training. It strengthens SBA's Women's Business Centers to ensure that they continue to serve the important role of assisting small business owners.

While many have taken advantage of the services Women's Business Centers offer, not all budding entrepreneurs are getting the resources they need to successfully start and own a business. A significant gap exists between the number of women in our country and those involved in entrepreneurship, particularly in certain industry sectors.

Representative FALLIN's legislation will increase the reach of Women's Business Centers to help develop entrepreneurship, particularly in underprivileged areas. By setting standards, it ensures that those who want to start their own firms have quality support and training resources available. The increased research that this bill requires will make sure that challenges currently impacting women are identified and addressed.

The SBA Women's Procurement Act of 2007 builds on the strong track record of Women's Business Centers. The expansion of these centers has the potential to spur economic growth in disadvantaged communities and to even move impoverished women from welfare to entrepreneurship.

I strongly support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the request to suspend the rules and pass H.R. 2397, the SBA Women's Business Programs Act of 2007. I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this bill, authored by Ms. FALLIN, a freshman member of the committee, to the House floor.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I would like to begin by thanking Chairwoman VELÁZQUEZ and Ranking Member CHABOT for their support for this legislation and also in helping to build a strong bipartisan coalition in the Small Business Committee.

This bill, the SBA Women's Business Act of 2007, will strengthen the Women Business Centers program that was established in 1997 by making it more efficient and more accountable. The Women's Business Centers are a very important part of the grant programs that are funded by the Small Business Administration. Today, Women's Business Centers all across the country are providing women entrepreneurs with much-needed technical assistance in starting and operating their own small businesses.

In the mid-1990s, the Federal Government began awarding grants to Women's Business Centers that were operating as nonprofit organizations in conjunction with institutions of higher learning. Originally, these grants were intended to be awarded to business centers in their first 5 years with the understanding that after the first 5-year period had ended, the center would be financially self-sustaining.

Although many Women's Business Centers did meet this goal, some have not for a variety of reasons. As a result, a greater percentage of the funding for this program has been consumed by the operating costs of potentially unviable centers rather than the intended purposes of establishing new business centers. The result is a drag on the system and viable business centers that are not truly serving an unmet need in their communities. This jeopardizes the effectiveness in the viability of the entire program.

The SBA Women's Business Programs Act of 2007 will restore the original priorities held by the Federal Government when this program was created. By offering a three-tiered system of funding and lower caps on spending for older business centers, we can ensure a balanced percentage of funding is used to support both new and existing business centers.

The first tier requires that at least 40 percent of the total funds be reserved for the purpose of establishing and supporting new Women's Business Centers during their first 5 years of existence. The second tier will use 20 percent of the total funds to help sustain the centers that have successfully existed during their first 5 years.

Lastly, the third tier will use a maximum of 40 percent of the funds to continue supporting centers that have existed for 8 years or more and have met the necessary benchmarks set forth by the SBA to receive this funding. This three-tiered system will offer a helping hand to newly established centers while slowly weaning the older centers off the dependency of the Federal grants.

It is important to realize that this legislation does not affect the overall funding level of this program. Rather, it rearranges the distribution of funds to reflect the original intention of these grants, an offer of temporary assistance rather than one of permanent dependency on the Federal Government.

This legislation will ultimately restore accountability and efficiency to a program that, while well intentioned, has become weighed down by inefficiency. These are goals that every Member of Congress can all support. The SBA Women's Business Programs Act of 2007 has passed in the Small Business Committee with overwhelming bipartisan support, and I want to encourage all my colleagues on both sides of the aisle to vote in favor of this today.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, the small business face in America is changing. We have more and more women who would like to get involved in opening and starting their businesses, and the bill that we have before us as sponsored by Representative FALLIN does just that.

It promotes opportunity for women by increasing access to business counseling and training through the development of the Women's Business Center. This will better enable women to have flourishing enterprises and help to spur job creation and economic development across this Nation. I urge adoption of this bill.

Mr. SESTAK. Mr. Speaker, as a husband, a father of a young daughter, the proud brother to 6 sisters, and having served alongside dedicated women in the military, I have seen firsthand the role that women play in economically strengthening American society. And this is why I rise today to support H.R. 2397, the SBA Women's Business Programs Act of 2007.

Despite their significant contributions, women who work full time, year round, still only make 77 cents for every dollar made by their male counterparts, and women business owners, particularly those from socially and economically disadvantaged backgrounds, face significant challenges resulting from inadequate community resources. Such resources include lack of access to capital, training resources, and networks of assistance.

Today, women-owned firms are one of the fastest growing, successful small business sectors. The number of women-owned firms has increased at nearly double the rate of all firms, and those with socially and economically disadvantaged backgrounds have grown at twice the rate of their counterparts and 6 times the rate of all U.S. firms. As the number of women entrepreneurs grows, particularly those from underserved communities, I believe it is critical that women have adequate and appropriate resources to prepare them for success in the marketplace. To that end, H.R. 2397 proposes to expand the agency's commitment to the Women's Business Centers (WBCs).

WBCs provide in-depth, substantive, and outcome-oriented counseling, training and mentoring, resulting in substantial economic impact as measured by successful business start-ups, job creation and retention, and increased company revenues. They also provide financial, management, and marketing assistance to women small business owners.

H.R. 2397 supports the growth of women small business owners by expanding entrepreneurial development assistance, particularly in low-income areas. The legislation dedicates funding to the opening of new WBCs in underserved areas, while implementing new benchmarks to ensure centers that continually receive funds are mèeting performance requirements. These metrics, which include information on clients served and fundraising plans, will help to preserve resources for centers that have demonstrated success helping women entrepreneurs while promoting the expansion of assistance centers into underserved areas.

H.R. 2397 is important legislation which promotes economic security for America's women, and I urge all my colleagues to support this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 2397, the Small Business Administration Women's Business Programs Act of 2007. I commend my colleague from Oklahoma (Ms. FALLIN) for introducing this important legislation to reauthorize the women's entrepreneurial development programs of the Small Business Administration (SBA).

Most notably H.R. 2397 would authorize the SBA Administrator to provide financial assistance to private nonprofit organizations to conduct projects for the benefit of small businesses owned and operated by women. The bill notes that such projects shall provide, among other things, financial assistance, including training and counseling on how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern; management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business; and marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

H.R. 2397 would also direct that the National Women's Business Council (NWBC) conduct at least one study per year that evaluates the challenges hindering the success of women entrepreneurs, and mandates that NWBC select the topic for the study in consultation with the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

Support for this legislation will help Congress fulfill its commitment to ensuring that women owned and operated small businesses are able to access the resources and training they may require in order to achieve success. I urge my colleagues to support H.R. 2397.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2397, to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes.

I would first begin by applauding my esteemed colleague from Oklahoma, Congresswoman MARY FALLIN, for her work on, and undertaking of this important piece of legislation. The SBA Women's Business Programs Act of 2007 will help to restore the goal of the Federal Government to award grants to Women's Business Centers, originally operating as a non-profit organizations in conjunction with institutions of higher learning. This bill will also restore the balance of funding between new and existing Women's Business Centers, originally envisioned at the start of the program.

Women Business Centers (WBCs) are community-based projects that are funded by the U.S. Small Business Administration through grants that require matching funds. They provide long-term business skills training, counseling, and mentoring to benefit emerging and existing small businesses that are owned and controlled by women, especially those who are socially or economically disadvantaged. Its goal is to continually ensure that those WBC's that are indeed serving an unmet need in their underserved communities remain sustained. They also work to provide valuable technical assistance to women entrepreneurs.

The SBA's Women's Business Programs Act of 2007 authorizes the National Women's Business Council to conduct annual studies on problems hindering the success of women entrepreneurs and to submit reports to the President and the House and Senate Small Business committees. By offering a three-tiered system of funding and lower caps on spending for older business centers, SBA hopes to make certain that a balanced percentage of the funding is used to support both new and existing business centers. This system will offer assistance to newly established centers, while slowly reducing the older centers dependency on federal grant funds.

Grants awarded to these business centers in their first 5 years were awarded with the intention that after this 5-year period had ended, the center would be financially self-sustaining. These grants were not intended to be a source of permanent funding. With that said, one of the main objectives of the SBA has been to provide direction and resources to those desiring to start and expand their small business firms.

As once stated by the House Small Business Committee Chairwoman NYDIA M. VELÁZQUEZ, "today's small business owners are leading the way when it comes to job creation and economic development in communities nationwide. [H.R. 2397] will ensure that the needs of the drivers of our economy—small businesses—are met." This legislation dedicates resources to strengthen centers and ensure stability in the program.

I rise today to support, as well as to encourage my other colleagues to join Representative FALLIN and myself in helping to increase the effectiveness of Women's Business Centers nationwide by supporting the SBA Women's Programs Act of 2007, H.R. 2397. I thank you once again, Representative FALLIN, for introducing this important piece of legislation. I am looking forward to witnessing the tremendous effects and positive results that this bill has to offer.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2397.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2563, by the yeas and nays;

H. Con. Res. 151, by the yeas and nays;

H. Res. 233, by the yeas and nays.

The postponed votes on S. 1352, H. Con. Res. 21, H.R. 2359 and H.R. 2284 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MAJOR SCOTT NISELY POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2563, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2563.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 499]

YEAS—386

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—46

Abercrombie
Andrews
Becerra
Berman
Bishop (GA)
Bonner
Boozman
Butterfield
Calvert
Capuano
Carson
Carter
Conyers
Cubin
Davis, Jo Ann
Flake
Graves
Hoekstra
Hunter
Jefferson
Jindal
Johnson, E. B.
Kingston
LaHood
Lipinski
Marchant
McCotter
McHenry
Meehan
Murtha
Pallone
Pryce (OH)
Reyes
Ross
Rush
Sanchez, Loretta
Sestak
Shimkus
Snyder
Space
Sullivan
Taylor
Walz (MN)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1922

Mr. MCNERNEY and Ms. LINDA T. SÁNCHEZ of California changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTING KILLINGS OF DOZENS OF INDEPENDENT JOURNALISTS IN RUSSIA AND CALLING ON RUSSIAN PRESIDENT TO AUTHORIZE COOPERATION WITH OUTSIDE INVESTIGATORS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 1, not voting 43, as follows:

[Roll No. 500]

YEAS—388

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest

Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—43

Abercrombie
Andrews
Becerra
Berman
Bishop (GA)
Bonner
Butterfield
Calvert
Capuano
Carson
Carter
Conyers
Cubin
Davis, Jo Ann
Flake
Graves
Hoekstra
Hunter
Jefferson
Jindal
Johnson, E. B.
Kingston
LaHood
Lipinski
Marchant
McCotter
McHenry
Meehan
Murtha
Pallone
Pryce (OH)
Reyes
Rush
Sanchez, Loretta
Sestak
Shimkus
Snyder
Space
Sullivan
Taylor
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1930

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution noting the disturbing pattern of killings of numerous independent journalists in Russia since 2000, and urging Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders.".

A motion to reconsider was laid on the table.

RECOGNIZING OVER 200 YEARS OF SOVEREIGNTY OF THE PRINCIPALITY OF LIECHTENSTEIN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 233, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 501]

YEAS—389

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton

Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Andrews
Becerra
Berman
Bishop (GA)
Bonner
Butterfield
Calvert
Capuano
Carson
Carter
Conyers
Cubin
Davis, Jo Ann
Flake
Graves
Hoekstra
Hunter
Jefferson
Jindal
Johnson, E. B.
Kingston
LaHood
Lipinski
Marchant
McCotter
McHenry
Meehan
Murtha
Pallone
Pryce (OH)
Reyes
Rush
Sanchez, Loretta
Sestak
Shimkus
Snyder
Space
Sullivan
Taylor
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1937

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2764, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2008

Mrs. LOWEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110-197) on the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

FAST TRACK TRADE AUTHORITY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, on June 30, 2007, Fast Track trade authority will expire. Now is the time for Congress to replace an outdated system that removes congressional authority, as set out in the Constitution, "to regulate commerce with foreign nations."

As it stands with Fast Track in place, Congress has no control over the content of trade agreements. We can vote on trade agreements only after they have been negotiated and signed, but we are responsible for trade agreements negative effects. Over 3 million American manufacturing jobs have been lost.

American wages have stagnated. We have lost our family farms, and we have failed to encourage income equality in the developing nations with which we have trade agreements. That's after Fast Track.

Let's replace Fast Track with a better system. Congress should be able to decide with whom we negotiate trade agreements and what goes into those agreements. Let's restore the balance of powers on trade established in the Constitution.

RECOGNIZING SEVERAL OUTSTANDING STUDENTS FROM ROBERTS WESLEYAN COLLEGE

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, I rise today to recognize several outstanding students from the Roberts Wesleyan College, which is located in my congressional district.

In today's world, if we needed an innovative cutting-edge solution to a challenge, we look to our institutions of higher education. Each year, the Motion Picture Association of America partners with Students in Free Enterprise to host a national competition to produce a public service announcement regarding the importance of intellectual property rights. For the second year in a row, Roberts Wesleyan College placed among the top 3 of over 40 competitors.

These talented Roberts Wesleyan students won a cash award, and their broadcast now has a chance to achieve national exposure. Their outstanding accomplishment will have an impact on both the local and the national level.

I commend the efforts of these students.

ALMOST 4,000 DEAD IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, sadly, we are moving toward almost 4,000 dead in Iraq. I don't believe there are enough times that we can recount for the American people how many have already died; 25,000 are injured.

I am grateful to the Democratic leadership for providing enhanced funding for the veterans hospitals and the Veterans Affairs Department to break the backlog of those veterans' wait for services and to help those in outpatient centers who need care.

But the real issue is when is the Iraqi Government going to stand up?

Just this past weekend, bombing occurred in Afghanistan where we need to turn our attention, but we understand that there is a possibility that the Iraqi Parliament will end its work and go off on a vacation for July and August while our soldiers are dying.

It is time now for this administration to understand the misdirection of this mission, to cause the Iraqi Government to stand up so that we can stand down. How many more lives, how many more families for these brave and wonderful men and women on the front lines of Iraq? They are our heroes, they are the patriots. We salute them.

It is time now for the administration to stand up for them and make the Iraqi Government stand up and take care of the Iraqi people.

☐ 1945

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BOO WHO?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, when Ms. USA recently appeared in Mexico City, she was repeatedly booed every time she was onstage. Apparently, the host and hostess and the "Politically Correct Police" missed it or just ignored it.

The pro-amnesty crowd is moving right along in its efforts to convince the American public that illegal immigration exists because people would do anything to be an American; interesting logic considering recent events. But I've never understood the logic in rewarding 12 to 20 million law breakers with amnesty for any reason.

In America, we seem to do things a little bit different. We cheer for our country. We wave our flag. We invest in our country, and we respect our neighbors. And by respecting neighbors, I don't mean we invade somebody else's country, demand benefits and protest brazenly in the streets waving foreign flags. And where I come from, we never boo a lady.

The booing incident of Americans doesn't come as a big shock to most of us. It has happened before in U.S.-Mexico sporting events. The Mexican team and the Mexican fans booed the U.S. players. It is the disappointment in the lack of reaction from some of our leaders to realize that they are not welcoming future Americans into our country with their amnesty giveaway: they are just giving away the country.

A pathway to citizenship, or earned citizenship, or any other giveaway program they want to call it only works if people really want to become Americans. If you want to be an American, then there are some responsibilities to that. You just don't get to take all you can and leave when you are done.

I don't agree that this amnesty nonsense is what's best for America, and I know, without a doubt, that the uncontrolled border is a natural disaster. Sure, it's great for Mexico. Their struggling economy depends on our citizens; or rather, their citizens' loyalty to their country, not loyalty to our country.

But the argument is that we have to allow those living in our country illegally the opportunity to come out of the shadows and be a part of our country and our culture. That simply is not going to happen, because their loyalty lies with their former nation. And an amnesty giveaway is going to legalize their loyalty to their home country, not make them Americans.

Mexico and other countries promote illegal immigration to the United States with one understanding: You send your money back home to Mexico. And America is not home. Billions headed south last year to Mexico alone. Remittances from the United States were the second highest revenue for Mexico, right behind the sale of crude oil, beating out tourism.

So when the United States gets booed, people that don't understand this are a bit taken aback. Is it irony or arrogance? Most people don't bite the hands that feed them, especially when you have them eating out of your hand.

The administration recently said, "Those determined to find fault with this bill will always be able to look at a narrow slice of it and find something they don't like. If you want to kill this bill, if you don't want to do what's right for America, you can pick out one little aspect of it."

Although I respect the President greatly, I respectfully suggest he is in error. We cannot accept the narrow slice or the whole amnesty pie. We are not that much of a glutton for this pie in the sky.

Americans deserve better. They deserve real immigration reform that secures the borders with the utmost of urgency and an end to political preference policy for illegals, a policy that discriminates against American citizens and legal immigrants.

We need to end employment opportunities and social benefits intended and entitled to Americans and have legislation that puts the needs and benefits of Americans first.

Kowtowing to Mexico, the country that takes and takes from America but booed Ms. USA off the stage, is exactly what's wrong with this new Senate amnesty bill and this administration's position.

And that's just the way it is.

WAITING FOR THE NEXT BIG EVENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last month, despite my objections and many of my colleagues, Congress passed a bill to continue funding the occupation of Iraq. Now everyone is waiting for the next big event in the war, General Petraeus's report on whether the escalation, the surge, is succeeding. This report is due in September.

But with our brave American troops and innocent Iraqis continuing to die, we are remiss if we twiddle our thumbs and wait for September. We need to hold this administration accountable for its actions in Iraq, and we need to do it today, not 3 months from now.

So I want to go back to January 10 of this year, the night that the President announced his new surge policy in a speech to the Nation, to see if he is delivering on what he promised. On that night, he said, "America will hold the Iraqi government to the benchmarks it has announced."

But here we are, Mr. Speaker, 6 months later, and the Iraqi government has made virtually no progress on any of it's benchmarks. Even Lieutenant General Douglas Lute, our new war czar, expressed frustration about this in his Senate confirmation hearing. General Lute said, "My assessment would be that the Iraqis have shown very little progress."

Mr. Speaker, back on January 10, we were told that the surge would help the Iraqis carry out their campaign to put down sectarian violence. But the Pentagon's own report on the current situation, which was released last Wednesday, said that the violence continues to be driven by sectarianism. In other words, we've sent our troops to fight a civil war that has nothing to do with protecting America from terrorism.

Also, back on January 10, the escalation speech included these words: "Our military forces in Anbar are killing and capturing al Qaeda leaders."

Yet, Mr. Speaker, in the Senate hearing I mentioned a moment ago, Senator EVAN BAYH quoted a top CIA expert in saying that the American presence in Iraq is creating more members of al Qaeda than we are killing.

The President claims that he has the power to grab people off the streets of America, declare them enemy combatants and order the military to hold them indefinitely. But last week, a Federal Appeals Court ruled that, "to sanction such authority would have disastrous consequences for the Constitution and for the country."

The President says that he is a strict constructionist when it comes to the Constitution. But he has shown that he is not a strict constructionist, not a loose constructionist, but a non constructionist who simply ignores the Constitution.

It is time, Mr. Speaker, for a new policy in Iraq. We must fully fund the safe redeployment of our troops. We must guarantee the very best health care for our veterans. We must work with the Iraqi people and the international community to provide for the reconstruction of Iraq. We must look to diplomacy, not preemptive war, to help Iraq and its neighbors to achieve political solutions to the region's problems, and there must be no permanent American military bases in Iraq.

And America must rely, once again, on our most powerful weapons in the fight against terrorism, our Constitution and our democratic values.

And, Mr. Speaker, we must bring our troops home.

PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the Members of this House well know, in February 2006, U.S. Border Patrol Agents Ramos and Compean were convicted in a U.S. District Court in Texas for shooting a Mexican drug smuggler. They were sentenced to 11 and 12 years imprisonment, respectively, and today is the 153rd day since the two agents entered Federal prison.

What Members of this House may not know is that 10 years of each of their sentences were based on an indictment and conviction for a Federal crime that does not exist. The Federal crime they were convicted of does not exist.

The law that they were charged with violating has never been enacted by the United States Congress but rather was fashioned by the Office of the United States Attorney for the Western District of Texas, Johnny Sutton.

The law that the agents were charged with, 18 United States Code section 924(c)(1)(a) as enacted by Congress, requires a defendant to be indicted and convicted either of using or carrying a firearm during and in relation to the commission of a crime of violence or possessing a firearm in furtherance of a crime of violence.

However, neither Mr. Ramos nor Mr. Compean was ever charged with the specific elements of the crime. Instead, Mr. Sutton's office extracted from the United States Criminal Code a sentencing factor, discharging a firearm, and substituted that sentencing factor for the congressionally defined elements of the offense.

In this case, I can imagine how difficult it would be to obtain an indictment and conviction for "using," "possessing" or "carrying" a firearm when the Border Agents were required to carry firearms as part of their job. That difficulty may well, very well, explain why this United States Attorney's Office unilaterally changed Congress's definition of a crime to a definition that would be easier to prove by the prosecution.

Any change in the elements of a crime amounts to the seizure of legislative authority by a Federal prosecutor. When this encroachment upon the legislative power of Congress was brought to my attention and to the attention of my colleagues, Congressmen VIRGIL GOODE and former Texas State judge, Congressman TED POE, we joined forces with the Gun Owners Foundation, U.S. Border Control, U.S. Border Control Foundation and the Conservative Legal Defense and Education Fund to file a friend of the court brief in the United States Court of Appeals for the Fifth Circuit Court.

The brief urges reversal of these unjust convictions and 10 year mandatory minimum sentences by spelling out how changes contained in two counts of the indictment against the agents are "fatally defective" because they fail to charge an offense as defined by the statute.

Mr. Speaker, many of my colleagues and the American people have been greatly concerned about the denial of due process of law to Agents Ramos and Compean. The American people must be confident that prosecutors will not tailor the law to make it easier to convict in a particular case. Federal prosecutors take an oath to enforce the law, not to make the law.

It is my understanding that the House Judiciary Committee will soon hold hearings to examine the prosecution of this case, and I want to thank Chairman JOHN CONYERS for his interest in investigating the injustice committed against these two Border agents.

I encourage the chairman and the committee to take a thorough look into the actions of the Office of U.S. Attorney for the Western District of Texas and its pattern of aggressively prosecuting law enforcement officers, including Ramos and Compean, former Border Patrol Agent Aleman and Deputy Sheriff Gilmer Hernandez. These are legitimate legal questions and concerns about this prosecutor's office, and they need to be answered.

And again, I thank the chairman of the Judiciary Committee for his interest and concern about justice to right an injustice.

□ 2000

HIGHLIGHTING THE COBB COUNTY SHERIFF'S OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to highlight the exemplary important work of the Cobb County Sheriff's Office. This Georgia agency has been screening County Jail inmates to identify and deport illegal immigrants. This is a hugely important effort. After these criminals serve their time, we need to deport them.

Many jailed illegal immigrants are incarcerated for crimes like rape, armed robbery and drug trafficking. We want to do more than simply get these criminals off our streets. We want, Mr. Speaker, to get them out of our country.

Six deputies with the Cobb County Sheriff's Office recently underwent specialized training with Immigration and Customs Enforcement to identify illegal immigrants in our jails. Cobb County is the first department in Georgia and indeed one of the first in the Nation to work with ICE on this initiative. They are setting a fine example for communities across America, and our cities will undoubtedly benefit from the widespread adoption of this program.

After all, our State and local law enforcement officials are our first responders in the fight against illegal immigration. They play a critical role in stopping criminal aliens from harming our citizens.

Here's how this new program works. Local law enforcement officials travel to Herndon, Virginia, to train with Immigration and Customs Enforcement. They get experience in immigration law, criminal law, document examination, alien processing, and cross-cultural communication.

These trained deputies then return home to their communities where they work with ICE agents to identify illegal immigrants in local jails by comparing fingerprints with ICE and FBI databases and interviewing prisoners.

The program may be new but it is already working. In the Cobb County jail alone, which holds nearly 2,200 inmates, law enforcement officials have identified 63 people of interest to Federal immigration authorities. That is 63 rapists, robbers, and drug lords that we can get off of our streets and out of our country.

Mr. Speaker, we know local law enforcement officials are often our front line of defense when it comes to identifying and removing illegal immigrants from our communities. As we look for solutions to the current illegal immigration crisis, we must empower our State and local officials and help them coordinate with Federal agents. And that is why I proudly supported an amendment last week to the Homeland Security appropriations bill. We passed that on the floor to support this new and promising ICE program so that we don't just provide funding to communities located within 100 miles of the southern border; otherwise Cobb County, Georgia won't have qualified.

Last summer I examined border security efforts along the United States-Mexican border, and during that trip I observed our Border Patrol agents loading up buses and planes with criminal illegal immigrants being deported back to their home countries. Now Cobb County is playing a vital role in this process, and I am incredibly proud of their efforts. The sheriff's office is helping rid our society of dangerous criminals who have no business being here in the United States.

Especially, Mr. Speaker, I want to recognize Cobb County Sheriff Neil Warren, Cobb County Police Chief George Hatfield, and the six Cobb deputies who went through the specialized training: Paul Harrison, Claudia Cross, Marco Cabrera, Olanda Palmer, and Paul Diaz. Their effort to uphold the rule of law is commendable, and I urge more local agencies to consider participating in this critical program.

Mr. Speaker, I ask my colleagues to join me in thanking the Cobb County sheriff's office for its commitment to getting dangerous, criminal, illegal immigrants out of our community.

THE IRAQ WAR

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, last week President Bush defended his war in Iraq saying it would be a disaster if we left. Well, if the President doesn't know it by now, we already have a disaster on our hands.

Allow me to read a few headlines from the past week to give everyone a sense of how well the war is progressing:

The Washington Post, June 18, 2007, General Petraeus: "Iraq 'Challenges' to Last for Years."

New York Times, June 16, 2007, "In Iraq Secretary Gates Says Progress Toward Peace is Lagging."

New York Times, June 13, 2007, "Violence Rising in Much of Iraq, Pentagon Says."

MSNBC.com, March 17, 2006, "Cost of Iraq War could surpass $1 trillion. Of course, the estimates vary but all agree price is far higher than initially expected."

A Pentagon report released last week gave a grim outlook of the situation in Iraq. While the number of U.S. troops on the ground reached a record high as a result of the President's so-called troop surge, violence in Iraq has continued to increase. In fact, since the surge was announced, 500 American troops have been killed. According to the report, much of the violence that plagues Iraq is attributable to "sectarian friction and each faction is driven by its own political and economic power relationships."

Further, "Illegally armed groups are engaged in a cycle of sectarian and politically motivated violence, using tactics that include indiscriminate bombing, murder, executions and indirect fire to intimidate and provoke sectarian conflict."

Simply put, Iraq is a full-fledged civil war.

The number of suicide attacks in Iraq has increased from 26 in January to 58 in March and April. Remember IEDs, that is, improvised explosive devices? Now insurgents are increasingly using a more advanced type of IED called EFPs, or explosively formed projectiles, to kill our soldiers. These new bombs are being used in rapidly increasing numbers and are extremely effective at piercing the armor of our Humvees, tanks, and troop transports, causing mass casualties. As of today, there have been 3,526 U.S. deaths; there have been 26,000 Americans wounded, some very serious; 60,000 to 100,000 Iraqi civilians have died; and there are over 1,000 attacks per week, on average, and steadily growing.

We have spent over $435 billion of taxpayer money. The total cost to our economy could be upwards of $1 trillion to $2 trillion.

It is time to face the facts. Bombs and bullets have not and will not bring us peace in Iraq.

In January, I, along with my colleagues BARBARA LEE and LYNN WOOLSEY, introduced H.R. 508, the "Bring the Troops Home and Iraq Sovereignty Restoration Act of 2007." This bill repeals the authorization of force in Iraq, requires a complete withdrawal of troops within 6 months, and puts Iraq on a path to sovereignty and peace. This bill seeks to end the cycle of violence that has plagued Iraq since we began this occupation.

There is bipartisan opposition to the war in Iraq, and a majority of Americans not only think President Bush is doing a poor job handling the situation in Iraq, but a majority also support setting a timetable for withdrawal. Our constituents sent us a strong message in November and continue to demand an end to this war.

Mr. Speaker, I hope that we in Congress have the courage to bring this war in Iraq to an end.

DR. AL SIMONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHL) is recognized for 5 minutes.

Mr. KUHL of New York. Mr. Speaker, I rise today to speak about Dr. Al Simone, an outstanding individual in the community of Rochester, New York. Dr. Simone retires this month from the presidency of the Rochester Institute of Technology. He was RIT's eighth president, the eighth in 177 years.

Dr. Simone came to Rochester from a place where the weather is a little bit more predictable. He was the president of the University of Hawaii system and chancellor of the University of Hawaii at Manoa for 9 years.

Dr. Simone has led RIT to become the one of the Nation's leading career-oriented universities with 15,500 students from all 50 States and more than 100 foreign countries, 2,800 faculty and staff, and an annual operating budget of more than $490 million. RIT is now the tenth largest private university in the Nation in terms of full-time undergraduate enrollment. The endowment has climbed to more than $570 million during his tenancy.

Dr. Simone is a prolific writer and has written several books and numerous journal publications on the application of mathematics, statistics, and computers to economics and business. In fact, Dr. Simone is collecting data and information for a book right now on higher education, which he expects to write within the next few years during his retirement on the sunny shores of Keuka Lake.

Dr. Simone is a real trailblazer. He was the first American university president, for instance, to officially visit North Korea, Vietnam, and Vladivostock when these areas were closed to the United States except for cultural and educational exchange.

A native of Boston, Dr. Simone received his B.A. in economics from Tufts University and his Ph.D. in economics from the Massachusetts Institute of Technology. He has taught at Tufts, MIT, Northeastern University, Boston College, Boston University, University of Cincinnati, and the University of Hawaii.

The community will certainly miss Al's leadership and I know I will miss working with him.

Mr. Speaker, I hope you will join me in wishing him and his wife, Carolie, a long, happy, healthy retirement with their children and their grandchildren.

THE RED INK KEEPS GETTING DEEPER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the topic of my remarks tonight will be "The Red Ink Keeps Getting Deeper."

If we look at the trade procedure the Bush administration wants Congress to pass called Fast Track, we should know that it is shorthand for Congress blindly signing away its constitutionally granted duty to regulate commerce with foreign nations. That is right in the Constitution. Under Fast Track procedure, Congress loses any opportunity to negotiate, amend, or improve the Bush administration's misguided trade policy.

We have seen what happens when Congress hands the reins over to the executive branch. When we look at our soaring trade deficit and our ravaged middle-class communities, we see how Congress could have improved each one of the trade agreements we were forced to consider as a whole under what was called Fast Track. It is like a fast ball through here that you can't even amend.

The Commerce Department just released an example of the Bush administration's horrendous leadership on this issue. The first quarter account for 2007 is another $193 billion deficit in the red, which totals 5.7 percent of GDP, a total drag on economic growth in this country. And, in fact, this quarter's debt is larger than the last quarter of 2006. The red ink keeps getting deeper every single quarter.

Our national security is forced to take a back seat to foreign investment while workers lose their pensions and their health benefits or their jobs, and illegal immigrants scramble across our borders attempting to flee the destruction caused by our failed trade policies in those countries. This should not be happening.

When Congress reclaims our power to amend trade agreements, we can use trade policy in a manner to level the playing field, to help people and not just fan the flames of more corporate greed in the global marketplace.

Congress cannot accept Fast Track in any form. We must demand and create a new model for trade that has not just a logic but also an ethic. We must bring people back into the trade equation, not just investors.

Our trade policy touches people around the world, from middle-class Americans in the heart of this country to Mexican corn and bean farmers facing extinction come next January as some of NAFTA's provisions phase out for them. Our trade policy touches factory workers in China toiling for starvation wages.

We, as most powerful Nation in the world, must accept our responsibility to protect people from corporate greed and our own people from security risks. We cannot trust President Bush to defend our jobs. We have seen he has not been able to do that. And we cannot watch him dictate trade policies that Congress is blocked from amending. We have to take the responsibility given to us in our Constitution.

Instead of approving more lopsided trade agreements, Congress should fix our current situation. Trade should create jobs in America. It should not exploit Third World workers. It should elevate, not reduce, America's image abroad. Congress should fund the North American Development Bank to support job creation in communities where jobs have been offshored and outsourced. And we should require our trade competitors to adhere to environmental standards. We should abolish child labor worldwide. We should stop labor trafficking. And we should fix our broken immigration system that is so tied to failed trade policies. A new trade model must be created that meets America's most principled values, democratic rights and justice for all.

Under Fast Track authority, however, Congress cannot even control our own floor schedule. President Bush will decide what policy we consider and when we vote on it. We simply can't accept that. Congress must reclaim its own power. Democrats must lead the way to a more sensible and ethical trade policy that brings prosperity to people here at home as well as around the world, restores our reputation abroad, and advances democratic principles, that's with a small "d," respect for people.

The world has suffered at the hands of Bush administration trade policies for too long. I urge my colleagues to join me in opposing any more blank checks for this President or any President who tries to move a trade agreement through here on renewing Fast Track. Congress ought to reject Fast Track and we should stop making the red ink deeper.

□ 2015

GENERAL PETER PACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. KLINE) is recognized for 60 minutes as the designee of the minority leader.

Mr. KLINE of Minnesota. This evening, we have heard some talk about the war that we're engaged in, the fighting in Iraq, the fighting in Afghanistan, this long war against Islamist extremists that we're engaged in. And tonight I am very pleased I am joined by a number of my colleagues here this evening to talk a little bit about that military action, to talk about that war and to talk about the military leaders that we are so blessed to have in this country.

I think sometimes we sort of forget that there are people who have devoted their entire lives to serving this country and to providing exemplary leadership to our young men and women as they fight for us in Iraq and Afghanistan and around the world. We have some new officers in the lineup, and we will talk very briefly about those tonight, I suppose. We have a new commander of Central Command, Admiral William Fallon. We have, of course, General David Petraeus, named by the President to be the senior U.S. commander of the multinational forces in Iraq and confirmed unanimously, I might add, by the Members of the Senate. Lieutenant General Raymond Odierno, and other fine officers that are leading our young men and women.

I know some of my colleagues would like to talk about one of the officers who is going to be leaving that chain of command, the very fine Chairman of the Joint Chiefs of Staff, the first Marine Corps officer ever to hold that position, my good friend and a great American, General Peter Pace.

I would like to afford a few minutes to my friend and colleague from South Carolina who I know has some words he wants to say about my friend, Pete, and give us a little idea of what his biography is.

I yield to the gentleman.

Mr. WILSON of South Carolina. Congressman KLINE, thank you for your leadership tonight. And particularly I want to thank you for your family service, your service in the Marine Corps, your son's service, who is in the central front himself, having served in Iraq. We are very grateful for your family's service.

I am here tonight really indeed to point out the extraordinary service, 40 years of service, of General Peter Pace. I think it's extraordinary, and I hope the American people indeed look at this record of service.

The perspective that I am here is that I served 31 years myself in the Army National Guard, the Army Reserves. Really, the reason I served so long is because I have such great appreciation for the confidence and capabilities and the patriotism of the military of our country.

Additionally, I have the perspective of being a parent. I have four sons who are currently serving in the military of the United States. In particular, I am very grateful my oldest son served for 1 year in Iraq. I know firsthand of the bravery of our troops, the success of our troops in protecting America by keeping the terrorists and stopping them overseas. I am also grateful, I have a son who is a doctor in the Navy. We are very proud of his service, and his wife, and what they mean to our country.

Additionally, I've got a third son who is a signal officer who has served in Egypt with the Army National Guard, and a fourth son who has just joined the Army ROTC. He will be participating in the simultaneous drill program of the National Guard.

I give all my credit to my wife, Roxanne, for training these four guys. But I will point out that a reason that we have such faith in their service is because I have such faith in people like General Pace. I have entrusted my four sons to the leadership of the American military, which by every poll, every time it is done, I am afraid lawyers don't come out too well, politicians don't come out too well by standards, even the media suffers when it comes time to judge the level of perception of a profession, even ahead of the clergy is the military of the United States, and I believe they deserve it.

The final perspective I have as a Member of Congress. I have been here 5 years. I serve on the Armed Services Committee. The communities I represent, Fort Jackson, Paris Island, the Marine Air Station in Beaufort, the Beaufort Naval Hospital, but the greatest highlight that I've had is to visit with our troops overseas.

I have been to Iraq seven times. I have been to Afghanistan three times. I've visited probably 30 different countries. When we visit, we visit with the generals; we visit with the diplomats; we visit with the top American and foreign officials. But one of the real highlights is that we have the opportunity to go into a dining facility. And of course, they make it pretty simple for Members of Congress; they have a little flag identifying our home State. And we will go and we will find junior officers and enlisted personnel. And that's where you find out the extraordinary quality of the young people serving our country. Indeed, I believe it is the new Greatest Generation, people who don't whine, who understand that our Nation has been attacked. On 9/11, it was attacked. Beginning back in 1979, with the seizure of our embassy in Tehran, we have had multiple attacks until we came to 9/11/01. And we've learned a lesson. And these young people are protecting our country.

Indeed, it was just three weeks ago today that I was in Baghdad and had the great opportunity to meet again with General David Petraeus. I have great faith in his leadership and what he's doing, protecting American families by creating a level of stability in Iraq.

Additionally, I had the privilege of visiting with the 218th Mechanized Infantry Brigade in Kabul, Afghanistan. This is the Army National Guard of South Carolina being very ably led by General Bob Livingston.

I was in that unit, Congressman, for 25 years, so I know firsthand of the capabilities of the person serving that unit as they are training the Afghan police and training the Afghan Army. A sad reminder today with the heinous homicide attack on the Afghan police; 35 policemen were killed yesterday. It is a chilling but a sad reminder that, indeed, the police that are being trained in Afghanistan and being trained in Iraq, the armies being trained in both of those countries, they have been the primary focus of attack of the terrorists because we are making progress in training people to provide stability in their own country.

Now, when I think of General Pace, it's really incredible that he has had a 40-year record of service. He graduated from the Naval Academy in 1967. He was sworn in as the Chairman of the Joint Chiefs of Staff on September 30, 2005. And what is particularly meaningful is that he is the first Marine to serve in this position and also the first Marine to serve as Vice Chairman——

Mr. KLINE of Minnesota. Will the gentleman yield? Could you say that again?

Mr. WILSON of South Carolina. And I knew this would get your interest, being the Marine, Congressman KLINE, that you are, and indeed, I want to commend you. If anyone ever doubts, I want to point out that you wear a U.S. and Marine flag everywhere you go, without fail, with your congressional pin. And if anyone mistakes the pin as the People's Republic of China, I want them to know that indeed it is the Marine Corps of the United States of America.

Mr. KLINE of Minnesota. I thank the gentleman.

Mr. WILSON of South Carolina. General Pace was born in Brooklyn, New York. He grew up in Teaneck, New Jersey. He holds masters degrees in business administration from George Washington University, attended Harvard University for the Senior Executives Course in International Security. He also is a graduate of the Infantry Officer's Advanced Course at Fort Benning, Georgia; the Marine Corps Command and General Staff College at Quantico, Virginia; and the National War College at Fort McNair in Washington.

In 1968, upon completion of The Basic School at Quantico, General Pace was assigned to the Second Battalion, Fifth Marines, First Marine Division in the Republic of Vietnam, serving first as a rifle platoon leader, and subsequently as assistant operations officer. He was later assigned to the Marine Barracks in Washington, DC, where he served a number of billets, to include Security Detachment Commander at Camp David, White House Aide, platoon leader and Special Ceremonial Platoon.

General Pace has held command at virtually every level and served in overseas billets in Nam Phong, Thailand; Seoul, Korea; and Yokota, Japan.

While serving as president of the Marine Corps University, then Brigadier General Pace also served as Deputy Commander of Marine Forces, Somalia, from December 1992 to February 1993, and as the Deputy Commander, Joint Task Force, Somalia, from October 1993 to March 1994.

After his assignment as the Director of Operations, (J–3) Joint Staff, Washington, DC, then Lieutenant General Pace served as the Commander, U.S. Marine Corps Forces Atlantic/Europe/South. He was promoted to General and assumed duties as the Commander in Chief, United States Southern Command in September 2000.

As the Vice Chairman from October 2001 to August 2005, General Pace served as the Chairman of the Joint Requirements Oversight Council, Vice Chairman of the Defense Acquisition Board, and as a member of the National Security Council Deputies Committee and the Nuclear Weapons Council.

General Pace's personal decorations include: Defense Distinguished Service Medal, with two oak leaf clusters, Defense Superior Service Medal, the Legion of Merit, Bronze Star Medal with Combat V, the Defense Meritorious Service Medal, Meritorious Service Medal with gold star, Navy Commendation Medal with Combat V, Navy Achievement Medal with gold star, and the Combat Action Ribbon.

General Pace and his wife, Lynne, have a son, Peter; a daughter, Tiffany Marie; and a daughter-in-law, Lynsey Olczak Pace.

Colonel Congressman KLINE, again, I want to thank you for bringing many of us together tonight to pay tribute to a great hero, an American hero who has served our country for 40 years, who has served the last 2 years as Chairman of the Joint Chiefs of Staff, General Peter Pace, a person that I know and respect; I know that the military respects. I just want to thank you again for your efforts this evening.

I yield the balance of my time.

Mr. KLINE of Minnesota. I thank the gentleman. I thank him for his comments, and certainly for his service and for the service of our sons. I know that the South Carolina National Guard is held up by the Wilson family, and we are grateful. I know that all the people of South Carolina are grateful to their service to the National Guard, and for your service in the Guard and here in Congress. And I know that General Pace appreciates your kind remarks.

Pete and Lynne Pace were next-door neighbors for Vicky and I when I retired from active duty in the Marines in 1994. He is not only a fine man and a fine officer, but a good neighbor.

I understand that we are joined now by my colleague from Missouri, who had some words that he wanted to share with us concerning General Pace's forthrightness; is that right? I yield to the gentleman.

Mr. AKIN. Thank you, Congressman KLINE. And thank you for providing this opportunity for a number of us to make several points.

The first that I would make would be to show a respect for General Pace for his 40 years of service. I have two sons who are graduates of the Naval Academy, one who is returning from his second visit to the Middle East as an officer and as a Marine, and another who is just going off to his basic school this July. And I have a third son at the Naval Academy who hopefully will be graduating in another couple of years, and he might also choose the Marines as well. So I have a respect for the Marines just from what I have learned from my own sons, and particularly as a Congressman, having watched and had a chance to observe General Pace's leadership.

We are here partly this evening, in talking on this subject, because General Pace is not being renominated by Secretary Gates and the President. And he is not being renominated primarily because of concerns about his political correctness. In fact, a certain prominent Democrat in the other body has criticized Pace because he is "not in touch." Now, that is a significant concern to me.

My own personal background, while I was in the Army some, has been more in the business world. But any organization can atrophy if the organization makes an effort to fill the organization with yes-men, with people who don't have the courage to speak up and to speak their opinions.

Now, throughout America's history, we have had generals, some who don't even speak up very delicately, but do express their opinion and have had to pay a political price. And I think that history in many cases has shown that while what these men may have said may not have been popular in their day, yet it was accurate. I think particularly of people like General Patton, who, when he had finished his business of crushing Naziism, said, Let me after the communists and the Russians and the Soviets because they are no different than the Nazis. Well, looking back historically, we realize what he said was absolutely right, but he was not politically correct. He wasn't a yes-man.

But it's my opinion that the reason the First Amendment is the first amendment is because Americans appreciate somebody who will speak in a forthright, straightforward manner and can give their opinion respectfully, but still with some level of force.

□ 2030

I think that General Pace has done that and is now going to pay the price politically for not being a "yes" man or lining up with somebody's preconceived political notions. I think it is a sad day in America's history where we don't have more respect for the first amendment and have way too much respect for political correctness and trying to go along and get along and just be a "yes" man and keep everybody happy.

I think that one of the great things about our generals is that they do take a look at the details, they analyze the situation, and they say what is right, what is wrong, and what their opinion is. I think it is a shame that this general should be penalized for that particular situation.

I would be happy to yield back to my good friend, Congressman KLINE. I appreciate your giving me a chance to say that I think that our organizations need to have room for people who don't always necessarily agree. I think we are better Americans, we are stronger Americans, when we can look each other in the eye and say, I love you, brother, but this is my opinion on this subject.

Mr. KLINE of Minnesota. Again, I thank the gentleman for his service and his son's service and obviously the good parenting job that you have done, having your sons go into the Marine Corps. My son went into the Army. I have got to tell you, I am so proud of him sometimes I just bust out, but occasionally I wonder where I may have gone wrong in that upbringing thing. But I know you are proud of your sons and I of mine and JOE of his and all of our sons and daughters who are serving so well and so bravely in this war and in wars past.

I want to just remind my colleagues and those who may be following this discussion tonight what is at the core of the fine men and women who are leading our men and women into combat, and I go back to the very, very famous words of General Douglas MacArthur after he retired and he went back to West Point, his alma mater, and gave a speech. In that speech, I am just going to read a paragraph of it here, he said some words that strike to the core of these men and women that we are talking about tonight. This was back on May 12, 1962.

General MacArthur said, "For all eyes and for all time, it is an expression of the ethics of the American soldier. That I should be integrated in this way with so noble an ideal arouses a sense of pride and yet of humility which will be with me always.

"'Duty,' 'Honor,' 'Country,' those three hallowed words reverently dictate what you want to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn."

I think it is important for us to understand, and a little bit later this evening I am going to talk about some of those values and some of the fine young men and women who go to these service academies and provide the outstanding leadership that we have.

Of course, tonight we are talking about that leadership and quite a bit about General Peter Pace, the first Marine Corps Chairman of the Joint Chiefs of Staff and the man who is going to be retiring here in the coming months after he has served us so well in so many years.

I am joined now by my friend and colleague and classmate, I guess, we came to Congress together in the 108th Congress, Dr. PHIL GINGREY.

I yield to the gentleman.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, my friend from Minnesota, not just Representative JOHN KLINE, but Colonel JOHN KLINE of the United States Marine Corps. Representative KLINE, you mentioned a number of great leaders. I consider you among them.

It is fitting that we do this during this hour tonight to pay a special tribute to General Peter Pace and General Petraeus, Admiral Fallon and General Odierno, all of those you have mentioned. This is our chain of command. These are the brave men and women that we talk about, as you just referenced, when we go to those service academy days and we look at those youngsters in the 10th or 11th grade and they are with their parents and thinking about a service academy. And I am saying to them, as I am sure my colleagues tonight in this colloquy have done, you say, "You know, young man, young lady, you could be the next Chairman of the Joint Chiefs of Staff or you can be the Central Commander."

It is just when you look and you say that, you want to feel that they know that they are going to be respected, and that Members of Congress are not going to denigrate them in a public way.

I think that is a very, very disappointing thing that has been occurring, Mr. Speaker. In fact, a Member recently was quoted as saying that this Member felt that General Pace was guilty of dereliction of duty because of his support for the Bush's Iraq policy.

Now, President Bush, like him or not, is the Commander in Chief, and if General Pace did not support the Commander in Chief, then that, I think, Colonel KLINE, you can explain it better than I can, you talk about a dereliction of duty, but I am proud to be here tonight.

I thank the gentleman for giving me a little bit of time. I know we have other Members who are colleagues on the Armed Services Committee. We have already heard from a couple of them who are veterans and who have sons that are serving. I wish I could say that I was a veteran.

So I am very proud of my colleagues. I am proud of these leaders of our military. Especially I want to say to General Pace, Mr. Speaker, you know, one of my favorite country songs by Garth Brooks is "Some of God's Greatest Gifts Are Unanswered Prayers." If the General was praying to get reconfirmed as Chairman of the Joint Chiefs of Staff, maybe this will be God's answer to him: "General, you have served 40 years. You are a four-star general. You have done a great job for this country, and we salute you." Tonight I want to salute General Peter Pace.

I yield back to the gentleman from Minnesota.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for his kind remarks and for his service here. You have been a great colleague and a great champion for our men and women who are serving so bravely and so well all around the globe. It is not just Iraq, as my friend knows, and here shortly I will be recognizing another colleague to talk about this threat that we face. But first, I want to recognize my friend and colleague on the Armed Services Committee and a great American himself, the gentleman from North Carolina, Mr. HAYES.

Mr. HAYES. Mr. Speaker, I thank the colonel for yielding. I appreciate Congressman KLINE for his diligence in bringing this important matter to the floor. You and I have been friends for years. I have been here a little longer, but I say without reservation that probably the main motivation that you and I serve, aside from our specific constituents in our own districts, is our love for the military and our desire to do anything and everything we can to support them at all levels of service.

I represent Fort Bragg, Pope Air Force Base, Joint Special Operations Command, U.S. Army Special Operations Command at the epicenter of the universe in Fayetteville, North Carolina. And as I have spent time with these young men and women in all parts of the world, I am continuously astounded, amazed, and incredibly appreciative for what they do every day and every night of the year to keep us free. I say that simply as a little bit of a background to pick up on what Colonel Wilson and Dr. GINGREY have said in tribute to General Peter Pace.

For 40 years, Pete Pace has absolutely signified, has identified, has personified, the greatest qualities of the American citizen-soldier-marine that anybody could absolutely personify. He served in virtually every theater for 40 years. He has exemplified Semper Fi. He has been faithful beyond belief to our country. He would still be serving, were it not for political correctness and cheap-shot politics, that has unfortunately become a part of what we do.

I think General Pace said it better than anyone. When given the opportunity to resign, he said, "Why would I leave my men on the battlefield? If you tell me my job is done, then my job is done."

General Pace, your job has never been done. It will never be over, because the memory of your service will be extremely strong in all of our minds.

Colonel, I would like to add a few more remarks. I feel it is highly inappropriate that the Senate majority leader would make disparaging remarks about General Pace and General Petraeus, the commander of our troops in Iraq and the Chairman of the Joint Chiefs of Staff.

Mr. Speaker, General Petraeus and General Pace have had a tough job, and now they should not be fodder for political gain with a group of left-wing liberal activists, or anyone else for that matter. Gentlemen, scholars and warriors, they have devoted their lives to serving our Nation, and have done it well.

What is most puzzling is that the Senate majority leader put his endorsement behind General Petraeus and trusted him to carry out our objectives in Iraq when he was confirmed on January 26 of this year. Obviously he felt General Petraeus was more than competent when he voted to confirm him.

Mr. Speaker, I don't think anyone is content with the existing situation in Iraq, neither General Petraeus nor General Pace. General Petraeus, the commanding general, has cautioned it is too early to judge the success of Baghdad's security and stability. He informs us that the new security effort is just beginning to reach the full number on the ground, because they still have an additional brigade just coming into Iraq. General Petraeus is now in his third tour of duty in Iraq.

Mr. Speaker, the majority leader and others have visited troops serving as part of Operation Iraqi Freedom. I have been there. I think it is good that lawmakers see the situation firsthand. But there is real arrogance in saying that someone with a commander's-level experience and General Pace's experience is out of touch with the situation in Iraq.

As I said, I have visited Iraq many times and recognize General Petraeus as a military commander and as the expert he is on this issue. As he makes determinations regarding the security situation in Iraq, I will ask tough questions. If you are going to declare that he is out of touch or incompetent, then you have already made up your mind. You have already determined the outcome is going to be labeled a failure.

Mr. Speaker, what message are we sending our troops when the leadership of the other body has already declared that their effort in this new security strategy is a failure before they have really begun?

The 82nd Airborne from Fort Bragg in my home district is currently deployed to Iraq as part of the troop surge. These servicemembers and others are there at the tip of the spear. It is time for everyone to put partisan politics aside and stand together in solid support of our men and women in uniform.

General Pace has had an incredible, distinguished career, serving in every capacity, and he deserves much better. His record merits thanks and a second term as chairman. Instead, he becomes another victim of the campaign of personal destruction.

General Pace, thank you for Semper Fi. You have always been faithful.

Nobody wants their troops to return home sooner or more safely than I do. They should not stay in Iraq one day longer than necessary. While we have soldiers on the ground fighting the war on terror for us over there, we should have no patience for cheap-shot political gamesmanship on this critical national security issue here at home.

Colonel Kline, again, thank you. General Pace, thank you, and Lynn, and your family. We are ever grateful for your service.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for his words and for his strong support of our men and women in uniform. I know the people down in North Carolina are very proud to have you serve. There is no greater champion for our Special Operations Forces than you are and for all those fine soldiers down there, and I know that General Pace appreciates your support. So I thank the gentleman for joining us this evening.

Mr. Speaker, I was thinking about the kind words that have been said tonight about General Pace. I certainly add to those.

I mentioned earlier that I thought that General Pace was a fine man and a fine marine and a fine commander and a great neighbor when he and Lynn lived next door to Vicky and I down at the Marine Base at Quantico. I just have to share another story with my colleagues standing here.

There was another time when General Pace and I were neighbors, and it was not such a nice location as the Marine Base at Quantico and the fine quarters there up on the hill.

We were serving together in Mogadishu in 1992 and 1993 in the rubble of that country, in some pretty tough times and bad weather and bad conditions and starving people. We had some folks who were intent on shooting each other and shooting us.

□ 2045

I remember going into the building one time and General Pace was sitting there, sort of an old, bombed-out room of the Embassy.

I said, "General, how is it going?"

He said, "We are here, we are serving our country and we are in the Marines."

He was a fine friend and fine neighbor, whether he was in the idyllic hillside down in Prince William County or bombed-out rubble in Mogadishu. You couldn't have a finer man with you. I am very proud to have known him and served with him, and I am very grateful for his many years of distinguished service, living by those ideals we discussed earlier.

There are some more commanders that we want to refer to later tonight, but we want to put this in the context of this terrible war we are fighting. We are fighting an evil and adaptive enemy, and I yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Colonel, it is an honor to join you tonight and my colleagues on the floor. Anytime I have the privilege to stand and honor our men and women in uniform, I try to begin with what John Stuart Mill said about war. He said, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which they are willing to fight, nothing which is more important than his own personal safety, is a miserable creature and who has no chance of being free unless made and kept so by the exertions of better men than himself."

Those better persons that Stuart Mill referred to are the people we rise tonight to honor, the men and women in uniform of our Armed Forces.

They understand from time to time it is necessary for people to put themselves between a threat and our civilian population, and they know that freedom, every time it has been extended from one generation to the next, it has been by those people who have been willing to put themselves and their lives, everything they have, their whole measure, between the threat and our civilian population.

Tonight, Colonel, I come to the floor to talk briefly about this threat because, unfortunately, the conversation revolves around one theater in this war and that is Iraq. We know mistakes have been made. We know it has not gone as well as we would have liked. Wars are that way. Stuart Mill said it is an ugly thing.

I don't know of a war that has been perfectly executed. I know that the march to Baghdad was perfectly executed, but I know that intentionally the insurgents have wreaked havoc wherever they could, from bombing the Samarra mosque which initiated the last 16 months of internal strife within Iraq, by design, knowing that that would test our will to see if we were a "paper tiger" or if we were the strong and determined United States of America.

I think a lot of people forget who it is that threatens freedom-loving people all around the world. They are called the jihadists, the Islamists, the radicals within Islam. The problem here is this is not just a religious issue, it is a political agenda. The call is for a Shariah, global Islamic rule. That's the truth. Read. I would encourage people to read "Hatred's Kingdom." Read "America Alone." Read "Looming Towers." Read "While Europe Slept." Read "Londonistan." Read "Epicenter." Read "Knowing the Enemy." You will understand the history of how we got where we are.

One slice, the Wahhabi movement, the most radical out of the Saudi Arabia Sunni sect. A man named Sayyid Qutb came to the United States about the time I was born in the late 1950s, was educated at Northern Colorado State University, and went back and began to indoctrinate the Wahhabi sect that western liberalism, self-determination, freedom, would create apostasy and ungodliness and it must be stopped.

One of his lieutenants was Osama bin Laden. One of the people that he taught at university was Osama bin Laden. These things didn't happen by accident. For years this has been brewing. It is a real threat.

Unfortunately, the left has a propaganda campaign in this country to cause people to believe this is all just Iraq, if we would just leave Iraq, if we had never gone we wouldn't have a problem, or that life would just return to normal or that everything would just be okay. It is just simply not the case. We were not in Iraq before September 11. We weren't in Iraq before 1993. They hit us over 40 times since 1979. You have to study the history of it all.

When the Wahhabis took Mecca in the late seventies, the Saudi Arabia Kingdom made a deal with them that they would start spending money in this country.

Mr. KLINE of Minnesota. I couldn't agree with you more in your explanation of what we are up against; but it strikes me the differences we hear on the floor of this House. This evening some of our colleagues were saying we have to get out of Iraq now. We have to end the war. If we bring our troops tomorrow, say they, we will end this war. And presumably, then, everything will be fine. And that simply doesn't track with the history that the gentleman is describing. It does not describe the enemy that was willing to hijack planes and fly them into buildings and kill women and children. Every day we see the stories in Baghdad of people blowing up women and children. Our just bringing our troops home doesn't, wouldn't, couldn't, signal the end of this war and of the determination of that enemy. It strikes me the difference that we see in this body.

Mr. WAMP. The words we hear in Washington run almost in denial of the words of our enemy, of Zarqawi when he was still alive, of Zawahiri about expanding the caliphate, reestablishing the caliphate, from Morocco to Indonesia, this huge part of the world, to come back with Islamic rule. And this is dangerous because they don't believe in a theocracy as we do. They don't believe in pluralism. They don't believe in the freedom of religion. We believe everyone should have the right to worship as they please. This is a Shariah. This is Islamic law they are calling for. This is Islamic rule they are calling for, and this is where politics, the military and religion all come together. And we didn't do that, they are doing it. That's the truth.

Frankly, the left has misled and twisted and distorted and run a PR campaign that is driven by politics, denying even the weapons of mass destruction realities. Hans Blitz said, Where did the 8,500 liters of anthrax that we knew were in Iraq go? Two tractor-trailer loads. Probably Syria.

I have news for you, those are weapons of mass destruction. For people to say over and over again there weren't weapons of mass destruction in Iraq is one of the greatest lies ever told in this country.

He gassed his own people. They came running out with their eyes bleeding out of their face. Weapons of mass destruction were in Iraq. The threats were real. Over half the Democrats of the United States Senate voted to remove Saddam Hussein by force, almost half the Democrats in the House voted, and now it is convenient to say we should retreat, we never should have gone. This was a misguided war.

These men and women in uniform, they know that these threats are real and we have to stand up and face these threats. I pay tribute tonight to the Guard and Reserve from my State, the 181st where my nephew is at Fort Bliss training to go to Iraq right now. And the 278th that just came back, the might battery of the Marine Corps Reserve; Colonel Brett Hale who just commanded the Dragonslayers in Iraq for a year, my constituent, my patriot, my hero, who says in the public square in Chattanooga, Tennessee: I have been there and I have seen what we are doing. I know that it is important.

These are the people who have been. These are not the people at home saying things about the ones who have gone.

Eight brave men from my district have given their life in defense of our freedom; and when some people say they have died in vain, it makes me angry because they didn't die in vain, nor has any patriot who has ever given their life in defense of freedom for this country died in vain. Freedom comes with a huge price, and these men and women are willing to put their life on the line for us, and we come to the floor tonight to honor them so they know we stand behind them.

And there is widespread bipartisan support for our troops. But our troops are in harm's way on our behalf. You can't say they shouldn't be there, we are not for them; and then say, oh, we are for them. It is a paradox. It is just wrong-headed sometimes for the leader of the United States Senate to say the war is lost while they are in harm's way fighting for what they believe in. They know these threats are real.

We can leave Iraq tomorrow and this threat is not going away. This threat is a greater threat to freedom in the world than Nazi Germany ever was. It is growing all over the world. Read these books. If you haven't read to understand the threat, there is no way you could be there to know what is happening in Europe and all across the country. The radical elements of Islam have infiltrated through the mosque and trained people up all over the world. That is the truth. And they are in this country. Nobody wants to hear it because it is not politically correct, but that is the truth. I hope, I hope that God showers us with his grace so we don't get hit hard again like we did on September 11, but the threats are real.

I come to the floor tonight and say "thank you" to the men and women in uniform on our behalf. All of them. We came to honor General Pace tonight, but every one of those Guardsmen and Reservists whose families didn't know that they were going to have one or two or even three deployments, thank you families for allowing your son or daughter or husband to go, or wife to go, on our behalf.

Mr. KLINE of Minnesota. I thank the gentleman very much for his insight and certainly his passion on this issue. I, too, want to thank all of the men and women in uniform. And certainly we are here tonight talking some about the Chairman of the Joint Chiefs of Staff, Peter Pace, who will be retiring this fall, but we are also here to talk about the other leaders and the values that are at their core.

Minnesota is like other States in the Union. We have members of our National Guard who have deployed, and deployed again in some cases. We have 2,600 members of the Minnesota National Guard serving in Iraq now as members of the Red Bulls, and we are so proud of them and looking forward to them coming back this summer. The sooner the better.

That is an issue that has been mentioned by Members on both sides of the aisle that there have been mistakes made, and there certainly have. One of the early mistakes was not building up the size of the active forces and relying so heavily on these men and women in the reserve component, the reserves that the gentleman from Tennessee mentioned, and the members of the National Guard from all over having to go, having to leave their civilian jobs and leave their families and go and serve, and they do so willingly and bravely and well. And then they come back and have to resume their civilian lives, and we have to do a better job of reintegrating them in this body. We need to not let up.

But I want to thank you, Mr. WAMP, for coming down here and helping us understand what it is that we are fighting. You put it so well.

I know the gentleman remembers way back when the 9/11 Commission came out, and in that report they said we are fighting Islamist extremists. They didn't say we were just fighting al Qaeda. Certainly we are fighting al

Qaeda. And it seems so long ago now, and as you pointed out, it is even clearer now that this enemy that we are fighting is very, very determined. It is the jihadists in that moment that are at the core of this, and they are not going to quit.

☐ 2100

America's a great country, greatest in the world with great people. But we're an impatient people, and it's difficult; no, it is impossible for us to understand what's in the minds of people who are not only willing but apparently eager to strap bombs to children and blow them up and kill innocent, innocent men, women, and children in the name of their cause and reestablishing that sharia law and that caliphate and then moving on to the world.

And so like you, I am just grateful for the men and women in uniform and for all they have done and for their leaders. And before we wrap up here this evening, I want to mention briefly some of the other leaders that we don't sometimes talk so much about, but they are part of this fight, and they're an integral part.

We just got a new commander of Central Command, Admiral William Fallon, a new leader, will bring new ideas and a new face. We've been ably led in the past, but it's important sometimes that we get a change of face and a new idea, get a new team sometimes. And Admiral Fallon is bringing some new insights into this fight.

He was a naval aviator, a graduate of Villanova University in 1967, came through the Naval ROTC program, as I did. I have a lot of good things to say about the service academies. I think they do a terrific job, but there is no question that we get fine officers, men and women, who come through our other commissioning programs like the Naval ROTC program.

Admiral Fallon served as an aviator in Vietnam, has had a very distinguished career. He is going on now to take overall command of everything in Central Command which, of course, includes all of Iraq and the surrounding countries, and we're glad to have him.

General David Petraeus has been mentioned this evening, a really fine officer, graduate of the West Point Military Academy, has a PhD., very distinguished career. I've had the pleasure of sitting and talking with General Petraeus on two previous trips to Iraq. He was the commander of the 101st Airborne Division and Operation Iraqi Freedom One, and when I went over there, my first trip to Iraq, he was the commanding general up in Mosul. I had a chance to go and talk to him, and I was impressed then with his intelligence and his determination and his leadership.

What a fine job the 101st did, not only in winning the initial combat but in starting to establish some local government and progress amongst the people of Mosul. And I thought at the time, what a fine officer, and all my colleagues who traveled over there, Republicans and Democrats, came back with glowing reports of General David Petraeus.

It was later my son became a member of the 101st under a different commander and has gone to Iraq and served for a year and come back and served well, and General Petraeus left that division in good shape.

General Petraeus went back to Iraq and served as the man in charge of training the Iraqi security forces, and so he was able to see firsthand what the difficulties were and what we needed to do there. And then he went on to become probably the Nation's foremost authority in unconventional warfare, ideally suited to his job. And so when the President nominated him to be the senior American commander in Iraq, he was unanimously confirmed by the United States Senate.

And under him is Lieutenant General Raymond Odierno, another fine officer with previous service in Iraq and a graduate of the United States Military Academy. All of these officers, too many awards and decorations to name.

My point this evening is that we are ably led by fine men who hew to an ethic of, as General Douglas MacArthur said, "Duty, Honor, Country," but the core values seen at the Naval Academy and the United States Marine Corps of honor, courage, commitment, all of these men exemplify those core values, and they provide firm, steady, well-informed leadership to the men and women who serve us so well in all the corners of the world. And they're doing a good job.

I just want to share with you a couple of quotes that I've got here about things that are going on in Iraq. Goodness knows we see plenty of bad news, and there is certainly some to share. And every time there's an explosion and our soldiers are killed or wounded, it pains us deeply. And when civilians are killed, it's a tragedy. But we're fighting against an enemy that is fierce and determined, as my colleague Mr. WAMP from Tennessee outlined so well.

This is a tough enemy and we need tough soldiers to fight them, and all of us recognize that you cannot win this only militarily, that you need economics and you need politics and you need diplomacy. And I would say that these leaders that we've talked about tonight, Admiral Fallon, General Petraeus, General Odierno and certainly the Chairman of the Joint Chiefs of Staff, General Peter Pace, understand that very well. But they're attending to the first order of business first. They want to make sure that our men and women are well-led. They're fighting to win. We in this body, my colleagues, need to make sure that we're giving them every chance to win.

And I just notice some quotes that have just been in the news in the last couple of days. U.S. Ambassador Ryan Crocker says, "It is noteworthy that violence is down in the two areas where the surge is focused, Anbar and Baghdad."

And our friend from the other side of the Capitol, Senator JOE LIEBERMAN says, "Our troops have succeeded in improving security conditions in precisely those parts of Iraq where the surge has focused."

We can't win it all in a day. It's going to be a long fight. The men and women serving and fighting understand this. We need to understand this and make sure that we are, in fact, being true to ourselves and true to them.

I want to share just a brief story about the fine leadership that we have, not just these men that we've talked about tonight, but the fine young men and women who are stepping up to lead our Armed Forces today.

One of the great things we get to do as Members of Congress is nominate these fine young students to go forward to the academy. We're always thrilled when one is selected to go, and the joy that they have and the pride that their families feel is certainly moving.

In my first year here as a Member of this body, my niece graduated from the U.S. Military Academy at West Point. Vicky and I went up for several days of ceremonies and to share with my sister and brother-in-law and nieces their joy and pride in my niece's accomplishment.

She, by the way, now Captain Stroecker, is serving in the United States Army. She served a year over in Kuwait. She served in Germany, and she's the kind of officer that makes us proud.

But while we were there at West Point, we were surrounded by these young cadets, some of them just getting ready to be commissioned. And we were there when the second lieutenants' bars were pinned on, but I remember sitting with Vicky in the audience and witnessing a ceremony that I found to be very moving. It was a very impressive thing to watch.

This is a ceremony where the graduating class turns over command, turns over command to the brigade, to the rising seniors, the juniors rising to be seniors, and you see the long gray line march out in that ceremony. Movies are made about the long gray line, stories written, and it's moving to watch it, and they march out, and they pass command from one class to the next.

And I remember thinking as that ceremony was going on and looking at those fine, fine young men and women, I remember thinking, no wonder, no wonder that the United States has the finest Armed Forces in the world and no wonder that we're the best we've ever been, with all apologies to the

Greatest Generation, my father's generation, an Army World War II veteran, but today's Army and today's Marine Corps and Navy and Air Force and Coast Guard are the best they have ever been, all volunteer, all eager, all determined. They understand that enemy that my colleague, the gentleman from Tennessee, was describing. They know that what they're doing is important, that without their success we are in great danger.

But as you look at those fine young men and women and when you are there, when they move on to become second lieutenants, you just can't help but notice that that's the reason why our men and women in uniform today are led by very, very fine leaders.

Well, I see that we're nearing the end of the time for this Special Order. I'm sure there is more to be said about the fine men and women who are leading our military, and that's what we were about this evening, to talk a little bit about the conflict we're involved in, the importance of that leadership and the people who are leading and certainly to talk about General Peter Pace, Chairman of the Joint Chiefs of Staff.

Pete, I think it was my colleague, ROBIN HAYES, who said, we love you, and we thank you, and we wish you all the best. And I know that sometimes you thought about these words, I certainly have over the years, President Ronald Reagan said way back in 1985; he said, some people spend an entire lifetime wondering if they made a difference in the world, but the Marines don't have that problem. And Pete Pace has never had that problem. He has been a great leader. He is a great leader. We're looking forward to his leadership in the closing months of his tour as the Chairman of the Joint Chiefs of Staff. We thank him for everything that he has done, that he is doing and that he is going to do.

TRIBUTE TO RUTH BELL GRAHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in remembrance of Ruth Bell Graham, wife and confidante of the Reverend Billy Graham. Ruth Graham died last week at the age of 87, having lived a rich and selfless life of service.

She epitomized the faithful wife and mother and was a close spiritual adviser who probably did more than any other human being to make possible the global ministry of Billy Graham. I doubt whether we exaggerate when we say that Billy Graham could not have been the man he is known as today without the unwavering support of his wife.

While she may not have claimed much of the spotlight in his life, she raised a family that to this day is having a tremendous impact on the world.

Reverend Graham paid her the best tribute. He said that Ruth Graham was "the most incredible woman I have ever known." And when asked to name the finest Christian he had ever met, Billy Graham would always say, "My wife, Ruth."

In tribute to her, he said that, "She was a spiritual giant, whose unparalleled knowledge of the Bible and commitment to prayer were a challenge and inspiration to everyone who knew her. No one else could have borne the load that she carried. She was a vital and integral part of our ministry, and my work through the years would have been impossible without her encouragement and support."

Despite her declining health in recent years, she always placed her husband and family before herself. She gladly accepted a role in the Graham family that involved offering support, prayer and encouragement. Never one to clamor for the public eye, Ruth nonetheless was a vital part of Billy Graham's ministry. She was a bulwark against the demands of the endless public involvement of Billy Graham's many responsibilities as a worldwide evangelist.

Ruth Bell Graham was born in China in 1920 to her medical missionary parents at a Presbyterian Hospital far north of Shanghai. She spent her childhood on the mission field, and sensed a calling to serve God and give her life to spread the gospel.

Ruth connected with her eventual home in North Carolina when she completed high school in Montreat, North Carolina, while her parents were home from China on furlough. She would later enroll in Wheaton College where she met her future husband, the fervent evangelist hailing from Charlotte, North Carolina.

After no small internal struggle over her desire to become a missionary, Ruth decided to invest her life in the mission of evangelism that so captivated Billy, and they were married in Montreat on August 13, 1943.

As Billy Graham's responsibilities as an evangelist continued to grow, Ruth and Billy moved to Montreat near her parents. Here, Ruth would raise a family of five children strong and stand behind the man who was preaching to millions of people across the world.

Ruth was a woman who lived the written word and treasured the Bible. She enjoyed assisting her husband as he wrote sermons and was an accomplished author herself. Over the course of her life, she would author or coauthor more than a dozen books.

She also did not hesitate to start ministries of her own. Always concerned with reaching out to those in need, whether her local community or the global community, Ruth Graham created the Ruth Bell Graham International Children's Health Fund to help the world's neediest children and helped create the Ruth and Billy Graham Children's Health Center in Asheville.

Franklin, their son, founded Samaritan's Purse Ministry which is based in Boone, North Carolina.

Ruth enabled and freed her husband to concentrate on his evangelistic calling. When he needed someone to turn to, Billy Graham knew that he could turn to her for counsel, encouragement and an intellect steeped in learning the scripture.

Our thoughts and prayers are with the Graham family today as they mourn the passing of a peerless wife, sacrificial mother and faithful friend. May her memories serve to remind us of the profound meaning of a life given in service to God and family.

☐ 2115

FAST TRACK TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maine (Mr. MICHAUD) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICHAUD. Mr. Speaker, I come to the floor this evening to talk about trade, Fast Track, and what it's doing to this country.

As a former millworker that worked over 28 years at Great Northern Paper Company, I know firsthand that the trade deals are crippling manufacturing in the State of Maine. We have lost over 23 percent of our manufacturing base alone since NAFTA came into effect.

But it's more than just losing jobs. You're losing the identity and the community as well. We had certain labor market areas in the State of Maine that had over 33 percent unemployment rate. A lot of small businesses went under because the anchor of the community went under, it filed bankruptcy. The high school, senior class, was not sure whether they would be able to graduate from high school because the mill paid about 80 percent of the tax base. They hadn't paid their taxes, and the accreditation was in jeopardy. Alcoholism, divorce rates, people were filing bankruptcy because of trade.

You can go anywhere pretty much in the Second Congressional District in the State of Maine, and you'll see a lot of empty factories that are no longer there. You'll see factories but you will not see the number of vehicles in the mill yard because of machines being shut down.

It's because of our failed trade policy. We have to change the trade policy. We have to make sure that when Fast Track is up at the end of this month, that we not renew Fast Track. I think it's incumbent on each Member of Congress to look at these trade deals and have the ability to amend the trade deals. I don't think we should be a rubber stamp to the United States trade representatives, and that's what we are, rubber stamps: Either vote "yes" or "no," and that's wrong.

I have two colleagues here this evening who have really taken on this trade issue. They know firsthand from their own district what trade means to their constituencies. They know what it's done to the United States of America, as a whole. We have lost over 3 million jobs. We have to do better. We must do better.

I think the last election, when a lot of candidates were talking about trade, they are ready, the American people are ready for a new direction. It's my hope that this Congress will give a new direction, will change that flawed trade policy, the flawed trade model.

I would like to recognize Congresswoman LINDA T. SÁNCHEZ from the west coast of California, who has started the House Trade Working Group that also Congresswoman BETTY SUTTON has been very active on, and it's an issue that is very important to all of us here in our constituency.

I recognize the Congresswoman from California.

Ms. LINDA T. SÁNCHEZ of California. Thank you, Congressman MICHAUD, and I also thank BETTY SUTTON for being here this evening to talk about the President's Trade Promotion Authority and its effect on working families. Mr. MICHAUD and I cochair the House working group, and we have been working very hard this year to emphasize the impact that our current failed policy has on average households.

We are here because we believe that our trade policies should ensure a fair shake for American working families, not just for those who sit in corporate board rooms. We have already spoken many times in this House about the flaws in the new trade deal recently announced by the administration. This new deal, which applies to the Bush negotiated Free Trade Agreements with Peru and Panama, is an improvement over past FTAs, but it still doesn't give American families much to be excited about, quite honestly.

Despite additional labor and environmental provisions, these agreements are based on the NAFTA trade model, the same failed NAFTA model that has hurt the American family for the past decade, the same NAFTA trade model that didn't bring about the jobs or the prosperity that we were promised, the same NAFTA model that didn't stop the immigration flow from Mexico, the same NAFTA model that hasn't been able to assure that our trading partners uphold the strong labor and environmental standards that we do here in the United States, thus putting our workers at a competitive disadvantage.

If the long-sought-after labor and environmental protections the administration promises to include in the Peru and Panama FTAs are no stronger than those that we were promised in NAFTA or its cousin CAFTA, they are little more than hollow promises. Yet the Free-Trade-At-All-Costs lobby asks the American people to have faith that the administration has really turned over a new leaf. They are asking us to trust that enforceable labor and environmental standards will be included in the text of the Peru and Panama agreements. But even if these agreements are the best written, fairest trade agreements possible, so long as they rely on this administration to enforce the labor and environmental standards they contain, they are not worth the paper that they are written on.

This administration has failed to protect workers here in the U.S. The BP Texas City explosion, the Sago mine disaster and the 9/11 first responders and cleanup workers who have developed serious breathing ailments, these are just the most notorious examples of this administration's lack of dedication to provide even the most basic protection to workers: the right to work in a safe environment. Even the U.S. Chamber of Commerce says these new worker and environmental protections can't be enforced.

Now, if that isn't telling, I don't know what it is. They flatly came out and said they are not enforceable. This President has lost our trust, and with it any argument that he has to renew his trade promotion authority. The administration's track record does not demonstrate a commitment to the working families of America.

Free trade was supposed to create economic opportunity for everyone, for big businesses, as well as small businesses, working families at home and abroad, but that, quite frankly, hasn't been the case. The truth of the matter is that the NAFTA free trade model favors the wealthiest at the expense of small businesses, workers, families, and ultimately communities, like the communities Mr. MICHAUD was talking about that are dependent upon millwork for their life blood.

More than a decade after NAFTA and NAFTA-styled replicas, it's clear that the promise of economic prosperity has yet to arrive. Our trade deficit has ballooned into the tens of millions of dollars. Real wages for American families are down, and our manufacturing base is falling apart.

We need an administration committed to protecting the rights of workers, and until we get one we cannot grant this administration an extension of Fast Track authority. The American people deserve better. They deserve a commitment to trade that expands their opportunities rather than diminishes them.

I urge all my colleagues on both sides of the aisle to help our working families get back on track to economic prosperity.

I urge them to oppose the Fast Track renewal, and I want to thank, again, my two colleagues for their leadership on this issue, because they have been trying to carry this message to those who have been unwilling to hear it.

Mr. MICHAUD. Thank you very much. I appreciate your comments, and I hope that the American people are listening, because this is extremely important. We are heading into what I call a perfect storm. We have the largest budgetary deficit in our history, with over 45 percent owned by foreigners. We have the largest trade deficit in our history, almost 7 percent of the GDP.

We cannot sustain those types of deficits and maintain our Superpower status here in this country.

With that, I recognize the gentlewoman from Ohio, who is a freshman Member, who is very, very knowledgeable on trade issues, a labor attorney, and has done a phenomenal job working with the freshman class, bringing the freshman class the materials that they need to talk about trade for those who needed the materials.

I really appreciate your willingness to step out there your freshman year to really talk about trade. You understand the problems that trade has caused your State in Ohio, and we look forward to hearing your remarks this evening, Congresswoman SUTTON.

Ms. SUTTON. Thank you so much, Mr. MICHAUD, and Ms. SÁNCHEZ. Both of you, your leadership is a shining example for all of us. As you point out, this is a moment of supreme importance when it comes to the trade policy of this country.

Last November, the American people cast their votes for new leaders with the hope that we would replace our broken trade system with one that will truly allow for fair competition, because we know that if given a fair playing field, we will excel in the global marketplace.

The first step, as both of you so rightfully point out, has to be that Congress must stop ceding its constitutional authority and responsibility over trade to the President. The lack of oversight and accountability, giving the President what's been called Fast Track authority, the damage that Fast Track authority has wrought on the United States trade policy has led to devastating consequences, some of which you have already heard about throughout this country. It certainly has had a devastating impact on the area that I represent. We have lost over 200,000 manufacturing jobs in Ohio since 2000.

That means that people's futures have been seriously put at risk. There are kids out there today who won't be able to go to college because of the jobs that their parents lost due to Fast

Track, and the bad trade deals that resulted under Fast Track. There are people out there who won't have health care for their families because of the bad policy that has resulted under Fast Track.

For them and for every American who has been hurt by the Bush administration's harmful trade policies, we must, we must let Fast Track expire permanently at the end of this month. Now, we all know that the United States' Constitution gives responsibility for trade to the Congress, and there was a reason for that.

Our forefathers knew that they needed to keep that issue and control over that issue at a level that is closely connected to the people who are being represented. That's why Congress had that authority.

Unfortunately, with Fast Track, the problem is the administration negotiates the deals, signs them, determines all the terms, and then weighs it before Congress, and you have to vote "yes" or "no." You have no input on what the constraints are. You have no say or ability to fix what is wrong with the deals as they come through. That is just not a path we should continue down.

As has been mentioned, Fast Track has enabled the passage of trade deals like NAFTA and CAFTA, and of course the WTO, the World Trade Organization, all of that has accelerated as our leader here has pointed out, it's all accelerated a trade in jobs crisis. It's marked by an $800 billion trade deficit, and more and more people are feeling this across the country.

In fact, I actually have a letter here that was sent to our leaders in both the House and the Senate from organizations, organizations like American Medical Students Association, The Change to Win Coalition, Communication Workers of America, Defenders of Wildlife, Friends of the Earth, hundreds, hundreds of organizations, national, State organizations; a wide variety of people, church organizations, all who oppose us extending Fast Track authority to the administration, because they know that the resulting trade deals are devastating to our communities, our businesses, our workers, our farmers and our country.

So it is with honor that I stand beside my two esteemed colleagues here tonight to talk a little bit about this with them and with all of you at home who care, I know, deeply about us changing the direction on our trade policy.

The good news is there are things that we could be doing, and that we should be doing to stop leaving our companies and our workers at a disadvantage.

□ 2130

And so I'm looking forward to exploring that with you both tonight.

And at this point, Mr. MICHAUD, I yield back.

Mr. MICHAUD. Thank you very much. You're absolutely right when you talk about Fast Track, and we'll get into that a little bit more, because I know Congresswoman SÁNCHEZ has to go to another meeting, and I know she's been to Colombia a couple of times, so I'll be interested in hearing what she has to say about her trips to Colombia.

But before she does, before I yield time, I'd actually like to give a quote. And it's not very often I quote Pat Buchanan. But I saw this quote and I thought it was worth quoting. It says, "The trade deficit is a malignant tumor in the intestines of the U.S. economy." That's absolutely right. We have to start dealing with our trade deficit. And one way, one of the issues we have got to deal with is, as you mentioned Congresswoman SUTTON, is not to renew Fast Track, which is extremely important. Let Congress do our job that we're elected to do, representing our constituents.

I did have a chance to actually meet the President of Colombia a couple of weeks ago. I had an interesting conversation and asked several questions about the brutality and the murders that are happening in Colombia with trade unionists, and I'm looking forward to his response to some of the questions that I have.

But right now, I'd like to yield to the Congresswoman from California, who actually had a couple of trips over to Colombia. If you'd kindly let us know what happened and what we can do.

Ms. LINDA T. SÁNCHEZ of California. Sure. About 2 weeks ago I returned from Colombia, and it was my second visit in just 7 months. Colombia is one of the countries that President Bush negotiated a free trade agreement with without really seeking the advice of those Members of Congress who have been vocal opponents to the NAFTA trade model which he based this agreement on.

And I have to say at the outset, Colombia is a beautiful country. It's people are a warm people. We were well received there. And so I want to be very clear that I am for expanding trade with countries around the world, but in a way that is fair and balanced to both our workers here in the United States and also the workers in the countries that we seek to engage in trade with.

Just for the record, Colombia has a horrible record on human rights and labor rights violations. In Colombia, more trade labor unionists were killed there last year than in all the countries of the world combined. So it has an abysmal record with respect to violence towards people who try to organize workers to help lift them out of poverty. And nobody really wants to talk about that dirty little secret of Colombia's, because they want to talk about how much better things are in the first 6 months of this year.

The statistics do show that there is an improvement. I will grant them that, and I applaud that. But it still means that about 99 percent of the murders that happened last year have gone unsolved, and nobody has been brought to justice for that.

And the reason why trade labor unionists are targeted is because they speak out on behalf of people who are living in poverty, who are earning wages that don't allow them to support themselves or a family. They're working in dangerous working conditions.

And I have to say, on the trip that I just most recently returned from, we really weren't given a lot of time to go and actually talk to the workers themselves about their experience. We were basically told by the government that things are getting better and things were improving.

Interestingly enough, the first trip that I took to Colombia last November, I met with labor organizations, civil rights groups and advocates, and I met with the workers themselves who told me, "don't be fooled by the rosy picture that our government has painted. It's very dangerous here in Colombia to speak up if you are working in dangerous working conditions. It's very dangerous in Colombia to speak up if you'd like to see your wages rise so that you can support yourself."

And, in fact, there is a very big informal labor sector in Colombia which isn't even subject to basic standards like a minimum wage. There's no minimum wage for these folks. There are no contributions made on behalf of them for the hours that they work into any kind of Social Security or pension system. And there are no workplace safety standards. A lot of these workers work in some of the biggest industries that they're pushing the free trade agreement because they say that they need to expand these industries, one of which being the textile industry, which is notorious for their workers that are part of the informal sector that don't have contracts, that don't have any basic rights.

And basically, in Colombia, when I bring up the point that there's this promise made to lift all these people out of poverty, but when they have to compete against U.S. goods, some of which will be subsidized, like many of our agricultural products, who is going to suffer the most? Who's going to bear the cost? Because they tell me, oh, yes, there are some transitional costs associated with moving towards this new free trade agreement, but they're transitional costs; they won't be forever, and not everybody's going to be affected.

But let me tell you who will be affected by those transitional costs: rural, poor, indigenous people and largely women who are heads of households. They are the ones that will suffer the most, not to mention American workers who will have to compete in industry with Colombia, where they have no minimum wage, no minimum work day, so they can work workers 16 hours a day if they want, and no safe working conditions.

And there's just, quite frankly, no way that American workers, who demand a certain level of respect and dignity at the workplace, are going to be able to compete in industries where those are the conditions that Colombian workers are working in.

Knowing all of this, did President Bush negotiate with Colombia a free trade agreement that would try to address those very basic labor standards? No. He based the Colombian free trade on the NAFTA model. They didn't even put in basic rights that are respected around the world as international standards for human and labor rights. He just said, hey, the marketplace is going to take care of it. We're going to move forward. This is the trade agreement, and Congress, because of Fast Track authority, you can't change it; you can't make it better; you can't amend it. It's either yes or no; you vote in favor of this. And if that's the choice that I'm given, my vote is no because it doesn't even try to address the problem with the labor standards and the violence in Colombia.

I say, hey, I'm willing to give Colombia the benefit of the doubt. If you can show to me over a certain length of time, minimum of 2 years, that, yeah, you've gone after these people that have targeted labor unionists, and yeah, you've moved people out of the informal sector into the formal sector where people have basic standards, I'm willing to give Colombia an opportunity. But I'm not willing to enter into a trade agreement with them based on empty promises of how much better things are going to be.

All we heard when we were there, 90 percent of what we heard was how much better Colombia was at human rights and how much better they were at trying to find those responsible for killing trade labor unionists. But while we were there, one of the biggest scandals that has hit Colombia in recent months is the scandal of paramilitary groups that are linked to elected members of their congress, elected governors, some of whom were hand picked, and cabinet members, some of whom were handpicked by President Uribe himself. And these paramilitary groups have been responsible for killing people, for massacres of villages of people. And currently, 14 elected officials sit in jail because they've been tied to these paramilitary groups. And there are as many as two dozen more that are under investigation.

But we're supposed to trust President Uribe that they're going to bring these people to justice and that labor rights and human rights are going to be better in Colombia. I say, show me, and then we'll sit down and negotiate. But I thought it might be interesting to just inform you guys a little bit about what the flavor of that trip was.

And like I said, I think the Colombian people are wonderful people. I think we need to open up new markets. But we need to do it in a way that's fair and balanced for our workers here, so we don't continue to hemorrhage manufacturing jobs, and for the workers in these countries, which corporations will exploit.

And with that, I will yield back to Mr. MICHAUD.

Mr. MICHAUD. Thank you very much, Congresswoman SÁNCHEZ. You're absolutely right, and that's one of the problems with Fast Track and why this Congress should not renew Fast Track. Even if we did have a say in these trade deals, as you mentioned, particularly with Colombia, I'm not sure that even if we had the ILO standards in the agreement that that would help as far as the murders and the assassinations that are going on in Colombia. I've met with several elected officials on different occasions from Colombia, and they're scared for their lives. There's one senator that actually sleeps no more than two nights in a row in the same bed because he's been threatened with his life.

And we've been told, or I've been told in those meetings that they want to set an example, the paramilitary, and they force some of the other labor folks to go out there with actually, they told me that they actually beheaded a trade unionist. And that's wrong. So no matter what we do on trade deals, like you, Congresswoman, I want to see results before I agree with any trade deal with Colombia at all. We have to get back to changing that model.

I'm very pleased actually to see another colleague from the great State of Ohio who has taken a great leadership role since he's been here on trade but also has introduced major legislation that will help deal with one of the components when you look at the flawed trade model. And he's also a member of the 30-plus caucus now, I guess, something caucus, congressman TIM RYAN.

Mr. RYAN of Ohio. I thank the gentleman. And I appreciate, I caught bits and pieces of the debate here, and I think you all have illustrated points that need to be made, and we need to keep making them here if we're going to have any headway.

And I remember sitting in the meeting with the gentleman from Maine (Mr. MICHAUD) where the politicians were talking about this trade unionist who was trying to organize a plant, and the next day or two days later, he's beheaded. Now, we think labor politics are tough in the United States, which they are, but I don't think they come anywhere close to that level.

And it is a pleasure for me to be here with my partner in Summit County, Ohio, Akron, Ms. SUTTON.

I just want to make a broad point and then talk a little bit about a bill that I have introduced with DUNCAN HUNTER on currency. And the first point I want to make, and I think everything that you were talking about is saying, we need to represent our values here in the United States of America, not just here when we hear about family values, and we need to have values and we all agree with that. But put it in our actions. And I think that's what we want to do, and the trade agreements that we sign consistently, I think, go against it. And when you look at what the results are, and Sojourners had a great magazine; I may have sent it to some of you.

Two percent of the world owns more wealth than the other 98 percent. Now, that's unbelievable. Two percent of the world own more wealth than the other 98 percent combined. That signals to us that the models that you were talking about, Mr. Speaker, are not sufficient for shared growth for all people.

And we're not saying that if you go out and you start a company and you take a risk and you take out a loan, that you shouldn't be able to make money. God bless you. Make all you want. But recognize that you're a part of a bigger system here that we're all a part of that, investments in education, the minimum wage which we finally were able to get passed, college tuition; all of these things matter, health care in the grand scheme of things. And what we want to do is start exporting some of these values that we hold dear.

And when you say, well, you can make something in China and there are no labor laws, no environmental laws, no this, well, what's the alternative? We go back to those days? And I've been to China. You may have, too. Dumping waste in the rivers, like we had a problem up in Cleveland a few decades ago where the Cuyahoga River caught on fire. Now we don't want to go back to those days, where thousands and thousands of kids got asthma because we didn't have clean air regulations. We don't want to go back to those days.

So we are now in a unique period in history, because in the United States, we're the consumer. We're the ones buying right now. Now, that may not be the case 10 years from now, but we are now, and so let's leverage our power as consumers to make some of these changes.

And I hope that what we're doing here tonight, and Mr. MICHAUD and Ms. SÁNCHEZ and Ms. SUTTON, what we're doing here tonight is going to help push those things along.

The China currency bill that we have introduced here basically tries to get China to comply with international law. And international law says you're not allowed to subsidize your goods.

Well, China is subsidizing their currency, which is kind of a little more complicated than a government saying, okay, you make this widget, we're going to fund you; we're going to subsidize you so you can sell it cheaper in another country.

What China's doing with their currency is basically subsidizing it so that every product that they send the United States is between 25 and 40 percent cheaper.

I have a company in my district called Wheatland Tube. And it's also in Mr. ALTMIRE's district in Western Pennsylvania. They make tubing. The final product that arrives on the shores of the United States from China is the same price as Wheatland Tube's raw materials before they even start the process. That's the kind of advantage China's getting with their currency.

And I know you all are supportive of this bill, and I think it's something that we can, not talking just about trade, but this is something that I think free traders and fair traders and Democrats and Republicans and people from all over the country are agreeing on. And I know Mr. LEVIN and Mr. RANGEL want to move on a bill that does something with China, and I hope that this is a component of that, and I'm confident it will be.

□ 2145

But those are the kind of things that we need to stand up and talk about. And if we don't, no one will, because there is a certain amount of people that will benefit from the current system, and they are the ones who want to keep it just the way it is. But it is important for us to come here, 700,000 constituents, 700,000 constituents, 700,000 constituents, it adds up if we unify and organize and do what I think made all the great social movements in the country great, was organization, traditionally the Democratic Party, the unions, the churches.

And I will make one final point that I know I have made to you guys already. It is so important for us to bring in the church communities. I am Catholic, and I think the Catholic Church has an obligation. They speak out on so many issues that I think have less relevance than this issue on average people's day-to-day lives. And I hope that they step up and talk about this issue with the same passion that we hear them speak out on a lot, and the evangelicals we just need to pull.

Sojourners Magazine with Jim Wallace did a terrific job a couple of issues ago. But if this does not become a moral, value-centered movement, we are going to continue to struggle. We have the environmentalists and we have the trade unionists, and we have some of us in the Democratic Party. But if we don't pull in the church community, I think we are going to continue to fail.

I appreciate the opportunity to be here with you.

Mr. MICHAUD. Thank you very much, Mr. RYAN. And you are absolutely right. This is more than jobs and the economy. It is a moral issue. And as I mentioned earlier about some of the problems that I have even seen in my district, my hometown, when the mills shut down because of unfair trade deals, it is a moral issue. And I hope that the churches do get involved in this issue.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MICHAUD. I yield to the gentleman.

Mr. RYAN of Ohio. I know that our friend from Minnesota is here, but I just want to tell one story because I heard it a few weeks ago from my cousin who worked for Delphi Packard.

The plant used to be 15,000 and now they are down to maybe 1,000 because of the global economy, trade deals, China, the whole nine yards. He worked there for probably 10 years, and many people worked there for 30 and made a great living. He is now taking the machines off the ground, taking the bolts out of the ground, helping move these machines, and they are shipping them to China. Now, let's talk about some dignity. This guy is taking out the machines and shipping the machines and his job off to China.

That is where we are at. And we have got some work to do. We are not saying build fences and don't compete. But investments in education, what we talked about early on with stem cells and alternative energy, let's create the new wave of jobs that need to be created for our people to work. It is not just trade and exporting. It is making investments in the U.S. and creating new jobs.

Mr. MICHAUD. Thank you very much. That is a very good point that you mentioned because the very mill that I worked at, we had six paper machines. Four are no longer there. They were unbolted and shipped overseas. So that is absolutely right. People might not think they are going to unpack the machinery and move them overseas. It has happened. I have seen it happen, and it will continue to happen unless we change the flawed trade model that we have been operating. And part of that component that is absolutely right is the currency manipulation with China that we have to address.

And as Mr. RYAN had mentioned, we have Mr. ELLISON here, who is also another freshman Member of the freshman class who is very interested in the trade issue. So I yield to Mr. ELLISON.

Mr. ELLISON. Mr. Speaker, I want to thank Congressman MICHAUD, Congresswoman SUTTON, Congressman RYAN, and also Congresswoman SÁNCHEZ, who left us, because you all have been carrying the banner of trade all night, fair trade.

And I think that before I jump into my remarks that I pulled together for tonight, I just want to say this: We are talking about trade, Mr. Speaker, within the context of two decades of flat wages for working people. When you look at real wages, Mr. Speaker, we are talking about flat real wages for working people. We are talking about a system of health care where we leave 47 million people out of it and so many other people carrying an increasing burden on their jobs just to be able to afford the health care that their job does provide. It is within this context that I want to talk about trade tonight within flat wages, within increasing health care costs, within the context of increasing and mounting consumer debt.

The average American, when you take their mortgage out of the equation, has about $13,000 worth of consumer debt to carry around. And that is talking about your credit cards and everything else. So we have got consumer debt, increasing health care costs, and flat wages. And now we are going to talk about trade, trade that has sapped our jobs.

If you look at NAFTA, NAFTA alone I want to talk about tonight. NAFTA was sold as a way to make sure that workers both in Mexico and in America would benefit. But has that really happened? Has that really happened?

What has really happened is the opposite. We have seen 3 million jobs lost, 30,000 in Minnesota alone. NAFTA, by permitting its heavily subsidized U.S. corn and other agricultural business products to compete with the small Mexican farmers, has driven the Mexican farmer off the land due to low price imports of U.S. corn and other agricultural products. Some 2 million Mexicans have been forced out of agriculture, and many of those that remain are living in desperate poverty. These people are among those who cross the border to feed their families.

NAFTA service sector rules allow big firms like Wal-Mart to enter the Mexican market and begin selling low price goods made by ultra-cheap labor in China to displace locally based shoe, toy, and candy firms. These estimated 28,000 small- and medium-sized Mexican businesses have been eliminated. Wages along the Mexican border have actually been driven down by about 25 percent since NAFTA. The Mexican border has actually been driven down since NAFTA, reported a Carnegie Endowment study. An oversupply of workers, combined with a crushing of union-organized drives as government policy, has resulted in sweatshop pay, running sweatshops along the border, where wages typically run 60 cents to $1 an hour.

Mr. Speaker, I mentioned what is going on with Mexico because I think it is so important from the standpoint of the American worker, the American worker who is trying to put food on the table, hold jobs here in our country, it is critically important. We are talking about, as I said, flat wages, rising health care costs, increasing consumer debt. And it is so important to understand that this immigration debate we are having is heavily informed by what? Trade. Our trade policy is increasing the pain not only on American workers but on workers abroad. As we fight back and forth, to and fro, about what we should we do, more border security, higher walls, fences. We have all these raging debates around here around these issues. What we have literally done through this NAFTA trade policy and other trade policies like it is wiped out an economy in another country and not just pulled people here through higher wages but pushed them here by elimination of their economies in Mexico.

So, Mr. Speaker, I bring these points to the floor tonight so that we can have more informed debate so that when people say, hey, look, why are these folks making such a big deal about fair trade policy, it is important to know that the middle class is being pinched and squeezed. And so often even here in Congress, we are being told that the problem is some immigrant, when in reality the problem, I believe, is heavily subsidized agri-businesses and our trade policy, which allows us to dump cheap, low-cost corn into countries like Mexico, which wipes out their farm economy and drives workers there over here so that they can make a living.

Mr. Speaker, it is critically important that we understand these issues and we get these issues on the table as we debate them because it is hypocritical, in my opinion, to talk about spending $700 million, or however much we are going to spend on a fence, and not adjust our trade policies. We can't build a fence high enough if we keep on destroying the farm economy in Mexico and dumping cheap commodity prices there. We have to fix our trade policy. We have to fix a trade policy that benefits American workers and workers around the world too, Mr. Speaker.

So I didn't come here to say a whole lot more than that, Mr. Speaker. I want to get this issue of trade policy in the debate as we talk about immigration policy, and I want to talk about trade policy within the context of the squeeze the middle-class people are feeling every day.

Mr. MICHAUD. Mr. Speaker, Mr. ELLISON brought up a very good point. There has been a lot of discussion over the past month about immigration, particularly in the Senate. We will be having our discussions here in the House. And that is part of the component when you look at trade. It is not a simple issue. And Mr. ELLISON hit the nail right on head. If you look at immigration, what is happening, they are coming across the border because they want a job. They want a good job so they can provide for their family like any one of us would be doing for our family, provide for our family.

I was reading an article, actually, "Since NAFTA, Winners and Losers." I will just read a part of this article. It says: "As a bonus," talking about NAFTA, "the predicted increase in jobs and prosperity in Mexico under NAFTA was expected to reduce illegal immigration. In 1994, when NAFTA was put into effect, then-Attorney General Janet Reno predicted that illegal immigration would fall by two-thirds within 6 years."

And I want to quote the former Attorney General Janet Reno: "NAFTA is our best hope for reducing illegal immigration in the long haul. If it fails, effective immigration control will become impossible."

I want to repeat that again. This is the former Attorney General Janet Reno: "NAFTA is our best hope for reducing illegal immigration in the long haul. If it fails, effective immigration control will become impossible."

And that is absolutely right. We have seen what is happening since NAFTA. The same flawed model is in existence. It is going to take a real active role of the freshmen class and Members of this Congress on both sides of the aisle who really want to make a difference. A new direction, that is what we need, a new direction.

We need a new trade model. Part of that trade model will go to what Congressman RYAN had mentioned when you look at the China currency manipulation, when you look at the value-added taxes, legislation that has just been introduced, bipartisan legislation dealing with a value-added tax that we have to look at that accounts for a big portion of our trade deficit. In the United States, 94 percent of all U.S. exports and imports with trade deal with countries that have a value-added tax. That is hurting this country.

And for those of you who do not know what the value-added tax is, actually, for the countries who export their products to the United States, they actually have been rebating those companies the value-added tax to a tune of $217 billion in 2006. Plus if the United States wants to export their product over there, they are actually taxed to a tune of $110 billion. This has to change. This has to change.

And when you talk about Fast Track, actually during the several discussions about reauthorizing Fast Track in 1974, 1988, and 2002, Congress actually encouraged the USTR to change the value-added tax so we can be put on a level playing field. We have got to change the rules. This is one of the components that we can deal with in changing that rule.

I yield to Congresswoman SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. MICHAUD, again, your leadership is inspiring.

And, Mr. ELLISON, thank you for being down here. You have been a tremendous leader on these issues, and your points about immigration and the complexity and the links between these subjects is well taken and important to recognize because, as you point out, Mr. MICHAUD, with the numbers about the value-added tax, the VAT tax, there is nothing free about that. When they call it "free trade," you kind of think you are going to get something good back in return, and it just hasn't been working.

And the reality is when you read the quote by the former Attorney General, at that point the issue was theoretical. It was hypothetical. We didn't know for a fact actually what would happen. We thought. We had our ideas. We had our suspicions. But it is no longer theoretical. We know how this trade model has failed, and it doesn't make sense for us to continue down that same path.

☐ 2200

You know, we had some talk here this evening about some of the trade deals that are still pending under the Fast Track authority that the administration still maintains. And a couple of those were mentioned in passing, including the pending deals with Peru and Panama, and of course Colombia and Korea. And recently, the administration and some congressional leaders actually announced that the labor and environmental standards were going to be included in the Peru and Panama agreements. However, right after that announcement, reports indicated that those standards may be put into side letters, where we've seen them go and not be enforced. And we also heard those who represent the multinational interests who are benefitting under our current broken trade policy boast that the standards will not be enforceable. Those are concerning developments.

And I guess it is also important to note that, even if the standards are ultimately in the core of the FTAs, experience tells us that they will not be enforced. In 2000, Congress passed the Free Trade Agreement with Jordan, and it had those labor and environmental standards in it. As a result, it received broad support. Actually, some of those who believe in fair trade and are committed to it voted for it because of those standards. But you know, alas, despite documented violation upon documented violation, those standards have not been enforced.

So getting back to sort of the points that you have all been making, rather than continuing to pass more free trade agreements that won't be enforced and will result in the consequences we've seen under the broken trade system, which means more lost jobs, a bigger trade deficit, more of the negative consequences, not just in this country, but it's out of whack all over; rather than doing that, it makes sense for us to focus on things like that of Mr. RYAN's bill that will help to fix our broken system.

You know, Congress should focus on replacing policies that reward businesses for outsourcing jobs with incentives and should focus on sensible tax policies and would help businesses and workers make it in America.

Mr. ELLISON. Will the gentlewoman yield?

Ms. SUTTON. Absolutely.

Mr. ELLISON. Under the current model that we have, who is the entity responsible for enforcing trade provisions such as labor or environmental standards? Whose job is it to police those standards?

Ms. SUTTON. Well, the greatest level of enforcement actually begins and rests most directly with the administration.

Mr. ELLISON. So has the administration been an advocate, protector of the rights of workers in America, much less right around the world?

Ms. SUTTON. The gentleman asks a good question. No. No. The answer is no. And I think that that's an important point. And our colleague, Ms. SÁNCHEZ, made a very important point, too, about how this administration feels about human rights and workers' rights because she talked about the fact that they negotiated, this administration, an agreement with Colombia, where the murder of labor organizers and human rights violations are routine. And I think the fact that they are willing to enter into that agreement without being extremely diligent on correcting that tells us all we need to know about what this administration thinks about the need to enforce and deal with labor rights, labor standards and human rights. So I think that is very concerning.

If we deal with things, though, like currency manipulation and we deal with things like making sure that products that are produced elsewhere are safe for consumption here, because again, there are costs associated with safety. We have seen a lot of bad repercussions in recent days about products coming from outside of this country here. In fact, today, just today in USA Today was an article that dealt with lead in children's jewelry and how it was hurting our kids, and China refusing to agree to changing that practice.

I yield back to the gentleman from Maine.

Mr. MICHAUD. Actually, I would like to follow up, Mr. ELLISON, if I might, because I have in front of me, actually, testimony of the Assistant U.S. Trade Representative, Ms. Moore, who attended our hearing in the Small Business Committee on June 13. And I will paraphrase. It says, "Our work aims to increase exports by expanding market access for American goods, creating a level playing field." She also mentions, and it gets right to your point, "In addition, we enforce agreements and resolve trade problems using a wide variety of tools." That is clearly not what's happening.

Mr. ELLISON. Will the gentleman yield?

Mr. MICHAUD. Yes.

Mr. ELLISON. A wide variety of tools. I would be curious to know what some of those tools might be. Are we talking about tickling somebody with a feather, or what kind of tools are we talking about? Are we dragging somebody into a tribunal and getting sanctions on them, or are we just talking about something else?

Mr. MICHAUD. Well, if you are tickling them with a feather, it's probably a feather made in China.

And I can tell you, the Trade Working Group has worked very closely with a variety of different groups, environmental groups, religious organizations, labor, business organizations, the United States Business and Industry Council, associations, small manufacturing businesses here in this country. And the United States Business and Industry Council has told me directly that the United States Trade Representative has turned away businesses when they've brought complaints to the USTR primarily because the dollar amount wasn't enough. And I can tell you personally that, as you know, I worked at the Great Northern Paper Company for a number of years, and when the company I worked for, when I was talking to the public relations before they filed bankruptcy, they actually went to the Department of Commerce and talked about trade and what it's doing, and the response that they got: Yup, you've got a great argument, but go spend over a million dollars and come back to us later on. Well, we couldn't hold on. They filed bankruptcy. They closed the doors at the time, and it is devastating. So they are not enforcing those agreements, and we continue to see a huge disparity in our trade policy.

Mr. ELLISON. Will the gentleman yield?

Mr. MICHAUD. Yes.

Mr. ELLISON. Well, if we already start out with what is a trade policy that is lax, a trade policy with a model that is not inclined toward saving American jobs, and then they won't even enforce the rules that they do have, what will happen if we vote for a trade policy for Peru and Panama that supposedly has these provisions in it, but they don't enforce them?

The fact is, I would like to ask the gentleman from Maine and the gentlelady from Ohio what they think about a trade model which would give labor organizations, for example, the right to charge an infraction of a labor standard and to bring a country into court for violating a labor standard? What if the sole power for enforcing the labor agreement was not in the hands of a trade representative that was favorably inclined to multinational trade but not so much for American workers, but actually in the hands of a labor organization; how might that play out?

Ms. SUTTON. Well, the gentleman asks a good question. He makes, actually, a great point, because the reality here is that we clearly don't have an enforceable system. First of all, the rules aren't good to start with. They're inadequate, and we have talked a lot about how they're inadequate. But the reality is, this Congress could do a myriad of things, actually, to shape the roles. And they shouldn't be left up to just sort of an, oh, maybe if it's a certain dollar amount, maybe if it affects something I care about. No, it really should be guided by the infraction itself, the infraction of the law, the infraction of the rule.

So, one way would be possibly to go down the path that you're talking about. And there are other avenues that we might pursue also. But the point is, we really need to fix it because you heard our esteemed colleague from Ohio (Mr. RYAN) talking about how we are investing in new technologies. And we all agree with that, we are all supporters of innovation. But when you have a company that is subsidizing and giving a 40 percent advantage from the start, all of the new technology, all of the education and workforce training in the world, all the increased productivity will never allow us to overcome that 40 percent head start.

So, again, the points are well taken. Rather than focusing on trade deals that are going to just take us down the same path to lost jobs, why don't we fix those things and then create a system in which trade can flourish? Because I believe in trade.

Mr. ELLISON. Will the gentlewoman yield?

Ms. SUTTON. Absolutely.

Mr. ELLISON. Should our trade model be driven by promotion of American economic activity, including jobs? Or should it be driven by profit margins of huge multinational companies that really have no allegiance other than the profit margin each quarter?

Mr. MICHAUD. Well, I think a trade model definitely should look at jobs and putting us on a fair level playing field.

If you look at this Congress, particularly with the freshman class that we currently have who has been out there, very aggressively, talking about a new direction, we do need a new direction; we have to pause with all these trade deals that are currently going on. Even the former President, Bill Clinton, said we ought to pause on these trade deals to see what's happening.

Mr. ELLISON. Will the gentleman yield?

Mr. MICHAUD. I would yield.

Mr. ELLISON. He ought to know.

Mr. MICHAUD. That's true. He's the one that brought us NAFTA. But these issues aren't Democratic issues or Republican issues. These are issues that are important to the United States, important to our long-term future, and we have to look at changing that model. And it can be done in a bipartisan manner. Congressman TIM RYAN, who was on the floor, is sponsoring legislation with a Republican Member of this body, DUNCAN HUNTER, on the currency manipulation. I am glad to see that a Presidential candidate is out there talking about trade, along with DENNIS KUCINICH, who is also talking about trade. We have the value-added tax, which is another piece of legislation which has strong bipartisan support, once again, Congressman DUNCAN HUNTER, Congressman WALTER JONES, myself and Congressman BILL PASCRELL.

So these issues are not Democratic issues or Republican issues. These issues are American issues. And we definitely have to be more aggressive. We have to change that trade model. And we have to sit down and pause, and sit down in a bipartisan manner, no backroom deals. We've seen what these backroom deals have done in the past, and they don't work. We have to work open so the public can see what is going on and the real effect that we currently are seeing with trade deals.

Ms. SUTTON. Will the gentleman yield?

Mr. MICHAUD. Yes.

Ms. SUTTON. You know, and to my colleague, Mr. ELLISON, your question, I think it bears sort of repeating. It is inexplicable, but the United States seems to be the only nation that does not find it acceptable to help our companies, to protect them, workers and communities, against unfair trade practices. And as a result, we are left at a disadvantage. All we are really asking for is that they have a fair shake. That's all we are asking for.

Mr. ELLISON. Will the gentlelady yield? I agree. American workers are some of the best in the world, innovative, hard-working, no doubt about it, and given a fair chance, can compete with any workers or anyone around the world, but we just need a fair opportunity. So I think we need a new model, a new way of doing business that will protect American workers and also protect American small businesses, and other businesses that actually are in the business of helping America prosper and do well.

And before we wrap up, because I think we are probably getting close, I just want to say briefly that I hope that people who feel so passionately about immigration will incorporate into their arguments the impact of trade policy on immigration.

Mr. MICHAUD. You are absolutely right. And I would like to close by once again quoting former Attorney General Janet Reno, and I quote, "NAFTA is our best hope for reducing illegal immigration in the long haul. If it fails, effective immigration control will become impossible."

With that, Mr. Speaker, I yield back the balance of my time.

NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for half the remaining time until midnight.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate the privilege to address you on the floor of the House on the House of Representatives. It is always a privilege.

And this time in our history reflects I think one of the most pivotal times that we've had. We are at war for one thing, and it is a pivotal moment within that war. And we are watching terrorists from overseas that have attacked the United States. And as we are watching our national security on that hand and as we are debating how we proceed to victory over al Qaeda and those terrorists on that end, at the same time our southern border is being flooded with just masses of illegal immigrants on a nightly basis. And to give, Mr. Speaker, some perspective on the scope of that problem, we have this testimony before the Immigration Subcommittee, of which I am the ranking member, and I sat intensively through hearings and engaged in questions and actually testified myself for the better part of 5 years at this point, Mr. Speaker.

□ 2215

Mr. Speaker, the testimony that we get from the Border Patrol, as far as the Border Patrol representatives for the profession and the Government, identifies that 2 years ago on the southern border, our Border Patrol and other immigration officers interdicted 1,155,000, I believe, illegal immigrants attempting to come across our border. Last year, it was 1,188,000. The number increases.

Now, one might argue that the effectiveness of our Border Patrol is reflected in the increase in the number of interdictions from about 1,155,000 to 1,188,000. But, Mr. Speaker, I would submit also that that could very well be a reflection of increased numbers coming across our border. It is not possible to identify whether the Border Patrol is more effective or whether they simply have a larger mass of people.

But in any case, when questioned before Committee in testimony before Congress as to what percentage of the illegal border crossers they were interdicting, the number fell between 25 percent and 33 percent. I believe the quote in the testimony was, "We think we catch between a fourth and a third of those who attempt to cross." Now, that is not a very good record when you consider that there are 1,188,000 illegals, and that could potentially represent a third of those that tried or a fourth of those who tried.

So, I simply take that math and put that number at 25 percent, which is the lower part of the number, and then round it up to put it into a perspective in between the 25 and 33 percent. If you take that number and do the calculation, you come to about 4.6 million, let me see, about 4.6 million attempts. If you look at the interdiction numbers it amounts to and round it down, 4 million coming across our southern border on an annual basis, and that divides out to be about 11,000 a night coming across our southern border; 11,000, Mr. Speaker, every night on average. I say "night," because during the day, the activity slows down. It doesn't stop. But at night it speeds up.

I have gone down and sat on the border in the dark, and without night vision goggles and without the aid that we have of our security personnel down there, but I just sat there and listened, sitting next to that cattle fence, that is not a very good cattle fence, about 5 barbed wires and steel posts that are stretched out to where the wires are separated in the middle so that the illegal traffic can simply bend down and step over through the fence.

I sat there and listened maybe 3 hours at a crack with a retired Border Patrol officer. I could see the shadows filtering through. I could hear the cars coming down on the Mexican side of the border. I could hear one of them dragging its muffler rattling as it drove down there. I could hear it stop by a big mesquite tree. I could hear the doors open. You hear people get out. You hear them drop their packs on the ground and the doors close kind of quietly, but the doors close. You can hear them pick things up in a hushed whisper and talk. Then they line up in single file, and they walk through the mesquite brush in the desert that 100 or 150 yards on down to our border and then file through the fence single file and go on up through the brush into the United States.

Some of them, I will concede, are coming here because they would like to find a job and they would like to find a better life. Some of them will send money back to their family. Some of them, that pack they drop on the ground and pick up again is the pack of illegal drugs that they will be carrying into the United States and delivering to a predetermined location, perhaps 25 miles up into the United States across the desert along the highway where a vehicle is scheduled to pull off on a turnoff and have those packs of illegal drugs tossed into the back of that truck. Maybe some of the illegals get in the truck and go on up into the United States. Some of them turn around, walk back across the desert that 20 or 25 miles and go down and get another load.

This goes on every single night on our southern border, Mr. Speaker, every single night. That isn't all the drugs that come across our border, but that is one of the methods that they use. If we put a vehicle barrier in place, in some places we have them, that amounts to a 5-by-5 steel tubing that is welded on our steel posts, and these are a 5-by-5 steel piling that are set in the ground, and a 5-by-5 steel tubing that is welded on there at about bumper height of a vehicle, that vehicle barrier will slow down and actually stop vehicles from driving across the border, but it doesn't stop individuals from walking right through there and carrying their packs of illegal drugs.

The number that is most commonly represented by the Drug Enforcement Agency is $65 billion worth of illegal drugs coming across our southern border on an annual basis. That $65 billion is, I believe, a street value. I don't know what it is worth at the border specifically. In fact, they don't know either. They have got some representations of the breakdown of who gets what share of the profit as it flows through the illegal drug cartels. But $65 billion worth on the street is no small number.

That value in illegal drugs consumed by Americans destroys untold numbers of lives, an incalculable amount of human potential, and an innumerable number of children suffer because their father or mother or both are hooked on illegal drugs, methamphetamines, marijuana, heroin, cocaine, you name it, that comes across that border. Especially the methamphetamine that comes up into my part of the country, up the NAFTA Highway, as I heard some of my colleagues talking earlier, and the pain and the suffering and the death that has been dealt out by those illegal drugs, but pushed by $65 billion worth, the street value in the United States.

First, Mr. Speaker, I want to make the statement that we have a responsibility here in the United States to address the illegal drug consumption in this country. As long as we have the kind of demand that demands $65 billion worth of illegal drugs on the streets, in noses and in the veins and in the systems of our American drug abusers, illegal drug abusers, there is always going to be somebody that seeks to meet that demand.

Right now, the most efficient system that is set up, the most competitive system that is set up, the system that has the distribution wired in, is the illegal drug lords that control our southern border and the families that control their segments, the drug cartel families that control the segments of our southern border.

Mr. Speaker, we can't solve this problem by addressing the border alone. We have to solve this problem by reducing and eliminating the demand here in the United States for illegal drugs. I am not going to spend a lot of time on this, but I want to go on record, Mr. Speaker, and let you and let the rest of the body know that there are three ways that we can address illegal drugs.

One of them is through interdiction. We currently do that. We try to stop all the drug pushers we can. We try to take all the drugs out of their hands we can. We try to take them off the street. We put them in prison. We put mandatory sentences on some of them, and some of them have faced those mandatory sentences. We are doing a lot of what we can do with interdiction.

The only other two places we can address the drugs is rehab, and we have invested some money in rehab and we have gotten some pretty good results from those who have hit bottom, from those, Mr. Speaker, who want to. But the rehabilitation isn't going to solve the problem with the demand.

So the third place is how do you reduce and eliminate the demand, and I will submit that the way to address this, if we want to dry up the demand of illegal drugs in the United States, we are going to have to provide random testing in the workplace and also in the educational field and also in the welfare rolls.

Now, we have a drug testing law in Iowa that I worked intensively to get passed and drafted a lot of the components and worked those pieces through. I spent 2 years doing not exclusively that, but focusing a lot of my time getting that legislation passed, Mr. Speaker.

What it provides for is preemployment testing, post-accident testing, reasonable suspicion testing and random testing. If you have those four categories of drug testing and you provide that for that in the workplace, in our educational institutions so our students are being tested, and in our welfare rolls, you will be able to, and we could as a society, if we determined we wanted to dramatically reduce the demand for illegal drugs, if we would put a drug testing system in place, we could dramatically reduce the demand.

By doing so in the workplace under those four methods that I said, preemployment, post-accident, reasonable suspicion and random testing, we can provide and essentially guarantee a drug-free workplace.

I first brought my focus on this when as in the contracting business I had a Federal contract. The Federal contract required me to sign a document that I would guarantee a drug-free workplace. Now, I take those contracts seriously. When I sign my name to something, I intend to follow through. That is my commitment and that has been my record.

But it disturbed me that Iowa law didn't allow me to truly guarantee a drug-free workplace. I could watch out for it, I could check for it as much as I could, I could educate my employees, but I couldn't legally test my employees. So I did what I could to meet a drug-free workplace. I think I provided a drug-free workplace, but I don't know that. But it set me down the path of working on the drug testing side of it.

We essentially don't have a conversation going on in America about how to eliminate drug abuse in America. That conversation doesn't exist in a meaningful fashion. We talk about all kinds of things, but $65 billion worth of illegal drugs representing 95 percent of the overall drug consumption in America coming across our southern border and the attendant violence that comes with that and the drug cartels that comes with that, the smuggling of drugs and people and human slaves that are put into the sex slavery business, and that violence and the crime that is naturally associated with illegal drugs, we are not addressing the demand.

We are not particularly concerned about the abuse of drugs in the workplace. And I believe we have got to raise that issue. I believe that we need to bring the focus of America's society on dramatically reducing the demand for illegal drugs in this society so that we can provide a lot better culture for our children to grow up in than perhaps we grew up in. That is not being addressed, Mr. Speaker, and I want to raise this issue.

But on the other side of this, the flip side of this issue is U.S. demand, $65 billion coming across our southern border representing 90 percent of the illegal drugs. The other side is on that side of the border, they are delivering that amount of drugs to us.

They are producing many of them in Mexico and Central America and the northern part of South America. Also there is heroin and other drugs coming in from China that flow into Mexico. And that distribution network is the magnet that draws those illegal drugs into Mexico. The marijuana that comes in, the methamphetamines that are manufactured there. The pseudoephedrines that come in from China to Mexico to be processed into methamphetamine, that spells a society that doesn't have the rule of law.

I will argue that we are deficient in our own rule of law here because we are not reducing the demand in the United States. But they are pouring across the southern border. And as much rhetoric as we have had about people that want to come here for a better life, we need to have a lot of rhetoric about what has happened to the lives of the people who have been sucked into this drug smuggling, who have been sucked into the drug consumption and become drug addicts? What about the lives of the American people who have been sacrificed on this alter of permissiveness that we don't have the will to shut down the abuse of illegal drugs in American and we don't have the will to shut down the flow of those illegal drugs across the border?

As I watch that and I look at the violence, and here two years ago, Mr. Speaker, actually it was more than 3 years ago, I commissioned a GAO study, a Government Accountability Study, and asking this question, and that is, we saw the testimony of how many people didn't make it across the desert to come into the United States illegally. That number has grown in the years that I have been in this Congress from perhaps a little more than 200, to now over 450, and perhaps as many as 500 people dying coming across the southern border.

That is a human tragedy. It is an agonizing human tragedy. The images of that easily come to mind to the American people, because we have seen a lot of news on it, we have seen film on it, we have seen pictures.

The other side of that tragedy is of those that make it across the border, those 11,000 a night that try, the 66 to 75 percent of those that make it, or more, and I will add that when I talk to the Border Patrol officers on the border and I ask them what percentage of effectiveness do you have, what percentage of them are you catching that are trying to come across the border, 25 percent, 33 percent? They laugh at me. They say, no, that number is more like 10 percent.

That is the most consistent number I get when I am speaking confidentially with the people that are boots on the ground, facing this enemy to our society, eye-to-eye, face-to-face. Perhaps 10 percent. I get numbers that go down as low as 3 percent. But it is the testimony here that is the highest that I hear, that perhaps a quarter to a third of those are interdicted.

☐ 2230

But of those that come across the border and get across the border, and we are losing 450 or 500 trying to come into the United States that don't make it across the desert, how many Americans die at the hands of those who do make it across the border? Those involved in the crime, and there is plenty of it, do commit crimes against American citizens.

The measure of that crime falls into this category: 27 percent of the inmates in our Federal penitentiaries are criminal aliens. Some of them came into the United States legally and overstayed their visa. But most of them came into the United States illegally and committed crimes. That is 27 percent.

If you look at the State penitentiaries, the same Government Accountability Office report has in there that they are only funding 25 percent through SCAAP, the State Criminal Alien Assistance Program, that funds our States, our counties, our local prisons, reimburses them for the trouble of having to incarcerate criminal aliens here in the United States because the United States isn't able to control our borders, and the burden of enforcing that crime falls upon the local governments and the cities, increasingly. But the Federal Government is to reimburse them for incarcerating the inmates.

In the GAO study, it shows that we are only reimbursing for 25 percent of the cost of the incarceration of criminal aliens in the local prisons, State and local. When you do the math, that 25 percent comes to about $22,000 a year by their numbers. That is a pretty typical number for the cost of incarcerating someone in a penitentiary.

So if they are paying 25 percent and it is costing $22,000 a year for those that we do pay for, it is not $88,000 a year, so the only other conclusion one can draw is, at least in our State penitentiaries, that at least 25 percent of the inmates are criminal aliens.

Now one comes to the conclusion that more than 25 percent of the inmates that are in our Federal and State penitentiaries are criminal aliens. They commit crimes against Americans. If they are committing crimes against Americans in the proportion that they are represented in our penitentiaries, that means more than 25 percent of the murders, more than 25 percent of the assaults, more than 25 percent of the rapes and more than 25 percent of the grand larceny, and the list goes on and on and on.

We have few in our Federal penitentiaries that are in there just because they violated immigration law. They may be there under that charge, but if they are and that is the charge that they are under, it is most likely that they simply could not make another charge stick and the prosecutors chose to use immigration charges rather than something else.

But just think, we are sitting here now with 16,400 murders a year in America. And if a fourth of those are attributable to criminal aliens, you are at 4,000 Americans a year. We crossed that sad threshold of those killed in action in Iraq, total, in addition to those killed in accidents in Iraq, over 3,000, a while back, Mr. Speaker.

But that number compared to the number of over 3,000 a year, in fact the almost 4,000 a year that die at the hands of criminal aliens here in the United States, and that is every single year. So, each year, we have had more Americans die at the hands of criminal aliens in this country than we have cumulative total of all of the soldiers, sailors, airmen and Marines that have been killed in Iraq since the operations began in March of 2003. We have more Americans dying at the hands of criminal aliens on the streets and the roads and in the back alleys and homes of America each year than died on September 11, 2001. This total accumulates over and over again.

In addition to that number, there also is a slightly larger number of Americans who die at the hands of criminal aliens who have committed negligent homicide, generally in the form of drunk driving, although not always. If you add these numbers up, my numbers show 12 Americans a day murdered at the hands of criminal aliens, and 13 die every day at the hands of criminal aliens who have committed negligent homicide, generally victims of drunk drivers. And I am not counting the criminal aliens who have been killed because of their own drunk driving, Mr. Speaker.

So you add that number up, and it comes to 25 a day, 25 Americans a day. If the news media focused on that instead of some of their other priorities, I think we would have come to a conclusion on this illegal immigration issue that we are facing. But what is coming across that border and the violence that flows with it, and again, I will stipulate that most are good people. When they are our neighbors we like them. And when they go to work, we like them. And when they go to church, we like them. And when they raise their children and educate their children and when they assimilate into the American culture, we love everybody that comes to America to do that. We love those who come here legally. Those who come illegally subvert the rule of law.

But the violence that is part of the society that they come from is significant. I have to talk a little bit about the levels of violence here in the United States compared to the countries that many of our immigrants come from.

That is, our violent death rate here in the United States is 4.28 per 100,000. And the violent death rate in Mexico is 13.2 per 100,000. That is actually one of the safer countries in South and Central America. I was in Sao Paolo, Brazil, a little over a year ago. They told us to be careful where we go because in that city, they have over 10,000 murders a year.

I don't know the violent death rate in Brazil, but I do know what it is in Honduras. It is nine times that of the United States. In El Salvador, they don't publish the violent death rate, and one can only presume what it might be and why they don't.

But in Colombia, the violent death rate in Colombia is 15.4 times higher than the violent death rate here in the United States.

So it stands to reason that if you draw young men, some of whom are involved in the illegal drug trade, from a society that is far more violent than that of the United States, anywhere from 3 times to 15 times more violent, you are going to see more violent crimes. You are going to see more murders, assaults and rapes. There are going to be more victims in the United States and more deaths. One couldn't expect anything else.

That doesn't mean that we indict an entire country and all of their nationals because some of the citizens are violent. But that means we have more crime here because we are drawing a young men concentration from a more violent society, and a significant portion of those who are involved coming into the United States are those who are dealing in illegal drugs because the demand here for $65 billion worth of illegal drugs draws that in from those countries, and necessarily it has to come across our southern border.

Mr. Speaker, I hope I have laid the foundation for my passionate belief that we need to reinforce our southern border by building a double fence/wall on our southern border because I don't believe that a virtual fence is going to deter $65 billion worth of illegal drugs.

I have an understanding how powerful a magnet a $65 billion illegal drug market magnet is that draws those drugs into the United States with that kind of powerful profit incentive. They are going to be pushing against our southern border.

When you go down there, and I sit there at night, and it is five barbed-wire strands, five strands of barbed wire, kind of a poor cattle fence, and they are going through one after another. And I can't quite count them all because it is pitch black, and I can only see the shadows, and I can hear the footsteps and the fence creak. And I can put my ear down to the post and listen to the fence stretch as they go through and kind of count.

That is just one place, one location, one night, Mr. Speaker. But 11,000 a night on average every night. The numbers of people pouring across and the illegal drugs that are a part of that, America's economy is paying a tremendous price. Our society is paying a tremendous price. The potential, the human potential of our young people is slowly being undermined and destroyed by the illegal drugs that are coming in.

But the force of those drugs cannot be eliminated simply because we want to put in a virtual fence. We want to argue that we are going to put in ground-based radar and we are going to fly the unmanned aerial vehicles over the top. We will put some cameras in place, but some of that doesn't work in bad weather. Sometimes you can't get down there in bad weather to enforce.

Each time I asked the Border Patrol, does it help to build a double fence/wall, their answer is generally, nothing you can do will reduce the need for the number of boots on the ground. That is an interesting response, Mr. Speaker.

How is it that if we build physical barriers on the border, follow through and complete the commitment of the congressional mandate that the President signed, the Secure Fence Act, and build 854 miles of a double fence and roads, and tie that together with the technology that is necessary to supplement those physical barriers, how is it, if we build those barriers, we need more boots on the grounds, not less?

I am going to say, good physical barriers reduce the numbers of Border Patrol that we need. I am suggesting that we reduce those numbers; I am suggesting that we can invest our money more efficiently on the southern border than we are. And the wisdom of a double fence and wall on that southern border, if analyzed economically, holds up, and it holds up this way.

We are spending $8 billion on the 2,000 mile southern border from San Diego to Brownsville. That is $8 billion every year, and that money goes to pay Border Patrol, buy Humvees, depreciate the Humvees and support them, and pay for the retirement benefits, training and equipment and helicopters, fuel, gas for our Humvees, the whole network that is necessary to keep the Border Patrol up and running. That is where the $8 billion goes. That is $4 million per mile.

Now, me being a contractor who spent my life building things and pricing things and sometimes designing construction projects, I bring this down to unit price. I have to calculate things in unit price.

Mr. Speaker, what would I do? Say, for example, I live in the country in Iowa on a gravel road and the four corners come together right by my house. If I had a border on my west road that ran from my house, a mile west right down the middle of that gravel road, I don't care how far it went east or west, but if it was my job to contain that one mile, and if Michael Chertoff, the Secretary of Homeland Security came to me and said, STEVE, we think you ought to control this border, would you bid that for us? It is costing us $4 million a mile and two-thirds or three-quarters of everybody who is trying to get across the border goes across and goes off into the United States. Can you give us a price to give us more efficiency, a lot more than a fourth to a third efficiency? Give us something close to 100 percent efficiency.

So if you are a stopping a fourth of the people at $4 million a mile, one would think, to get 100 percent of them, if we spent $16 million a mile, maybe just maybe that linear equation would work out. I don't think it will, but that is one way of thinking about it.

So I would look at it and say, Mr. Secretary, $4 million a mile, how about giving me a 10-year contract, and I can control the illegal traffic on this border.

Now I have $40 million to work with; $4 million for that mile, 1 year, times 10 years, a 10-year contract, $40 million. I would look at that and think, I am going to hire myself a bunch of Border Patrol and buy myself a bunch of Humvees, and I am going to drive them up and down that road and hope that they come across the people coming across the border at night. I wouldn't do that.

I would have some people to guard the borders, yes; some people to be quick reaction responders, I certainly would. But I would look at that and say, if I make an early capital investment, if I built a wall on that border and a fence inside there a hundred feet, maybe another chain link fence inside that, I would set up some cameras and sensors, and it would be monitor-able from inside an air-conditioned office. Then I would have some Border Patrol to deploy if I needed them.

But for $1.3 million, I could build this wall that I am about to build. And for the balance of another million dollars a mile, I could put in another fence and we could have a solid wall, double fencing, and we could have probably an access road to run along there, and we could shut off more than 90 percent of the illegal traffic, more than 95 percent of the illegal traffic. In fact, I believe that we could tighten that down so tight there wouldn't be anybody coming across.

I say that because, not only does it make sense, I have seen the effectiveness of it. I went to Israel, and I took a look at the fence they have constructed in Israel. They were being bombed on a regular basis by suicide bombers from the West Bank.

☐ 2245

They'd blow themselves up and blow up some women and children and men, too, didn't matter to them so long as they could take somebody with them. And so for the Israelis to protect themselves from those kind of attacks, they put a fence in place. And some places it's doubled; some places it's a little more than that. There are some watch towers and guard towers. They have some wire on top. They have sensors. Some of the sensors that they have are classified so they don't let the enemy understand how to defeat it.

But the fence structure that they put in place in Israel has been nearly 100 percent effective, and so I hear people here in this Congress will say, why do you want to build a fence and how tall do you want it to be? And I say, well, I'd put mine up 12 feet tall here, and then I'd put a wire mesh fence inside that's taller yet. Oh, 12 feet tall; if you do that, somebody's just going to build a 12-foot ladder and they'll climb over the top.

That is what you call a red herring, Mr. Speaker, and in fact, there have been very, very rare anyone could defeat the fence in Israel, and however tall you make the fence, yes, you can make a longer ladder. But there's always another way to defeat the people who think that's the easy way. It's one of the reasons to make it double because we can interdict them in between. And the sensors pick up the efforts, but if you don't slow them down, they charge across the border and scatter out across the desert. You can chase some of them down, but you cannot chase them all down, Mr. Speaker. And so fences and walls are effective. They have been proven to be effective, and they're cost-effective as well.

So let me just submit that that $40 million contract for that 1 mile for 10 years, the $4 million a year, for less than $3 million I can put in a concrete wall and a wire fence and I can put in sensors. And then I'd sit back and monitor that mile from my office with little warning devices on it and I'd have somebody on 24 hours a day. I'd have people on call and maybe somebody patrolling it in intermittent cycles, but we'd shut that mile down, and we could shut that mile down for an early capital investment of less than $3 million. And you'd only have $37 million left over for the balance of the 10 years to pay yourself a minimum number of border patrol and somebody to monitor the sensor devices that you have.

We can put this together, but what we're doing is burning up a tremendous amount of taxpayer dollars at $8 billion a year to get a fourth to a third efficiency when we can get 95, 96, 98 percent efficiency by investing in a structure instead.

Now, if we do that, we put a barrier in place that's very, very difficult to defeat, not impossible but difficult, and so the drug smugglers that are trying to get here, they are going to decide they don't want to try to go through there. They're likely to try by air again or by sea or some other method. In any case, we'll dramatically reduce the amount of illegal drugs on the streets of America, at least for a time, until they find another way to defeat us.

We have our choice. We can either work to defeat the illegal drug smugglers and try to keep those drugs off the street or we can capitulate. I'm not willing to capitulate, and I'm not hearing anybody in this Congress stand up and say that they want to legalize the illegal drugs.

And so I think we need to fight them, and I think this is the place to draw the line. This is the battle line, and it's on our southern border. I've talked to the Mexican senators about it. I believe they understand, and they're doing some things on their side to help out.

That's one of the battles that we have. We have a number of other battles, Mr. Speaker, and so it takes us, though, to this idea that legalize illegal drugs and then you don't have an illegal drug problem. That makes sense, doesn't it? But I'm not willing to go there, and we aren't in this Congress either. But the President and the open borders lobby have taken the stand that they think that we can't control our border, our southern border in particular, unless we legalize the 12 to 20 million people who come in here illegally.

Now, I continually ask the question of the representatives from the administration as they march forward before the Immigration Subcommittee, explain this to me, how is it that you can't enforce the law until we give amnesty to 12 to 20 million? How is it that if we do grant this amnesty or grant a legal status to 12 to 20 million people, how is America safer? If you want to bring people out of the shadows, and never mind they came here to live in the shadows, that's a function of sneaking into the United States and getting jobs illegally. When they were in hiding, that's living in the shadows. When you try to bring them out of the shadows, why would they come out? What kind of people would come out of the shadows? It would be those that are guaranteed amnesty. Those undesirables are not going to come out of the shadows, Mr. Speaker. They're going to stay back there and they're going to run their drug trade and they're going to push their wives and their kids to go to work, and they're going to sit back and work in the black market. They're not going to come forward. We will not get people to come forward that are afraid that they will not be granted some kind of amnesty.

But the President's idea on this and the open border lobby's idea on this is somehow, if we grant amnesty to the 12 to 20 million people, then we can focus our law enforcement resources on the bad apples, a huge human haystack of humanity, 4 million strong pouring across our southern border every year. And in that haystack of humanity are the needles called terrorists and criminals, drug dealers, undesirable elements, people that no society wants in them. And if we legalize that huge human haystack of humanity, somehow it makes it easier to find the needles that are in it.

But I'll submit, Mr. Speaker, that those needles are not going to come out into the open unless they can be guaranteed some legal path, and those who will be legalized, and I reject that concept of destroying the rule of law and legalizing people that have broken our laws, but those who would be legalized would then get themselves a card where they could travel back and forth across the border at will.

Now, I would ask, does the administration and the open borders lobby expect to see more or less border crossings if you legalize people that are here illegally? Are they going to go back and forth more? Are they going to go back and forth less? I'll submit they'll go back and forth more because they have their illegal passage that they do now; they will still have that option. Of course, they will have the option of the card that says now you can go back and forth at will.

So we'll have more crossings across the border rather than less. When you have more crossings across the border, there are more opportunities to bring contraband across the border, more opportunities for terrorists to smuggle through, more opportunities for criminals to take advantage of the situation.

And so I can't believe that there's a rationale in this argument that if you legalize 12 to 20 million people, if you legalize them, somehow America is safer. They're not any different people than they were before. They're the same people. They're just travelling back and forth more than they were. They're still hiding the drug smugglers within them. The crime will still take place, and the rationale that you won't have as much illegal smuggling going on or we can solve a big portion of the illegal problem, the rationale is the same rationale that says legalize illegal drugs, then you don't have an illegal drug problem. Legalize illegal aliens, then you don't have an illegal alien problem.

That's as far as the rationale goes, but it surely does not solve the law enforcement problem, and no one in the administration can explain that to me, at least to the point where I could understand it, and I honestly tried, Mr. Speaker.

So the rule of law is at stake. To grant amnesty is to grant a pardon to immigration law-breakers and reward them with the objective of their crime. That's the fairest, most balanced definition of amnesty. It's one that holds up against the criticism.

The rule of law is the most essential element of American exceptionalism. If we didn't have the rule of law in America who would come here? They're leaving the other countries because they don't have the rule of law and they don't have the right to property and they can't be treated equally under the law and are not equal under the eyes of the law.

But the rule of law says that everyone, every man and every woman, is equal under the eyes of the law, and that if you're going to be held accountable for a crime, you're innocent until proven guilty; and justice for a poor man is the same as justice for a rich man. That's the rule of law. And that's one of the essential pillars and the most essential pillar of American exceptionalism.

But I don't know how many of those who are beneficiaries of the 1986 amnesty plan I've talked to who say I'm for this amnesty, you need to grant a path to citizenship for people who came here illegally, and I ask them why, and they say, well, it was good for me; it was good for me, it was good for my family.

But just that fact alone is surely not justification enough to tear the rule of law asunder and throw it over the side, Mr. Speaker. This rule of law is a precious commodity, a precious pillar of American exceptionalism, and if it's destroyed, we will never reach a glorious destiny in this country.

It's essential that we preserve the rule of law, and if we grant amnesty to 12 to 20 million or more, that will attract another 12 to 20 million, but regardless, the family, the friends, the progeny of the recipients of amnesty will be strong advocates for amnesty in coming years. If they get a path to citizenship, they will run for office. They will advocate for it. They will support candidates who advocate for amnesty, and they will continue to destroy this rule of law. America will never be the Nation that we have been again and never become the Nation that we can become because we will have almost knowingly and willfully sacrificed the rule of law on the alter of open borders because some businesses want cheap labor and they see an advantage in that. And some people want cheap labor and cheap votes, cheap votes on the left side, cheap labor more on the right than on the left but it's on both sides, and you put that coalition together, and the squeeze that comes on American society and culture is the squeeze on the middle class. That's another pillar of American exceptionalism is the middle class.

We have been building this Nation on an ever broadening and an ever more prosperous middle class. An opportunity if you're an uneducated person with some ambition, maybe you get out of high school and you decide I don't want to go to college, it's not for me, but I want to go punch a clock and work my way up at the factory or at the meat plant or whatever it is, I want to make a good enough living that if I don't even move up the ladder, if I don't ever do that, I can still buy a modest home and I can still raise my family and send my kids off to school with expectation of a better life. That's been a foundation of the American dream, an ever broadening and ever more prosperous middle class.

Today, cheap labor has destroyed the opportunities for the undereducated, the high school graduate or the high school dropout that's an American citizen. They can no longer go punch a clock and feed their family and pay for a modest home because wages have been driven down so cheap. The people that are at the top of the scale believe that they will never have to compete and neither will their children ever have to compete with the cheap labor that's been poured into this country. They will live in gated communities, and they will send their children off to Ivy League schools and they believe they'll always have that foundation and that capital base to make their gated communities, and the guarded society will be the destiny for all of their progeny.

But the middle class can't hope for that. The middle class has been diminished in its numbers, and it is a percentage of society, and the relative prosperity has been diminished significantly. And the unemployment among the underskilled Americans has grown in direct proportion to the amount of unskilled labor that's coming here illegally to take on the jobs.

Mr. Speaker, I'm for the rule of law. I'm for the middle class in America. I'm for opportunity for everyone, no matter what their education level is. We simply have to have a policy here in the United States that favors Americans. And the rationale that says that we are going to be a Nation that is somehow or another the relief valve for all the poverty in the world needs to take into account that there's a limit to the number of people that can live in the United States.

And those who advocate for open borders, I ask the question, how many are too many? Where would you draw the line? They will never engage in that debate because they know they lose the minute they try to put a number down. They will say that it should be on supply and demand, this economy. And so if there's a demand for more labor, we ought to bring in more labor.

If we're going to be the relief valve for poverty in the world, Mr. Speaker, there are at least 4.6 billion people on the planet with a lower standard of living than the citizens in Mexico, at least 4.6 billion. Are we going to open our gates up at our ports of entry and bring the people in, any willing traveler, might be the way the President would phrase it? And the answer to that should be no.

We can have compassion in a lot of ways, and one of them is to promote the American way of life around the globe. Be proud of who we are, be proud of our culture, be proud of our civilization, be proud of our history, be proud of the sacrifice of our Fore Fathers, be proud of the sacrifice of our current generation that's so proudly defended us around the world in the last 5 years.

But we needed to preserve our destiny. We need to reject amnesty, Mr. Speaker, and so I think that it's essential that we build the wall and we hold together the rule of law and we preserve the middle class and remember who we're about and what we are as a people.

By popular demand, I have occasionally demonstrated the construction of a wall so the people can understand, Mr. Speaker, how it can be done. I sat down and created a design for a concrete wall because I believe that it's harder to breach a concrete wall than it is a steel fence, and I think it's cost-effective.

□ 2300

But I want to describe what I have designed here.

Whenever we build for a fence or a wall, we need to have a foundation underneath it. There will be people that will try to dig underneath it, so I designed a slip-form concrete form.

This would go in a trench. You would set a trencher in here with a specially made grading machine that would trim this out and pour this concrete footing with a notch in it, trench and pour the footing as you go, so the hole didn't have a chance to cave in. As we poured this we would just drive the machine along and it would be trenching and pouring concrete, so there would be a cured foundation for the wall that would be completed as the trench and slip-form machine moved on.

This is what it looks like from the end. This would be what it looks like from the top, the notch in the top, and that groove there, it will be obvious where I put that. So as that trench is moved along, and the foundation of this wall sets like this, then I would bring in precast concrete panels. These panels would be about 13½ feet tall, and they could be about any width, but proportionately it looks like 6 to 8 feet. We could go wider, we could go 10 feet.

Perhaps once this was cured, even the next day, come along with truckloads of precast concrete panels. They would sit on the truck like this, pick those up with a crane, swing them into place, set them down right into the notch of the foundation. Just this simple.

It would take a little bit longer, but not appreciably longer to throw this all together in this fashion. It would be constructed 12-foot high precast panel, slip-form concrete wall. It would look a lot like that. I would set that down within about 3 feet inside the border. I put some wire on top here, stabilize this thing and provide it as a deterrent.

With concrete, you can mount anything on top for sensors. You can do cameras, vibration, motion detectors, you could mount any kind of new technology on top of this concrete. It wouldn't be possible to take a cutting torch through here. If you brought a concrete saw in to cut a notch through it, the noise and the vibration would be transferred down the wall, and our sensor devices would likely pick it up, or we could deploy some Border Patrol to that location.

But as you could see, I would go inside also another 100 feet, and I would put a mesh fence up, even taller than this, so that there will be essentially a no man's land in between the wall and the fence.

There are a lot of designs that would work. This is only one design, but I designed this and put the structure of this together, and I can put the estimate together too. This can be installed for about $1.3 million a mile.

Now, somebody was complaining about the cost of this. What is it, gold plated? Well, you can build a four-lane Interstate for about $4 million a mile, but that's what we are paying the Border Patrol to watch the border right now.

Now, I appreciate the work that they do, and I respect the work that they do, and I support them. They need better tools to work with. This is one of them that can be helpful. This is one of the components, or a version of fence and wall is one of the components to the Secure Fence Act.

This Congress has mandated that that fence be built, and we appropriated money to it last week to the tune of $1 billion. The year before, we appropriated $1,187,565,000 just to round it out to even dollars. We appropriated about $2.2 billion to building the Secure Fence Act, and that includes money for technology, for virtual fence, as well as real fence.

We need to stop the flood at our southern border. We need to dramatically slow the flow of illegal drugs across that border. It will reduce the amount of crime perpetrated and committed against Americans. It will save lives. It will save at least hundreds of lives. It will probably save thousands of lives.

It will be cost effective, and it will send a message that America is a sovereign Nation that will protect its borders, and that we will direct traffic, human traffic and contraband, through the ports of entry. We will need to beef up our ports of entry. We need to have more Customs and Border Patrol people there, and more sophisticated devices there.

But if we can't stop the bleeding at our border, there is no amount of enforcement that we can do in the interior that will be effective. The best description I have heard is the description by Dr. PHIL GINGREY, a Congressman from Georgia, who has worked the emergency room. His description is if you have a patient come in the emergency room when they are bleeding all over the place, and they are bleeding from multiple wounds, and they are bleeding all over the floor, the first thing you don't do is grab the mop and the bucket and start to clean it up. You stop the bleeding. That's what you do.

We have a tremendous amount of bleeding on our southern border. We have got to stop the bleeding, stabilize the patient, and then we can have a debate on how to clean up the mess. It is a tremendous mess here in the United States, because the Federal Government hasn't enforced the immigration laws to the level it needs to, and that has been an open permission slip that has been granted now to a number of the employers who have taken advantage of it. They have hired the cheap labor.

The third thing is birthright citizenship, automatic citizenship that is a magnet for 350,000 pregnant mothers every year who come here to have their children in the United States. It's not a constitutional right, it's a practice to grant them citizenship here because they are born in the United States. Those things work against our sovereignty. Those things work against the middle class, those things would be against the rule of law.

I am going to continue to advocate that we construct this double fence of wall on the southern border, that we complete it and we follow through on the congressional mandate, and we insist that the administration follow through. We need to do border enforcement first, employer enforcement second. When we get those things done, we will have stopped the bleeding and shut off birthright citizenship as the other bleed. Then we could have a debate in this Congress about how to clean up the mess, and it is one, one tremendous mess.

That's my advocacy, that's my policy, that's where I stand.

I appreciate the privilege to address you tonight.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for the remainder of the time until midnight.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House once again. I am glad to be here with my good friend Mr. ALTMIRE.

As you know the 30-Something Working Group, we come to the floor weekly, talk about issues that are facing the Nation, and also give a report on what's happening and what's not happening. We are hoping to do good things on behalf of the American people, and we hope that we can build a relationship with our colleagues on the other side of the aisle, the Republican side of the aisle, to help pass the American agenda.

Mr. ALTMIRE and I usually have some opening comments, and then we usually get into a conversation about some of the issues that we are facing this week, about some of the ongoing issues.

Over the weekend, I took the opportunity, because Mr. ALTMIRE, Mr. RYAN, Ms. WASSERMAN SCHULTZ and Mr. MURPHY, who are part of the 30-something Working Group, we do meet, and we talk about issues that we want to bring before the Members.

I can tell you there are 47 major measures that have passed this floor with a bipartisan vote of 79 percent, so that means that 75 percent of the issues that have passed this floor have had bipartisan support.

I see that we have one of our charts here to show, under the Democratic Congress, that Republicans all along, we were saying in the 109th, 108th Congress, some of them really wanted to vote for the priorities of America and move this in a new direction.

But obviously the Republican leadership in the 109th, 108th, going back even further, did not want to bring those issues to the floor. But when they were brought to the floor, the 9/11 Commission Recommendations, H.R. 1, passed with 299 votes with 68 Republicans voting affirmative; raising the minimum wage, H.R. 2, again, passed 315, passed with 315 votes here with 82 Republicans voting along with Democrats.

The funding to enhance stem cell research, H.R. 3, 257 and 37 Republicans; making prescription drugs more affordable, H.R. 4, 24 Republicans joined the majority of Democrats, passing that measure by 255; cutting student loan interest rates in half, H.R. 5, 356 votes in favor, passed the House with 124 Republicans joining the Democratic leadership on that vote.

□ 2310

And creating long-term energy initiatives, H.R. 6, 264, with 36 Republicans.

And Mr. Speaker, I think it's also important to be able to outline the fact that we want to move in a new direction. And so far, the President has signed the following: The first increase in the minimum wage in almost a decade, which will take effect on July 24 of this year. This is not fiction; it's fact. And it will be fully phased in. It will mean a raise of $4,400.

And also, we passed tax incentives to be able to help small businesses: $3.7 billion in additional emergency funding for veteran and military health care. This is $3.4 billion in additional funds for military readiness also, including armored vehicles and also to meet the National Guard shortfalls that they have been experiencing over some time.

Emergency funding to keep hundreds and thousands of children in 11 States from losing their health care. That's very significant.

Overdue funding to repair and complete flood areas of Louisiana and Mississippi, and also, assisting other gulf coast communities, schools and universities to rebuild and recover from Hurricane Katrina Rita and also Wilma.

Overdue disaster aid to American families and ranchers, more than 80 percent of the funding that they were looking for they were able to receive through this Democratic Congress.

Emergency wildfire funding, to be able to assist communities that have been waiting on Federal response, and also benchmarks for the Iraqi government and requiring the President to report the progress of the war to the Congress more than two times.

I think it's important to also state the many of the things that we've done here in the House, Mr. Speaker, without needing Presidential approval. We restored pay-as-you-go budget discipline for the first time in 6 years in Washington and received praise from major fiscal watchdog groups.

Also, passed a budget balanced by 2010 with no more deficit spending and no taxes after 2 years of Republican leadership failure to agree on a budget.

I think it's also important that we outline that we've imposed very strict ethics rules in the history of the House; also guaranteed that the House will operate as a green Capitol. I'm glad we have the chair of the Appropriations Committee that deals with the House, House Administration with us, the chairwoman.

Also, the Speaker has convened a National Summit on America's Children, and we're beginning to link Federal policy and law and cutting-edge research as relates to bring development; and also restored Congressional oversight, saving tens of millions of dollars that are being wasted here.

I think it's important that we also outline that stem cell research bill, supported by two out of three Americans, which offers hope for many, many families, is sitting on the President's desk right now waiting for action, Mr. Speaker.

And also, a bill ending the politicizing of the appointments of U.S. attorneys.

I can go on and on, but I think, as it relates to an opening, I think we're off to a great start, Mr. Speaker. And I think it's also important for the Members to realize that, for us to not only end the war in Iraq, but for us to be able to fulfill the dreams and the needs of the American people and those that are in harm's way, that we have to move in a bipartisan way. And when we can't move in a bipartisan way, then we have to take the majority of this Democratic majority that we have now to be able to get 218 votes to be able to carry out the will of the people.

Later on, since Ms. WASSERMAN SCHULTZ has joined us, and I know Mr. ALTMIRE has something to add, too, I want to talk a little bit about the President's address, the President's radio address, because I think it's important that we address these issues as they come up. We should not allow any statement or any speech to go unchallenged because I think the American people, it's time for them to be leveled with. And I can't wait until this thing rolls around again, when we get into open discussion, because this is the good part about the 30-Something Working Group is that we do get an opportunity to kind of volley the ball around.

Mr. ALTMIRE, Happy Father's Day, belated Father's day, sir.

Mr. ALTMIRE. Thank you. Same to you. I had a wonderful Father's Day with my two children, and I'm happy to be back on this Monday night. And I did want to add some levity to the evening, because people watch late night television. We're here; it's after 11:00. And the gentleman perfectly set me up by talking about the President's radio address. So I wanted to read a quote from the President's radio address that, for those that know history and for those that don't, I'm going to remind them of some of the history. They're going to find this quote to be quite entertaining. And this is the President's radio address.

"In the weeks ahead, my administration will continue pushing for earmark reform and holding the line on Federal spending. The American people do not want a return to the days of tax and spend policies. They expect accountability and fiscal discipline in Washington, DC."

Now, certainly, we don't disagree with that statement, but for those that understand the history of this administration, they can understand why some of us might be amused to hear the President saying such a thing, because I would remind my colleagues, if they need reminding, that prior to President Bush taking office, the 4 years immediately before his term, his first term, we had had 4 consecutive years of budget surplus, surpluses that were forecast as far as the eye can see.

In fact, the Congressional Budget Office scored the 10-year projection of surplus at over $5 trillion of surplus.

So President Bush comes into office, there's every reason to expect these surpluses are going to continue.

Well, what have we seen in the 6-plus years that this President has been this office? Well, we've seen six consecutive budget deficits, deficits that before the Democrats retook control of Congress, were forecast as far as the eye can see. And this has been the biggest spending administration in over the past 6 years before this year, the biggest spending Congresses in the history of this country.

So for the President to get on the radio and come before audiences and lecture the Democrats on fiscal responsibility, and I would re-read that last statement on what he says the American people expect, "They expect accountability and fiscal discipline in Washington, DC."

Well, over the course of that 6 years, the President added $3.5 trillion to the national debt. Now, keep in mind what I said earlier, that the projection before he took office was, over the 10-year period, we would have over $5 trillion in surplus. But, instead, in just 6 years, he had an $8 trillion turnaround, from $5 trillion on the plus side to $3 trillion on the deficit side.

And I would suggest, if you had said to an economist going into that term, figure out a way that this is possible, how can a President, using economic policy, working with the Republican-controlled Congress, have a $8 trillion swing from surplus to deficit, most economists would have said, oh; that's impossible. You can't possibly mismanage the economy in such a way that you could have that poor of an outcome. Well, unfortunately, we have.

So here, again, to have this President lecture this Congress on fiscal responsibility is simply inconsistent with the facts.

He also references earmarks in the appropriations process. And we do have Ms. WASSERMAN SCHULTZ here, a member of the Appropriations Committee. And I know she will have something to say about this as well.

But I wanted to remind my colleagues about the history of the 12 years that the Republicans were in control of this House, from 1995 through 2006. Well, for that 12-year period, the 12 budget cycles that we had, I don't know if any of my colleagues would like to venture a guess, how many times in those 12 years do you think the Republican Congress finished the appropriations process on time? How many times were all the appropriations bills completed by October 1, which, under statute, is the beginning of the fiscal year?

The gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Would it be none?

Mr. ALTMIRE. Zero. That is correct.

Ms. WASSERMAN SCHULTZ. That would be none

Mr. ALTMIRE. Zero times in 12 years. Now, interestingly, you'd say, well, it must be difficult to do then. Maybe it's not often that we're able to do this. Does the gentlewoman from Florida wish to venture a guess on the last time that the budgets were all completed on time and the appropriations were completed by October 1 in their entirety?

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, at the risk of being the little girl who shoots her hand up in the first row of the classroom, that would be the last time Democrats were in control right before the 1994 switch from majority to minority.

☐ 2320

Mr. ALTMIRE. Right. In the 1994 year, the Democratic Congress, the last year the Democrats controlled Congress, the Democrats were able to complete all the budget bills, all the appropriations bills on time. The last time it has happened. Then we had 12 years of Republican rule in this Congress, in this House, and we had 12 consecutive years where the appropriations bills were not completed on time.

So it should be no surprise to any of my colleagues and other outside observers that the Republicans are not anxious to see the Democrats come back into power and right away pass all 12 appropriations bills in a timely fashion. So I was not surprised, and I suspect others were not surprised, to see the extraordinary delaying tactics that we saw take place in this House last week, with continual and repeated procedural motions, motions to rise.

And those of us that sat here at 2 o'clock in the morning on that night, we realized that this was not about substance. This was not about policy. This was merely about denying the Democrats a legislative victory because the last thing those on the other side would want is for us to come in and right away pass the appropriations bills on time, which hasn't happened since 12 years ago when we last controlled Congress.

And, lastly, the President mentions earmarks. His quote again: "In the weeks ahead, my administration will continue pushing for earmark reform."

Well, what has been the history of earmarks under the Republican Congress? Let's go back to that 12-year period, and I know the gentlewoman knows the answer; so I will spare you the question this time. In 1994, that last year that the Democrats controlled Congress, there were 4,000 earmarks, approximately, in all the spending bills combined for $26 billion. That is what they represented. Now, that sounds like a lot and it is a lot. It is a lot of earmarks and it is a lot of money.

Well, let's compare that to last year, the last year the Republicans controlled Congress. These were the people, you recall, that last week were decrying the use of earmarks and talking about how unfair it was how the Democrats were approaching it, and we have a President now who says he is going to continue pushing for earmark reform, "continue" being the operative word there. Well, when you hear the word "continue," let's thing think about what happened last year. Now, recall in 1994, 4,000 earmarks, $26 billion. Last year, 2006, 16,000 earmarks, unprecedented, the highest in the history of the country, $64 billion of earmarks, compared to $26 billion in 1994.

So here again, please spare us the lecture about fiscal responsibility and accountability in the appropriations process and certainly as it pertains to earmarks. We have had, over the past 6 years of this administration and over the past 12 years of Republican leadership in this Congress, the biggest-spending Congress and administration in the history of the country. They spent more money, they ran up bigger deficits, they used more earmarks for more money than any Congress and any administration in the history of the country. So please forgive me if I view with skepticism some of the President's comments over the weekend.

And at this time I will now turn it over to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. ALTMIRE.

And I am going to maybe abbreviate my view on what happened last week and just call it what it is: hypocrisy.

Where were our good friend on the other side of the aisle when they controlled this process for 12 years? And I am not going to spend a lot of time on the process because that is all they have because if they allow the debate to turn to the substance of the legislation, the substance of the appropriations bills that we are moving forward and will pass off this floor, with the vast majority of them supporting it because they have to, because when they admit that the substance of the legislation that we are putting forward in the Homeland Security bill, in the military construction bill, in the other bills that will be coming forward to this floor, they have to admit that not only are they good bills but they go much further and do a much better job of providing for the needs of this country than they ever did.

On the floor last week, I took an opportunity to spend a few minutes debating the process with them. One of the things that I had an opportunity to engage in debate on was where was their outrage on the other side when they controlled this process? Where were the reformers, leaping to their feet, urging and pounding on their leadership to adopt transparency and to adopt a process in which they could have the maximum amount of input into earmark reform?

The answer is it was nonexistent because they didn't care about it. It didn't matter to them. They were very happy fat and happy to take all the earmarks they could get, bring them home, tied up with their lobbyists and their friends and their culture of corruption, all twisted up and intertwined, and that is what their process was like. And our process is clear and transparent and participatory and inclusive, and they can't stand it. So what they have to do is they have to try to muck up the perception of what we are doing here because if they acknowledge what is really going on, not only have we adopted a more inclusive, more transparent process when it comes to earmark reform, but the substance of our legislation they have to support because they know that we are going much further than they did.

I want to go beyond process, though, to President Bush's veto threat of the Homeland Security appropriations bill. He actually has threatened to veto this bill, which is just absolutely astonishing. And one of the things that I have heard him articulate, Mr. MEEK and Mr. ALTMIRE, is that if the Congress proposes to spend $1 over what he proposed in his administration's budget that he would veto any of that legislation. And that includes the Homeland Security bill, which provides for the homeland security needs for our border protection, for our first responders, for the 9/11 Commission recommendations that we passed in the first bill out of this Chamber during our 100-hour push for the Six in 06 agenda, and the President is actually proposing to veto a bill that would ensure that we spend more money on protecting our homeland domestically.

You know, you can argue process and earmarks and reform and all that. But at the end of the day, that is the stark contrast that people of this country have to choose from. When they go to the polls next November and when they evaluate how they think a Democratic Congress is doing versus how a Republican Congress did, at the end of the day, we are passing a Homeland Security appropriations bill that will really provide for the domestic homeland security needs, as opposed to continuing to twist us up and mire us in the war in Iraq with an endless, open-ended commitment that never proposes to get us out of there.

On top of that, we have a President who has been critical of a military construction bill that will provide for the largest single increase in veterans' health care in history. I mean this is how backwards their priorities are. Under the Republican control, their goal was to help lobbyists, was to make sure that they brought home as many earmarks that were pushed by lobbyists as they could. And, instead, what we are doing here is we have transparency, where people will know, anyone can know, who is sponsoring an earmark, where any Member can offer an amendment to strike an earmark, where any Member can offer to sponsor an earmark. Members will be able to participate in the conference process, which you would think that that would be a normal thing, but it wasn't normal under the Republicans because you couldn't even participate as the minority in the conference process.

□ 2330

But at the end of the day, all of that has been a deliberate distraction because they can't argue with the content of our appropriations bills because they are much stronger and go much further and do more for the country than they did. They don't win that debate. They don't win a head-to-head, toe-to-toe debate on the substance, so they have to try to distract people with the process. And that is what I am hopeful that we can get into in this 30-Something hour and future special order hours that we participate in, because what we need to make sure we focus on is the substance of our legislation, because they would like nothing better than to twist us up in debate on process.

Mr. MEEK.

Mr. MEEK of Florida. Well, Ms. WASSERMAN SCHULTZ, what they say and what we do are two different things. And the good thing about it is that right is on our side and the American people are on our side, be it Republican, Democrat, independent, those that are thinking about voting, those that may be voting for the first time in the 2008 elections. I think it is very important to lay the facts out, and that's what we are doing here tonight.

Mr. Speaker, we go through a great deal of work to make sure that we actually give facts, not fiction. And we know that there is a lot of fiction on this floor. That's what I would call it. And there is another word to call it, but I would just call it "fiction" to be honorable in this Chamber. But I think it is also important for us to just take the President's words for what they are. I am reading from his radio address, and this week, the President said the tax-and-spend approach is endangering the economic growth. And balanced budget efforts, mark "efforts," balanced budget efforts, that's what he's calling it, that's what the President is calling it, as it relates to the budget, saying they have passed a budget that would mean higher taxes; put another line under "higher taxes" because I want to come back to that; for American families and job creators, put a line under that.

I think it's important, just in that paragraph alone, Mr. Speaker, for me to just dissect that for a moment. Let me just work on that paragraph just for a moment. It's just a paragraph within many, but it's at the beginning of the President's speech. I think it's important, as we start looking at fact versus fiction, I mean, we need to have a segment in the 30-Something group, fact versus fiction, because I think it's important that we do away with the fiction, because we have two wars going on. We have a country that's begging for health care. We have children that we were about to lose their health care if it wasn't for the action of the Democratic majority here to be able to push that effort along and put it on the President's desk for him to sign.

Now, let's just start with the whole piece of endangering and taxes. Listen, I'm on the Ways and Means Committee, and unless there is a meeting that I missed or several days that I missed from Congress, I haven't seen anything that dealt with a tax increase. And I would challenge anyone from the White House or from the minority side of this Chamber to point out somewhere, anywhere, where taxes are being increased. Okay. That's what I thought. I think it is very, very important that we pay very close attention to what's being said here on this floor.

I think it's also important for us to underline "budget balancing efforts." People, Mr. ALTMIRE, they don't want an effort; they want it to happen. Okay? One of the first things we did without the President's approval, thank God we didn't need it, to say that we're going to move pay-as-you-go rules and that we are no longer going to borrow from foreign nations. As soon as I can get my chart over here, I will pull it over, of how much money we have borrowed from foreign nations, Mr. Speaker, more than ever before in the history of the republic. As a matter of fact, I have my old chart here. I will use this one, Ms. WASSERMAN SCHULTZ. For folks here in the Chamber, you know that this is an old chart. And I am really fond of this chart. The rubber stamp is in my office under lock and key because somehow my velcro chart somehow grew legs and it went somewhere. And I don't know where it is, Mr. ALTMIRE, but I think it's important that we find that chart. I'm going to put pictures around the Capitol. Have you seen the out-of-control borrowing that the Bush Administration and Republican Congress were able to do in the past?

Remember this chart here? And it talked about, it went all the way through 2005? Well, I am going to draw a line through that right now. And I know that we are going to have a new chart here on the floor, because our good people that work with us here, the new number that comes at the end of the 109th Congress and the Republican Congress, this number is no longer 1.50; it is now $1.0019 trillion that the President Bush and the old Republican Congress passed under the rubber stamp policy of the Congress of the past, but not now; $1.01 trillion, 42 Presidents before this President and the past Republican Congress, and between the two, they were able to borrow from foreign nations, these are foreign nations who I have outlined on the next chart, $1.0019 trillion. Historical. Never happened before. No one can point to World War I and World War II.

Who are we borrowing from that we are putting a stop to here in this Democratic Congress? Let's just start with Japan at $644.3 billion. Let's look over at China, Red China of all places, at $349.6 billion. These numbers are old. Many other countries are involved in this. And, you know, that is just one sentence.

Then we move on, "They have passed a budget that will mean higher taxes for American families and job creators." Now, I have already addressed the issue of higher taxes. Taxes have not been raised.

So for the President to say this means that it's fiction. That's the word I choose. Job creators. Who's he talking about? Must be talking about Big Oil. I guess they're creating all kinds of jobs. I know there are a lot of people that are trying to figure out how they are going to get to their job, paying the high prices.

And look at the profits. Wow. And it's funny, remember that little thing I talked about, the meeting at the White House, and Vice President CHENEY with the executives, and then all of a sudden the energy bill was written? And it was almost like every oil executive, somehow they figured out the six numbers to the Lotto. That Lotto happened to be the payoff by the American people. And their stock went skyrocketing up. In 2002, the profits were $6.5 billion in profits. And look, 2007, $30.2 billion, and you're paying almost $3 at the pump. I wonder who the job creators are. And we took some of these incentives and give-aways away, or so-called incentives, that were just tax give-aways of the taxpayers' money back into finding alternative fuels.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield on that point?

Mr. MEEK of Florida. I will yield, yes.

Ms. WASSERMAN SCHULTZ. Let's zero in specifically on what we did compared to what they did. If you recall, that was the energy bill that they held open for 40 minutes longer than our normal time limit so they could twist enough arms to get the votes to ensure that they could give the oil companies $14 billion in subsidies, give them those subsidies in the face of world record profits. Now, you know, we support profit. Profit is a good thing. Profit is not a bad word; it's a good thing. But when you are doing what they did, which was forgive the royalties that the oil industry would have been required to pay the Federal Government; they are supposed to pay the Federal Government to use the land that they drill on in exchange for the oil that they pull out and make a profit on. And the Republican majority gave away the $14 billion and said, no, no, no, very profitable oil industry, that's okay, you don't have to pay us. Just put that in your pocket, no problem. And what we did, as part of our 100-hour agenda in the Six in '06 bills that we passed when we first became the majority is we passed a bill that repealed those $14 billion in give-aways and said, what we are going to do with that money is we are going to use it to fund alternative energy research so that we can make sure that we truly make a commitment to wean ourselves off of our addiction to foreign oil, which were nice words that the President said in the State of the Union last year, but then promptly he signed that energy bill that gave $14 billion in subsidies away to the oil industry. So I just wanted to jump off that poster because it really needed to be zeroed in on.

Mr. MEEK of Florida. You know, Ms. WASSERMAN SCHULTZ, and thank you for yielding back.

Mr. ALTMIRE, this is why we come to work, this is why we, Members of Congress, Mr. Speaker, to be able to point out, and I love this whole fact versus fiction. You know, this is probably going to be my new top ten because I think it's important that we outline these issues. Because the American people, hopefully what we are sharing with them, it's fact. Now, folks start writing speeches and start saying, well, what sounds better or using words like efforts, you know "efforts" is open-ended.

□ 2340

Well, you know, I make a great effort to do some things around the house. But eventually I will get around to them. Well, we are dealing with the Federal Treasury, and it is not some sort of slush fund. That is the way it has been treated. We are talking about accountability.

I also want to point out Mr. Bob Novak, I don't think I am on his Kwanzaa list and he is not on mine, but he is one of the most conservative writers here in this town and well-known, and I appreciate his work, and we see him moving around on Sunday talk shows.

This is interesting. "Bush veto strategy." This is in the Washington Post. Just in case, we like third-party validators. We want you to go on, we want Members to be able to go on WashingtonPost.com. And this was June 18. It was actually on A–17, if you have an old copy of the Washington Post.

I will go down to paragraph three, where it talks about Bush was the first President since John Quincy Adams not to exercise his veto power during the complete 4-year term, even though the Republican-controlled Congress was on a spending spree.

All right, we have heard of shopping sprees. You look in the dictionary, let's just do it. Let's do it because we can. Let's do it because we can borrow from foreign nations and put this country in a posture that it has never been in before.

He has two bills in his second term, rejecting only the Iraq war bill, since the Democrats took control.

Let me just say this. One of them was that. Let me just point that out, Ms. WASSERMAN SCHULTZ, Mr. ALTMIRE. It is important that we outline that, that we outline the fact that the President has had a rubber-stamp Congress, and that even the conservative writers are saying, wait a minute. All of a sudden now you want to be Mr. Veto. You want to send a letter to the Speaker of the House saying if you go $1 over my projected budget and I am going to veto the bill, even if it means healthcare for children, Ms. WASSERMAN SCHULTZ, even if it means better healthcare for our veterans that are coming back and that are here and that are waiting in line 8 or 9 weeks to see the ophthalmologist, which is not what they signed up for and not the promise that we gave them. Even if it means that school districts will not have the money that they deserve as it relates to the Federal dollar.

The bottom line is I wish the President and I wish the Republican side had the kind of courage to stand up to corporate America when they were giving away all of the taxpayers' money during their spending spree. This is now what I am saying. This is what Bob Novak is saying.

I think it is also important to note that one of our Republican colleagues took enough time to get 147 votes against the Homeland Security bill, an appropriations bill, and also it is important that we point this out, because this was done to be able to say that we can withstand a veto. I think it is 146 that is needed to make sure that we can override the President if we need to override him.

The last point I want to make on this topic, you know I always have a number of points, but after we passed the bill that the American people wanted, date on redeployment of when troops will be redeployed out of the field and letting the Iraqi government know we will not be in the middle of a civil war forever and ever and ever, and passed this House and it passed the Senate. And before the President could even get to it, Republicans marched down to the White House, had lunch, and came out and said, "We stand with the President in not overriding his veto. We say that we stand with the President."

That is what the Republicans said. Not one Democrat was at the White House. I want to know how many more times that Republicans are going to go down to the White House and stand with the President. Are they going to stand in front of VA Healthcare? Are they going to stand in front of universal healthcare for children? Are they going to stand in front of everything that we came to Congress to do? And I talking about Democrats and Republicans?

And I am just going to say it, not every Republican went to the White House, but enough to be able to stop us from doing the business of the people of this country. And I think it is important that we outline these issues. Go to WashingtonPost.com.

There is an old saying out there, if I am lying, I am flying. The bottom line is this: It is right here. I didn't write it. Mr. Novak wrote it.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, I am so pleased. We are all pleased that we have been joined by Mr. ALTMIRE and the 40 other Democratic freshmen in his class who are majority makers who came to Congress to help us move this country in a new direction and make it possible to move this country in a new direction.

The stark contrast you are talking about, where you have tired old, same old, do business as shall Republicans standing with the Republican standing with the President, supporting his veto, his suggestion that he would veto the Homeland Security appropriations bill.

Now, I sit on the Appropriation Committee so I know what is in that bill and had an opportunity to comment on it and participate in it, and I am proud to have supported it.

But I would like Mr. ALTMIRE, given that he is part of the new direction Democrats and our freshmen class who brought us to this point, to outline for us, let's talk just exactly what the President is talking about vetoing. Let's outline that for folks.

Mr. ALTMIRE. I appreciate the gentleman and Ms. WASSERMAN SCHULTZ.

I did want to make clear, just for anyone who is watching this debate, that all of these bills that the President is threatening to veto over spending are compliant with pay-as-you-go policy. That is critical.

Mr. MEEK of Florida. You are not borrowing and you are not taxing, am I correct?

Mr. ALTMIRE. It means we as the Congress are doing the same thing the American people have to do in their own home. Checkbooks, you have to have money on one side of the ledger if you want to spend it on another. That is something this Congress has not done.

Ms. WASSERMAN SCHULTZ. Were PAYGO rules, in other words, not spending more than you are taking in, were those in place before Democrats took over the Congress?

Mr. ALTMIRE. They came into place in the 1990 budget agreement.

Ms. WASSERMAN SCHULTZ. I mean just a few months ago, before November 7, in the 109th Congress.

Mr. ALTMIRE. They were allowed to expire, and that led to the record deficits of the past 6 years that I talked about earlier.

Ms. WASSERMAN SCHULTZ. And who reinstated the PAYGO rules to make sure that we didn't spend more money than we took in?

Mr. ALTMIRE. On our very first day in Congress, it was this Congress that reinstated the pay-as-you-go. As a result, all of these appropriations bills that the President is threatening to veto, for the first time in 6 years, these appropriations bills are compliant with PAYGO. They say simply, as I said, you have to have money on one side to pay for it on the other. If you want to increase spending, or decrease revenue, for that matter, you have to find an offset to pay for it on the other side of the ledger. That is what the President is talking about vetoing.

Specific to the Homeland Security appropriations bill, which we passed last week, I just wanted to talk a little bit about immigration. Boy, we hear a lot about immigration, around the country on talk radio. I am sure each of you in your Florida districts hear about it. I can promise you in my Western Pennsylvania district, I hear more about immigration than I hear about any other issue, and there is not even a close second.

It is an important issue. It is an issue for a lot of people that we have illegal immigrants coming across the border. And for anyone who is talking about this Homeland Security bill that is concerned about that issue, I want to tell you that in this bill we have money for fencing.

The speaker before us had his prop out where he was showing about building a fence along the border. This bill has money to build the fence.

This bill has money for new technologies for detection of immigrants, illegal immigrants coming across the borders.

This bill has increased border agents and security agents that are able to enforce our laws, 3,000 new border agents along our southern border with Mexico.

It has new detention beds. We have a catch-and-release program where we don't have the capacity to hold on to folks that we are catching on the southern border, so we simply release them. This bill has money to stop that practice with new border agents and new detention beds.

So for anyone that is watching this debate that is concerned about immigration and thinks we need to secure the boarders, we agree, and we passed a bill to make that happen. That is the bill the President is threatening to veto.

We also have port and aviation security measures. We have a situation where as a result of 9/11 we have to be very concerned about our aviation security, certainly, and our port security. We have money in this bill to increase our security on both of those. That is what the President is threatening to veto.

We have increased the money available for first responders. The President cut by 55 percent firefighter funding. So anyone who is concerned about firefighters, can you think of a more worthy commitment for our Federal spending priorities than the brave men and women who put their lives on the line every single day here at home to keep us safe and are doing it on a voluntary basis through the fire department?

The President cut that funding by 55 percent in his budget. Well, we restored that, because our priorities say that we should find that money, and through pay-as-you-go we did find the money to pay for that. But we put that money back in for our firefighters and our police, our first responders.

Lastly, before I turn it over to Ms. WASSERMAN SCHULTZ, who can speak as a member of the Appropriations Committee, this is so important. This bill ensures our tax dollars are spent wisely with the requirement for competitive bidding on contracts.

Now, anyone who has followed what happened in the Homeland Security arena over the past several years, and certainly that includes Katrina and the fiasco that took place with the no-bid contracts thereafter along the Gulf Coast, knows how important it is to ensure that our tax dollars are spent in a responsible and fiscally rational way.

□ 2350

We do that through the requirement that we do competitive bidding on contracts which has been in very short supply over the past 6 years.

So that is what is in this bill. We secure our borders. We put money into detection and prevention and detention of illegal immigrants. We secure our aviation, our airplanes and our airports. We secure our ports. We put money in for first responders. That is what the Homeland Security bill does, and that is what the President is threatening to veto.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I appreciate the gentleman outlining what the President has been threatening to veto.

I want to take it a step beyond the Homeland Security appropriations bill and outline a few of the other bills all related to homeland security that the President has also threatened to veto. Tonight what we aim to show, fact versus fiction, is basically who is for homeland security and who is just kidding, who is just talk, who is just a lot of hot air, versus who is supportive of putting forward substance.

The only thing I can think of in terms of a reason that you have these veto threats and suddenly the President discovers ink in his pen, never having threatened a veto in his first 6 years, instead of an "R" next to the idea there is a "D" next to the idea. Now this is from a person who has talked a really nice story about being bipartisan and working with the Democratic Congress. This is how he has been proposing to work with the Democratic Congress: proposing to veto the Homeland Security appropriations bill which has a lot of very important issues that went unaddressed by the Republican Congress.

Also, threatening to veto the 9/11 Commission recommendations which was his own 9/11 Commission. We just passed that bill in our Six in 06 agenda with a vote of 299–128. And that would fully implement the 9/11 Commission recommendations.

The Homeland Security authorization bill which is the statutory provisions in Homeland Security that go with the appropriations bill, he has threatened to veto that. That authorizes $40 billion for the activities of the Department of Homeland Security and includes strong accountability measures which were nonexistent under the Republican majority.

He has threatened to veto the rail and transit security bill, H.R. 1401, which requires the Department of Homeland Security to develop plans to protect rail and mass transit and authorizes $6 billion over 4 years in grants to protect those systems. We don't have a system in place to protect rail and mass transit.

In south Florida, we don't have a really strong mass transit system. You do in the major populations across the country. How many times have you been on a train and been checked or gone through security? There are no security measures around our rail system. We proposed legislation to do that, and the President is threatening to veto that.

The Dubai Ports bill, maybe people have forgotten about the proposal that the administration was completely supportive of and allowed to sail through their FISA process that would have allowed essentially a state foreign-owned company to own port terminals in America. I mean, that just sailed through the administration's process. They basically ignored Federal law and allowed it to happen. We passed a law to tighten that. That passed 423–0. No threat to veto there. We weren't going to allow that situation to continue. We need to ensure foreign countries do not own our port terminals and further undermining our security in America.

Now we have passed the military construction appropriations bill that would ensure that we have the largest single increase in veterans health care in American history, in addition to the Wounded Warrior Assistance Act which responds to the Walter Reed scandal, also ignored by the Republicans. That passed 426–0, but it took Democrats to pass that legislation.

Really what this is about is who is for homeland security and who is just talk; who is for homeland security and who is just kidding. At the end of the day, actions are what speak louder than words. It is what you learned in kindergarten: Follow what people do, don't just listen to them talk, talk, talk. We have to show the American people what the Democrats are trying to accomplish that Republicans and this President is trying to block.

Mr. ALTMIRE. I just want to remind our colleagues who are with us tonight and watching us tonight that this is about preventing the Democrats from a legislative victory. It is not about the budget because this is compliant with pay-as-you-go rules.

I was amused in listening to the gentlewoman from Florida when I thought about what one of the major Republican Presidential candidates said recently, "The Democrats don't understand terrorism." The gentlewoman went through a very lengthy list of things that we have done here in the first 6 months on homeland security and on terrorism, and the fact that the President is threatening to veto many of those initiatives.

I would ask the question rhetorically, who among us, the Democrats or Republicans, don't understand terrorism? I think we are the ones putting forward initiative after initiative after initiative compliant with PAYGO rules to prevent terrorist attacks, as much as it is possible to do that, and to address these issues in a way that has not been done. It has languished for years.

The 9/11 Commission recommendations were put forward in 2003. Here we are 4 years later. September 11 took place nearly 6 years ago. We still have not implemented the recommendations of the 9/11 Commission, and that is indefensible.

I would just say to anyone who says it is the Democrats who don't understand terrorism to take a look at the list that the gentlewoman has put forward that we have done in only 6 months after these initiatives have languished year after year.

Mr. Speaker, I tell my colleagues, for more information, if they would like to learn, of course you can go to Speaker.gov/30something, or there is now a link on the Speaker's Web site to the 30-Something Working Group of which the three of us are members as well as Mr. MURPHY and Mr. RYAN and others. So that site is www.speaker.gov, click on the 30-Something icon and you can learn more about the issues and see the charts, even the gentleman's Velcro chart which is now missing.

Ms. WASSERMAN SCHULTZ. And you can e-mail us as well.

Mr. ALTMIRE. That is 30somethingDems@mail.house.gov.

Mr. MEEK of Florida. I would like to thank Mr. ALTMIRE and Ms. WASSERMAN SCHULTZ.

Mr. Speaker, we have to remember that $2 billion-plus a week are being spent in Iraq as we are here trying to resolve issues that we don't have money to resolve them.

Also I think it is important, at the top of the hour I meant to give this report, but as of this morning, June 18, 2007, at 10 a.m. the death total in Iraq is 3,517. Wounded in action and returned to duty is 14,283. Wounded in action and not returning to duty is 11,667. I think it is important that we share that with the Members constantly.

Mr. Speaker, I am also asking Members. I am trying to find a picture and I have been looking high and low for somebody to e-mail us a picture of this great White House meeting that the President had with the Republicans standing behind him saying they won't participate in overriding his veto of accountability in Iraq. I need that picture because we need that to be a chart so that we can discourage our friends on the other side of the aisle from going down and standing in the schoolhouse door on behalf of the majority of Americans' priorities.

Mr. Speaker, it was an honor to address the House once again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and June 19 until 6:00 p.m.

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today.

Mr. CONYERS (at the request of Mr. HOYER) for today.

Ms. ESHOO (at the request of Mr. HOYER) for June 7 after 3 p.m. and June 15 after 4 p.m.

Mr. REYES (at the request of Mr. HOYER) for today on account of travel delays due to weather.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. SULLIVAN (at the request of Mr. BOEHNER) for today on account of longstanding family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 25.

Mr. JONES of North Carolina, for 5 minutes, June 25.

Mr. GARRETT of New Jersey, for 5 minutes, June 19 and 20.

Mr. BURTON of Indiana, for 5 minutes, today, June 19, 20, 21 and 22.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 19, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2236. A letter from the Chairman and President, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Israel pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2237. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementation Plan, Washoe County District Health Department [EPA-R09-OAR-2006-0619; FRL-8327-3] received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2238. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007. [EPA-HQ-OAR-2006-0159; FRL-8325-5] (RIN: 2060-AN81) received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2239. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Request for Rescission [EPA-R09-OAR-2006-0590; FRL-8325-8] received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2240. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; NSR Reform Regulations [EPA-R05-OAR-2004-IN-0006; FRL-8327-1] received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Exemption from VOC Requirements for Sources Subject to the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing or Reinforced Plastics Composites Manufacturing [EPA-R05-OAR-2006-0716; FRL-8319-8] received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2242. A letter from the Assistant Secretary, Department of Education, transmitting the Department's report on the use of the Category Rating System for the period from June 2006 through May 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2243. A letter from the Inspector General, Department of Homeland Security, transmitting notice of the initiation of an audit of the Department's consolidated balance sheet and statement of custodial activity as of and for the year ending September 30, 2007; to the Committee on Oversight and Government Reform.

2244. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2245. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2006, through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2246. A letter from the Interim President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2006 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2247. A letter from the Director, Office of Personnel Management, transmitting a copy of a legislative proposal entitled, "the Locality Pay Extension Act of 2007"; to the Committee on Oversight and Government Reform.

2248. A letter from the Director, Office of Personnel Management, transmitting a copy of a legislative proposal entitled, "the Federal Employees Health Benefits Improvements Act of 2007"; to the Committee on Oversight and Government Reform.

2249. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

2250. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Virginia Advisory Committee; to the Committee on the Judiciary.

2251. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Michigan Advisory Committee; to the Committee on the Judiciary.

2252. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report to Congress on stalking and domestic violence, 2005 through 2006, as required by Section 40610 of the Violence Against Women Act of 1994; to the Committee on the Judiciary.

2253. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Safe Harbor for Valuation Under Section 475. [TD 9328] (RIN: 1545-BB90) received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 885. A bill to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank; with an amendment (Rept. 110–196). Referred to the Committee of the Whole House of the State of the Union.

Mrs. LOWEY: Committee on Appropriations. H.R. 2764. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAPUANO (for himself, Mrs. Maloney of New York, Mr. Ackerman, Mr. Meeks of New York, Mrs. McCarthy of New York, Mr. Crowley, Mr. Israel, Mr. King of New York, Mr. Gutierrez, Mr. Watt, Mr. Sherman, Mr. Lynch, Mr. Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Mr. Lincoln Davis of Tennessee, Mr. Sires, Mr. Mahoney of Florida, Mr. Murphy of Connecticut, Mr. Wexler, Mr. Boren, Mr. Frank of Massachusetts, Mr. Hodes, and Mr. Shays):

H.R. 2761. A bill to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; to the Committee on Financial Services.

By Ms. DEGETTE (for herself, Mr. Kildee, Mr. Castle, and Mr. Renzi):

H.R. 2762. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Energy and Commerce.

By Mr. LAMPSON:

H.R. 2763. A bill to enhance research, development, demonstration, and commercial application of biofuels related technologies, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY:

H.R. 2765. A bill to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office"; to the Committee on Oversight and Government Reform.

By Mr. REYNOLDS (for himself, Mr. McHugh, and Mrs. Gillibrand):

H.R. 2766. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture.

By Mr. WELLER:

H.R. 2767. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for the purchase of energy efficient tires; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself and Mr. Boehner):

H. Res. 491. A resolution providing for earmark reform; considered and agreed to.

By Ms. CASTOR:

H. Res. 492. A resolution honoring William "Bill" Clifton France, the former president, chief executive officer, and chairman of NASCAR, for his lifetime of contributions and dedication to motorsports; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of California:

H. Res. 493. A resolution congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Mrs. Lowey, Mr. McGovern, Mr. Ross, Mr. Waxman, Mr. Crowley, Ms. Jackson-Lee of Texas, Mr. Cuellar, Mr. Israel, Mr. Engel, Mr. Fattah, Mr. Lantos, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mr. Serrano, Mr. Towns, Ms. Wasserman Schultz, Ms. McCollum of Minnesota, Mr. Hill, Mr. Dicks, Ms. Carson, Mr. Klein of Florida, Mr. Weiner, Mr. Honda, Mr. Hastings of Florida, Mr. Baca, Mr. Dingell, Mrs. Tauscher, Mr. Moran of Virginia, Mr. Sires, Mr. Payne, Ms. Matsui, Mr. Stark, Mr. Bishop of New York, Ms. Norton, Mr. Cohen, Mr. Davis of Illinois, Mr. Berry, Mr. Kennedy, Mr. George Miller of California, Mr. Ackerman, Mr. Emanuel, Mr. Snyder, Mr. Berman, Mr. Lincoln Davis of Tennessee, Mr. Conyers, Mr. Kind, Mr. Cummings, Mrs. Jones of Ohio, Mr. Kanjorski, Mr. Scott of Virginia, Ms. Zoe Lofgren of California, and Ms. Clarke):

H. Res. 494. A resolution honoring the esteemed former President William Jefferson Clinton on the occasion of his 61st birthday; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself and Mr. Butterfield):

H. Res. 495. A resolution honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister, Attorney General, and Opposition Leader in the British Commonwealth; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Wamp.

H.R. 156: Mr. Scott of Virginia and Mr. Cohen.

H.R. 322: Mr. Goodlatte.

H.R. 380: Ms. Shea-Porter.

H.R. 543: Mr. Blumenauer.

H.R. 690: Mr. Pastor, Ms. Giffords, Mr. Edwards, and Mr. Michaud.

H.R. 693: Ms. Waters, Mr. Butterfield, Mr. Hastings of Florida, Ms. Pryce of Ohio, Ms. Corrine Brown of Florida, and Ms. Castor.

H.R. 695: Mr. Sestak.

H.R. 704: Mr. David Davis of Tennessee.

H.R. 728: Mr. Lincoln Davis of Tennessee.

H.R. 776: Mr. Blumenauer.

H.R. 821: Mr. Jindal.

H.R. 864: Mr. Walden of Oregon.

H.R. 938: Mr. Bilbray.

H.R. 962: Mr. Jackson of Illinois.

H.R. 980: Mr. Hinchey, Mr. Rangel, and Mr. Rehberg.

H.R. 1078: Mr. WOLF.

H.R. 1125: Ms. HIRONO, Mr. CARTER, and Mr. GRIJALVA.

H.R. 1174: Mr. ARCURI.

H.R. 1187: Ms. CASTOR and Mr. MCNERNEY.

H.R. 1188: Mr. BRADY of Pennsylvania.

H.R. 1225: Mr. FRANK of Massachusetts.

H.R. 1280: Mr. CLEAVER.

H.R. 1331: Mr. WEINER and Mr. ALTMIRE.

H.R. 1344: Mr. MORAN of Virginia, Mrs. CAPPS, and Mr. DEFAZIO.

H.R. 1363: Mr. TIBERI, Ms. NORTON, Ms. CLARKE, Mr. MORAN of Virginia, and Mr. PAYNE.

H.R. 1380: Mr. SESTAK.

H.R. 1398: Mr. LARSEN of Washington, Mr. RENZI, and Mr. CAMP of Michigan.

H.R. 1400: Mr. BAIRD, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. DAVID DAVIS of Tennessee, Mr. DANIEL E. LUNGREN of California, and Mr. KUHL of New York.

H.R. 1415: Mr. SCOTT of Virginia.

H.R. 1416: Mr. SCOTT of Virginia.

H.R. 1436: Mr. FILNER.

H.R. 1439: Mr. KLEIN of Florida.

H.R. 1541: Mr. BISHOP of Georgia.

H.R. 1561: Mr. COHEN.

H.R. 1567: Ms. LINDA T. SÁNCHEZ of California and Mr. BRADY of Pennsylvania.

H.R. 1613: Mr. MILLER of Florida.

H.R. 1657: Mr. ARCURI.

H.R. 1687: Ms. JACKSON-LEE of Texas.

H.R. 1688: Mr. COHEN.

H.R. 1693: Ms. SCHAKOWSKY.

H.R. 1707: Mr. BOUCHER.

H.R. 1709: Mr. CHANDLER, Mr. BISHOP of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 1733: Mr. WALBERG.

H.R. 1754: Mr. MELANCON, Mr. ISRAEL, and Mr. CHANDLER.

H.R. 1783: Ms. WOOLSEY and Mr. MORAN of Virginia.

H.R. 1814: Mr. GONZALEZ and Mr. DAVID DAVIS of Tennessee.

H.R. 1828: Mr. HARE.

H.R. 1880: Mr. HARE.

H.R. 1909: Mr. BILBRAY.

H.R. 1926: Ms. BERKLEY and Mr. JEFFERSON.

H.R. 1933: Mr. COSTELLO.

H.R. 1959: Mr. ROGERS of Kentucky and Mr. DAVID DAVIS of Tennessee.

H.R. 1964: Mrs. TAUSCHER.

H.R. 1967: Mr. SESSIONS.

H.R. 1971: Mr. PALLONE.

H.R. 1977: Mr. PAUL.

H.R. 1992: Ms. CARSON.

H.R. 2017: Mr. ALLEN and Mr. ARCURI.

H.R. 2027: Mr. FILNER.

H.R. 2032: Mr. KANJORSKI and Mr. CARNEY.

H.R. 2045: Mr. RENZI, Mrs. MALONEY of New York, Mr. DUNCAN, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Ms. NORTON, Mr. MARSHALL, Mrs. NAPOLITANO, Mr. GORDON, Mr. RAMSTAD, Mr. MORAN of Virginia, Ms. CASTOR, Mr. COHEN, and Mr. FILNER.

H.R. 2097: Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. SIRES, Mr. ABERCROMBIE, and Mr. MORAN of Virginia.

H.R. 2108: Mr. GONZALEZ, Mr. DEFAZIO, and Ms. WOOLSEY.

H.R. 2114: Mr. MCDERMOTT.

H.R. 2126: Mr. DAVIS of Illinois and Mr. GORDON.

H.R. 2192: Ms. WOOLSEY and Ms. HIRONO.

H.R. 2211: Ms. WATSON and Mr. MICHAUD.

H.R. 2220: Mr. FOSSELLA and Mr. FORTUÑO.

H.R. 2221: Mr. WELCH of Vermont.

H.R. 2223: Mr. MORAN of Virginia.

H.R. 2255: Mr. SALAZAR.

H.R. 2265: Ms. WATSON.

H.R. 2342: Ms. SOLIS.

H.R. 2361: Mr. ALTMIRE and Mr. BOSWELL.

H.R. 2364: Mr. CONYERS.

H.R. 2367: Ms. SCHAKOWSKY.

H.R. 2370: Mrs. CUBIN, Mrs. MCMORRIS RODGERS, Mr. MCHUGH, Mr. JACKSON of Illinois, and Mr. WILSON of South Carolina.

H.R. 2384: Mr. COHEN.

H.R. 2387: Mr. DAVIS of Illinois and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2392: Mr. SERRANO, Mr. MORAN of Virginia, and Mr. FILNER.

H.R. 2407: Mr. BISHOP of Georgia and Mr. BILIRAKIS.

H.R. 2432: Mr. DAVIS of Kentucky.

H.R. 2443: Mrs. MALONEY of New York, Mr. MCCOTTER, Mr. BRADY of Texas, Mr. TOWNS, Mr. GORDON, Mr. MCHUGH, and Mr. ACKERMAN.

H.R. 2449: Ms. WATSON.

H.R. 2452: Ms. SCHAKOWSKY.

H.R. 2464: Mr. DAVIS of Illinois, Mr. YOUNG of Florida, Ms. DEGETTE, and Ms. MATSUI.

H.R. 2469: Mr. MILLER of Florida.

H.R. 2526: Mr. ENGEL and Mr. HINOJOSA.

H.R. 2566: Mr. BRADY of Pennsylvania.

H.R. 2567: Mr. PETERSON of Minnesota.

H.R. 2574: Mr. PAYNE.

H.R. 2588: Mrs. MYRICK.

H.R. 2593: Ms. SOLIS and Mr. WYNN.

H.R. 2596: Mrs. TAUSCHER and Mr. FRANK of Massachusetts.

H.R. 2604: Mr. MORAN of Virginia.

H.R. 2617: Mr. CUELLAR.

H.R. 2674: Mr. CONYERS.

H.R. 2677: Mrs. NAPOLITANO and Ms. CASTOR.

H.R. 2685: Mr. KIRK.

H.R. 2708: Mr. TOWNS, Ms. BORDALLO, Mr. CLEAVER, Mr. DAVIS of Illinois, and Mr. WALZ of Minnesota.

H.R. 2727: Mr. ENGLISH of Pennsylvania and Ms. FALLIN.

H.R. 2734: Mr. ROYCE.

H.R. 2750: Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. REYES, Mr. BACA, Mr. SIRES, Mr. PAYNE, Mr. ORTIZ, Mr. PASTOR, Mr. LAMPSON, Mr. CRAMER, Ms. LINDA T. SÁNCHEZ of California, Mr. DICKS, Ms. SCHAKOWSKY, Mr. BERRY, Ms. MCCOLLUM of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. SHULER, Ms. HOOLEY, Ms. Velázquez, Mrs. NAPOLITANO, Ms. HARMAN, Mr. MEEK of Florida, Mrs. LOWEY, Mr. HONDA, Mr. LOEBSACK, Ms. SCHWARTZ, Mr. INSLEE, Mr. MCCAUL of Texas, Mr. SULLIVAN, Mr. ISSA, Mr. THOMPSON of California, Mr. CLAY, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. SHERMAN, Ms. SLAUGHTER, Mr. CONYERS, Mr. CLYBURN, Ms. WASSERMAN SCHULTZ, Mr. COSTA, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CANTOR, Mrs. CAPITO, Mr. CAPUANO, Mr. CARNEY, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. CRENSHAW, Mr. CUELLAR, Mr. DAVIS of Kentucky, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOGGETT, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FLAKE, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GILCHREST, Mr. GILLMOR, Mr. GOHMERT, Mr. GONZALEZ, Mr. GOODE, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HINOJOSA, Mr. HOBSON, Mr. HODES, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LANGEVIN, Mr. LANTOS, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MEEHAN, Mr. MICA, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLVER, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. REGULA, Mr. REICHERT, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. SALI, Mr. SAXTON, Mr. SCHIFF, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TANCREDO, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. UDALL of Colorado, Mr. UPTON, Mr. VISCLOSKY, Mr. WALSH of New York, Mr. WAMP, Mr. WAXMAN, Mr. WELCH of Vermont, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, MR. WICKER, Mrs. WILSON of New Mexico, Mr. WU, and Mr. YOUNG of Alaska.

H.J. Res. 39: Mr. RUSH.

H.J. Res. 44: Mr. ROHRABACHER, Mr. BLUMENAUER, Mr. WOLF, Mr. PITTS, Mr. BERMAN, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Ms. BORDALLO, and Mr. GONZALEZ.

H. Con. Res. 108: Mr SHULER and Mr. HINCHEY.

H. Con. Res. 137: Mr. WELLER.

H. Con. Res. 162: Mrs. DAVIS of California, Mrs. MALONEY of New York, and Mr. COHEN.

H. Res. 154: Mrs. BLACKBURN and Mr. DAVIS of Illinois.

H. Res. 194: Mrs. GILLIBRAND.

H. Res. 231: Mr. BOOZMAN.

H. Res. 282: Mr. EMANUEL and Mr. MANZULLO.

H. Res. 309: Mr. HASTINGS of Florida.

H. Res. 322: Mrs. BOYDA of Kansas.

H. Res. 356: Mrs. LOWEY and Mr. ISRAEL.

H. Res. 378: Mr. MARIO DIAZ-BALART of Florida, Mr. WILSON of South Carolina, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. BURTON of Indiana, and Mr. MANZULLO.

H. Res. 406: Mr. ARCURI, Mr. BISHOP of Georgia, Mr. CLAY, Mr. FALEOMAVAEGA, Mr. WYNN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. ENGEL, Mr. ISRAEL, Mr. CUMMINGS, Ms. HERSETH SANDLIN, Mr. MOORE of Kansas, Mr. BLUMENAUER, Mr. WAXMAN, Mr. DONNELLY, Mr. SHAYS, and Mr. SNYDER.

H. Res. 426: Mr. HIGGINS.

H. Res. 447: Ms. SCHAKOWSKY.

H. Res. 467: Mr. PALLONE.

H. Res. 475: Ms. GIFFORDS.

H. Res. 477: Mr. CARNAHAN, Mr. MCCOTTER, Mr. BRADY of Pennsylvania, and Mr. CLEAVER.

H. Res. 485: Mr. PETERSON of Pennsylvania.

H. Res. 486: Mr. MOORE of Kansas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2641

Offered By: Mr. Garrett of New Jersey

Amendment No. 8: At the end of the bill, before the short title, insert the following new section:

Sec. 503. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

H.R. 2641

Offered By: Mrs. Musgrave

Amendment No. 9: At the end of the bill (before the short title), insert the following new section:

Sec. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2641

Offered By: Mr. Upton

Amendment No. 10: Page 24, line 20, after the dollar amount, insert "(increased by $4,000,000,000)".

Page 24, after line 22, insert "$4,000,000,000 shall be available for advanced nuclear energy facilities,".

H.R. 2641

Offered By: Mr. Upton

Amendment No. 11: At the end of the bill (before the short title), insert the following:

Sec. 503. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" designation.

H.R. 2641

Offered By: Mr. Price of Georgia

Amendment No. 12: At the end of the bill, before the short title, insert the following new section:

Sec. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent.

H.R. 2641

Offered By: Mr. Gohmert

Amendment No. 13: At the end of the bill, before the short title, insert the following:

SEC. 503. NO FUNDS FOR CERTAIN SETTLEMENT.

None of the funds made available in this Act may be used to implement the Stipulation of Settlement dated September 13, 2006, in the litigation captioned Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK-GGH.

H.R. 2641

Offered By: Mr. Campbell of California

Amendment No. 14: At the end of the bill (before the short title), insert the following:

Sec. 503. Appropriations made in this Act are hereby reduced in the amount of $1,305,000,000.

H.R. 2641

Offered By: Mr. Campbell of California

Amendment No. 15: At the end of the bill (before the short title), insert the following:

Sec. 503. Appropriations made in this Act are hereby reduced in the amount of $1,130,000,000.

H.R. 2641

Offered By: Mr. Hensarling

Amendment No. 16: Page 38, strike lines 7 through 13.

H.R. 2641

Offered By: Mr. Neugebauer

Amendment No. 17: Page 37, strike lines 9 through 19.

H.R. 2641

Offered By: Mr. Hensarling

Amendment No. 18: Page 25, line 14, after the second dollar amount, insert "(reduced by $27,950,000)".

H.R. 2641

Offered By: Mr. Kline of Minnesota

Amendment No. 19: Page 18, line 10, after the dollar amount insert "(reduced by $142,000,000)".

H.R. 2641

Offered By: Mr. Hensarling

Amendment No. 20: Page 17, line 3, after the dollar amount insert "(reduced by $19,224,000)".

H.R. 2641

Offered By: Mr. Campbell of California

Amendment No. 21: Page 16, line 19, after the dollar amount insert "(reduced by $101,550,000)".

H.R. 2641

Offered By: Mr. Hensarling

Amendment No. 22: Page 11, line 21, after the dollar amount, insert "(reduced by $55,000,000)".

H.R. 2641

Offered By: Mr. Hensarling

Amendment No. 23: Strike Section 105.

H.R. 2641

Offered By: Mr. Westmoreland

Amendment No. 24: Page 4, line 9, after the dollar amount, insert "(reduced by $18,000,000)".

H.R. 2641

Offered By: Mr. Westmoreland

Amendment No. 25: Page 5, line 8, after the dollar amount, insert "(reduced by $184,241,000)".

H.R. 2641

Offered By: Mr. Westmoreland

Amendment No. 26: Page 3, line 8, after the dollar amount, insert "(reduced by $481,186,000)".

H.R. 2641

Offered By: Mr. Wynn of Maryland

Amendment No. 27: At the end of the bill, before the short title, insert the following:

Sec. 503. Of the amount made available for Energy Efficiency and Renewable Energy for the Department of Energy, $213,000,000 shall be made available for hydrogen technologies as authorized by section 974 of the Energy Policy Act of 2005 (42 U.S.C. 16314).

H.R. 2764

Offered By: Mr. Culberson

Amendment No. 1: In the item relating to "Development Assistance", insert before the period at the end the following: "*Provided further*, That, of the funds made available under this heading, not less than $20,000,000 shall be made available for rural water and sanitation projects in East Africa".

EXTENSIONS OF REMARKS

COMMEMORATING THE 25TH ANNIVERSARY OF THE VIETNAM MEMORIAL WALL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I would like to take a moment to reflect upon the events of 25 years ago and to remember the tremendous sacrifice a generation of veterans and their families made for our country at that time.

58,256 names are engraved on the black granite walls of the Vietnam Memorial Wall here in Washington, DC to honor America's war dead of a generation ago. The stories of these individuals and their families make our hearts ache today and will never be forgotten.

Jo-Ann Moriarty, a reporter from The Republican newspaper in Springfield, MA, compiled a series of stories this Memorial Day about Vietnam veterans from Western Massachusetts that touches upon their experience while serving our country. Their stories are remarkably similar to those being told by the brave men and women serving in Iraq and Afghanistan today. Sharing this history is critically important so that we never forget the serious impact of war.

I would like to submit the first two pieces of Jo-Ann Moriarty's series into the CONGRESSIONAL RECORD today for others to enjoy, and to thank veterans from Massachusetts and across America for their service to our country.

[From the Republican, May 27, 2007]

RAW EMOTIONS SURFACE AT VIETNAM MEMORIAL

(By Jo-Ann Moriarty)

At each end of the Vietnam Memorial Wall, the black granite rises only 8 inches above the earth—ankle high.

But, with each step forward, visitors find themselves sinking deeper and deeper into a well of names—tens of thousands of names of America's young men—engraved on a stone wall that, at its center, towers 10 feet.

For many veterans of the Vietnam War, it feels as if they are descending into an abyss. It can be suffocating.

All those names etched into the wall take one's breath away. They find themselves drowning in memories and images of buddies and brothers they loved and lost.

Marine Corps Capt. Daniel M. Walsh III, now the director of veteran affairs for the city of Springfield, had his sergeant, Leonard A. Hultquist, die in his arms during combat just moments before he, himself, was struck by a bullet.

Under fire, Army Cpl. Heriberto Flores, who is today the head of the New England Farm Workers Council in Springfield, was a door gunner aboard a UH-1 Huey helicopter when he saw his friend from Springfield, Army Spc. Paul E. Bonnette, hit by enemy fire. He was 21.

This marks the 25th anniversary year of "the wall," a long, thin line of black granite that stretches 246.9 feet along the National Mall. Nestled into the landscape below the lofty monuments that honor George Washington and Abraham Lincoln, it is the nation's memorial to its war dead in Vietnam.

It was designed by Maya Lin, an Asian-American, at the age of 21 while she was still an undergraduate at Yale University.

It bears 58,256 names.

It took a decade after its building before Walsh, Flores or Springfield attorney Frederick A. Hurst could make their visits. Hurst's youngest brother, Army Spc. Ronald C. Hurst, was killed April 12, 1967, when the Jeep he was driving struck a landmine in Vietnam.

"It was emotional," said Flores, who ultimately first visited the monument with his wife, Grace.

Hurst stenciled his brother's name during his visit. "It was tough," he recalled recently.

Walsh only went because he was engineered there by three of his young sons, one of whom became a Marine and all of whom wanted to know their father's history.

"I never had any intention of going to see it," Walsh said. "We lost a lot of people. A lot of people were hurt. A lot of bad things happened."

The wall holds the names of guys with whom Walsh shared foxholes and who were friends from Holy Name School—like Army Sgt. Walter "Buddy" J. Fitzpatrick, of Springfield, killed in combat in South Vietnam on March 3, 1967, and Army Lt. Bernard J. Lovett Jr., also of Springfield, whose tour of duty in Vietnam began on July 22, 1970 and ended when he was killed in action on Oct. 16, 1970 in Hua Nghia.

Walsh knew and admired another Springfield friend, Marine Capt. Ralph E. Hines, who was killed in combat on Feb. 19, 1967. He was 28.

Oddly, when Walsh finally made it to the wall, he found the unexpected.

"It was peaceful," Walsh said. "The memories kept flowing back, a lot were good, with the troops."

In Vietnam, Flores saw duty aboard Huey helicopters, dropping infantrymen in the field in the morning and collecting them in the afternoon. He would notice fresh faces among the troops and pray they would make it back on the helicopter by the end of the day. Some were waiting in body bags.

To Flores, the wall is validation.

"I think it is closing the circle," Flores said. "Certain lessons we've learned. The nation has honored us. For so many years, we were losers. And now, people realize we were soldiers."

Those soldiers were in a no-win situation as Vietnam devolved into a civil war where the enemy and the innocent were hard to distinguish. Army infantrymen and Marines snaked through the jungles, going from hilltop to hilltop, moving constantly while the Navy patrolled seemingly endless rivers and the Air Force and Army flight crews performed missions from above. Vietnam was a place of guerilla warfare and underground tunnels, where everyone—man, woman or child—could be the enemy, or not.

There was the My Lai massacre, in which American soldiers killed hundreds of innocents, and back home anti-war protestors chanted outside of President Lyndon B. Johnson's White House, "Hey, hey LBJ, how many kids did you kill today."

"Anyone there was a loser," said Westfield native Benjamin Sadowski Jr., the son of a survivor of the famed World War II Battle of the Bulge, who survived his own combat tour in Vietnam.

Up north in the tiny Franklin County town of Shelburne Falls, which had a population of about 2,600 at the time, families grieved the loss of four of their sons in Vietnam.

Altogether, from the four counties of Western Massachusetts, the Vietnam War claimed 200 casualties, 50 in the city of Springfield alone.

"Two of my best buddies, plus my brother," said John E. "Jack" Palmeri, whose brother James E. "Jimmy" Palmeri died 11 days after being hit by mortar fire on Feb. 26, 1967. He was 20.

Jack Palmeri, who enlisted in the Army and was sent to Germany, had advised his younger brother to do the same. "But Jimmy said, 'I can't stand the military for three years. I'll take my chances.' "

While others shed their uniforms when returning home from services, Jack Palmeri wore his home in honor of his brother and his friends, Army Spc. Ronald E. Wissman, killed at age 20 in action on May 21, 1967, and Marine Capt. Paul T. Looney, a helicopter pilot shot down on May 10, 1967.

For those who returned home, he said, "We were not welcomed. The country was divided and Vietnam divided it."

In those days, there was sometimes no distinction between the hatred of the Vietnam War and the U.S. troops who fought there.

The nation was torn apart by race riots. Anti-war protesting students were caught up in the homefront violence seen in the assassinations of Martin Luther King Jr. and Robert F. Kennedy in 1968.

Kennedy, running a presidential campaign on the promise of getting out of Vietnam, was shot dead in June. Months after his killing, the 1968 Democratic Convention in Chicago was engulfed in violence in the streets—the Chicago cops beating the long-haired protesters who had gathered to demonstrate against the war in Vietnam.

There were the killings of four students at Kent State University as they protested the U.S. invasion of Cambodia in 1970, shot dead by Ohio National Guardsmen.

There was Vietnam veteran and future U.S. senator John F. Kerry in 1971 in combat fatigues testifying against the war before the Senate Foreign Relations committee.

And, the U.S. troops, fighting in a divided country half-way round the world, wound up returning home to another divided country.

It was a time of tumult and change, verging, at times on chaos.

Rock star Jimi Hendrix sang to the rage, pain, passion and confusion of the nation's youth: "Purple haze all in my brain. Lately things just don't seem the same."

In Vietnam, New York banker Henry "Hank" Trickey was a sergeant in "Alpha" Company of the Army's 101st Airborne Division and was steps behind Springfield native

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Spc. Peter F. Nolan when Nolan was hit by ambush fire, dead on May 8, 1970, at the age of 21.

"There was no front line," Trickey recalled recently. "Constant movement. You never knew what was in front of you. You never knew if you would make it through the day."

Flores flew infantrymen in and out of battle zones every day. Sometimes the drop was bad—sending the soldiers off to a set-up by the enemy. Sometimes, the helicopters were under intense fire, and one would go down or an American B–52 bomber would appear and drop napalm.

"It was organized insanity," Flores said. "People you are defending are shooting at you."

A lot of the guys, like Flores, were high school drop-outs. But blacks, whites and Latinos discovered among the rag-tag, chain-smoking, beer-drinking fearless ranks a brotherhood free from racism and filled with pure faith, courage and valor.

"When we see each other, we say, 'I love you, brother,' and we really mean that," Flores said. "I was proud to be there. We did not choose the war; they sent us."

The wall which memorializes the dead from a war that once divided the nation has become a source of comfort, a place for mending.

"It is a healing thing," Palmeri said.

Hurst, who views his brother's death as a waste of a life that had so much promise, said he has found a peace at the monument.

"My personal comfort came from the reaction the country had to the wall," Hurst said. "The wall brought a resolution to the whole Vietnam thing."

Oklahoma resident Tommy Kellogg was steps behind Springfield teenager Army Pfc. James A. Messer when Messer was caught in an ambush.

Messer, 18, a parachuter, had been recently recruited from B Company of the 1st 327 Infantry Battalion of the 101st Airborne to join Tiger Force. It was a fierce band of 45 soldiers on a new assignment with loose orders concerning search and destroy missions in the jungle.

Kellogg has not seen the wall. Nor has Hank Trickey.

James Austreng, of Wisconsin, also hasn't been able to make a visit to the wall. Yet, after all these years, he still holds the memory of a 21-year-old from Westfield, James D. Zebert.

It was Zebert who provided cover for his squad—including Austreng—only to be shot dead minutes later in Tay Ninh, South Vietnam, on June 27, 1979. His tour had begun just 18 days earlier.

The Army private who served under Capt. Steven J. Popkin, of Springfield, still can visualize the Mohawk helicopter pilot wearing his hat slightly askew.

"Capt. Popkin was one of the nicest guys all around. He was a damn fine aviator," said Bruce Gaylord, who grew up in Michigan. "He didn't lord his rank over anyone. He would never make a joke about someone else. He had a rich sense of humor and a wonderful laugh."

"He was a good officer, the kind of guy you would follow into hell," Gaylord said.

But not to the nation's capital.

"I could never bring myself to it," Gaylord said.

[From the Republican, May 28, 2007]

VIETNAM GREEN BERET MADE CHICOPEE PROUD

(By Jo-Ann Moriarty)

What can you say about a 24-year-old man whose name is among 58,256 on the Vietnam War Memorial?

That he was the platoon leader in Bravo Company.

That every day he assigned someone from the squad to watch over "Mouse."

That he and his grunts, strapped with M-16s, trailed a jungle maze for weeks and fought for their lives as the young lieutenant tried to pick their battles.

Mark C. Rivest, of Chicopee, was an officer and gentleman.

He was one of the famed "Green Berets" in the Army's Special Forces, and he completed two tours in Vietnam as the leader of a platoon which, for the most part, was composed draftees, many of whom were high-school dropouts.

A couple of guys in the band of 30 men should probably have never been in the Army, let alone assigned into the deadly terrain around Hue, a battle-scarred city just below the North Vietnam border.

"He is a very hard person to forget," recalled Manhattan businessman Anthony Loiero, who turned 21 in Vietnam and served under Rivest between 1969 and 1970.

"One of the things I remember the most about him was that he tried to keep us out of trouble," Loiero said. And, when they went in for the fight, "he would make sure that we were all protected. He was concerned about the guys he was responsible for. The jobs we were doing, he wanted to make sure we were there to do them the next day."

The year before Rivest and most of his men arrived in country, the Tet Offensive in 1968 ramped up the carnage and particularly bloody was the battle for Hue.

When Communist forces seized the city, they held the city for 25 days "committing ghastly atrocities during the initial phase of their occupation," wrote Stanley Karnow in his Pulitzer Prize-winning book: "Vietnam. A History."

Back home, America was violent, too. Robert F. Kennedy and Martin Luther King Jr. were assassinated within months of each other. America was at war with itself. That summer, anti-war protesters were beaten by Chicago police as they stormed the Democratic Convention.

By 1969, when Rivest, who left behind his parents, Paul and Catherine, two brothers and a sister in the Aldenville section of Chicopee, and Loiero, an only child, who grew up in the Italian enclave of West New York, N.J., where he still lives, got to Vietnam, the death toll of American soldiers and civilians—both in the North and South—was staggering.

Before they met, Rivest had completed a six-month tour as platoon leader and, instead of alternating to the rear, "he transferred into the field again at his request," Loiero said.

Rivest earned the confidence of the soldiers in his new platoon almost immediately. Even-tempered, without bluster, he was approachable and ruled by a shot from his dark eyes.

He was college educated. He smoked Chesterfields, played the piano and had something about him that Loiero still associates with Louis Armstrong's song, "What a Wonderful World."

It took Loiero 13 years before he went to "the wall" in Washington, D.C., to take in the full measure of the Vietnam War's toll and tragedy, his delay mostly attributable to seeing the actual engraving of his platoon leader's name.

Now, middle-aged, Rivest's covenant to keep the men in his platoon safe with his good judgment and keen skills is even more precious to Loiero who came home, got a college degree, has a successful graphic arts business and is happily married with two children.

"We were a rag-tag bunch of good guys living every day hoping that every one of us would live to go home that day." Loiero said, adding that he still thinks "about the way he treated us. How he protected us. How his main objective was to watch his gaggle of geese and to make sure we did the right thing."

"If we were in harm's way, he would be the first one out there clearing the path," he added.

Rivest made his platoon a band of brothers. And, he did it in many ways, Loiero said.

There were, for instance, specific orders that someone in the squad watch over a guy nicknamed "Mouse," and a couple of other grunts, who Loiero said, "should never have been in the Army. Should never had been sent to Vietnam. And never should have been in the infantry with the rest of us."

Rivest instilled a discipline for constant movement.

The checklist was drilled into his men: Rifles cleaned. Gear together. Who's got the gun flares. Teeth brushed. Boots tied up. Who's watching "Mouse" today? Who's sleeping first.

"Then you'd start all over," Loiero said. "You make a commitment to the guys next to you and they make it to you. It is a brotherhood."

After their tour ended, Loiero went home. And Rivest, from what Loiero has been able to piece together, returned to Special Forces duty. The next assignment he accepted took him into Laos where he was killed in ground combat on June 4, 1970.

These days, Palmer resident Josh R. Morin, who once lived across from the Rivest home on McKinstry Avenue in Chicopee, carries the green beret of his boyhood friend to schools in Western Massachusetts as he talks to students about U.S. history and the Vietnam War.

As boys, they played Army together with their younger brothers.

Morin had been to Vietnam and back before Rivest went, and he warned his buddy against going because the terrain had gotten so dangerous. Morin's combat buddy had been shot dead inches from him.

When Rivest was killed, Morin, married at the time but living on the same street, said he couldn't go to the funeral.

"I couldn't go to his funeral and face his mother and father, the idea that I made it and he hadn't. I couldn't deal with it and now I regret that," Morin said. "I never saw them again."

Someone in the family later entrusted Morin with Rivest's green beret and his medals.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. GUTIERREZ. Madam Speaker, I was on official leave of absence due to a health matter in my family. Had I been present, I would have voted "yea" on rollcall votes 483, 491, 497, and 498 and "no" on rollcall votes 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 484, 485, 486, 487, 488, 489, 490, 492, 493, 494, 495, and 496.

RECOGNIZING THE ACCOMPLISHMENTS OF BILL DEARMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Bill Dearman of Alexandria, Virginia. Bill Dearman's retirement will mark the conclusion of 10 years of extraordinary and dedicated leadership and service to the Alexandria Redevelopment and Housing Authority.

Mr. Dearman's skilled leadership and devotion to Alexandria have led to a number of great accomplishments. Among these as the challenge of redeveloping the Samuel Madden Housing Project into what is now the nationally recognized award-winning Chatham Square. In addition he oversaw the development of various site replacements at Braddock Road, and the rehabilitation and refinancing of Jefferson Village, Quaker Hill and Cameron Valley projects.

Through his dedication to the Citizens of Alexandria, he helped ensure housing needed to Alexandria's neediest. His creativity led to effective reorganization of the authority and expansion of services to residents. Through is tireless efforts, Mr. Dearman has improved the general appearance and maintenance of all Alexandria Redevelopment and Housing Authority properties.

In closing I wish to commend Mr. Dearman for his years of service to the City of Alexandria. I wish all the best to him on his retirement with his family in Atlanta.

INTRODUCTION OF BIRTHDAY RESOLUTION FOR WILLIAM JEFFERSON CLINTON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with my friend and colleague from New York, Representative NITA LOWEY, I am introducing a resolution to recognize President Clinton's 61st birthday, which we will celebrate this August 19th. President Clinton has had a long and distinguished career in public service including serving as Governor of Arkansas and President of the United States. During Clinton's two terms in the White House, this country experienced unprecedented economic expansion including the creation of 22 million jobs. He worked with our NATO allies to end the ethnic cleansing in the Balkans, and played a fundamental role in bringing peace to Northern Ireland. Since leaving office in 2001, President Clinton has continued to dedicate his life to public service through the Clinton Foundation, which serves to strengthen the capacity of people throughout the world to meet the challenges of global interdependence. Notably, the Clinton Foundation has worked to make HIV/AIDS medication more accessible in poor and middle income countries and develop sustainable economic growth in Africa. Most recently, President Clinton launched the Clinton Climate Initiative (CCI) to help in the fight against global climate change.

I am honored today to recognize President Clinton's birthday as he has dedicated and continues to dedicate his life to serving the American people and noble causes around the world. I urge my colleagues to support this resolution.

TRIBUTE TO DR. WARREN F. WITZIG

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today to honor the life of Dr. Warren F. Witzig, of State College, PA, who died on June 13, 2007. Dr. Witzig, who was born on March 26, 1921, was one of the pioneers of nuclear power. Indeed, the Penn State Nuclear Engineering Society recently honored him as a "visionary and innovator in the establishment of the United States nuclear power industry." The Penn State community, his friends and colleagues, and most importantly, his family, will miss him.

Dr. Witzig received a B.S. in electrical engineering in 1942, from Rensselaer Polytechnic Institute, in Troy, NY; an M.S. in electrical engineering in 1944, from the University of Pittsburgh, and a Ph.D. in physics from the University of Pittsburgh. From 1942 to 1960, Dr. Witzig was employed at the Westinghouse Research Laboratories and Bettis Plant in Pittsburgh, PA.

During World War II, he worked on the Manhattan District program on high vacuum systems, heat transfer, mass spectroscopy, and ionic centrifuge. He served as the first experimenter in the Materials Testing Reaction and later as engineering manager of in-pile tests for the naval reaction program in Hanford, Chalk River, and the MTR–ETR complex.

Dr. Witzig took the reactor of USS *Nautilus*, the world's first nuclear-powered ship, critical for the first time in 1954 while serving as senior engineer. He was integral in the development of nuclear submarines used by the U.S. Navy, developing engineering that was vital to the *Skipjack* and *George Washington* series of nuclear submarines, which have been the backbone of the U.S. nuclear navy.

After leaving government service, he traveled worldwide in his consulting practice, NUS Corp., which grew into one of the country's largest independent groups of nuclear consultants. He became professor and department head of Nuclear Engineering at the Pennsylvania State University in 1967. While at Penn State, Dr. Witzig was responsible for one of the earliest student programs in nuclear engineering in the United States. He established the undergraduate and associate degree programs and initiated the continuing education Program on Radiation, Nuclear Safety and Environmental Effects for Public Education. Dr. Witzig conducted research in areas of reactor design and safety, fuel cycle, nuclear safeguards, rad-waste disposal, emergency planning and radiation monitoring.

Retiring from the university in 1986, he served on multiple public and private nuclear safety and oversight boards. Dr. Witzig chaired the Westinghouse GoCo Sites Nuclear Safety and Environmental Institute board of directors from 1988 to 1993. In 1979, Governor Richard Thornburgh called him into the service of the Commonwealth of Pennsylvania during the emergency shutdown of Three Mile Island II.

In June 1992, Witzig presented the paper, "The Value of a Nuclear Safety and Environmental Committee," at the Ukraine Academy of Science at Chelyabinski State University. He toured the site of the explosion at the Chernobyl nuclear power plant. Dr. Witzig had been a life-long advocate of nuclear energy as a clean, safe, and efficient source of energy and also for the training, accreditation, and oversight of nuclear operators.

Among Dr. Witzig's honors are Fellow, American Nuclear Society; Fellow, American Association for the Advancement of Science; Sigma Xi, Sigma Pi Sigma, and Eta Kappa Nu honor societies; Special Citation for an Engineering educator in Excellence in Engineering Education, EEI Power Engineering; Who's Who in Engineering and America; and Penn State's Outstanding Service Award for retirees.

He was also a leader in his community, serving Ferguson Township as a financial auditor and working 6 years on the Planning Commission, establishing the township's first comprehensive zoning ordinance. A member of the State College Presbyterian Church, Dr. Witzig was an ordained elder of the Presbyterian Church U.S.A. He served on the Christian Education committee, and was a Sunday School teacher.

Madam Speaker, I ask my colleagues to join me in extending our deepest sympathy to Dr. Witzig's family, especially his beloved wife Bernadette, his children Eric, Leah, Marc, and Lisa, his grandchildren Heather, Sean, Christie, Monica, Mallory, and Alicia, and his great grandchildren Madeline, Ava, and Miles. Our Nation owes a debt of gratitude to Dr. Witzig for his contributions to nuclear engineering. His leadership and ingenuity have saved lives, developed new technology, and advanced our knowledge of nuclear science.

TRIBUTE TO GARY GOSS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Gary Goss, owner of Structural Fiberglass in Bedford, PA, who has been named the 2007 Citizen of the Year by the Bedford Rotary Club. The Club annually recognizes a local individual who epitomizes the Rotary Motto of "Service Above Self."

Gary has been a dedicated leader in the Bedford community, giving his time to various community organizations. He has served as president of the Bedford Rotary Club and the Bedford County Development Association and currently chairs the local Adopt-a-Highway organization, as well as the Salvation Army Bell

Ringing Project. Gary has served as an assistant Scout Master for the Boy Scouts of America for 11 years, in addition to contributing to many other community organizations, nonprofits and his church. The Rotary International has previously recognized Gary as a Paul Harris Fellow.

While I could go on listing the countless organizations to which Gary has given his time and energy, it is reasonable to say that his contributions to the Bedford community are endless. There is no doubt that Gary has touched the lives of thousands, surely impacting each one of them in a tremendous and beneficial way. Gary serves as a role model for many, and it is my hope that those that have the opportunity to meet and work with Gary will take away some of his enthusiasm for bettering the community and the lives of those around him.

Gary's wife Peggy, to whom he has been married for 30 years, and his two children, Michael and Nicole, are certainly proud and honored by his remarkable work and devotion to improving the lives of others. The thousands of people who know Gary Goss—and who have benefited from his hard work and dedication—would join me in thanking Gary for his contributions to the Bedford community, as well as for serving as a great inspiration, demonstrating that selflessness and hard work go far in enhancing not only their own lives, but the lives of many.

HONORING THE ACHIEVEMENTS OF SUSAN TIEGER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the achievements of Ms. Susan Tieger, of Arlington, Virginia. After thirty-five years of teaching in Arlington County Public Schools, Ms. Tieger will be retiring, leaving behind a legacy of dedication, care and hard work.

Ms. Tieger graduated with honors from Queens College in 1971. After receiving her Bachelor of Arts degree in Elementary Education with the distinction of Cum Laude, she was awarded a fellowship in Special Education by the University of Virginia in Charlottesville and was awarded her Master of Education degree in June, 1972.

Ms. Tieger has taught in the Arlington County Public School system from September 1972 until the present. From 1972–1994, she taught multi-categorical self-contained classes consisting of students with learning disabilities, emotional disturbances and mental retardation at Francis Scott Key Elementary School. She has been the Special Education lead teacher at Barcroft Elementary School since 1994.

In June 2006, she earned the Educational Testing Service Recognition of Excellence for her outstanding performance in the Praxis II test in which she achieved one of the highest possible scores.

During her thirty-five years with Arlington schools, Ms. Tieger has touched and improved the lives of hundreds of children and their parents. She was able to assist and teach children with a variety of learning disabilities, including those with mental retardation and emotional problems. In addition, Ms. Tieger was able to help countless children to read, write, socialize, and most important, to achieve their highest potential.

Susan Tieger is the epitome of a dedicated, caring and hard-working public school teacher. The fact that Arlington County has one of the best school systems in the country is directly attributable to the talents, hard work and dedication of teachers like Ms. Tieger.

I commend Ms. Tieger on her dedicated career in education, and wish her and her family health and happiness in her well-earned, much deserved retirement.

RECOGNIZING THE IMPORTANCE OF CARIBBEAN-AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. RANGEL. Madam Speaker, I rise today in recognition of Caribbean American Heritage Month. The imprint of Caribbean-Americans on the foundation of the United States is indispensable. This June, we Americans have the opportunity to celebrate the history, accomplishments, culture and global influence of people of Caribbean descent past and present.

Caribbean-Americans have significantly contributed to the ethnic diversity that strengthens and enhances our stature in the international community. From the platform of St. Mark's Church in New York City to the halls of Congress, Caribbean-Americans such as Marcus Garvey and Congresswoman BARBARA LEE have effected the civil rights and federal legislation that serve as building blocks in American history.

Even in times of war, Caribbean-Americans support our efforts at home and abroad by serving in the U.S. Armed Forces. Today, thousands of Caribbean-Americans are fighting to achieve stability in Iraq.

In a wide variety of fields, people of Caribbean descent have transformed the Nation we live in today. I urge my colleagues to join me in support of H. Con. Res. 148, recognizing the significance of National Caribbean-American Heritage Month.

TRIBUTE TO BRIGADIER GENERAL JOHN F. KELLY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize Brigadier General John F. Kelly, United States Marine Corps. From August 2004 to June 2007, Brigadier General Kelly admirably served as the Legislative Assistant to the Commandant of the Marine Corps.

During his time in this position, Brigadier General Kelly created numerous successes for the Marine Corps mission. His keen knowledge and experience in Congressional affairs, combined with an increased emphasis on Congressional relationships, propelled the Commandant's strategy and vision. His leadership has enabled the Marine Corps to make tremendous progress during a period of sustained high operational tempo and unprecedented interest in Marine Corps activities.

Brigadier General Kelly is a graduate of the University of Massachusetts, the Marine Corps Command and Staff College, the School for Advanced Warfare, and the National War College. He has served in numerous command and staff positions over his 31 years as an officer in the Marine Corps and is a veteran of Operation Iraqi Freedom.

I wish Brigadier General Kelly and his family the best as he continues his distinguished service to our Nation in his next assignment as the Deputy Commanding General of the 1st Marine Expeditionary Force. I am confident he will continue to exemplify the best that the Marine Corps has to offer and will superbly command our troops in the field.

NDEA

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MCHUGH. Madam Speaker, under the NDEA, when the Class I milk price in the Boston market falls below the established minimum price, processors would pay an over-order premium—the difference between the minimum price set by the applicable Regional Dairy Board and the Boston Class I price—into a national fund. The U.S. Secretary of Agriculture would then distribute the monies in the fund back to the Boards according to a formula whereby each region would get back the greater of what they pay into the fund or the amount of the over-order payments a region would have generated if it had a Class I utilization rate of 50 percent. In the event of a shortfall, the Secretary would supplement the money in the fund from savings from the MILC program to ensure that the Regional Dairy Boards, and subsequently the dairy farmers themselves, would receive the full payments.

The Regional Dairy Boards would be comprised of three members from each participating state in a particular region. The U.S. Secretary of Agriculture would make the nominations to the Boards after receiving nominees put forward by governors or elected state agricultural commissioner after consultation with the dairy industry. Each state delegation to the Regional Dairy Boards would consist of three representatives, with at least one producer and one consumer.

In addition to the responsibility to establish minimum prices and distribute payments to dairy farmers, the Regional Dairy Boards would have the authority to conduct supply management programs when necessary, including the development of incentive-based programs. Moreover, in order to prevent overproduction, regions in which the growth in milk production is higher than the national average would be required to reimburse the U.S. Secretary of Treasury for the cost of government dairy surplus purchases up to the amount that the region is receiving under the NDEA.

It is important to note that the NDEA would not establish national pooling. Rather, it would create an equalization fund whereby processor paid funds would go to a central account at the U.S. Department of Agriculture; government funds would be added to that fund and then payments would be made to the various regions according to a formula, which would permit regions with low Class I utilization to receive the same benefit as those regions with higher utilization.

Also of significance, the NDEA would be entirely optional for the states and individual farmers. Thus, those states that do not wish to participate in the NDEA program could simply choose to continue to participate in the MILC program, which the NDEA would extend to 2012, and individual farmers in states participating in the new NDEA program could instead opt to merely continue receiving payments under their current MILC contract rather than under the NDEA. However, those individuals would not be eligible to extend their MILC contract beyond September 2008 and would lose all future eligibility to participate in the NDEA program.

Madam Speaker, the NDEA would create a market-orientated, counter-cyclical program to help all of our Nation's dairy farmers while simultaneously saving taxpayers money. Accordingly, I ask my colleagues to join with me to enact this important legislation.

HONORING BISHOP P.A. BROOKS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. CONYERS. Madam Speaker,

Whereas, Honoring Bishop Aquilla Brooks has served his community as a Local pastor for 50 years and as a jurisdictional bishop for more than 30 years; and

Whereas, Bishop Brooks, is a man of keen spiritual insight, integrity and has dedicated his life to serving the spiritual needs of the community; and

Whereas, Bishop P.A. Brooks, is a widely respected church and community Leader. Brooks has received numerous awards for his outstanding service to the community including the: FBI Outstanding Community Service Award. In 1979 the Michigan Chronicle recognized him as one of Detroit's outstanding men of the year; and

Whereas, Bishop Brooks, is the third-longest serving Church of God in Christ Bishop in the history of the State of Michigan. During his tenure he has implemented programs and initiatives that have benefited laity and clergy alike. Due to his influence the Church of God in Christ launched their first credit union in the State of Michigan in Fall 2004; and

Whereas, Bishop Brooks is a man of God standing firmly on the past, Established in the present, and important to the future of The Church of God in Christ. Therefore be it now

Resolved, That Bishop P.A. Brooks be commended on the occasion of the Inaugural Salute Banquet recognizing his elevation to the office of Second Assistance Presiding Bishop at the Church of God in Christ Inc.

Madam Speaker, I rise to commend and congratulate Bishop Phillip Aquilla Brooks on the occasion of his appointment as Second Assisting Presiding Bishop of the Church of God in Christ (C.O.G.I.C).

The third-longest serving Bishop of the Church of God in Christ in the history of Michigan, Bishop Brooks has served his community as a local pastor for 50 years and as a jurisdictional bishop for more than 30 years.

During this time, he has undertaken a number of initiatives to further the church's mission and strengthen it as an institution. Bishop Brooks organized the first Regional Council of Bishops, which unites the 12 jurisdictions of Michigan and Canada and allows them to work together to develop programs that benefit the church. He instituted the First Interactive Ministerial Alliance Meetings, which allow local pastors to plan and implement their own agendas, including workshops, praise and worship, and resource sharing. Bishop Brooks is responsible for the purchase and renovation of Northeast Michigan's Jurisdictional Cathedral Center. He also helped establish the nation's first Blue Cross/Blue Shield program for local pastors and C.O.G.I.C's first Credit Union.

Bishop Brooks has rightly been described as a man of prayerful reflection, honest discussion, humility, and mutual respect for all who have known him. I take great pleasure in knowing that the members of his church as well as the citizens of Michigan have benefited greatly by his guidance. I am confident that Bishop Brooks will serve the Church of God in Christ with passion, love, and dedication in this new capacity.

Madam Speaker, I ask my colleagues to join me in congratulating Bishop Brooks as he takes on this new role of leadership. Bishop Brooks is truly deserving of this high honor, as well as our respect and admiration.

S. 5, THE STEM CELL RESEARCH ENHANCEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of S. 5, the Stem Cell Research Enhancement Act and commend Congresswoman DIANA DEGETTE and Congressman MICHAEL CASTLE for their leadership on this important issue.

Today, once again, Congress responds to the priorities and needs of the American people, in bringing forward a bill to expand federally-funded embryonic stem cell research.

S. 5 is supported by 72 percent of the American public, including over 200 patient groups, universities, and scientific societies. It has also been endorsed by more than 75 national and local newspapers, and 80 Nobel Laureates.

This bipartisan legislation will provide hope and opportunity for millions of Americans suffering from chronic and life-threatening health conditions. I have voted to expand this critical research 4 times. It is time for the President to listen to the American people and the majority of Congress and to sign this bill into law.

Recent research has shown that scientists have been able to create pluripotent stem cells from mouse skin cells. This is an exciting development, and should be pursued in conjunction with embryonic stem cell research. We should support and pursue all ethical, lifesaving research.

The expansion of funding to stem cell research has the power to make a real difference in the lives of Americans. I urge my colleagues to join me in supporting S. 5.

HONORING THE ACHIEVEMENTS OF MYROSLAVA GONGADZE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishment of Myroslava Gongadze of Arlington, Virginia and a proud member of our civil service. Ms. Gongadze serves as the leading spokesperson for American values in Ukraine, helping to move the nation in a more pro-western direction.

A native Ukrainian who was granted political asylum in the United States in 2001 and began working for Voice of America in 2004, Myroslava Gongadze is one of the most recognized journalists and human rights advocates in Europe. This episode during the 2004 elections is just one chapter in her long-running fight for justice in her homeland and across the globe.

For 17 days in November 2004, with temperatures below freezing in the central square in Kiev, Ukraine, a million people stood in a sea of orange color, protesting fraudulent presidential elections. Two huge screens flanked the makeshift stage hooked into Ukraine's only independent source of information, Channel5 TV. The broadcast they received was from the Voice of America's Washington studio, and the face they saw was Myroslava Gongadze. When Ms. Gongadze reported U.S. Secretary of State Colin Powell's statement that the United States refused to recognize the falsified election results, it was one of the watershed moments of Ukraine's "Orange Revolution," which resulted in the election and peaceful installation of Viktor Yuschenko as Ukraine's new President.

While her story is inspirational, the circumstances that drove Ms. Gongadze to become a political activist are tragic. Her husband Georgy Gongadze was a renowned investigative journalist who exposed corruption and cronyism in the administration of the former Ukrainian President. In 2000, he was murdered by government police. Since his death, she has made it her mission to promote freedom of speech, the rights of journalists and the need to bring corrupt officials to justice.

She has pursued her agenda by working with many different organizations, including the European Court for Human Rights, the Organization for Security and Cooperation in Europe and the Committee to Protect Journalists. She even created the Gongadze Foundation, a nongovernmental organization working to protect journalists' rights and political freedom. However, the organization that has given her the platform to make her biggest impact has been the Voice of America.

Madam Speaker, I commend Ms. Gongadze for her leadership, and I am proud to have her live in Virginia's 8th Congressional District as she contributes to the greatest civil service in the world. I wish her all the best in her future endeavors.

TRIBUTE REGARDING THE 65TH ANNIVERSARY OF THE BATTLE OF MIDWAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. SKELTON. Madam Speaker, our Nation recently commemorated the 65th Anniversary of the Battle of Midway. Let me take this opportunity to reiterate the importance of that battle and remember the Americans who lost their lives in the defense of a small island northwest of Hawaii.

Between June 4 and June 7, 1942, the United States Navy defeated a Japanese attack against the Midway Atoll in what has come to be called the Battle of Midway. The battle was a decisive victory for Americans and is widely regarded as the most important naval engagement of World War II and a critical turning point in the Pacific Theater.

During the battle, 307 Americans lost their lives. We remember the sacrifices made by those men. They gave their lives for the cause of freedom. Through their actions, the war was won and peace preserved. We will not soon forget them.

At this time, it is also important to pause to remember the contributions of the many thousands of American sailors who participated in the Battle of Midway and survived. They—like so many of their generation—were touched by the ravages of war and continue to wear their scars. We owe them a debt of gratitude we cannot soon repay except by remembering their struggle, honoring their sacrifice, and continuing to keep in our thoughts those Americans who maintain our Nation's tradition of military excellence by serving with valor and distinction today.

INTRODUCTION OF THE NATIONAL DAIRY EQUITY ACT OF 2007

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. McHUGH. Madam Speaker, I rise today with my colleague from New York, Mr. REYNOLDS, to introduce the National Dairy Equity Act of 2007 (NDEA), which is designed to establish a minimum price for fluid milk and create a market-based safety net for dairy farmers.

I greatly appreciate the men and women who work the extremely hard and long hours needed to produce milk, butter, cheese, ice cream, non-fat dry milk, and yogurt. Thus, I would like to begin by noting that June is Dairy Month. It is hard to overstate how important dairy is to the United States economy, nor for that matter, how important dairy is to the economies of New York and its 23rd Congressional District, which I represent. In fact, in 2006, New York was the Nation's third largest dairy state; it accounted for about 7 percent (638,000 head) of the Nation's milk cows, 6.7 percent (12.04 billion pounds) of total milk production, and 6.9 percent ($1.6 billion) of total cash receipts from milk marketing. The importance of dairy to New York's 23rd District is readily apparent when one considers that the 2002 Census of Agriculture reported there were 1,989 dairy farms with 188,305 milk cows in the 11 counties that comprise the District.

I also appreciate the fact that the Milk Income Loss Contract (MILC) has provided about $230 million in much-needed support to New York dairy farmers over the past 5 fiscal years and I know my constituent farmers do as well. Moreover, it is critical that the 2007 Farm Bill continue to provide dairy farmers with some form of income support. While I appreciate the support provided through MILC, the NDEA is an alternative that could help to provide additional support to American farmers with greater stability and at less cost to the taxpayer.

The NDEA would establish 5 Regional Dairy Marketing Areas (RDMA); the Intermountain, Midwest, Northeast, Pacific, and Southern. The Midwest, Northeast, and Southern regions would automatically be included as participating regions while the Intermountain and Pacific regions would have the ability to opt into the program.

In each region, a Regional Dairy Board would establish the minimum or over-order price for Class I (fluid) milk; that price would then have to be approved by farmers through a referendum. In the first year, the maximum price that a Board could establish is capped at $17.50 per hundredweight (cwt.), but thereafter the price could rise based on the Consumer Price Index (CPI).

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. CONYERS. Madam Speaker, I took a leave of absence on June 18, 2007, as I was attending to personal business. The following list describes how I would have voted had I been in attendance today.

"Aye"—H. Con. Res. 21, calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel.

"Aye"—H. Con. Res. 151, noting the disturbing pattern of killings of dozens of independent journalists in Russia over the last decade, and calling on Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders.

"Aye"—H. Res. 233, recognizing over 200 years of sovereignty of the Principality of Liechtenstein, and expressing support for efforts by the United States to continue to strengthen its relationship with that country.

REMEMBERING MINNESOTA'S "GREATEST GENERATION" AS MINNESOTA COMMEMORATES STATE WORLD WAR II MEMORIAL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, it is my distinct honor to rise in tribute to the "Greatest Generation" of Minnesotans. On June 9, 2007, an estimated 12,000 Minnesotans gathered on the state capitol grounds to offer this long-overdue commemoration for our State's World War II veterans.

The Minnesota World War II Memorial has an honored place, reflecting the sacrifices of those who served and those who died to protect our freedom. It provides a solemn reminder of past great sacrifices on behalf of our nation, but also gives us an important opportunity to properly thank the brave men and women in uniform fighting every day around the world.

Six decades ago, 16 million fought for freedom in the war, and more than 400,000 died. Although fought "over there," World War II had immense local impact. Approximately 326,000 Minnesota men and women enlisted in the military, leaving school, jobs and families behind. Nearly 6000 Minnesotans died. The war touched every life in some way as countless more men, women and children supported the war from the home front.

On May 29, 2004, I had the great honor of joining many of Minnesota's World War II veterans and their families in Washington, DC for the dedication of the National World War II Memorial. These veterans exemplify the spirit and sacrifice of America's Greatest Generation. My father served in the Armed Services during World War II, so this dedication is especially meaningful to me. As an auxiliary member of the Veterans of Foreign Wars and the American Legion, I remain committed to ensuring that all our veterans receive the benefits and honor that they have earned.

Madam Speaker, please join with me and all Minnesotans in paying tribute to the Greatest Generation. They deserve our highest respect, gratitude and the support they were promised.

RECOGNIZING THE ACCOMPLISHMENTS OF EDWARD MESSMER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishment of Edward Messmer of Alexandria, Virginia for his service to the U.S. Department of State as Special Assistant to the Ambassador of Lebanon. In his official duties he was directly responsible for his efforts in providing fuel reserves into Lebanon during the 2006 conflict, which kept major power plants open, averting a health catastrophe.

In July and August of 2006, the staff of the U.S. Embassy in Beirut found itself at the center of a major conflict when war broke out between Hizbollah fighters and Israeli forces. The embassy received a great deal of attention for its work to mitigate the damage inflicted by the war. None was more important than the work done by Mr. Messmer to help move vital fuel past blockades and into Lebanon, maintaining power across the country.

Once the war began, a naval blockade was established around Lebanon to prevent the import of weapons, fuel and other support for the citizens of Lebanon. As a result, fuel stocks quickly plummeted at the country's three primary power plants. The plants were soon left with only a few days' worth of reserves. A continued interruption would have meant no water for essential services, hospitals and schools. Serving as the acting chief of the political section at the embassy, Mr. Messmer made it his personal mission to avert the developing crisis.

Mr. Messmer had to address multiple logistical and political challenges to get fuel past the blockade. The ship owners who carried the fuel didn't want to risk running the naval blockade, the Israeli forces wanted assurances that the fuel stocks would not be diverted to Hizbollah. Additionally, funding for the fuel needed to be secured from the weakening government of Lebanon. For three straight weeks, Mr. Messmer coordinated, persuaded and guided all of these disparate parties to a solution. He was in constant contact with the Lebanese government, U.S. embassies in Cyprus and Israel, ship owners, insurers and various offices in the Pentagon and the State Department.

Mr. Messmer's efforts paid off with the initial shipment of 56,000 tons of fuel to the about-to-close power facility just north of Beirut. His hard work enabled the country's entire electrical grid to remain operational until additional deliveries were sent over the next several weeks. Not only did Mr. Messmer's work help avert a humanitarian crisis; it also took away a potential propaganda tool from Hizbollah, which could have blamed the fuel crisis on the United States and its allies. For his contribution, Mr. Messmer was nominated for the Partnership for Public Service's International Affairs Medal.

Madam Speaker, I commend Mr. Messmer for his leadership, and I am proud to have him live in Virginia's 8th Congressional District and contributing to the greatest civil service in the world. I wish him all the best in his future endeavors.

TRIBUTE TO MAJOR BRIAN SHARP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. SKELTON. Madam Speaker, it has come to my attention that Major Brian P. Sharp will be leaving his position as Assistant Marine Corps Liaison to the House of Representatives and will be continuing his military education at the Command and Staff College in Quantico, Virginia.

Major Sharp has been a valuable asset to the Marines since his enlistment in the Marine Corps Reserve in 1991. He attended the School of Infantry, Camp Geiger, MCB Camp Lejeune where he received the MOS of 0341 mortar man. He was assigned to Company G, 2nd Battalion, 25th Marines for 4 years and was accepted into Officer's Candidate School in 1995. He has also received a B.A. in History from Ramapo College in New Jersey and was selected for Career Level School through which he attended United States Army Field Artillery School, Captain's Career Course in April of 2002.

Upon graduation from the Basic School, Major Sharp reported to the United States Army Field Artillery School and was designated a Field Artillery Officer. In his first tour, he reported to Battery E, 2nd Battalion, 11th Marines and served as forward observer, Guns Platoon Commander, and Executive Officer. During this tour, he was deployed to Okinawa, Japan in support of the 31st MEU (SOC). Major Sharp has also served as S–3A/Battalion Fire Direction Officer following the completion of his tour at 2nd Battalion, Target Information Officer for the 15th MEU Command Element, MEU Liaison to the United Nations for conducting operations to stabilize the new nation of East Timor in the spring of 2000, and Fire Support Officer following September 11, in which he assisted in the planning and execution of the seizure of Forward Operation Base Rhino, Afghanistan, to include combat operations.

Upon his graduation from Career Level School, Major Sharp was assigned to Battery B, 1st Battalion, 10th Marine Regiment and served as Commanding Officer. While he served this position, Major Sharp and Battery B were deployed with Regimental Combat Team 2, Task Force Tarawa, in support of Operation Iraqi Freedom and participated in the Battle of An Nasiriyah. Upon his return to CONUS, Major Sharp assumed the duties of the Battalion Logistics Officer, and then Battalion Operations Officer.

Major Sharp's decorations include the Navy-Marine Corps Achievement Medal with Combat "V" and two stars and the Navy Marine Corps Achievement Medal.

Madam Speaker, I know that the Members of the House will join me in thanking and honoring Major Sharp for his exceptional commitment to the United States Marine Corps and wishing him luck in his future endeavors.

RECOGNIZING PROJECT TRANSITION

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to thank Project Transition for 25 years of service and support to people suffering from mental illness. By providing the necessary care and assistance, Project Transition has paved the way for adults with psychiatric problems to recover and contribute to society.

Project Transition's unique communities offer not only medical treatment, but also diverse opportunities for healing of the mind, body and spirit. Throughout their stays, residents learn to rebuild hope and trust. Patients are exposed to treatment and instruction that cultivates the skills necessary to live a normal life as a member of our community.

The Project Transition team is made up of professionals with the right experience and know-how in psychiatric and psychological treatment. They work to teach social skills, management of psychiatric conditions and help reintegrate patients back into the community. Their innovative approach has earned them both national acclaim and sincere gratitude from the many families they have helped.

Madam Speaker, this year Project Transition celebrates its 25th anniversary as an organization serving Bucks County adults with psychiatric disorders. Project Transition has earned the appreciation of the hundreds of adults now able to live a full and healthy life. I join them in thanking this wonderful organization for their efforts, commend them on their work and wish them a future of continued success.

CONGRATULATING COLONEL JOHN P. SWIFT ON HIS RETIREMENT FROM THE CONNECTICUT AIR NATIONAL GUARD

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. COURTNEY. Madam Speaker, I rise today to honor Colonel John P. Swift of Enfield, Connecticut, who retires from the Connecticut Air National Guard on Sunday, June 24, 2007, after nearly 26 years of service to our Nation.

Since graduating from the United States Air Force Academy in 1981, Colonel Swift has worked closely with the A–10 Thunderbolt or, as it is more commonly known, the "Warthog." His post-academy education and service took him to Oklahoma, New Mexico, Arizona, Louisiana and even the United Kingdom before he landed back in Connecticut. In 1989, he began his career with the Connecticut Air National Guard as the Operations Plan Officer for the 103rd Fighter Group at Bradley International Airport in East Granby, Connecticut.

From there, he worked his way through the ranks until reaching his current position as

Commander of the 103rd Fighter Wing in February 2006. As Commander, Colonel Swift has lead more than 1000 men and women of the 103rd Fighter Wing and overseen all aspects of base operations, including aviation, maintenance and support operations for the Wing's A–10 aircraft. In his most recent roles, he has worked closely with his colleagues in the Connecticut National Guard and the Connecticut congressional delegation to help see the 103rd Fighter Wing through a period of change and transformation.

His leadership, his passion for his job and his dedication to the mission of the Connecticut Air National Guard will be greatly missed. I ask all my colleagues to join with me, the men and women of the Connecticut National Guard, and the people of Connecticut in thanking Colonel Swift for his service and wishing him the best in his new endeavors.

IN HONOR OF SPECIALIST ZACHARY GRASS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. REGULA. Madam Speaker, with great sorrow I rise today to recognize Specialist Zachary Grass, an Ohio citizen from my district, who gave his life fighting for our country. On Saturday, June 16, 2007 in Iraq, Army soldier Zachary Grass was killed by a roadside bomb.

As a 2003 graduate of Fairless High School, he was a member of both the varsity basketball and baseball teams. From his athletic involvement in high school to becoming a soldier in the Army he showed great leadership. More importantly he was happy to be serving his country.

This outstanding young man showed courage and dedication during his tour of duty. Zachary is a true hero and reminds us of the dedication evidenced by all the men and women all over the world fighting the war on terror. We must reflect on this great life and the sacrifice he made to defend our freedom and security.

Zachary Grass and his family will be forever in our hearts and prayers. May we keep them in mind as they struggle through this difficult period of mourning.

RECOGNIZING THE ACCOMPLISHMENT OF CAROL DUMAINE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishment of Ms. Carol Dumaine, of Reston, Virginia, and a proud member of our civil service. Ms. Dumaine, an employee of the Central Intelligence Agency, has contributed to our Nation's future security through the establishment of the Global Futures Forum (GFF), a highly innovative think tank which coordinates international expertise to enhance intelligence analysis.

As the 9/11 Commission confirmed, intelligence and law enforcement officials had uncovered a number of warning signs that a terrorist attack on U.S. soil was imminent, but the failure to recognize the links between the intelligence precluded authorities from stopping the attacks. Ms. Dumaine has created a forum which allows for more thorough intelligence analysis from a cadre of outside experts. Global Futures Forum (GFF) unites intelligence experts from different nations with professionals from diverse fields so that emerging issues can be recognized quickly and collectively addressed. The GFF reviews intelligence in the public domain and promotes open, interactive linkages to knowledge and insight that exists outside of traditional security organizations.

GFF delegates represent the wide spectrum of intelligence and security organizations, multilateral institutions, academia and non-government personnel from more than 30 nations. A series of forums in 2005 and 2006 brought these experts together to work face-to-face, providing them with an opportunity to strengthen international partnerships and to share knowledge about global security challenges. To ensure that partners would have opportunities to collaborate outside of the conferences, Ms. Dumaine created the GFF website to provide a constant means of collaboration, allowing GFF partners to share their latest thoughts, research and analysis through their own interactive blogs or chats with other participants. Her work ensures that the dialogue fostered by the GFF never really ends.

Ms. Dumaine created a global community that increases exposure to diverse perspectives and catalyzes discussion on adapting intelligence organizations to address nontraditional challenges. These partnerships created through Ms. Dumaine's effort will help ensure that potential security threats will be handled properly, allowing for the best response possible. For her great contribution to the intelligence community, she has been selected as a finalist for the Partnership for Public Service's "National Security Medal".

Madam Speaker, I commend Ms. Dumaine for her leadership, and I am proud to have her live in Virginia's 8th Congressional District as she contributes to the greatest civil service in the world. I wish her all the best in her future endeavors.

RECOGNIZING 2007 BENTON CARDINALS BOYS' HIGH SCHOOL BASEBALL TEAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Benton Cardinals boys' High School baseball team on defeating the Sullivan Knights, by a score of 2–0, to win the school's first ever baseball championship.

The Cardinals finished their championship season by posting an incredible record of 24–3 in Class 3 boys' baseball and an overall amazing record of 61–7 over the past three seasons.

The Cardinals consist of 21 tremendous young men, including Kyle Becerra, Tim Brown, Zack Colwell, Tom Contreras, Johnny Coy, Cory Eckert, Austin Garton, Colton Garton, Scott Hedden, Cody Kirschner, Jake Kretzer, Kyle Mason, Justin Mattice, Trevor Moss, Ryan Pinson, Marcus Pritchett, Eli Reynolds, Josh Reynolds, Craig Wilburn, Ryan Winger and Josh Zuptich.

Also, I want to recognize the great leadership of the team including Head Coach Mike Musser, who was assisted by Greg Reynolds, Stephen Thatcher, Justin McCarthy and Ray Brown. I also want to acknowledge the work of school administrators, Superintendent Melody Smith, Principals Jeanette Westfall and Jeff Modis, and Athletic Director Mike Ziesel, as additional keys to success.

Madam Speaker, I ask you to join me in congratulating the achievement of the Benton Cardinals boys' High School baseball team on their terrific season and state championship. It is an honor to represent this team in the United States Congress.

HAPPY 80TH BIRTHDAY TO MR. M. BLOUKE CARUS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to offer congratulations to Mr. M. Blouke Carus of Peru, Illinois on the occasion of his 80th birthday.

A captain of industry, publisher, inventor, veteran, engineer, educator, linquist, preservationist and community servant, Mr. Carus is undoubtedly one of the most accomplished persons I have the privilege of representing in the Congress of the United States.

As Chairman of Carus Corporation, Mr. Carus oversees this privately held holding company which includes the Carus Chemical Company, the world leader in the fields of water treatment and air purification through the manufacturing and application of potassium permanganate and a variety of manganese compounds.

Mr. Carus is also Vice-Chairman of Carus Publishing Company which includes Open Court General Books and 14 children's magazines including such well-known publications as Cricket, Ladybug and Spider. This high quality children's literature has educated and entertained young people for more than three decades.

Mr. Carus has also demonstrated a lifelong interest in education. His educational achievements include the development of textbooks and teaching programs in the areas of reading, language arts and mathematics. By Presidential appointment, Mr. Carus has served as a member of the National Council on Education Research which established research policy for the United States Department of Education. He played an important role in establishing Illinois Valley Community College (IVCC) by chairing the Citizens Committee which led the effort to create IVCC. Today, 40 years after its creation, IVCC enables thousands of students to obtain post-secondary educations in many fields while serving as a catalyst for economic development and greater employment throughout the Illinois Valley.

Mr. Carus has long been a champion of both enhanced school to work educational programs as well as the need for strong systems of educational accountability. He has pursued these critically important goals as chairman of the Education Committee of the Illinois Manufacturers' Association and as a member of the Illinois Governor's Task Force on School-to-Work Transition.

It gives me special pleasure to note the leadership role of Mr. Carus in restoring and reopening the historic Hotel Kaskaskia in downtown LaSalle, Illinois. The accomplishment of this goal will not only save a structure deemed to have national historic significance but will also spark the economic revitalization of the downtown business area of the City of LaSalle.

In closing, I urge my colleagues to seek out and highlight the contributions and achievements of the leading citizens of their own congressional districts across our Nation.

* * *

TRIBUTE TO ONCOLOGY NURSES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. CARSON. Madam Speaker, I rise today to call attention to the important and essential role that oncology nurses play in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

On behalf of the people with cancer and their families in Indiana's 7th Congressional District, I would like to specifically acknowledge Julie Painter from Indianapolis, Indiana, for her service on the Oncology Nursing Society Board of Directors, as a Director-at-Large, and her role as a Clinical Nurse Specialist at the Community Health Network. Julie has served on the ONS Board of Directors for the past 3 years; and prior to that, she served as Congress Chairperson in 1996, the Nominating Committee in 1996–1999, and on the Oncology Nursing Certification Corporation Nominating Committee in 2000–2002. She received her Master's degree and post-Master's Nurse Practitioner degree from Indiana University.

The Oncology Nursing Society has four chapters in my home state of Indiana, including one in my hometown of Indianapolis. These chapters serve the oncology nurses in the state and support them in their efforts to provide high-quality cancer care to patients and their families throughout Indiana. Julie has been a member of ONS for 20 years and has served as President, Vice President, Newsletter Editor, and more of the Central Indiana Chapter based in Indianapolis.

Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. The Oncology Nursing Society is the largest organization of oncology health professionals in the world, with more than 35,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I commend Julie and her organization for all that they do in the field of oncology.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year, approximately 30,040 people in Indiana will be diagnosed with cancer, and another 12,730 will lose their battles with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer patients. We are on the verge of a major national nursing shortage, and it is estimated that there will be a shortage of 1,016,900 nurses in the year 2020. The Health Resources and Services Administration (HRSA) estimates that in 2005, the state of Indiana had a shortage of 5,295 nurses. HRSA estimates that number will reach 8,211 by 2010.

I would like to once again acknowledge and thank Julie Painter for her hard work and leadership on the Oncology Nursing Society Board of Directors. As a nurse and leader in the field, Julie has made it her life's mission to help others, and she should be applauded for all she has done.

I commend the Oncology Nursing Society for all of its efforts and leadership over the last 32 years and thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. I would like to remind my colleagues that May is Oncology Nursing Month, and I urge my colleagues to support them in their important endeavors.

TRIBUTE TO ARMY SERGEANT ANDREW HIGGINS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. STARK. Madam Speaker, I rise to pay tribute to Army SGT Andrew Higgins, a Hayward, California soldier who was killed on June 5, 2007, in Baqubah, during his second tour in Iraq as part of an elite Stryker Brigade. He was a member of the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division from Fort Lewis, Washington.

At a very young age, Sergeant Higgins wanted to join the military. During the summer between his junior and senior years at Kennedy High School in Fremont, he took Army basic training.

After graduating from high school, he spent 2 years in the Army Reserve, signed up for the regular Army, and was assigned several times to an Army Ranger unit as a fire support specialist. Sergeant Higgins was deployed to Afghanistan with the first contingent of troops sent to fight the Taliban.

While in the Army, he received awards and decorations including two Army Good Conduct Medals, National Defense Service Medal, Iraq Campaign Medal, Global War on Terror Expeditionary Medal, Global War on Terror Service Medal and the Combat Action Badge. He was posthumously awarded the Bronze Star, the Purple Heart and the Army Commendation Medal.

Sergeant Higgins came from a long line of early American settlers. The first descendant of his family landed in New England in 1693. He was next in line to carry on the family name, as he was the third generation of Higginses who were only sons.

Sergeant Higgins is remembered as a courageous soldier with a sharp wit and a kind heart. When he finished his military service, he had planned to go back to school and study fish and habitat conservation.

I join the community in expressing deepest sympathy to SGT Andrew Higgins' family members on his tragic death. Our country owes a debt of gratitude to Sergeant Higgins and his family for the ultimate sacrifice he made in service to his country.

* * *

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. HERGER. Madam Speaker, on rollcall vote No. 485 to H. Amdt. 294, I was recorded as a "no," but it was my strong intention to vote "aye" on this amendment.

GENERAL OF GENOCIDE—MAHMOUD AHMADENIJAD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. POE. Mr. Speaker, "genocide" is a fancy term for state-sponsored murder or extermination of a group of people. And that is exactly what President Ahmadenijad of Iran is trying to incite against the state of Israel.

The president of Iran has a one-size-fits-all foreign policy. His response, Madam Speaker, to all conflicts in the Middle East is to "get rid of Israel."

Ironically, while claiming that the Holocaust never happened, Ahmadenijad regularly pontificates on goals that could easily have been taken right out of the Nazi playbook of the 1930s and 40s.

"The real cure," he has said, "for the (Lebanon) conflict is elimination of the Zionist regime."

And not only does he propose the "elimination" of the entire state of Israel, he definitively predicts that end. Israel, he said, "will be gone, definitely." And, Madam Speaker, he predicts revenge against the West for standing by its greatest ally in the Middle East, saying that we "will not see any result but the hatred of the people."

Well, it should come as no surprise to the devil of the desert, Mr. Ahmadenijad, that the United States will not leave one of its greatest allies alone in the desert. We in America have the courage, Madam Speaker, to call Ahmadenijad a threat to world peace and an outlaw to Israel.

I believe in the freedom of speech, Madam Speaker. It is one of the foundations of democracy. But speech by a head of state that urges the annihilation of an entire nation mocks and dishonors the very notion of free speech, and it is the prelude to open aggression.

And that is why I have cosponsored this resolution calling on the U.N. Security Council to charge Iranian President Mahmoud Ahmadenijad with violating the 1948 Genocide Convention. He must be held accountable for his actions.

That's just the way it is.

TRIBUTE TO SANTA ROSA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. WOOLSEY. Madam Speaker, it is with great pride that I rise today to share with my colleagues the recent selection of Santa Rosa, California, the largest city in my district, as a 2007 All-America City. The honor was recently bestowed upon Santa Rosa by the National Civic League, and is considered to be the most prestigious community recognition competition in the United States today. Santa Rosa was honored for its exemplary community vision, collaborative problem-solving and the ability to meet local challenges. I have represented Santa Rosa for the past 14 years and these characteristics are just the beginning.

In order to win this prestigious award, a broad and diverse delegation of Santa Rosa public officials and business and community leaders represented Santa Rosa against 20 other community finalists from across the country. The delegation presented not only their innovative programs, but the local solutions they have implemented, before to a jury of their peers from across the United States. The delegation from Santa Rosa included the following members of the community:

Bob Blanchard, Mayor, City of Santa Rosa; Jane Bender, Councilmember, City of Santa Rosa; Jeff Kolin, City Manager, City of Santa Rosa; Michael Frank, Assistant City Manager/Administrative Services, City of Santa Rosa; Patricia Fruiht, Assistant to the City Manager, City of Santa Rosa; Mark Ihde, Retired Sonoma County Sheriff & President and CEO of Goodwill Industries--Redwood Empire; Rhuenette Alums, Area Director, AT&T; Roberta Atha, Administrative Technician, City of Santa Rosa; Neil Brady, Senior Maintenance Worker, City of Santa Rosa; Judy Daugherty, Risk Management Analyst, City of Santa Rosa; Michael Friedenberg, President, Arts Council of Sonoma County; Jesse Guerrero, Artstart Apprentice; Vince Harper, Director, Youth & Neighborhood Services, Community Action Partnership; Mo McElroy, Director, Santa Rosa Convention & Visitors Bureau; Juan Meza, After-School Program Participant; Ernesto Olivares, Police Lieutenant and Manager, Gang Prevention & Intervention Services, City of Santa Rosa; Rosie Rojas, After-School Program Participant; Crystal Tsutsui, After-School Programs Volunteer/Chaperone; Mario Uribe, Creative Director, Artstart; Steve Velasquez, Program Director, Hope Works Santa Rosa; Patricia Wilburn, Production Specialist, Community Media Center Chandra Woodworth, Artstart Apprentice; Donna Zapata, Operations Manager, Hispanic Chamber of Commerce.

During their presentation the delegation was able to share the achievements of three Santa Rosa's programs that serve as outstanding examples of public-private partnership to solve address community concerns:

SANTA ROSA DOWNTOWN ARTS PROGRAM

The Santa Rosa Downtown Arts Program brings a wide range of arts and cultural programming into the downtown area to strengthen the community's image and sense of place, increase cultural unity and stimulate economic development. The program creates an arts hub that draws people downtown to live, work, and play, which encourages development and increases downtown business. The Downtown Arts Program has a three-prong approach: (1) Physical Environment—Artists design sculptures, informational kiosks, benches, light poles and news racks. Art facilities, studios, galleries, and exhibition spaces are a priority. (2) Cultural Programming includes diverse music, dance, theater, film, and literary arts. (3) Sustainable Resources—Leadership and funding from public and private sector guarantee the program's strength and growth.

MEASURE O PUBLIC SAFETY QUARTER-CENT SALES TAX MEASURE

A quarter-cent public safety sales tax measure was placed on the November 2004 ballot, which came to be known as Measure O. The measure generates approximately $7 million per year for Police, Fire, and Gang Prevention and Intervention efforts. The ordinance set up a citizen oversight committee and has strict rules preventing any "supplanting" of existing services or funding in the General Fund. This project has allowed significant progress to be made in vital areas at a time when core public safety was threatened.

MAYOR'S GANG PREVENTION TASK FORCE

Four years ago, the city of Santa Rosa took aggressive steps to address the rise of local gangs. The city began with a public outreach campaign to educate the community on the growing threat, and followed that up with trips to other cities where staff and policy leaders were able to learn from their programs. In addition, the Mayor became actively involved by establishing the Gang Prevention Task Force in order to confront the issues and the risk to youth. The Task Force consists of policy leaders from throughout Sonoma County, school officials, law enforcement and officials from non-profit and social service organizations. In addition the move was not a drain on existing public resources, and was primarily funded by a quarter-cent sales tax measure that dedicates 20 percent to gang prevention and intervention measures.

While the Santa Rosa delegation brought home the top honors, every member of the delegation was able to learn from the other finalists. As a result they have returned to Santa Rosa, not only energized, but armed with fresh ideas to improve their community. I am very proud of their achievement, Madam Speaker, and invite all of my colleagues to visit this lovely community in the Sonoma County wine country just north of San Francisco.

HONORING STAFF SERGEANT MICHAEL BECHERT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. PENCE. Madam Speaker, I rise today to pay tribute to one of Indiana's native sons who served his country honorably in support of Operation Iraqi Freedom. I was deeply saddened to learn that Staff Sergeant Michael Bechert of New Castle had succumbed to wounds he suffered in Baghdad last month when his vehicle was hit by an improvised explosive device.

Staff Sergeant Bechert served in the 1st Battalion, 18th Infantry Division, 1st Infantry Division since 2001. He received numerous meritorious citations during 2 enlistments and 6 years in the Army, all stationed in Germany where he lived with his wife and young son. He was serving his second tour in Iraq.

The infantry is the oldest of the combat arms. From the dawn of time, wars have been predominantly fought by men on foot. Staff Sergeant Bechert continued that proud tradition as an expert soldier who had mastered the skills of an infantryman and served bravely in combat.

Staff Sergeant Bechert was the recipient of the Expert Infantryman Badge and Combat Infantryman Badge, highly regarded decorations in the U.S. Army that certify his elite skills and service to his country in combat. His other medals include an Army Commendation Medal for heroism and a Purple Heart for a previous injury. He will be awarded posthumously with a Bronze Star and a second Purple Heart because he died in the line of duty.

We all owe a debt that can never be repaid to Staff Sergeant Bechert's family and friends for the tragic loss of husband, father, son, friend, citizen, soldier and hero.

Madam Speaker, I wish to express my profound sadness to the community at the loss of this talented young Hoosier who made the ultimate sacrifice to preserve and protect these United States. Let us remember Staff Sergeant Bechert, his family and friends in our thoughts and prayers.

RESOLUTION IN HONOR OF THE RIGHT REVEREND PHILIP AQUILLA BROOKS II

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. KILPATRICK. Madam Speaker, I respectfully submit the following resolution, this 18th Day of June, in the Year of Our Lord, Two Thousand and Seven.

Whereas, Bishop Philip Aquilla Brooks II has rendered a lifetime of devoted service to his ministry in Detroit, Michigan. He is the founding Pastor of New St. Paul Tabernacle Church of God in Christ in Detroit, Michigan, where he has served for over 54 years. Since 1975, Bishop Brooks has been the presiding prelate of the Historic First Ecclesiastical Jurisdiction of Michigan, which is also known as the Northeast Michigan Jurisdiction. In 1984, and each quadrennial since, the Lord has honored Bishop Brooks' dedication and loyalty to His work through the favor of men, by elevating him to the presidium of the Church of God in Christ, Inc., and the largest African-American Pentecostal Denomination with an estimated 6.5 million members in over 59 countries. He now serves the Church as the Second Assistant Presiding Bishop;

Whereas, Bishop Philip Aquilla Brooks II is an individual with great vision and focus. Bishop Brooks established the March of Faith Telecast and Radio Ministry, which has ministered to countless millions across the nation in their homes, hospital rooms and behind prison bars for nearly three consecutive decades. Always the innovator, Bishop Brooks was the first among his peers on the General Board to establish a presence for his local church and Jurisdiction on the World Wide Web. He was among the first to broadcast his Sunday morning worship services via the Internet in a live Web cast every Sunday morning;

Whereas, Bishop Philip Aquilla Brooks II compassion for all of God's children has caused him to expand his local church ministry into the areas of education, senior housing, food programs and other community outreach programs. He is the founder of the Grandmont-Rosedale Christian School and Day Care. He is the president of the New St. Paul Non-Profit Housing Corporation. This is a Community Development Corporation responsible for the building of Faith Manor Senior Citizens Apartments on the campus of New St. Paul Tabernacle. Under Bishop Brooks' visionary leadership, New St. Paul Tabernacle distributes hundreds of Thanksgiving baskets to needy families each year, offers tutorial services to students, and provides business incubator programs to foster entrepreneurship;

Whereas, Bishop Philip Aquilla Brooks II is the third-longest serving Church of God in Christ bishop in the 93-year history of the church's influence in the State of Michigan, and is the senior Bishop in the mid-west region, including Michigan, Ohio, Illinois, Indiana and Ontario, Canada. He was consecrated Jurisdictional Prelate of Northeast Michigan Jurisdiction in 1975 by the late Presiding Bishop J.O. Patterson, Sr. During his tenure, Bishop Brooks' programs and initiatives have benefited all citizens of the State of Michigan. His latest contribution is the formation of the first black-owned Mortgage Company in the Church of God in Christ—Faith Community Mortgage LLC;

Whereas, Bishop Philip Aquilla Brooks II established the nation's first Blue Cross/Blue Shield Program for local pastors, life insurance for local pastors and a Compensation Program for widows of local pastors. He lead the Jurisdiction in purchasing and renovating Northeast Michigan's jurisdictional headquarters, Cathedral Conference Center. He is directly or indirectly responsible for purchasing, financing, renovating, or building new churches for over 50 pastors within the jurisdiction;

Whereas, Bishop Philip Aquilla Brooks II has served for almost a quarter of a century, as a member of the Presidium of the Church of God in Christ, Inc. First elected in 1984, Bishop Brooks is now serving in his sixth term. In addition to these duties, Bishop Brooks served for 12 years as a member of the board of directors of First Independence Bank; and serves on the board of directors for the famed Museum of African American History based in Detroit, Michigan;

Whereas, Bishop Philip Aquilla Brooks II was inducted into the International Gospel Music Hall of Fame and Museum as a result of his contributions to the field of music in years past as a musician, and Music Department President, and presently, a worshiper; and

Whereas, Bishop Philip Aquilla Brooks II, on April 11, 2007, was elevated to the Office of Second Assistant Presiding Bishop of the Church of God in Christ, Inc. by Presiding Bishop Charles E. Blake, Sr.

Whereas, we the Members of the Congressional Black Caucus extend our sincere appreciation and highest respect to Bishop Philip Aquilla Brooks II and the entire COGIC Denomination.

Therefore, be it resolved, that we celebrate and honor the elevation of Bishop Philip Aquilla Brooks II for his lifetime of devotion, dedication, dignity and honor; his faithful service to all human beings, and for being a worldwide spiritual leader, especially within the Church of God in Christ.

Be it finally resolved that a copy of this resolution be presented to Bishop Philip Aquilla Brooks II, the family and that a copy be placed in the records of the Church.

RECOGNIZING THE ACCOMPLISHMENT OF DAVID WILLIAMS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishment of Mr. David Williams of Arlington, Virginia and a proud member of our civil service. Mr. Williams revamped outreach efforts for the Earned Income Tax Credit, helping hundreds of thousands of additional Americans receive vital benefits, and oversaw the Telephone Excise Tax Refund—the largest one-time tax refund in history.

The Earned Income Tax Credit (EITC) is widely recognized as our Federal government's most effective anti-poverty program. Despite the program's overall success, studies revealed an erroneous payment rate of roughly 25 percent, and millions of eligible workers were not claiming the credit. David Williams, who heads the EITC office at the Internal Revenue Service, led the effort to revamp the program. Thanks to his leadership, as many as 500,000 more people each year are receiving vital benefits.

Today, under Mr. Williams' leadership, the IRS works with more than 150 nonprofit and community-based organizations to host EITC awareness events in more than 50 cities, creating volunteer tax assistance sites at banks, businesses and community centers. He also used news conferences and local media to help drive people to seek out this assistance.

In just 1 year, more than 2 million tax returns were prepared at these volunteer tax assistance sites. The tax credits low-income working Americans receive help them cover the essential costs they face every day—from child care to fixing the car. One person who attended a workshop reported that the tax credit helped her go from being an apartment renter to a homeowner. Since David Williams launched these new outreach efforts, the number of eligible taxpayers receiving the credit has increased by 500,000 people a year, and last year, more than 22 million people received $41 billion in EITC payments.

As a senior official at the IRS, it would be easy to think of David Williams as a numbers guy. But his people skills, strategic approach and ability to lead diverse groups to achieve shared public policy goals have distinguished him as one of our government's most outstanding employees and have helped him positively affect the lives of millions of Americans.

Madam Speaker, I commend Mr. Williams for his leadership, and I am proud to have him live in Virginia's 8th Congressional District as he contributes to the greatest civil service in the world. I wish him all the best in his future endeavors.

HONORING WILLIAM "BILL" CLIFTON FRANCE, FORMER PRESIDENT, CEO AND CHAIRMAN OF NASCAR

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Ms. CASTOR. Madam Speaker, I am pleased today to introduce a resolution honoring the esteemed former President, CEO, and Chairman of NASCAR, William "Bill" Clifton France, Jr. Sadly, Bill France passed away June 4 after an extended illness. Bill was well known in Florida, leading NASCAR for 31 years before retiring in 2003. He was, like his father, "Big Bill," a giant in the racing world. He was also a super citizen whose interests and influence went well beyond the racing world. Bill lived life to the fullest and will be remembered with both admiration and fondness.

Today, the Daytona International Speedway is a landmark in the international motorsports community. However, when the France family settled in Daytona Beach, Florida, in 1934, the track was nothing but packed sand. Bill's father, William H.G. France, was known for his innovative perspectives and entrepreneurial skills in building the legacy that is the Daytona International Speedway. Bill Jr. took the same business savvy his father exhibited, and made NASCAR the legend it is today.

As President, CEO, and Chairman of NASCAR, Bill France transformed the International Speedway Corporation (ISC) into the third ranked professional sports entity on television. His leadership led the ISC to promote more than 100 annual racing events, own and/or operate thirteen of the Nation's major motorsports entertainment facilities, and own and operate MRN Radio, the Nation's largest independent sports radio network. In addition to his business achievements, the philanthropic initiative of Bill France and the France family founded the NASCAR Foundation Family of Charities, a group of more than 30 organizations that supports children's programs, animal welfare and conservation.

I know his wife, Betty Jane, and his children Brian and Lesa and their children, will miss him terribly. I know, also, that they are proud of the contributions Bill made to make motorsports not only a successful venture in Florida, but around the world. I am proud to pay tribute to Bill France, his numerous accomplishments, and his dedication to the Florida community and the motorsports industry.

PAYING TRIBUTE TO BRIGADIER GENERAL JAMES C. HALL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Brigadier General James C. Hall, Colorado National Guard (Retired).

James C. Hall was born into a coal mining family with 10 children in Wilkinsburg, Pennsylvania on April 14, 1926. He is the youngest son and followed in the footsteps of 5 of his older brothers when he joined the Army during World War II at age 17. He served as an airborne radio operator and later a flight engineer throughout his service in the Pacific theater. After returning from World War II, Mr. Hall reenlisted in the Army Air Corps and was awarded a direct commission into the new United States Air Force. Mr. Hall received his Bachelor's degree from the University of New Mexico and is a graduate of the Army Parachute School at Fort Benning, GA, the Advanced School at Fort Bragg, NC, and U.S. Forest Service Smoke Jumper's School.

Throughout 36 years of military service and the rest of his civilian life, he became a pioneer in parachuting. Mr. Hall is a Master Parachutist with more than 1800 jumps. He started the parachuting program at the United States Air Force Academy which is the safest program of all similar service schools. In 1959 Mr. Hall and a partner organized the first professional parachuting firm in the world which led to many innovative advances in its field. His hit television show "Ripcord" has been noted as starting the modern conception of parachuting as a sport. He pioneered the "Buddy System" for free falling and the "4-line-cut" for emergencies in parachuting. Mr. Hall has been honored and cited numerous times. He has received such accolades as the AFA Medal of Merit, the Citation of Honor for his MIA/POW program, the Exceptional Service Plaque, the AFA Presidential citation, the Colorado Man of the Year, Leo Stevens Parachute medal, and the Colorado Meritorious Service Medal. As a founding member of Colorado's Wright Brothers Memorial foundation, he was inducted into the Colorado Aviation Hall of Fame in 1985.

Madam Speaker, I am proud to honor Brigadier General James C. Hall. I thank him for his honorable service to our country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 19, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider original bills entitled, "The Higher Education Access Reconciliation Act", "The Higher Education Amendments of 2007", and the nominations of Jerome F. Kever, of Illinois, Michael Schwartz, of Illinois, and Virgil M. Speakman, Jr., of Ohio, all to be Members of the Railroad Retirement Board, Marylyn Andrea Howe, of Massachusetts, and Lonnie C. Moore, of Kansas, both to be Members of the National Council on Disability, and Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

SD–628

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of William R. Brownfield, of Texas, to be Ambassador to the Republic of Colombia, Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Peru, and Patrick Dennis Duddy, of Maine, to be Ambassador to the Bolivarian Republic of Venezuela.

SD–419

Judiciary

To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.

SD–226

Rules and Administration

To hold hearings to examine S. 1285, to reform the financing of Senate elections.

SR–301

Environment and Public Works

Superfund and Environmental Health Subcommittee

To hold hearings to examine the Environmental Protection Agency's response to 9–11, focusing on lessons learned for future emergency preparedness.

SD–406

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reauthorization of the Hope VI Program.

SD–538

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold an oversight hearing to examine foreign aviation repair stations.

SR–253

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

SD–419

JUNE 21

9:30 a.m.

Foreign Relations

To hold hearings to examine a strategic assessment of United States and Russia relations.

SD–419

Indian Affairs

To continue oversight hearings to examine law enforcement in Indian Country.

SR–485

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine working towards ending homelessness, focusing on the reauthorization of the McKinney-Vento Homeless Assistance Act (Public Law 100–77).

SD–538

Budget

To hold hearings to examine health care and the budget, focusing on issues and challenges for reform.

SD–608

Commerce, Science, and Transportation

To hold hearings to examine telephone number porting and caller-ID spoofing.

SR–253

Environment and Public Works

To continue hearings to examine the case for the California waiver, including an update from the Environmental Protection Agency.

SD–406

Finance

To hold hearings to examine barriers to work to be overcome for individuals receiving Social Security Disability Benefits.

SD–215

Judiciary

Business meeting to consider S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 230, designating the month of July 2007, as "National Teen Safe Driver Month", S. Res. 231, recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future, and the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and possible authorization of subpoenas in connection with the investigation of the legal basis for the warrantless wiretap program.

SD–226

Commission on Security and Cooperation in Europe

To hold hearings to examine the Guantanamo Bay detention camp, focusing on the implications for United States human rights leadership.

2325RHOB

11 a.m.

Aging

To hold hearings to examine America's aging farming population, focusing on the threat to the future of American agriculture as aging farmers are not being replaced by younger generations.

SR–325

2 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine the state of public-private collaboration in preparing for and responding to national catastrophes.

SD–342

Appropriations

Business meeting to markup proposed legislation making appropriations for Labor, Health and Human Services, and Education, and Related Agencies, Interior, Environment, and Related Agencies, and Legislative Branch for the fiscal year ending September 30, 2008.

SD–106

Foreign Relations

To hold hearings to examine the nominations of John L. Withers II, of Maryland, to be Ambassador to the Republic of Albania, Charles Lewis English, of New York, to be Ambassador to Bosnia and Herzegovina, Cameron Munter, of California, to be Ambassador to the Republic of Serbia, Roderick W. Moore, of Rhode Island, to be Ambassador to the Republic of Montenegro, and J. Christian Kennedy, of Indiana, to be Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

SD–419

Judiciary

To hold an oversight hearing to examine the Civil Rights Division of the Department of Justice.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine energy efficiency technologies and programs.

SR–253

3:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 22

10 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine a new vision for medical research relating to the fiscal year 2008 budget for the National Institutes of Health.

SD–116

JUNE 25

11 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine excessive speculation in the natural gas market.

SD–106

JUNE 26

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact of media violence on children.

SR–253

Energy and Natural Resources

To hold an oversight hearing to examine the preparedness of the federal land management agencies for the 2007 wildfire season and efforts to contain the costs of wildfire management activities.

SD–366

Judiciary

To hold hearings to examine the nomination of William W. Mercer, of Montana, to be Associate Attorney General.

SD–226

Rules and Administration

To hold hearings to examine Smithsonian Institution governance reform, focusing on a report by the Smithsonian's Independent Review Committee.

SR–301

JUNE 27

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold an oversight hearing to examine the federal death penalty.

SD–226

Veterans' Affairs

Business meeting to markup pending legislation; to be immediately followed by a full committee hearing to examine the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

SD–562

10:30 a.m.

Aging

To hold hearings to examine the relationship between doctors and the drug industry.

SD–106

JUNE 28

10 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration.

SR–253

JULY 9

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To continue hearings to examine excessive speculation in the natural gas market.

SD–342

JULY 11

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans Affairs health care funding.

SD–562

10 a.m.

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).

SD–226

JULY 18

10 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH–216

JULY 25

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans Affairs and the Department of Defense education issues.

SD–562

HOUSE OF REPRESENTATIVES—*Tuesday, June 19, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COSTA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2007.

I hereby appoint the Honorable JIM COSTA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON) for 5 minutes.

RECOGNIZING THE SOCIETY OF IRANIAN-AMERICAN WOMEN FOR EDUCATION

Mr. LAMPSON. Mr. Speaker, I am honored to recognize the great work and contribution of the Society of Iranian-American Women for Education, a scholarship fund in southeast Texas that serves the greater academic community. The Society's mission is to promote Iranian culture through educational seminars, films, lectures, and exhibitions, but their most important goal is to provide educational support and assistance through scholarships for hardworking students. To date, more than 170 such scholarships have been awarded to students attending schools in Texas. The Society is also dedicated to strengthening relationships and deepening the understanding between Iranians and Americans, and has hosted many esteemed speakers, including Nobel Laureate Dr. Shirin Ebadi and Anousheh Ansari, who recently completed her own space flight. I salute the Society for their dedication to academics and achievement, and wish them future success in all their wonderful endeavors.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in the days of Gideon, out of fear of the Midianites, Your people established fire signals on the mountains, caves for refuge and strongholds. Today, Lord, bless and strengthen all efforts to build homeland security in places around the world like Darfur, as well as here in the United States. To protect one's home or homeland seems paramount in the Hebrew, Christian and Muslim scriptures. But, Lord, You seem to ask even more of Your people.

Let Congress learn from Gideon's interaction with You, Lord.

When Gideon asks "if the Lord is with us, why has all this happened to us?" the Lord turns to him and said, "Go with the strength you have and save Israel from the power of Midian."

The Scriptures seem to ask for moral authority in a person as a prerequisite to being a leader in defense of what is good and just. Gideon is exhorted to look first to his personal strength. As he proves his own moral integrity, piety and ability, the Lord's promise is realized, "I am with you."

May this Congress and the leaders of all nations move and act with deeper faith, knowing the extent and limitations of their strength, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HALL) come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, later today, we will begin work on important legislation to finally help America end its dependence on foreign oil and pursue newer, cleaner forms of energy.

I'm excited that the Energy and Water appropriations bill that we will pass this week will take the long overdue step of setting a new course for our energy future by making significant investments in renewables and efficiency.

For too many years, working families have felt the sting of high gas prices at the gas pump and rising home energy costs. Our economy has been made vulnerable to the whims of OPEC, and our reliance on fossil fuels has polluted our air and exacerbated climate change.

All the while, State and local governments have been forced to try to fill the leadership vacuum left by the Congress and this President.

No more. The new Congress is prepared to meet our Nation's energy challenges head-on, and to do so, this bill provides almost $2 billion for renewables and efficiency, significantly more than the President requested.

I am concerned that it continues to provide unwarranted taxpayer subsidies for nuclear power that hide the true consumer costs of this power source, but I support this bill, and I urge my colleagues to ratify it.

AMERICANS ARE MORE THAN QUALIFIED TO BREAK THEIR ADDICTION TO OIL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I read in the Charlotte Observer about a gentleman who decided to retrofit his 1981 diesel Mercedes with vegetable oil and got a knock on his door by the tax man. His crime was choosing to take a stand against the rising cost of gasoline, OPEC, and other international energy cartels by converting his car into clean-running alternative energy. His punishment was a $1,000 fine by the North Carolina State Government and $1,000 notice from the Feds. So much for innovation and alternative fuel research.

The predicament was chronicled in the Charlotte Observer on June 15, and what we're finding out is he's not alone. Many innovators around the country are creating unique ways to exercise energy independence. In so doing, they're demonstrating to the Federal Government that the American people are more than qualified to break their addiction to foreign oil. Good old American ingenuity always comes through.

As we take up consideration on the Energy Approps Act for 2008, it's instructive to consider what they know. If you want to get more innovation, incentivize it. If you want less of it, tax it.

TAKING CARE OF OUR VETERANS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I stand to honor our Nation's veterans and one special veteran. Today, we mourn the passing of Jeff Smart, a Vietnam veteran, constituent and friend. Not only was Jeff a tireless advocate for veterans rights, he was a valuable member of my Veterans Advisory Committee in Missouri.

I know that Jeff would be proud to know that last week the House came together in a bipartisan way to pass the 2008 Military Construction and Veterans Affairs appropriations bill that contained a historic increase in the VA budget. This bill included the largest single funding increase in the 77-year history of the Veterans Administration.

This funding increase ensures that our veterans are given the support, benefits and resources they need and deserve. I applaud this Congress's commitment to countless veterans like Jeff Smart who will always inspire us in the years to come.

HAPPY BIRTHDAY, JERRY BAKER, AMERICA'S MASTER GARDENER

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to salute Jerry Baker, America's master gardener, as he celebrates his birthday. As a former owner of a nursery business, I've come to appreciate the wit and wisdom that Jerry has given to gardeners across the country for more than three decades.

Jerry has been offering tips for almost as long as I can remember. His folksy and down-to-earth advice has been helping everyone from city dwellers trying to master a finicky herb garden in a window box to longtime gardeners across rural America who produce those ubiquitous wheelbarrows full of zucchini.

Thanks to Jerry, our gardens have been producing more with less. Today, with dozens of books full of garden advice in print and a weekly nationwide radio show where he solves the gardening problems of people across the country, Jerry is well-established as America's go-to guy on all things gardening.

As he marks one more year on his calendar, I rise to wish him many more years of garden mastering. Happy birthday, Jerry.

PRESIDENT BLOCKING THE DEMOCRATIC NEW DIRECTION AGENDA

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, the new Democratic-led House has been listening to the American people and working to take our Nation in a new direction. We've passed a wide range of measures to strengthen our military, grow our economy and support working families, many with bipartisan support.

For example, so far this year, we've passed legislation implementing the 9/11 Commission recommendations, approved a budget that achieves a balance in 5 years, passed sweeping congressional ethics reform, repealed big oil subsidies, invested funds in renewable energy and increased the minimum wage.

But the President continues his stubborn opposition to this new direction that we are providing on Iraq and on key domestic measures. He does not support or has threatened to veto about two-thirds of the important work we've already provided.

Mr. Speaker, our priorities are America's priorities. It's time the President stops obstructing our agenda and begins working with us to improve the lives of all Americans.

PROTECTING OUR KIDS FROM CONTAMINATED PRODUCTS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, yesterday the Consumer Product Safety Commission and toy company RC2 announced a recall of 1.5 million Thomas & Friends railway toys because they might contain dangerous amounts of lead.

Lead poisoning causes vomiting and diarrhea, convulsions, anemia, a loss of appetite, abdominal pain, irritability, fatigue and coma. It can even be fatal.

The toys were made in China and were retailed throughout the United States. First, it was pet food, then toothpaste, now Thomas the Tank Engine. Just about every family with kids in my district has a Thomas the Tank Engine.

We need to send a clear notice to importers that goods that threaten the safety of kids should be left on America's docks.

That's why I'm introducing legislation this week that prohibits the importation of any product from an importer of processed food or retail goods that the Secretary of Health and Human Services has determined contains unsafe levels of contaminants.

Mr. Speaker, we need to do this to defend America's families, especially its children.

DIFFERENT PRIORITIES ON FEDERAL SPENDING

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, President Bush said this week that there are important differences between Republicans and Democrats when it comes to spending, and he's right, because for 6 years, President Bush joined with Republicans that led this Congress on the most fiscally irresponsible budget policies in the history of the Nation. They turned the record surpluses of the 1990s into the record deficits we face today, and while they ran up those record deficits, inconceivably they cut medical research. They cut Head Start, they cut clean water programs, and they cut health care for our Nation's veterans.

Mr. Speaker, the Democratic budget balances the budget within 5 years, and our appropriations bills comply with pay-as-you-go scoring. We passed Homeland Security and Military Construction and Veterans appropriations bills last week, and this week we'll pass an Energy and Water bill that includes renewable fuel and reduces our dependence on foreign oil.

So you see, Mr. Speaker, the President's right; we do have different priorities on Federal spending.

IN APPRECIATION OF THE NRA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, nearly 2 months after the horrifying events at Virginia Tech took the lives of 32 innocent people, I am grateful the House last week acted to improve State reporting to the National Instant Criminal Background Check System. Sadly, had this legislation been in place sooner, that tragic day at Virginia Tech might never have occurred.

I'm especially pleased that the National Rifle Association, of which I'm a proud member, was active in supporting this effort. I'm also thankful John Goodwin, previously with former Congressman Rob Simmons, has recently joined their able team. The NRA plays a vital role in promoting second amendment rights, and I appreciate their work.

Our thoughts and prayers remain with the families affected by the Virginia Tech shootings. I urge the Senate to quickly consider H.R. 2640 to ensure guns are available to law-abiding citizens and kept from the hands of criminals

In conclusion, God bless our troops and we will never forget September 11. Our sympathy to the people of Charleston due to the tragic deaths of courageous firemen.

DEMOCRATS MAKE GLOBAL WARMING A PRIORITY THIS WEEK AS PART OF ENERGY AND WATER BILL

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, this week the new Democratic House addresses two of our Nation's most important issues, global warming and energy independence.

This new Democratic Congress recognizes that we must take wide-ranging action to lessen our dependence on foreign oil and to cut our greenhouse gas emissions to protect our planet, to reduce energy prices, and to boost our economy while strengthening our national security.

This week we will bring an Energy and Water funding bill to the floor that makes a significant investment in energy efficiency and renewable energy programs.

We invest $51 million more than the President has asked for in our solar energy and more affordable, $70 million more for the development of biofuels, and $59 million more to develop technologies to improve our fuel efficiency.

Mr. Speaker, this new Democratic Congress is serious about addressing the issues that have been ignored for far too long. I would hope our energy bill would receive strong bipartisan support this week.

□ 1015

FEDERAL FUNDING FOR PLANNED PARENTHOOD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, President Bush has been very clear. If Congress sends him appropriations bills that weaken current pro-life provisions, he will veto the bills. But don't be surprised if the new Democratic majority is trying to do so anyway. When they do, I am sure they will have countless reasons for why they should weaken protections for the unborn.

But as this debate goes forward, it's important to keep in mind how much Uncle Sam already gives to abortion providers. Planned Parenthood reported record profits in 2005–2006 fiscal year. Guess who helped them achieve these profits? That's right, the American taxpayer.

In 2005–2006, Planned Parenthood received over $305 million in taxpayer funding, the most ever in a year. They also performed nearly 265,000 abortions, another record. Keep this in mind as we hear the other side's arguments for giving even more money to abortion providers. The fact is, these groups are milking the American taxpayers.

President Bush is right to stand up for current pro-life provisions, and House Republicans will stand with him on the issue.

GENERAL PETRAEUS ADMITS THAT CONDITIONS WILL NOT IMPROVE IN IRAQ BY SEPTEMBER

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, through a congressional debate on the Iraq supplemental funding bill, Senate and House Republican leaders said that significant improvements will be needed to be seen by September in Iraq, otherwise a serious course correction might be needed.

We'll see if Republican leaders will continue to back those words and will finally join us in moving the Iraq war in a new direction, or will they move the deadline to a later date like they have done in the past. It will be interesting to see if they stand by their statements in light of General David Petraeus' acknowledgment over the weekend that conditions in Iraq were not improved by September. The general also indicated that stabilizing Iraq will take as long as 10 years.

Mr. Speaker, Democrats remain committed to forging a new direction in Iraq. In the coming months, Democrats will continue to hold President Bush accountable to fight to ensure that the Iraqi people take control of the country. A 10-year commitment is simply unacceptable to us. Now we will see if the Republicans will stand by their past statements and join us in the efforts in September.

CHILD CRUSADERS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in the days of the recent past, when a child was sexually assaulted, the criminal justice system continued to victimize the child, because the victim was bounced all over town relating the story to numerous strangers.

Sometimes a child, when interviewed at the police station, actually came in direct contact with the offender. Also, the child could wait for hours in the same county emergency rooms as other victims of stabbings, car wrecks and overdoses.

But times have changed. There are over 680 child advocacy centers in the United States, including one in Houston, where victims go when assaulted. At the center are trained police, therapists, doctors and lawyers that are experts in dealing with children. Here the child is helped before the trial, during the trial, and, yes, after trial.

The National Children's Alliance, led by Nancy Chandler, is the umbrella organization that helps these 600-plus centers throughout the Nation. All these child crusaders are in Washington this week working to make our land safer for kids.

America is grateful to these members of the victims' posse that help protect our greatest resource, children. After all, it shouldn't hurt to be a kid in the United States.

And that's just the way it is.

MAKE GLOBAL WARMING A PRIORITY THIS WEEK AS PART OF ENERGY AND WATER BILL

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, energy independence and fighting global warming are essential, and they are the challenges of our day. Years of inaction, even disbelief on the part of the White House and the Republicans, have delayed any real work being done.

This week the Democratic Congress will bring a bill to the floor to change this. There will be an Energy and Water appropriations bill that will provide substantial funding to fight global warming. Overall, the bill appropriates $3 billion for researching the effects of global warming. This funding will allow us to monitor radiation in the atmosphere, to use state-of-the-art computer technology to conduct climate change modeling and to conduct long-term experiments on the impact of increased carbon dioxide levels on forests and other ecosystems.

This research will finally allow us to have the science that we need to fight this battle. We have delayed it for years because of the Republican administration's inactivity. I hope that this week the Republican leadership will join with the Democrats in Congress to finally move this forward.

TRUE IMMIGRATION REFORM NEEDED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, past experiences in the United States and Europe clearly shows that amnesty legislation only encourages further illegal immigration. The Immigration Reform and Control Act of 1986 required a criminal background check, payment of application fees, acquisition of English-language skills, and a civics requirement. Now, despite all those measures, the law failed to curb the influx of illegal immigration.

The Senate's immigration reform legislation embodies the same flawed strategy as the 1986 law. Any measures to enhance border security or to improve immigration services would be overwhelmed by a continued flow of both illegal border crossing and individuals who entered legally, but remain in this country past the period authorized by their visa.

To stop further illegal immigration, Congress should not grant these illegal immigrants in the United States any form of legal status that does not require them to leave the United States voluntarily and undergo adequate criminal national security and health checks before seeking to return.

JUNETEENTH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, today is June 19. June 19 is an important day in history. To African Americans, and to all Americans it should be, but to African Americans in particular, it is known as Juneteenth.

Juneteenth is the first day I got involved in politics and learned about it. I didn't know much about it. I thought, why is Juneteenth a holiday to African Americans, and I learned. It's a holiday because that's the day in 1865 that the slaves in east Texas learned that they were free.

The news of the Emancipation Proclamation did not get to Texas for 2 years, and that was the day that all slaves in America were free. The idea of our country having slavery as an institution was wrong. It was a crime against humanity.

There is nothing more valuable to any of us than freedom, the opportunity to go where we want, to do what we want, and to associate with whom we want. That's what makes America great. Unfortunately, we had that institution, and later we had Jim Crow for 100 years.

That's why I have introduced H. Res. 194 to apologize for slavery and Jim Crow, a crime against humanity that this government and this House permitted and allowed to occur. We must apologize for our errors.

THE DRIVE ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 2004, we spent $103 billion buying oil from nondemocratic countries, countries such as Iran, Venezuela and Russia, and the list goes on and on. Indeed, we are funding both sides in the war on terrorism, because every time we send money to these folks, the money winds up in the hands of somebody, some group, who doesn't stand for what we stand for and often is overtly anti-American.

That's why we should pass the DRIVE Act, which I have co-sponsored with Democrat Congressman ELIOT ENGEL. The DRIVE Act seeks to reduce our oil consumption by 20 percent, which is roughly the amount of oil we buy from the Middle East.

We do this through tax incentives, putting people in hybrids and flex-fuel vehicles, getting gas stations to convert to flex-fuel stations so that they can sell ethanol and biodiesel and giving a tax incentive for automobile manufacturers so that they can work with lightweight material to make cars more fuel efficient.

Please co-sponsor the DRIVE Act.

PROVIDING FOR CONSIDERATION OF H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 481

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2641 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, this rule permits the House to consider the Energy and Water Development Appropriations Act of 2008. The bill today is being considered under an open rule. The issues of energy and water are always important, but this year these issues are the very center of our national dialogue.

I applaud Chairman VISCLOSKY and Ranking Member HOBSON for their continued commitment to provide the resources for our water infrastructure. This investment protects communities and saves lives.

I feel I could speak directly to this because in my home, Sacramento, this bill is arguably more important to the everyday life and safety of our population than nearly any bill this Congress will pass. Sacramento is the most at-risk river city for catastrophic flooding in this country.

My district serves as the seat of government for California, the sixth largest economy in the world, as well as the hub of a six-county regional economy that provides 800,000 jobs for 1.5 million people. A major flood along the American and Sacramento rivers would have catastrophic ripple effects regionally and nationally, cause upwards of

$35 billion in direct property damage, and likely result in significant loss of life to our families, our friends, and neighbors.

Sacramento needs this bill, but so do countless other communities across the Nation. I remember all too well on New Year's Eve of 2005 when the headline in our local paper said: "North State braces as rains' onslaught arrives." My district and I sat on the edge of our seats and held our breath to see how the storm would unfold.

Flooding did occur, and for those that endured it, it was tragic. But the majority of Sacramento was spared. Our flood system performed as it should, but it was definitely put to the test. Bolstering our system, working through this bill, and with the Army Corps of Engineers made our survival during that storm possible.

Locally, on a daily basis, we are working closely with the Army Corps of Engineers, the Bureau of Reclamation, the State of California and the Sacramento Area Flood Control Agency, our local partner, to achieve greater flood protection. We have achieved impressive results by integrating an approach that combines flood protection and dam safety with partners that can share resources. But what makes an approach like this possible are strong partnerships between the Federal Government, the States, and local entities.

I am pleased that this bill strengthens and supports this and other similar partnerships. Another key component of this bill is funding for the Army Corps of Engineers operation and maintenance funding account. This important increase will begin to address billions of dollars in Army Corps maintenance backlogs.

☐ 1030

This bill takes on the responsibility of not only building but also maintaining our infrastructure and makes an investment in securing our communities, property and, most important, lives.

As our country witnessed in the devastation in New Orleans, maintaining our infrastructure is an important function of the Corps that we cannot afford to overlook.

It is vital that the Federal Government continue to be a strong partner for these ongoing water infrastructure and flood protection investments. This will allow at-risk communities across the country to strengthen their vulnerable points. It will protect jobs and it will protect lives. There are few investments as worthwhile as this.

Just as we must invest in our country's water infrastructure, we must also implement a clean energy economy. This starts with weaning ourselves off of fossil fuels.

Mr. Speaker, the rising price of gas is well documented. In many communities gas prices are monitored more closely than the stock prices. Mr. Speaker, I stood here 1 year ago to manage the rule for last year's Energy and Water appropriations bill. During last year's debate I noted that the average cost of a gallon of gasoline was $2.93. Last year, there appeared to be no end in sight to rising prices.

Unfortunately, we have not seen much improvement at the pump. In fact what has changed has done so for the worst. According to AAA, the average price of a gallon of gas today is $3.06. In my hometown of Sacramento, it's $3.19. Many of us are probably asking, has energy policy improved?

To begin with, Chairman VISCLOSKY has recentered our priorities with this appropriations bill. We are now investing in renewable energy research. We are finally reducing our dependence on foreign oil and cutting greenhouse gas emissions. We are finally protecting our national energy security. Chairman VISCLOSKY and Chairman OBEY should be commended for these improvements.

These investments are long overdue, Mr. Speaker. They support our States and cities. For example, in my home State of California, we have plans to create a 20 percent renewable portfolio standard within the next decade.

These increased investments in energy programs contrast greatly with the President's priorities. Incredibly, the President's total request for renewable energy and energy efficiency is the same as it was in 2001.

During this President's entire administration, his goals and priorities have not changed. This is in spite of the everyday reminders of rising gas prices and the constant stream of evidence that our world is warming.

I applaud Chairman VISCLOSKY and Ranking Member HOBSON for their leadership in this area. They have set a responsible and innovative course with these priorities.

Finally, as I mentioned at the outset of this debate, this bill is being made in order under an open rule, which is our tradition. I hope that all Members will give that tradition the respect it deserves.

The American people want action on energy policy, climate change, flood protection and a number of issues that this bill funds. Let's let the process work, and let's support this responsible bill.

I strongly urge my colleagues to support this rule and final passage of the underlying Energy and Water appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from California (Ms. MATSUI) for yielding me the customary 30 minutes. I yield myself as much time as I may consume.

Mr. Speaker, at the beginning of this Congress, the Democrat majority chose to gut the earmark transparency and enforceability rules that the Republicans enacted just last year. They then decided to bring the spending bills to the floor that did not include earmarks so no Member could challenge, discuss, and call for a vote on the House floor.

Fortunately, the Republicans were successful in forcing the Democrat majority to restore earmark transparency and enforceability rules and bring spending bills to the floor with earmarks where they can be discussed, debated, and voted upon.

But, Mr. Speaker, let me be clear that the Fiscal Year 2008 Energy and Water appropriations bill before us today does not contain earmarks. However, Republican and Democrat leaders have reached an agreement that Members will have an opportunity to debate and vote on earmarks to be included in this bill before this bill is sent to the Senate, and I, along with my colleagues, will work to ensure that this promise is kept.

Mr. Speaker, I also wish to point out that the underlying bill is of tremendous importance to the central Washington congressional district that I represent. I am pleased by the funding provided for Hanford cleanup and the efforts to ensure that the Richland Operations Office can meet legal cleanup milestones along the River Corridor and in transuranic waste retrievals.

However, I must say, Mr. Speaker, the funding level for the waste treatment plant at Hanford is of a concern to me. It is important for this House and the Congress to recognize that while the bill provides sufficient funds for construction in this fiscal year, this bill's funding level will require a significant boost in funding in just 2 years to keep the project on its new independently verified budget and schedule. We must acknowledge that the choices made on funding for the waste treatment plant in this bill require balancing with a substantial increase in the very near future.

I also, Mr. Speaker, support the funds vital to the operation of Pacific Northwest National Lab, particularly the DOE Office of Science and NNSA plan to transition scientists' work in the 300 area to replacement lab facilities. This initiative is critical to our country's national security. And this bill provides a solid endorsement and boost to that project.

So, Mr. Speaker, when the Democrat majority keeps its promise to include earmarks and detail spending in this bill, we will know far more about the multibillion-dollar budgets of the Army Corps of Engineers and the Bureau of Reclamation. These are also of great importance to the irrigators, farmers and ports of Washington State and the Pacific Northwest.

Originally, as we know, the Democrat majority would have had this House consider the Energy and Water appropriations bill with a report that included page after page of blanks where dollar amounts should have been in the Army Corps and Reclamation budgets. But due to the demands of the Republicans, they will now fill in the blanks before and not after the House votes and sends this bill to the Senate. This will ensure that all Members will have an opportunity to review earmarks on the House floor and not just see them added months from now when they would have been beyond the scrutiny of a House vote.

We Republicans have secured a rules change to ensure this House and the American taxpayers can scrutinize earmarks, and that earmarks are subject to a vote of the House. This is the right thing to do, Mr. Speaker, and I'm pleased that the Democrat majority has agreed to Republican demands to restore transparency and openness on earmarks.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont, a member of the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentlelady from California (Ms. MATSUI) for her excellent work on this legislation.

Mr. Speaker, in November Vermonters and the American people demanded a change in direction in Washington and a change in priorities. The past 5 months have been an important down payment on our commitment to change.

Today the House takes up the third of 12 appropriation bills where we will continue making this progress of taking America in a new direction. This is a balanced bill adopting the pay-as-you-go principle enacted by this House of Representatives.

This Energy and Water Appropriation bill represents a bipartisan approach to our response to a growing energy crisis. We're making real changes by focusing on commonsense priorities.

We know we must reduce our dependence on foreign oil and cut our greenhouse gas emissions. This legislation invests $3 billion in addressing global climate change. It does so by researching effects of greenhouse gases and then working on the technologies that will make a new energy future. It also focuses on the growing renewable energy industry, making an investment in energy programs that both reduce greenhouse gases and help our Nation meet its energy needs.

This Energy and Water bill provides a 50 percent increase in energy efficiency, renewable energy and important water projects, including $200 million towards solar, $235 million in vehicle technology to increase mileage efficiency, $146 million in energy-efficient buildings, $117 million in enhancing hydropower.

In addition, it invests over $5 billion, as the gentlelady from California said, in construction operations and the management of critical water projects around the entire country, including in the State of Vermont.

These programs are important not only when talking about the need to reduce America's dependence on foreign oil and greenhouse gas emissions, but to make critical investments in new industries that can be seen across the country. If we make this commitment now, we can have a pro-growth, pro-high tech, pro-environment economy of the future.

In my district of Vermont, we have dozens of thriving, renewable energy companies rooted in our community and creating goods jobs. Efficiency Vermont, GroSolar, Agrefresh and NRG Systems, to name a few.

This is a timely bill. It invests in our energy independence and makes a down payment on the necessary progress to address climate change in our energy future. This Congress is committed to taking our country in a new direction, working in a bipartisan manner and in a fiscally responsible way. We're committed to making this an energy-independent country.

Mr. HASTINGS of Washington. Mr. Speaker, I would ask my friend from California if she has any more requests. I have no more requests for time and I'm prepared to yield back if she is.

Ms. MATSUI. I have no additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

And this is a truly open rule that continues the longstanding tradition of providing open rules for appropriation bills. So therefore, Mr. Speaker, I support House Resolution 481, and urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington. I yield myself the balance of my time.

Mr. Speaker, this is a good bill that puts our energy policy on line with the people's priorities by investing. It also raises our investment in our water infrastructure.

I urge a "yes" vote on the previous question and on the rule.

Mrs. BIGGERT. Mr. Speaker, I rise today in support of this open rule and the fiscal year 2008 Energy and Water Appropriations bill.

Mr. Speaker, I want to commend Chairman VISCLOSKY, Ranking Member HOBSON, and their subcommittee for putting together a strong bill that clearly recognizes the importance of scientific research and energy security to our national competitiveness. In particular, I want to commend them for more than meeting the President's request for the DOE Office of Science.

Mr. Speaker, we face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities. These investments are beginning to payoff, as Asian and European countries challenge U.S. leadership in the sciences, no matter how it is measured—by number of patents won, articles submitted to scientific journals, degrees awarded, or Nobel prizes won.

Report after report has called on Congress and the President to invest in U.S. research capabilities. The benefits of such an investment to the U.S. economy and U.S. competitiveness are well known. Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half-century.

That's why President Bush and Congressional Democrats and Republicans have proposed doubling federal funding for basic research in the physical sciences over the next 5 to 10 years as part of their innovation and competitiveness initiatives.

Supporting over 40 percent of total federal funding for basic research in the physical sciences—more than any other Federal agency—the DOE Office of Science is the Nation's primary supporter of research in the physical sciences.

Mr. Speaker, U.S. scientists are as bright as any in the world, but they traditionally have had better tools than everyone else. Under the President's budget, 21,500 researchers would have access to the DOE's unique system of large-scale, specialized user facilities. Nearly half of those users will be university faculty and students, many will be from other federal agencies, and a significant number will be from U.S. industry.

And the Office of Science is using those facilities and its expertise to address our energy challenges. It supports basic research related to: The production of cellulosic biofuels; the development of advanced materials for the safe storage of hydrogen; more durable and efficient solar panels and wind turbines; and advanced nuclear systems, not to mention fusion power.

Mr. Speaker, the Office of Science has developed a balanced investment strategy to ensure the U.S. retains its dominance in such key scientific fields as biotechnology, nanotechnology, materials science, and supercomputing well into the next century. I again commend my colleagues on the Energy and Water Appropriations Subcommittee for recognizing the great contributions that basic research in general—and the DOE Office of Science in particular—make to our energy security and our national competitiveness.

Ms. MATSUI. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution (H. Res. 496) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 496

Resolved, That the following member be, and is hereby, elected to the following standing committee of the House of Representatives.

COMMITTEE ON ENERGY AND COMMERCE.—Mr. Gillmor, to rank after Mr. Stearns.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON S. 1352, DR. FRANCIS TOWNSEND POST OFFICE BUILDING

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and pass S. 1352 to the end that the Chair put the question de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1352.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2641 pursuant to House Resolution 481, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2641, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2641.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. DAVIS of Alabama in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. HOBSON) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 2641, the Energy and Water Development Appropriations bill for fiscal year 2008.

I want to first thank all the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. I particularly want to thank my partner and ranking member, Mr. HOBSON of Ohio, for his extraordinary friendship and cooperation this year.

I would parenthetically point out that for the last 8 years, Mr. HOBSON has come to this floor as chairman of an appropriations subcommittee to manage a bill. I am wiser and richer because of the advice and counsel of Mr. HOBSON throughout the development of this bill, and I thank my friend deeply.

This is a truly bipartisan bill that represents a fair and balanced compromise. I believe this is the way our constituents expect Representatives to work together, and I am proud of our bipartisan process. I also want to thank the chairman of the Appropriations Committee, Mr. OBEY, and the ranking minority member, Mr. LEWIS, for their support.

And I deeply want to thank all of the staff of the subcommittee, Dixon Butler, Scott Burnison, Terry Tyborowski, Taunja Berquam, Lori Maes, Kevin Cook, Rob Blair, and Ben Nicholson, for their very hard work on this bill. I want to also thank both Shari Davenport of my office and Kenny Kraft of Mr. HOBSON's office. And I would also acknowledge our agency detailee, Chris Frabotta from the Corps of Engineers, for his assistance in putting this bill and report together. These people form a great team and their work has been invaluable. I would also note for the membership that Chris has served two tours of duty in Iraq as part of the Army Corps of Engineers and Taunja has also served our country in Iraq on one tour also with the Army Corps of Engineers.

Total funding for the Energy and Water Development in fiscal year 2008 is $31.603 billion. This bill cuts lower priority programs. These spending cuts include 37 programs in weapons under the Department of Energy, totaling $632 million below the President's request, and 20 other programs, totaling $280 million below the President's request.

On the other hand, this bill funds the most worthwhile projects and programs at or above the requested level. It reduces some programs that are less valuable or less urgent and redirects funding from previous years that has not been obligated or spent.

All our constituents are in shock at the high price of gas. There is nearly half a billion dollars provided in this bill for research, development, and demonstration efforts in biofuels and vehicle technologies. I would also note that this subcommittee has been working to provide additional funding for this critical area for 3 years, first of all, under the leadership of Mr. HOBSON and, more recently, myself. We are today funding above the President's request for biofuels and vehicle technologies over fiscal year 2006. Together we again increase funding in 2007, and this subcommittee this year made additional investments in vehicle technologies and biofuels for fiscal year 2008. Compared to the President's 2006 request, the subcommittee has worked in a bipartisan fashion to address the energy crisis by increasing funding for these areas by over 100 percent.

These efforts will not bring down the price of gas immediately, but they will help put us on a path to decrease dependence on imported oil and greater fuel efficiency. These are critical steps we must take today.

One of the reasons for our current energy price crisis is the past lack of investment in energy. In fiscal year 2006, adjusted for inflation, government funding for energy research, development, and demonstration had fallen to less than one-quarter of its 1980 levels. In the fiscal year 2007 year-long continuing resolution, Congress began to address this by increasing funding for energy efficiency and renewable energy activities at the Department of Energy by $300 million. For example, in fiscal year 2006, adjusted for inflation, government funding for conservation R&D was 49.2 percent of where it was in 1980. This year it will be 68.7 percent. The bill provides increased funding for energy efficiency and renewable energy that is $400 million above 2007 levels.

Energy consumption can be cut in the near term through increased funding for weatherization assistance. This bill provides $245 million in weatherization grants and is an increase of $100 million from the President's request. In addition, the bill redirects fossil energy funding to emphasize carbon capture and sequestration.

Increased funding is included for nuclear energy as well, balancing support for licensing new light water nuclear reactors, the kind that currently provide 20 percent of our electricity, for demonstrating the safer Gen IV helium-cooled nuclear reactor technology and for research and development, particularly on the nuclear fuel cycle.

Nuclear weapons or weapons material in the hands of terrorists is acknowledged by the President and others to be the number one terrorist threat to the United States. The Department of Energy takes the lead in combating this threat by advancing international efforts to prevent nuclear proliferation with an $878 million, or 74 percent, increase to the President's proposed operating level for legitimate nuclear nonproliferation programs.

Testimony before our committee has made clear that there are significant opportunities for protecting such nuclear material where it exists, enhancing monitoring systems that detect it should it be moved illegitimately, and transferring it to safer locations. This bill also redirects funding provided in 1999 but never spent to initiate a nuclear fuel bank under the auspices of the International Atomic Energy Agency. This fuel bank, conceived originally by former Senator Nunn and others, is intended to remove the motivation for countries that wish to rely on nuclear energy to develop their own uranium enrichment capabilities. This is the precise concern that the U.S. and many other nations have today with the country of Iran.

Nuclear nonproliferation activities have included parallel efforts for the United States and Russia to dispose of surplus weapons-origin plutonium. The U.S. has pursued fabrication of mixed oxide fuels, so-called MOX, for use in commercial nuclear reactors followed by disposal in Yucca Mountain as its strategy. It is assumed that Russia will eventually agree to follow a similar path. Russia prefers a different path to dispose of its weapons-origin plutonium by using it to fuel breeder reactors. This approach would result in more plutonium, not less. The administration and the defense authorizers ended a direct linkage between the U.S. and Russian programs last year. Therefore, with no expectation of any Russian plutonium disposition occurring under this program, the U.S. MOX facility is no longer a nuclear nonproliferation activity. And very importantly, and I would emphasize this, the subcommittee transfers the project to the nuclear energy program along with enough funding to allow construction to proceed. This funding for MOX will be accompanied by continuous oversight. This subcommittee will closely monitor the progress of the MOX facility. If mistakes continue to be made, the Department of Energy will find it very difficult to make a successful case for any further support.

Without question, Mr. Chairman, there is a need for a comprehensive nuclear defense strategy and stockpile plan to guide transformation and downsizing of the stockpile nuclear weapons complex; and until progress is made on this crucial issue, there will be no new facilities or Reliable Replacement Warhead. Only when a future nuclear weapons strategy is established can the Department of Energy determine the requirements for the future of nuclear weapons stockpile and nuclear weapons complex.

Further, testimony before this subcommittee has pointed to the potential for the international community to misunderstand development by the United States of a new nuclear weapon. Moreover, for the last decade, the administration has said that stockpile stewardship was a path to maintain the safety, security, and reliability of the nuclear stockpile. Now, with three major facilities that we were told were needed for stockpile stewardship all overbudget, all over their deadlines, and all not completed, we are told "let's do something else."

Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Major transformation of the weapons complex can only be produced with significant bipartisan support, lasting over multiple sections of Congress and multiple administrations. Given the track record of mismanagement at the agency for projects that have a plan, I don't think it is asking too much for a comprehensive nuclear strategy before we build a new nuclear weapon.

People work hard for their money before they pay their Federal taxes. The Department of Energy has squandered vast sums of this money. Project management at the Department of Energy must be reformed. The Department of Energy is the largest civilian contracting agency of the Federal Government and spends over 90 percent of its annual budget on contracts. In 1990 the Government Accountability Office, the GAO, began an annual assessment resulting in a list of programs that are at high risk for waste, abuse, and mismanagement. DOE contract management has been on that list year in and year out for 17-long miserable years. GAO has found that since October 2002, alone, DOE has achieved its performance goal of implementing projects within 10 percent of cost and schedule baselines only about one-third of the time.

One of the management failures is the waste treatment plant at Hanford, Washington, where the construction cost overrun now exceeds $8 billion. This is just one example of inexcusable, ineffective, and wasteful project management at the Department of Energy. DOE's inability to effectively manage critical projects has real consequences for our Nation and calls into question their ability to ensure that we are prepared to meet important challenges.

In the bill, DOE is directed to work with the GAO to develop a concrete plan to get off the GAO high-risk list.

There are also elements in this bill, important ones, dedicated to the environmental cleanup responsibilities of the Department and for the Army Corps of Engineers, as well as the Bureau of Reclamation.

I do believe, Mr. Chairman, this is a very good bill and would recommend it to my colleagues' attention and would request their support.

Mr. Chairman I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me thank Mr. OBEY, the chairman of the committee, for his good work with us on this bill. And I want to add my support to Chairman VISCLOSKY on doing a good job on his first bill, and I will talk about that a little bit further.

This is the first Energy and Water appropriation bill that my colleague from Indiana has developed and brought to the floor. The first one, I found out, is always the hardest one, but he has done a great job and it is a good bill; and I have certainly enjoyed working with him this year in a new position for me also as the ranking member on this bill.

It certainly helps to have an allocation that is $1.1 billion over the administration's request. However, I do not disagree with the major funding decision that the chairman has made in this bill.

This bill is a very thoughtful approach to some very difficult issues, including investing in our Nation's water infrastructure, developing domestic energy sources with less impact on global climate, and fostering our national security through rational efforts on nuclear nonproliferation and nuclear weapons.

I want to comment briefly on a couple of specific programs and projects, including several that Chairman VISCLOSKY has just recently discussed. I fully support the increased spending for water resources infrastructure. We have chronically underinvested in this infrastructure in recent years both in this administration and, frankly, in the previous administration.

□ 1100

And the hurricanes of 2005 taught us some very hard lessons about the consequences of such underinvestment.

The Corps already has a significant backlog of construction projects, a backlog that, frankly, is only going to get larger with the next Water Resources Development Act, which we don't have the money to fund that.

I'm very pleased that the chairman maintains the continuing contracts and financial management reforms for the Army Civil Works program. These reforms are critical if the Corps is to get its house in order, and if it is to make responsible use of the $5.5 billion we provide in this bill. And let me say that not fixing the Corps' problems has cost us a lot of money, because when we don't complete projects on time or don't complete parts of projects, those projects grow in cost and it makes the problem even worse. And therefore, the underfunding of this by the administration, and not just this administration, but previous administrations, has not been helpful.

I generally agree with the majority's priorities for the Department of Energy. It is essential that we develop advanced energy technologies that increase our energy security by reducing greenhouse gas emissions and lessening our dependence on foreign oil. However, I will caution that increased spending on these technologies is no guarantee of increased results, especially at the Department of Energy.

I want to briefly talk on this subject of loan guarantees. I will state up front that I have no confidence whatsoever that the Department of Energy is capable of managing this program in a responsible manner. That said, I recognize the congressional and industry pressure in favor of loan guarantees.

You may hear two complaints about our bill, that we do not provide the full administration request of $9 billion for loan guarantees, and that we did not include nuclear power plants in the $7 billion. Those criticisms miss one essential fact: that Congress already provided DOE with $4 billion for loan guarantees in the fiscal year 2007 continuing resolution that was not restricted to any particular energy technologies. The Department could apply all $4 billion to nuclear power plants if they so choose. But let me tell you, they don't have any expertise over there on this, and it's going to be a mess because they don't know how to handle it and they don't know how to underwrite these loans. But they're going ahead with the program because Congress is pushing them into it.

Now I want to talk about nuclear weapons.

I share the majority's concerns on the reliable replacement warhead. The concept of RRW has merit if it allows us to have a smaller stockpile of more reliable weapons that will not require nuclear testing. But all we have right now is a vague promise. What we need to see is a significant stockpile plan from the administration that shows how developing the RRW will actually get us to a much smaller future stockpile. Such a stockpile plan is also essential before we invest significant resources in modernizing the DOE's nuclear weapons complex. For that reason our bill does not fund RRW, and makes roughly a 10 percent reduction in the weapons account activities.

We should not be spending billions to modernize a Cold War footprint of the weapons complex until the Department of Defense defines what kind of future stockpile DOE will have to support. I don't think most people are really aware of how this all works, but the Defense Department is the customer, DOE is the provider.

I am aware that there are Members' and administration concerns about the effect these cuts may have on weapons facilities. I will address these concerns later in my discussions.

Now let me talk about one that really gets me going.

There is really only one place in this bill, and I see the chairman smiling, where I have a really significant difference of opinion with the majority, and that is funding for the MOX plant. For those Members who are not familiar with this project, let me do a little quick review.

In early 2000, the United States and Russia agreed for each country to dispose of 34 metric tons of excess weapons-usable plutonium. Each country had a preferred technology for plutonium disposition. The U.S. wanted immobilization, and Russia wanted fast reactors. So, they reached a compromise to convert the plutonium into mixed oxide fuel to be burned in existing commercial lightwater reactors. The U.S. and Russia were supposed to proceed in parallel with their respective MOX projects. Well, guess what? The Russians are coming. Last year, Sergey Kiriyenko, the head of ROSATOM in Russia, told the chairman and myself that MOX is an obsolete and expensive technology, and Russia has no intention of building a MOX plant unless the international community pays 100 percent of the cost. If Russia has to spend any of its own money for plutonium disposition, then it will use fast reactors. He couldn't believe that we were dumb enough to still want to build a MOX plant in the United States. Well, guess what? We are going to build one because we are that dumb, I guess, because DOE and some in Congress still think we should proceed with construction of this plant.

The project was sold to Congress as costing only $1 billion. That's where it started out. The latest estimate, and they haven't broken ground yet, is $4.7 billion. And that's before construction actually starts. Given DOE's dismal track record of controlling costs, the final price tag will certainly be much higher. The total set of facilities and operations that must be completed to dispose of the 34 metric tons of U.S. plutonium has an estimated life-cycle cost of $11 billion. And the project is now a mere 11 years behind schedule.

So, what has been the response of this cost growth and schedule slipping and the Russian abandonment of the MOX approach? The authorizers delinked the U.S. and Russia project, meaning they want the U.S. MOX project to go forward with or without any Russian progress. The U.S. material, frankly, is not at risk. What we really wanted to do was to eliminate the 34 metric tons of the Russians. So now, what is the incentive for the Russians to go forward and eliminate theirs? So, we lost all our leverage.

This is not about nonproliferation, it's all about jobs and economic development in South Carolina. Without any competition, DOE picked the Savannah Rivers site as the place for the MOX project. Some claim that South Carolina only accepted this mission with great reluctance, and insisted on DOE building a MOX plant so that plutonium would have an assured path out of the State. Well, that argument is bogus for two reasons.

First, the 34 metric tons of plutonium is not presently at Savannah River. The vast majority of it is stored at the Pantex plant in Texas. The government does not have an obligation to get this material out of South Carolina because this material isn't in South Carolina.

Second, some folks assume that construction operation of the MOX plant somehow guarantees this plutonium material will leave their State. Well, it doesn't. We have testimony on the record from DOE making very clear that Yucca Mountain will be full to its authorized capacity by the year 2010. Any material generated after that date, whether spent MOX reactor fuel or even vitrified plutonium, will remain in storage onsite until Yucca is expanded or a second repository is built. That means this plutonium material will remain in South Carolina for a long time. And during that time, they're going to be able to sue us for $100 million a year because we haven't moved it. Does this sound dumb? Does this sound like smart business? Not to this Member.

I had high hopes that the Secretary of Energy had the background and skills to make a real difference at DOE, and certainly on this project he could have made a difference. But I have lost confidence in him, and it started over his unwillingness to change course on the MOX project when circumstances changed.

There is plenty of blame to go around. Not only has the administration stubbornly insisted on "staying the course" on this troubled project, but the authorizing committees with jurisdiction have failed to exercise oversight and taken action on MOX. Even the fiscal conservatives in my own party, who were so anxious to criticize every earmark, miss the fact that this project will waste $11 billion of taxpayer dollars. I want you to know under my watch, when I was chairman of this, we gave it zero funding. And I would have liked to have done that. But I understand the pressures on the chairmen on both the committee and the subcommittee. And frankly, they have reduced the level significantly from the requested amount.

I really appreciate the fact that the chairman of the full committee and Mr. VISCLOSKY made a statement, the statement was actually by Mr. VISCLOSKY and supported by Chairman OBEY. And the chairman said, "The MOX plant is one of only a few construction activities supported in the bill. And DOE is put on notice that the first sign of significant cost growth, schedule slip or requirements change, the committee will shut this project down." In future years, maybe this project will run off the rails, and I want Members to see what happens here.

I offered to the administration and to others not to build this plant the way they're building it. I think it's silly to build 34 metric ton capacity and then have to tear the plant down and send it out to Utah and put it underground. What I really wanted to do, and offered to do, was build a plant that we could design up front to where we could do other types of fuels in this, rather than the weapons-grade plutonium, but nobody seems to be listening anywhere at this point. But I do appreciate the full chairman and the chairman of the subcommittee and their comments.

I want to talk about the policy on earmarks. I think we've got that straightened out now. I wish it had been in this bill, but I think it's going to move forward. And I think we fail in our responsibility if we don't do oversight. I think it's good to take out both the President's earmarks and our earmarks. I did that before. Any new starts that were in the bill, I took them out when I was chairman, and I want to congratulate the chairman now for doing the same thing. We need to provide more oversight.

I really get upset that the way the Corps of Engineers is done today is we get no real input into that. It's all basically done by an agency within the White House and by some people that we don't even meet with and we don't even know. They are saying what's going to go forward in somebody's community or not going forth in somebody's community; and frankly, we're here and know our communities better than somebody in some agency that we can't find.

I want to just conclude by saying I am pleased that Chairman VISCLOSKY has continued the bipartisan cooperation in this bill. I am proud to be a part of a subcommittee that focuses on getting the job done efficiently and does not let partisanship get in the way of doing the right thing for the American people.

This subcommittee could not get the job done so well without exceptional staff. I want to thank Dixon Butler, Taunja Berquam, Scott Burnison, Terry Tyborowski and Lori Maes on the majority side for their hard work and dedication. I might say, many of those people worked when I was the chairman before, and I thank the majority for keeping them, and for the good work that all of them have done.

I also want to thank Chris Frabotta, our Corps detailee this year, who comes from the Corps' Wilmington District and has served in Iraq. I also want to thank Kevin Cook, Ben Nicholson and Rob Blair on our minority subcommittee staff, and Shari Davenport on the chairman's personal staff and Kenny Kraft on my staff for a great job. We have all worked together on this bill for a number of years, and we are continuing to do that.

I just really want to thank my chairman, my partner on this bill. I frankly intend to be as good a partner to the chairman as he was to me when I was the chairman. And the only way we can solve some of the problems of the Corps of Engineers and the Department of Energy is, frankly, for us to continue working together.

Despite my concerns about the level of spending without congressional direction, I intend to support this bill to the full. And I encourage the other members of the committee to do so as well.

Once again, I thank the chairman for his courtesy, and I look forward to working with him for a number of years.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would just make a few comments. One is, I do not believe that Mr. HOBSON was on the floor when I thanked him for his sage advice.

As he mentioned in his opening remarks, as I did in mine, he has chaired eight times and has brought bills to the floor eight times on appropriation subcommittees. He has been a great friend and a great teacher. I would suggest that the mistakes I make are my own and not a failure of Mr. HOBSON or the ably trained staff on the committee.

I would also simply point out in all seriousness that the differences, so to speak, between Mr. HOBSON and myself on MOX are marginal and at a matter of degrees. We are agreed as far as the failure of the Department of Energy and their management practices. We are agreed that they are forewarned that they had better not make one mistake in South Carolina on this project. And I would very strongly emphasize that the moneys for MOX are where they should be and where I certainly want them to remain, and that is within the energy programs of the Department of Energy because MOX no longer has anything to do with proliferation, and if left in that account, would have eaten half of that very important program alive from a monetary standpoint.

□ 1115

I would emphasize this is not simply an issue of money, but keeping that money in its appropriate account, and that is in the energy account at the Department of Energy. Again I would thank the gentleman for his words on this project on this House floor.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY), the chairman of the full committee.

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time, and I want to congratulate the gentleman from Indiana and the gentleman from Ohio for doing a first-rate piece of work on this legislation. They know their business, they work with each other well, and I am proud of both of them. I would like to discuss two matters. The first is the question of congressional earmarks, and the second is the actual substance of this bill.

We have seen much attention paid over the past several months to the practice of Congress earmarking certain projects.

This bill is a project-oriented bill, and so there will be quite a lot of that going on before the bill is finished. But I would like to put that in context. The fact is that the administration has requested far more dollars for earmark projects for this bill than the Congress traditionally provides.

Example: In fiscal year 2006, which is the last year we had a completed bill, the President asked for 987 specific earmark projects in the budget for the Army Corps of Engineers, costing $3.8 billion. The Congress appropriated $1.1 billion for projects that it ranked as high priority.

The result: 77 percent of the Army Corps budget went for projects earmarked by the administration; 23 percent went for projects earmarked by the Congress of the United States.

In fact, this is a copy of the report for that 2006 bill. The list of administration project earmark requests goes on for 46 pages, and I would submit that if the administration had been Democratic, it would have been the same result.

Now, how does the administration decide how to allocate money to specific projects? Here is what the instruction sheet reads for the Corps of Engineers: "To be included in the recommended program and considered for the ceiling program for fiscal 2008, a construction project or separate element must be consistent with policy."

Well, guess what? That is the same policy that Congress provides. Projects have to be consistent with policy in order to be included.

The document from the Army Corps of Engineers also says it must have a decision document for which executive branch review has been completed. And then it goes on to say, each project or separable element must meet at least one of nine criteria, which are listed. But then it goes on to say, "however, the agency may propose to relax those criteria, to use additional criteria, or to include special cases."

Guess what? That is exactly what the Congress does in determining which projects it feels are high priority.

Now, let's turn to 2008. This year, the administration has requested some 991 projects. If you string them end to end, that is how long their project list is for this year. I would submit, in the end, this will be a longer list than the project list provided by the Congress in this bill.

So let me simply state that whether projects are funded because of directed spending on the part of the administration or directed spending on the part of the Congress, the result is the same: public money is expended on projects that either the executive branch or the legislative branch thinks represent high priority needs. So much for earmarks in this bill.

Now, let me simply discuss the substance. There are three major areas of funding critical to our country's future in the bill: climate change, the energy crisis, and nuclear policy.

This bill includes more than $1 billion above the President's request for climate change. Funding goes to energy research, for development and demonstration of energy technologies that don't release greenhouse gases. They include conservation, research and development, and demonstration to reduce energy consumption in buildings, vehicles and energy-intensive industries. They include deployment of conservation measures in Federal buildings. They include demonstration of capture and sequestration of carbon dioxide.

In the 1970s, the United States responded to the energy crisis in those days with substantially increased funding for energy research, for development and demonstration. But with the collapse of oil prices in the eighties, the interests of the administrations and the interests of Congress, unfortunately, subsided. So the result is that by fiscal 2006, after adjusting for inflation, research budgets for renewable energy were only 20 percent of what they were in real terms in 1980. Research budgets for fossil energy were only 25 percent of 1980 levels. Funding for conservation research was only 49 percent of 1980 levels.

In the year-long continuing resolution which we passed just 3 months ago, we raised those percentages considerably. So 2007 funding for renewable energy was boosted up to 38 percent of 1980 levels, and 2007 funding for conservation was boosted to 54 percent of 1980 levels.

This bill continues that effort: 2008 funding for renewable energy will now under this bill be upped to 47 percent of 1980 levels, 2008 funding for fossil energy will be upped to 31 percent of 1980 levels, and 2008 funding for conservation will be up to 67 percent of 1980 levels.

This bill also provides for a $2 billion operating level for the nuclear nonproliferation activities of the Department of Energy.

This bill does not fund new nuclear weapons nor major new weapons facilities, because the administration has not developed a strategy for strategic nuclear weapons in the post-Cold War era.

So let me simply say in conclusion that this bill reverses a quarter century of decline in energy research. It increases critical funding to prevent nuclear weapons or material from falling into the hands of terrorists. It represents a responsibly balanced bill. I congratulate both gentlemen for producing this, and I would urge strong support for its passage.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, I thank the distinguished ranking member.

Mr. Chairman, I want to talk for a minute about process, because I have been on the Appropriations Committee 11 years and on this subcommittee for 9 years. I have served on half a dozen subcommittees of appropriations, and I have seen no subcommittees exert more or better oversight to the programs that they are responsible for than this committee.

First under Chairman HOBSON, now under Chairman VISCLOSKY, the two have worked as brothers very effectively to hold accountable these agencies. You heard them both express consternation with the Department of Energy. In my 12½ years here, the first 6 years it was Democratic leadership of that Department, and now Republican leadership of that Department. Both could improve, and both must improve. But these gentlemen are trying to hold these programs accountable.

There are two issues here on responsibility. One is just holding the line on spending. The other is exerting the Congress' responsibility to make sure these programs work and that we get the bang for the buck, spend the money and get the return. Oftentimes, the bureaucracy and the waste and the mismanagement are more important than the dollars that are being spent. They are doing something about it, and doing it extremely well.

Now, I am also for holding the line on spending in a big way. But if you ask the American people right now which one of these appropriations bills should you be spending more money in, they would say energy independence first. It is the biggest national security issue we have now. It is the confluence of the natural environment, our energy independence, and national security.

So all I would say is, let's be careful we are not penny-wise and pound-foolish. We should be spending more money on renewables and energy efficiency and energy research. We should be trying to encourage biomass and new fuels and new vehicles. So let's be careful, okay?

I definitely want to hold the line on spending. There are going to be some vetoes, and rightly so. But I want to make sure that this particular bill at the end of the day better funds these programs that we are all for.

Remember, "conservative" means conserve energy, save energy, more efficient energy. These are important programs. They can be managed better.

This is also the bill that funds nuclear nonproliferation, a big issue right now. We have got weapons activities. HEATHER WILSON of New Mexico spoke at our conference this morning about things that actually are not in this bill and should be in this bill.

So this is the beginning of the process. I know Senator DOMENICI is going to weigh in. I love it, because these House leaders have given the House a better position to negotiate this bill from than we have ever had in my tenure here, because we need that leverage. Frankly, the Senate has rolled us on this bill for many years. Not any more. We get fair treatment. We can go in there and negotiate our priorities and come away with a good product.

So I am not going to say this bill is perfect, but I have to tell you, they have done a great job putting it together. We are going to end up with a great bill in the final analysis. Congratulations to all, and thanks to the staff.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I thank Mr. VISCLOSKY for yielding me time.

Mr. Chairman, this bill really, I think Mr. WAMP said it is best, is one about efficiency and it is about how we spend our money when it comes to energy independence. There is no question that the people of this country understand it very well, that this bill is good for national security, it is good for the climate and it is good for jobs, because it promotes energy efficiency, it promotes renewable energy and alternative sources of energy, and it adds sufficient funding to the Department of Energy so that it can really boost its Office of Science and its Office of Energy Efficiency.

I am fortunate to have in the Seventh Congressional District of Colorado the National Renewable Energy Lab, which is the finest laboratory of its kind in the world, to promote renewable energy and energy efficiency. This bill will help the Department of Energy continue to support the National Renewable Energy Lab as it works with the private sector to come up with new ways to power America and the rest of the globe.

This is a fine bill. I thank the committee for developing this. I support it, and I ask wholehearted support from the Congress, because this, as I said, is good for national security, it is good for the climate, and it is good for jobs.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG) for a colloquy with the chairman of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding. I do want to enter into a colloquy with Chairman VISCLOSKY.

Today I rise to highlight the importance of research of advanced battery technology and our efforts to reduce our country's dependence on Mideast oil, also increase energy efficiency, cut emissions and strengthen the manufacturing sectors, all of which is all so vital to our economy. The U.S. automotive industry understands these goals and is currently working to meet them. I believe Congress should continue to assist The Big Three in reaching these goals.

□ 1130

There are many ideas that show promise of accomplishing these critical goals; but alternative and renewable fuels are an essential part of the equation and many promising technologies are being developed. Ethanol and biofuels are encouraging, but the technology and infrastructure simply are not there to make them viable solutions right away.

Hybrid-electric technology has already shown its capability to dramatically increase fuel efficiency and has proven to be acceptable to the American car consumer. However, gas-electric hybrid vehicles do not represent the end of this avenue. If we invest valuable research and development dollars into leap-ahead technology such as advanced batteries, we can move past the tailpipe entirely with fully electric automobiles.

The Japanese Government invests heavily in advanced battery research which benefits Toyota directly. The American auto companies asked President Bush and Congress for a modest investment of $500 million over the next 5 years for advanced battery technology research and development. This research, which would be conducted by USCAR, is critical to making the plug-in hybrids a reality.

While I understand the limitations that you face with your allocation, Mr. Chairman, it is my hope we will be able to work together to increase funding for advanced battery research and the development that goes with it as this bill works its way to conference.

I yield to the chairman.

Mr. VISCLOSKY. I appreciate the gentleman's comments, and I thank the gentleman for his concern about this important topic.

I agree with him that advanced battery research and development is essential in our goals to increase energy efficiency and reduce emissions. That is why we have included an additional $10 million over the President's request in this bill for advanced battery R&D.

Mr. KNOLLENBERG. I thank the chairman for his support and am greatly appreciative of his commitment to such an important endeavor. However, the U.S. automotive industry believes that a significant increase of Federal investment in the development of advanced batteries will not only improve fuel efficiency and reduce the emissions, but it will also help them compete with foreign automakers whose countries have already committed to provide significant funding for advanced battery R&D. The U.S. automakers believe that an additional $100 million this year for advanced battery R&D would considerably promote current efforts to develop the technology and become a leader in the production of advanced lithium ion batteries.

Mr. VISCLOSKY. I thank the gentleman for his passionate support of the domestic automotive industry and appreciate the industry's effect on the national economy because I have a strong manufacturing presence in my district. Technology development is vital to the success of the manufacturing sector, and Congress should continue its support of R&D.

I also thank the gentleman for his acknowledgment of our budget constraints. The subcommittee will be happy to work with him and the rest of our colleagues as we work our way through conference.

Mr. KNOLLENBERG. I thank the gentleman.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I want to thank the ranking member of the subcommittee for yielding me the time.

I know that both the chairman and the ranking member share my great frustration that again this year the Department of Energy failed to request funding for the university reactor infrastructure and education assistance program. That is why I was extremely concerned to learn that this bill included no funding for this program.

At the same time I recognize that the subcommittee has provided $15 million in funding for the Nuclear Regulatory Commission to support university programs, but that spending will be limited to scholarships and fellowships and "human infrastructure" programs. And I understand that Assistant Secretary Spurgeon has indicated publicly that DOE plans to support universities, faculty and students with over $60 million in funding from its core research programs.

I would ask this of the ranking member: Does the subcommittee expect the DOE to fulfill this commitment? And, furthermore, is the $15 million in NRC funding in this bill in addition to DOE's commitment?

I yield to Mr. HOBSON.

Mr. HOBSON. I thank the gentlewoman from Illinois (Mrs. BIGGERT) for her interest in this area. She is correct; the committee fully expects DOE to fulfill its commitment, recognizing the exact amount will change because the core research funding in this bill deviates from the President's request. And this DOE funding is in addition to the $15 million the subcommittee is providing NRC to support university programs.

Mrs. BIGGERT. To ensure that the DOE fulfills this commitment, would the ranking member be willing to request that DOE submit a detailed report on how much the DOE would spend on university nuclear programs within the funding levels provided in this bill?

Mr. HOBSON. In reply, yes, we will make that request. And should the subcommittee find the DOE's response unacceptable or not receive a response by the deadline stipulated, I commit to working in conference to direct the DOE to support university nuclear programs using core research program funding.

Mrs. BIGGERT. I thank the gentleman. I am also concerned that the bill does not provide sufficient funding for research reactor infrastructure support and upgrades. Would the ranking member be willing to work with me and other interested Members to ensure that the needs of our Nation's research reactor infrastructure are met in fiscal year 2008?

Mr. HOBSON. I would be happy to work with my colleague on this issue. The subcommittee recognizes support for university-based research reactors is an important part of the Federal stewardship role for the U.S. nuclear science and engineering enterprise.

Mrs. BIGGERT. I thank the gentleman.

Finally on a separate and unrelated issue, I remain concerned that there is no funding in this bill for the Army Corps' dispersal barrier on the Chicago Ship and Sanitary Canal, which is designed to keep aquatic invasive species like the Asian carp from reaching the Great Lakes and devastating the ecosystem.

I recognize the bill contains no funding for the barriers because the bill identifies no projects, and because additional authority included in WRDA is required for the Corps to complete and operate the barriers. If for some reason WRDA isn't enacted before conference begins on this bill, will the ranking member agree to help address the outstanding authorization issues and appropriate the necessary funds for these barriers in conference?

Mr. HOBSON. I am committed to addressing any outstanding issues related to the barriers in conference, if necessary.

Mrs. BIGGERT. And then, Mr. Chairman, do you share these concerns about both the barriers and DOE's university nuclear programs, and will you support the approach the ranking member and I are proposing to take to address these concerns?

I yield to Mr. VISCLOSKY.

Mr. VISCLOSKY. I will assure the gentlewoman that I do, and I will.

Mrs. BIGGERT. I thank the chairman and the ranking member for their efforts in this area.

Mr. VISCLOSKY. How much time remains on both sides?

The CHAIRMAN. Both sides have 6 minutes remaining in debate.

Mr. VISCLOSKY. Mr. Chairman, I recognize the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Chairman, because of the flood mapping crisis in Houston, Texas, and the need for flood control, let me add my appreciation and submit my statement for the RECORD in support of this legislation.

Thank you, Mr. Chairman. I rise to speak in strong support of H.R. 2641, the "Energy and Water Appropriations Act of 2007." I also rise to express my sincere appreciation to Mr. VISCLOSKY, the chairman of the Energy and Water Subcommittee and his ranking member, Mr. HOBSON of Ohio, for working together in a constructive effort to renew America's dependence on foreign oil and cutting greenhouse gas emissions.

Moreover, this bill merits our support because it increases the Nation's commitment to long-term basic research by increasing the Federal investment that is so critical to developing the next generation of scientific breakthroughs. Federal funding for research and development has declined steadily over the last decade, and sound science has been compromised by political interference. This legislation takes a giant step toward reversing this disturbing trend.

Mr. Chairman, in the 1970s, our Nation faced an energy crisis unlike any we had ever experienced before. The OPEC oil embargo of 1973 led to skyrocketing prices, long gas lines, gas sales only every other day, and shortages where gas was simply unavailable. We experienced another oil shock in the late 1970s and under the leadership of President Jimmy Carter, America responded with unprecedented initiatives for energy research. But over the years, gas prices came down, incentive was lost, and these efforts fell by the wayside.

Today, we again face an energy crisis, only this time it is coupled with the enormous challenge of addressing the reality of global climate change. H.R. 2641 attempts to face these twin crises with over three billion dollars to address global climate change—researching its effects and working on technologies to slow it down—and investment in renewable energy programs that both reduce greenhouse gases and help our nation meet its energy needs.

The bill cuts funding for poorly thought-out plans for nuclear weapons recognizing that because of the enormous cost and the importance to our national security they require smart strategies not blank checks. Instead it works to keep Americans safe with a 75 percent increase in funding for nuclear nonproliferation efforts. It also funds the Army Corps of Engineers, strengthening our Nation's navigation infrastructure and improving flood control programs.

Before I highlight some of the more attractive provisions of this legislation, which by the way contains no earmarks, let me explain briefly why this energy and water legislation is so near and dear to the people I represent in the Eighteenth Congressional District of Texas.

In the past 2 years, Houston, the center of my district, has experienced some of the most devastating acts of nature in its history.

Six years ago this month, in June 2001, Tropical Storm Allison hit southeast Texas. Until Hurricane Katrina, this storm would become the costliest tropical storm in United States history. Flash flooding initiated quite rapidly during Houston's rush hour late Friday afternoon and on into the evening hours. Widespread street flooding was the initial threat, but the high rainfall amounts forced almost all the major Houston area bayou systems into severe flooding, with some to record levels. All major freeways in the Houston area were severely flooded in at least one location during this event. During this single event alone, rainfall in Harris County ranged from just 2 inches in the extreme west to in excess of 20 inches over Green's Bayou in the east. Countywide, the average rainfall was 8 inches with over two-thirds of the county receiving over 10 inches.

The total damage across southeast Texas approached $5 billion, $4.88 billion in Harris County alone. Twenty-two deaths were caused by Allison, with each of these fatalities occurring in Harris County. At this time, thunderstorms began to train and merge across the Houston metro area, and the system evolved into a powerful complex right over the most populated portion of our CWA that evening. This complex progressed south and east into the early morning hours of Saturday, June 9. Very heavy rainfall was observed for up to 10 hours in some locations, and rainfall rates of 4 inches or more per hour were observed throughout the night. A station in northeast Houston recorded over 26 inches of rain in almost 10 hours.

In response, the Tropical Storm Allison Recovery Project was launched. TSARP is a joint study effort by the Federal Emergency Management Agency, FEMA, and the Harris County Flood Control District, the District. The purpose of the TSARP project is to develop technical products that will assist the local community in recovery from the devastating flooding, and provide the community with a greater understanding of flooding and flood risks. The end product of the study is new flood insurance rate maps.

TSARP mission statement is: to assist residents of Harris County in recovery from Tropical Storm Allison and minimize damages from future floods by investigating the flood event and by developing current, accurate, and timely flood hazard information.

TSARP uses state-of-the-art technology. TSARP has yielded many products that will help us better understand our flood risk. These products will assist citizens in making important decisions, and will assist public agencies in infrastructure planning. The hoped for end result of TSARP is a more informed and disaster resistant community and one that is better prepared.

Purchasing flood insurance before June 18 allowed people to "grandfather" their existing floodplain status and pay lower premiums for flood insurance. Once the maps became official on June 18 residents and business owners whose properties are categorized in higher-risk flood zones on the new maps may pay higher rates.

According to FEMA, a "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations, BFEs, but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

FEMA regulations say "Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations." The city of Houston interprets that as no development within the floodway. This is not necessarily correct. Construction can take place but it cannot obstruct the water. Elevating the structure gets the same effect but the city denies this as they said debris may collect under the structure. They will only allow a remodeling permit if the improvements do not exceed 50 percent of the structures value.

There is one neighborhood along White Oak Bayou that is greatly affected. The homes are of higher value than most of the district. Alternatives to resolve their issue include widening the bayou or diverting floodwater.

The Harris County Flood District is now investigating these alternatives. Otherwise the only solution would be a change in the city's ordinance allowing construction in the floodway.

I am looking forward to working with colleagues on the Energy and Water Appropriations Subcommittee to explore ways and means of resolving this problem so that Houstonians will not be forced out of their homes and unable to afford flood insurance.

Mr. Chairman, let me provide this partial listing of some of the many good provisions in this legislation. First, H.R. 2641 will improve U.S. waterways and flood protection by increasing funding for the Army Corps of Engineers by $713.4 million above the President's request to address a $1 billion backlog of operations and needed maintenance. This backlog needs to be addressed to sustain the coastal and inland navigation infrastructure critical to the U.S. economy, and the gaps in flood protection highlighted in Hurricane Katrina.

Second, the legislation will help reduce dependence on foreign oil and cut greenhouse gas emissions. Renewable energy and energy efficiency programs are funded at $1.9 billion—a 50 percent increase in energy efficiency and renewable energy above the President's request for energy efficiency and renewable energy programs. This is in addition to the additional $300 million added in the FY 2007 joint resolution. In contrast, the President's FY 2008 request for renewable energy and energy efficiency research is the same as it was in 2001 in real terms.

Funding for research and development of alternative fuels such as corn based and cellulosic ethanol and biodiesel is increased by 40 percent above the President's request. Solar Energy demonstration projects receive a 34 percent increase above the President's request. There is also $22 million to research new ways of generating power from water flow, and $44.3 million for geothermal energy, neither of which were funded in the President's request. This is on top of the $95 million for upgrades to existing hydropower dams funded under the Army Corps.

I could go on and on. This thoughtful legislation provides funding to invest in new vehicle technology; energy efficient buildings; weatherization; carbon capture and sequestration; and climate change science. And it cuts wasteful spending as well.

For example, H.R. 2641 directs the Energy Department to develop a concrete plan to improve its contract management. The Energy Department has been on the GAO list of programs that are at high-risk for waste, fraud, abuse and mismanagement for 17 years in a row.

The bill also cuts Global Nuclear Energy Partnership, GNEP, funding by $285 million below the President's request and $47.5 million below 2007 for this initiative to reprocess spent nuclear fuel and burn long-lived radioactive materials. There are concerns that this project is unsafe, will cost tens of billions of dollars, and could make it far easier for terrorists to obtain plutonium to make nuclear weapons.

The bill also secures substantial savings by cutting wasteful and unnecessary nuclear weapons programs by $5.9 billion, $632 million below the President's request and $396 million below 2007. It cuts 37 specific weapons program accounts, including the Reliable Replacement Warhead program. The existing stockpile will continue to provide the Nation's nuclear deterrent for the next two decades, and certainly until the President develops a strategic nuclear weapons plan to transform the nuclear weapons complex away from its expensive cold war configuration to a more affordable, sustainable structure.

Mr. Chairman, I strongly support H.R. 2641 and urge my colleagues to join me. I thank Chairman VISCLOSKY for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. OLVER), a member of the subcommittee, for 3 minutes.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me the time.

First of all, I want to commend the chairman and the ranking member and all of the staff on both sides of the aisle for this excellent bill. I hope that all of the Members on both sides will find it is something that they can support. Particularly I want to commend the chairman, this chairman and his ranking member, for the very amicable and nonpartisan way that they have conducted the work of the subcommittee. I think that is a wonderful picture for all of us as chairs and ranking members for the way that they have done this.

A great deal has been said about energy independence for this country, and I would say, I would assert that it is truly a matter of national security that we maximize the efficiency and conservation of energy in this country. We use 100 quads of energy; 100 quads is 100 quadrillion Btus of energy in this country for 5 percent of the world's population. The world as a whole uses about 400 quads of energy. So we, for 5 percent of the population, are using 25 percent of the whole world's energy usage.

Early in our hearings process this year we had a series of theme hearings, and we had many expert witnesses. The most dramatic testimony that I heard there that is easily conveyable is that we could save of our energy usage some 50 percent; all across all of our uses of energy, 50 percent of what we presently use. That same testimony indicated that since 1973 when the first oil crisis hit, we had saved already some 47 quads of energy in that roughly 40 years since the first energy crisis, a little less than 40 years. So we could save a huge amount more.

I just want to make three points about this very good bill. The bill recognizes that energy efficiency is one of the Nation's largest underutilized energy sources. It provides $146 million more for building technologies which is an increase of $60 million above the President's request; this, in an area where 40 percent of all of the energy we use is related to our buildings, our industrial, our commercial and our residential buildings. So there alone we can save a huge amount of energy, and the bill recognizes that and puts money where it will do the most good to try to improve our energy efficiency in our buildings.

But it also provides $23 million to address the backlog of equipment standards and analysis, $10 million above the President's request, which goes to accelerate the approval and the updating of appliance and equipment efficiency standards which we know that the Department of Energy is very much behind on. They are behind on at least 20 different standards related to appliance and equipment that we could be saving a lot more energy if those standards were brought up to date. And the Lawrence Berkeley National Laboratories estimates that the administration's negligence will cost an estimated $28 billion in foregone savings.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I want to bring to the attention of the House something that is being done in this bill that I think has received insufficient discussion and debate.

This Energy and Water appropriations bill includes in it the most radical shift in U.S. policy on nuclear weapons that I have seen at least since the mid-1990s, that will lead us either to be forced to return to nuclear testing or to abandon nuclear deterrence because we stop maintaining the stockpile.

Without any debate, we have made this drastic change in this bill that is devastating to American nuclear weapons capabilities and will significantly change our policy on nuclear weapons without any discussion at all of any substance.

In 1992, the United States stopped nuclear testing. In 1996 we joined the moratorium on nuclear testing and said we will continue to maintain the stockpile through something called science-based stockpile stewardship. It is kind of like if you had a car that was a 1980s car and you said okay, we are never going to turn the key, but every year through science and engineering we are going to be able to tell the President, if we turned the key we believe it would be safe, secure and reliable.

The car would go on. It won't be turned on unless we turn the key; and, Mr. President, we are confident of that.

□ 1145

This bill devastates that capability with respect to our nuclear weapons. It has a 20-percent reduction in 1 year in the engineering laboratory that is solely responsible for over 6,000 parts in our nuclear weapons. It has a 40-percent reduction at Los Alamos National Lab's nuclear weapons program. And 80 percent of the existing stockpile is designed by Los Alamos. They are responsible for being able to tell us if these weapons are safe, secure and reliable.

What does this mean? It means we will not be able to achieve the stockpile reductions we're trying to achieve because the labs will not have the sense of reliability of the stockpile. Your percentage of reliability determines how low you can bring the stockpile.

Second, we are increasing the likelihood of the need to go back to underground testing, because at some point in the future, the lab directors will not be able to certify the reliability of the stockpile. There will be a problem, as there is every year; and they won't have the tools to be able to assess that problem without nuclear testing.

And, third, you are undermining allied confidence in the American nuclear umbrella. Mr. OBEY, my colleague, said they're devastating this program because there's been no strategy for post-Cold War nuclear weapons. That is a complete fallacy. It is rubbish. We signed the Moscow treaty to reduce the size of our deployed stockpile. We have gone to a policy of no underground testing. We have gone to a policy of science-based stockpile stewardship and the majority in this House is moving toward a nuclear freeze and unilateral disarmament without any debate whatsoever.

I would urge my colleagues to oppose this bill.

Mr. VISCLOSKY. Mr. Chairman, I would recognize the gentleman from Massachusetts (Mr. MARKEY) for 1½ minutes.

Mr. MARKEY. Mr. Chairman, I rise to commend Chairman VISCLOSKY and Ranking Member HOBSON for their clear vision and their courage in producing this bill. This bill represents an historic shift in policy, and that is why this bill deserves such strong support.

This bill almost doubles the funding for real nuclear nonproliferation programs, both in the former Soviet Union and around the world, adding close to $1 billion for the most effective programs. The bill provides dramatic increases over the President's request for the program, and I commend Mr. VISCLOSKY and Mr. HOBSON for their crucial, long overdue investment in the security of the United States. We are here only because of their leadership.

Secondly, while the President wants to build thousands of new warheads at a price tag of up to $100 billion, this bill puts a brake on the Reliable Replacement Warhead program and it demands an explanation of why the United States needs to build thousands of new nuclear weapons even as we are, with agreements with the Russians, trying to reduce the number of nuclear weapons in this world.

I commend the chairman and the ranking member of the subcommittee for dramatically realigning our nuclear priorities in such a positive manner. I urge adoption of this historic measure.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman.

There will be a vote on the Hinchey amendment later on today. It doesn't repeal section 1221, but it slows it down. There was never a hearing on this. There was never a vote on this in the Congress. This whole power line issue in corridors, which in this area will go through Antietam, will include Gettysburg and First Manassas, will be coming to your area.

So when given the opportunity if you look at all the groups that support the Hinchey amendment, we strongly urge you to support the Hinchey amendment. On the current language, no environmental impact statement, no consideration of energy efficiency, no consideration of historic lands.

The Hinchey amendment is good for the country.

Mr. HOBSON. Mr. Chairman, might I ask the time left on each side.

The CHAIRMAN. The gentleman from Ohio has 2 minutes remaining. The gentleman from Indiana has 1½ minutes remaining.

Mr. VISCLOSKY. I assume the majority has the right to close general debate?

The CHAIRMAN. The gentleman is correct.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. I have 2 minutes left. I yield it to a member of the subcommittee, the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Once again this year, the bill before us is the result of a bipartisan atmosphere in the Energy and Water Subcommittee that has been fostered by Chairman VISCLOSKY and Ranking Member HOBSON. I want to thank both of them for the manner in which they approached the many issues before this committee and for producing a bill that will pass today, I believe, with little opposition.

First, the Energy and Water bill enjoyed unanimous support in the subcommittee and near unanimous support in the full committee for the balanced and thoughtful way in which it addresses the complex energy and water challenges facing this Nation.

Second, the bill makes tremendous investments in our Nation's critical science and energy-related programs. Third, the bill promotes two areas that I believe are critical to address the energy supply challenges we face, nuclear and alternative fuels, by employing the vast knowledge and expertise of our national labs that includes the Idaho National Laboratory which is in my district.

Finally, the bill continues its pressure on DOE to improve project management, contain costs and stick to schedules which are among DOE's most chronic and persistent problems.

In closing, I want to again recognize the bipartisan manner in which this bill was written and acknowledge the tremendous work of all the professional staff on this subcommittee.

I urge my colleagues to support this bill, and I thank the chairman and the ranking member for their work on this bill.

The CHAIRMAN. The gentleman from Ohio has 45 seconds remaining. The gentleman from Indiana has 1½ minutes remaining.

Mr. VISCLOSKY. Mr. Chairman, I only have one more speaker and I would close with that speaker, Mr. SPRATT from South Carolina, if there are no further speakers on Mr. HOBSON's side.

The CHAIRMAN. Does the gentleman from Ohio have additional speakers?

Mr. HOBSON. No, but I will yield my extra 45 seconds to the gentleman from South Carolina.

The CHAIRMAN. The gentleman from South Carolina is recognized for the balance of the time.

Mr. SPRATT. Let me thank both the chairman and the ranking member for this gracious yielding of time but, in addition, for the excellent work they have done on this bill. As they know, there is a bone of contention in the bill where we have had a disagreement. It is called MOX fuel. I think it's a good idea. For some time we've had an understanding with the Russians that they and we would build MOX fuel disposition plants so that we could take weapons grade plutonium and convert it into reactor fuel, burn it and dispose of it so it would no longer be usable for weapons. This bill took the President's request of $333 million and basically cut it in half to 167. But when I sat down with the chairman, he pointed out to me that there were prior-year balances that would augment that amount of money and, all in all, there was a total of $698 million available which would be enough to move the project forward in the next fiscal year. Unfortunately, when we explored those unspent balances, we found that the numbers were a bit out of date, according to the Department of Energy, and that the available funds would add up to only about $326 million, which is about half of what is needed for the project next year.

So I rise simply to say that in conference or somewhere along the way before this finally becomes law, we would like to reengage about the amount of money that is available for the MOX plant. I'm not offering an amendment today. I know it would be defeated. It would also be ingratitude for the work that the chairman and the ranking member have already committed to work with us on this project.

But I do say, number one, I appreciate your efforts and, number two, we'll visit this number in conference with the conferees if at all possible.

There are some other issues here, the H Canyon, there's $85 million taken out of it. It's the only plutonium processing line of its kind we have operative in the country today. That money may render it difficult to operate it through the rest of the year. And there is also a question of where the pit disassembly process will be located. I understand that has been resolved and will be resolved with an amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

Let me thank the chairman and the ranking member for their assistance in this matter and say that we still have some work to do on the adequate amount of money for the MOX fuel plant before the bill is ready.

Mr. HALL. Mr. Chairman, later today we begin work on important legislation to finally help America end its dependence on foreign oil and pursue newer, cleaner forms of energy.

I'm excited that the Energy and Water Appropriations bill that we will pass this week will take the long-overdue step of setting a new course for our energy future by making significant investments in renewables and efficiency.

For too many years, working families have felt the sting of high prices at the gas pump and rising home energy costs. Our economy has been made vulnerable to the whims of OPEC, and our reliance on fossil fuels has polluted our air and exacerbated climate change.

All the while state and local governments have been forced to try to fill the leadership vacuum left by the previous Congress and this President.

No more. The new Congress is prepared to meet our nation's energy challenges head on. To do so, this bill provides almost $2 billion for renewables and efficiency, significantly more than the President requested.

This funding includes $200 million to get more solar projects on the market, $250 million to help develop domestically produced biofuels and over $235 million for new vehicle technologies to alleviate our demand for foreign oil, about $390 million for efficiency and weatherization grants to cut energy use in buildings, and over $110 million to expand and develop hydropower across the United States.

This funding is an investment in America's future prosperity. By supporting these technologies, we will be able to produce energy sources here at home that do not rely on fossil fuels and do not emit greenhouse gases, particulate matter, and other pollutants that threaten our environment and health.

However, if there is one area where I feel the bill strays off course it is in its continued financial support for nuclear power. I am deeply concerned that the bill continues to provide unwarranted taxpayer subsidies for nuclear power that hide the true consumer costs of this power source and obscure the safety and environmental threats posed by nuclear energy. I am specifically troubled by the provision of $120 million for the Global Nuclear Energy Partnership and almost $200 million for new reactor construction and technology development through the Nuclear Power 2010 and Generation IV programs. I believe that we need to curtail these subsidies to make the nuclear industry stand on its own and to make its true costs transparent to the public.

Although I have reservations about the spending on nuclear power in the bill, I am pleased that it does not include funding for the Reliable Replacement Warhead, and requires the President to come forward with a plan to adapt to the realities of a post-Cold War world by transforming and reducing our nuclear arsenal.

Overall, the Energy appropriations bill contains significant investments for solar, wind, hydropower, biofuels, efficiency, and other technologies that will help America's families gain cleaner, more secure, more affordable energy. This bill is a significant accomplishment and I urge my colleagues to support it.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 2641, the Energy and Water Appropriations Act for fiscal year 2008. I commend Chairman VISCLOSKY for his efforts on this measure and for investing in the needs of our Nation's future.

As a former member of the House Armed Services Committee and as chair of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am particularly pleased that this bill recognizes the importance of nuclear nonproliferation efforts. I have become convinced that the nuclear terrorist threat is real, requiring the full and urgent attention of our government. We have learned about the relative ease with which a terrorist can build a crude nuclear device, and we need to do all we can to prevent the nightmare scenario in which someone smuggles a device onto U.S. soil and detonates it in a city.

We must pursue a three-pronged approach of prevention, detection, and response. I have supported efforts to increase our radiation detection capabilities at our ports of entry, as well as to improve our government response efforts if our nation is ever attacked with a nuclear or radiological device.

This bill addresses the third component of that strategy—securing nuclear material at its source. This measure increases funds for the National Nuclear Security Administration to secure nuclear weapons and materials in the former Soviet Republic. The NNSA's efforts are vital to improving the security of nuclear materials at civilian, naval, and nuclear weapons complex facilities, and helping Russia dispose of plutonium removed from nuclear weapons.

However, the challenge of fissile material security goes far beyond Russia and the former Soviet Union and will require our government to expand its non-proliferation programs outside of the former Soviet Union. The revelations of A.Q. Khan's black market proliferation network, for example, provided a striking wake-up call that we must focus on other nuclear states if we are going to be successful in deterring nuclear terrorism. Consequently, the bill more than doubles funding—providing $251 million—for the Global Threat Reduction Initiative, which aims to identify, secure, remove, and facilitate the disposition of high-risk, vulnerable nuclear and radiological materials and equipment around the world.

Again, I thank Chairman VISCLOSKY for his leadership on nuclear non-proliferation programs and for his fine work in crafting this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

Mr. ISRAEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank Chairman VISCLOSKY and Ranking Member HOBSON for a very strong bill that reflects wonderful bipartisan consensus. I especially want to thank them as a new member of this subcommittee for allowing all of the members to have more input into this bill than I thought was possible.

Mr. Chairman, I am a new member of this subcommittee, and I joined this subcommittee to fight for sensible and critical investments in renewable energy and energy efficiency. Before joining this subcommittee, I served for 4 years on the House Armed Services Committee and came to the conclusion that every military challenge that we confront as a Nation is exacerbated by one fact and, that is, that we have to rely on our adversaries to sell us the fuel to power our military to protect us from our adversaries.

Now, this has been a 30-year problem. Thirty years ago, President Carter addressed the Nation, declared the moral equivalent of war on foreign oil, and the only thing we've been able to do in the past 30 years since then is to double the amount of our oil imports from the Middle East and cut renewable energy investments by 80 percent. We've had 30 years of missteps, backsteps, and half steps.

This bill is the most important step forward in correcting that course that we have seen in 30 years. It puts us back on course. It increases investments in energy efficiency and renewable energy by $638 million over the administration request. It inserts language that I requested to create a new Federal advisory council on investment and finance so that we can unleash the entrepreneurial spirit of the investment community in helping us to solve this problem. It invests an additional $70 million in biomass and biorefinery. It invests an additional $51.6 million in solar. Mr. Chairman, we are now behind Germany and Japan in solar. This will help us leap ahead. It invests an additional $17 million in wind. Mr. Chairman, of the top 10 wind manufacturers in the world, only one is American. This will push us ahead.

It invests an additional $59.7 million in vehicle technologies. Mr. Chairman, we are now falling behind Japan in the development and manufacturing of an advanced battery capable of deploying plug-in hybrids. This will give us an important boost. It provides $60 million in new investments in green buildings. We are now falling behind China in the development of green-building technologies. This will put us ahead. It invests an additional $101 million in weatherization, a critically important program for energy efficiency.

This solves a fundamental military problem that we have confronted and that problem is this: we are now borrowing money from China to fund our military, to buy oil from the Persian Gulf, to fuel our Air Force to protect us from China and the Persian Gulf. This is not just an environmental or an energy problem. This is a fundamental national security problem. This bill puts us where we need to be, not only protecting ourselves from our adversaries, not only strengthening our military capabilities which need strengthening but creating the next generation of green jobs, creating a new generation of manufacturing jobs that will put us ahead of our economic competitors in these new and critically growing technologies.

So I want to again thank Mr. VISCLOSKY and Mr. HOBSON for their bipartisan leadership, thank them for involving all of their members in this debate, and urge my colleagues to support this bill which is one of the most important investments that we can make and will change that 30-year record of half steps, missteps and backsteps into a giant leap forward for humankind.

□ 1200

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

I ask Chairman VISCLOSKY to enter into a colloquy with myself and Congressman COSTELLO.

As Chairman VISCLOSKY is aware, our home State of Illinois has two sites currently being reviewed by the Department of Energy and the FutureGen Alliance as potential locations for the final selection of the FutureGen project.

FutureGen is President Bush's initiative to design, build and operate the first near-zero emissions coal-fueled power plant. It is recognized worldwide as one of the most significant projects in the world to address climate change concerns.

We appreciate Chairman VISCLOSKY's support of the FutureGen project by fully funding it in this year's Energy and Water appropriations bill. However, Congressman COSTELLO and I have two points of clarification with the report language as currently written, and we appreciate your willingness to address these two points.

I yield to my colleague and friend, Congressman COSTELLO.

Mr. COSTELLO. Mr. Chairman, I thank my friend from Illinois (Mr. SHIMKUS) for yielding, and I also thank Chairman VISCLOSKY for his support of the FutureGen project.

FutureGen is on a fast track to break ground by 2009 and be on line by 2012. I would ask the chairman of the committee if he can assure us that it is the intent of the committee not to delay the FutureGen project.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, to both Mr. SHIMKUS, as well as my friend Mr. COSTELLO, I can assure the gentlemen from Illinois that it is the intention of the committee not to delay FutureGen.

And I would add parenthetically that the changes made by the committee are to ensure that this project does proceed.

Mr. COSTELLO. I thank the chairman for his response, and I seek clarification from the chairman as to the committee's intentions with regard to the nature of FutureGen as a research and demonstration project. FutureGen is focused as an integrated gasification combined-cycle plant with carbon capture and sequestration. Is it the intention of the committee to alter the nature of the project?

Mr. VISCLOSKY. It is the committee's intention not to change or alter the focus of the project as described by the gentleman. The committee is concerned with the ability of the Department of Energy to complete construction projects of all kinds on time and within budget, and that's why the actions were taken.

Mr. COSTELLO. I thank Chairman VISCLOSKY for this colloquy, for his response, and for his support for FutureGen.

Mr. SHIMKUS. Mr. Chairman, I thank my friend. We look forward to working with Chairman VISCLOSKY as the appropriations process moves forward to ensure we continue to use coal, which provides half of our Nation's electricity, in an efficient and environmentally friendly way.

Mr. VISCLOSKY. For both yourself and Mr. COSTELLO, as I tell people, I grew up in Gary, Indiana, with about four integrated steel facilities. I'm a carbon guy. We have a significant issue as far as the use of carbon in this country, and one of the ways to solve it is to proceed with FutureGen. So I do look forward to working with both of you as we proceed.

Mr. SHIMKUS. I thank the chairman. He's been very gracious in walking us through this process.

Mr. INSLEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I'd like to engage in a colloquy with Chairman VISCLOSKY and my colleague RUSH HOLT. I'd like to thank the chairman for including $22 million in funding for hydropower energy at the Department of Energy.

As the chairman well knows, U.S. wave and current energy resource potential that could be credibly harnessed is about 400 TerraWatt hours per year. That's about 10 percent of our total national energy demand. Just like the wind, coal, gas, oil, geothermal, conventional hydropower, and nuclear power industries have been nurtured through Federal research and development and other industry incentives, this new renewable energy source needs support from our government to get started.

The U.S. stands poised to take advantage of many of the technological opportunities available to ocean, wave and tidal power. While the Europeans profited in the early years of wind energy development, we're poised to lead the world in marine renewable energy technology development.

Early successes will lead to continued investment. Success begets success. The investor community is carefully watching and waiting to see what the government is going to do to help this industry, just like the research and development funding and tax subsidies we provided to all of the other renewable energy industries.

With that, I'd like to yield to my colleague Mr. HOLT, who's been a leader on energy issues.

Mr. HOLT. Mr. Chairman, I thank my friend Mr. INSLEE from the State of Washington, and I would add that we believe that the Department of Energy should consider both conventional hydropower energy provided through dams, as well as hydropower through the movement of waves, tides, and currents in the oceans and free flowing rivers, lakes and streams. Each of these forms of hydropower holds the potential to improve greatly the way we generate energy.

We're pleased that the Appropriations Committee has recommended that the Department of Energy use some of this funding for nonimpounded marine renewable technologies, and we think it's important for the subcommittee to continue to provide oversight of the Department of Energy in support of this form of sustainable energy research.

Will the chairman and the committee continue to investigate the potential of this energy source by working with and providing oversight of the Department of Energy and look for increased opportunities for funding in the future?

I yield back to my colleague from Washington to obtain a response from the chairman.

Mr. INSLEE. Mr. Chairman, I yield to the chairman.

Mr. VISCLOSKY. I can assure the gentlemen from both Washington and New Jersey that the committee is aware of this sustainable energy source and will continue to work with and provide oversight of the Department of Energy to ensure that renewable marine and hydroenergy development, both from the oceans, waves, tides and streams, as well as for energy from hydroelectric dams is a priority of the agency. It is the committees's intention to fund these new technologies for $6 million for research, development, and demonstration for new waterpower technologies.

Part of our approach to the energy crisis is the support of a broad range of energy and conservation technologies so that we have the best chance of meeting the challenge before us. A diverse energy supply for portfolio is key to providing reliable electricity for all of America's homes and businesses.

And I deeply appreciate the gentleman raising this important issue.

Mr. INSLEE. Mr. Chairman, thank you. We look forward to working with you. We think the tide is coming in on marine renewables. Thank you very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; restudy of authorized projects, miscellaneous investigations; and, when authorized by law, surveys and detailed studies, and plans and specifications, of proposed projects, $120,100,000, to remain available until expended: *Provided*, That of the funds provided under this heading of Public Law 106–554, $100,000 are rescinded.

AMENDMENT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WESTMORELAND:

Page 2, line 18, after the dollar amount, insert "(reduced by $30,000,000)".

Mr. WESTMORELAND. Mr. Chairman, I almost feel like rather than offering an amendment that I need to ask everybody to stand up and we'll hold hands and sing Kumbaya, but I guess it's easy and people are in a good mood and very agreeable when you're talking about spending other people's money.

And in this case, we're talking about spending taxpayers' hard-earned dollars where we have very little control over how hard it is for them to make their money, but we spend it pretty easily.

This amendment takes $30 million out of the Corps of Engineers' investigation budget. It brings it down to the spending level that the President has requested in his budget request.

The Energy and Water appropriations bill is $1.1 billion over the President's request, and this amendment would reduce the funding for the investigation account under the Corps of Engineers by the $30 million, bringing it back down to the President's original request.

The investigations and construction funding is used to collect and study the basic information pertaining to local water projects such as flood and storm damage reduction. The funding is also used to restudy projects already authorized by Congress which can lead to additional Federal spending on local projects that have already received Federal funds.

Let me say that on some of these projects that we've heard about today from the delays, and Ranking Member HOBSON mentioned the MOX project which has been delayed for a number of years, probably that's not only due to funding but in these additional restudies that the Corps of Engineers has had to do on the project. The Corps of Engineers has greatly expanded over the last decade.

In addition, according to the administration, the Corps already has a large backlog of ongoing construction work, and the President's budget limits funding for the study and design of additional projects. So, in other words, by limiting new Corps investigations, this amendment would ensure that the current Corps projects move forward at a pace to bring them to completion without further delays.

So far there has been at least a $105.5 billion in new Federal spending over the next 5 years that has been authorized by this new leadership, the democratically controlled Congress this year, in enacting the largest tax increase in American history, the Democrat budget allows for $23 billion in spending over the President's budget's request.

This amendment is designed to save the taxpayers $30 million, only a small amount, just a small dent, in the unnecessary increase in Federal spending this year, and this again is fueled by the largest tax increase in the history of this country.

So, Mr. Chairman, I ask that all Members support this amendment. It is a small dent in the large increase in Federal spending.

The CHAIRMAN. Does any Member seek time in opposition to the amendment of the gentleman from Georgia?

Mr. VISCLOSKY. I would rise in opposition, Mr. Chairman.

The CHAIRMAN. Does the gentleman move to strike the last word?

Mr. VISCLOSKY. Then I would move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. VISCLOSKY. Mr. Chairman, can I ask a parliamentary inquiry, please.

The CHAIRMAN. The gentleman would state his inquiry.

Mr. VISCLOSKY. It would be my understanding that on this particular amendment, because I have moved to strike the last word per the Chair's suggestion, that I can only speak once on the amendment?

The CHAIRMAN. The gentleman's correct.

Mr. VISCLOSKY. As opposed to rising in opposition to the amendment.

The CHAIRMAN. Either way, the gentleman may speak but once on this amendment. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment offered by Mr. WESTMORELAND.

First of all, he did indicate that he was concerned about reinvestigations. I would simply indicate to my colleagues that the world changes every day, and there are times when we need to reassess the circumstances so that we can spend the taxpayers' dollars as wisely as possible.

The fact is that the Nation's investment in our water resources infrastructure has declined over the last three decades, from $6 billion per year to less than $4 billion in constant dollars.

If the tragedy in New Orleans has taught us anything, I hope it is that we have neglected our infrastructure. If the suffering of the residents in the gulf doesn't illustrate the point, simple fiscal prudence should. The cost of recovery in New Orleans will far exceed what it would have cost to provide additional flood and storm protection.

There are large cities that face high and increasing risk of catastrophic flooding. Sacramento is just one example.

We have high-hazard dams with safety issues. There are countless communities that do not have flood protection commensurate with the risk to those communities.

Much of our infrastructure is reaching its design life. Over 50 percent of the locks and dams owned by the Corps of Engineers are in this category. Aging infrastructure brings increasing costs, yet the funding for accounts at the Army Corps for this particular function have been flat over the last 30 years.

Circumstances have changed from the time much of our infrastructure has been designed, development patterns have changed, transportation networks and requirements have evolved. Yet we are not investing enough today to maintain what we already own or complete projects that are in progress today, much less plan for the future needs for the safety of our citizens and economic viability of our transportation system.

Due to insufficient funding, schedules are slipping and costs are growing, as we piecemeal these projects, if we do not act in a timely fashion.

There is a significant and growing backlog of civil works projects. Current estimates are as high as $60 billion. Funding for studies and investigations must be adequately funded so that we can proceed with these very important projects. And given the backlog in construction projects, the funding for investigations account is less than the current year.

The bill focuses funding on completing ongoing projects and maintaining existing infrastructure. However, it is very important, obviously, to plan for the future.

I would ask that my colleagues oppose the amendment.

□ 1215

Mr. HENSARLING. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. WESTMORELAND. I thank the gentleman from Texas for yielding.

Mr. Chairman, I would just like to comment on the chairman's comment about rules change every day. They do change every day, but when someone has based a project on the prior rules and regulations of the Corps, and they have based their whole project, and proceeded with that project, when the rules change and they come back to reinvestigate, that's no way to do business.

Mr. HENSARLING. I was happy to yield to the gentleman, and I want to thank him for his leadership.

Mr. Chairman, I want to encourage the House to adopt this amendment.

Right now on the heels of our Democrat colleagues enacting the single largest increase in history, we should leave no stone unturned in trying to find more ways that we can help the poor beleaguered taxpayer, who actually pays for all of these programs.

Now, I have no doubt that there are many good things in this legislation, and I know we in Congress are only limited by our imagination on how we can spend the taxpayers' money.

Already, just with the programs that are already on the books with the Federal Government before people create new programs, we're on a collision course. We're on a collision course to either, one, have taxes doubled on the next generation, just to pay for government we have, or within one generation there is only going to be, for all intents and purposes, a Federal Government consisting of Medicare, Medicaid, and Social Security.

Now, many people don't understand how the institution works, but already so much of the Federal spending is on automatic pilot, so-called entitlement spending. This is actually one of the few opportunities that Members have to come to the floor of the House and actually try to save taxpayers' money.

Now, we know that the President has issued a veto threat, and there is a $23 billion savings that he's trying to achieve.

For many of us, we believe the President is trying to spend too much money. But the President is the President, and the President is the one who has the veto pen.

If we would adopt the gentleman's amendment, the gentleman from Georgia, we would at least take one small step towards the pathway of saving that $23 billion and maybe, maybe take one small step towards saving the next generation from that nasty fiscal fork in the road to where either, one, they are going to have their taxes doubled, right on the heels, again, of the single largest tax increase in American history that the Democrats have brought to us, or we are going to see a Federal Government consisting of little more than Medicare, Medicaid, and Social Security.

What's ironic about this, Mr. Chairman, is if we don't start taking steps to save money today, and this amendment would save $30 million, if we don't start taking these steps today, tomorrow there might not be an Energy and Water appropriations bill. All the money would go somewhere else, and we continue as an institution to kick the can down the road.

Now, some in this body say fiscal responsibility simply means balancing the budget no matter what the cost. Well, for those who are going to have to have their taxes doubled in the next generation, they may differ with that assessment of what fiscal responsibility is.

Again, as the gentleman from Georgia has said, the Corps already has a large background of ongoing construction work. We know that; all Members know that. By limiting the Corps investigations, this amendment would help ensure that current Corps projects are completed.

Again, it's one very, very small step; but we cannot send this country again under Democrat leadership into some kind of tax-and-spend economic death spiral. We have to take every step possible to save the American people from, number one, the single largest tax increase in American history that threatens to impose over a 5-year period up to $3,000 of taxes per family. We have to save them from that. Then we have to save them from the other spending.

So this is a very modest amendment that would put us on a pathway to ensure that the President doesn't veto this bill and that we achieve some level of fiscal responsibility.

I urge the House to adopt the amendment of the gentleman from Georgia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

(INCLUDING RESCISSIONS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989; for conducting detailed studies, and plans and specifications, of such projects authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a Federal commitment to construction); $2,008,874,000, to remain available until expended, of which such sums as are necessary to cover one-half of the costs of construction, replacement, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $45,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $10,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996: *Provided*, That of the funds provided under this heading the following amounts are rescinded: from Public Law 101–101, $435,000; from Public Law 102-377, $1,740,000; from Public Law 103–126, $797,000; from Public Law 105-245, $1,716,000.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

I rise for the purpose of engaging in a brief colloquy with the subcommittee chairman and the ranking member regarding the Corps' regulatory program.

As you are aware, shore protection is a concern not only to residents along the coast but to all residents, all Americans who come to our beaches to relax, fish, boat, and dive. But our coasts are facing a real crisis. They have become seriously eroded, endangering both the personal property and personal safety of countless residents.

This is not a crisis limited to my constituents in south Florida. In my conversations with other Members representing coastal communities, I know that shore protection is a major issue facing our great country.

Mr. Chairman, among its many duties, the U.S. Army Corps of Engineers is entrusted to regulate the permitting of projects affecting U.S. waters. Comprised of many honorable and hard-working civil servants and military officers, the Army Corps has a long history of dedicated service towards the preservation of our natural resources.

I reluctantly rise today to voice my grave concern that the regulatory process under the Army Corps is simply taking too long. Critical erosion control projects that local communities wish to undertake to protect their people from the very real dangers posed by hurricanes or other deadly storms are languishing under the inertia of bureaucracy.

Mr. Chairman, the residents of Singer Island in Palm Beach County where I reside cannot wait 2 years for the Army Corps to complete their environmental impact statement. That means two more hurricane seasons and two more chances to have their lives literally washed away.

Singer Island isn't alone. Up and down the coast, local communities are in the same dire situation waiting for the Army Corps to act upon the regulatory authority. I know that you have heard the identical concerns during the many lengthy hearings that the committee has held. I understand that the chairman is willing to work with me to bring transparency and efficiency to the Army Corps regulatory process when you go to conference.

I want to thank you for your leadership on this issue, Mr. Chairman, and I look forward to our working together.

Mr. Chairman, I yield to the distinguished gentleman from Indiana.

Mr. VISCLOSKY. I want to thank the distinguished gentleman for bringing this to the attention of the committee. He is correct, it has been a subject of our hearing process as well. For some time now the committee has been concerned that the Corps' regulatory process is not being undertaken in an expeditious manner.

I want to assure the gentleman and all of my colleagues that we on the subcommittee have every intention of helping him bring greater transparency and efficiency to the Army Corps' regulatory process, both in terms of your particular concerns, as well as those nationwide.

Mr. KLEIN of Florida. I appreciate the chairman's attention to this issue.

Mr. HOBSON, would you also agree with the need to address these concerns? Would you also help us with the regulatory process?

Mr. HOBSON. Absolutely.

Mr. KLEIN of Florida. I thank the distinguished chairman and the ranking member.

Mr. BROWN of South Carolina. Mr. Chairman, I move to strike the last word.

I rise to engage in a brief colloquy with the subcommittee chairman and ranking member regarding the Corps' regulatory program.

On June 19, 2006, the United States Supreme Court issued a decision regarding the scope of the Federal Government's jurisdictions over wetlands and other water bodies under the Clean Water Act. Just last week, almost a year after the Rapanos decision was issued, the Army Corps and EPA issued joint field guidance interpreting the decision.

Because this guidance took almost a year to develop and issue, Corps districts around the country have thousands of backlog applications and projects seeking jurisdictional determinations and permits. Unfortunately, while the newly issued guidance sets targets for the Corps to complete and review applications, it did not review any plan for dealing with the current backlog. It also neglects to provide Congress and the American people with the work plan showing how Corps resources should be allocated to ensure that the application deadlines contained in the guidance of already existing statutes are met.

I thank you for the substantial increase in regulatory funding that is contained in this bill. These funds will go a long way towards ensuring that the Corps has the resources to meet the requirements as outlined in the June 5 guidance.

However, we need to ensure that the Corps focuses those resources where they are most needed, toward ending the backlog of over 20,000 outstanding applications and making certain it does not happen again.

I hope that you and the committee, Mr. Chairman, will recognize the importance of this issue and work in conference to include language requiring the Corps to show Congress that it is addressing the wetlands permit backlog and has the plan in place to meet the additional review requirements under the newly issued guidance.

Mr. VISCLOSKY. I appreciate the gentleman raising the issue. There is a theme in the last two colloquies, and it's a regulatory process. I certainly agree with the gentleman that the Corps' regulatory program needs to do a better job meeting its deadlines, especially with regard to section 404 permits under the newly issued guidance.

The gentleman's concerns are very timely, and they are warranted. I assure him that the subcommittee will work hard to address this issue as the bill moves to conference.

Mr. BROWN of South Carolina. I appreciate the chairman's attention to this issue.

Mr. HOBSON, would you agree with the need to address these concerns with the regulatory program?

Mr. SIMPSON. In the place of the ranking member, absolutely.

AMENDMENT NO. 26 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. WESTMORELAND:

Page 3, line 8, after the dollar amount, insert "(reduced by $481,186,000)".

Mr. WESTMORELAND. Mr. Speaker, this amendment would reduce the amount by $481,186,000. It's in the area of construction.

Last year, $2.37 billion was spent. The President requested $1.5 billion, and the proposed budget is a little over $2 billion.

Mr. Chairman, we have talked about the overspending, and we have just heard about the 404 permitting process and the regulatory process. Let me say that the Corps of Engineers is a great organization. They do a wonderful job.

The problem is that they have a general or colonel, depending on what area of the country it is, that rotates in or out, and what we are left with are lifelong bureaucrats that control the Corps of Engineers. I appreciate listening to the chairman of the subcommittee and the ranking member and others as they have promised to get into speeding up the process and going through these regulations and making sure that these projects that are so important to our citizens move along at a pace and not impaired by just red tape and bureaucracy.

This construction area is somewhere that we have spent a lot of dollars.

The President came back, and as we mentioned in the last amendment that we had, and said, look, we have got such a backlog of projects already, why don't we make sure and get those out of the way before we go on to spending more money.

Let me say this, even though we may look at this as a construction, when you put more money into these agencies, it does nothing but build a bureaucracy and broaden the red tape that our citizens have to go through to deal with these agencies.

As I made the last comment on the last amendment, there has been at least $105 billion in new Federal spending over the next 5 years that has been authorized, and will be authorized by this new Democratic Congress, the leadership of this House. In enacting the largest tax increase in American history, this Democratic budget will allow for $23 billion in spending over what the President's budget request was.

☐ 1230

We, as a party, as a former majority party, the Republican Party, understood that people got tired of their government growing at a rate so much faster than the population of this country and the excessive spending that we did. It's time for us to try to get back the confidence of the American people, not just Republicans, or the minority party, but Congress in general. The ratings of this Congress is at a record low, record low.

The majority seems to think that they've heard the voice last November of the American people. Well, I hope that they're listening to the voice now because their rating is even lower than what the Republican rating was last November.

But this amendment is designed to save the taxpayers about $480 million, and although, there again, the last amendment was just for $30 million, this one's for $481 million, it's just a small dent in the amount of money that we're spending here. But I think it is a small indication to the people of this country that we're willing to be wise stewards of their money.

So I ask all of the Members here today if they would support this amendment to reduce the construction in the Corps of Engineers by $481 million.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment, but I don't disagree with everything he has enunciated in his defense of his position.

The two previous speakers before the gentleman talked about red tape and delay in the regulatory process with Army Corps. I would assume that every member of this subcommittee has had those meetings with the Corps, and we are certainly trying to rectify that problem on the theory that the sooner projects can be completed, the more benefit will enure to the taxpayers of this country and its citizens.

The gentleman's also right to enumerate the large backlog that we have on construction and other Corps facilities in this country, and that is one of the things that we are trying to address in this bill.

I would point out that the approach that we have taken, not just for the fiscal year 2008 bill, but in the last several years under the leadership of then-Chairman HOBSON, was to make sure that we face the challenges of the future in a very disciplined and rigorous approach that encompasses a broader context.

The bill continues the financial management contractor reforms to ensure that the Corps manages its budget to the best interest of the taxpayers. The recommendations include direction that the Corps continues to take action in considering additional factors as they proceed in the planning process.

And again, it has been the custom of this subcommittee in designing and structuring bills for the last several years to look at projects and marshal our resources so that some are completed, as opposed to bumbling on forever. And I wouldn't argue with the gentleman about that concern.

We have, again, done that in this bill to make sure that those additional construction dollars that the gentleman seeks to remove from the bill are put to good and rigorous use. And I would point out that this is not an abstraction. This goes to the core of people's health and safety.

Two floods ago, on the little Calumet River in Northwest Indiana, we had a gentleman in Highland, Indiana, lose his life. He was only one life in one flood. But for that man, and for his family, and for that community, it was a tragedy. We are constructing a flood control project that insures that that never happens again.

That's why we have flood control programs in the city of Dallas and its vicinities, to make sure that when you have significant events, as we have had this week in the State of Texas, that you do not have loss of life and, hopefully, you can diminish the loss of property.

We have huge commercial centers, ports like Long Beach, ports like the city of New York, ports like Baltimore, up and down our coast. We want to make sure that the commerce of this country moves as efficiently as possible, so that our economy grows and we can provide good paying jobs for all of our residents.

We have a State capitol in the most populous State in this country, Sacramento, California, one dike a way from a catastrophic event as far as the loss of human life and the destruction of properties.

Those are the types of projects, and those are the types of priorities that we are attempting to get at in this bill. And that's why these moneys are set aside, and would be opposed to their removal from this bill.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition of the amendment to reduce funding for the Corps of Engineers construction account. And let me give you some perspective on this.

This account is already chronically underfunded by the administration, and it has been in the past. And there's already a backlog of several billion dollars of Corps construction projects.

Projects already underway, I'm going to talk about one here, just to give you an example of what happens, such as the Olmsted Lock and Dam, wind up costing far more and taking far longer to complete because of funding constraints in this account.

The subcommittee is trying to do the responsible thing by dedicating sufficient funds to address this backlog. Our priority is on completing projects that are already underway and limiting new starts. And I can tell you there were a lot of Members when I was chairman that got really ticked off at me, especially new Members, because they had new starts and we wouldn't do them because we said we've got to finish what we've got before we go on to other things.

The Olmsted Dam, an example. It was supposed to be completed in 20 years and for a cost of $700 million. Because we didn't do it and fund it right, and money was taken and put into other accounts, that's now grown to $1.5 billion to finish this very needed dam on the Ohio River. And the project still isn't done. We don't have the money to fund all that they could use on this project in any one year.

Part of the problem is that this Congress, over the years, keeps adding projects to our account, and then we don't fund them, or we fund them partially, and the cost goes up.

I think it would be irresponsible, at this point, with the things that we've put into effect, to stop new starts, to complete projects and get them finished and stop this cost growth, to take this money out now. Frankly, this is one account where I think we could have used more money over the years and we could have done a better job.

He is right when we talk about Sacramento. Sacramento, those levees were built years ago, some of them by farmers, some of them by we don't know who. And they haven't been maintained to the degree they should be maintained. And it's a problem waiting to happen.

We're trying to take responsible steps, but we've run into the red tape and stuff. The Corps is trying. We've tried to do some things with the Corps. We're continuing to improve the Corps.

Frankly, 4 years ago when I became chairman, there were a lot of things wrong with the Corps that we've made right. I think the Corps is doing a much better job today. They've got a lot of new management techniques that we're using that they weren't doing in the past.

I'll give you an example. When I became chairman I asked to see their vision for this country and the waterways. They didn't have one. We asked them, What is your 5-year development plan for the waterways of this country? They didn't have one. But they do now.

Now is not the time to stop them, because under Chairman VISCLOSKY, and previously, we've started to do the right thing to stop this cost increase and to get this under control. And frankly, if we would take this amendment, we would do great damage to the infrastructure or the future infrastructure of this country.

So I would urge a "no" vote on this amendment.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word. I yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I just wanted to point out to the ranking member that he's exactly right. And if you look at the bill, I think it will talk about that specific amounts of this money has been itemized to go to section 107 of the River Harbor Act of 1960; $45 million to go to the Flood Control Act of 1948; $10 million to go to the Flood Control Act of 1946; $25 million to go exclusively for projects of the Water Resource Development Act of 1986; $25 million for the Water Resource Act of 1996. This is all because we have continued to put money into construction, and I hope that what the ranking member was saying is that there's no new projects in here. And maybe this is to finish up some of the projects. Maybe we can go back and finish some of the projects of the 1946 act or the 1986 act.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Ohio.

Mr. HOBSON. There are no new projects in this bill because there are no new projects proposed in the bill at this point. There could be later. I would hope not.

And I want to tell you, we also in the past took out the President's new starts too, not just the Congress's. We took out the President's.

Mr. WESTMORELAND. I'm glad to hear that from the ranking member.

But let's have a start. Let's prioritize. Let's tell the Corps with this amendment that we're going to cut this money, and that we need to see a prioritization schedule from them on how we're going to spend it; that we're going to be responsible for taxpayers' money.

Mr. HENSARLING. Again, I thank the gentleman from Georgia for his leadership and trying to bring some level of fiscal sanity and fiscal accountability back to this body.

And I'm not unsympathetic to what I just heard our ranking member say. But I guess I get somewhat frustrated when I see spending bill after spending bill after spending bill, and I see the largest single tax increase in American history enacted by the new majority.

I see absolutely no effort on the part of the new majority to do anything to rein in out-of-control entitlement spending. Unfortunately, there are few opportunities to try to save the poor, beleaguered, American taxpayer some of his funds.

And again, I'm not sure that this bill is being shortchanged. It does exceed the President's request. It does provide funding above last year, in this case, increasing funding by roughly twice the rate of inflation.

There are many American families who don't have the luxury of seeing their incomes go up by twice the rate of inflation. Why are we expecting families to do with less so that government can do with more?

And again, I'm not unsympathetic to what the ranking member had to say. But there are so few opportunities.

And I understand good things can be done with these funds. But occasionally, Mr. Chairman, we have to stop and we have to take a look at where this funding is coming from. And I talk about the poor, beleaguered, American taxpayer who, if the Democrats have their way and the largest single tax increase in American history is allowed to be imposed upon the American people, will see their taxes go up by roughly $3,000 a year.

And I hear from some of those taxpayers from around the country. I heard from Debbie in Lake Zurich, Illinois. She writes, "I cannot survive a $3,000 tax hike. I am a single, 53-year old woman living in Lake Zurich who is drowning in taxes. Because of taxes I've been forced to put my house on the market. Any more tax increases will create a huge financial burden."

I heard from Rose in Turnersville, New Jersey. "As an older adult still in the work force, I'm living paycheck to paycheck. Between property taxes and all the other taxes I pay, I will soon give up my home. Just affording gas to get to work in my car is now a trial. Please keep the tax cuts we already have."

As we talk about things we're going to do to safeguard people's homes, how ironic it is, with the largest tax increase in history we're going to spend the money and help take their homes away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1245

Ms. BERKLEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, 20 years ago Congress declared that my home State of Nevada would become this Nation's nuclear garbage dump. The legislation is known in the State of Nevada as the "Screw Nevada Bill."

Two decades later, the families I represent remain overwhelmingly opposed to having toxic nuclear waste buried 90 minutes from their homes, businesses, and where their children play. They have seen the mismanagement at Yucca Mountain, the lack of quality assurance and recent scandals where workers admitted to having falsified work on the site.

Nevada families know that there is currently no canister capable of storing nuclear waste for thousands of years and that, once inside of Yucca Mountain, corrosive elements will cause the canisters that do exist to rapidly fail, corrode, releasing radioactivity into nearby water supplies. Moms and dads fear thousands of truckloads of nuclear waste barreling down the highways of southern Nevada, home to more than 2 million families and a destination that attracts more than 40 million visitors a year. They have seen over the past 25 years how promises for "fair treatment" and "sound science" have been trumped by raw politics. And in 2002 they watched as Congress ignored Nevada's objections and declared that Yucca Mountain should go forward in spite of serious unresolved scientific issues that linger to this very day.

The circuit court of appeals decision that threw out the 10,000-year EPA radiation standards, there is a reason that they threw it out. Currently, no radiation standards exist for Yucca Mountain because they would have to find radiation standards for a 300,000-year time, leaving most of us to wonder if the financial status of the nuclear industry is more important than protecting the public safety and lives of American citizens.

Fortunately, Nevadans are not alone in opposing Yucca Mountain. Across this Nation, communities that face decades of nuclear waste shipments have raised their voices in opposition to Yucca Mountain. They share our concerns about terrorist attacks or an accident involving this lethal cargo. One nuclear waste spill could threaten thousands of lives, shut down rail lines and highways, and cost millions of dollars to clean up. Who is going to pay for that cleanup?

Post-9/11 we know all too well that there are those who will stop at nothing to strike at this Nation. Terrorists seeking to release radioactive materials or to secure a dirty bomb could target these waste shipments for attack, making each train or truckload a disaster waiting to happen. Our communities do not have the resources and our first responders simply do not have the training to deal with this threat.

Mr. Chairman, there are more reasons to oppose Yucca Mountain. This literal hole in the Nevada desert has already cost taxpayers $12 billion, and the sky is the limit when it comes to future spending: $100 billion, $200 billion, $300 billion? Nobody can tell us and nobody knows. The last time the DOE updated the cost analysis for Yucca Mountain was 2001. The Department of Energy said in 2006, and again this year, they will provide updated cost analysis. They haven't yet done that because they don't know. The DOE's failure to provide us with an up-to-date life-cycle cost analysis for this project is just one more reason to oppose this multibillion dollar boondoggle.

And here is another: Yucca Mountain is even further away today than it was 20 years ago when we first started down this path. After $12 billion in spending, Yucca Mountain is now so far behind schedule that it will not even open until 2020 or beyond. Remember, it was supposed to be 1998. Meanwhile, the last shipments will not even leave the nuclear reactor sites until 2047. That is 40 years from today.

Mr. Chairman, we have a better solution. The first step is to keep nuclear waste where it is now in hardened dry-cask storage containers that can be secured for the next 100 years. End Yucca Mountain before we waste another $200 billion to $300 billion. And then, finally, find a real solution to securing this Nation's nuclear waste.

I urge you to vote to cut wasteful spending at Yucca Mountain, protect 50 million Americans in the communities all across our Nation who will be in danger from nuclear waste shipments and the families who oppose plans to turn Nevada into a radioactive garbage dump.

Before I yield back, I want to thank both Mr. HOBSON and Mr. VISCLOSKY for yielding me this time. I appreciate their courtesy that is of monumental importance to the people I represent, the citizens of Nevada, and those who are living on these very dangerous transportation routes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $278,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

AMENDMENT NO. 24 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. WESTMORELAND:

Page 4, line 9, after the dollar amount, insert "(reduced by $18,000,000)".

Mr. WESTMORELAND. Mr. Chairman, what this amendment does is it cuts $18 million from the $278 million authorized under this bill. It is a small cut. Although $278 million is already authorized in current law, it is what the President's request was; and even though we have looked at other amendments and, hopefully, the whole House will see to do some cuts, this appropriations bill is $1.1 billion over the President's request. So this $18 million simply brings back the President's request for the Mississippi River and Tributaries program.

The Mississippi River and Tributaries last year was $396.6 million in 2007. There has been plenty of money there, I think, to look at these harbors, look at the flood damage, look at the things that should be done there; and this is a mild decrease of the $18 million.

But let me again reiterate, as I did on the previous two amendments, that this is in addition to $105 billion in new Federal spending over the next 5 years that has been authorized by the new leadership in this House. It has been done by enacting the largest tax increase in American history. And this budget that we are looking at for 2008 allows $23 billion in new spending that will be funded by the largest tax increase in American history. This amendment, while being only $18 million, is a small dent. I can't believe that I have been in Congress long enough to say "only $18 million," because that is more money than most American families will see in one lifetime or two lifetimes. It is just a small dent in this year's budget. And, Mr. Chairman, I hope that all Members will see their way to cut this amount of money out of this particular appropriations bill.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I again would reference some of his words where he indicated that $18 million is no small sum of money. It is a very significant sum of money, and I would agree with him. It is a significant sum of money, and it is very important to the programs that comprise the Mississippi River and Tributaries Program. And my concern is, if you would, carving out a particular geographic region for this particular cut and would emphasize that while it is but one geographic region and water system within our country, there are consequences of the amendments because channel improvement programs in Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee would be affected. There are levees for the Mississippi River in States like Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. There is a flood waste system in the State of Louisiana, and there are operation and maintenance costs.

These are all significant and important programs dealing, again, with the priority of people's health and safety, the movement of commerce, and the protection of property.

I strongly oppose the gentleman's amendment.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Again I want to commend the gentleman from Georgia for his amendment in this series of amendments, which, as I understand it, would bring the funding to the President's level, which, in most cases for many of us, is still too much.

As I stated earlier in the debate, Mr. Chairman, I am still concerned that although clearly good cases are made for how these funds can be used, I look at the larger picture. We still have a bill before us that is growing this part of government at over twice the rate of inflation. Again, we are asking American families to somehow do more with less, and sometimes you wonder if government isn't doing less with more.

This is on top of the pressure that has been put on the family budget by the new Democrat majority's enacting the largest single tax increase in American history in their budget. This is on top of the Democrat majority that is trying to increase what we call nondefense discretionary spending by $23 billion above the level of last year. This is in addition to the $6 billion, Mr. Chairman, that they added to the omnibus spending bill at the first of the Congress and the $17 billion in nonemergency spending that they tried to put into the emergency supplemental to support our troops that somehow we all know ended up with funding for peanuts and spinach and many other items that many Americans would consider being part of a pork-barrel spending effort.

So, again, I would have more sympathy with those who oppose the bill if I saw any indication whatsoever that the new Democrat majority was trying to save the family budget from the Federal budget. And, instead, I see this explosion of spending, and I haven't even included what the gentleman from Georgia aptly observed, that we hadn't even completed 6 months of the year but already the new Democrat majority, on top of all the old spending, has now authorized over the next 5-year budget window an additional $105 billion of new spending. And you wonder where does it all end? Where does it all end?

I said earlier that I wish we could be debating on this floor opportunities to actually reform entitlement spending. We are dealing with a smaller portion of the Federal budget now, but we know that the longest journey starts with the first step. And, Mr. Chairman, we need to observe, and don't take my word for it, about what is going to happen to the American family and the American economy if we don't take some small steps to try to reduce the rate of growth of government.

□ 1300

Let's listen to our Federal Reserve Chairman, Ben Bernanke, who was quoted in a House Budget Committee. Without "early and meaningful action" to address the growth in entitlement spending, "the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Let's listen to the Comptroller General, our chief fiduciary officer in the United States. He said, "The rising costs of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America." Instead, this body kicks the can down the road.

And now we have a bill before us which, although it does many worthy things, is increasing the rate of spending of this part of government twice the rate of inflation; again, taking money away from American families after the single largest tax increase in history, threatening to double taxes on their children.

And so, we've had three amendments here in a row that would take incredibly modest steps to try to reduce the rate of growth of government. You don't even have to cut government, you just have to reduce the rate of growth to bring some fiscal sanity from this new spending and tax economic debt spiral that the Democrats seem to want to foist us into.

So, I would urge the House to adopt the amendment of the gentleman from Georgia. I wish we could do more, but it is a modest start on a very, very long journey.

Mr. RYAN of Ohio. I move to strike the last word, Mr. Chairman.

First, I would like to lend my support to my chairman of this subcommittee, and also Mr. HOBSON, for their great work on this bill. I think it's a great bill. I think you have really shown the rest of us in Congress how a committee can and should work together for the good of the country.

I would like to address a few issues that have been brought up, not necessarily related to the bill at hand, with regard to spending. And I am glad to see a couple of my friends on the Republican side have found some religion over the past few months. These were the same Members who were here over the past 6 years, Republican control of the House, Republican control of the Senate, Republican White House, and ran up $4 trillion in debt for the United States of America. We didn't hear boo from them while all this was going on. And the biggest problem has been most of that money was borrowed from foreign countries, Japan, China, OPEC countries; $4 trillion mostly borrowed from foreign countries by the Republican Party.

They've also mentioned that there has been stress on families. Well, I'm glad they finally came around to understand that, too. And some of the things that we have already done, Mr. Chairman, have addressed those issues: $700 increase in the Pell Grant, that will relieve some pressure for families; student loans rates being cut in half, that will reduce pressure on families; increase in the minimum wage, which begins this summer; increased SCHIP coverage; increased coverage for women's health care needs. These are issues that are going to relieve the pressure that most American families are feeling, and it took a Democratic Congress to implement that.

Now, to the heart and soul of this bill. I think this bill does two things, Mr. Chairman. One, this is a national security issue. What Mr. HOBSON and Mr. VISCLOSKY have done here is increase the security of this country by reducing our dependence on foreign oil, by increasing our funding for the "loose nukes" program so that we can be safer. And this dovetails perfectly into what we've already been doing here with the Homeland Security bill, where we're going to have 3,000 more Border Patrol agents, where we are going to have technology for our ports so we are making sure we cover the cargo in. This bill fits directly in with that. Money for our first responders, COPS program. This all fits together as a piece of a national security bill.

And this bill also, I think equal to the national security provisions, this is a bill about economic development. The problems we have been having over the last 30 years is that wages have been stagnant. And Rose in Illinois and some of the other people that my friend from Texas have mentioned have had stagnant wages for 30 years. This bill makes the kind of investments that the study from the National Academy of Sciences recommended, "Rising Above the Gathering Storm." The head of that study was the former CEO of Lockheed Martin. And he noted, along with a very distinguished panel, that the connection between research and development and growth cannot be understated, especially research in the physical sciences. And when you look at what this bill does, 3,500 researchers are funded through this bill; $93 million for research with hybrid cars, $49 million for advanced combustion research, $48 million for materials research for fuel efficient cars, $23 million for fuels technology, $708 million for coal energy research.

This is an economic development bill. When we began to fund NASA, that created thousands and thousands and thousands of jobs in science and engineering. This bill will do the same thing. It will give Rose in Illinois and all of those other folks who have had stagnant wages an opportunity to go into a field that is growing with public research and private research. This is a jobs bill, this is an economic development bill for a lot of the regions who have suffered under the global economy.

I appreciate what the chairman has done, I appreciate what the ranking member from the great State of Ohio has done with this bill. This is a jobs bill and this is a national security bill. I urge its passage, and I urge that this amendment go down.

Mr. VISCLOSKY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GENE GREEN of Texas) having assumed the chair, Mr. DAVIS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2771, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Ms. WASSERMAN SCHULTZ, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–198) on the bill (H.R. 2771) making appropriations for the legislative branch for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2641.

□ 1307

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. DAVIS of Alabama in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, pending was amendment No. 24 by the gentleman from Georgia (Mr. WESTMORELAND).

Mr. SESSIONS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. WESTMORELAND. I want to thank my friend from Texas for yielding.

I just wanted to make a few comments about my friend Mr. RYAN, who I listened to many nights, Mr. Chairman, while I was up in the chair where you're at. Many nights, I listened to the 30-something Group get up and rail and talk about all the wasteful spending and about how much money we were spending and about how we had gone into debt and about what the debt was. And I hear Mr. RYAN stand up and talk about economic development. I'm going to tell you the best bills this country has ever had for economic development was the Bush tax cuts. Those were the best economic bills we've had for economic development in this country. Look at where the Dow is today at 13,000-plus. I haven't been keeping up with it, I don't really have a lot of money in the market. But we have busted records continually, and it has been because of those economic growth tax cut bills that we have had and the economic policies of this White House.

And as my gentleman friend from Texas (Mr. HENSARLING) said, we don't necessarily agree with the President's recommendation. We feel like that's probably more money than we need to spend. But at least it is a recommendation that we need to go back to from the proposal of what the Democratic leadership has proposed.

And you know, if you talk about striking any money from an agency's budget, I think you get their attention. The ranking member was telling me that when he was the chairman 2 years ago, he asked for the Corps to send 10 of their most important projects that need to be completed. He hasn't heard from them yet. And so we need to send a message to some of these agencies and say look, you are going to give us the information we want, you are going to be accountable, and you are going to be under some authority.

So, I think we need to send that message loud and clear. And although some of these cuts are mighty small, I think they will do a good job in getting some attention. I'm glad to see that the 30-something Group is now, and that the Blue Dogs, or whatever kind of dogs they are, that I listened to also, Mr. Chairman, when I was up there late at night, listened to them for hours at a time talk about wasteful spending, I hope that they will join me in an hour, in Special Orders, when we talk about the largest tax increase in the history of this country and the runaway spending that we now have, even larger spending than it was when we were in charge. I hope they will join me in that hour and we can get up and talk about being good stewards of the taxpayers' dollars.

Mr. SESSIONS. Mr. Chairman, this Republican minority is intensely interested in making sure that we do the right thing for the country, but it should be noted that these bills should not be about economic development, they should be about solving water problems that we have with the dollars that are generated by the taxpayer to solve problems with water, with flooding and with the various elements of ensuring we have clean and better water that is available.

This should not be an economic development spending bill. I disagree with the gentleman from Ohio, and it is my hope that this body will recognize this economic development spending bill for what it is, as opposed to a water resources bill. I am disappointed to hear that it's characterized that way. And that is why we support the gentleman from Georgia with his amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

I wish to engage Subcommittee Chairman Mr. VISCLOSKY in a colloquy for purposes of underscoring the strategic role of petroleum coke gasification to reduce dependence on the foreign supply of energy, and illustrating the technological feasibility of petroleum coke gasification projects to sequester carbon.

Mr. Chairman, the Energy and Policy Act of 2005, Public Law 109-58, has a specific provision, section 415, 42 U.S.C. 15975, authorizing the Secretary of Energy to provide loan guarantees for at least five petroleum coke gasification projects. Petroleum coke gasification projects are also qualified under title 17, the Innovative Technology Loan Guarantee Program under 1703 (c) 2 and (c) 3 as an industrial gasification project and pet coke gasification project, respectively. This provision of the law recognizes the critical importance of these projects in promoting efficient management of energy sources within the United States.

Domestic gasification of "petcoke," as it is also called in the U.S. refining industry, will reduce foreign exports of this product. Reducing exports of petcoke will result in reduced emissions of hydrocarbons, carbon dioxide and other gases resulting from production, transportation and burning of fossil fuels associated with energy sources currently being used instead of petcoke. Globally, it would also result in lower emissions from petcoke since this product often is not being burned in clean processes when it is exported.

Technology exists today to sequester carbon dioxide byproduct from the petcoke gasification process, pressurize the gas, and inject it underground as a petroleum recovery enhancement technique.

□ 1315

Carbon sequestration can be a viable and compatible technology with petcoke gasification where the geology, ongoing field production, and relative distance to the location of a reliable source of carbon dioxide gas coexist.

Petcoke gasification and carbon sequestration technologies would be in use more widely in key regions in our country if market-entry costs were not so high.

Mr. Chairman, reducing the cost of capital to place petcoke gasification technology into service is the very objective Congress recognized and set out to implement in the Energy Policy Act of 2005. The Department of Energy has not allocated sufficient funds for loan guarantees to demonstrate commercial readiness of the petcoke gasification technology, which will reduce dependence on foreign sources of energy. Adding carbon sequestration will require further allocation of Federal funds to implement this important technology.

Mr. Chairman, I urge your consideration to expand the types of projects that receive funding under title XVII of the Energy and Water appropriations bill to include already authorized petcoke projects that will enhance U.S. energy independence. I also urge your support for appropriating sufficient resources for one to two petcoke gasification projects in the fiscal year 2008 funding bill for the Department of Energy and hope you can take this into consideration when negotiating in conference committee with the Senate.

Mr. VISCLOSKY. Mr. Chairman, if the gentleman will yield, I want to thank Mr. GREEN for bringing to the committees's attention and my attention the need for adequate funding of these invaluable technologies.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague, my good friend from Indiana and Chair of the subcommittee, for bringing up this important piece of legislation.

I rise in strong support of H.R. 2641. I am particularly pleased the committee has provided the Army Corps of Engineers with $5.6 billion, which is $713 million more than the President's request and $246 million more than last year's appropriations. These funds will help strengthen our Nation's flood control programs and navigation infrastructure, which is particularly important to my district.

Along the Houston Ship Channel, we have requested $35 million for operations and maintenance on the deepening and widening project. This continued O&M funding would be used to keep the channel at its authorized depth, which is critical to keeping the channel navigable for the tankers that bring in crude oil to our refineries. We also have submitted a request for the environmental mitigation required as a result of the deepening and widening project and would hope that the committee will give that request its full consideration in conference.

Our area relies heavily on Corps of Engineers' funding, since we're not only an energy-producing area but also a low-lying area in the middle of a flood plain. I am hopeful that a portion of the increased funding for the Army Corps of Engineers can be directed to Greens Bayou, Hunting Bayou and Halls Bayou, which were flooded during Tropical Storm Allison in 2001. These authorized projects are located in blue-collar residential areas in my district, where the threat of future flooding is all too real. We dodged Hurricane Rita in 2005, but we need to step up our flood control efforts on these projects to give our residents adequate protection when the next storm hits. I appreciate the committee's continued understanding of the pressing flood control needs in our area.

I am also hopeful funding can be provided for other meritorious projects in our district, including the University of Houston's Center for Clean Fuels and Power Generation, the Very High Differential Pressure Sub-sea Multiphase Pumping System, and the Texas Hydrogen Highway.

This bill also makes a significant investment in researching and developing alternative energy sources which will lead us away from our dependence on fossil fuels. The bill provides $1.6 billion for research into solar energy, biomass and bio-refinery systems, technologies to reduce vehicle emissions, and technologies to make buildings more energy efficient. It also provides much needed resources for weatherization assistance grants which will weatherproof the homes of low-income disabled and elderly individuals.

An investment in new sources of energy is critical to meeting our future energy needs, but in the interim we must continue to improve on the conventional sources of energy we use today. That is why I am pleased this bill funds the demonstration of technology that captures carbon exhaust, and researches how to make fossil fuels more efficient and sustainable.

These investments in both conventional and renewable energy research will help meet America's future energy needs and diversify our energy portfolio. The University of Houston's Center for Clean Fuels and Power Generation is contributing to this effort, and I have requested funding for the center's expansion. The center's work to conduct cross-disciplinary research and develop technology to spur the discovery and commercialization of new fuels to provide the Nation's transportation and construction sectors with low-cost, reliable and sustainable power sources. I hope the committee will work with us to include funding for this important project in conference.

I commend the Chairman, and also my good friend from Texas, Congressman CHET EDWARDS, for their hard work on this legislation, and urge my colleagues to support the bill.

Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Westmoreland amendment. I would like to point out that the President's budget request came in at $1.1 billion more than what the majority party has requested in the bill that is before us today. Also, the bill before us today is $1.3 billion over last year's bill.

Now, $1 billion, that goes to the $23 billion or so that the combination of the 12 appropriations bills will be over what the President has set forward. And even what the President set forward, I might say, is a little on the high side. But when you look at $23 billion in excess spending, $1.1 billion just in this bill, Mr. Chairman, we have to start somewhere with fiscal restraint and fiscal discipline.

I am a new Member in Congress, and I heard a lot of talk during the campaign, especially by some of my colleagues on the other side of the aisle, that we were going to have a new day of fiscal discipline. Well, I am still waiting for that day to dawn, and I certainly don't see it today.

This bill is higher than what the President has asked, and that means that the President has pledged to veto this bill. If this goes through the House and then through the Senate and comes out in anything like the form that it is in right now, it's going to be vetoed; and then we are going to come back, and we will go through this whole exercise all over again.

So I think the way we should avoid that brain damage and that waste of time and waste of expense is just to bite the bullet right now. Let's stick to the amount that the President has requested. That is still over last year's budget.

So I think we should support the Westmoreland amendment. He has offered several good amendments. This is one of them. We have to start somewhere, or we are going to be back later this year.

So let's have some of the fiscal discipline that I thought we were going to be in store for, and this would be a good place to start. This is as good a place as any. And I urge adoption of this amendment.

Mr. BARROW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as Congress works to expand domestic energy production alternatives, one area of renewed focus is nuclear power production. For those of us who support nuclear energy, it is essential that there be adequate oversight and independent research to make sure that nuclear technology is safe and sustainable.

For the past 50 years, Mr. Chairman, that independent research has been the primary objective of Savannah River Ecology Lab. In fact, the ecology lab was founded to give the public confidence that the Energy Department's works at Savannah River Site would not sacrifice public safety or the environment.

That work continues today. In fact, the lab is the only lab in the Nation funded by the Department of Energy that conducts independent research into the long-term effects of low-level radiation and nuclear energy production.

Unfortunately, the Department of Energy doesn't seem to want independent oversight, and they have zeroed out the $4 million in funding for the lab. It seems to me that $4 million a year is a small price to pay to make sure that the ongoing work at the SRS, and nuclear energy production in general, is being done in a manner that promotes public safety and protects our land, our air, and our waterways.

Mr. VISCLOSKY. Mr. Chairman, if the gentleman will yield, I thank the gentleman for bringing the work of this lab to the attention of the House and to the committee. I certainly will want to work with the gentleman on his concerns.

Mr. BARROW. Mr. Chairman, I look forward to continuing to work with him and our colleagues in the other body to make sure that the Nation has the adequate oversight and the independent research that is needed to safely promote nuclear technology.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Westmoreland amendment and in opposition of the underlying bill.

Let's just review the numbers for a moment. This Energy and Water appropriation bill not only exceeds the President's request; it also increases spending by twice the rate of inflation. Under the Democrat budget resolution, nonemergency spending will increase by $81.4 billion compared to 2007, growing more than 9 percent, or triple the rate of inflation. That is triple the rate of our constituents', the American taxpayers', ability to pay for these bills. This is on top of the $6 billion that was already spent in the current year omnibus, and the $17 billion in non-war emergency spending that was added to the Iraq war supplemental.

But with this particular bill, here are my concerns: number one, it further opens the spigot on new spending. This is $1.1 billion above the President's request and $1.3 billion above the 2007 enacted levels. Again, far in excess of the rate of inflation.

Number two, it adds a lot of green for uncertain returns. The President requested $1.2 billion for renewable and energy efficiency under the Advanced Energy Initiative and the Reducing U.S. Dependence on Imported Energy Sources. This bill increases spending by 50 percent, yet it is extremely unclear whether this enormous boost in spending will actually do anything to achieve energy independence.

This bill also exploits the Democrats' pre-funding maneuver. This was wrong when Republicans did it. It is wrong when Democrats do it. Both parties have been doing these pre-funding maneuvers. This is basically taking from next year's bill.

I think the fact that they have already pre-funded $1.6 billion for FY 2008 Corps of Engineers spending frees up room under the cap so they can spend more money. So you have about a $1.8 billion smoke-and-mirrors pre-funding mechanism that allows them to spend even more money. That brings the total on top of the $1.3 billion to almost $3 billion over last year's enacted levels.

Now, $3 billion in an almost $3 trillion budget, people ask why should it matter. Why should we talk about these things. Here is why, Mr. Chairman, this matters: it starts one step at a time.

If you want to be fiscally conservative, if you want to be fiscally disciplined and watch the way we spend taxpayer dollars, we have to do it at every stage in the process. We will have to watch how we spend our taxpayer dollars.

The big problem I have with this budget resolution that is guiding this process, the current budget resolution leads to the largest tax increase in American history. Why on Earth would we want to pass the largest tax increase in American history at a time when our economy needs more jobs?

The tax cuts that occurred in 2003 created an unprecedented 7.9 million new jobs. It gave us 3 years of double-digit revenue growth, which helped us cut the deficit by more than 50 percent. And the key to reducing the deficit further is not increasing taxes or increasing spending. It is controlling spending.

That is the different vision between our two parties. We believe we need to balance the budget. The Democrat budget, the Democratic Party budget, does that too. They propose a balanced budget as well. They propose a balanced budget at this level of taxing and spending, whereas we propose a balanced budget at this lower level of taxing and spending, because we fundamentally believe that people ought to be able to keep more of their own money in their own pocket.

We don't measure success of a nation by measuring how much more money we spend in Washington. We measure success of a nation by how free people are in their own lives and how they have an ability to prosper and grow and how jobs and opportunities are being created in America. That is what we believe measures success.

So if we pass budgets that simply call for all this new spending, if we pass budgets which call for 23 reserve funds to spend $190 billion, in addition to what this budget right here does, what we are simply doing is saying we are going to tax people more, and then we are going to tax them more again, and we are going to spend that money.

That takes freedom and liberty away from taxpayers, away from individuals. That starves prosperity in America; it doesn't preserve prosperity in America. And that is why at every stage in this appropriations process, at every stage in this budget process we have to be mindful on how much money we are spending.

We are spending more than twice the rate of inflation in this bill. We are spending three times the rate of inflation on all of these appropriations bills. And that is far too much, Mr. Chairman. That is why I urge passage of the Westmoreland amendment and defeat of the underlying bill.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise to support the amendment of my colleague from Georgia, Mr. WESTMORELAND. I want to reiterate some of the comments that have already been made.

We simply have to start exercising fiscal discipline in this House. I often talk about how the Republicans missed the mark by overspending in the last few years and I talk about they, not we, because I came here as a fiscal conservative. I am even more of a fiscal conservative than I was when I first came to Congress, and I think most Members of my party have gotten up and admitted that we have spent too much money in the last few years. But most people now have seen the error of our ways, and we know that we have to start cutting, and we need to start right here. We talked about this last week, but we need to continue to talk about it.

We are on track for pretty soon 70 cents out of every dollar of Federal money going in to Social Security, Medicare and Medicaid, in the very, very near future. We do not need to take our country in that direction. We have got to start trimming budgets, and this is the place to start now.

If we do not do that, we are not only going to see a repeat of what the Democrats are bringing to us, the biggest tax increase in American history this year, we are going to continue to see that to the point where we are going to be taxing most of the money that Americans make, and we are going to destroy this country with that kind of an attitude.

Our economy is doing great because of the tax cuts that were instituted in 2001 and 2003, and the only way we can maintain that type of economy is for us to control spending. We don't have a revenue problem in this country. We have a spending problem. We need serious fundamental reform of our spending. We need fiscal discipline.

As my colleagues have said, we are dealing with spending at twice the rate of inflation. American families cannot stand that. They do not want us to continue spending at the level that we are spending. It is on track to be the largest spending increase that we have seen in a long, long time in this country.

We heard over and over again last year on the floor from the party that is now the majority party, then the minority party, that we were spending too much money. Here they are, expanding what was spent last year, and expanding it at a rate that is simply unsustainable. They obviously did not mean what they said last year when they said we were spending too much money.

It is a small cut. Again, I reiterate what my colleagues have said. We have been in Washington too long when we think of $18 million as a small cut. But as Everett Dirksen said many, many years ago, "A million here and a million there, and pretty soon you are talking about real money." That is what we are doing.

Let me put Federal spending into some context for the American people. The United States Federal Government is on track to spend more money next year than Germany's entire economy in the year 2005. Germany is and has been the third largest economy in the world for a long, long time. There are only two countries in the world with entire economies that are larger than the U.S. Government budget, the United States itself and Japan.

So it is important that we start cutting back, and we have to do it a little bit at a time. If there is anybody in this country who believes that throwing more money at a problem from the Federal Government's level solves problems, then they haven't looked at the statistics on our education system, they haven't looked at the statistics on what has happened with control of disasters. We know that simply throwing money at a problem does not solve the problem.

We need accountability, we need efficiency, and we really need to focus on those issues before we spend additional dollars.

I think that we do need more oversight of how Federal Government programs are run. But simply throwing more money at the problem won't create that oversight for us. We have to get down in the trenches, examine programs, see how money is being spent, and say what effect did you get from this money you are currently spending.

☐ 1330

In most cases we can probably cut budgets and come out far ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. BURGESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on Monday morning my constituents in Gainesville, Texas, woke up to a terrible sight. They woke up to discover their homes, businesses and city awash in water. Heavy rain in north Texas over the weekend and early into Monday morning overwhelmed Pecan Creek and other area streams. There have been several confirmed fatalities, 420 flooded homes, untold millions of dollars' worth of damage in the north Texas area.

The first responders, the fire people, the swift water rescue teams, are still in the process of rescue recovery and evaluating the damage and helping people whose homes and businesses have been destroyed.

This photograph was taken yesterday morning. It is reminiscent of photographs that were taken during the 1990s, during the 1980s, during the 1970s, during the 1960s, literally as far back as I can remember. That is why I have requested funds for a section 205 flood control project in Gainesville, Texas, and I have every year for the last 3 years.

Progress has been made. Funds have been allocated to the project in fiscal year 2007, to the Corps' work plan to complete studies in engineering; but realistically, the time for study has long since passed. We need construction dollars.

Funding for Pecan Creek was my number one request in the Energy and Water appropriations bill this year, last year and the year prior. I hope that the chairman and the ranking member will help by providing the funding for the construction projects that are so desperately needed by the citizens of north Texas.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with Chairman VISCLOSKY about a critical issue relating to my district, and I appreciate the gentleman's leadership and the minority ranking member's leadership on the issue before us.

If I could direct this to Chairman VISCLOSKY, as you know, being from the Great Lakes region, there is an ever-constant threat of shoreline erosion on the coast of the Great Lakes. My district is home to Pennsylvania's only shoreline on the Great Lakes on Lake Erie. Each year it is of vital importance that sand, displaced by winter storms, be renourished and redistributed on that shoreline.

Without annual nourishment, the shoreline would erode to the point where natural resources and habitats are jeopardized or even lost. Perhaps the most vivid example of this is Presque Isle. Presque Isle is a unique ecosystem and truly a natural gem. Every year as a State park it receives over 3.4 million visitors and it receives more visitors annually than any national park other than Yosemite.

Every year since 1975, the shoreline of this unique feature has received truckloads of replacement sand. This sand has kept the bird sanctuary at Gull Point effectively from eroding away. Birds that have been sighted here or call the sanctuary home include federally endangered species such as the piping plover. Without sand, however, Gull Point and other areas of Presque Isle's shoreline will be washed away, leaving these vulnerable species with even less habitat for recovery.

While there are no specific project allocations in this bill at this time, I encourage the subcommittee to allocate sufficient funds to the Army Corps of Engineers' construction account and make every effort to afford the beach nourishment project at Presque Isle at Erie, Pennsylvania, the resources required to be able to restore the sand lost from winter storms. And also, as part of an ongoing Federal commitment, a Federal-State partnership which has existed since the Reagan administration. I thank the gentleman and welcome his consideration.

I yield to the chairman.

Mr. VISCLOSKY. I want to thank the gentleman from Pennsylvania who serves as my partner on the Congressional Steel Caucus, we have other things in common, including my district abutting the Great Lakes, in my case Lake Michigan, for rising on this issue on the floor today. It is an important one.

The gentleman has my commitment that, especially knowing the challenges facing the Great Lakes region firsthand, that the subcommittee will make every effort to provide adequate resources to the Army Corps of Engineers for construction projects and also help the gentleman provide sufficient resources to the beach nourishment at Presque Isle.

Mr. ENGLISH. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; to address the effects of civil works projects owned or operated by the Corps on federally listed species; to provide security for infrastructure operated by the Corps, or operated on its behalf, including administrative buildings and facilities, and laboratories; to maintain harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce where authorized by law; and to conduct surveys and chart northern and northwestern lakes and connecting waters, clear channels, and remove obstructions to commercial navigation, $2,655,241,000, to remain available until expended, of which $53,585,000 shall be for projects and activities in Region 1 New England; of which $179,814,000 shall be for projects and activities in Region 2 Mid Atlantic; of which $367,101,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which $126,907,000 shall be for projects and activities in Region 4 Great Lakes; of which $342,354,000 shall be for projects and activities in Region 5 Ohio; of which $25,721,000 shall be for projects and activities in Region 6 Tennessee; of which $251,630,000 shall be for projects and activities in Region 7 Upper Mississippi; of which $166,946,000 shall be for projects and activities in Region 8 Lower Mississippi; of which $3,159,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which $162,352,000 shall be for projects and activities in Region 10 Missouri; of which $213,500,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which $185,668,000 shall be for projects and activities in Region 12 Texas-Gulf; of which $30,812,000 shall be for projects and activities in Region 13 Rio Grande; of which $57,000 shall be for projects and activities in Region 14 Upper Colorado; of which $3,967,000 shall be for projects and activities in Region 15 Lower Colorado; of which $819,000 shall be for projects and activities in Region 16 Great Basin; of which $286,031,000 shall be for projects and activities in Region 17 Pacific Northwest; of which $125,998,000 shall be for projects and activities in Region 18 California; of which $26,811,000 shall be for projects and activities in Region 19 Alaska; of which $872,000 shall be for projects and activities in Region 20 Hawaii; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available in the special account for the Corps established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities under this heading related to resource projection in areas operated by the Corps at which outdoor recreation is available: and of which such sums as become available pursuant to section 217 of the Water Resources Development Act of 1996, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

AMENDMENT NO. 25 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. WESTMORELAND:

Page 5, line 8, after the dollar amount, insert "(reduced by $184,241,000)".

Mr. WESTMORELAND. Mr. Chairman, this amendment simply strikes $184,241,000 from operations and maintenance to the Corps.

The amendment would save $184 million, reducing the account from $2.655 billion to $2.471 billion. The account was funded at $1.97 billion in fiscal year 2007. The bill increases this amount by 34 percent over last year's funding level and the amendment would limit this increase to 25 percent. While I may feel this is still too much money, it at least brings some type of accountance that we would want to increase this 34 percent in 1 year.

Mr. Chairman, I think as already testified today by many Members in talking about the bureaucracy, the red tape, the problems in prioritized spending, the lack of accountability, where better to make a difference and to make a change and to spend something than in the maintenance and operation of this agency.

We heard from the gentleman from Florida, Mr. KLEIN, talk about the problems that he had with regulations, and I know that Florida has a lot of different water problems and a lot of different Corps' interests down there.

I was pleased to hear Chairman VISCLOSKY in his comments about bringing accountability to the Corps and bringing about accountability on this spending that seems to be run away. I really enjoyed talking to the ranking member about some of these problems that he has been addressing over the past years as chairman of this committee and how accountability needs to be brought to the attention of Members.

I don't know if I have mentioned it before, but this appropriations bill is $1.1 billion over the President's request. I don't know if I have mentioned it before, but there has been at least $105 billion in new Federal spending over the next 5 years that has been authorized by the new majority in this House, the Democratic leadership. And I don't know if I have mentioned it or not, but we have enacted the largest tax increase in American history.

This Democratic budget, and I don't know if I have mentioned this before or not, allows for $23 billion in new spending over that of the President's request.

And I want to just make a couple of other comments. Mr. RYAN had mentioned economic development. I just want to say that 6 years ago the Dow was at 10,690. Today it is at 13,632. That is a pretty nice increase, seeing how it came on the heels of 9/11, and I think and I believe Mr. RYAN quoted the fact that 7.8 million new jobs since this economic development tax cut legislation has gone into effect. That's more than Europe and Japan combined.

The President's policies, economic policies, have been working. And whether we agree with the amount of money that he has spent or not, the economic policies are working and tax cuts do work.

And so I would ask that we would send a message to the American taxpayers that we want to cut $184 million out of this bill that is already bloated, over $1.1 billion. And I think we also want to send a message to some of these departments that we are going to hold you accountable and we are going to make sure that you are responsible for the way you spend money and that you are accountable to this Congress, because we are directly accountable to the people who elect us to this position.

So I ask Members to support this amendment and keep in mind that last year it was $1.9 billion, that this year the President's request was $2.4 billion, and the proposal is for $2.6 billion.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

I wish to speak in support of the Westmoreland amendment. I think it does a good job of bringing spending to more reasonable levels.

But I would like to speak about the broader issue. Not only does this particular appropriation bill increase spending by $1.1 billion above the President's request, which is in excess of last year by double the rate of inflation, it is part of a broader appropriations effort to spend $23 billion above the President's request and 9 percent increase from this year versus last year, triple the rate of inflation.

Here is the problem with all these bills that spend all this extra money: This puts the taxpayer on a collision course with higher taxes. Because the budget resolution which we are now operating under leads to the largest tax increase in American history, by passing these large appropriations bills, $23 billion above the President's request, it puts us on a course for higher taxes.

Why is this a bad thing, Mr. Chairman? The reason this is such a bad thing is because these tax cuts, the tax relief gave us the economic prosperity we are enjoying today. It gave us the higher economic revenues that give us the ability to lower the deficit.

When we saw this problem in the economy in 2001 and 2003, consider all those problems America was facing, the Enron scandals, the dot-com bubble had burst, 9/11 happened, and we went into a recession.

What did Congress do at that time? Congress moved aggressively and swiftly to cut taxes, to cut tax rates on entrepreneurs, on small businesses, on corporations investing back in their businesses, on families and on taxpayers and working families.

What happened after that? Well, we created 7.9 million new jobs. Think of the fact that the eight quarters before tax cuts occurred, we had eight quarters of negative business investment. After that, we have had unprecedented business investment.

Think of the fact that we have averaged a job loss of 219,000 jobs per month before those tax cuts and now we are averaging almost 165,000 new jobs per month since those tax cuts.

□ 1345

Think of the fact, Mr. Chairman, that when the Enron bubble came and the dot-com bubble burst, people lost a lot of their savings when the market went down. Well, now the market is at an all-time high, and it is because of these tax cuts.

And so when we bring bills to the floor that promise all of this new spending, when we bring bills to the floor that spend $23 billion above the President's request, when we pass a budget that proposes 23 new slush funds to spend 190 billion more dollars in spending on top of those tax increases, this is a recipe for higher taxes.

So, you see, Mr. Chairman, what is coming through here on the floor, bill after bill, appropriation bill after appropriation bill, is more spending, higher spending, which leads to higher taxes. The fact is in just the month of July, this majority is proposing to bring two reserve funds that will alone promise to spend $70 billion, $20 billion in the farm bill and $50 billion on the SCHIP reauthorization. Where are they going to get that money from? Higher taxes.

So it's important that amendments like the Westmoreland amendment pass so that we can bring restraint to our spending levels. It is important that we don't pass these bloated appropriation bills that spend two to three times the rate of inflation, because that's two to three times the rate of our taxpayers', our constituents', ability to pay for these bills. And when we go on this collision course with all this new spending, $110 billion of more spending this year alone in just discretionary spending versus last year, $190 billion in new spending proposals, in mandatory spending on these reserve funds, that puts the taxpayer on a collision course with higher taxes and that brings true this promise of the largest tax increase in American history which was passed by this majority in their budget resolution.

That is why we should not be passing these overinflated appropriation bills, and that is why we should be voting "aye" in favor of this Westmoreland amendment.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

I would like to associate myself with the comments of the ranking member of the Budget Committee. What is of great concern here and why once again I want to thank the gentleman from Georgia (Mr. WESTMORELAND) for these series of amendments to at a minimum look at various spending levels and try to at least keep to the President's level, which so many of us already consider to be overinflated, particularly when we look at the fact of how much more the Federal budget has grown over the family budget. Since I have been on the face of the planet, the Federal budget has outgrown the family budget by a factor of about five to one. This cannot continue.

And so the gentleman from Georgia offers several amendments, all that would at least put us on the path to avoid the Presidential veto and spend less than what the new Democrat majority, tax-and-spend majority, wants to do.

Again, I think it's very important that we focus on the fact that this is part of a larger plan that we see unveiled in the budget resolution. This is our third appropriations bill that puts us on the course to spend the funds that will arise from this single largest tax increase in American history.

Mr. Chairman, for all those who are watching the proceedings of the House today, it might be interesting to note for them that the last time the Democrats had the majority, they enacted the single largest tax increase in American history. So they are at least consistent in what they are trying to do. The big debate in Washington is whether you want to tax more and spend more or whether you want to try to constrain the growth of the Federal budget to where the family budget can actually afford it.

I have heard other speakers rise and somehow point the finger at Republicans for fiscal irresponsibility. I must admit on occasion that perhaps is correct, but, Mr. Chairman, since I have been here and since I look in the rearview mirror, every time the Republicans have brought a budget to the floor, the Democrats have brought even a larger budget to the floor. They have decried the prescription drug benefit program of the Republicans for being overly expensive, but their alternative cost even more. And now already in just the first 6 months of this 110th Congress, we have the Democrats wanting to increase nondefense appropriations by $23 billion of taxpayer money, we should never forget that it's the taxpayers' money, above what we spent in 2007. They already added $6 billion to the omnibus spending bill at the first of this Congress. They added $17 billion in nonemergency supplemental spending to the bill that would support our troops in harm's way; but as we notice, as we read the fine print, we discovered it included spinach and peanuts and shrimp and everything else. And now we also understand that the Democrat majority has provided new spending on top of the old spending, $105 billion over 5 years.

What the Republicans are trying to do is keep the tax relief that Americans have already been provided, keep it alive, make it permanent. Democrats say that we're not trying to increase taxes on the American people, although in their budget they have the single largest tax increase in American history, they just say, well, we're just going to let this tax relief expire. Well, Mr. Chairman, if you're a hardworking individual in the Fifth District of Texas and you make the same amount of money this year that you made last year and your tax bill goes up, now, that may be called in Washington, DC, letting tax relief expire. I can assure you that is a tax increase on hardworking people in the Fifth District of Texas and all over America.

That's why when this bill comes to the floor, and I know there are many worthy programs in this bill, but we can never forget the worthy energy bills that are in the family budget and the worthy water bills that are in the family budget, and you cannot fund the Federal budget without taking money from the family budget. That's why again one modest step would be to vote for this amendment from the gentleman from Georgia, and I once again want to commend him for his leadership on fiscal responsibility in this body.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do rise in opposition to the gentleman's amendment and would note that the gentleman from Wisconsin in his earlier remarks used the term "slush fund." I would note that a slush fund connotes a fund raised by a group for corrupt practices as bribery or graft. I'm certain that the gentleman didn't mean to imply that.

Slush fund can also mean money once raised by the sale of garbage from a warship to buy small items of luxury for the crew. I'm sure the gentleman didn't mean that, either.

A slush fund can also mean a fund used by a group of office workers for entertainment, but I don't think the gentleman meant that.

A slush fund could also be a fund raised for undesignated purposes. I would not be so presumptuous as to speak for the gentleman from Wisconsin, but I assume that was the import of his remarks, and in this case that would also be an incorrect assertion.

The subcommittee worked very hard for the first 6 months of this year to assess what the investment needs are for the United States of America, its citizens and its economic future. As I have mentioned earlier, and we had graphics to support the assertion, we have an aging infrastructure in the United States of America. Anyone who is on the roads, anyone who travels by air, anyone who travels by rail, anyone who travels on water understands that. And today we are particularly concerned about the aging water infrastructure.

I for one, and I believe all of the members of the subcommittee, am very concerned that much of the infrastructure in place as far as operation and maintenance is past its designed life. That pertains to almost half of the locks and dams in this country. We have not dredged many of our harbors, whether they be for recreation, which is an economic purpose as well, or for commerce to their authorized depths, let alone to the depths needed to ensure that they can operate effectively and cost efficiently, and this work must be done.

What we have created here is an investment fund for operation and maintenance, and I for one am proud that we have increased in that account more moneys to invest in the economic prosperity of our country, whether it pertain to navigation channels, locks and dams, or other water infrastructure.

I would ask my colleagues to oppose the amendment.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

I rise in opposition to the amendment to reduce funding for the Corps of Engineers operation and maintenance account. I confess that I don't understand this amendment beyond its superficial attempt to reduce bottom-line spending. This country has already expended billions of dollars in our water resources infrastructure. Much of that infrastructure is quite old and needs major rehab. I would invite any of the Members around that want to go and look, go look at the dams and the locks and the rivers that we have and look at the aging infrastructure that is there.

As any responsible homeowner knows, much of critical maintenance is penny-wise and pound-foolish if you put it off. The same maxim applies to our Nation's water resources infrastructure, though with a much larger role at stake.

And if we get it wrong, much more than just dollars are at stake. A large part of the failures that caused such a devastating loss of life and property in New Orleans came from inadequately maintained flood control projects. We cannot afford to make this mistake again.

Even the President said we have got to increase O&M. The President dramatically increased O&M. What I hear from everybody here is, well, they're always right down there. Well, they're not always right down there. They have never put the right amounts in this bill to begin with when it comes to energy and water, especially the water side.

So I oppose this amendment. Cutting funding for operation and maintenance for the Corps of Engineers is foolish and irresponsible at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

For expenses necessary for the administration of laws pertaining to the regulation of navigable waters and wetlands, $180,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites resulting from work performed as part of the Nation's early atomic energy program, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such natural disasters, as authorized by law, $40,000,000, to remain available until expended.

EXPENSES

For expenses necessary for general administration and related functions of the civil works program in the headquarters of the Corps, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineering Research and Development Center, and the Finance Center, $171,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $6,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) Except as provided under subsection (b), none of the funds provided under this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act; or

(5) increases or reduces funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less;

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992; or section 933 of the Water Resources Development Act of 1986.

SEC. 102. None of the funds made available in this title may be used to award any continuing contract or make modifications to any existing continuing contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming to that project pursuant to section 101 of this Act.

SEC. 103. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

(b) Subsection (a) shall not apply to funds required for the decommissioning of the vessel.

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers, is directed to reduce by 35 percent the full-time employees at the Sacramento District Regulatory Division office of the Corps of Engineers.

SEC. 105. None of the funds appropriated in this Act or any other Act may be used to conduct a public-private competition or direct conversion under the OMB Circular A–76 or any other administrative regulation, directive, or policy for any Corps of Engineers program, project or activity.

AMENDMENT NO. 23 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. SESSIONS:

Strike section 105.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 105 of this legislation which as drafted would prevent the funds spent by this bill from being used to conduct public-private competitions or to direct A–76 conversions for any Army Corps of Engineers program, project, or activity.

This underlying language would present an enormous setback for competition in government sourcing, costing the Federal Government millions of dollars a year by preventing private sector contracting in the Army Corps of Engineers for everything from janitorial and food services to the engineering and design of locks and dams which private sector contractors have done competitively for years at the Federal, State, and local levels.

□ 1400

While this policy may be good for increasing dues payments to public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because these agencies will have less money to spend on their core missions if the opportunity to use competition and private sector efficiencies is taken away from them.

In 2006, Federal agencies competed only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 5–10 years.

Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 5–10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with an annualized expected savings of more than $1 billion.

At the Corps, in 2006 three public/private competitions were competed, involving IT support, financial services, and public works.

The largest of these, dealing with IT support services, has a projected savings of $960 million over a 6-year period. By introducing competition and leveraging the government's size to reduce equipment maintenance and replacement, the government will now be able to save almost $1 billion, but without my amendment, similar future efforts will be impossible.

Mr. Chairman, in this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and to reduce the cost of services that very easily can be found in the Yellow Pages.

I insert into the RECORD at this point a letter of support for this amendment from the American Society of Civil Engineers and a letter of support for the amendment from the Council on Federal Procurement of Architectural and Engineering Services.

AMERICAN SOCIETY
OF CIVIL ENGINEERS,
Washington, DC, June 19, 2007.

Hon. PETE SESSIONS,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN SESSIONS: The American Society of Civil Engineers (ASCE) is writing to support your amendment to H.R. 2641 that would strike language prohibiting the U.S. Army Corps of engineers from conducting any public-private competition or direct conversion under OMB Circular A–76.

ASCE believes that section 105 of the bill as reported effectively would stop the USACE from employing engineers in the private sector. Such a provision is contrary to sound public policy. We think federal, state, and local government agencies responsible for major civil engineering works must maintain professional engineering expertise within their organizations by employing civil engineers and providing for their professional development. Nevertheless, public sector engineering projects that can be accomplished more efficiently by private engineering firms should be contracted out with proper oversight by the public agency. The ratio of in-house engineering to contracted engineering services should be based upon an assessment of the agency's continuing project and policy requirements rather than on rigid rules or percentages fixed by legislation or regulation. We urge all Members to vote "yes" on the Sessions amendment to strike section 105 from H.R. 2641.

If ASCE can be of further assistance, please do not hesitate to contact me or Michael Charles.

Sincerely yours,

BRIAN PALLASCH,
Director of Government Relations.

RESTON, VA,
June 19, 2007.

Hon. PETE SESSIONS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: The Council on Federal Procurement of Architectural and Engineering Services (COFPAES) is a coalition of the nation's design professionals. Our combined membership of over

1,000,000 individual practitioners from the private sector and public service are part of our member organizations—American Congress on Surveying and Mapping, American Institute of Architects, American Society of Civil Engineers, Management Association for Private Photogrammetric Surveyors (MAPPS), and National Society of Professional Engineers.

COFPAES strongly supports your amendment to H.R. 2641 the Energy and Water Appropriations Act for fiscal year 2008. We oppose the language currently in the bill that would effectively prohibit the U.S. Army Corps of Engineers from contracting with the private sector.

COFPAES has long advocated a balance between the in-house capabilities of the Corps of Engineers and contracting with firms in the private sector. We believe the language in H.R. 2641 would prohibit achieving such a balance. We believe there is the need for a core, in-house capability in the Corps, and utilization of the professional expertise in the private A/E community.

Current law, 33 U.S.C. 622 and 33 U.S.C. 624, already protect both the taxpayer and Corps employees. Further restrictions on use of the private sector are not necessary, and indeed, would inhibit the ability of the Corps to utilize private sector capabilities that the Corps needs.

We urge the House to approve your amendment and we thank you for your leadership on this important issue.

Sincerely,

JOHN M. PALATIELLO,
COFPAES Administrator.

Mr. Chairman, I urge all of my colleagues to support this commonsense taxpayer-first amendment and to oppose the underlying provisions to benefit public sector union bosses by keeping cost-saving competition in the Army Corps of Engineers.

The CHAIRMAN. Does any Member seek time in opposition to the amendment of the gentleman from Texas?

Does a Member seek time regarding the amendment of the gentleman from Texas?

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

First I'm heartened that nobody has risen to oppose the amendment. I've heard many of our colleagues on the other side of the aisle in a different context criticize the administration for not always having what they considered to be a sufficient competitive bidding process on contracts, and so I'm a little curious how this language ended up in the bill in the first place. But why wouldn't we want more competition?

Again, after our colleagues on the other side of the aisle helped put in place the single largest tax increase in American history, and then start to spend that money in our third appropriations bill that will again grow government way beyond the rate of inflation, we had better look for savings everyplace we can find it.

How can you criticize the administration for no-bid contracts, and then here's an opportunity here for competitive bidding, to somehow turn it down? So I don't know why this language is in the bill in the first place, but I want to congratulate and commend the gentleman from Texas for his amendment.

It has, I think, the potential to save the poor, beleaguered taxpayer millions, if not billions, of dollars. Is there anything not more ingrained in the American character than competition? We ought to try to make these contracts as competitive as possible.

Again, we have to put this whole piece of legislation in context. It's the third appropriations bill arising from a budget resolution that calls for the single largest tax increase in American history, approximately $3,000 of increased taxes for hardworking American families as they try to meet their education needs, as they try to meet their health care needs, as they try to meet their housing needs.

So I know there's a number of good programs that are contained within this legislation. In many respects, we're not having a debate today about how much money we're going to spend. We are debating who's going to do the spending, and there are many of us on the floor today who want to make sure that American families get to do more of that spending.

We continue to kick this can down the road. It's simply unfair to place such a tax burden on the American people. The average American family already pays $22,000 a year combined in Federal taxes, and now as the Democrat majority is promising to impose an additional $3,000 a year in taxes, and then, even worse, because their budget resolution from which this appropriation bill follows is silent on the issue of what to do with out-of-control entitlement spending, which is putting our sons and daughters, our grandchildren, on automatic pilot to have their taxes doubled so they will never be able to afford their own homes, send their kids to college, start their own business. As the Comptroller General said, and I paraphrase, we are on the verge of being the first generation in American history to leave the next generation with a lower standard of living.

Now, I wish there was a lot more that we could do today within this piece of legislation, but at least by adopting the amendment of the gentleman from Texas, we will take a few small steps in doing what every other American considers to be common sense, and that is to ensure a maximum of competitive bidding, we would take at least a few small steps towards trying to save the American people from this increased tax burden that, again, subtracts from their dreams of their first home, their dreams of launching a small business.

This is all part, again, of a budget that imposes the single largest tax increase on the American people in history. After trying to spend an additional $23 billion over the level spent last year, $6 billion that was added to the omnibus, $17 billion added to the war supplemental in nonemergency spending, the Democrat majority now is going to allow unlimited emergency spending, giving Members practically the ability to rubber-stamp anything with "emergency." And not only does their budget not do anything to reform entitlement spending, it creates reserve funds that promises more entitlement spending, Mr. Chairman, to make the problem even worse.

So we should all adopt the amendment of the gentleman from Texas. I applaud his leadership. It's a small step, a commonsense step to try to save the family budget from the Federal budget.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment because I believe the actions we have taken in the subcommittee will save the American taxpayers' money.

I would first note that all A–76 studies performed by the Corps of Engineers have been won by Corps employees. So the first question is: Why do it?

The Corps is working under also an arbitrary numerical quota to review certain numbers of jobs in certain time periods without research and analysis. It would suggest that this is an arbitrary requirement put into place by the Office of Management and Budget, and there is a doubt, at least in this Member's mind, that it has been subjected to analysis at OMB.

I also believe that historically there has been opposition in this body to privatization. That has been bipartisan. I would point out that from a monetary standpoint, that the cost of these studies often exceeds the benefits; and of those functions that are easily contracted out, the remainder are difficult to separate into contractible and governmental function groups.

The fact is that the committee recommendation allows the Corps to continue with high-performing organization studies which follow the same study process, with similar results, without incurring the additional time and costs associated with contracting competitions.

So what we would want to do is to use those high-performing organization studies, apply less cost to the taxpayers and to move this process along. I am opposed to the gentleman's amendment.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I was compelled to come and talk just a little bit about this amendment, which I commend my friend from Texas for offering, because I've been surprised at the rapidity with which the new majority has regained their old stripes that they lost 12-plus years ago.

We were sitting in committee the other day and marking or finishing the prospects of a bill that we're passing out of the Education Committee, and it turns out that there was more estimated revenue that came into the Federal Government and was eligible for appropriation by the committee. And so the majority party, within very short order, stated that they had found hundreds of millions of new dollars and they were offering an amendment to recognize that, in fact, they had found hundreds of millions of new dollars; and then, within seconds, appropriated or authorized the spending of the hundreds of millions of new dollars.

So I was somewhat bemused by that and made the comment at the time that I was pleased that they had found the hundreds of millions of new dollars; I was somewhat surprised that they had spent it so rapidly.

And so I would draw your attention, Mr. Chairman, to the fact that an issue, a process by which the Federal Government has been utilizing to save hundreds of millions of dollars and, yes, billions of dollars, as stated by the gentleman from Texas, that of providing for competitive bidding, is an appropriate process. It's an appropriate process for our Federal Government to use. It's a responsible process so that we may spend hard-earned taxpayer dollars wisely. And so I'm distressed that this bill would include a section that would preclude competitive bidding.

As everyone knows and understands kind of inherently, there are many, many things that the private sector can do much more reasonably and responsibly and efficiently and without significant expenditure of resources than can the public sector. And so it just makes no sense to me, and certainly no sense to my constituents back in the Sixth District of Georgia, that we would adopt a new measure that would provide that we ought not have competitive bidding.

But I think it points out a significant distinction, a difference between the two parties. The minority party believes that it's appropriate to have competitive bidding, that it's appropriate to utilize the full robust nature of the private sector whenever possible, in some instances it's not possible, but whenever possible in order to save hard-earned taxpayer money.

The majority party apparently believes, given that this is included in the bill, that that's not an appropriate concern of the Federal Government, that we ought not be looking for all efficiencies possible, and I think that's an appropriate distinction to draw.

I think it's a conclusion that, obviously, Mr. Chairman, the American people will draw given this provision in the bill. It's a distinction that I would suggest the American people weren't aware of when they went to the polls last November. It's a distinction I do believe, however, they will be paying attention to as future elections arise.

But I just want to commend my friend from Texas for this remarkably commonsense amendment, for appropriately reviewing the legislation and identifying those areas where, in fact, savings could occur; and part of our responsibility certainly is providing money for the necessary activities of the Federal Government, but it's also part of our responsibility to be as prudent as we can with hard-earned taxpayer money.

I also want to commend my other friend from Texas, who was here just before me, talking about the importance of providing the distinction in the majority party already passing a budget that has the largest tax increase in the history of our Nation.

☐ 1415

That, again, is evidence of their return to the previous stripes that they had 12-plus years ago.

I am pleased to join my colleague from Texas in this commonsense, wise, fiscally prudent, and fiscally responsible amendment.

I urge my colleagues to adopt the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come to the floor to speak in favor of this very important amendment.

Serving on the Budget Committee, as I have the honor and privilege of doing, I see the relevance of addressing such an amendment as this, that goes to the very heart of the principles that Republicans bring to the handling of the budget.

As the previous gentleman just ended his remarks, I will begin mine. What we have seen in the last several weeks with regard to the legislation that is coming down, what I have seen as a member of the Budget Committee, gives us, this House, the largest tax increase in U.S. history, a breaking of the promises under rules that have been made during the past campaign, the establishment, which we were able to defeat this past week, of the creation of slush funds to hide some of those dollars going forward.

Why is all of that relevant to the amendment that is here before us? From a very practical purpose, when a family or a small business sets about to handle its daily budget, how do they do so? They do so from a logical perspective in deciding what is in the best interest of that family as far as the purchases they make, or when a business sets out to create its budget for the year ahead and the purchases that it will be required to make.

How does it do so? It does so on a logical, regional basis. It looks out at all the purviews and the parameters of the opportunities before them, and then decides what is best for their family or for their business.

You can say a family does a competitive bidding process, although the average family probably doesn't think of it that way. When they do their shopping from grocery store to grocery store, or from Wal-Mart to Target or to Kmart or wherever else, they are, in fact, engaging in a competitive business process, business nature, if you will.

When a business does it, a small business, which is the backbone of the American economy, they engage in a competitive business bidding process as well. They know what they need in order for their business to survive in this year and this quarter and the years ahead. They know what the parameters are and the order that they must meet. They will go out and about and engage in a competition, if you will, between the options that are out there before them and decide which one works best for them, which is at the best price, which is the most economical and which is the most efficient.

If the family budget can make these decisions, if the small businesses of this country can make those decisions, then I think it's incumbent upon us here in this House, this House of the people, to make, likewise, those decisions in the same manner as well. As the gentleman from Texas often says, the focus should be on the family budget and not on the Federal budget.

Likewise, when it comes to the way we handle the taxpayers' dollars, the focus should be on the same way the family and the small business handle their budget and their procurement, instead of the role and the methods we have done in the past.

That's why I come to the floor this afternoon in support of the other gentleman from Texas (Mr. SESSIONS), his amendment today. Because that's simply what this amendment will do, will strike section 105 from the bill and that is the section which prohibits funds from being used under OMB's circular 876, which is basically the outsourcing proposed process: "to process or approve a competition with regard to the Army Corps of Engineers."

By striking this provision, OMB would be allowed to use a competitive process in conducting private-public competition to determine who, the government agency or a private business, performs certain activities. Just think for a moment, if we were to engage in such activities, how much further the hard-earned tax dollar of the American public could go in this House, in this American economy that we have. Just think how many more of these necessary programs that we are called upon to support could be engaged in and provided.

Now, I come from the great State of New Jersey, a State that oftentimes has to look to the core and to the Federal Government for various programs to provide for the health and safety of the citizens of not only my district but my State as well.

Think for a moment how much further we would be able to go in providing these services to the State in my district and my county, and through the State of New Jersey as well. Think of how much further we could go if we could be able to provide these services in a more economical and efficient basis.

The amendment before us does that. It will allow for the operation of the Federal Government to engage itself the same way as a small business does, the same way as a family budget does.

Closing then, bringing this all back to my opening comments with regard to what we have seen at the beginning of the process with the Democrat budget and what we have seen in the past several weeks with regard to the largest tax increase for the American family in U.S. history, what this amendment will do is drive down the pressure on this government to raise taxes on the backs of American families.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was not going to speak on this amendment. I was somewhat encouraged by the silence on the other side of the aisle when it originally came out.

But then when the majority party indicated that they are going to oppose this amendment, I have to stand up and say just, at least, one thing. We are going to have some amendment debates later today about how much money to spend on various programs and how much to spend on various things and how much to spend overall on this bill, whether we should be spending more of the taxpayers' money on things or less of the taxpayers' money on things.

We are going to have that debate today and tomorrow and the next day, and there are certainly disagreements between the majority side and the minority side on those issues as to whether we should tax people more and spend their money or tax people less and let them spend their own money.

But, interestingly, this amendment isn't about that. This amendment doesn't change the funding in the bill. It simply says we ought to have a mechanism to make the money that's there go farther.

I really don't understand why my Democratic colleagues would have some ideological objection to that. If we are going to spend a certain amount of money on a program, regardless of what that program does, couldn't we all agree that we would like it to do as much as it can with that amount of money?

Certainly, if we allow private contractors, or contractors, the opportunity to say, hey, we can do this thing for less money, and we can do the same thing, and the agency determines that it's the same thing for less money, wouldn't we want them to do that?

This, actually, is not about spending less money. We will get to that later. But this is about having the money we spend go farther.

I mean, it's just like for people, Mr. Chairman, that are watching at home, imagining that, well, I am going to go out and, you know, get dry cleaning today, but I don't care how much it costs, and I don't care if the place next door does it cheaper, and they are every bit as good or better. I don't care, I am going to use the more expensive place because we are not going to make competition.

Mr. VISCLOSKY. Would the gentleman yield? I have an inquiry of the Chair.

The Acting CHAIRMAN (Mr. POMEROY). Does the gentleman from California yield to the gentleman?

Mr. CAMPBELL of California. I will yield.

The Acting CHAIRMAN. The gentleman from Indiana is recognized.

Mr. VISCLOSKY. Is it correct to reference people watching House proceedings on television, or are we not supposed to do that?

Mr. CAMPBELL of California. Mr. Chairman, I believe that I clearly said, "Mr. Chairman, people who see this may wonder."

The Acting CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. CAMPBELL of California. I did, I believe. Thank you.

Mr. Chairman, whether it's you, or anyone in this room or whoever, we have money that we spend on things, and we like to shop to see if we are getting the best price, getting the same product or as good a product or a better product for the best price. That's what this amendment says, is that we're going to allow people to shop or get the better product for the best price.

Mr. Chairman, it is beyond me why the majority party would object to something so sensible, so reasonable in being a steward of the taxpayers' dollars.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Committee will rise informally.

The Speaker pro tempore (Mr. SERRANO) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act (titles II through VI of Public Law 102–575), $41,380,000, to remain available until expended, of which $976,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,620,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $871,197,000, to remain available until expended, of which $57,615,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,825,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by section 106 of Public Law 91–378 (16 U.S.C. 1706): *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)) shall be derived from that Fund or account: *Provided further*, That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under the Act of January 12, 1927 (43 U.S.C. 397a) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading.

AMENDMENT NO. 22 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HENSARLING:

Page 11, line 21, after the dollar amount, insert "(reduced by $55,000,000)".

Mr. HENSARLING. Mr. Chairman, again, this amendment, as some previous amendments have, attempts to make a very, very modest step towards saving the family budget from the single largest tax increase in American history.

Specifically, over the requested level or the level in the bill, this would reduce funding for Interior's Water and Related Resources account to the President's request from roughly $871 million to $816 million, representing a $55 million savings to the American taxpayer. This account has been a traditionally earmarked account for certain water restoration activities in 17 Western States.

The bill's current funding level represents a 6.7 percent increase over the President's request. Again, I am sure this account funds many worthy projects.

But we need, I believe, a number of us believe we need a road map to try to bring fiscal sanity to the House in an appropriations bill that is already increasing spending twice the rate of inflation. So now we are having a debate over $816 million, as proposed by the administration, which I am sure many in this body might think is an overly large number when we recognize that money is coming from hardworking American taxpayers, but a difference of $816 million versus $871 million.

Again, as the majority in their budget resolution enacts the single largest tax increase in American history, they are asking American families to somehow do more with less. Don't we believe that the Federal Government ought to try to do more with less, and, in this case, we still have an increase, 6.7 percent increase over the President's request.

As I have taken to the floor on other occasions during this debate, we should never, ever forget that although something good can be done with the taxpayers' dollars in this account, I have no doubt, we have to remember the hardworking American families back home and how the single largest tax increase in history, which is funding this third appropriation bill, still twice the rate of inflation, we have to remember, we have to remember how this bill impacts them.

I sent out a letter to my constituents asking them how this tax increase of the Democrat majority would impact them.

□ 1430

I heard from Bruce in Garland. Garland's a city in my district. He said, "In my particular case, an additional $2,200 in taxes would cut into the finances I used to pay for my son's college education. A control and reduction of spending is what is needed."

Again, Mr. Chairman, what we realize is as we plus-up some Federal account, we are downsizing some family account. In this case, we're affecting a family's education account.

I heard from Joy in the city of Dallas. I represent the eastern part of the city of Dallas. She writes, "I could not pay for a semester of college for my daughter if I had to send more money to the government."

So as this account's getting plussed up by twice the rate of inflation, here are two individual families, just two out of millions across America, who are having their education accounts gutted by the plus-up in this particular bill.

I heard from Linda, also from the city of Garland. "If we had to pay an additional $2,200 each year, it would make us have to decide between food or medicine."

I've got a whole host of these letters, Mr. Chairman, to remind every Member in this body that as we talk about all the noble purposes we have for the American taxpayers' money, they too have noble purposes. They have health care programs in their family, they have education programs in their family, they have energy bills and programs in their family, paying their heating bills, their cooling bills, filling up their automobile. So certainly we could take one modest step in saving the taxpayer $55 million and plus-up the water and related resources account, a traditionally earmarked account. And we had a very vigorous debate over earmarks here recently, their transparency, their accountability.

But surely we could agree to hold to the President's level and try to save the family budget from the onslaught of the Federal budget.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment. Mr. Chairman, the water and related resources account funds Reclamation's core missions of delivering water to citizens of this country, to those who till the soil in our country, and for generating hydropower.

Given the growing need for water supplies in the 17 Western States of this country, I certainly believe it is critical that the Nation invest now in water reclamation and reuse projects for the future.

This account also provides very important funds for rural water supply projects for tribal and rural communities, contributing to meeting the United States' trust responsibilities to Indian reservations through the delivery of safe drinking water.

I share the gentleman's concern about health programs in the United States, and I can't think of anything more important than ensuring that people in 17 different States of this country have clean water to drink. And how shortsighted it would be to cut programs that provide clean drinking water for human health, so that we can spend untold sums of money on their health care after they get sick. If you want to talk about something that is penny-wise and pound-foolish, we have found it this afternoon.

This is a health amendment. If we take these moneys away, we will do a disservice to the health of the people who live in these regions. As with the Corps of Engineers, Reclamation's infrastructure is aging, and it has increasing requirements for proper and adequate maintenance of its infrastructure.

But 17 States cover a large area and swath of the continent. But I'm just wondering which citizens in which communities are we going to tell we just can't help you this year because we might have accepted the gentleman's amendment. Are we going to tell people in Wichita, Kansas, the Wichita Cheney program that maybe they're not going to get all of their money?

Are we going to tell people at Lakehead, Nevada that well, we had to make a cut of $55 million, and you're just not going to have the resources you need?

Or people in Oregon for the Crooked River project, are we going to tell them well, there's just not enough money now?

Are we going to, in the State of Colorado, tell people in Pine River that we had to make a cut?

In Texas, are we going to tell people for the Canadian River project that there just wasn't enough money to go around, or at Moon Lake in the State of Utah that we're sorry, Congress dropped the ball? Or for the Colombia River Basin project, that somehow there was a shortfall in us meeting our responsibilities?

The gentleman's correct. This is a health amendment. This is clean drinking water for people who live in 17 States in the United States of America provided through infrastructure that is aging. We have a responsibility to invest in that, and that is why I'm strongly opposed to the gentleman's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman from Texas for this amendment. And let me begin where the gentleman from the other side of the aisle concluded when he asked the question? What if there is not enough money to go around?

That is a question that we ask here in Congress in the House all the time. What if there's not enough money for my pet project to go around?

What if there's not enough money for this earmark to go around?

What if there's not enough money for this brand-new program to go around?

But let me suggest to you that there's another variation of that question that we would be mindful of, and that is the families back at home that we represent. When the mom and dad sits at their dining room table at the end of each week with their checkbook out, paying their bills, be it for the electric bill, some other utility or heating bill, their rent or their mortgage, their food bill, their health or education bill for their children, or any other vital bill that that family has, and the husband looks over to the wife, and they realize that they have all these stacks of bills in front of them, and they have more bills than they have money in their checking account, and the wife asks the husband, what now, because there's not enough money to go around, what does that family do?

Who does that family turn to when there's not enough money to go around?

I can tell you where this Congress turns to when we say there's not enough money to go around. When we say there's not enough money to go around, what this House has done, or at least in the new budget that was presented in the Budget Committee which I serve on, by the other side of the aisle, what the Democrats propose to do is to simply raise taxes. And as we have seen in the proposed budget from the other side of the aisle, it is now the largest tax increase in U.S. history, on the backs of America's families, on the backs of that very same husband and wife who is sitting there saying to themselves, there's not enough money to go around to pay our bills, to pay our mortgage, to pay our health care bills, to send our kids to go to school.

They can't raise taxes on anybody else. They can't go out to their neighbors and say, we can't afford food this week, we can't afford our rent this week. We can't afford to send our kids to the colleges we want to, so we're going to raise taxes on you. They can't do that. But somehow or other, Members of Congress think when they get elected around here, that we can do that by raising taxes, the largest tax increase in U.S. history, that somehow or other that we're entrusted to do such things and create slush funds and the like.

Well, I stand before you and say that no, that the American public has sent a message to us, to both sides of the aisle, to Republicans and Democrats alike. Yes, the Democrats are now in charge, Mr. Chairman, of this House. And they are so because the American public spoke this last November, quite candidly, because perhaps the Republicans weren't listening well enough during that period of time.

But I can tell you this, and those who listen to us on this floor today, the Republicans are listening very well right now, and the Democrats are not listening very well. The voters sent us a message in November and said enough is enough. We have to be concerned about the family budget sometimes instead of the Federal budget. We have to put the focus on the moms and dads out there being able to pay their bills for their kids' health care and the like, instead of always worrying about ever-increasing budgets on the Federal level.

Now the proposal that is before us to look at would simply look to save a few million dollars out of a several trillion dollar budget, something that most Americans, myself included, can't really get our arms around when you think about how large this budget is. In a way, it's just a drop in the bucket when it comes to the budgets back here. But to the budget of the family at home, that's still a lot of money.

The proposal that the good gentleman from Texas proposes here right now would simply try to rein in spending in such the smallest of ways, but it would be a good step in the right direction. It would be saying to the voters from last November, we heard you; we have to put the focus on the family budget, we're going to try to live within our means.

And even when we are dealing with important issues, such as the gentleman from the other side of the aisle raised, whether it's water resources or the like, we're going to fund those programs. We're going to take care of those programs, but we're going to do it in an efficient and a manageable manner, and we're going to do so in a way that is not a burden on the American family budget any longer because we have heard you, and we realize that there will never be enough dollars for every single program that every single Member of Congress and the Senate come up with. But we are going to prioritize them, put them in order of importance, put them in an order that are most significant to the American family, fund those programs to the levels that are necessary. And the rest, we are going to do just as every family in America has to do, set limits on what we are going to spend on, set limits on how much we are going to spend, and live within our means.

So to the good gentleman, Mr. HENSARLING from Texas, I commend you for your work in trying to have this House live within its means.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I'd like to yield to our distinguished chairman.

Mr. VISCLOSKY. I appreciate the gentleman from New York yielding, and would simply reference the last speaker's assertion about pet projects and referencing those to the projects that I enumerated in my remarks.

The fact is, I was enumerating projects on page 42 of the committee report, and 43 on the committee report, and page 44 on the committee report, and page 45 on the committee report that were submitted by the President of the United States.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find the most recent comment of our good friend on the other side rather amusing, as the President is charged with executing the policies that this Congress puts in place; and heaven forbid, that he or whoever might occupy that office, might have certain priorities that they would want to bring about to, in fact, execute the policies that have been passed by this Congress.

But be that as it may, I want to commend my good friend from Texas for bringing this amendment forward. I think that the amendment itself highlights truly the fallacy of the process that we're under. And that is, as my good friend from New Jersey just mentioned, that we fail in this Congress, at least the majority party fails in this Congress to prioritize spending in a way that passes a test that I believe the American people would be proud of or be pleased with.

The point isn't, as my good friend from Indiana has stated, the specifics of the project that he identified. That is not the point of the debate that we would rise to engage in. The point is that when is enough enough? When is it that we, as a Federal Government, take hard-earned tax money out of the pocketbooks and the back pockets of Americans and say, okay, that's all we need.

Clearly, this new majority has said that we can't get enough. We can't get enough. And consequently, they have adopted, in this past 6 months, a budget that includes the largest tax increase in the history of our Nation, the largest tax increase in the history of America.

And I have friends at home who say, well, that wouldn't be so bad if, in fact, they were solving real problems. But, Mr. Chairman, as you well know, the challenge of the Federal spending, the challenge of the budgetary process is the automatic programs, the entitlement programs, the mandatory programs, Social Security, Medicare and Medicaid, which comprise 54, 55 percent of our Federal budget.

And the budget that this new majority passed that included the largest tax increase in the history of our Nation did nothing, said nothing about how to reform those programs; how to make certain that Social Security, which is a program that is challenged to be charitable, challenged from a process standpoint, to be able to provide a safety net for those young citizens across our Nation who are in their 20s and 30s.

□ 1445

It is a program that will not have those kinds of resources without structural change, and so the majority party passes a budget with the largest tax increase in the history of our Nation and says nothing, it is mute, as it relates to Social Security reform. Mr. Chairman, I don't think that is what the American people sent us to Washington to do. I think they sent us to Washington to solve real problems.

As a physician prior to coming to Congress, one of the huge challenges that we face is the provision of health care and health insurance for our citizens. And, consequently, the other two limbs of the budgetary challenge that we have, Medicare and Medicaid, huge problems, huge challenges from a financial standpoint. They require structural change. However, this majority passed in their budget, again the largest tax increase in the history of our Nation, nearly $400 billion, and said nothing, nothing about structural reform to those programs that are imperative for the healthiness of our Nation.

So when we talk about our concern regarding spending, it is not necessarily the specifics of a given paragraph within a spending bill. The specifics are the overall amount of money that we are spending as a Federal Government and the fact that we are ignoring, this Congress is ignoring, the true financial challenges that face us as a Nation.

So I rise to commend my friend from Texas for offering an amendment that I think brings focus to where the debate ought to be, and that is to challenge each and every Member of this body and each and every Member of the Senate to make certain that before we end our time here this fiscal year, to make certain that the budget for fiscal year 2008 is as responsible as it can be, that we address appropriately those huge financial challenges that we have as a Nation and be much more responsible with taxpayer money and make certain that we allow Americans to keep their hard-earned taxpayer money in their back pocket and in their pocketbooks.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575), $59,122,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3404(c)(3), 3405(f), and 3407(d) of the Central Valley Project Improvement Act (Public Law 102–575), to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of the Central Valley Project Improvement Act: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361), consistent with plans to be approved by the Secretary of the Interior, $40,750,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: *Provided further*, That $5,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and implementation of projects that contribute to the stability of the levee projects authorized under section 103(f)(3) of the Water Supply, Reliability, Environmental Improvement Act (Public Law 108–361).

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,811,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: *Provided further*, That, of the funds provided under this heading, $10,000,000 shall be transferred to "Water and Related Resources" upon the expiration of the 60-day period following the date of enactment of this Act if, during such period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMBORN:

Page 14, line 18, after the dollar amount insert "(reduced by $1,236,000)".

Mr. LAMBORN. Mr. Chairman, as we continue to wade through these massive and costly spending bills, my commitment to the American taxpayer remains strong. I signed a pledge to uphold a Presidential veto of any spending bill that exceeds the President's requested level of funding. Hopefully, we can contain some of this out-of-control spending and pass fiscally responsible legislation; but if not, I intend to honor that pledge.

This appropriations bill would increase spending for energy and water projects by $1.1 billion more than the President's budget request and seeks to increase spending by more than $1.3 billion over last year's fiscal 2007 Energy and Water appropriations bill.

We have an opportunity to demonstrate restraint by reducing the amount that the government spends, not increasing it. At a time when the Federal Government faces an $8.8 trillion national debt, we have a real opportunity to show the American people that we can be fiscally disciplined and that we will reduce this deficit. Increasing the size of government or bureaucracy will not help this reduction effort.

My commonsense amendment would simply maintain the Policy and Administration account under the Bureau of Reclamation at fiscal year 2007 levels, representing a $1.2 million reduction from $58.8 million to $57.6 million. That is the same as last year's budget. Given that this funding level was appropriate for last year's budget and our Nation needs to reduce Federal spending, this commonsense restraint should be acceptable.

This amendment is not critical of the Bureau of Reclamation or its employees, who actually help deliver water to parts of my district and are important to the State of Colorado and to the entire West. It would simply require the Federal Government to operate the way any deficit-laden business would. A private sector company experiencing the same deficits the Federal Government is facing would not increase its deficit. It would simply cut spending or go out of business. A family on a tight budget finds ways to go without, and we should explore every opportunity to be fiscally responsible as well.

This amendment is the first step of many necessary steps enforcing fiscal discipline and sanity upon the Federal Government and out-of-control Federal deficit spending. We must restore fiscal discipline and assure the American people that we are doing whatever is necessary to reduce our national debt. To do this, we must find commonsense and innovative new ways to do more with less.

The American people have asked Congress to rein in Federal spending and tighten its belt. This reasonable amendment does just that, and I urge its adoption.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come to the floor in support of yet another good and commonsense amendment. Good and common sense because it asks of this Congress to do the very same thing that any family in America and any small business in America would do under similar circumstances.

The American public right now is looking at, as we have already seen, the largest tax increase in U.S. history. And let me just take a moment, though, before I go into the particulars on this amendment to explain how that impacts upon the average American family.

There was an article in the New York Times several months ago after the Democrats proposed their budget, which is inclusive of what we have here before us, to say how would this, the largest tax increase in American history, impact a family of four, the average American family of four maybe in the Fifth Congressional District, maybe in Bergen County, which is one of the great counties of New Jersey that I represent, an average family of four, four individuals, making around $70,000, which I should point out by no means in the great State of New Jersey would be considered by most people an affluent family. That family would see their taxes, because of this underlying legislation combined with the overall budget, go up by upwards to $1,500, $1,600 year. That would mean $1,500 or $1,600 more coming to the Federal Treasury into the Federal checkbook as opposed to being able to stay in the family checkbook. That means $1,500 or $1,600 more coming down to the Washington bureaucrats as opposed to being able to remain in the family checkbook on the kitchen table where Mom and Dad are able to decide should those dollars be spent on their son's college education, on their daughter's health care expenses, on their in-laws' necessary expenses that they must share with, whatever else, to Washington as opposed to the family budget.

Now, the good gentleman from Colorado comes up with an amendment to try to address that. If we are able to hold the line on overall spending just as an average family would have to do, we would not see the need for this, the largest tax increase in American history. And what does the good gentleman from Colorado (Mr. LAMBORN) do? Well, he simply says hold the line on spending for, let us say, the bureaucrats, if you will, all good men and women, I am sure, the people in the policy and administration account under this bill, under the Bureau of Reclamation, hold the spending at 2007 levels. By doing so, we will be saving some money. That will represent a $1.236 million reduction, from $58.8 million to $57.57 million.

Some of you may say in this grand scheme of things when we are looking at our Federal budget upwards of almost $3 trillion, saving $1.2 million is not that much. But the flip side of that argument is if it really isn't that much of a cut, then it really shouldn't be that much to bear for the Federal Government. If we are not really not cutting that much, then the bureaucrats and the rest who have such a huge budget as it is should not feel the squeeze that much. But all we are asking them to do, like any other family does, is to live on their budget for this year.

I ask how many Americans saw their income rise last year by one, two, two-½ times the rate of inflation? I can tell you quite candidly most of the people that I talk to in my district, unfortunately, did not see their incomes rise that much, but yet that is what we are asking them to do in the sense of higher taxes to pay for the increase in spending for the overall budget that we have here.

Let me just conclude in the same way that the gentleman from Colorado (Mr. LAMBORN) does in his letter. He says, and I think these are the most poignant words: "We must restore fiscal discipline and assure the American people that we are doing whatever is necessary to reduce our national debt. To do this, we must find both commonsense and innovative ways to do more with less. The American people have asked Congress to rein in Federal spending and to tighten its belt. This reasonable amendment does just that." And he asks us all from both sides of the aisle, Republican and Democrat alike, to join with the gentleman from Colorado to work to make sure that we do not have the largest tax increase in American history, to work to make sure that we have a system that is common sense, efficient, and appropriate on the Federal level, just as we have asked for the American family at home.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is amazing. If folks on the other side keep saying tax increase, they are actually going to believe that there is a tax increase.

What I notice is that they very rarely mention deficit because when they do, they leave themselves open for discussion on the deficit. Yes, there is a deficit and the American people are quickly finding that out. The deficit was not created in the last less than 6 months that Democrats have had control of this House. The deficit was created by taking us into a war that we shouldn't have been involved in where close to $600 billion has been spent, not to mention the loss of life, not to mention the fact that when our troops come home over the next 10, 15, 20 years, we will be paying in deficit spending to make up for medical care and all the needs that I certainly will be supporting for them.

☐ 1500

Now, it's interesting, Mr. Chairman, how the other side mentions that this bill spends money. Well, in a way that's redundant because that's what the Constitution says the Appropriations Committee is supposed to do. It is supposed to come to the Congress every year and spend dollars. How much we spend, that's a discussion.

But if there was ever a place where you can justify a modest increase, it would be when you deal with the energy issues in our country. There are dollars here, no one is mentioning, for research. There are dollars here to deal with the energy issue.

Now, every American knows that probably at the center of issues in this country is the high cost of fuel in this country, whether for driving or heating our homes. So when you take some of those tax dollars and you spend them, a very modest amount, on research to see if there is a way that in the future we can cut out our dependency on foreign oil, that is a great investment. That is no different than investing in a college or education for the children. It is the same kind. But again, we are not going to hear that. What we are going to hear is this repetition about how money is being spent, and that there is a tax increase.

I don't remember a tax increase in the 6 months that we have been here as Democrats. What I do remember that caused a deficit was, one, the war; and two, that we did have a tax decrease in this country, a tax cut, we did. But it wasn't for anybody that we know, certainly no one I know. It was for millionaires and zillionaires, including some of them who told us that they didn't even want a tax cut. Those are the people.

So if indeed those tax cuts reach their sunset and die, I guess you could play with words and say that taxes will go up. Yeah, for somebody who has $100 million, he or she might pay more taxes later on. But the working class, the people who are getting help for their education, the folks that are getting a better deal on energy propositions in the future, those are the facts, the people that we are looking for. Now, you want to cut the deficit down? You want to create a situation where we will spend less money in this country? Stop the war now. Stop spending another dollar on the war in Iraq.

But it has been forgotten. It's all about tax-and-spend Democrats. My God, when you hear this, Mr. Chairman, you would think we were in control for the last 14 years. No, it's 12. 14 years against less than 6 months. And in those 6 months we have spoken to parents about their kids' education. In those 6 months we've made attempts to bring down the cost of gasoline. In those 6 months, yes, we gave a minimum wage increase to the lowest earners in this country. That's what we've done. And we will be proud of that. You want to cut the deficit that you created over 12 years? Stop the war now. That's the best way to do it.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

There were so many inaccuracies in that last speech, but there are at least a couple that I would like to correct relative to taxes, one of them being that in the last 6 years, the tax reductions that have been put in place actually reduce taxes for every single American who pays income taxes, and actually took some people that were paying income taxes and took them off the tax rolls. And that the Democrats' budget, which has in fact been passed, unlike the minimum wage increase which is not actually in the law at this point, but the Democrats' budget which has in fact been passed has proposed potentially to roll back all of those tax increases and thereby increase taxes on every single taxpayer in America.

With that, I would like to yield to the gentleman from Colorado.

Mr. LAMBORN. I thank the gentleman from California.

To put things in perspective for my colleague from New York, it's true that the war in Iraq has cost $600 billion. That is 7 percent of the $8.8 trillion total national debt that we have. So we have to also address the remaining 93 percent of the debt, because the war is 7 percent out of that $8.8 trillion.

So, getting back to this amendment that is before us, I would differ with my colleague from New York. We are not cutting any research into energy development. We are cutting the bureaucracy expense. We are cutting the policy and administration portion of the Bureau of Reclamation. We are just keeping it to last year's dollar amount. So the bureaucracy, the administration of the Bureau of Reclamation is what is being kept to last year's figures. There is no cut going on for any research development program whatsoever. So I just wanted to make that correction.

Apparently I haven't won over my colleague from New York yet, but I would urge everyone else here to adopt this amendment.

Mr. CAMPBELL of California. I thank the gentleman, and I would just like to amplify what he said, that if in fact what this amendment does is take spending to last year, then it's not a cut at all. It's not even a cut of the bureaucracy that you're talking about, it is in fact making this line or this area of expenditure the same as last year.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was compelled to come down to just comment about some of the information that we've heard from the other side regarding issues not necessarily related to this amendment, because they broadened the debate significantly to talk about the deficit. And Mr. Chairman, as you well know, the deficit has been decreasing significantly for reasons that I would like to touch on a little bit.

They also talked about the issue of the work that they had accomplished, that this majority had accomplished. And they talk about decreasing gas prices. Well, in fact, what their gas bill did, Mr. Chairman, as you recall is to increase taxes on United States oil companies. Sounds good maybe in some districts, I don't know; mine is not terribly interested in anybody paying more taxes. But they increased taxes on United States oil companies. Now that bill sits in the Senate, thank goodness, because hopefully the Senate will be able to resolve it and correct it so that the actual policy of this Congress on gas prices will indeed be to bring them down. It takes greater responsibility to do that.

If in fact that were to become law, then what we would do under the direction of this majority party is to decrease the ability for American oil companies to produce American oil, and we would increase our reliance and our dependency on foreign oil; not the greatest energy plan, Mr. Chairman, I would suggest.

They also talked about assisting kids' education, college education. We have that as a goal, certainly. We think it's appropriate to provide for greater resources for American citizens to attend higher education. What does their bill do, though, Mr. Chairman? Again, it sits in the Senate, so hopefully we will have the Senate correct that.

But what their bill does is to ratchet down very gradually the interest rate that students pay on loans to go to college and keeps them at half their current rate for 6 months, Mr. Chairman, and then, boom, right back up to where they were. Well, Mr. Chairman, that isn't leadership either.

Now, this chart right here, Mr. Chairman, talks about the increasing Federal revenue. But this red line here could be jobs, it could be increasing Federal revenue, it could be economic development. And there was a remarkable thing that occurred in 2003 that made it so that that line goes up appropriately. Thank goodness, the American people say. Appropriately, Federal revenues increase, economic development increases, jobs increase. And what happened in 2003 was the culmination of appropriate tax reductions for the American people. And what does this majority want to do? It wants to take that line back down. Because what they've done is passed a budget that reverses every single tax reduction, appropriate tax reduction, for the American people. Mr. Chairman, that is not the kind of leadership, I don't think, the American people deserve, nor is it the type of leadership that they desire.

So, when we broaden this debate, it's appropriate, because the American people, Mr. Chairman, the American people are watching, and what they see is a majority party that is terribly interested in making certain that the American people are taxed to a greater degree so that they ostensibly have more money to be able to spend on their pet programs.

My good friend says that it's only folks who make hundreds of millions of dollars who will have their taxes go up. Well, Mr. Chairman, that is not the case, as you well know. Taxes will increase for virtually every single American. Anybody who pays taxes now, under this new majority if they get their way, will have increased taxes. That's not the kind of leadership I believe the American people voted for in November, it is not the kind of leadership that we would provide, it is not the kind of leadership that the American people deserve.

So, I am pleased that my good friends on the other side have broadened the debate because it results in the opportunity to bring into focus greater clarity to these budget bills, greater clarity to these appropriations bills, and makes certain that the American people are paying attention to the kind of leadership that this new majority is offering, or the lack of leadership they're offering.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. PRICE of Georgia. I am pleased to yield to my friend from New Jersey.

Mr. GARRETT of New Jersey. I think it is a significant point that you raise with regard to what level of American taxpayers will be subjected to these taxes.

I come from the great State of New Jersey, where we had similar rhetoric, if you will, from the other side of the aisle on the State level. And we actually heard the exact same arguments being made: Don't worry, they're going to come up with what they call the millionaires' tax; and if you're not a millionaire, don't worry about it. Well, truth be told, after all the dust was scattered away from the bills, after all the hearings were held, after all the press conferences and everything else was done by the Democrats in the State of New Jersey, we found that that level went from $1 million to $900,000 to $800,000 to $700,000 to $600,000 to $500,000, $400,000, $300,000, 250-some-odd thousand dollars at the end of the day. Now, you still say they may be a large income? Well, in the State of New Jersey, if you're a two-income family making a hundred-some-odd thousand dollars, you found that you would still be subject to tax on that.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I would like to actually talk about the bill, and I would like to talk about the underlying merits of what Mr. HOBSON and I and the members of the subcommittee and the full Appropriations Committee have tried to do.

In this particular title, we are talking about the Bureau of Reclamation, and we are talking about people's health and well-being. Part of that does include the wise stewardship of the moneys that are provided. From the debate that has taken place today, you would think that the only thing we are worried about is spending money and worried about the quantity of the money that we are spending as opposed to the quality of the underlying act and the work that the agencies do. And I would draw, Mr. Chairman, my colleague's attention to page 48 of the report that goes into great detail, and I am going to read it.

The gentleman has an amendment before us to cut $1.236 million from the bill. And the fact is, over the last several years our subcommittee, under the leadership of then-Chairman HOBSON, as well as myself, have done everything possible to make sure that the moneys being spent by the Bureau of Reclamation are being spent wisely.

And I read from the report. "In fiscal year 2006, the Committee directed the Department of Interior to submit, with its fiscal year 2007 budget request, a detailed 5-year budget plan for each of the major budget components, including water and related resources, California Bay Delta Restoration program, Central Valley Project Restoration Fund, and Central Utah Project Completion."

Because the concern of the subcommittee then, and as it is as of this moment, is that the public's moneys are being spent with quality as well.

"The Department subsequently informed the Committee that it would be unable to provide a 5-year plan for fiscal year 2007 and intended to make the initial submission with the fiscal year 2008 request. The Bureau failed to make that submission either, and now informs the Committee that the 5-year plan will be submitted at some undefined time in the future."

The patience of the subcommittee, the patience, of the Appropriations Committee is not without limit. And as a result, in the report language we note the Committee's extreme frustration with the Bureau's inability to provide a 5-year budget plan, the act contains a provision that transfers $10 million, not $1.236 million, but $10 million from policy and administration to water and related resources if the 5-year plan is not submitted within 60 days of date of enactment. We are certainly not afraid to move moneys around, and in this case, to the tune of $10 million, if the good judgment of this committee is not abided by.

So I would emphasize that this is not just a matter of quantity of money, it is quality of money. And that is what we are about. That is why I am adamantly opposed to the gentleman's amendment.

□ 1515

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LAMBORN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,873,844,000, to remain available until expended.

AMENDMENT NO. 21 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. CAMPBELL of California:

Page 16, line 19, after the dollar amount insert "(reduced by $101,550,000)".

Mr. CAMPBELL of California. Mr Chairman, one of the last speakers on the other side of the aisle mentioned that he wasn't quite sure why we kept talking about taxes and tax increases, because inevitably if you head toward the balanced budget, that is what all spending turns into; it turns into taxes.

In fact, the Democratic budget, which, to the majority party's credit, is heading toward a balanced budget in 5 years, as were I believe virtually all of the budgets that were presented this year, but it does so by saying, in its own terms, that they will raise taxes as much as they need to at the end of that 5 years in order to achieve a balanced budget.

So when we are talking today about things that are increasing in spending, this isn't something that is abstract. This isn't $20 million here, $40 million here, $100 billion there of just sort of faceless, nameless money. That is money in figures that are so large that most people, Mr. Chairman, have a hard time even comprehending how much that is and how it can relate to the things that we are doing.

But it makes it a little more down-to-earth, brings it a little more home, when you look at each one of these, which is the way we should look at them, Mr. Chairman, each one of these spending increases on each program, on each bill, on each thing here, and realize that every dollar of increase there is a dollar that the majority party wants to go get out of the pockets of taxpayers at home. That is what we are really talking about. That is why, Mr. Chairman, I propose this amendment.

Now, this amendment refers to just one of the many, many projects and many, many programs in this appropriations bill. This one is something that deals with weatherization assistance, and the bill that is before us proposes to increase weatherization assistance spending by 20 percent over last year.

Now, what is interesting is that in the President's budget, which this amendment proposes to reduce the spending to, the President has actually proposed to reduce this to almost half. Why is that? Because in something that is called energy efficiency and renewable energy, this program is actually not at all efficient.

I actually had some personal experience with this program, not personal in the sense that I was dealing with the program from a recipient standpoint, but when I was in the State legislature with this program in California. By the time that you deal with the Federal bureaucracy and then you get the money to the State and there is the State bureaucracy, and then you put this money out, very little of this money was actually going to anything toward the goal that was accomplished. And what is interesting is it is also creating a subsidy for something that already pays for itself.

The reason people weatherize their homes or seal leaks and so forth or cracks in windows and doors is because it saves you money on your energy bill over time.

So this is a program that has been shown to be inefficient, has been shown to not be effective, that subsidizes something that doesn't need subsidization, and which in this bill is proposed to increase by 20 percent.

Now, the President's budget proposed to reduce this. It is one of those things on that list of programs that a number of people have that are saying these are some of the most inefficient programs in the Federal Government today, and this is one of them that certainly should be reduced or perhaps eliminated.

But instead, this bill proposes to increase it by nearly $40 million. And, again, $40 million, I guess sometimes this is the difference between government and not government. When things don't work in government, it seems that there is always a group of people saying the reason they are not working is because they don't have enough money, and we need to spend more money on them. Whereas, normally in the real world, Mr. Chairman, when something isn't working, that is when people take money from it, make it become more efficient, or not fund it anymore if it is not working.

So, Mr. Chairman, this amendment, just this one area of this one Department, proposes to reduce this to the President's proposed budget.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, of all the work Congress does, few things could be more important than to protect our Nation from the threat of nuclear terrorism. It is hard to imagine that in one instant a nuclear bomb detonating in a major American city could kill more of our citizens than we have lost in combat in every war in our Nation's history. Osama bin Laden has told his followers that it is their religious duty to secure loose nuclear materials for a bomb to be set off in the United States. It is our sacrosanct duty to ensure that that never happens.

That is why I want to salute Chairman VISCLOSKY for making homeland security against nuclear terrorism the highest of priorities in this bill. He is right to do so.

This bill provides $2.1 billion to protect the American family from a nuclear holocaust, a level that is nearly $400 million above the administration's budget request. Specifically, it provides $832 million for international nuclear materials protection and cooperation activities, a $359 million increase to the budget request. With these funds, we will expand cooperative programs with Russia and other nations with vast inventories of nuclear material.

In this bill, the Global Threat Reduction Initiative is increased by $132 million to a total of $251 million. This will assist us in identifying, securing, removing, and disposing of nuclear material throughout the world.

The Megaports Initiative is funded at $25.8 million. This program installs radiation detectors at major seaports around the world so nuclear weapons and materials can be intercepted before they are smuggled into a major American city. This additional funding will allow the Department of Energy to install sensors at several key seaports this year, rather than waiting for several years to do so.

I wanted to take a moment of my time to also compliment the hard-working, dedicated citizens who work at the Department of Energy on these nuclear nonproliferation programs. They work extraordinarily long hours, many spending long periods of time away from their families in the harsh Russian climate working to secure these materials and to protect us and our families from the threat of nuclear terrorism.

Let me point out some of DOE's successes because of that hard work and because of the work of this subcommittee, chaired formerly by Chairman HOBSON, who also made homeland security against nuclear terrorism a top priority:

DOE in recent years has completed work securing nuclear materials at 91 of 125 Russian nuclear weapons material and warhead sites, with the remainder in progress.

We have secured more than 520 vulnerable radiological sites overseas, containing enough nuclear material to build approximately 7,700 dirty bombs.

We have recovered over 14,000 radiological sources domestically, containing enough material for approximately 1,400 dirty bombs.

We have equipped 88 land border crossings in Russia with radiation detection equipment, with work complete or under way in eight other countries.

We have installed Megaports radiation detection equipment at eight ports, with operational testing and evaluation under way at one additional port.

Mr. Chairman, 2 years ago, President Bush said that protecting our Nation from nuclear terrorism should be our Nation's number one national security priority. I agree. With the strong leadership of Chairman VISCLOSKY and now Ranking Member HOBSON, this bill takes a significant step forward in protecting our communities, our families and our Nation from the threat of nuclear terrorism.

That is why I urge bipartisan support for this important legislation.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. I note that this amendment is offered to the section of the bill on energy efficiency and renewable energy, and I would note first that the President's request for this year is more than 10 percent below on every one of the renewable energy accounts in the budget. Those are cuts below the 2007 enacted amount, and it covers biomass, which leads to the biomass accounts, which include biodiesel, corn ethanol and cellulosic ethanol, which, of course, is the area that so many people believe is going to be a major saver in the future.

It includes solar energy, wind energy, geothermal technology, hydropower, vehicle technologies, where 30 percent of all of our energy is used, building technologies, where 40 percent of all of our energy is used, industrial technologies, where 20 percent of all of our energy is used. And the President proposes in those areas 10 percent reductions below the enacted, whereas the subcommittee, in its wisdom, and apparently agreed to certainly by me and certainly apparently agreed by the gentleman from California, the committee has added moneys over the enacted number for 2007. So we apparently agree on that.

But then, oddly enough, the gentleman from California chooses to attack the one program that gives direct help to low-income households in this country. It is the one program, the weatherization program, where low-income households can get assistance to install energy-saving technologies and measures in their homes.

Well, it turns out there are something like 14 million households in this country that have incomes of less than 50 percent of the median income in various areas around the country. Half of them live in homes. Most of those homes are very inefficient users of energy. So the Low Income Weatherization Program is a program that would help those homes be more efficient in the use of energy.

The President's request for this year is in fact below the enacted 2007 number actually by more than 30 percent below what the enacted 2007 number was. Enacted 2006 number was even higher than the 2007 number. So the committee, in its wisdom, has instead recommended raising the number to the 2006 level, to the levels expended in fiscal year 2006, and the gentleman from California wants to take it back from the committee's number by this time 45 percent or something like that, the exact number I haven't quite calculated.

☐ 1530

Those moneys are well invested in those homes which low-income households are using, where energy is so inefficiently used, where we can save a substantial amount of energy every year, thereby reducing greenhouse gases that are produced in the production of the energy that would otherwise be wasted in those homes. And where one would say far beyond the cost of the energy-saving measures that would be part of the weatherization program, far beyond the cost. In such situations, you are saving the amount of the cost within a 3 or 4 or 5-year period when the savings go on long into the future, year after year after year, saving energy and reducing greenhouse gases and saving dollars. Perhaps most important for those people, it is the savings of the dollars that they otherwise would spend in those low-income households where the amount of money spent on housing per se in low-income households tends to be up in the two-thirds to three-quarters of the total household income.

So I think the weatherization program is a very useful program, a very effective program for saving money for people at the lowest levels of income. I hope we will soundly defeat this amendment by the gentleman from California.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all before I begin, let me commend a prior speaker, the gentleman from Texas, with his references to homeland security and the efforts that need to be made. I completely concur with the majority of the points that he makes.

This House, as you know, just dealt with those issues the other day on homeland security and how it relates to my congressional district is one of the forefront issues that I deal with. I commend the points he is making there.

Tied to homeland security is energy security as well. We will not be a secure country if we are not secure with regard to our energy needs. Much in this underlying legislation and what the administration is calling for is working towards that laudable goal, energy efficiency and renewable energies as well. And I concur with the previous speaker with his remarks as well, that we must move in that direction.

I guess the rub is how you get to some of these things. When you talk to your local constituents back at home. When we have the opportunity to go back to our districts and talk to them and they see just how Washington spends their very hard-earned dollars, they must think we are literally burning their dollars down here and wasting them on inefficient programs. Some of them of course are important. Others need to be prioritized down the line to put them in the proper perspective.

The legislation we have before us, more specifically the amendment, goes to that ultimate goal, setting priorities. Now the gentleman who is proposing this amendment is from the great State of California, a very warm State. I have come from the great Northeast where weatherization is a critical matter, especially for the low-income individuals who need to do something in order to make sure that their limited dollars go as far as they possibly can.

They are called upon in their daily lives to be as efficient as they can with their limited dollars, whether it is spending on food or rent costs, or in this case, their energy costs.

But they are asking us the very same thing in Washington. They are asking us to be efficient and effective with their dollars because they want to tell us these dollars are limited as well. Because it comes out of the American taxpayers' pocketbook.

What we are looking at here is the largest tax increase in U.S. history, and this is going to be a negative impact on the average American family of $1,500 or $2,000 more that comes out of their wallets and is sent to Washington. They are asking to make sure that the dollars spent are done effectively.

I am a Member of the 108th Congress. I came in with the gentleman from Texas (Mr. HENSARLING) and a few others, I believe, that started a group called WWW, Washington Waste Watchers. They would come to the floor each week and talk about areas of concern to them and this entire Congress to make sure that Washington moves in the right direction, to be stopping this wasteful spending of dollars.

So before we take a program that is already in existence, that we know as the testimony here earlier from the gentleman from California may be a laudable program in some sense in terms of providing assistance to those who need it, but it is wasting the dollars in another sense because it is not really getting to those individuals who desperately need it, and it is going elsewhere and being done in an inefficient manner.

Before we simply up the dollars and not make sure that those dollars get to those low- and moderate-income people to get the job done, as the gentleman from California pointed out, let's make sure that we have something, something to make sure that we do so in an efficient and effective manner. That is what the WWW, Washington Waste Watchers, is trying to do. That is what the Republican side of the aisle is trying to do.

Let's implement programs to say we will operate this House of Representatives the same as a family's budget would; that we will operate just as stringently with our dollars here as if they were our very own. We will make sure that there are systems in place, accountability in place to make sure that the dollars really get to the places they need to get to. And before we get those mechanisms set up and established, we are not going to waste any more taxpayer dollars by going to them and saying we are going to raise tax dollars or raise tax rates, and simply up the spending on a program until we can certify that program is being run effectively and efficiently.

I commend the gentleman from California for trying to move in the right direction to make sure that we don't have the largest tax increase in history, and to make sure that programs like this are run efficiently and effectively.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Texas.

I want to make a last couple of comments relative to the comments made by the gentleman from Massachusetts. A lot of what the gentleman from Massachusetts said I agree with. I think we differ in three basic areas.

One is that the gentleman from Massachusetts believes this program has been effective. My involvement with it in California and things that I have seen statistically here say otherwise. Certainly the administration agrees this program has not been a cost-effective program.

Second is talking about how this thing might save money here. But where does this money come from? It is $245 million. This money does not come from the sky. It does not come from the air. It comes from taxpayers. And the question is not does it save anybody any money or anybody anything; is it cost effective in what it does? And I think the answer is "no."

The third comment I would like to make is that the gentleman pointed out a number of programs in this bill which have all been increased in this proposed bill. That is fine, but I guess I would ask this: Are there no programs here which are not effective? Are there no programs that deserve some reduction in spending or perhaps even elimination?

Ronald Reagan said that the closest thing to eternal life is a government program, and I believe we are seeing with programs like this that those words Ronald Reagan made some time ago ring true.

Mr. RYAN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. NEUGEBAUER. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I just want to share, when asked what programs have been cut or not cut, I want to share with you, 37 cuts to Department of Energy weapons programs; 57 programs have been cut overall; 20 cuts to other programs, 2 in the Corps of Engineers, 2 in the Bureau of Reclamation, 3 independent agencies, and 13 in the Department of Energy. There have been 16 of 37 weapons cuts that were requested by the administration.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $134,161,000, to remain available until expended.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 20 passenger motor vehicles for replacement only, including one ambulance, $759,227,000, to remain available until expended.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

Page 17, line 14, after the dollar amount insert "(reduced by $20,000,000)(increased by $20,000,000)".

Mr. STEARNS. Mr. Chairman and my colleagues, this is a very simple amendment and perhaps the majority might want to just accept it, so let me just explain.

The generation IV nuclear energy systems program is the next far, far generation program. We have been waiting and working for the generation III program. This is about the generation IV after that, which is 2030. There is a lot of money in this that is going to be used to develop energy far into the future, and yet we have in the present nuclear power program of 2010, we have need for this money here and today.

I point this out to my colleagues, particularly on that side of the aisle, that if we don't get enough money to the nuclear power 2010 program, power plants across this country will be forced to build gas and coal-burning power plants to meet the ever-growing energy demands of this Nation.

So if you really want to reduce greenhouse gases, I think you should support my amendment because you are basically taking this money, $20 million, from the generation IV nuclear systems energy account which has been funded at almost $80 million above the President's budget request, and you are simply transferring it to the nuclear power 2010 account which is funded almost $34 million below the President's budget request.

If the other side is willing to accept my amendment, I am willing to stop talking and we can proceed. If you are concerned about global warming and coal- and gas-burning, this will help our Nation move forward by helping the nuclear power plants in the near, near future instead of the far, far future.

Let me talk about the nuclear power 2010 program. It is intended simply to encourage near-term orders for advanced versions of existing commercial nuclear plants. Frankly, it is an integral part of the goal of constructing new plants in the next decade.

Approximately two-thirds of the new reactors use a reactor technology that depends on nuclear power 2010. Nuclear power plants generate electricity without producing or emitting any greenhouse gases, including carbon dioxide. Nuclear power plants generate 73 percent of all carbon-free electricity in America and are an essential mitigation tool for reducing greenhouse gases.

If we are serious about addressing the issue of global climate change, then nuclear power must be a critical component of any future energy and environmental strategy we have in this country.

With the additional funds in this amendment, the program for 2010, we could focus more on reducing the technical, regulatory and institutional barriers to the deployment of new nuclear power plants in the near term while still allowing a generous increase in funds for the generation IV program. So the money is already there for generation IV. So I am just asking a very modicum amount, taking from the generation IV and moving it to the near term, so that we can build these nuclear power plants.

I conclude by saying failure to meet the goals of the nuclear 2010 program could result in delays 1 year, 2 years, possibly 3 years, and create the possibility of an indefinite delay as companies attempt to meet the demand with other types of generation, including coal and natural gases.

I conclude and thank my colleagues for listening, but I think when you realize it is not very complicated, we are just taking $20 million from a generation IV nuclear research program that we have no results from and don't know anything about and moving them to a current program in 2010 and saying let's let the nuclear industry have this special advantage so we can combat global warming and we can make sure that we move forward with nuclear power generation in this country as soon as possible.

□ 1545

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I appreciate what the gentleman wants to do. We certainly share a concern about global warming. We also share a desire to ensure that we have a viable nuclear industry in the near term as well as the long term. Where there would be a difference of opinion is the balance that needs to be struck in this legislation to accomplish both of those goals.

I would point out that the legislation that has been reported to the House has done everything possible to ensure that the nuclear industry can move forward. For example, we have fully funded the President's request for $494 million for Yucca Mountain to make sure that they can meet their deadline for the submission of a license for the waste repository in June of 2008. The industry clearly needs the repository.

The House bill includes $167.8 million for the Nuclear Regulatory Commission, something that I think the gentleman would agree is critically necessary as far as the licensing procedures in the shorter term. This is a $17.1 million increase over the administration's request, more than 10 percent more. And I would point out that in the continuing resolution for fiscal year 2007, this was one of the few accounts that this subcommittee specifically also increased. We also include $15 million within the Nuclear Regulatory Commission for nuclear engineering scholarships that were proposed for termination by the administration, because if we do not have new, bright talent in those educational facilities under scholarship, we are not going to have a future.

And we did include moneys for Nuclear Power 2010. It is the same level as the current fiscal year. I would point out, Mr. Chairman, that this is a direct payment to utilities undergoing the NRC license process and no other sector of the energy portion of this country receives this type of Federal assistance.

The gentleman would take the money from Generation IV nuclear energy systems by having the moneys reduced. I would point out that the subcommittee went to great lengths to increase moneys for Generation IV. We are supportive of the light water reactors that are going to be coming online in the near term. We want to make sure we have that next generation of reactors online as well for the future, one that can not only provide electrical industry to our Nation that is needed but also potentially produce the hydrogen for the new economy we are looking for. We have provided those moneys and would not want to see them cut.

Additionally, we had a debate and conversation earlier today about the mixed oxide program that previously had been designated a nonproliferation item. We have correctly moved it into the Energy Department as far as their accounts and would point out that $689 million between unobligated balances, between the spending for '07 and between what is included in this bill, is included for MOX.

So we have been more than generous, and I also think we have struck the right balance to ensure that we do have an industry starting up in the near term and one that has a long-term, safe future for the generation of energy in this country.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. The bill includes a $33 million cut to Nuclear Power 2010. While that level may be difficult for some to accept, I fully support it.

Nuclear Power 2010 was designed to facilitate industry decisions to build and operate new nuclear power plants in the U.S. And that would be great for America. We need a dramatic increase in reliable, safe baseload energy; and I would much rather see it come from nuclear energy than from coal plants.

Unfortunately, most of the funding that we have provided for Nuclear Power 2010 doesn't go to help industry figure out our untested regulatory process or to identify new sites for plants. Most of the funding in this account has been provided to support the work of reactor designers. There is little uncertainty about reactor design. It doesn't need our support through this program. And there's really no such thing as struggling mom-and-pop reactor design teams. But I do know that we must continue to support design for the next generation of reactors. This bill does just that. It increases our support to the Gen IV nuclear design program by $79 million. That's where nuclear R&D should be funded, not from Nuclear Power 2010.

I ask my colleagues to join me in voting against this amendment.

I yield additional time to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, how much time do I have that the distinguished gentleman from Ohio gave me?

The Acting CHAIRMAN. The gentleman has 4 minutes on the gentleman from Ohio's time.

Mr. STEARNS. If I might address the chairman of the subcommittee, Mr. Chairman, I have here the Energy and Water Development appropriations bill. On page 68, it indicates that the Nuclear Power 2010, you provide about $80 million, a decrease of $34 million. So the question I have for you, if you support this program so much, why would you cut it $34 million, which is basically a huge percentage?

Mr. HOBSON. I yield to the gentleman from Indiana to answer the question.

Mr. VISCLOSKY. I appreciate the gentleman from Ohio yielding.

Mr. Chairman, I would be happy to respond to the question raised. First of all I would point out that the funds that are provided are at this year's fiscal level. It is not a cut. It is a cut from the President's request.

The other observation I would make is I believe that the Department should be in the business of science research and development and not exclusively be paying for companies to license new reactors, so that would certainly do justification.

Mr. STEARNS. Then the other question is, in Generation IV, the nuclear energy system by which you increased it $80 million, it seems to me, and you might want to answer this question, here you have a program that is a fourth generation of nuclear research. We don't even have the results from the second and third generation nuclear research, yet you're increasing a huge amount of money for something well into the future when you have a system, the 2010 energy system, which could use this money today and would go towards improving global warming and put less demand on all these nuclear energy companies because they certainly can't meet the demand in the next 2 years without burning coal and gas.

So I ask the gentleman, why would he want to increase something that's a fourth generation when the second and third generation have not even been successful in providing anything for us?

Mr. VISCLOSKY. And if the gentleman from Ohio would yield, I would be happy to respond.

Mr. HOBSON. I yield.

Mr. VISCLOSKY. I would point out that there was a $70 million increase, and I would not want to engage in quibbling as to whether it is a second, third or fourth generation, but do believe there is a strong public purpose for demonstrating the commercial viability of the thermal-neutron gas reactor for the very purposes that the gentleman is concerned about and that I share his concern, that is, climate change and global warming and energy sources, where we can generate the electricity in this country as well as potentially produce hydrogen. We ought to start down that road sooner rather than later, and again in a balanced fashion along with 2010.

Mr. HOBSON. Taking back my time, I would point out to the gentleman from Florida that we do have the capability, and we do understand Generation 3, 3½. Where we need to go is beyond that and look at Gen IV. That's what we're trying to do in the bill now, and that's why we oppose the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MRS. SCHMIDT

Mrs. SCHMIDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHMIDT:

Page 17, line 14, after the dollar amount insert "(increased by $80,000,000)".

Page 21, line 21, after the dollar amount insert "(reduced by $80,000,000)".

Mrs. SCHMIDT. Mr. Chairman, I have tremendous respect for our chairman and ranking member and realize the very difficult undertaking they have had in putting this bill together and balancing the number of important priorities within it. Unfortunately, the bill before us would drastically cut the President's request to $405 million for the Global Nuclear Energy Partnership, GNEP, initiative to $120 million. This amounts to a $285 million reduction from the President's request for GNEP.

At the same time, this bill goes well above the President's request for the Department of Energy science account. The President's request for the science account was already a 15.8 percent increase above the fiscal 2007 level. On top of this, the House bill provides another $116 million above the administration's request. My amendment would provide an additional $80 million for the GNEP initiative, offset by an $80 million decrease in the science account.

If we are going to be serious about reducing greenhouse gas emissions, addressing climate change and reducing our dependence on foreign oil, we need to allow GNEP to proceed in a meaningful capacity. To accomplish these objectives, we need to diversify our energy supply and increase energy efficiency and conservation. Nuclear energy is a vital component to diversifying our energy supply and reducing greenhouse gas emissions. And in order for the nuclear renaissance to become a reality, we must address the spent fuel issue, which is what GNEP is all about.

Recycling spent nuclear fuel is a way to reduce by about 95 percent the volume of waste that would have to be disposed of at the Yucca Mountain repository. Recycling would also enable us to reduce the radioactive life of this material from millions of years to thousands. Whether you support nuclear energy or not, these two points should be very positive if we are going to take better care of our environment.

Since the 1970s, the United States has been falling behind the world in nuclear technology. It is vital that we fund this program at a sufficient level that allows the United States to reestablish itself as a leader in the field.

I appreciate the chairman and ranking member's work on this important issue. I would hope for some favorable comments from them. But I am going to at the end of this discussion ask for unanimous consent to withdraw my amendment in hopes that we can work it out at a later date.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentlelady's concern about research for nuclear energy in the future. I also appreciate the courtesy as far as her willingness to withdraw the amendment.

The concern that the committee had is that the administration came in originally with a $405 million request. During hearings, the administration also suggested that all $405 million was for just research. The concern we have, and I mentioned it in my opening remarks during general debate, is contract management at the Department of Energy. And certainly it's not the fault of the gentlelady's, and I know she shares our concern, but there is a very bad track record at the Department of Energy; and the fact is they have been on a high-risk watch list for the General Accountability Office since the year 1990.

□ 1600

I would point out that the committee learned that the Department of Energy's use of technology readiness levels in the global nuclear energy partnership technology development plan does not apply readiness in the manner consistent with the recommendations in the General Accountability Office report of March of this year.

So, looking ahead as far as potentially incurring huge long-term costs on behalf of the taxpayers, we have suggested that the administration take a step back, continue to do very necessary and very vital research, but let us take all deliberate speed as opposed to a rush to judgment and oppose her amendment, and I appreciate her consideration in withdrawing it.

Mrs. SCHMIDT. Mr. Chairman, I ask unanimous consent to withdraw the amendment, and I thank the chairman for his time and consideration of this and hope that we can work together to make GNEP a reality in a meaningful, bipartisan way so that the United States can continue to be a world leader, not just in nuclear energy but in energy independence from foreign oil.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLEAN COAL TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $149,000,000 are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $708,801,000 to remain available until expended of which $166,000,000 shall be derived by transfer from "Clean Coal Technology", and of which transferred amounts $108,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects, and of which the remaining $58,000,000 is available for carbon sequestration research and development: *Provided further*, That no part of the sums herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

AMENDMENT NO. 19 OFFERED BY MR. KLINE OF MINNESOTA

Mr. KLINE of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KLINE of Minnesota:

Page 18, line 10, after the dollar amount insert "(reduced by $142,000,000)".

Mr. KLINE of Minnesota. Mr. Chairman, my amendment would reduce funding for the fossil energy research and development account in this bill by $142 million. These funds appropriated in this account go toward research of oil, gasoline, coal and natural gas.

Funding this account at $709 million, as in this bill, would be a 19½ percent increase over last year's appropriation amount and 20 percent higher than what was requested by the administration.

This massive increase in spending is aimed at research of oil, coal and natural gas. With energy prices rising, our research dollars are better spent by going toward alternative and diversified energy sources like nuclear, wind, solar, geothermal, hydropower and others.

You may be interested to know that some of the research projects funded by this account include: a submersible-deployed micro-drill for sampling of shallow gas deposits, ultra-lightweight cement, and an oil and gas resource assessment of the Russian Arctic.

Given the record profits being made by oil, gas and coal companies, the research of oil and gas resources of the Russian Arctic should be done and paid for by those oil companies, not by American taxpayers who have already paid for it at the pump.

A half a billion dollars in Federal funds appropriated to this account, as was the case last year, should be more than enough for the government's share of this research.

Any additional funding, and I'm talking about funding over the half a billion dollar plus what's already in last year's bill, any additional funding should be borne by the private sector.

My amendment would save the taxpayers $142 million and remove that 20 percent increase in spending on fossil fuel research.

Solutions to our rising energy prices are not found in a massive increase in deficit spending, and we've been talking a lot about deficit spending today.

Not only does this bill have a 20 percent increase in spending for fossil fuel research, it contains a $1.3 billion increase over last year's Energy and Water appropriation.

It seems that this appropriation bill is another example of ballooning Federal spending and increasing Federal deficits to be paid for by ever-higher taxes.

We know it's been discussed today that the Federal budget that was passed by House Democrats earlier this year does indeed include the largest tax increase in American history. It would raise taxes by at least $217 billion. We're looking for ways to reduce spending, modest ways. That's all that these appropriation bills allow us. We can't address the massive spending that comes from entitlement spending, but we can get at sensible ways to control the spending in these discretionary funds.

My amendment is a step in the right direction. Let's save the taxpayers $142 million and remove this huge 20 percent increase in spending for fossil fuel research.

There have been proposals to put price controls on oil companies. I vehemently oppose those, but I don't think it's unreasonable to ask them to put some of those profits back into this essential research and development, take the burden off the taxpayers. Let's in a bipartisan way support this amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment, and would observe for the House that, again, I am not in total disagreement with some of the assertions and points that he has made.

The fact is, there is no silver bullet as far as solving the energy problems we face today and in the future. He is absolutely correct. That is why the subcommittee has significantly increased funding for biofuels. That's why the subcommittee significantly increased funding for vehicle technology. That's why the subcommittee increased funding for other types of renewables. The gentleman references solar and wind, for example. That's why there's an increase in the hydrogen account. That's why there's an increase as far as maximization of power produced with hydroelectric facilities.

And so what we're trying to do is to strike a balance, and again getting back to my earlier comments about quantity and quality, we are concerned and spoke about it in the bill language, as well as the report language, about the fossil fuel program. I certainly, for one, absolutely believe that we need to do more on the issue of capturing CO_2, and we have done that in this bill. We need to do more as far as in sequestration of that particular gas, but we have to do it intelligently.

The fact is, a FutureGen program that has been initiated under the Department of Energy, from my perspective, took a very bad turn in the road as people continue to look at adding bells and whistles, and we had a colloquy on that particular issue earlier in the day as well.

I would point out that FutureGen, according to the committee report, needs to be refocused as an integrated gasification combined cycle plant with carbon capture and sequestration and drop the ambiguity of other, less critical research components. The committee believes that by streamlining the design to demonstrate these factors, critical goals can be reached in a more timely and fiscally prudent fashion.

So what we're trying to do in the bill is to have a broad range of new energy sources accelerated through increased funding. We have done that with fossil but have not done so blindly. We want to make sure that that money is spent wisely, given the fact that nearly 50 percent of this country's electricity is generated today by coal-powered plants. I absolutely believe that we should pursue this research and would reluctantly oppose the gentleman's amendment.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I thank the gentleman.

I rise in opposition to this amendment, although I believe it is of value in making sure we question how we spend our money.

I'm concerned that coal provides over 50 percent of our energy source in America. In this bill, there's $108 million for FutureGen which is creating energy from coal without emissions; $73 million for the other clean coal power initiative; and some $376 million has been recommended for the core research and development program, much of that done at the National Energy Technology Research labs, some of which are in my district, and others in West Virginia and Oregon and around the country.

We have a 250-year supply of coal under our Nation's soil. Conversely, other parts of the world that have oil will run out long before we are out of coal.

We have to crack the code in understanding how to create electrical energy out of coal without emissions. It is a monumental and perhaps one of the greatest scientific challenges of our time.

If we're able to do this, we'll be able to create the electrical energy and the power we need to power our factories, to light our homes and run our office buildings. Without this, we will continue to be subject to the whims of countries involved with OPEC who manipulate the price of our energy every day.

A report done this year through MIT called the Future of Coal stated that we need perhaps billions to deal with this issue of finding out how to create energy out of clean coal. It is an important investment and one that we cannot lag on, one that we have to continue to work on.

I certainly encourage all of us to look at ways we can watch for any waste involved with how this money is spent on every level in appropriations; however, I ask that this be one area, where America has abundant supplies of coal, we make sure that we continue to mine our coal because it's one of the few ways that we can do so and create energy without having to worry about the whims of terrorists and OPEC states.

Mr. HOBSON. Mr. Chairman, most of the $142 million proposed as an increase in the account would support research and development of carbon capture and sequestration technology. No matter what energy future one believes in, fossil fuels will play a significant role. This increase would fund the R&D that we've simply got to do to isolate the carbon and store it to reduce emissions.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word.

One of the things that we have to understand that we're talking about today on this floor, we're talking about a lot of different kinds of security. We're talking about energy security. We're also talking about economic security. But really the bottom line we're talking about is jobs in America.

No doubt that energy is a major issue in our country. Our energy dependence becomes a problem, is continuing to be a problem, but what we have to do is go about this in a way that makes sense.

And when we look at, yes, we need to look at additional research in certain areas and additional expenditures in other areas and nuclear, and the gentleman from Florida brought that point forward, the gentleman brings forward the fact that we're increasing things like that by 20 percent. That would be really good if we were spending surpluses, but in fact we're not spending from surpluses, and what we're talking about is deficit spending and what we're talking about is an economic future for our young men and women.

Because you see what we're on the floor here today trying to do. My colleagues and I are trying to save the American taxpayers some money, because we have a leadership on the other side of the aisle that's on a spending spree. They think they have surpluses that they're spending, and in fact we're not.

In fact, we've got a $23 billion increase. We have got these "funny money" accounts where we're going to come up with the money from someplace. We all know where that money is coming from. That money is going to come from the American taxpayers because they've already gone on record to say that we're going to pass the largest tax increase in American history. And the way they're going to do that is they're going to tax the rich people.

Well, let's talk about the tax structure in this country today. For example, who are the rich people? We've got 1 percent of the top wage earners in this country already paying 33 percent of the taxes. Now, the next level up, the top 5 percent, they get to pay 54 percent of the taxes, and the top 10 percent get to pay 68 percent of the taxes.

Recently, the Tax Foundation brought forth a point that I think most of us knew, and that is, that three out of every five, that's 60 percent, of America's highest income-bracket payers are small business people. Let me repeat that. Three out of every five of the people who are in the upper bracket, which is the bracket that they want to tax, are small business people.

And what do small business people do? Well, they just do something that's extraordinarily great for America. They create jobs. In fact, they're the largest creator of jobs in this country. And what we did is back in 2003 we said, you know what, we want small businesses to create more jobs, make more economic security for our young people, and so we lowered the taxes.

And what happened? Well, something wonderful. We created 7.8 million new jobs in America. And you know what creating 7.8 million new jobs in America did for us? Well, number one, we have the highest home ownership rate in the history of this country.

□ 1615

More people own a home today than any other time in the history of this Nation. Guess what, more people are employed than any other time in the history of our Nation.

What we have to do, the Speaker of this House stood up on the day that she was sworn in and said, we listened to the people. I don't think they were listening. If they thought the American people were saying we want more spending and more taxes, I think they misunderstood.

If the American people said anything, it is they want a government that's less, that takes less of their money, spends less of their money. lives, spends their money like government spends their money like the American people have to, they have to spend within their limits.

Yes, I will like a 2 percent increase in this and a 2 percent increase in that, but the truth of the matter is, we can't afford it. If we continue on this trend of higher taxes, bigger spending, we are going to see these job numbers begin to talk.

So when you talk about we want more energy-efficient cars, let me tell you, if we don't have anybody that can afford cars in America because they don't have jobs, then what do we need energy-efficient cars for?

Let's be sensible about our policy here. We are making a sufficient amount of commitments to many of these initiatives, but we have to do it in a commonsense way. We have to do it in a way that says, you know what, a 2 percent increase or 3 percent, maybe this program should be eliminated, because this program is not providing any dividends for the American taxpayers.

We measure, around here, what we are doing about our problem by how much money we spend on it. Quite honestly, that's how we got in the situation of these large deficits is because we keep throwing money at problems instead of standing up here on the floor of this House and debating these issues and talking about what is in the best interest of the taxpayers.

I commend the gentleman from Minnesota on his amendment and urge passage.

Mr. GOHMERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I read a sign almost every day, they are out in hallways all over, from the Blue Dog Coalition, and as of today, it says today's U.S. national debt, $8.807 trillion; your share, $29,000. There's some of us all the time we have been in the House been trying to do something about that. We have been trying to bring down the deficit. We have been trying to with our own party, the Republicans, with the Democrats now in the majority, get spending reined in.

Also, in our Natural Resources Committee, as well as other committees around, we have been trying to find answers to our energy problem, because, let's face it, we're funding our enemies, people that want to see us, have damage done to our way of life, if not destroyed.

So how do we get around this energy debacle where we keep using fossil fuels that keep funding our enemies? I heard a chairman say a moment ago, there is no silver bullet. I couldn't agree more. We need every single aspect of energy, all of the alternative energies, all of the energy sources we have, that includes drilling the Outer Continental Shelf and areas where it would be safe to do so. It includes drilling in ANWR, the Arctic National Wildlife Reserve in Alaska, and here we've got $142 million that is in issue here.

As the saying goes, $142 million here, $142 million there, before long, we are talking about real money. People in our hometowns, they understand, this is a lot of money, may not be to some of us up here in Washington, but, as we have seen recently, as we have seen recently the last couple of weeks in Natural Resources, people keep wanting to study things, let's study this.

We were ready to go on a biomass program. In the energy bill marked up last week, we are going to back up 10 years and have another study on that. We have these programs ready to go, and we keep wanting to back up and have more studies done.

What we really need to do is just move forward. Some of these studies, when left to the private sector, they are going to recoup their money and their profits. Let them pay for these things. They are making all these profits. Why should we use taxpayer dollars to do that?

So we have coal that if the bill becomes law that was passed out of Resources, it's going to make it harder to utilize the coal we have. All these different alternative energy sources are available, and we keep wanting to use money to study them.

What occurs to me, when I hear there is no silver bullet, is not only do I agree that there is no silver bullet solution, but I keep feeling like, because we keep appointing studies and keep wanting to spend taxpayers' hard-earned money to study things, instead of just going ahead and producing, that the silver bullet may be in the Chamber that's pointed to our Nation's collective head here.

It's time to quit studying. It's time to move forward, it's time to use money for purposes that are not those that should be done by the private sector, and then we can get back to money.

Then, lo and behold, all those folks have been saying we really don't want to raise taxes even though it looks like it's going to be the largest tax increase in American history. All those who say we don't want to raise taxes, it's this $142 million here, $142 million there. Before you know it, we may even be able to lower taxes even further.

So I will encourage my colleagues, let's quit studying, let's quit spending money that could be going back to taxpayers if we are not going to need it for something more pressing, quit studying, start producing and then that silver bullet won't be aimed at our head.

Mr. WALZ of Minnesota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thank you to the chairman and the ranking member of this committee as we debate a very important piece of legislation in the Energy and Water appropriations bill.

I would like to talk specifically about an issue that is vitally important to literally hundreds of thousands of people in Minnesota, South Dakota, and Iowa. The Lewis and Clark Rural Water System is a unique water project that I am hopeful will receive the appropriate funding as the Energy and Water appropriations bill moves forward.

This Lewis and Clark water project, when completed, will provide safe, reliable drinking water to over 300,000 people in roughly 5,000 square miles of South Dakota, Iowa, and Minnesota. The project will move water from the Missouri River into those areas to provide safe drinking water and the ability of those communities to grow economically.

Minnesota is called the Land of 10,000 lakes. Unfortunately, they are not equally distributed. For example, in Rock County there is not a single natural lake. The lack of water has a profound impact on economic development. Businesses are reluctant to locate or expand because of the lack of reliable water.

I literally have communities that I represent that cannot permit a single new home to be built until someone moves out because their water shortages are that severe. Seventeen of the 20 local municipalities that are participating in this project, and I repeat on this and say it very carefully, have prepaid $87 million of their local share of the expenses in order to keep inflationary costs at a minimum. Additionally, all three States involved, Minnesota, South Dakota and Iowa, have committed to prepay on the project as well.

Unfortunately, the Federal Government is the partner that's lacking. My constituents, the people of South Dakota and Iowa, clearly understand expenditures of Federal dollars for investments are not necessarily wasteful. If the Lewis and Clark Rural Water System receives its full $35 million in requests this year, this project will be completed by 2018. However, if we are funded at the level President Bush has requested in his 2008 budget, we will not see completion until past 2051.

The 300,000 people of Minnesota, South Dakota, and Iowa can't wait that long. Previous Congresses have created a significant budget crisis. I hear my colleagues mentioning that, and they're absolutely right. We spent at deficit records. We created a national debt that is staggering, but we cannot be penny-wise and pound-foolish.

The longer we take to provide appropriate Federal funds, the more this project is going to cost, and it is already being built. It is already being prepaid, and it will produce significant economic gains for us.

I look forward to working with the chairman and ranking member to make sure this project is appropriately funded.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Before I begin, let me just say I concur with the gentleman from Minnesota on his priorities that he is setting forth, and I cannot honestly say that I am familiar with each and every aspect of the provisions that he is raising there; but from his testimony before the House right now, they seem to at least rise to the level of significance, especially when you go to the concern of making sure that people need to have adequate drinking supply. So I appreciate him coming to the floor and making that point.

I think the gentleman's point coincides with the point that I wish to make right now in support of the gentleman's amendment that is on the floor before us right now, and that is that it's incumbent upon this House and this body to set priorities. The American public asks no less of us, inasmuch as we are spending their hard-earned tax dollars. The American public has seen the misapplication of setting of priorities of this House in past administrations and past Houses in the past.

The American public has been outspoken when they saw, with regard to what happened with Katrina, and the infamous case of buying of FEMA trailers, literally thousands of them, that were then set on land and never used for their rightful purposes. The American public was outraged when they said the priorities were not appropriately spent with their tax dollars in that instance.

Likewise we were outraged when they heard about the proverbial "bridge to nowhere." Again they asked were not priorities set as to where their tax dollars go when it comes to transportation purposes.

Again, finally in the area of earmarks, and the latter point raises the earmarks. When the American public hears about the litany of earmarks that come out of both this House and Senate as well, the Cowgirl Hall of Fame and other such things, again the American public asks are priorities not set on these matters, again, with their hard-earned tax dollars.

Well, the American public spoke this last November and at least this side of the aisle heard them loud and clear. We must set appropriate priorities when it comes to the American tax dollars.

Unfortunately, unfortunately, the priorities that seem to be coming from the other side of the aisle in the majority of cases are not the appropriate priorities that the American public would set for themselves. Priority number one from the other side of the aisle is a budget which raises taxes, the largest tax increase in U.S. history upon the American family.

Priority number two from the other side of the aisle appears to be an increase in spending with little or no regard to accountability or cutting spending in any areas. We see that in this case.

When I hear the arguments made, both pro and con in this bill, I am taken aback. All this amendment simply does is to say that the American taxpayer dollars should not be there and spent to subsidize Big Oil.

We had similar language in legislation last year. I know I supported it saying that the American taxpayer, in light of oil now being sold at over $60 a barrel, should not be forced into a situation anymore to support Big Oil in coal industries when it comes to these things through tax credits and tax cuts. I supported those, saying the American public in that regard.

But, now, today, when we have a Member, Congressman KLINE, saying let's at least rein in, let's at least set some priorities as to where our energy dollars should go, let's go to those areas, as the gentleman here said, perhaps some who support carbon capture issues; let's have some of those dollars, as a Member from the other side of the aisle says, go to renewable energy resources, whether it be wind, water or geothermal or et cetera. Let those dollars go to those areas, but let's set the priorities of those dollars to go specifically to those areas and not on extraneous purposes, as we saw in this bill.

Congressman KLINE gave a couple of examples that really just threw me when I heard them once again. The American public must really scratch their head, as I did, when they say, should we be giving, as Congressman KLINE said, given the record profits being made by oil, gas and coal, the research of oil and gas resources of the Russian Arctic should be done and paid for by those oil companies and not by American taxpayers. This amendment simply goes to make sure that occurs.

Likewise, again in the Arctic area, submersible deployed microdrill sampling, ultralight cement and oil and gas resource assessments in that area. Who should be paying for that? The American public?

We already pay for that when we go to the pump each time. Shouldn't it be the oil companies who should make it a private investment and not the American tax borrowers? This amendment simply says let's set those priorities, let's reduce spending on those areas and make sure that we have the dollars from the American public to spend on those other areas, be they renewable energy or otherwise.

☐ 1630

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KLINE of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

Mr. VISCLOSKY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. JONES of Ohio) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–199) on the resolution (H. Res. 498) providing for consideration of the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. VISCLOSKY. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 2641 in the Committee of the Whole pursuant to House Resolution 481, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. FORBES regarding a study of certain river basins;

An amendment by Mr. WYNN regarding hydrogen research;

An amendment by Mr. HENSARLING regarding funding for DOE Electricity Delivery and Energy Reliability;

An amendment by Mr. SHADEGG regarding funding for hydropower incentives;

An amendment by Mr. PORTER regarding Yucca Mountain;

An amendment by Mr. PRICE of Georgia regarding funding for the Advanced Fuel Cycle Initiative;

An amendment by Mr. BURGESS regarding funding for fossil energy;

An amendment by Mrs. WILSON of New Mexico regarding funding for medical imaging;

An amendment by Mr. UPTON or Mr. TOWNS regarding funding for nuclear energy loan guarantees;

An amendment by Mr. HENSARLING regarding funding for DOE Departmental Administration;

An amendment by Mr. MATHESON regarding funding for contract oversight;

An amendment by Mrs. TAUSCHER regarding weapons dismantlement activities;

An amendment by Mr. UDALL of New Mexico regarding funding for weapons activities;

An amendment by Mrs. SCHMIDT regarding a prohibition on Global Nuclear Energy Partnership funds for certain nuclear waste storage;

An amendment by Mr. SPACE regarding funding for the Appalachian Regional Commission;

An amendment by Mr. NEUGEBAUER regarding funding for the Appalachian Regional Commission;

An amendment by Mr. HENSARLING regarding funding for the Denali Commission;

An amendment by Ms. BERKLEY limiting use of funds for the Yucca Mountain Youth Website educational campaign;

An amendment by Mr. BISHOP of New York, Mr. COURTNEY, or Ms. DELAURO limiting use of Federal Energy Regulatory Commission funds to review a particular application;

An amendment by Mr. CONAWAY regarding use of reductions made through amendments for deficit reduction;

An amendment by Mr. KING of Iowa regarding actions to mitigate global warming;

An amendment by Mr. MURPHY of Connecticut limiting use of Federal Energy Regulatory Commission funds for certain permit actions;

An amendment by Mrs. MUSGRAVE regarding an across-the-board reduction in funding;

An amendment by Mr. PRICE of Georgia regarding an across-the-board reduction in funding, which shall be debatable for 30 minutes;

An amendment by Mr. UPTON or Ms. HARMAN regarding use of Energy Star certified light bulbs;

An amendment by Mr. SHADEGG limiting use of funds to breach or remove hydropower dams;

An amendment by Mr. HINCHEY or Mr. WOLF limiting use of funds for designation of transmission corridors, which shall be debatable for 20 minutes;

An amendment by Mr. GOHMERT limiting use of funds for a certain settlement regarding the National Resources Defense Council;

An amendment by Mr. CAMPBELL of California reducing funds in the bill, which shall be debatable for 30 minutes;

An amendment by Mr. CAMPBELL of California reducing funds in the bill, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding earmarks;

An amendment by Mr. GARRETT of New Jersey limiting the use of funds for international conferences;

An amendment by Mr. HOBSON limiting use of funds for the Mental Illness and Neuroscience Discovery Institute in New Mexico; and

An amendment or amendments by Mr. VISCLOSKY regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. HOBSON. Madam Speaker, reserving the right to object, I need a point of clarification on the amendment here on the UC. It's my understanding that this says that no amendment to the bill will be offered except the following; but that there will be another UC later that will come forward that will allow the additional supplemental, to allow that to come into the bill at a later date. Am I correct on that?

Mr. VISCLOSKY. My understanding is there would be an additional UC, a unanimous consent request, or a new rule for the supplemental report that would come up.

Mr. HOBSON. Well, I don't think they want a new rule. I think they just want the understanding that there will be the provision that comes forth with the supplemental material coming into the bill. That was the understanding I thought was reached in the UC. Am I correct?

Mr. VISCLOSKY. My understanding is that we would agree to a UC.

Mr. HOBSON. I don't think they want a new rule. I think the point is they don't want to go back to Rules again to bring the supplemental material back into the bill at the later date, and that is basically the earmark provision of the bill. Am I correct?

Mr. VISCLOSKY. That's fine. Yes, sir.

Mr. HOBSON. Madam Speaker, I withdraw my reservation based on that understanding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2641.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. POMEROY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 19 by the gentleman from Minnesota (Mr. KLINE) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $17,301,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $163,472,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $5,325,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,095,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $286,041,000, to remain available until expended, of which $250,937,000 is for non-defense environmental cleanup and $35,104,000 is for non-defense legacy management.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, $618,759,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 30 passenger motor vehicles for replacement only, $4,514,082,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, $202,454,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $1,200,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further*, That $4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department of Energy shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary of Energy in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER:

Page 21, strike line 22 and all that follows through page 24, line 9.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Nevada (Mr. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. PORTER. Mr. Chairman, I appreciate this opportunity. I'd like to thank my colleagues, Congresswoman SHELLEY BERKLEY from Nevada and Congressman DEAN HELLER for being cosponsors.

I'd like to talk for a moment about the infamous Yucca Mountain project, probably the most studied piece of real estate on the planet as we know it today. That is because the Department of Energy and Members of this Congress are trying to prove to the American people that the Yucca Mountain project is safe.

Unfortunately, in the last budget of last year, 60 percent of that budget was spent redoing problems with a broken project at Yucca Mountain.

Mr. Chairman, it's broken. Study after study after study have proven that it's a broken project; not only broken, but it's a colossal waste of taxpayers' dollars. Thousands, if not millions of millions of dollars have been spent on investigating the Yucca Mountain project to look at their flaws.

My committee last year alone, we looked at thousands of e-mails where the science had been falsified. They've spent over $20 million fixing the project from the research that we had done in my committee.

Mr. Chairman, if it was Wall Street that was looking at this project, they would shut it down. Most every senior management personnel at Yucca Mountain and the Department of Energy regarding the disposal of nuclear waste have either quit or left the project.

Terrorism is another issue. We're trying to put millions and millions of tons of nuclear waste in one spot. It creates an additional terrorist target.

It's an unproven science, but yet we're going to roll this nuclear waste through communities across our country.

Mr. Chairman, the bottom line, even if I supported the project, which I don't, even if I was a nuclear industry, which I'm not, I would say it's the biggest waste of taxpayers' dollars. It's literally a hole in the ground.

I would encourage that Members of this Congress visit Yucca Mountain. It is a $12 billion waste of money. If I were the nuclear industry, if I were this Congress, I would find another site. I would store it on site or find some other location.

The science is broken. Time and time again, we have found that it's a flawed project, it's flawed science. If it were another project, if it was a school bus, if was a space shuttle, with this many errors and this many problems we would stop the project.

I encourage this Congress to support my amendment striking $202 million from this very flawed project.

□ 1645

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the gentleman's amendment would eliminate all nondefense funding for Yucca Mountain. High-level radioactive waste exists in over 38 States. I believe it is irresponsible to leave it where it is forever, and it is essential to have a repository where it can be safely left for up to a million years while the radioactivity decays away.

This waste comes from maintaining our nuclear weapons stockpile and from spent fuel from civilian nuclear reactors that generate 20 percent of all electricity in the United States.

Yucca was chosen by Congress in 1982 as a permanent geological repository for high-level waste and billions have been spent to characterize the site and prepare for licensing and construction.

Failure to open Yucca Mountain and take custody of commercial spent nuclear fuel will cost the taxpayers over $7 billion by 2017 when the repository could open. Cutting funding and delaying the filing of a license application by only a year will simply exacerbate the problem and increase this cost by more than a half billion dollars.

Failure to proceed with a reasonable approach to disposing of spent nuclear fuel will cause the Nuclear Regulatory Commission to stop licensing new nuclear reactors and extending the licenses of existing plants. Every new and extended license must satisfy the waste confidence clause. So this amendment will constrain our ability to grow our economy without emitting any more greenhouse gasses. In the coming years, it will choke off nearly 20 percent of U.S. electricity generated by nuclear power plants.

And, again, we have tried to strike a very reasoned balance in this bill as far as funding for the repository and other programs to initiate a sound nuclear industry in the short term, and I am opposed to the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to my friend and an adamant opponent of Yucca Mountain, SHELLEY BERKLEY from Nevada.

Ms. BERKLEY. Mr. Chairman, I want to thank my colleague for this very thoughtful amendment.

The Yucca Mountain project is a failure. Twenty years after Nevada was unfairly singled out as the proposed dumpsite for this Nation's radioactive garbage, the only waste at Yucca Mountain is the $12 million that has now been wasted on this ridiculous proposal.

Plans for Yucca Mountain threaten the safety of the families I represent and the lives of 50 million Americans who will be at risk from shipments of toxic radioactive garbage headed to Yucca Mountain. One spill involving this deadly nuclear waste could make people sick, die, and shut down our roads and railways, and cost millions to clean up.

Nuclear waste shipments are also prime targets for terrorists looking to unleash radiation on unsuspecting communities or to steal material needed to make a dirty bomb. Current plans call for thousands of nuke waste shipments on America's roads and railways, each one vulnerable to a handheld missile or 9/11-style suicide attack, the results of which could be devastating.

Decades of "mobile Chernobyls" passing by homes, schools, hospitals, houses of worship, each an accident waiting to happen. And believe me, Mr. Chairman, our first responders have no training and no resources needed to deal with incidents involving these nuclear waste shipments.

We talk about money and saving money by putting more money into Yucca Mountain? We have absolutely no idea how much Yucca Mountain is going to cost because there is no cost estimate. We have no time estimates. We have no radiation standards. We don't have canisters that currently exist that can store this nuclear waste and not have the nuclear material leach into the groundwater that is going to pollute all of the Southwestern United States water supplies.

Now, if we want to do something for the American people, let's end this ridiculous folly before it costs us any more money. We have the power to do it in Congress. It is time that we stop this ridiculous proposal.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the ranking member, Mr. HOBSON, in opposition to the amendment.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the gentleman from Nevada's amendment, as he might expect and as his colleague might expect.

At some point we all have to go beyond parochial politics and do the right thing for the entire Nation. This is a NIMBY approach: "Not in my backyard." Under any scenario you might imagine, from the construction of new nuclear power plants to shutting down all existing plants tomorrow, from continuing with the once-through fuel to cycle to beginning to recycle our spent nuclear fuel, we will need the first repository at Yucca Mountain. If we pursue recycling, we can avoid the need to build eight more Yucca Mountains, but we still need that first repository.

The Federal Government has a statutory and contractual obligation, already adjudicated in the courts. It is costing us money by not getting it operational on Yucca Mountain.

But this is not solely a question about what to do with commercial spent fuel. One-tenth of Yucca's capacity by weight, and up to one-third of its capacity by volume, is dedicated to defense spent fuel and high-level waste.

Without Yucca Mountain this material will stay put in places like Hanford, Idaho, Savannah River, and West Valley. Many of these sites already have enforceable cleanup agreements requiring these materials to be shipped off to the geologic repository.

I would like to think we don't need a repository, but we do need a repository. We need it now, not 100 years. We need to move forward with this. And my real desire is that we won't have to build eight of them someplace and certainly not in Nevada. But we have got to finish this one off. It is a waste of taxpayers' money not to do it.

I urge opposition to this amendment.

Mr. PORTER. Mr. Chairman, I appreciate the comments of my colleague from Ohio. But I believe there are Members of Congress that are in a rush to find a place. They have spent 20 years in a rush. And in the midst of that time, we have created a project that is a colossal waste of taxpayers' dollars. We need to find a site that is safe.

I support nuclear energy. I do not support the waste being in Nevada because it is absolutely broken.

Mr. Chairman, I appreciate this time and encourage this Congress to stop the funding of this very flawed project and find a site that is safe for the American people.

Mr. HELLER of Nevada. Mr. Chairman, I rise today in strong support of the Porter-Heller-Berkley amendment to the Energy and Water Appropriations Act for fiscal year 2008. This amendment would strike the funding for the proposed Yucca Mountain site, and help end this enormous financial disaster for the taxpayers and for Nevada.

Colleagues, Yucca Mountain is in my district, Nevada's Second District.

Our State has been dealing with this issue for literally decades, the Federal Government has spent billions of dollars, and we are frankly almost no closer today to opening this site than we were years ago.

As has been stated by my Nevada colleagues, over the past 20 years the proposed site has suffered from gross mismanagement, faulty science and research, and contract mismanagement.

But we aren't just opposed to this site in an arbitrary manner. In fact, a number of solutions exist that are acceptable and safer, like dry-cask storage for example.

If you're opposed to nuclear waste traveling through your communities, creating safety and security hazards in your neighborhoods, then you should support this amendment.

If you're concerned about the taxpayers, wasting their funds, and the wise stewardship of Federal tax dollars, then support this amendment.

Both Senators, the Governor and the House delegation are united in opposition to Yucca Mountain. That should send a very clear message to us here in the House about the opposition in Nevada.

Support the Porter-Heller-Berkley amendment.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENT, SAFETY AND HEALTH

For Department of Energy expenses for Environment, Safety, and Health activities, $31,625,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE LOAN PROGRAM

Subject to the Federal Credit Reform Act of 1990, as amended, during fiscal year 2008 commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 shall not exceed a total principal amount, any part of which is to be guaranteed, of $7,000,000,000: *Provided*, That of that amount, $2,000,000,000 shall be available for carbon sequestration optimized coal power plants, $4,000,000,000 shall be available for projects that promote biofuels and clean transportation fuels, and $1,000,000,000 shall be available for electric transmission facilities or renewable power generation systems: *Provided further*, That pursuant to section 1702(b)(2) of the Act, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further*, That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

AMENDMENT NO. 10 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. UPTON:

Page 24, line 20, after the dollar amount, insert "(increased by $4,000,000,000)".

Page 24, after line 22, insert "$4,000,000,000 shall be available for advanced nuclear energy facilities,".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman this amendment that I am introducing, which I will subsequently withdraw, expresses my concern about the committee's action to cap loan guarantees at $7 billion for new energy projects designed to reduce carbon emissions.

And before I ask unanimous consent to withdraw the amendment, I am going to ask the chairman to enter into a colloquy with myself, and I will also submit remarks from Mr. TOWNS, coauthor with me; as well as my ranking member of the Energy and Commerce Committee, Mr. BARTON.

Mr. Chairman, under the Energy Policy Act of 2005, the Congress authorized funding to provide loan guarantees for any technology which reduces carbon emissions. That was designed to help a vast array of technologies such as wind, solar, clean coal, ethanol, and nuclear. Your committee excluded new nuclear plants as one of the technologies eligible for loan guarantees under the 2005 Energy Policy Act. And as a supporter of nuclear power, I oppose that exclusion. I am concerned that this may delay new projects that are being planned, and I am hopeful that these concerns can be addressed when you reach a conference with the Senate.

I would also note that the authorization in the energy appropriation bill is just that, an authorization. No appropriation is required. It is a standard practice that Federal loan guarantee programs have an annual loan volume authorization in an appropriations bill and that the program which is authorized in title 17 of the Energy Policy Act is unique. We must remember that it is self-financing and requires no taxpayer funds. Utilities that are building these plants will pay all of the costs associated with the program, including administrative costs of processing the loan guarantee applications and the credit subsidy cost of issuing the loan guarantee itself.

So, Mr. Chairman, I would like you to help us if you can address these concerns.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the chairman of the subcommittee, my good friend, Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding.

And I want to acknowledge that we in Congress authorized the loan guarantee program for advanced technology that addresses clean air and climate concerns. The Federal Credit Reform Act explicitly states that loan obligations can only be made to the extent there is an affirmative action on the part of the Appropriations Committee.

The Federal Credit Reform Act provides that new direct loan obligations may be incurred and new loan guarantee commitments may be made for fiscal year 1992 and thereafter only to the extent that, one, new budget authority is provided in an appropriations act; and, two, a limitation on the use of funds for the cost of a loan guarantee has been "provided in an appropriations act"; or, three, "authority is otherwise provided in appropriations acts."

However, it is the implementation of this program that has raised the concerns of the committee. Our fiscal year 2008 bill does not provide loan guarantees for the nuclear industry. The request for guaranteed loans from the Nuclear Energy Association, subsidized by the Federal Government, is very large. It overwhelms what the bill provides for the entire energy community. The administration had asked for a total of $4 billion for the nuclear energy industry and the coal industry. This does not come close to what the Nuclear Energy Association has indicated they need. The Nuclear Energy Association indicates a need for $25 billion in Federal guaranteed loans for fiscal year 2008 and more than that in fiscal year 2009. The "system," meaning the DOE loan guarantee infrastructure, cannot accommodate a request of this size at this time.

I would also point out that the fiscal year 2006 joint continuing resolution included $4 billion in Incentives For Innovative Technology loan guarantees for the Department of Energy to execute, without defining which technologies to target. The Congress did not limit the use of this initial $4 billion for nuclear projects. The administration chose not to make these loans available to the nuclear community.

□ 1700

I believe in the "go slow approach." We should take all deliberate speed for the new DOE programs. I recommend this approach to the Congress on this one based on my continuing concerns about how DOE has managed it to date. I am, however, open to new information about the industry's plan for innovative technology deployment and discussion about how DOE can implement the program. I pledge to work with the gentleman to see if we can come to an agreeable solution.

Mr. UPTON. I thank the gentleman for the helpful understanding. I look forward to working with you and Mr. HOBSON.

Mr. BARTON of Texas. Mr. Chairman, I thank the Gentleman. I rise to associate myself with the remarks of my good friends from Michigan and New York in support of this amendment. Nuclear power must be a part of our future energy supply. Companies that are planning to build new nuclear plants estimate that they will request a loan of $20 to $25 billion in FY '08. The companies expect to complete loan guarantee agreements in FY '08 because they must have financing in place in order to maintain their current schedules. Without loan guarantees for new nuclear plants, we risk a delay in bringing more safe and emission free nuclear plants online at a time when we are trying to diversify our supplies of power as quickly as possible. I thank the Gentleman for yielding me this time and I yield back.

Mr. TOWNS. Mr. Chairman, I thank the Gentleman. Mr. Chairman, I rise in support of this amendment which also goes to the heart of my concerns that certain technologies were excluded from receiving loan guarantees. Nuclear power emits no greenhouse gases and needs to be part of the solution towards addressing the concerns of climate change. In some cases, companies have stated that without loan guarantees, plans for new nuclear plants will be abandoned in favor of other forms of generating capacity to meet the growing demand for baseload electricity. This will not serve our nation's energy security and environmental interests. The Export-Import Bank has billions of dollars of loan guarantees available for financing these types of projects overseas. Some people joke that it would be easier to build a nuclear plant in Mexico rather than in New Mexico. Mr. Chairman, I ask if I could work with you to address these concerns as we move towards a conference with the Senate and I yield back to the Gentleman from Michigan.

Mr. UPTON. Mr. Chairman, at this point I would ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I ask unanimous consent that the gentlewoman from California (Mrs. TAUSCHER) be allowed to offer her amendment at this time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mrs. TAUSCHER:

Page 27, line 4, after "expended" insert the following: ": *Provided*, That $173,250,000 of the amounts provided are available for nuclear weapons dismantlement activities at Department of Energy facilities authorized for such activities, of which $91,000,000 is for the Pit Disassembly and Conversion Facility Project at the Savannah River Site, South Carolina".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Mr. Chairman, this amendment has been discussed with the Energy and Water Development Subcommittee, and I understand it is acceptable to the chairman and the ranking member.

Before explaining my amendment, I want to congratulate Chairman VISCLOSKY and Ranking Member HOBSON for the bill before the House today. It is a strong testament to their talents. Among its achievements, the bill provides substantial increases for two broad national priorities that I have long championed, nuclear nonproliferation activities to prevent the spread of weapons of mass destruction and the materials and technologies that be can used to create such weapons, and scientific research on technologies to reduce our dependence on foreign sources of energy and on fossil fuels in general.

The committee report takes a series of bold actions involving the Nation's nuclear weapons program, including directing the Department of Energy to reevaluate its plans for modernizing the nuclear weapons complex and demanding rapid consolidation of weapons-usable nuclear material. I want to commend the Energy and Water Subcommittee for their fine work.

The bill also provides critical funding increases to a lesser known national priority, the National Ignition Campaign, which is being carried out at the Lawrence Livermore National Lab in my district. When the NIF is completed in fiscal year 2009, it will be a scientific tool unlike anything the world has ever seen.

The National Ignition Facility will give U.S. scientists unprecedented insight into nuclear weapons phenomena, without nuclear explosions, and thus play a crucial role in the science-based stockpile stewardship program, which ensures the safety and reliability of our nuclear deterrent without nuclear testing. I commend the committee for its support of this critically important program.

I do need to mention, however, that the report accompanying the bill includes a few instances where I believe the Appropriations Committee ventured beyond what was authorized in the weapons activities account by the House Armed Services Committee, where I serve as chairman of the Subcommittee on Strategic Forces.

Directing the relocation of the long-planned Pit Disassembly and Conversion Facility, commencing weapons disassembly activities at the Nevada Test site without a feasibility assessment, and initiating a major new construction project at the Idaho National Lab are all examples of actions that would be more appropriately dealt with by the authorizing committee.

Separately, by cutting the funds for the mixed oxide fuel facility while demanding improved execution on the project, I believe it sets up an unfair task for the Energy Department. Having said that, Chairman VISCLOSKY and Ranking Member HOBSON, as well as our staff, have been very open to dialogue on these issues, and I truly, truly appreciate that.

My amendment modifies the bill to address two actions recommended by the committee report. First, the amendment confirms that the pit facility will be located at the Savannah River site. The site was selected by a former record of decision that was issued in 2000, which was in turn based on the environmental impact statement completed in 1999.

And second, the amendment directs that weapons dismantlement activities funded by the bill to be conducted at sites authorized to conduct such activity.

I want to sincerely thank the chairman and ranking member for agreeing to accept this amendment. We are very grateful for the spirit of cooperation in which this amendment was achieved. I believe this cooperation is possible because at the end of the day we are in fundamental agreement on most of these issues.

I trust that going forward we can continue discussing these projects, as well as others, and work together moving the country forward concerning the future of a nuclear weapons complex.

I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and simply rise to accept the gentlelady's amendment.

This has been a collaborative effort. And I would want to also congratulate the gentlewoman from California and all of her subcommittee members for their very good and strong leadership in rationalizing the nuclear weapons complex and bolstering the nuclear nonproliferation programs at the National Nuclear Security Administration.

The fact is, the gentlelady in particular has exercised great leadership in the issues of nonproliferation, making sure we have an appropriate and rationalized weapons complex, and that again, we are very deliberative as far as what the long-term nuclear policy of this country is. And again, I also appreciate her very early interjection into the work of this subcommittee, and her cooperation as well as her staff's cooperation. And again, it is my pleasure, on behalf of the subcommittee, to accept her amendment.

Mrs. TAUSCHER. Mr. Chairman, I am very excited to continue to work with the chairman and the ranking member of the Energy and Water Development Appropriations Committee.

As I said earlier, our two staffs have worked very closely together to achieve what I think is some very good work on the National Nuclear Weapons Complex and other issues. I appreciate his accepting of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. WESTMORELAND of Georgia.

Amendment No. 26 by Mr. WESTMORELAND of Georgia.

Amendment No. 24 by Mr. WESTMORELAND of Georgia.

Amendment No. 25 by Mr. WESTMORELAND of Georgia.

Amendment No. 23 by Mr. SESSIONS of Texas.

Amendment No. 22 by Mr. HENSARLING of Texas.

Amendment by Mr. LAMBORN of Colorado.

Amendment No. 21 by Mr. CAMPBELL of California.

An amendment by Mr. STEARNS of Florida.

Amendment No. 19 by Mr. KLINE of Minnesota.

The amendment by the gentleman from Nevada (Mr. PORTER) will be taken at a later time.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 341, not voting 12, as follows:

[Roll No. 502]

AYES—84

Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bilbray
Blackburn
Blunt
Boehner
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Everett
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Marchant
McHenry
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Ramstad
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Westmoreland
Wilson (SC)

NOES—341

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Musgrave
Oberstar
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

□ 1730

Ms. CLARKE and Messrs. YARMUTH, SAXTON, POE, and

HERGER changed their vote from "aye" to "no."

Messrs. LEWIS Of Kentucky, TERRY, and HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BROWN of South Carolina was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF NINE SOUTH CAROLINA FIREFIGHTERS WHO PERISHED IN LINE OF DUTY

Mr. BROWN of South Carolina. Mr. Chairman, last night, nine brave firefighters from my district lost their lives in the line of duty. Responding to a fire in the West Ashley area of Charleston, these men made the ultimate sacrifice in service to our community in what was the single worst loss of firefighters since 9/11. This tragedy is a somber reminder of the dangers our first responders face on a daily basis as they serve to protect us and our property. We are forever grateful for their service and deeply sadden by their loss.

Our hearts and prayers go out to the families of these courageous men: Captain William "Billy" Hutchinson, Captain Mike Benke, Captain Louis Mulkey, Engineer Mark Kelsey, Engineer Bradford "Brad" Baity, Assistant Engineer Michael French, Firefighter James "Earl" Drayton, Firefighter Brandon Thompson and Firefighter Melven Champaign.

These men, who had over 100 years of service among them, gave their lives doing a job they loved.

I now yield to my good friend, Mr. CLYBURN.

Mr. CLYBURN. I thank my friend, Mr. BROWN, for yielding me this time. Not since 9/11 have we been reminded so poignantly of the sacrifice our first responders make to protect our safety. These nine firefighters gave the ultimate sacrifice last night doing the jobs they loved. As Charlestonians, South Carolinians and Americans, we are grateful for their service and deeply saddened by their loss.

Our hearts go out to their families and their colleagues. This devastating loss is one that touched the hearts of our entire Nation, and we grieve with them.

Dr. Martin Luther King, Jr., once said, "Everybody can be great because anybody can serve. You only need a heart full of grace, a soul generate by love and you can be that servant."

These firefighters were public servants in the truest sense. They answered the call to serve their community, and today Charleston and South Carolina are better places for their service.

Among the nine that perished was a combined 123 years of service to the Charleston Fire Department. This is a remarkable testament to their dedication and selflessness. Their experience and service cannot be replaced, and their contributions will not be forgotten.

Mr. Chairman, I ask my colleagues to rise and join me in a moment of silence.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT NO. 26 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 351, not voting 10, as follows:

[Roll No. 503]

AYES—76

Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Conaway
Davis, David
Davis, Tom
Deal (GA)
Dreier
Duncan
Ehlers
Everett
Flake
Fossella
Foxx
Franks (AZ)
Gingrey
Goode
Graves
Hall (TX)
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Manzullo
Marchant
Matheson
McKeon
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Price (GA)
Ramstad
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Westmoreland
Wilson (SC)

NOES—351

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf

Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute is left in the vote.

☐ 1739

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 111, noes 315, not voting 11, as follows:

[Roll No. 504]

AYES—111

Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Linder
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Reynolds
Rogers (AL)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (NM)
Wilson (SC)

NOES—315

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Jackson-Lee (TX)
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1744

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. By virtue of the unanimous consent agreement reached earlier, the voting time is reduced to 2 minutes. Members should remain in the Chamber for the execution of their votes for this series.

AMENDMENT NO. 25 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 350, not voting 10, as follows:

[Roll No. 505]

AYES—77

Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Conaway
Davis, David
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Graves
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McKeon
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Pitts
Price (GA)
Putnam
Ramstad
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—350

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire

Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in the vote.

□ 1749

Mr. REYNOLDS and Mr. YOUNG of Florida changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 259, not voting 14, as follows:

[Roll No. 506]

AYES—164

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—259

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor

Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Abercrombie
Bachus
Cubin
Davis, Jo Ann
Faleomavaega
Kagen
Larson (CT)
Marchant
Moore (WI)
Ortiz
Peterson (PA)
Schakowsky
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

☐ 1752

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHAKOWSKY: Mr. Chairman, on rollcall No. 506, had I been present, I would have voted "no."

AMENDMENT NO. 22 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 305, not voting 11, as follows:

[Roll No. 507]

AYES—121

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Cooper
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hensarling
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Upton
Weldon (FL)
Weller
Westmoreland
Wilson (SC)

NOES—305

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Cubin
Davis, Jo Ann
English (PA)
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

☐ 1757

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. There are four votes remaining in this series. Members are requested to remain in the Chamber for their execution of the votes under the 2-minute time frame agreed to by unanimous consent.

AMENDMENT OFFERED BY MR. LAMBORN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 12, as follows:

[Roll No. 508]

AYES—151

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Taylor
Terry
Thornberry
Upton
Walberg
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOES—274

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Abercrombie
Buyer
Clay
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

☐ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 320, not voting 10, as follows:

[Roll No. 509]

AYES—107

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Fallin
Feeney
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Walberg
Waters
Westmoreland
Wicker
Wilson (SC)

NOES—320

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Calvert
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.

Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

□ 1805

Ms. SLAUGHTER and Mr. TIAHRT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. There are two 2-minute votes remaining in this series.

AMENDMENT OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 269, not voting 10, as follows:

[Roll No. 510]

AYES—158

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cooper
Cramer
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Duncan
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rehberg
Reichert
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Terry
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—269

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (WA)
Hayes
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Abercrombie
Cubin
Davis, Jo Ann
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1810

Mr. ROHRABACHER and Mr. ISSA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. KLINE OF MINNESOTA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KLINE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 303, not voting 11, as follows:

[Roll No. 511]

AYES—123

Bachmann
Baird
Barrett (SC)
Bartlett (MD)
Berkley
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boswell
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crowley
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Jackson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Markey
McHenry
McKeon
McMorris Rodgers
McNerney
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Price (GA)
Putnam
Ramstad
Reichert
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Smith (NE)
Smith (TX)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf

NOES—303

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Cubin
Davis, Jo Ann
Diaz-Balart, M.
Faleomavaega
Larson (CT)
Moore (WI)
Ortiz
Peterson (PA)
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1814

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALZ of Minnesota) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on motions to suspend the rules with regard to House Concurrent Resolution 21, H.R. 2359, and H.R. 2284 will be postponed until tomorrow.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–41)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2007.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2007*.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, on Friday of last week, the House took up 26 sequential votes on amendments to the 2008 Department of Homeland Security Appropriations Act, H.R. 2638. The fourth of these votes was on an amendment by the gentlelady from Virginia, Representative DRAKE, which increased funding for the Immigration and Customs Enforcement's 287(g) program. This program funds training and activity of State and local law enforcement personnel to carry out Federal immigration law. I believe that immigration law is and should be the responsibility of Federal border and Customs officials, and not delegated to the States and local authorities who are already burdened with protecting their communities. I, therefore, do not support the Drake amendment.

On roll number 469 when I cast my vote on this amendment, however, an "aye" vote was recorded when a "no" vote should have been recorded.

ENERGY AND WATER

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have been engaging in discussion on the appropriations regarding the Energy and Water bill. Much of our attention has been on the gas prices, which is clearly a key element of need for the American people. I believe that when we finish this bill, we will have a strong and positive response.

But at the same time, water is a concern for the American people as well. Flooding is a concern for the American people as well. I use as an example the City of Houston, Texas, that has just received the flood mapping that goes on under the process of FEMA, meaning that they have described areas of residential housing where the maps are changing what is a flooding area and what is not.

The tragedy for Houston is that these are older neighborhoods where Members of the community have invested in one of their major assets. Unfortunately, based upon FEMA's maps and the lack of infrastructure as it relates to water and flooding, these individuals are finding themselves without the opportunity to protect their property. We have got to change that. We have got to make a difference. I look forward to working with my constituents to do so.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES of Ohio) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I am glad to join my colleagues from the Congressional Black Caucus this evening in a special order around education. Today, we celebrate Juneteenth, also known as Freedom Day or Emancipation Day. This holiday, celebrated in 14 states, commemorates the announcement of the abolition of slavery in Texas.

This day was a great milestone in American history. Since that time, African-Americans have made great strides in this country. However, even with those great accomplishments, we still find ourselves dealing with glaring disparities in our educational system in this country. It is time that we stop ignoring this issue and bring it to the forefront of our policy discussions.

As our world becomes increasingly interdependent, we as a Federal Government have a responsibility to provide all of our citizens with an education that will allow them to compete and excel in the global market.

Sadly, this is not the case. Too many of our minority and economically disadvantaged students are not equipped with the kind of education that will allow them to earn a decent living in order to enjoy American prosperity.

In a free society like ours, we justify the unequal distribution of wealth by equal opportunity. However, any reasonable person will tell you that opportunities are certainly not equal. Therefore, I hold a strong belief that it is the responsibility of Congress to make policy that provides the most underprivileged along us with an opportunity to succeed.

We can do this by promoting policies that ensure a strong public education system does not leave any child behind. We need to make a strong commitment to our educational system. Our posterity is depending on it.

My home is Cleveland, Ohio, and unfortunately it has been rated as one of the poorest cities, where almost half of the children live below the poverty line. It has been proven again and again that there is a direct correlation between economic prosperity and education. It has also proven that good teachers make good schools. But it's so difficult to attract qualified teachers to impoverished areas.

No Child Left Behind requires that every State and school district ensure that low-income students have their fair share of qualified and experienced teachers. In high poverty districts in Ohio, 42 percent of the teachers teach classes outside of their expertise. This is problematic, because studies have shown that multiple bad experiences with teachers can negatively impact their students' education. We need to work hard to get quality teachers to high-risk schools so we do not let many teachers slip through the cracks.

Another disturbing fact is that only 51 percent of African-American students graduate from high school on time in Ohio. This last year, Cleveland municipal schools only graduated 40 percent of their senior class. This is a blatant failure of our education policy. This problem has no simple solution.

We are talking about inner-city schools with a lack of resources and crumbling infrastructure. We are talking about environments where juvenile delinquency is the norm and some students fear attending class, where budgets are stretched so thin and there is no money available for arts and education and extracurricular activities.

These are schools where classes are overcrowded and the teachers are overwhelmed and forced to teach from outdated text books, and the list goes on. This is not what we intended for our students. We have an obligation to correct this wrong. We need to do more to assist these schools in securing resources that will allow them to lift these students up and provide them with an education that will allow them to continue on to college and to a good-paying job.

It is so easy for Members of Congress to demagog "No Child Left Behind." But many of us have supported the policy, and its intention is benevolent. We as a country need to strive for academic excellence and opportunity in our country. It has been a tremendously difficult policy to implement and administer, but we cannot give up on it.

We have a complicated primary and secondary education system with responsibility spread through all levels of government. To reach a high level of educational opportunity nationally is a paramount task, but we must persevere. The system already works for haves, and we have an obligation to see it work for the have-nots.

□ 1830

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as of today, H.R. 346, my legislation to designate the Department of Navy as the Department of Navy and Marine Corps, has 60 cosponsors.

The language of this bill has already passed the full House of Representatives last month as part of the 2008 National Defense Authorization Act. This is the sixth year in a row that the House has voted to support this change.

As a Member of Congress, I have heard for 14 years that the Navy and Marine Corps are one fighting team. If this is true, should not the team carry the name of both the Navy and the Marine Corps? The Marines do not serve beneath the Navy, they are coequal partners.

I was very pleased to read a comment by the new Senate Armed Services Committee chairman, CARL LEVIN, in an article by The Hill newspaper last month, May 24, 2007, and I quote, "When asked, LEVIN said he would 'keep an open mind' on whether to support [language in the House bill to change the name of the Navy to the Department of Navy and Marine Corps]."

Mr. Speaker, there is no cost to this change. Renaming the Department is a symbolic gesture, but is very important to the team. It is the right thing to do for the team.

Let me quote the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs between the years 1993 and 1998. He voiced his support for this change, and I quote, "As a combat veteran and former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contributions of team components.

"The Navy and Marine Corps team is just that, a dynamic partnership, and it is important to symbolically recognize the balance of that partnership."

I will also quote Admiral Stansfield Turner, United States Navy, Retired, former Director of Central Intelligence, who said, and I quote, "I think this change in title enhances the prestige and pride of the people in the Marine Corps. And it does not necessarily take away anything from the Navy in that process."

Mr. Speaker, last year, an editorial in the Chicago Tribune on April 21 of 2006 also supported the change stating, and I quote, "No service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the Corps an important show of respect: Equal billing with the other service branches."

That again, Mr. Speaker, is from the Chicago Tribune.

Mr. Speaker, to further state the importance of this, I have beside me an enlargement of the orders for the Silver Star for a Marine from Camp Lejeune who was killed in Iraq. It says, "The Secretary of the Navy Washington, DC., Navy flag, the President of the United States take pleasure in presenting the Silver Star to the family." I will not read in its entirety.

But Mr. Speaker, I'd like to show you what, if the Senate will accept the House position, what this does. With the same orders for the Silver Star for this brave Marine who gave his life for this country, it says, "The Secretary of the Navy and Marine Corps, Washington, DC.," with the zip code. It still has the Navy flag on one side and the Marine flag.

Mr. Speaker, it is time that the Senate accept the House position. This is the right thing to do for the fighting team. The team is the Navy and Marine Corps fighting team. And I hope that the Senate, and I'm very encouraged by Chairman LEVIN that he said, "I'm open to the thought of this possibility."

So with that, Mr. Speaker, I ask God to please bless our men and women in uniform and to please bless the United States of America.

EDUCATION IS CRITICAL FOR TODAY'S YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I join my colleagues in the Congressional Black Caucus to discuss the important issue of education. Obtaining an education is critical for today's youth. An individual's prosperity and quality of life will be directly affected by the education they receive.

We all know the phrase, "The more you learn, the more you earn." In addition to increased earnings, individuals with higher levels of education are less likely to be unemployed, less likely to need public assistance, and less likely to become involved in the criminal justice system.

Mr. Speaker, today's communities will also benefit by increased education. Those communities will suffer lower crime rates, have fewer people on welfare, and will benefit from a better economy.

In fact, we have found that in this global economy, our competitive advantage is in education because we can't compete on wages. There are people in countries around the world who work for pennies and a few dollars a day. We're not going to compete with that.

We can't compete because people don't have to be in the United States to work. If you can work with your coworkers from across the hall, you can work with your coworkers across the globe. All you need is a cell phone, a computer and a modem, a fax machine, you can work anywhere in the world.

You don't need to be close to your customers. You can manufacture your goods anywhere and send them anywhere else in the world almost overnight.

And you don't need to be in the United States to finance a new plant. Used to be you had to be here to finance a plant. With worldwide banking you can have that plant located anywhere in the world.

The competitive advantage we have is the fact that businesses know that they can get well-educated and well-trained workers if they locate in the United States. But unfortunately, we're losing that competitive advantage.

In a recent measure of high school achievement, we found that students in the United States ranked below dozens of other countries in math and science. And so we're losing that competitive advantage. And the Education and Labor Committee is, therefore, focused on improving our international standing.

Earlier this year, the House passed the bill to renew the Head Start program with renewed emphasis on early Head Start. These programs are critical to getting our children on the right path early in life and the earlier, the better. At the K–12 level, the committee is also working towards renewing the No Child Left Behind Act. We will be addressing issues in that bill, for example, finding ways to meaningfully measure and reduce the achievement gap; ensuring that all students have access to high-quality teachers, and to effectively improve those schools which fail to make adequate yearly progress.

One of the most critical issues that must be addressed in No Child Left Behind is the fact that approximately one-third of all high school students in the United States fail to graduate with their peers. And in some communities, as many as half of the students fail to graduate and find themselves on the path to hopelessness.

The Education and Labor Committee will also consider renewing the Higher Education Act, which is primarily focused on access to college. Last year, approximately 1 million qualified students did not go to college because they could not afford the cost. Since the 2001/2002 school year, tuition at a public 4-year college has risen 55 percent. But during that same period the maximum Pell Grant only went up about 8 percent, and in the last 4 years didn't go up at all.

Unfortunately, this means that many of today's students, unlike previous generations, are being denied the opportunity to live to their fullest potential because they were denied the opportunity of a college education.

This year, the Education and Labor Committee is leading legislation that will significantly improve access to college with improved Pell Grants and cuts in student loans.

So, Mr. Speaker, education affects many issues that we deal with: economic competitiveness, crime and welfare. And so I'd like to thank the gentlelady from Michigan, the chairman of the Congressional Black Caucus, Ms. KILPATRICK, for organizing the effort to focus on education tonight.

THE TRUE GOAL OF OUR EDUCATION SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, Dr. Martin Luther King, Jr. described the end result of education as a person having the ability to think intensively and critically. He embraced the idea that intelligence plus character should be the true goal of our education system. This truly is the goal that we must strive and work towards.

Helping our children to think is crucial; however, the blocks to build to that point are difficult to create. It takes support, resources, confidence and opportunity, but most importantly, these pieces must be available for each individual no matter who or where they come from.

Today we find our public school systems throughout America in many places in disarray, underfunded, overpopulated, and, in many districts, underattended. As a Nation, we have moved forward, and then there are times when it looks as though we're doing the Watusi, that is, two steps forward, and two steps back.

I can remember a time when, in almost any community that you went, people realized and recognized that education was the absolute key to progress.

According to the Abecedarian study, the importance of early childhood education is critical. The report shows that children who receive a formal early childhood education overwhelmingly do better in school.

Unfortunately, 55 percent of children whose families are below the poverty line do not receive a formal early childhood education. An overwhelming number of these children, whose mothers are unemployed, do not have access to early childhood education. These numbers are astonishing, especially given what we already know.

We are engaged in competitiveness, not just in communities and neighborhoods or States, but from a global perspective, and unless children get an early beginning, they find themselves continuously behind and finding it difficult to catch up.

And finally, Mr. Speaker, one of the areas that I have a tremendous amount of concern about is the fact that African American males are graduating from high school at a rate of less than 50 percent. As a matter of fact, many of them drop out as early as third or fourth grade.

And it's my contention that they drop out because, for many of them, they have never seen a male figure with a book in his hand. They've never had a male teacher who looked like them. They've never seen a male at home with a book. And so they contend that education is a female or woman or girl kind of thing.

And we must find ways to get more male teachers in the classroom, more male teachers involved in Head Start. And we must get communities totally engaged and totally involved, so that as children grow up, they will know that education has been and will continue to be the great equalizer, and without it they don't have a chance.

So I thank you, Mr. Speaker. I thank the Congressional Black Caucus, our chairman, Representative KILPATRICK, for setting aside this time to address education issues, especially affecting African American communities.

□ 1845

INEQUITIES IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, today we members of the Congressional Black Caucus, under the leadership of our chairwoman, CAROLYN CHEEKS KILPATRICK, are taking time to commemorate Juneteenth and reflect on this historical event in 1865 when the news of their emancipation was finally received by 250,000 enslaved in Texas, 2 years late. And as we do so, it seems appropriate that we reflect on the inequities that continue to plague the African American community, the remedies for which are also too late.

And so, as we take the floor of the seat of government in our country, we say the time is now. Again, better later than never for this 110th Congress to bring another message of freedom to African Americans, freedom from economic blight, from lack of access to quality and comprehensive health care, from substandard housing, and from the issue that is the subject of our discussion tonight: rundown, poorly equipped, and understaffed schools and the overall inequities in our Nation's educational system.

June also marks the celebration of graduation season across the Nation. And as we cheer millions of high school graduates, we must not forget the 1.2 million students who left school this year without a high school diploma.

Dropouts are twice as likely to be unemployed. Even those who work, for those who work the pay is low. Opportunity for advancement is limited, and health insurance is essentially unavailable.

This is a particular problem in communities of color. For African Americans and Latinos, the dropout rate approaches an astonishing and alarming 50 percent and affects all communities, large or small, rural or urban, including our territories. This high rate of high school dropout and the consequent unemployment disproportionately affect African American males. According to the last U.S. Census, the fraction of black men with a high school education or less is about 50 percent, nearly half of the black male population.

A report published by the Congressional Black Caucus Foundation last year indicated that the employment for what they call less educated black men has been in decline during the last decade, and this, despite the fact that opportunities exist to reverse this because of discrimination in hiring.

The racial difference in the labor force participation rates are sharpest for those without a high school degree. Only half of prime-age black men without a high school degree are in the labor force.

Mr. Speaker, education is everyone's issue. However, the current administration seems to have an opposing view as they propose to completely cut funding for the Dropout Prevention Program. The Youth Activities Program, under their fiscal year 2008 budget proposal, would lose $100 million of funding compared to 2006, and Safe and Drug-Free Schools and Communities grant program would almost be cut by $150 million. This funding needs to be restored. These programs are part of the solution to the dropout problem.

So we in the Congressional Black Caucus are issuing a call to action across our Nation to reduce the dropout rate and raise the graduation rate above its current level of 70 percent. Keeping our people in improved schools must be a part of the debate and be addressed as we move to reauthorize and fund an amended and improved No Child Left Behind.

Today the Campaign for High School Equity met on the Hill to address and help us address this very issue. Among the reasons cited as causes of the persistent dropout rates are lack of parental involvement and one I heard in focus groups of young men in my own district: poorly devised and presented curricula that don't keep or stimulate our students' interests.

We urge the appropriators to include incentives to address this issue, to improve graduation rates and to ensure an increase in funding for key programs like Upward Bound in the 2008 appropriation. This program also helps to reverse our Nation's dropout rate.

Another factor that is indirectly related is one that was the subject of Bob Herbert's column last Saturday, lack of employment for teens during the high school year and in the summer. We are at the lowest national teen employment rate in the past 60 years at 33.1 percent, according to one study from Northeastern University. Again, this bleak outlook is primarily affecting Black teens.

As Mr. Herbert said: "This is the flip side of the American dream. Kids who grow up poor and never work at a regular job tend not to think in terms of post-graduate degrees, marriages, careers, and the cost of educating the next generation. A steady job could make all the difference. Along with the paycheck comes a sense of the possibilities. Kids develop a clearer understanding of the value of education and are more likely to stay in school."

No Child Left Behind created widespread pressure to improve academic achievement. While many districts have struggled to meet benchmarks set by this legislation, far too many of our children, especially African American children, are still being left behind.

We need to apply the same pressure, focus, and funding to improve the educational environment and experience and to provide the tools that are needed for education success in all of our schools.

The enslaved Africans in Texas waited 2 years to finally hear the word that they were free. Let us not have our young children and people wait one minute longer for the education they need and the future they deserve.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, forty years ago, the U.S. was number one in the world in high school graduation rates. Today it ranks 17th.

About 1/3 of the students who enter 9th grade each fall will not graduate from high school with four years, if at all.

High school students living in low-income families drop out of school at six times the rate of their peers from high-income families.

Drop out rates are especially high in communities of color: Only about 55 percent of African American students and 52 percent of Hispanic students graduate on time from high school with a regular diploma, compared to 78 percent of white students.

In my district, in Oakland, the graduation rates for African American males is 26 percent, compared to 57 percent is the graduation rate for white males.

In this country, there are about 2,000 high schools that produce the majority of dropouts.

Six million students throughout America are currently at risk of dropping out of school. Students who fail to graduate from high school are more likely to participate in criminal activity than students who do graduate. Likewise, students with low levels of achievement in high school are more likely to engage in crime than students with high levels of achievement.

For example, The Harvard University Civil Rights Project and the Urban Institute Education Policy Center conducted a study on K–12 schools in California. The Center estimated that Oakland's 52 percent dropout rate costs the state $14 billion in lost wages, crime and jail time.

Investing in education would save millions of dollars in crime related expenditures annually.

The statistics are staggering and tell the story. Approximately 75 percent of state prison inmates did not complete high school. High school dropouts are 3.5 times more likely than high school graduates to be arrested in their lifetimes. And a mere one percent increase in high school graduation rates would save approximately $1.4 billion in costs associated with incarceration costs, or about $2,100 for each male high school graduate.

We must do better by our children. Nothing less than the future of this country is at stake. That is why I am committed to effective reform that can transform high schools and keep students at the greatest risk of dropping out on the path to graduation.

I'm proud to support authorizing legislation that will soon be introduced which will help address some of the reforms that are needed and that is why I'm proud to be an advocate on the Labor, Health and Human Services and Education subcommittee working to appropriate funding to address the crisis in dropouts that our country is facing.

Clearly, we need increased investments in programs that keep kids in school and learning.

SCHOOL COUNSELING BILL

On the Labor, Health and Human Services subcommittee, I worked with my colleagues to include $61.5 million for elementary and secondary school counseling in the FY08 bill that is currently working its way through our committee. This is a 77.5 percent increase in a program that the President would have eliminated. These funds enable school districts to hire academic counselors, psychologists, and social workers. The additional resources will be targeted to improving and expanding academic and mental health counseling to middle and high school adolescents. This significant increase is a tremendous step toward addressing the crisis in counseling in our schools.

AFTER SCHOOL PROGRAMS

Another critical tool we have in our arsenal to fight drop out and to keep kids off the street and for preventing youth violence is our nation's after school programs.

The fact of the matter is that between 3–6 pm the rate of juvenile crime triples.

On LHHS subcommittee, we were able to provide a $125 million increase over FY07 levels for a total of over a billion dollars for the 21st century community learning centers. This program is a formula grant to states which in turn distribute 95 percent of the funds on a competitive basis to local school districts, community based organizations and other organizations is for after school activities that make sure that young people have alternatives to getting into trouble.

UPWARD BOUND / TRIO AND GEAR UP

I want to echo the comments of my colleagues here tonight about the problems we are fighting as it relates to the Absolute Priority regulation and the concerns over the loss of funding for numerous previously funded grantees including 30 percent of our HBCU's and Mills College in my district. I know that working together we will resolve these critical issues and I want to specifically thank BOBBY SCOTT and GWEN MOORE for their leadership on the Education Committee and on this issue.

We all understand just how critical these programs are that provide a variety of outreach and support services to encourage low-income students to enter an complete college. That is why I'm pleased our L–HHS subcommittee was able to provide a $40 million increase in funding for the TRIO programs and a $20 million increase for the GEAR UP program.

COMMEMORATING JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very humbled to be able to join my colleagues of the Congressional Black Caucus to celebrate and commemorate Juneteenth and to celebrate it on the very day that we have commemorated it over the years.

June 19 is a special time for Texans. And I would like to, in this very brief time that I have, weave in and out of the history of the meaning of Juneteenth as we reflect upon where we are in 2007 in the education of our young people.

The failures of this administration are stark, shocking, and extensive. And it is hopefully on this day that maybe a morsel of what many of us have been saying will be caught by someone in the administration to be able to reassess and to be able to think about the remaining time of their tenure in the White House and create a new and different legacy of the educational process of minorities in the United States of America.

With that, let me thank DANNY DAVIS for the celebration that we were able to participate in and his leadership on the issue of Juneteenth. I would also like to thank Curtis Faulkner of Fort Worth, who is involved in Juneteenth Heritage and Jazz Festival. I would also like to be able to thank Dr. Ronald Myers, who has been working for years with the National Juneteenth Observance. I would also like to be able to remind my fellow Texans and

Houstonians of Reverend C. Anderson Davis, who brought to us the Emancipation Day celebration in Texas. We lost Reverend Davis just a few weeks ago, and it is my special privilege to acknowledge him for he came as the regional leader of the NAACP more than four decades ago to Houston, Texas, and he never forgot the routing and the importance of educating our young people about the emancipation.

So I stand today to be able to chronicle the history and to thank those who are now fighting the battle to preserve Freedman's Town in Houston, Texas, a town that was formulated by freed slaves right after the Emancipation Proclamation that is now under siege by those who would desire to disrupt the few remaining historic buildings and blocks and, if you will, bricks that make up the street, cobblestone bricks. I pray that the energy of those remaining, Reverend Samuel Smith, Captain Roberts, Reverend Robertson, will hold on, and the number of churches that are in that area, that we will fight for the establishment of a Freedman's Town corridor in the name and in tribute of Juneteenth and the emancipation of our people.

Let me cite for those a depictive picture that shows both celebration and shock as Major Gordon Granger came into Galveston to be able to announce that these yet humble servants, these slaves, were yet free.

Let me quickly go to the language that was offered to me in remarks made by Curtis Faulkner. I want to read, first of all, just a few brief words from the message of Abraham Lincoln during the emancipation: "Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. We say we are for the union. The world will not forget that we say this."

So he spoke of saving the union, but he also laid the ground work for the Emancipation Proclamation.

He continued: "Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud and God must forever bless."

This was the genesis of the emancipation of slaves, but yet we are still wracked by discrimination and disparity. So when I speak of education and No Child Left Behind, I use Houston as an additional laboratory, testing the fear of children and not the learning of children. We want to reform so that all of our children can learn. Poor funding for underperforming schools, a failure of this administration that never decided to fund. Closing schools, lack of pay for teachers, all of that is meaningful.

I close, Mr. Speaker, by saying this. Freedom is not enough and you do not wipe away the scars of centuries by saying now you are free. We want the emancipation to be known in our hearts. We want a national holiday for the Juneteenth. And I look forward to working with my colleagues to commemorate, celebrate, and be reminded of the sweat and blood and tears of those who stand here today.

JUNETEENTH/BLAIR'S BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I stand here today, along with my congressional Black Caucus colleagues, in recognition of Juneteenth Day. It is fitting for us to not only acknowledge where we have been in the past but also to evaluate where we are today as a people.

Mr. Speaker, one of the most pressing issues in the African American community remains the issue of education. Many of my colleagues have outlined the progress and the challenges that many African American students face as they strive to acquire the educational benefits that every American should receive.

In the words of the great African American leader Malcolm X: "Education is the passport to the future, for tomorrow belongs to those who prepare for it today."

Education is, of course, the key to a bright future. And it is the vital ingredient in finding success and achieving the American Dream. While African Americans have come very far, educationally, there is still much work to do at the Federal, at the State, at the local, and at the family level to ensure that all of our students are learning and are being given the chance to succeed.

Today, Mr. Speaker, African American females, in particular, are achieving gains in education that were previously unheard of. Black females are graduating from college, graduate school, and post-graduate school at record levels. And this is something we can all be proud of and take comfort in.

However, Mr. Speaker, there are still many problems. Today, our Nation has more African American men in prison than in college. In many urban cities, Black males are dropping out of high school at a rate of 50 percent and even less are going to college.

One problem that many of our young students face is the issue of gun violence that pervades our community. Mr. Speaker, we have to make the schools and the neighborhoods that we live in safe for our students. We must address the gun violence that is plaguing so many of our communities.

African American males under age 30 are nearly nine times more likely to be murdered than a white male under age 30. African Americans make up only 13 percent of the population of our Nation but in 2001 suffered almost 25 percent of all firearms deaths, and 52 percent of all firearm homicides.

Mr. Speaker, just days ago, on May 10, a student, Blair Holt, was riding home from school on a public bus and was fatally shot while trying to shield a young female friend from a gunman's bullet. Blair Holt was an honor student with plans to attend college, and instead, his young life was prematurely taken for no reason at all. Mr. Speaker, this school year alone, 31 Chicago public school students have been murdered; 31 students have lost their lives; 31 students have not given their talents, their skills, and their abilities to make this world a better place.

While this statistic is true for the schools in my district, gun violence is all around. Gun violence is prevalent in so many of the communities all around this Nation. And we must put an end to this domestic terrorism that is destroying communities and making our constituents live in fear. As elected officials, it is incumbent upon us to enact legislation that would help reduce the flow of guns into our communities and help our struggling and frustrated law enforcement departments all across this Nation to keep track of those who possess guns and where those guns are.

I have introduced H.R. 2666, Blair's bill, which would implement a Federal gun licensing and registry program. This bill will help law enforcement track over 200 million guns that are too often ending up in the hands of criminals, young people, and gang members.

Mr. Speaker, H.R. 2666 is a step in the right direction. We must do all that we can for our Nation's children.

□ 1900

GETTING SMART ABOUT IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I have come down to this floor more than 200 times to hold the administration accountable for its actions in Iraq. Since then, we have seen it all, from freedom fries to "the surge." During these dog days of summer, however, we can't relent. We have to join together as never before because this administration is moving in new and even more dangerous directions in foreign policy. Let me give you an example.

Several weeks ago, the administration confirmed what I had been saying for the last 3 or 4 years; namely, that they are determined to maintain tens of thousands of American troops on permanent military bases in Iraq for many decades to come. To support this position, they draw an absurd comparison between the situation in Iraq and the situation in South Korea. South Korea, where U.S. troops have been stationed for more than 50 years. And then White House spokesman Tony Snow said U.S. troops may have to stay in Iraq indefinitely to perform what he called an over-the-horizon support role. Over-the-horizon support role. George Orwell couldn't have said it any better. Call it what it really is, Tony: Occupation.

Ever since the administration took us into Iraq, I have tried to get at the heart of what is wrong with this foreign policy, and I believe the answer is this: The administration's foreign policy has failed. It has failed because it sells America short. The administration believes that the only weapon we have to fight terrorism is military power, but by relying on military power alone and ignoring our many other strengths, they have made America much weaker, not stronger.

There is another answer: A much different look at diplomacy and foreign policy. First, we must reestablish our moral leadership and regain our standing in the global community by using diplomacy as our first and best resort, and war only as our last resort. President Roosevelt said that the Presidency is preeminently a place of moral leadership, and that is something this administration must learn.

Second, we must rebuild our international alliances. We may be a Superpower, but we don't have super powers like Spiderman. So, we need the help of other nations. International cooperation is by far the best way to dismantle terrorist networks, manage globalization, stop the spread of disease and global warming, and fight the poverty that is the breeding ground of terrorism.

Third, Mr. Speaker, we must stop using fear as an excuse to justify immoral wars, or as a bludgeon to crush dissent and trash our Constitution. Again, quoting President Roosevelt, the only thing we have to fear, he said, is fear itself. Well, this administration believes that without fear, they can't move their agenda.

Fourth, we must end our addiction to foreign oil that pumps billions of dollars into autocratic regimes and props them up. Let's get serious about sustainable energy. And let's export green technology instead of war.

Next, we must renew our commitment to nuclear nonproliferation. It is sheer hypocrisy to demand that Iran and North Korea halt their nuclear programs while we talk about developing new nuclear weapons of our very own.

And finally, we must take the money we are investing in war and reinvest it in what makes us truly strong: education, health care, jobs, child care, the environment, and nonviolent problem solving.

I have offered a national security plan myself which rests on these broad principles. It's called SMART, which stands for Sensible Multilateral American Response to Terrorism. SMART, H. Res. 227, is deadly serious about stopping acts of terrorism. It would beef-up our intelligence capabilities. It would enhance our efforts to cut off financing for terrorist organizations.

REDEPLOY FOR A SECURE AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, a little over 5 years ago, I was in the war in Afghanistan, first on the ground for a very short period of time, and then I returned in charge of an aircraft carrier battle group. I saw a just war.

Eighteen months later, I went back to Afghanistan, on the ground again, and saw what we had not accomplished because we had diverted our attention and our resources, our Special Forces, our Psychological Operation Forces, our Civil Affairs Forces, those and our attention were diverted to the tragic misadventure in Iraq.

To me, Afghanistan is a poster child for what we have failed to do, and that is to remain engaged throughout this world, to be ready here at home in order to provide for a strong defense in support of our diplomacy of engagement.

I am not antiwar. I am pro-security. And that is my concern, that Iraq is every day seriously degrading the strategic security of America. It is why I believe that there is a different strategy to redeploy from Iraq with a date that is certain, one that is out there in order to change the behavior of those nations in that region, give them a different incentive to work towards stability so that as we redeploy over a fixed timetable, we will leave behind a state that is fairly stable and that is not failing.

I believe, having been in Iraq with Senator HAGEL and having traveled throughout that country, that my belief is only reinforced that we can no longer provide the political and the military cover for the Iraqi leadership that has failed to step up to the plate, that has failed, being in control of 32 ministries in Baghdad, to stop pursuing personal ambition, establishing personal fiefdom as our soldiers provide them not only the military, but the political cover, not to take the challenging decisions that they must take.

But I also believe, beyond that it is wrong to double-down on a bad bet by putting more troops into what is a civil war and that our military cannot resolve, the best military in the world, I believe a date certain also changes the incentives, the structure of incentives to change the behavior of Iran and Syria.

Everywhere Senator HAGEL and I went in Iraq we heard that Iran has undue influence. Yes, they do. We're bleeding, bleeding profusely. But when I asked our senior political leader there, if we were to redeploy, does Iran want a failed state? The answer was, no, they don't. With a date certain and the confidence the United States should have, having dealt with the Soviet Union, having dealt with the People's Republic of China, bringing it into the world's community, we should have the confidence to deal with Iran and Syria. Bring them together to work, with a date certain as their incentive toward working on the extreme elements in Iraq as we work in the center to bring about an unfailed state that can only be brought about by a date that is certain to redeploy.

It took us 6 months to redeploy from Somalia, a much smaller contingency of forces. We have over 100,000 civilians in Iraq, in addition to our troops. I believe that the Democratic leadership, working with the Republicans, should work towards what the President said. We will not have an open-ended commitment. With a date certain, working together, we can, on an authorization bill, a bill that establishes a date beyond which no funding would be permitted for troops within Iraq, while we use appropriations bills to continue to fund our forces so that we do not ever again, as we did in the last month, place those forces, those whom we serve with, wearing the cloth of our Nation that we sent to war, that we never again play a game of chicken between us and the President.

Being in the military is a dangerous business. It has, as someone said, the dignity of danger. It does not, however, have to be unsafe. Fund them fully with a date that is certain in our authorization bill by which we must redeploy, with enough timeline that the nations there can be brought together under U.S. leadership to bring about, by the only possible means that it can be done, diplomacy, strong diplomacy, as we remain in the region on our bases in Amman, Qatar, Bahrain, carrier battle groups, disengage, reengage in Afghanistan as well as here at home and elsewhere around this world in order to bring about a stronger security for America.

THE BUSH-KENNEDY AMNESTY BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROHRABACHER. Mr. Speaker, it was a great victory for the American people when the Bush-Kennedy amnesty bill was withdrawn from consideration in the Senate 2 weeks ago with such a stinging rebuke from the voters, because we understand that the voters had contacted their elected Representatives in such number that the bill was no longer tenable. After that rebuke from the voters, one would think that the White House and the congressional leadership would have listened to the American people and concentrated on securing our borders and moving forward with those activities to secure our country, and forget about legalizing the status of 15 to 20 million people who are in our country illegally. Well, how wrong we were. Like a bad horror movie, the monster you thought had been killed is somehow being brought back to life. It's rearing its ugly head again in the sequel. Well, here it is, Nightmare on North Capitol Street, part two, starring the Bush-Kennedy amnesty bill. This time we need to drive a stake into the heart of this monstrous threat to the American people.

And what threat am I talking about? It is about time that the Washington elite and the elite of America's business community understand what impact this massive flow of immigration into our society has had on the life of the American people.

What we face in California and now throughout the country is a disintegration of our education system. Our schools, for which our children are dependent on their education and the future of their lives, are being diminished in terms of their capability of educating our children because there is a massive influx of children into our school systems, children who should not even be in this country.

We have a health care system that is in crisis. Today, we see in California and we see in other States as well the closing of emergency rooms. So American citizens whose children are out on the highways, if there is an accident, may now not be able to go to emergency rooms to get treated, to have their lives saved, where only a few short years ago, maybe 10 or 15 years ago, there was an emergency room to service that.

Why are these emergency rooms closing? Why is the health care system in our country breaking down? This massive influx of immigrants, illegal immigrants, into our society. In fact, many people today are not able to pay for their health care insurance. And why is health care so high? One of the major reasons health care insurance is so high is when American citizens go to hospitals in order to be treated, their health care policy, which is massively expensive, also has to take care of those people who have no health care insurance, many of whom, a large number of whom are of course illegal immigrants.

And what about our criminal justice system? Our criminal justice system in California is breaking down. It's being crowded to the point where if someone does commit a misdemeanor or a crime, even a violent crime at times, they are let out on bond or sometimes they are let out on their own recognizance because there is no place to put them. These criminals, many of whom have come here illegally into our country, end up coming here because they know the punishment here is nothing as compared to the countries from which they are coming from.

Our criminal justice system is not protecting our citizens. If someone in your family is raped or murdered or robbed or run down by a drunk driver, well, now it is highly likely that, or I should say that the chances are very good that the person who is victimizing our family is here illegally and should never be in the country in the first place.

And what about the wages of ordinary Americans? Ordinary Americans now find that, yes, when they get out of school, they expect to get good jobs and good paying jobs. But, no. What we have is, with the massive influx of people into our country who will work far below the wages that Americans will work for, they have bid down the wages of our people. Now, that may not mean too much to the top 10 percent or the elite of the business community, but that means everything, everything, to ordinary Americans who are struggling to make ends meet. Our elite has not been hurt, our elite has not been victimized, but ordinary Americans find themselves not being able to get the paying jobs that will help them pay what is necessary to be in a middle-class existence in this country.

□ 1915

At the same time, unfortunately, we see an unfortunate trend among corporate executives, especially among the CEOs of companies, in paying themselves 10, 20, 30, even $100 million in compensation at the same time that the wage level of average Americans is under attack by a massive influx of illegals which is supported by the business elite.

Whose side is our government on? Is it on the side of the business elite that is willing to lay their own workers off, giving themselves huge salaries, and then bringing on illegals or sending their manufacturing to China so that slave labor can do the job and then giving themselves huge corporate salaries? Are we on the side of people who are coming here from other countries who, yes, they are benefited by coming here at the expense of ordinary Americans?

It is no mistake that this is happening. All of these dire consequences that are going on is not something that just happened. It was not something that was unavoidable. What is happening is a product of bad policy, policy that is not something that has been a mistake in policy, but an intentional policy that has been in place for 20 years.

We now have 15 to 20 million illegal immigrants in our country. And that is not just something that happened. It happened because it was planned by those people who are making the policy in the last 20 years, people who were paying attention to the corporate elite, who want to bid down wages, and also to the liberal left wing of the Democratic Party which controls the Democratic Party who think that with huge numbers of immigrants coming into our country, they can change America.

Neither one of those two groups of people who have such enormous influence in the Capitol of the United States are representing or watching out for the American people.

Well, what we have done is given rewards to those people who have come here illegally. And then we wonder why they come here. They say, "Give it and they will come." Well, there is no doubt about it; we give a reward to people who live in poverty, abject poverty, in different countries. If we let them know they can have education benefits that should be going to Americans, but they now can get them for their children; if they know their children and their families will be given health care and health treatment with money that should be going to Americans; if they know that if they break the law that the penalties they face here are actually much lower than in the countries they are in; and if they know even if they are caught crossing our border and caught here illegally, they will not be punished, why wouldn't they come here?

This is not something that was unpredictable. We have 15 to 20 million people bidding down our wages, destroying our education system, destroying our health care system, making our streets and our communities not safe for our own families; and their presence here was not a mistake. It was planned out. Because people knew that if we give the benefits of jobs, good jobs, and the benefits that I just described that should be going to Americans, that people will come here from other countries.

No border protection will stop the massive flow of illegal immigrants into our country if we continue to give huge rewards, a treasure house of rewards, to those people who are coming here. Don't say that you want to strengthen the border because you really are serious about trying to stop illegal immigration if you are unwilling to cut off the benefits that are the lure, which are the magnet that bring people here.

Of course, there are those who claim that, who would like to say, well, yes, we really are concerned about this, and we're going to strengthen the Border Patrol. Let's just note that the Kennedy-Bush amnesty bill that was in the Senate suggested that they were going to strengthen the Border Patrol enforcement and enforcement mechanisms. Yet, everything in that bill that dealt with enforcement; strengthening the Border Patrol, strengthening the fence, strengthening the ability of employers to be held accountable if they hire illegals; all of those things are already law but have not been enforced.

In fact, it is even worse that they haven't been enforced. This administration has actually undermined the effort to try to enforce the laws against illegal immigration, and they have done everything they can. While the bill suggests they want to strengthen them, and the President has had his picture taken many times on the border with Border Patrol agents saying how important they are, yet there has been no other administration that has so demoralized and attacks our Border Patrol agents in doing their duty.

By now, most Americans understand that there are two Border Patrol agents that are languishing in prison as I give this speech. But there are many such Border Patrol agents, there are many such law enforcement officers, who this administration has thrown the book at in order to send a message to those law enforcement officers and those Border Patrol agents who are there on the border trying to deflect this massive invasion from our southern border, and this administration has thrown the book at them if they make any mistake. A police officer who makes a mistake, a Border Patrol officer who makes a mistake, now understands that he or she will be prosecuted to the extent of the law, and the benefit of the doubt will be given to the illegal alien, even if the illegal alien is a criminal involved in such things as drug smuggling.

What of course is brought to mind is the case of Ramos and Compean. As I speak today, Ramos and Compean languish in Federal penitentiaries, where they have been held for 133 days in solitary confinement.

Mr. and Mrs. America, do you understand that the people who went out there to protect our families have been prosecuted to the fullest extent of the law, while a drug dealer who they were trying to stop was given immunity in order to convict them of mistakes? And those mistakes were turned into what? Into felonies by this administration.

Johnny Sutton, who is the U.S. attorney, has a long-time relationship with our President. One might even call him a crony, or some might call him a member of the Bush family in that sense, that he has been with him for a long time. He is a protege of our President. This man determined that Ramos and Compean would be prosecuted to the fullest extent of the law and that the drug dealer that they stopped on the Mexican-American border would be granted immunity and that his word would be taken over the word of the Border Patrol agents.

What happened was that 2 years ago, these two Border Patrol agents who have unblemished records, these two Border Patrol agents who have 15 years of experience at the Border Patrol between them and a pristine on-the-job record, both of them U.S. military veterans, one of them a 10-year veteran of the Naval Reserves, these men were on the job and they saw a truck that had clearly come across the border. They tried to stop it. The man in the truck ran out. They intercepted him. A scuffle ensued. The man then, after being involved in a physical altercation with a police officer, began to run toward the border.

His version is they immediately shot him in the back. Of course, the U.S. attorney has repeated over and over again the lie that two U.S. Border Patrol agents shot a man in the back as he was running away. How many times have we heard Mr. Sutton say that? And then he also insinuated that the two Border Patrol agents are corrupt, using the word "corrupt."

This administration has backed up their prosecutor who used that rhetoric, who threw the book at the Border Patrol agents, even though the Border Patrol agents suggested there had been a physical altercation; that the man who was actually involved with them at that moment trying to smuggle $1 million worth of drugs into our country was turning, and the two Border Patrol agents suggested they thought they saw him turning with an object in his hand. The seconds were passing just like this. What do you think when you see someone who is trying to smuggle things across the border? You assume they are armed.

The Border Patrol agents, Ramos and Compean, shot at him, thinking that he was armed, and he got away. They didn't know if they had hit him or not. Well, the U.S. attorney took the word of the drug dealer that he didn't have a gun.

Now, first of all, how do we know that the drug dealer didn't have a gun? He had $1 million worth of drugs. Was he thus trying to smuggle all those very expensive drugs, was he trying to do this unarmed? Is that what the drug cartel does? No. If you have got a valuable shipment, generally the Border Patrol agents understand that people who are smuggling drugs are armed because they have something of great value. Their drugs were worth $1 million in this case. Should we assume that this man had a gun? I think that was a logical assumption.

What is more important is the only word that we have that he didn't have a gun was that the drug smuggler himself made that claim. Should we believe the drug smuggler over the two Border Patrol agents? That is what our prosecutor did.

That is the policy of this administration. This administration gave total immunity to the drug dealer and threw the book at the Border Patrol agents, who have risked their lives to protect our families. If they had been stopping a terrorist who had a truckload of nuclear material, a dirty bomb aimed at El Paso or some other city, these two Border Patrol agents would have been heralded as heroes. Instead, it was a Mexican, instead of an Arab terrorist, and the Mexican drug dealer was given immunity, and the Border Patrol agents are now languishing in prison, having been charged with attempted murder.

The jury in that trial, by the way, was lied to. They were told that the drug dealer had never done this before, even though newspaper accounts suggest that his family said he had been hauling drugs for a long time, since he was 14 years old, and that he indeed carried a gun many times when he was smuggling drugs.

This administration decided that they were going to prosecute not only the Border Patrol agents, but they were going to lie to the jury and portray the drug dealer as this is the only time he ever did it, and, guess what? He only did it because he needed to make money for his sick mother's medicine. That type of tripe was allowed to be told to the jury.

And let us note that three of the jurors after this was over broke down in tears when they were told that they could have actually voted not guilty, the foreman of their jury told them that if the majority voted guilty, they had to vote guilty.

Johnny Sutton, our U.S. Attorney, claims that he didn't have a choice. He did have a choice, and it reflects on this administration, and that choice was to prosecute our defenders and give the benefit of the doubt and immunity to a Mexican drug dealer. He had a choice of who to prosecute.

They also had a choice of whether they were going to tell the jury that this same drug dealer had been fingered for a second drug shipment, even after the Ramos-Compean incident, before they went to trial. But that was kept from the jury as well.

The U.S. attorney claims that Ramos and Compean were corrupt. Now he defends that saying, well, anybody who would shoot an unarmed man is corrupt. Well, let me tell you this, another bit of lawyer-like legalese that the American people can understand: The Border Patrol agents have no corruption in their background whatsoever. Yet the U.S. attorney is calling them corrupt.

□ 1930

Department of Homeland Security briefers who briefed Members of Congress on these two Border Patrol agents claimed they said "we are going to go out today and shoot some Mexicans." And kept that up for months and then had to admit it was a total lie.

Something is dreadfully wrong here. What is dreadfully wrong is we have a President who is trying to send a message to the Border Patrol agents that they should not use their weapons or they are going to be prosecuted. Well, if you can't use your weapons on the border, how are we going to protect the border? No drug dealer or smuggler or terrorist is going to stop. If a Border Patrol agent says stop, but I can't use my weapon, you have lost control of the borders over a nonsensical policy and it has resulted in two of our heroes languishing in solitary confinement.

This administration is so mean-spirited and so nasty that when one of the Border Patrol agents was beaten up by a Mexican gang in prison, they refused to even consider asking the judge to let them out on appeal, which even common criminals are let out on appeal. No, they went into solitary confinement, quote, "for their own protection."

My staff visited Agent Ramos who has been in solitary confinement for 133 days. He has lost 25–35 pounds. They are not giving him proper medical care. This man, who was part of the Naval Reserve for 10 years, who risked his life for us, put his life on the border trying to stop drug dealers from bringing drugs into our communities, and this President refused to even consider asking the judge to let them out on bond until their appeal is heard.

Why is that? My guess is the President has made an agreement with the Mexican Government that there will be no use of weapons on our border, and this is part of a bigger picture, bigger understanding, bigger vision of our President, that we should have an open border with Mexico so we can have a country sort of like the border between Belgium and France in the future.

How do we know that the President has bigger visions that he doesn't let us know about? He made an agreement with the Mexican Government to provide Social Security benefits to illegals who have worked here if we indeed ever legalize the status of those people who are illegally working in our country. So yes, we are going to provide Social Security. That is part of the totalization agreement. And for 2 years we couldn't get that information about that secret understanding between our President and Mexico until Freedom of Information Act lawsuits forced them to disclose that.

What other agreements do we have? One must be that we are not going to use our weapons on the border unless our people are shot at first. What does that do to control of the border? That means we have lost total control. The Border Patrol agents understand this. They have never been more demoralized. And you tell me that we should believe that the President is serious about this issue and that Senator KENNEDY and President Bush will indeed strengthen the Border Patrol when they have done everything in their power to demoralize the Border Patrol?

The bill that was being proposed in the Senate, that was withdrawn, had one purpose and one purpose only. It was not to strengthen enforcement or strengthen the Border Patrol or increase the number of beds for detention for illegal immigrants. All of those things were already done by law. And the bill that was being proposed actually decreased the amount of enforcement already mandated by law.

There was one purpose and that purpose was to legalize the status of 15–20 million people who are in our country illegally. The enhancement provisions of that bill were fraudulent because those provisions were already mandated by laws that have already passed and are not being enforced by this administration.

So the American people when they heard this and understood what was being presented to them, and we kept hearing we have to have a comprehensive bill. A "comprehensive bill" only means legalization. Enhancement is there to cover up the fact that legalization is what is going on.

The American people when they finally understood that, and thank God we have people on talk radio shows around this country who alerted the American people to the legislative threat that was coming down the pike, the American people rose up in a righteous rage and made sure that their Members of Congress and Members of the Senate were alerted to the fact they would not put up with this betrayal of their interests.

But the American people are up against an incredibly powerful adversary in Washington. It is an unholy alliance between business and the liberal left that controls the Democratic Party. The business community wants lower wages. The business community wants to bid down not only the wages of the illegal immigrants that are coming over, and not only will they pay fewer wages to them, but they actually can pay lower wages to the American people because having the presence of 20 million people here actually brings down the wage level that they have to pay to get the job done.

So you have the business community pushing for policies that will not inhibit the massive flow of immigrants into our society, and you have the liberal left who really believe that they want to change the fundamentals of America and that a massive flow of illegals into our country, or at least a presence of a large number of immigrants, is going to help them change America.

Well, the businessmen of course don't say that. That is not what officially is the reason. That is not officially how they can claim that they want to bring in people from other countries. They are claiming that they can't find Americans to do jobs. Before it was there are no Americans who will work at these jobs, and now they have changed the word that there aren't Americans who are working at these jobs.

Let me note that I believe the American people will work on any job as long as the pay is right. We have 60 million Americans of working age who are not working in this country. But we are being told by the business community we can't find anybody to do these jobs. The hotel industry, for example, tells us they can't find people to change the sheets and clean up the rooms at hotels. What we need to do is take a picture in our mind of these big hotels and how many people they employ and realize where these hotels are located. They are located mainly in urban areas. There are millions upon millions of American women, and also men, I might add, who would love to have a job that would permit them to drop their kids off at school at 8:00 or 9:00 in the morning and come back at 3:00 in the afternoon and pick them up. That just happens to be the time when you need people to work in those hotels.

But you know what, those American people who would love to take care of their children and increase the take-home pay of their family, they are not going to work for a pittance. What happens with the illegals that come in, they work for a pittance. The hotels don't have to give them health insurance, and the American people are taxed or their health insurance has to pay for those illegals and they won't take the jobs because the jobs are paying so little.

Yes, I believe we have plenty of people to clean those hotel rooms. Let's pay them a decent wage. There is nothing wrong in believing that people who clean hotel rooms should have a middle-class income.

We are told that we can't find people to work on the farms. The farmers say there is not enough labor. There is a large number of people who labor on farms, but there is, yes, a component of people that we have brought in from other countries. We don't need to bring in these people from other countries. But every time I mention there is an alternative, people scream and yell. There is a big smoke screen that comes up because everybody refuses to look at an idea honestly. Instead, they want to negate the argument without actually confronting the idea because there are millions of young men in particular who are able to work on the farms; and millions, by the way, are in prison.

I look to see where the prisons are located in this country, and they are almost all in farm areas. Is there any reason in the world that we should just have prisoners beefing up at the gymnasium and watching TV, that we can't also have them earning money that otherwise would be going to foreigners, let them earn the money. Let them pay half of it to pay for their keep so it brings down the cost to the taxpayers, and let them walk out of prison 5 years later with half of the money that they have made being paid a market value for helping pick fruits and vegetables.

I have talked to prisoners and people who work in the prisons. They all love this idea, but every time you bring it up in the Congress, no, you don't hear a logical argument against it. You just hear no, no, no, we can't do that.

I'm sorry, just raising your voice and saying that can't be considered is not good enough. The American people understand that prisoners can work. And we don't have to bring in millions of people from overseas to take those jobs.

Also, we, of course, understand that it is not just low-level jobs with massive numbers of immigrants coming into our society. The business community also tells us these are the jobs people won't take, supposedly. We need to bring in hundreds of thousands of people with H–1B visas to run computer systems and to be technical people. What's the matter, Americans won't do those jobs?

I went to a function a few years ago and I will never forget it. A middle-aged person stopped me, and said, Congressman, I came here because I wanted to talk to you. I wanted to thank you because you were the only one who really stood up and argued against the H–1B visas which brought in hundreds of thousands of people from the Indian subcontinent to do these computer jobs. He said, you said it is going to bring down the wages of the American people, and I have the newspaper quote. And he said, you know what, I was a computer operator in Orange County earning $80,000 a year. They laid me off and a year later when they called me back to the company, they said they were going to pay me $50,000. He said, I had the same job and I was earning $80,000. And they said take the job because we can get an H–1B visa person from India to take this job for $40,000 if you won't take it for $50,000. He said, I took the job.

And he said, Do you know, Congressman, what the difference between earning $50,000 and $80,000 is? When you earn $50,000 a year in Orange County, you never dream of owning your own home.

Why are we betraying people like this? Why are we bringing in hundreds of thousands of people from overseas rather than have the industry pay more money? No, no, they are keeping the wages down, bringing in people who will work for a pittance while the CEOs of these companies are paying themselves tens of millions of dollars a year. There is nothing wrong with paying a CEO a good salary, but you are doing that by destroying the middle class of our country by taking it out of the mouths of working people, honest Americans who are willing to work, but now you want them to work as if they are peons and people of lower income are coming from all over the world?

Well, I was just confronted by this again in the health care industry. People want me to agree to bring in 100,000 Filipino nurses or 100,000 Indian or Pakistani nurses into our country. Nurses make $65,000–$70,000 a year. Our junior college system in California, you know, how many nurses are we graduating from there? No, in my own city we have a junior college that has 25,000 students and they graduate 185 people from their nursing program a year, and they think that is a great thing. What about those other thousands of kids? They are getting prepared to do what, sell clothes at Nordstrom's, so they can be an assistant manager at a 7–Eleven store and earn $35,000?

We need to remold our educational efforts to make sure that our kids are equipped to do these jobs, whether it is in computers or whether it is health care, rather than bringing in hundreds of thousands of people from overseas. It is our kids who should be getting the jobs for $65,000 a year when they start. But no, our system would prefer, because the people in our system are lazy. They don't want to go through the heartache of trying to reform the structure because a lot of college professors, by the way, who teach sociology in junior colleges, refuse to let the people who are teaching health care to our nurses to make more money than they make, and of course a nurse makes more money than a sociology professor, but they can't do it in our schools. So instead of reforming our education system so we can have more nursing people, rather than going overseas, instead we are just going to go overseas and bring hundreds of thousands of Filipinos and Pakistanis and Indians in.

This is horrible. H–1B visas are nothing more than an excuse by big business to keep wages down and give these opportunities to foreigners rather than our own American people.

□ 1945

Our American people, especially the young people, are being betrayed by this type of policy and this type of thinking.

There is a war that is being waged on the middle class in this country. It's a war that's being waged, yes, by people on the liberal left who have a radical agenda, never believed in the American way of life in the first place, and yes, in the business community that has no loyalty to their American workers whatsoever.

We see it in the China policy, where businesses will go overseas and basically participate in slave labor in order to make a 20 percent profit rather than a 5 or 6 percent profit here in the United States paying people decent wages.

We end up having a government policy that subsidizes these businessmen to go overseas, especially in China. There are loan guarantee programs for people who invest in manufacturing facilities in China. This is outrageous. We transfer our technology and our skills to the Chinese people when their government is a dictatorship that is opposed to everything we believe in and represses their own people, especially the religious people.

But yet, we let our American business community ship our jobs and our technology over there at what? The businessmen make a lot of money. The business elite make their money for a few years, and in the end, the American people suffer. Their high-paying manufacturing jobs are gone, again, subsidized by the American taxpayer.

We can see it in the China policy. We can see it in our immigration policy. There is a war being conducted on the American middle class. And what do we have here? Our people work hard, and they have fought the battles for freedom, and they have fought the battles to make sure that the businessmen in this country have a right to private property. Yet, those people who send the jobs to China are bringing illegal immigrants to bring down wages. They do not care about the American people.

It is our job, supposedly our job, to watch out for the American people. However, we have various powerful interests at play right here in the Congress that are stirring us away from watching out for their interests. As I've said, we've got our health care system and our education system and our legal system are all under attack. Our Social Security system is under attack, and we are called bigots and hate mongers because we want to watch out for the American people.

There was some suggestions by very high government officials and high political people here that those of us who were opposed to this comprehensive amnesty bill that, in some way, we're not for doing right for America or that our hearts are filled with hate. Well, let me note this. It is not selfish for the American people to demand that the resources that we have in our country be used for their benefit and the benefit of their families. That's not selfishness.

If being an American citizen means nothing, it means nothing, how can we ever expect the people to go and defend our country? How can we expect the American people to think that there's something special about being an American if we give every benefit that belongs to them to someone who's come here illegally?

And let us note this. We don't hate the people who come here illegally. In fact, we have to note, yes, there are criminals that come here illegally. There are drug dealers, but 90 percent of the people who come here are probably very wonderful people. We would come here, too, but it is the job of the United States Government not to help good people who need help and would come here from all over the world. Our job is to watch out for the interests of the American people, and if that doesn't mean anything, why should the American people be loyal to us if we're not being loyal to them?

We're not saying that illegals are bad people. We just know that if they drain the education system, the health care system, if they come in and they're poor, they're going to take $100,000 in their lifetime more out of Social Security than they put in. It's going to bankrupt Social Security. Is there anything wrong with saying that we're going to watch out for our people first, our people being the people who are citizens of the United States and people who have come here legally?

And again, let me note this. Not only do we not think poorly of illegals, because we have to protect ourselves against diseases that are coming in, criminals that are coming in, yes, but by and large, illegal immigrants are trying to come here to better their families, but they're doing it at the expense of the American people.

However, let us note that the people who are the worst hurt on this are the legal immigrants. I had a telephonic town hall meeting last night, and the number of the people who called in to complain about illegal immigration are the people who came here legally, who are in this country legally, most of whom have become citizens.

This flood of illegals into our society is the worst threat to people who have come here legally, and once we legalize the status of the 15 to 20 million who have come here illegally, it is an insult and a slap at the legal people, also the people who are waiting overseas by the tens of millions to come here legally.

Now, we are not being bigoted. We're not being selfish. We're watching out for the interests of the American people, and there's nothing wrong with that, and the legal immigrants who are here fully understand, and we are not in any way anti-legal immigrant.

Well, what's happening, of course, the Americans who are worst hit are at the bottom end of the scale. Those people who are struggling in the black community to get these jobs and would like good paying jobs are being edged out by illegals. American citizens who happen to be black should pay attention to how their elected officials are voting on this illegal immigration issue. There's nothing more damaging to the black community than illegal immigration that denies benefits and jobs to our own citizens.

Also, the Mexican American community, proud Americans who happen to be of Mexican descent, they are being hurt because they're being stigmatized by a massive influx of illegals into our country from Mexico. It is wrong and they know that. Americans of Mexican descent are proud and patriotic people. They have earned more medals in defending our country than any other ethnic group in the United States. They are being hard hit. These are the people who would be the hardest hit by the Bush-Kennedy so-called comprehensive immigration reform bill.

What it is, of course, again is an immigration bill that the enforcement part is just a facade and a fraud, but the real purpose is to immediately legalize the status of 15 to 20 million people who are in our country illegally.

Let's note, in that bill what was proposed, and we have no idea what they're going to bring back at us, a Z visa would have had to have been issued to any illegal immigrant who was applying to get this visa that would give them a temporary status, but the temporary status would be a legal status, and they could renew that visa as many times as they want. There's no limit on how long they could stay here on a "temporary" visa, but the legal status permitted them to get all these benefits that legal citizens would get except for voting.

And what would happen? The people of our government were going to give only 24 hours to give a person who had applied to give them Z visas. How many tens of thousands of criminals, of people who are ill with communicable diseases, of terrorists would have been allowed to come into our country on a temporary status but renewably forever, had that happened, thank God that bill was held back. But that bill will come back again and is coming back again unless we rise up again and make our voices heard, because they are trying to bring back the illegal immigration bill that would have given amnesty to those 15 to 20 million illegals.

Now, let me note that there has been a bill that has been submitted by LAMAR SMITH, BRIAN BILBRAY and others that is a bill here in the House that is an example of the type of immigration reform that is real reform, which is aimed at enforcement, which is aimed at trying to make sure that employers can verify whether or not someone who's applying for a job is an illegal immigrant or not, and strengthening the border patrol and the agents and building a fence. This is in LAMAR SMITH's bill. That is a real bill. That is a bill we need.

And I would hope that the American people say we don't need a comprehensive bill, we need an enforcement bill. As I say, unless the American people are paying attention, and becoming involved in the process, those powerful interest works that are at play here, working against their well-being, will carry the day. That bill will come back. Unless we express our anger and our outrage over this betrayal of the interests of average Americans, it will pass, just as it was on line to pass before. Yet another attempt to try to get a bill through without the American people understanding what is in that bill and how threatening it is.

There is, of course, a lot of examples where the interests of our people are not being watched here in this Congress, and there's no doubt that there are interests at work. Unless the American people pay attention, those special interests will succeed.

One of the powerful influences in Washington right now is based on the concept of globalism. That's why we're trying to build up the economy of China, because this strategy is that we're going to have a global system of government and of trade and of economics. And that global system is a dream that is a driving force behind many of the policies that are so detrimental to our American people. Because if you watch out for the globe, that means that you're going to be taking from the American people.

By definition, our people, being in the richest country of the world, are going to be the targets that are selected to try to extract benefits from them and the wealth from them in order to have a better globe, a better world. Well, I want there to be a better world, but I'm not going to do it by taking away from the rights and the well-being of the American people.

What we've got here in the immigration bill and our China policies is a fight between those with a globalist approach versus a patriotic approach. It's the patriots versus the globalists. Now, we care about the other people in the world. Because we want to protect the interests of the American people doesn't mean that we are nasty and that we hate people.

But the people of the United States of America have a very special role to play in this world. We're people who come here from every race and every religion, every part of the world, and we have come here. We are living together, trying to live together in peace and harmony, trying to say to the world, as our Founding Fathers meant us to say in the Declaration of Independence, that people have rights of life, liberty and the pursuit of happiness and that we are here to show a better way.

If we diminish the well-being of the people of the United States of America, we take away from their opportunity in order to build up others. In order to build a vision of the globe, it will be a great disservice not only to the American people but to the people of the world.

It has been the American people that set the standard. It's been the American people who stepped out and defeated Japanese militarism and Nazism when it threatened the world. It's been the American people who have stepped out and defeated communism and deterred the communist expansion until that evil atheistic system had a chance to disintegrate. It is the American people now who bear the brunt of the war on radical Islam that would create Islamic dictatorships and treat women all over the world as cattle.

We are the ones who are protecting the world against these evils, and if the American people ever come to the point where they lose faith in our system because we have not been watching out for their interests, yes, it will be a horrible, a horrible outcome, not only for the people, not only for our country, but for the entire planet because the planet, the good and decent people of this planet, depend on us to show the way.

We cannot just forget that the Social Security benefits of our people will be damaged and be put in jeopardy if we allow poverty stricken people to flood into our country. We can't forget what it's going to do to the American people, what it will do to the United States. What is the United States? The United States is us, U.S.

In 1986, we, us, the United States, the people of the United States, were told that by granting amnesty to 3 million illegals, that would end the problem because there would be enforcement on employers and that would then stop this problem, and there was an irritation of having 3 million people here illegally.

☐ 2000

Well, today, we are told there are 11 million. Most of us believe it is more like 15 to 20 million illegals who live among us. What that means is that if we end up now, giving them legal status, we will have 50 million to 60 million illegals here win 10 years. We will have lost our country. America will be lost to people who have come here illegally from other countries.

Wake up, America. We are losing our country, and it is not just a mistake. There have been policies that have encouraged this invasion.

Now, we are told that those who are opposing this invasion of illegals into this country have no alternative. Oh, you are saying, well, you were opposed to legalization status.

Well, what's your option? There is an option. The most dishonest argument that has been presented is that we have to either legalize the status with amnesty, or we have to have massive deportation. That was the most dishonest approach that I have heard, except for someone who is trying to claim that the word "amnesty" doesn't mean what amnesty means.

Well, there is an alternative to mass deportation or just giving amnesty or legalization. It's called attrition. It means that when people come here, we should not provide them free education, free health care, free services. If their child is born here, they shouldn't become a U.S. citizen automatically, because, by the way when they do, automatically they get housing subsidies and everything else based on the idea that they have got a U.S. citizen in their household.

No, if you deny them those things and you deny them jobs, first of all, people will hear that overseas and they will quit coming. Those who are already here illegally will find it hard to get by, and eventually, slowly but surely they will eventually go home. It's called attrition. There is nothing wrong with that approach. It is not massive deportation, it is not legalization. It is the one thing that will work. It is an alternative.

Those people who present the so-called comprehensive plan have only one thing in mind, legalizing the status of those who are already here illegally, and that will result in 50 to 100 million more illegals coming to work for our country. Thus, what is the alternative? The only alternative is to strengthen our border, yes, strengthen our border, strengthen our visa system.

Most people don't understand that 40 percent of all illegals don't come from our southern border, 40 percent of them are coming in with visa ands just overstaying their visa. Again it was a conscious decision not to reform our visa system so we would know if someone who had come in has left.

Our system, right now, we don't know if they have left and gone home or not. We could have reformed that. But, instead, we did not because it was policy to bring in these illegals. Those who are talking about comprehensive approach, they are the ones who back that policy.

Now, we have an alternative. The alternative, attrition, the alternative is making sure that we strengthen the border, but then we deny benefits and jobs to those who are here. We can do this. This is a job that is not beyond our ability in this Congress to do. We could certainly build a fence, and we can certainly have enforcement mechanisms done right away, which is what the bill LAMAR SMITH has recently placed in the hopper.

Now, Americans need to pay attention to what's going on. They need to know the arguments. They need to know people, the arguments that people are making, who are trying to fool them, and they need to speak up. There needs to be the same kind of outcry that we heard about a month ago, because that's when the powers that be were back down on the Senate side with that amnesty, with the Bush-Kennedy amnesty legalization bill.

It's time to step up. We cannot count on the government to protect our interest, the elected officials. We all have to participate.

This is the United States of America versus those people who do not have the interests of the American people at heart. It's time for the patriots to be heard. We will lose this fight unless the patriots are heard.

I would now like to thank the Chair for permitting me this time and would call on the American people to be active, be patriots, and I am proud to serve them here in the United States Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Ms. KILPATRICK, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 26.

Mr. BURGESS, for 5 minutes, June 20.

Mr. JONES of North Carolina, for 5 minutes, June 26.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SESTAK, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 20, 2007, at 10:00 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2254. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2006, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

2255. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, covering the fiscal year from October 1, 2005, through September 30, 2006, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

2256. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2257. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to impose new foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 3, 2006; to the Committee on Foreign Affairs.

2258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the seventh annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on Foreign Affairs.

2259. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services and defense articles to the Government of Canada (Transmittal No. DDTC 061-07); to the Committee on Foreign Affairs.

2260. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coast Guard Academy Commencement, New London, CT [CGD01-01-049] (RIN: 1625-AA87) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2261. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Atchafalaya River, Berwick Bay, Berwick Bay, LA. [CGD08-06-023] (RIN: 1625-AA11) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2262. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: ULHRA Hydroplane Races, Howard Amon Park, Richland, Washington. [CGD13-07-013] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2263. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Manasquan River, Brielle, NJ [CGD05-07-056] (RIN: 1625-AA-09) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2264. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water; Technical, Organizational and Conforming Amendment [USCG-2007-28201] (RIN: 1625-ZA13) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2265. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 107th National Convention of the Veterans of Foreign Wars of the United States, held in Reno, Nevada, August 26-August 31, 2006, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 110–40); to the Committee on Veterans' Affairs and ordered to be printed.

2266. A letter from the Commissioner, Social Security Administration, transmitting a copy of a draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program.; to the Committee on Ways and Means.

2267. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's assessment of the FY 2008 President's Budget Request for science and technology, as required by Section 217 of the John Warner National Defense Authorization Act for Fiscal Year 2007; jointly to the Committees on Armed Services and Science and Technology.

2268. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2004 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and Labor.

2269. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department's notification of its intention to use unobligated International Military Education and Training (IMET) funds appropriated for Montenegro, pursuant to Public Law 108-447; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. WASSERMAN SCHULTZ: Committee on Appropriations. H.R. 2771. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS (FL): Committee on Rules. House Resolution 498. Resolution providing for consideration of the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–199). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 923. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; with an amendment (Rept. 110–200). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. Rahall, Ms. Woolsey, Mr. Murtha, Mr. Kucinich, Mr. Chandler, Mr. Hare, Mr. Bishop of New York, Mr. Mollohan, Mr. Payne, Mr. Holt, Mr. Sarbanes, and Mr. Yarmuth):

H.R. 2768. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. Rahall, Ms. Woolsey, Mr. Murtha, Mr. Kucinich, Mr. Chandler, Mr. Hare, Mr. Bishop of New York, Mr. Mollohan, Mr. Payne, Mr. Holt, Mr. Sarbanes, and Mr. Yarmuth):

H.R. 2769. A bill to establish improved mandatory standards to protect and enhance the health of miners; to the Committee on Education and Labor.

By Mr. TOWNS (for himself and Mr. Whitfield):

H.R. 2770. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. Sam Johnson of Texas, Mr. Culberson, Mr. Paul, Mr. Hall of Texas, Ms. Granger, Mr. McCaul of Texas, Mr. Meek of Florida, Mr. Burgess, Mr. Poe, Mr. Edwards, Mr. Marchant, Mr. McGovern, Mr. Delahunt, and Mr. Hinojosa):

H.R. 2772. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 2773. A bill to enhance research, development, demonstration, and commercial application of biofuels related technologies, and for other purposes; to the Committee on Science and Technology.

By Ms. GIFFORDS:

H.R. 2774. A bill to support the research, development, and commercial application of solar energy technologies, and for other purposes; to the Committee on Science and Technology.

By Mr. OBERSTAR (for himself and Ms. NORTON):

H.R. 2775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. McNULTY, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Ms. SCHWARTZ, and Mr. DAVIS of Alabama):

H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; to the Committee on Ways and Means.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 2777. A bill to provide for the acquisition of five isolated parcels of land owned by the State of Utah, under the control of the Utah National Guard, and withdrawn for military use as part of Camp Williams, Utah, in exchange for a consolidated parcel of public land of approximate equal value, also within the boundaries of Camp Williams, necessary for future military mission training; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mrs. MALONEY of New York, Mr. HIGGINS, Mr. TOWNS, Mr. CROWLEY, Mr. KUHL of New York, Mr. McHUGH, Mr. HALL of New York, Mr. ACKERMAN, Mr. NADLER, Mr. FOSSELLA, Mr. BISHOP of New York, Mr. ENGEL, Ms. CLARKE, and Mrs. GILLIBRAND):

H.R. 2778. A bill to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station"; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida (for himself, Mr. HASTINGS of Florida, Ms. CASTOR, Mr. BOYD of Florida, Mrs. DRAKE, Mrs. DAVIS of California, and Mr. CALVERT):

H.R. 2779. A bill to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors; to the Committee on Armed Services.

By Mr. MORAN of Virginia:

H.R. 2780. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H.R. 2781. A bill to award a congressional gold medal to Ray Charles in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 2782. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Ms. LEE, Ms. MATSUI, Mr. McNERNEY, Mrs. NAPOLITANO, Mr. FILNER, Mr. STARK, Mr. GEORGE MILLER of California, Mr. LANTOS, Ms. ESHOO, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. THOMPSON of California, Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Ms. WATSON, and Mr. FARR):

H.R. 2783. A bill to amend title 23, United States Code, to provide for mass transportation services that provide temporary substitute highway traffic service as a result of an emergency; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. CHABOT, Mr. PENCE, Mr. TANCREDO, Mr. PITTS, and Mr. HONDA):

H. Res. 497. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer and Canadian citizen Huseyin Celil and should refrain from further engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas (for himself and Mr. KING of New York):

H. Res. 499. A resolution expressing the sense of the House of Representatives that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

81. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 83 memorializing the Congress of the United States to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill; to the Committee on Agriculture.

82. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 115 urging the President of the United States and the Congress of the United States to enact legislation to provide additional funding for ALS research; to the Committee on Education and Labor.

83. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 91 urging the President of the United States and the Congress of the United States to fulfill the commitment of the Individuals with Disabilities Education Act to provide resources equal to forty percent of the national average per pupil expenditure for special education students for each Pennsylvania student with special needs; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. CASTOR, Mr. KILDEE, Mr. WEXLER, and Mr. KIND.

H.R. 241: Mr. ENGLISH of Pennsylvania and Mr. JORDAN.

H.R. 293: Mr. CUMMINGS.

H.R. 435: Ms. BERKLEY.

H.R. 550: Mr. PAUL, Ms. HIRONO, Mr. WAXMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. MEEHAN, Mrs. MALONEY of New York, Mrs. GILLIBRAND, and Ms. WOOLSEY.

H.R. 601: Ms. KAPTUR.

H.R. 624: Mr. BLUMENAUER, Mr. ABERCROMBIE, and Ms. SCHAKOWSKY.

H.R. 690: Mr. EVERETT.

H.R. 695: Mrs. MALONEY of New York.

H.R. 715: Mr. LANTOS, Mr. RANGEL, and Mr. MORAN of Virginia.

H.R. 741: Mr. HONDA.

H.R. 767: Mr. FARR.

H.R. 772: Mr. COHEN.

H.R. 777: Mr. HASTINGS of Florida and Mr. STARK.

H.R. 782: Mr. TIM MURPHY of Pennsylvania and Mr. SHULER.

H.R. 822: Mr. KUCINICH.

H.R. 873: Mr. CLEAVER.

H.R. 954: Mr. FOSSELLA and Mr. REYNOLDS.

H.R. 971: Mr. BARROW and Mr. CROWLEY.

H.R. 980: Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. KELLER, MR. JACKSON of Illinois, Mr. NEAL of Massachusetts, Mrs. LOWEY, MR. HUNTER, Mr. LANGEVIN, Mr. BECERRA, and Mr. LYNCH.

H.R. 983: Mr. BAIRD.

H.R. 989: Mr. SOUDER.

H.R. 1023: Mr. SPACE, Mr. DAVIS of Kentucky, and Mr. BILBRAY.

H.R. 1032: Mr. SALAZAR.

H.R. 1049: Mr. McCOTTER.

H.R. 1055: Mr. MEEHAN.

H.R. 1105: Mr. SNYDER.

H.R. 1108: Ms. KILPATRICK.

H.R. 1110: Mr. McDERMOTT.

H.R. 1125: Mr. PICKERING, Mr. HERGER, Mr. DAVIS of Alabama, and Mr. STEARNS.

H.R. 1188: Mr. HONDA.

H.R. 1192: Mr. RAHALL, Mrs. NAPOLITANO, and Mr. BOUCHER.

H.R. 1224: Mr. RAHALL.

H.R. 1245: Mr. BRADY of Pennsylvania.

H.R. 1264: Mr. STUPAK, and Ms. VELÃZQUEZ.

H.R. 1302: Mr. WAXMAN, Mrs. CAPPS, Mr. SHULER, Ms. LEE, Mr. FATTAH, and Ms. NORTON.

H.R. 1418: Mr. HAYES, Mr. BISHOP of Georgia, Mr. CAPUANO, and Mr. SESSIONS.

H.R. 1422: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1428: Mr. DAVIS of Illinois.

H.R. 1439: Mrs. CAPITO.

H.R. 1459: Mr. SALI, Mr. SNYDER, and Mr. MOLLOHAN.

H.R. 1481: Mr. BRADY of Texas and Mr. FORBES.

H.R. 1498: Mr. HONDA.

H.R. 1527: Mr. PETERSON of Minnesota.

H.R. 1537: Mr. BILIRAKIS.

H.R. 1589: Mr. JOHNSON of Georgia, Mr. CALVERT, and Mr. FILNER.

H.R. 1687: Mr. RYAN of Ohio.

H.R. 1707: Mr. BISHOP of New York and Mr. HILL.

H.R. 1718: Ms. WATSON.

H.R. 1742: Mr. JOHNSON of Illinois.

H.R. 1748: Mr. CARNEY, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. MCGOVERN, and Mr. BRADY of Pennsylvania.

H.R. 1754: Mr. LAMPSON.

H.R. 1818: Mr. LEWIS of Georgia.

H.R. 1823: Ms. NORTON, Mr. JINDAL, and Ms. SLAUGHTER.

H.R. 1845: Mr. WELCH of Vermont, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. COURTNEY, Mrs. BLACKBURN, Mr. PORTER, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. RAHALL, Mr. GONZALEZ, Mr. BOUCHER, Mr. CARNEY, Mr. DAVIS of Kentucky, Ms. BERKLEY, and Ms. SUTTON.

H.R. 1852: Mr. ETHERIDGE.

H.R. 1876: Mr. BROWN of South Carolina and Mrs. CHRISTENSEN.

H.R. 1889: Mr. HINCHEY.

H.R. 1924: Mr. BOUSTANY.

H.R. 1926: Mr. COHEN and Mr. BRADY of Pennsylvania..

H.R. 1938: Mr. ELLISON and Mr. SCHIFF.

H.R. 1969: Mr. FEENEY.

H.R. 1971: Mr. PLATTS.

H.R. 1983: Mr. ROTHMAN and Mr. BRALEY of Iowa.

H.R. 2003: Mr. WU.

H.R. 2049: Mr. LEVIN.

H.R. 2052: Mr. GORDON, Mrs. CAPITO, Mr. DAVIS of Illinois, Mr. ISRAEL, Mrs. CAPPS, and Mrs. GILLIBRAND.

H.R. 2060: Mr. HASTINGS of Florida.

H.R. 2063: Mrs. CAPPS, Mr. NEAL of Massachusetts, and Ms. DEGETTE.

H.R. 2108: Mr. RANGEL.

H.R. 2116: Mr. REGULA and Mr. CARNAHAN.

H.R. 2129: Mr. COURTNEY, Mr. WU, and Mr. BISHOP of Georgia.

H.R. 2139: Mr. JONES of North Carolina and Mr. ETHERIDGE.

H.R. 2161: Mr. TIBERI.

H.R. 2165: Mr. ETHERIDGE.

H.R. 2169: Mr. LEVIN.

H.R. 2183: Mr. GOODE, Mr. LAMBORN, Mr. CANTOR, Mr. BURGESS, and Mr. SOUDER.

H.R. 2211: Mr. FARR and Mr. DAVIS of Illinois.

H.R. 2225: Mr. BERMAN.

H.R. 2234: Ms. CARSON, Mr. BISHOP of New York, Mr. KAGEN, and Mr. YOUNG of Alaska.

H.R. 2236: Mr. MORAN of Virginia.

H.R. 2262: Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. HONDA, Mrs. CAPPS, Mr. GONZALEZ, and Mr. STARK.

H.R. 2265: Mr. PAYNE and Mr. MEEKS of New York.

H.R. 2289: Ms. WOOLSEY and Ms. LEE.

H.R. 2290: Ms. JACKSON-LEE of Texas.

H.R. 2298: Ms. BERKLEY and Mr. SCHIFF.

H.R. 2303: Mr. BISHOP of New York.

H.R. 2304: Mr. MARSHALL and Mr. SCHIFF.

H.R. 2327: Mr. RAMSTAD and Mr. SCHIFF.

H.R. 2353: Mr. MORAN of Virginia, Mrs. DAVIS of California, and Mr. SMITH of New Jersey.

H.R. 2384: Mr. HOLT and Mr. ALTMIRE.

H.R. 2425: Mrs. CAPITO.

H.R. 2443: Mr. PASTOR, Mrs. BLACKBURN, and Ms. SUTTON.

H.R. 2449: Mr. FRANK of Massachusetts and Mr. GRIJALVA.

H.R. 2477: Mr. PLATTS and Ms. DELAURO.

H.R. 2480: Mr. KAGEN.

H.R. 2481: Mr. KAGEN.

H.R. 2495: Mr. GOODE.

H.R. 2508: Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, and Mrs. BOYDA of Kansas.

H.R. 2526: Mr. NADLER.

H.R. 2537: Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. SAXTON, and Mr. MEEKS of New York.

H.R. 2539: Mr. BLUMENAUER.

H.R. 2549: Mr. KIND, Mr. BUTTERFIELD, and Mr. LARSON of Connecticut.

H.R. 2566: Mrs. CHRISTENSEN.

H.R. 2572: Mr. BRADY of Pennsylvania, Mr. HINOJOSA, and Mr. JEFFERSON.

H.R. 2574: Mr. ALTMIRE.

H.R. 2585: Mr. MILLER of Florida.

H.R. 2588: Mr. SHIMKUS.

H.R. 2599: Mr. HINOJOSA and Ms. WOOLSEY.

H.R. 2602: Mr. KILDEE, Mr. CONYERS, Mr. CAMP of Michigan, Mr. ROGERS of Michigan, Mr. UPTON, and Mr. MCCOTTER.

H.R. 2611: Mr. LAHOOD.

H.R. 2612: Mr. KAGEN.

H.R. 2621: Mr. PLATTS.

H.R. 2630: Ms. ZOE LOFGREN of California and Mr. LOEBSACK.

H.R. 2634: Mr. BLUMENAUER, Mr. CLAY, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, and Mr. WU.

H.R. 2677: Mr. FILNER, Mr. JEFFERSON, Mr. HINOJOSA, Mr. COHEN, Mr. GORDON, and Mr. SHAYS.

H.R. 2693: Ms. ROYBAL-ALLARD, Mr. LOEBSACK, and Mr. HOLT.

H.R. 2707: Ms. WOOLSEY and Mr. BRADY of Pennsylvania.

H.R. 2712: Mr. GALLEGLY.

H.R. 2715: Mr. INSLEE and Mr. VAN HOLLEN.

H.R. 2720: Mr. DEFAZIO.

H.R. 2727: Mr. MCCOTTER and Mr. PASCRELL.

H.R. 2729: Mr. BISHOP of Georgia and Mr. MCNULTY.

H.R. 2734: Mrs. CAPITO, Mr. PLATTS, Mrs. MUSGRAVE, Mr. GOODE, and Mr. HUNTER.

H.R. 2765: Mr. GERLACH, Mr. ALTMIRE, Mr. HOLDEN, and Mr. MURTHA.

H.J. Res. 3: Mr. RANGEL, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, and Mr. TIAHRT.

H.J. Res. 39: Ms. WOOLSEY.

H.J. Res. 40: Mr. RODRIGUEZ.

H. Con. Res. 24: Ms. NORTON.

H. Con. Res. 75: Mr. HILL.

H. Con. Res. 81: Mr. BRADY of Pennsylvania.

H. Con. Res. 108: Mr. MCCOTTER, Ms. ZOE LOFGREN of California, and Mr. CONYERS.

H. Con. Res. 120: Mr. SIMPSON.

H. Con. Res. 122: Ms. WOOLSEY.

H. Con. Res. 147: Mrs. CAPPS, Mrs. MCMORRIS RODGERS, and Mr. FALEOMAVAEGA.

H. Con. Res. 162: Mr. KAGEN, Mr. DONNELLY, Mr. DELAHUNT, Mr. LOEBSACK, and Ms. GIFFORDS.

H. Res. 111: Mr. TAYLOR, Mr. BISHOP of Georgia, and Mrs. BONO.

H. Res. 121: Mr. AL GREEN of Texas and Mr. FALEOMAVAEGA.

H. Res. 143: Mr. BAIRD, Mr. ALLEN, and Mr. HILL.

H. Res. 145: Mrs. NAPOLITANO, Mr. SALAZAR, Mr. CAPUANO, Mr. CARDOZA, Mr. FILNER, Mr. HINCHEY, Mr. LEWIS of Georgia, Ms. WATSON, and Ms. ESHOO.

H. Res. 146: Mr. BRADY of Pennsylvania.

H. Res. 238: Mr. BLUMENAUER, Mr. GRIJALVA, Mr. PAYNE, Mr. BERMAN, Mr. ENGEL, Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, and Mr. STARK.

H. Res. 241: Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Ms. KILPATRICK, and Ms. NORTON.

H. Res. 282: Mr. HALL of New York and Mr. LEVIN.

H. Res. 358: Mr. POE, Mr. BRADY of Pennsylvania, Ms. SUTTON, and Mr. NEUGEBAUER.

H. Res. 415: Ms. MATSUI.

H. Res. 426: Mrs. JO ANN DAVIS of Virginia.

H. Res. 442: Mr. UDALL of Colorado.

H. Res. 447: Mr. HONDA.

H. Res. 467: Mr. KAGEN, Mr. FERGUSON, and Mr. ALLEN.

H. Res. 477: Mr. ELLISON.

H. Res. 482: Mr. MCNULTY, Mr. ACKERMAN, Mr. MCHUGH, and Mr. WILSON of South Carolina.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2641

OFFERED BY: MR. WESTMORELAND

AMENDMENT NO. 28: Page 2, line 18, after the dollar amount, insert "(reduced by $30,000,000)".

H.R. 2641

OFFERED BY: MR. PORTER

AMENDMENT NO. 29: Page 21, strike line 22 and all that follows through page 24, line 9.

H.R. 2641

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 30: At the end of the bill (before the short title), insert the following:

SEC.   . Appropriations made in this Act are hereby reduced in the amount of $1,130,000,000.

H.R. 2641

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 31: At the end of the bill (before the short title), insert the following:

SEC. ___. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3.5 percent.

H.R. 2641

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 32: At the end of the bill, before the short title, insert the following new section:

SEC. 503. Of the amount made available for electricity delivery and energy reliability activities of the Department of Energy, $2,000,000 shall be for carrying out the authorities provided in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256).

H.R. 2641

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 33: Page 17, line 3, insert ", of which $2,000,000 shall be used to study the feasibility of establishing Energy-Advanced Research Project Agency to target acceleration of energy-related research; development of resultant techniques, processes, and technologies, and related testing and evaluation; and demonstration and commercial application of promising technologies and research applications" after "until expended".

H.R. 2641

OFFERED BY: MR. STEARNS

AMENDMENT NO. 34: Page 17, line 14, after the dollar amount insert "(reduced by $20,000,000)(increased by $20,000,000)".

H.R. 2764

OFFERED BY: MR. WEINER

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

PROHIBITION AGAINST ASSISTANCE TO SAUDI ARABIA

SEC. ___. None of the funds appropriated or otherwise made available pursuant to this Act—

(1) shall be obligated or expended to finance any assistance to Saudi Arabia; or

(2) shall be used to execute a waiver of section 571 or 614 of the Foreign Assistance Act

of 1961 (22 U.S.C. 2349aa or 2364) with regard to assistance to Saudi Arabia.

H.R. 2764

OFFERED BY: MS. MOORE OF WISCONSIN

AMENDMENT NO. 3: In section 620 of the bill (relating to special notification requirements), strike "Liberia,".

H.R. 2764

OFFERED BY: MR. GINGREY

AMENDMENT NO. 4: At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used for negotiating the participation of additional countries under the visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

H.R. 2764

OFFERED BY: MR. WEINER

AMENDMENT NO. 5: In section 699 of the bill (relating to assistance for Egypt), strike "until the Secretary of State" and all that follows and insert a period.

H.R. 2764

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

DEFICIT REDUCTION

SEC. . It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2764

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following new section:

LIMITATION ON ASSISTANCE FOR THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

SEC. 6xx. None of the funds made available in this Act may be used for programs at the Western Hemisphere Institute for Security Cooperation located at Fort Benning, Georgia.

H.R. 2764

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following new section:

SEC. 700. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2764

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 9: Page 72, line 5, after the dollar amount, insert the following: "(increased by $24,000,000) (reduced by $34,700,000)".

H.R. 2764

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following new section:

LIMITATION ON USE OF FUNDS RELATING TO RESTRICTIONS ON RELATIONS WITH TAIWAN

SEC. 6xx. None of the funds made available in this Act may be used to enforce any of the provisions in the Memorandum to all Department and Agency Executive Secretaries dated, February 2, 2001, and entitled "Guidelines on Relations With Taiwan".

H.R. 2764

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 11: At the end of the bill, before the short title, insert the following new section:

SEC. . None of the funds made available in this Act may be used to carry out the diversity visa program under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 2764

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 12: At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be expended in violation of section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) (relating to discontinuing granting visas to nationals of countries denying or delaying accepting aliens removed from the United States).

H.R. 2764

OFFERED BY: MR. WEINER

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide assistance for the West Bank and Gaza. The limitation on assistance under this section shall not apply with respect to humanitarian assistance, including assistance to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

H.R. 2764

OFFERED BY: MR. WEINER

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following new section:

LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 6xx. None of the funds appropriated under titles II through V of this Act may be obligated or expended to provide any assistance for the West Bank and Gaza.

H.R. 2764

OFFERED BY: MR. WOLF

AMENDMENT NO. 15: Page 2, line 22, after the dollar amount, insert "(reduced by $108,000,000)".

Page 9, line 23, after the dollar amount, insert "(reduced by $50,000,000)".

Page 40, line 26, after the dollar amount, insert "(increased by $140,000,000)".

Page 58, line 18, after the dollar amount, insert "(increased by $16,000,000)".

Page 63, line 23, after the dollar amount, insert "(increased by $2,000,000)".

H.R. 2764

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 16: Page 10, line 17, insert before the semicolon the following: ", including the prosecution in their home countries of such individuals in connection with such acts".

H.R. 2764

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—Of the funds appropriated in this Act under the heading "Foreign Military Financing Program", not more than $250,000,000 may be made available for Pakistan.

(b) CORRESPONDING TRANSFER OF FUNDS.—The amounts otherwise provided by this Act are revised by increasing the amount made available for "United States Emergency Refugee and Migration Assistance Fund", and reducing the amount made available for "Foreign Military Financing Program", by $50,000,000.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 18: Page 5, line 20, after the dollar amount, insert "(reduced by $55,729,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 19: Page 52, line 7, after the dollar amount, insert "(reduced by $1,203,480,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 20: Page 8, line 11, after the dollar amount, insert "(reduced by $203,082,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 21: Page 50, line 9, after the dollar amount, insert "(reduced by $13,860,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 22: Page 70, line 24, after the dollar amount, insert "(reduced by $27,563,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 23: Page 50, line 20, after the dollar amount, insert "(reduced by $47,700,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 24: Page 9, line 17, after the dollar amount, insert "(reduced by $195,000,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

None of the funds in this act may be used to provide engineering services to water and sanitation programs in India, to enhance its relationship with the University of Belgrade and to enhance its relationship with the Mongolia University of Science and Technology.

H.R. 2764

OFFERED BY: MR. JORDAN

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $2,956,000,000.

H.R. 2764

OFFERED BY: MS. HERSETH SANDLIN

AMENDMENT NO. 27: At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to carry out the diversity visa program under sections 201(e), 203(c), or 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1151(e), 1153(c), and 1154(a)(1)(I)).

SENATE—*Tuesday, June 19, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, the heavens proclaim Your glory, and the skies display Your craftsmanship. We thank You today for those who positively touch our lives. Thank You for mothers and fathers who make good homes and guide us to ethical maturity. Thank You for friends who help to make life beautiful as they inspire us to show great love. Thank You also for loved ones who through personal sacrifices have given us a great heritage. Thank You for our Senators who labor diligently to keep our country strong. May the words they speak this day and the thoughts they think be pleasing to you, Oh, Lord, our Rock, and our Redeemer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 19, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will be in a period of morning business for an hour, the time equally divided and controlled between the two leaders. Republicans will control the first half and the majority controls the final 30 minutes.

The reason we did not go immediately to the bill at this time is there is a very important markup taking place in the Finance Committee dealing with the Energy bill, particularly the tax portions of the Energy bill. It is my understanding that Senators BOXER and GRASSLEY, with other members of the committee, have worked out a bipartisan measure they will bring to the floor as an amendment in the immediate future and it will be done today.

Once morning business closes, the Senate will then immediately resume consideration of the Energy bill about which I referred. Under our order of yesterday, the Senate will debate the Bunning and Tester amendments for a total of 2½ hours.

ORDER OF PROCEDURE

I ask unanimous consent that the time for debate for these two amendments this morning be equally divided and controlled as previously ordered until 1 p.m., and that the Senate then recess until 2:15; that at 2:15, the remaining debate time also be equally divided and controlled, with the other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The agreement just entered now delays the conference recess period until 1 p.m. Following disposition of those two amendments this afternoon, the Senate will then debate three more amendments with the total debate time up to 90 minutes. Votes on these amendments will occur upon the use or yielding back of that time, so Members should expect two votes around 3 to 3:15, and then three more votes around 5:30.

I have conferred in detail with the distinguished Republican leader going over the schedule. I have told Democratic Senators, and I will repeat this at the caucus, we have a lot to accomplish before this work period ends. We have to complete the energy legislation, we have to complete work on the immigration bill, and we have to start defense authorization in some manner, recognizing that we will not have a lot of time on that.

It is up to the individual Senators as to how much time we take. If all time is used—as I said, I have gone over this in detail with the Republican leader and our staffs—we will not be able to finish until Saturday, a week from this Saturday, sometime in the evening. That would mean we would have to be in session this weekend. Maybe we have some people who may not object to one or two things. That being the case, we may not have to be in on Sunday this week. But everyone should understand, we have a lot of important votes. We have people running for President on both sides of the aisle. They should plan on being here, because their votes could make the difference. The energy legislation is extremely important. There are three issues that are the main focus of this legislation, by the business community, the environmental community, and the press. That is coal to liquids—that matter is going to be resolved this afternoon, hopefully; CAFE, which hopefully will be resolved in the next 24 hours; and then we have the renewable portfolio standards we are always working on. We hope we can get that done in some manner. There are other important amendments, but I mentioned the top three. We have what we have to complete prior to the July 4 recess. It is up to us how much time we take. If we happen to finish this conglomeration of legislation earlier, it would be to the good of the order, but if we aren't able to do that, we are going to have to stay here, which would be sometime Saturday evening.

MEASURE PLACED ON THE CALENDAR—S. 1639

Mr. REID. Madam President, I understand that S. 1639 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Mr. REID. I would object to further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under rule XIV, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee, and the second half of the hour controlled by the majority leader or his designee.

Who seeks recognition?

The Senator from Georgia.

EMPLOYEE FREE CHOICE ACT

Mr. ISAKSON. Madam President, it is my understanding that at some point in time in the near future we will have a bill brought to the floor known as the Employee Free Choice Act. I thought this morning I would take a few minutes to discuss the Employee Free Choice Act, what I think it means, why I think it is here, but why we are where we are today in America in terms of labor and management relations.

At the beginning of the last century, the Industrial Revolution began in full force. As a byproduct of it, America went to a manufacturing society, a creative society. Business flourished—textiles, automobile production, manufacturing of all types.

Out of that came huge employment opportunities. Out of it came large companies, and out of it, unfortunately, came abuse of workers. In the 1920s it became obvious something had to be done. In 1935, this Congress and the President then signed the Wagner Act, which created the National Labor Relations Board, and for 72 years since then, our country has flourished under the rules and regulations of the National Labor Relations Board, and addressing the rights of workers.

It also created the opportunity for workers to join together, to unionize, to collectively bargain, and to negotiate. It has served America well. What has happened over those 72 years is the creation of a plethora of worker benefit programs backed by the U.S. Government. Prior to 1935, there was little if any federal worker protection laws. Out of that grew the demand for organization and ultimately unions, and out of that came the Wagner Act. Since then have come the following: OSHA, the Occupational Safety and Health Administration; the National Labor Relations Board; the Equal Employment Opportunity Commission; a new minimum wage, recently raised on the signature of the President here; the adverse effect wage rate, to protect those who come to this country and work as immigrants, to ensure they are not taken advantage of; workers compensation, a universal plan to make sure that workers in high-risk jobs have compensation for injuries they incur in the workplace; not to mention the Mine Safety & Health Administration, the Nuclear Regulatory Commission, and literally hundreds of agencies in the American Government today, created since 1935, for the protection of workers. Those all came about because workers deserved that protection in terms of their health, their safety, their compensation, and other benefits that arise.

Now, why did those laws come to pass? They came to pass because the union movement began to organize businesses and got management's attention, and management responded, and where it did not, the Government responded.

Now, how did the union system work under the Wagner Act? It was very simple. It said: If 30 percent of the employees of a company decide they want to sign off on a card saying they want a vote as to whether that company should unionize, they get the chance to have that vote, that vote, as sought by labor, and as was demanded in fact by the organizers, a secret ballot. It was a secret ballot because, in large measure, workers did not trust management. They thought company ownership would intimidate a worker, threaten a worker, try and prohibit them from making their own free choice, so they insisted on the secret ballot, just as our Founding Fathers did, and just as we today protect the secret ballot for those who vote for or against us, and for or against amendments to our Constitution or any referendum that comes before them.

So the secret ballot allowed brave people to vote, in privacy, as to whether they wanted to be organized. If they were organized, if they voted 50 percent plus one to organize, they could form a union. If they formed that union, they then had the right to collectively bargain, use the strength of their numbers with management, negotiate contracts to protect themselves and their interests, and bargain for benefits.

That is not a bad system. It is a neutral system. It is a fair system. When you got the 30-percent signatures, you then had a neutral system where management had the opportunity to tell you all the reasons why they were going to be better and you did not need to organize; and labor had all the opportunity they needed to tell you why not to believe that and that you needed to organize.

Out of that came a vote, a private vote, a secret ballot vote. If 50 percent plus one voted for it, the union got to organize.

Now, what does the Employee Free Choice Act say? It says: Well, you are no longer going to have the opportunity of avoiding intimidation because we are going to take away the secret ballot. We are going to say: If union leaders decide they want to come in and organize a company that is not unionized, they can get 50 percent plus one to sign off on a card chit and you have a union. There is no vote. There is just the card sign-off, but it is not signed off in secret. You no longer have the neutrality to have the opportunity of management getting the chance to make its case. You have a negative environment of worker against company and, worst of all, as I read the legislation, as I understand it, it would then say: The first contract with the company is not negotiated, it is written by Federal mediators.

Give me a break. We are going from a system that has improved America to the safest, most productive, most opportunistic country in the world, where we have no child labor, we have minimum wages, we have hourly standards, we have worker protections, we have overtime, we have comp time, we have OSHA, we have regulatory commissions of every type to ensure, and we have good union management relationships in most places in this country.

Why is this before us? It is before us because there has been a decline in union membership. It is before us because the problems that gave way to the union movement have been solved in large measure, and we have responded with the laws necessary to protect people and their rights regardless of age or sex or disability. We have done that.

But the union movement has not changed with the times. There are exceptions. There are many great relationships today. One of them is SMACNA, the Sheet Metal and Air Conditioning Contractors' National Association. I happen to know a little bit about these folks because of my work in development and construction. They have a partnership with their union. It is not an adversarial relationship. They have taken advantage of the Wagner Act.

We must preserve a system that protects workers. Ours is a neutral system, a level playing field for those who wished to be organized and those who wished for organization not to take place. They have a level platform.

I don't know why it is coming to the floor. I don't know why it is not going through the committee system. I don't know why it is going to be a quick 1-day vote, which is my understanding of the way it will be.

I will stake my claim on 72 years of success under the Wagner Act, under the right to protect and continue to protect the secret ballot, and of my desire to see to it that we honor those things we have created in response to the bad things that happened in the early part of the 20th century. Why change a good thing? Yes, we have a decline now in the union movement. Buy why do you all of a sudden create a situation of intimidation, an unbalanced situation, an uneven playing field, all for the sake of trying to save a movement that won't save itself?

I submit there is today, has been in the past, and will be in the future a viable place for the collective bargaining of workers and for unions but not if it is an unlevel playing field, not if the company and management don't have the same equal rights as do those workers, and not, most importantly, if those workers don't have protection of the secret ballot.

As I understand it, the vast majority, over 70 percent of union members, like the secret ballot. Over 70 percent of Republicans and Democrats—far more than that—like the secret ballot and think card check is crazy. To date, the only thing I have seen endorsing card check in print was the 2005 Communist Party convention in the United States which endorsed card check and the Employee Free Choice Act. Give me a break. This is one time where we ought to ratify what is right with America, ratify the success we have had in the past, honor the ills we corrected, honor the employees who make America work, continue to see to it that the employees do have a free choice, a private choice, a secret ballot, and continue to work in the greatest country on the face of this Earth with the greatest worker protection of any nation in the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, later today a great injustice is going to be hoisted upon the American people, and a great shame about this injustice is that a great many Americans won't even hear about it. If our friends on the other side—if their plans hold, later today they will call up H.R. 800, the horribly misnamed Employee Free Choice Act, which would deny workers all over this great country their right to cast a private ballot when choosing whether to join a union. I find it pathetic that at a time when our Nation is at war, every day additional illegal immigrants enter our borders, and energy prices are at their peak, our friends on the other side are turning away from the important business the American people sent us here to do and are instead insisting on spending the next couple of days paying back their union cronies.

If I am not mistaken, I recall reading that the energy package is the "second highest legislative priority" for our friends on the other side in the Senate. I guess that means that because we are interrupting that "high" priority, paying back the unions must be their very first priority.

Much has already been said about the denial of a National Labor Relations Board-supervised and protected secret ballot election, a private vote on whether employees want to be represented by a union. It seems to me that the Democrats' and the unions' real objection to private ballot elections is not the form of vote, a secret ballot versus card check; their real objection is ever since the 1947 Taft-Hartley amendments, the law allows employers to communicate with their employees about union organization. What unions really want is to silence the employer during a union organizing campaign through a card check process. Then the union would be able to persuade or even intimidate the employees so the union can be certified based on a card check as soon as the union gets to a majority, no matter how ephemeral that support really is.

What that means is that if the union gets 50 percent plus one talking to the employees, then that company automatically becomes unionized without a secret ballot election. But it is even worse than that. The way they have drafted this bill, it will lead to mandatory arbitration, which will result in the Government setting the terms and conditions of employment, even pension plans. That is even worse than the card check aspect, which is about as bad as it gets. The real key for the unions is that the process be within the union's control and before the employer has an opportunity to communicate with the employees. In effect, the unions want to force employer neutrality based on the employer's inability to respond to a union organizing campaign.

How quick must the quick certification process be to satisfy unions? NLRB statistics reveal that in 2006, 94.2 percent of all initial representation elections were conducted within 56 days of the filing of the petition with the NLRB and that the median time was 39 days. Apparently for union organizers, a little over a month is too long for them to maintain majority support, although it is important to note that under the current secret ballot election procedures, unions still win about 60 percent of all elections. That is fine as long as there is a balance in these programs, as long as both sides are treated fairly.

Also union authorization cards make it virtually impossible for employees to change their minds, which can happen in the privacy of the voting booth. Revoking a signed union authorization card is virtually impossible today, when cards are used to trigger NLRB-supervised elections. You can imagine how hard it would be for an employee to revoke a signed card under a card check process.

The U.S. Supreme Court has said that union authorization cards are "inherently unreliable" indicators of employee support. Even unions themselves have stated that union authorization cards are less reliable than NLRB-protected private ballot elections. But the real reason unions seek card check is not because it is more reliable but because it can be controlled entirely by the union before the employer can address the union campaign propaganda. What that really means is that employees will be denied an informed choice.

Under current law, to convince employees to vote for a union, the union may use the pressures of the employee polls and interrogation. Unions may make predictions. They may promise benefits, whether achievable or not, and they may make false statements about the employer. It may well be that the labor leaders have never been able to negotiate the wages and benefits they promise will result from the formation of a new union. It may be that the union, in fact, has negotiated contracts with other employers in the same industry and geographic area that are less generous than the employees currently receive at the location being organized. The union's claims about the employer's safety record, its compliance with employment laws, its business practices, its executive compensation, its future business plans, and so forth are grossly exaggerated. If we silence employers, who is going to inform the employees of these facts? Certainly not the union.

Of course, employees may know well that in general their employer would prefer not deal with a union, but if, as a result of card check, employers are prevented from responding to a union's campaign misstatements, who will?

That is not a license for an employer to threaten, intimidate, or coerce employees during an organizing campaign. Under current law, employers are not permitted to threaten, coerce, or promise new benefits or threaten withdrawal of existing benefits. But under current law, the employer can respond factually to the campaign-puffing of the union so that the choice made by the employees is an informed choice. Through a quickie card check process, that ability will effectively be denied.

So let's be clear: When down the road the union lobby offers to compromise by preserving secret ballot elections supported by a majority, even a supermajority, of signed union authorization cards but only where such secret ballot elections are conducted by the NLRB in a week or two from the date the union files an election petition, it will be no compromise. There are still a few of us around who remember the quickie election provision of the so-called labor law reform bill in 1977 and 1978. The unions then, just as today, were seeking to in effect silence employers during union organizing campaigns. Today, they are seeking that result by denying workers secret ballot elections. If they thought they could get away with it, unions would have Congress repeal employer free speech rights entirely.

Denial of employee secret ballot elections and denial of free speech vital to ensure an informed choice doesn't sound very much like employee free choice to me. It sure doesn't sound very democratic with a small "d" or even a large "D." That is only part of it. If you get into the mandatory arbitration that will inevitably occur because they won't be able to negotiate, in fairness, union contracts, you are going to have the wonderful people here in the Federal Government telling not only the unions but especially the businesses what they can and cannot do. They will set the terms and conditions of employment by mandatory arbitration and, in the end, they will also basically determine things such as pension plans. This isn't right.

We believe in secret ballot elections in this country. We believe in fair processes. As I have said, the process works pretty well because unions win 60 percent of these elections. When they win fairly, that is the right thing. That may be a good thing. The fact is, under this bill, it stacks the whole labor process in favor of one side—the unions—and takes away the rights of employers to be able to inform their employees of the truth if there are misrepresentations by the union and, even if there aren't, to inform their employees how much better off they may be without a union so that they can make truly an informed choice. There are decent provisions in the labor laws that permit a reasonable, decent, honorable process.

What really interests me is that the trade union movement is demanding a secret ballot election process in other countries. Why would they demand it in other countries and yet deny it here for both employers and employees in these very important decisions that have to be made by employees under our current very fair laws?

Right now, the balance is a little bit in favor of unions. That is maybe as it should be. But at least it is a balance. Both sides have basically an equal chance of keeping unions, accepting unions, or denying unions.

Frankly, one of the reasons my friends in the trade union movement want this type of an unfair process is because they have been losing members. It is easy to see why. We are on an energy bill right now that may be the death knell of our automobile industry if we don't handle it exactly right. The fact is, we could lose the American automobile industry, run by Ford, General Motors, and Chrysler, if we don't handle it properly. We will go to foreign-made cars. That would be disastrous, in my opinion. But part of the reason is the unions have negotiated contracts that are so expensive that a lot of the companies just can't produce the high-quality cars at reasonable prices that they used to be able to do.

There are good reasons for unionization. I am one of the few people here who actually held an AFL–CIO union card. I came up through the trade union movement, learned a trade through a formal apprenticeship, became a journeyman, a skilled tradesman. I believe in unions. I believe in a fair collective bargaining process. But it ought to be fair. One of the ways you make it fair is by having secret ballot elections. In this particular case, this hoax which is going to be brought up on the floor and done in a very quickie way is not the way to go.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

OUR NUCLEAR DETERRENT

Mr. DOMENICI. Mr. President, for more than six decades, the bedrock of American national security has been a strong, reliable, and cutting-edge nuclear deterrent. Literally thousands of the best scientists and engineers in the world have dedicated themselves to ending World War II, winning the Cold War, and protecting the free world.

Each year, the Directors of the three national nuclear weapons laboratories must certify to the President, and through him to the rest of the United States, that our nuclear weapons systems are reliable. That certification process assures Americans, and warns our adversaries, that the Nation's nuclear stockpile will be able to continue to perform its basic mission—prevention of a nuclear weapons exchange.

During these six decades, discussion of the nature and size of our nuclear deterrent has been literally constant. Each year, hundreds of scientists, engineers, and global strategists devote innumerable hours and days to intense discussions of the proper strategy for the Nation and the proper nuclear stockpile to implement that strategy.

Each year, Presidents have recommendations based upon the work of specialists inside and outside the Federal Government. Since the end of physical testing of our nuclear weapons stockpile—a big event; and, in fact, a major event in American nuclear weapons evolution, the idea we would no longer test our weapons—America has relied on a concept called stockpile stewardship to try to keep our nuclear weapons resources certifiably reliable.

This Nation has already embarked upon, and through three different Presidents has reaffirmed, a commitment to physical testing-free testing that has cost billions of dollars. Our strategy has been simple: the most reliable weapons without physical testing, upgraded as strategy dictates.

At the same time, the United States has embarked on a major reduction in the size of our stockpile and in the nuclear stores of other nations. We have done this through programs this Senator has supported and authored during the past 20 years. I salute Senator RICHARD LUGAR, my colleague from Indiana, and former Senator Sam Nunn of Georgia, for their groundbreaking work in forging these programs, and I am proud I have been able to work with them in these critical efforts.

Because of these initiatives—the Nunn-Lugar, Nunn-Lugar-Domenici, the Nuclear Cities Initiative, the Global Initiative for Proliferation Prevention, the Nuclear Nonproliferation Research and Development Program, and others—our world is safer.

In total, under Nunn-Lugar, we have deactivated 6,982 warheads, 644 ICBMs, 485 ICBM silos, 100 mobile ICBM launchers, 155 bombers, 906 air-launched cruise missiles, 436 submarine-launched ballistic missile launchers, 611 submarine-launched ballistic missiles, 30 strategic missile submarines, and 194 nuclear test tunnels. Indeed, nine more warheads were deactivated in the last month.

We have offered thousands of Russian nuclear scientists alternative pay and occupations, in hopes they will be less susceptible to blandishments from other parties. We are sharing nonproliferation efforts with other nations beyond the former Soviet Union states.

In more stark terms, under the Washington-Moscow Treaty, ratified by the Senate and signed by the President, we will have in our nuclear stockpile, by 2013, fewer weapons than at any time since the era of President Eisenhower. We will have fewer nuclear weapons than we had, in other words, before the Cold War began in earnest.

So this two-pronged approach—international cooperation against proliferation and for elimination of weapons, coupled with the inception of Science-Based Stockpile Stewardship—has been America's strong response to the need to reduce the danger of both nuclear weapon stockpiles and physical nuclear testing.

Almost a decade ago, in a speech at Harvard University, I outlined what I called a new nuclear paradigm. That paradigm envisioned, among other things, a cut in American nuclear weapons to what I then called a threat-based nuclear stockpile; that is, a stockpile commensurate with the anticipated international threat to our Nation.

Critical to that concept was, and remains, the principle of reliability and the continuous battle against degradation of our present stockpile. No serious expert advocated simply keeping the very same physical weapons we had

20 or 25 years ago. with no upgrading or improvements. At some point, the degradation of components in those weapons would mean the certification necessary from the three weapons labs Directors to the President could not be honestly made.

In short, without upgrades and continuous nonphysical monitoring, our nuclear weapons deterrence could be put in serious doubt. Yet at this very time, the youngest nuclear weapons designs in our arsenal are 20 to 25 years old. Age-related component degradation could impact several different systems at the same time, calling into question reliability.

For the past several years, this Senate has supported, on a bipartisan basis, spending the money necessary to protect our stockpile from degradation. At the same time, we have recognized some of our systems are too complicated, pose risks to workers, and need substantial upgrading.

This background brings me to the present Energy and Water Development Appropriations bill for fiscal year 2008 proposed by the House Appropriations Committee and scheduled for House floor action this week.

That bill, if enacted without substantial change, would send American nuclear deterrence strategy in a new, unknown, direction. Think about that. More than 20 years of intensive study, by some of the best minds in the world, could begin to be overturned by enactment of a single appropriations bill. The new direction wouldn't be enacted as the result of 3 to 4 years of intensive study and hearings by all of the relevant committees of Congress. It wouldn't result from a convocation of the best minds at our disposal. It wouldn't result from the kind of painstaking analysis of future risks that any prudent American would demand from its government. No, that new path would begin by a single appropriations bill, devised by a small group with the best of intentions, but far from public view and analysis. In that regard, I ask unanimous consent that an article from the Washington Post, "Congress seeks new direction for Nuclear Strategy," by Walter Pincus, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, June 18, 2007]

Congress Seeks New Direction for Nuclear Strategy

(By Walter Pincus)

Congress is moving to change the direction of the Bush administration's nuclear weapons program by demanding the development of a comprehensive post-Sept. 11, 2001 nuclear strategy before it approves funding a new generation of warheads.

"Currently there exists no convincing rationale for maintaining the large number of existing Cold War nuclear weapons, much less producing additional warheads," the House Appropriations Committee said in its report, released last week, on the fiscal 2008 Energy and Water Development Appropriations Bill. The full House is expected to vote on the measure this week.

The Bush administration had sought $88 million for the Reliable Replacement Warhead program next year so that cost and engineering studies could be completed and a decision could be reached on congressional approval to build the first RRW model, with the first new warheads ready by 2012.

The House already passed the fiscal 2008 Defense Authorization Bill, which reduced RRW funding and called for development of a new nuclear weapons strategy before steps are taken to produce new warheads.

While the Senate has yet to act on the authorization or appropriations measure, the Senate Armed Services and Appropriations committees are expected to follow the House's example by reducing proposed RRW spending and demanding development of a new nuclear weapons policy.

Rep, Ellen O. Tauscher (D–Calif.), chairman of the House Armed Services subcommittee that handles strategic weapons, said in an interview last week that she expects that the question of future U.S. nuclear weapons policy will be passed to the next administration, since the Bush White House is preoccupied with other subjects.

The House appropriations bill eliminates RRW funding and directs the Energy and Defense departments and the intelligence agencies to develop a "comprehensive nuclear defense strategy based on current and projected global threats." And it slows down funding of the Bush administration's program to modernize the facilities where nuclear weapons are built, stored and dismantled.

"These multi-billion dollar initiatives are being proposed in a policy vacuum without any administration statement on the national security environment that the future nuclear deterrent is designed to address," the report said. "[I]t is premature to proceed with further development of the RRW or a significant nuclear complex modernization plan."

The committee pointed out that neither the Pentagon's Quadrennial Defense Review last year nor the administration's 2001 Nuclear Posture Review "provided a long term nuclear weapons strategy or the defined total nuclear stockpile requirements for the 21st century."

The House bill more than triples the amount the Bush administration is asking for dismantlement of old warheads and adds $30 million to modify a facility at the Nevada nuclear test site so it can be used for dismantling weapons. At present, the only facility that does that work is the Pantex plant near Amarillo, Tex., which also refurbishes currently deployed weapons.

Sen. Byron L. Dorgan (D–N.D.), chairman of the Appropriations subcommittee handling the nuclear program, has indicated he is thinking along the same lines, according to a senior Democratic staffer familiar with his views. "The Tauscher approach makes sense," the staff member said.

He noted that senior Bush administration officials had not publicly supported the RRW program despite a request by Sen. Pete V. Domenici (R–N.M.), a former Appropriations subcommittee chairman and a proponent of the new warheads. The Senate subcommittee is expected to provide limited funds for the program "so we have a couple of years to gather information while the next administration lays out future requirements."

Mr. DOMENICI. Note an important point in this story. The funding cuts are proposed now; a new strategic direction will be forged later in this decade. Such an approach is absolutely backwards. We should forge the new direction, if one is believed appropriate in a world of increasing threats to our security, after great study. We should fund our present strategy, 20 years in the making, now.

The House Bill and the Post story focus on the so-called RRW, the Reliable Replacement Warhead. The RRW is a proposed new element of administration policy. The intent of the RRW, to enable increased reliability and design simplification in weapons of comparable explosive yield is, in my view, a very appropriate consideration, which may well result in the ability to maintain still smaller future stockpiles supported by a still smaller future weapons complex. But, as other legislators have suggested and as I noted in the last paragraph, I agree that a study of the complete role of the RRW in the Nation's nuclear deterrent is appropriate. That study must involve far greater resources than those involved in the House report language. Furthermore, Congress will have many opportunities to review and finalize any decision for actual deployment of the RRW, but the funds proposed for investment in the RRW now should provide the detailed data to underpin any future congressional decision to shift portions of our deterrent to that design.

But far beyond the RRW debate, with or without any RRW, stockpile stewardship is absolutely vital to our national security. As long as this Nation requires a nuclear deterrent in our defense or in support of our allies, we must maintain the skills and infrastructure that support the viability of that stockpile. That must include both trained people and the facilities to enable their work to proceed. Th House bill does harm to the Stockpile Stewardship Program. It cuts all funding for the new CMRR facility, which would replace the present facility, which will be inoperable after 2010. Without a new facility, our Nation will not be able to support the pit mission, which is a single point failure in the complex. Without a viable pit capability, the U.S. nuclear deterrent is vulnerable. The House bill cuts the Nuclear Material Safeguard and Security Upgrade, required to meet the Design Basis Threat around the key nuclear facilities that contain special nuclear material; it would cut stockpile services, the foundation of the production capability for our Nation; it would cut almost in half our pit mission, the critical component of our nuclear deterrent systems; it would cut funding for the repair and elimination of old and unused facilities that now drain funds from required new facilities; it would cripple advanced computing, the key to science-based stockpile stewardship; force the shutdown of LANSCE, the accelerator needed for a variety of research; and, cut the Z machine, another component of our nonphysical testing regime.

I urge all my colleagues to attend to this debate as it moves through the House and to markup in subcommittee next week on the Senate side. Implementing and funding a new strategic policy after extensive debate is intelligent; defunding critical parts of our present strategy without a clear new path in view poses serious risks to our national security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time controlled by the minority has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe we are in a period of morning business.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF THE CHARLESTON FIREFIGHTERS

Mr. KENNEDY. Mr. President, my heart goes out this morning to the families of the nine fallen firefighters in Charleston, to my colleagues Senators GRAHAM and DEMINT, and to the people of Charleston. These fallen heroes made the ultimate sacrifice to protect their fellow citizens. Today we remember them and all firefighters and their families for whom courageous service is a part of their everyday lives.

My home State of Massachusetts endured a similar disaster several years ago when six firefighters died in Worcester, MA. I read a poem at the funeral of those fallen heroes, and I would like to read it again now. I hope it brings some small measure of comfort to those whose hearts are aching today for their brave husbands, fathers, brothers, and friends who perished so tragically.

The poem is called "May They Not Be Forgotten."

Brother when you weep for me,
Remember that it was meant to be.
Lay me down and when you leave,
Remember I'll be at your sleeve.
In every dark and choking hall,
I'll be there as you slowly crawl.
On every roof in driving snow,
I'll hold your coat and you will know.
In cellars hot with searing heat,
At windows where a gate you meet,
In closets where young children hide,
You know I'll be there at your side.
The house from which I now respond
Is overstaffed with heroes gone.
Men who answered one last bell
Did the job and did it well.
As firemen, we understand
That death's a card dealt in our hand,
A card we hope we never play,
But one we hold there anyway.
That card is something we ignore,
As we crawl across a weakened floor.
For we know that we're the only prayer
For anyone that might be there.
So remember, as you wipe your tears,
The joy I knew throughout the years
As I did the job I loved to do.
I pray that thought will see you through.

EMPLOYEE FREE CHOICE ACT

Mr. KENNEDY. Mr. President, I wish to address the Senate on a matter we will have an opportunity to vote on as this week goes on; and that is the Employee Free Choice Act. I think to understand this issue, we have to understand what has been happening to the middle class, the working families in this country over the period of these last 30 years and what happened to the middle class in the 20 or 30 years before that and what happened at the turn of the century as we came into the 20th century.

In my own State of Massachusetts, at the turn of the century, coming into the 1900s, we had the most extraordinary and excessive exploitation of American workers. They were not just American workers, they were children.

All one has to do is travel up to Lowell, MA, where we have a national park, and travel through the areas that are preserved—some of the old textile mills—and you will read, encased in many of those wonderful viewing stands, these letters of children who were 8 or 9 or 10 years old who worked 15 hours a day. They were paid very minimum salaries, and they were required to work. We had the exploitation of women in those conditions. The conditions were extraordinarily dangerous. We had the wages that were completely inadequate to provide a decent wage for people who were working long and hard.

Then we saw the changes that took place in the 1940s as workers came together and demanded economic and social justice. We saw the changes that took place in the workplace in terms of fairness and equity. Interestingly, we saw the vast increase in productivity. The American economy grew stronger. The middle class were the ones who brought us out of the Great Depression, the ones who fought in World War II, the ones who put us back on track after we had 16 million Americans who served in World War II and brought us back to a strong and expanding economy, where everyone moved along together. Everyone moved along together.

We made enormous progress during the 1950s and the 1960s and in the early 1970s. We made economic progress for workers and working families, and we made social progress too. We passed Medicare and Medicaid. We passed the higher education bill. We passed legislation to stop child labor. We passed a whole range of different kinds of programs to make this a more fair and a more just country with strong opposition, but I don't hear any effort to try and repeal those marks of progress we made in terms of economic and social justice. And, the courts obviously filled an enormous responsibility.

So what happened during this period of time? I am putting up a chart that shows the number of abuses of workers. This part of the chart shows from 1941 to 1966. During this period of time, we had what we are talking about—majority sign-up. We had it in effect during this period of time, interestingly enough. Card checkoffs were in effect during this period of time, from 1941 all the way up to 1966 and then the National Labor Relations Board and the Supreme Court gradually eliminated of that protection. Then we found an increase in the various abuses we had during this period of time; that is, firing workers who were interested in trying to form a union. The refusal to accept the outcome of an election. We find a series of different kinds of abuses to make it more and more difficult for people to be able to join the unions.

But what we had here is the fact that we had labor and management agreements and we had progress and economic prosperity during this period of time.

This chart shows during that same period of time, where we talked about actually peak union membership, wages and productivity rise together. Look at from 1947 to 1964. We see an increase in productivity and an increase in wages and America moved along together. There was economic progress that moved along.

Then, as we find the unions beginning to decline, we find that workers are falling further and further and further behind. Wages now have flattened, basically, and often, in terms of their purchasing power, have actually gone down. We see that since the loss of card check, productivity grew 206 percent more than wages.

So we had the idea that workers were able to get together and represent their views, and we had the increase in productivity. Then we saw the country making very important progress.

Well, how is that reflected in the Nation? This chart shows what was happening in that same period of time, from 1947 to 1973. Growing together. Here it is in 1947, 1957, 1967, up to 1973: The lowest, 20 percent; the second, 20 percent; the 20 percent in the middle; and then, fourth and fifth, virtually all the same in terms of real economic growth during the same period I just pointed out where we had maximum union activity, increasing productivity, and the Nation, the United States of America, all growing, growing, and growing together. That was going on from 1947 through 1973.

I see my friend from the State of Washington. How much time—I can make this long or short. How much time do I have?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. If we divide a half hour between us, I would then have how many minutes?

The PRESIDING OFFICER. Let me back up. There is 20 minutes remaining in morning business for the majority.

Mr. KENNEDY. All right. Well, then I yield myself 5 minutes, which would be a total of 15 minutes, if that is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

We have just seen what has happened from 1947 to 1973 through the course of the middle class. Now let's take a look at the years 1973 to 2000. We have the beginning of America growing apart. Look what is happening. The lowest, the second lowest, the middle, the fourth. Look at what is happening at the top: 20 percent, growing higher during this period of time. This was the beginning of the Reagan revolution that was taking place, extraordinary tax programs that were taking place, reflecting itself in how America is growing. Are we growing more together, or are we growing more apart?

Look what has happened now in the most recent times. The lowest 20 percent, because of the rates of inflation, are actually going down. Then the second 20 percent, the middle 20 percent—and the top 1 percent is the one that was growing during this period of time.

What has happened at the same time is that we see the corporate profits have now gone up 63 percent more compared to workers' wages and benefits, which have now basically stabilized. This country, the United States, grows together, works together. We are a united people. We see what has been happening as a result of the fact that unions have been effectively attacked and diminished in this country.

Before I conclude, this past Sunday was Father's Day. Look at the difference between fathers and sons in 1964 and 1994. From 1964 to 1994, what we have seen is the sons did better. The middle class was expanding. The sons did better than their fathers over this period of time. There was growth. Look what is happening from 1974 to 2004: a decline of 12 percent. The son is doing poorer than the father for the first time in the history of this country—the first time in the history of this country.

We know the corresponding difference. We had workers who were able to get together, and we find out there is a corresponding increase. When you diminish the unions, you diminish the power of working men and women. That happens to be the fact.

What is the trade union movement asking for? All they want is what we had years ago. All they are asking for is what we had during the period from 1947 to 1966, and it worked then. Look at the wages and productivity and what happened in the United States of America. We all grew together. We all grew together. So why this emotional reaction and response from the other side: My God, the Employee Free Choice Act. This is some crazy idea that we can't possibly even think about or even tolerate.

This is an idea that has been tried and tested. How few the times are in the Senate when we are trying to do something that has been tried and tested and successful. We had the measure which was effectively the card checkoff during the period when wages and productivity grew together and we had the fact that America, the United States of America grew together.

That is the choice we have in the Employee Free Choice Act. Are we going to go back to this period of time when we as a country and a society grow together, or are we going to continue to grow apart? That is the heart of the question, and the Employee Free Choice Act is really the resolution and the solution.

So I look forward to more time. I see my friend. I have taken time now. I am thankful that my good colleague and friend from the State of Washington wishes to address this issue. This is very basic and fundamental about our country and about the kind of America we want.

I come from a State that takes pride in the fact that the *Mayflower* arrived on the coast off of Massachusetts, and the captain and the crew came together after 6 weeks and they signed the Mayflower Compact. And that is the compact that made Massachusetts a commonwealth. What is a commonwealth? It is a common interest in all of the families saying we are going to work together to make a better State, a better country, a better nation, a better world. That is what is at the base of this legislation and what it is all about, and I hope the Senate will give us a chance to vote in favor of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor this morning to join my colleague from Massachusetts and thank him for his work. I rise today to voice my support for workers, for their families, and for their right to share in the prosperity the Senator from Massachusetts talked about that they helped create for this country.

As chairwoman of the Employment and Workplace Safety Subcommittee, protecting workers' rights is a critical priority for me.

In last year's election, we all heard the voice of America's voters calling for change. I am very proud to say that Democrats have been working very hard to help working Americans and their families secure a better future, and we are making progress. We recently, in fact, passed legislation to increase the minimum wage—the first increase in a decade. For the first time in 10 years, many Americans now have the opportunity to begin to lift themselves out of poverty. So we are moving in the right direction.

But our work doesn't end there. Now it is time to help workers by ensuring that their voices are heard in the workplace—voices for better benefits, voices for better wages, voices for better health care, and voices for better pensions. As we all know, unfortunately, today in too many of our workplaces workers who do try to exercise their legal rights are blocked by an unbalanced system that can trap them in unacceptable working conditions. I think it is time for Congress to stand with our Nation's workers and give them their voice back by strengthening protections for our workers so they can freely choose to join a union.

The Employee Free Choice Act will make the promise of employee choice a reality, and it will restore the balance of the relationship between our employers and our employees. I am very proud to be a cosponsor of this important and balanced legislation.

So why is this bill necessary? Well, because workers should be able to share in the prosperity they helped to create. This bill is an important step in helping millions of working families get their fair share of the economic pie.

Our Nation's greatest asset is our people. American workers drive our economy. Their determination for a better future bolsters our Nation's prosperity. That is why I was so concerned to learn that workers believe the American dream is slipping away from them today. In fact, according to a poll conducted earlier this year by the Change to Win Federation, 82 percent of those surveyed said they believe working families are falling behind. I find that troubling, given that worker productivity has increased 3.1 percent each year between 2000 and 2004, and that corporate profits have more than doubled since 2001.

To me, it doesn't add up that American workers and American families are the ones who are losing. They are working very hard to help our country prosper, but they are not reaping their fair share of the benefits.

Unions can make a very positive difference. They allow our workers to collectively express their voices to employers on working conditions, health care, pensions, and other benefits, and the benefits we are talking about lead to better lives for Americans. Women who belong to a union earn 31 percent more than women workers who are not union members. That is an extra $179 a week and $9,300 more a year in income. Think about it. An extra $179 could help working moms put more food on the table for their family or help to pay for the education of a son or daughter. It could help her put a little more away for retirement, making she and her family less dependent on Social Security.

Workers who are union members are twice as likely to have employer health care coverage. Union families who pay insurance premiums for their coverage pay 36 percent less than their counterparts, saving them almost $1,300 a year.

With the enactment of the Employee Free Choice Act, it is estimated that up to a quarter of a million workers and their families in my home State of Washington alone would participate in their employer's health insurance plan. That is a step in the right direction for the 866,000 Washington State residents who were uninsured in 2005. They are also more likely to have guaranteed pensions. Sixty-eight percent of unionized workers are covered compared to only 14 percent of nonunion workers—68 percent compared to 14 percent.

The AFL-CIO estimates that up to 250,000 Washington State workers would participate in their employer's defined benefit pension plan with the passage of the bill we are talking about today.

Workers recognize the benefits that unions offer them. In fact, 53 percent of U.S. workers say they would join a union if they could.

Clearly unions empower their members to access better benefits and provide a better life for their families.

But what about other workers, those who don't belong to a union? Are unions beneficial for the rest of us? The answer is an emphatic yes.

Unions have forged the way for millions of working families—union and nonunion—to share in the prosperity they helped create.

Progressive employment policies such as the minimum wage, the 8-hour work day, the 40-hour work week, employer-provided health care and pension plans emerged from the labor movement and have become the standard in today's workplace.

I think we can all agree that unions benefit our society as a whole. I am sure the 60 million U.S. workers who say they would join a union if they could think so, too.

Why is union membership declining when so many workers want to join and unions clearly benefit all of us. As it turns out, exercising your right to organize with other workers isn't an easy task under our current system.

The system is broken. We all know that a fair labor market can only exist when employers and employees have a respected voice in the system. I am sorry to say that is not the case today.

Some unscrupulous employers are silencing employees who try to join a union to better their economic situation for their families, and that is not fair.

Under current law, workers who want to join a union use the majority sign up method to let the union know they are interested.

Then, employers have the power to make a choice.

They can choose to recognize their employees' wishes, and many progressive employers do, or they can demand a NLRB election, stalling the process and silencing the voices of their employees.

During the election process, employers have unlimited access to workers in the workplace. They can require workers to attend mass meetings to hear antiunion messages and even require one-on-one meetings between supervisors and employees. And, under our country's labor laws, these practices are perfectly legal.

I think we can all understand how intimidating these tactics can be. More often than not, employers create an unfriendly work environment where employees don't feel comfortable discussing unions or their benefits. In many cases they fear for their livelihood, and rightfully so.

Unlike the peer relationship between coworkers, employers hold a special position of power over their employees. Employers have power over a worker's wages and benefits and, ultimately, they can fire an employee.

A recent analysis from the National Labor Relations Board shows that one in five union supporters are illegally fired for union activity during the organizing campaign.

Too often, workers who clearly voice their desire for representation have been silenced by their employers.

On the other hand unions do not have access to workers while on the job. They are not allowed to enter the workplace at any time to meet with employees. Employees interested in learning about union membership must meet with representatives and employees on their own time.

The Employee Free Choice Act does nothing to change this relationship. It does not limit the access employers have to workers. And, it doesn't expand the union's access to employees on the job.

If employees make it through this obstacle and elect to form a union, the ordeal is not over yet. Bad faith employers can drag out the initial negotiations process, often for years, using the time and their unlimited access to employees on the job to convince them that unions are a bad idea.

It is easy to see who holds most of the cards in this relationship. Workers shouldn't have to risk their livelihoods to exercise their right to form a union. But it happens all the time.

Hardworking Americans shouldn't have to go through such an ordeal to form a union. The Employee Free Choice Act can help eliminate some of the unfair barriers that workers face and make it easier for them to organize.

How does this bill address the problem?

The Employee Free Choice Act can make a difference. It can help workers gain a respected voice in the conversation with employers, and it can penalize bad faith actors who break the law.

First, the bill ensures that employees who want to organize can do so without interference. By allowing employees to choose majority sign up, the Employee Free Choice Act gives workers their voice back.

Second, this bill ensures there's time for reasonable negotiations, but it does not allow one side to act in bad faith and string employees along in a never-ending process that is designed to block their ability to self-organize.

Third, this bill will hold bad actors accountable if they break the law. According to "American Rights at Work," every 23 minutes in America, an employer fires or retaliates against a worker for their union activity.

We shouldn't tolerate illegal discrimination and retaliation against workers who are just trying to exercise their rights. If an employer violates the rights of its employees and is charged by the National Labor Relations Board, this bill will impose stricter penalties.

It balances the playing field by requiring that the NLRB stop bad faith employers from interfering in a union campaign or contract negotiations.

It puts teeth in the current law by making employers who break the law pay three times back pay and imposes civil penalties for unfairly discriminating against pro-union workers.

This will ensure that breaking the law doesn't just become part of "the cost of doing business."

Some would have us believe that the Employee Free Choice Act radically changes the rules of the game or takes away employers' rights. Nothing could be further from the truth.

First, it does not eliminate the secret ballot. I am pleased that this bill gives employees the opportunity to vote by secret ballot if they so choose. For too long, some employers have had control over the balloting process, and this bill gets the balance right by making sure employees have the free choice to use a secret ballot or majority sign up.

Second, it does not create a new process. Some would have us believe this bill upsets the current system by creating a new process for forming a union. But majority sign up has always been allowable under the law. Today, some progressive employers voluntarily recognize their employees' choice to organize.

Third, it does not trap employees into union membership. Opponents of this bill would also have us believe that allowing employees to choose majority sign up as their preferred method for choosing a union would lead to union coercion or would trap other workers into union contracts against their will. That is not true.

Let's look at the facts about coercion and intimidation.

American Rights at Work found that antiunion behavior is widespread among some employers. Among those employers faced with a union campaign, 30 percent of employers fire prounion workers; 49 percent of employers threaten to close a worksite when workers attempt to form a union, although only 2 percent actually do; 51 percent of employers coerce workers into opposing unions with bribery or favoritism—both are illegal; 82 percent of employers faced with an organizing campaign hire union-busting consultants to stop union campaigns; 91 percent of employers force employees to attend one-on-one antiunion meetings with their supervisors.

Some would have us believe that unions can be just as bad, but the data doesn't back that up.

In her testimony before a House committee earlier this year, Nancy Schiffer, an attorney with AFL–CIO, told that they had reviewed 113 cases cited by the HR Policy Association as "involving" fraud coercion.

It found that only 42 decisions actually identified coercion, fraud or misrepresentation in the signing of union authorization forms—and that's since the passage of the National Labor Relations Act in 1935. That is less than one case per year.

Compare that 1 case a year with the more than 31,000 cases filed in 2005 alone of employers engaging in illegal firings and other discrimination against workers for exercising their right to form a union. Clearly, unions have proven to be good faith actors in this process.

Fourth, it does not change an employer's free speech or property rights. One thing this bill does not change is the access to employees that exists today. Currently, employers have full access to employees during the workday. Unions do not. This bill leaves that relationship unchanged.

Finally, it does not bankrupt or harm businesses. Opponents to this bill would also have us believe allowing workers the free choice of forming a union would be bad for business or would bankrupt employers. Again nothing could be further from the truth.

We know that majority sign up can work for employers and employees because it is already happening for some progressive employers. Take Cingular Wireless, now known as AT&T, for example.

In my home State of Washington, we have seen proof that companies can remain competitive and profitable and still follow the law and respect worker rights.

Cingular Wireless gave its workers in Bothell, WA, the free choice they are entitled to. As a result, nearly 1,000 workers in my hometown decided to organize, and Cingular won praise for its responsible, respectful approach to employee choice.

Today, the company continues to be one of the top wireless providers in the country. Choosing to respect their employees' choice to unionize did not bankrupt them or make them any less competitive.

This bill helps us find the right balance in relationship between workers and management. I hope that my colleagues will join with me in raising our voices in support of workers and their families by voting yes on this bill.

Thank you Mr. President.

I wish to speak to amendment No. 1614 sponsored by Senators BYRD, LANDRIEU, WEBB, ROCKEFELLER, SALAZAR, and TESTER.

The energy bill we have been debating this week is going to bring us greater energy independence and clean up our energy supply to help combat climate change.

The bill is clean and green and will make great strides in developing clean energy sources, and increasing efficiency.

But we must admit that we have done little in this bill to address America's largest energy resource and also one of our largest polluters—coal.

Coal supplies over half of our electricity generation, it drives our industry and manufacturing and can be turned into a liquid transportation fuel to replace foreign oil.

Coal is relatively cheap and easily accessible.

We have enough coal for 250 years if we keep using it at the same rate that we are now.

Not only are we going to keep using coal, but most energy experts predict we are going to use more of it in the future.

But we have to start doing better when it comes to greenhouse gas emissions from coal.

I do not believe that government has been providing the right incentives to move the coal industry in the right direction.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 231 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 231) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, today is the 142nd anniversary of Juneteenth, a day when our Nation celebrates the complete abolition of slavery. The Emancipation Proclamation freed slaves beginning January 1, 1863, and brought to an end what Abraham Lincoln called "two hundred and fifty years of unrequited toil." America's Civil War had ended at Appomattox, VA, in April 1865, but it was not until June 19, 1865, 2 months later, and a full 2½ years after the Emancipation Proclamation that the news finally reached Galveston, TX. That day has become known throughout our Nation as "Juneteenth."

In communities across the country, Juneteenth is an occasion for all Americans to reflect on a tragic period that shaped our Nation and continues to influence us yet today. For Marylanders, Juneteenth is a time to reflect upon our own history. Slavery existed in Maryland from the State's inception as an English colony. In 1664, slavery was officially sanctioned by law, and it thrived until 1864 when it was abolished with ratification of a new State constitution.

In 1820, Maryland's population was approximately 400,000, less than one-tenth our current size. The slightly more than 100,000 slaves in Maryland accounted for one-quarter of Maryland's population, while the 39,000 free Black Marylanders accounted for nearly 10 percent. By 1860, the State's overall population had grown considerably, while the number of slaves had declined to about 87,000, or 13 percent, while the number of slaves had free Blacks numbered about 83,000 or 12 percent.

Although Maryland was a slave State, it did not secede from the Union. And the contributions of Marylanders to the Union cause and the abolitionist movement did much to tilt the national balance in favor of freedom. Antislavery activists—Black and White, free and enslaved—took tremendous risks for the cause of freedom. Harriet Tubman, who was born Araminta Ross in Dorchester County, and Frederick Douglass, who was born Frederick Augustus Washington Bailey in Talbot County, were both born into slavery, put their own lives on the line as courageous crusaders for freedom. Having escaped their own captors, they dedicated their lives to fighting for the emancipation of all slaves. They are true American heroes.

This year, the Maryland General Assembly passed a resolution that I will quote here in part:

> Resolved by the General Assembly of Maryland, That the State of Maryland expresses profound regret for the role that Maryland played in instituting and maintaining slavery and for the discrimination that was slavery's legacy; and be it further
>
> Resolved, That the State of Maryland commits itself to the formation of a more perfect

union among its citizens regardless of color, creed, or race; and be it further

Resolved, That the State of Maryland recommits itself to the principle that all people are equal and equally endowed with inalienable rights to life, liberty, and the pursuit of happiness.

Today, on the 142nd anniversary of Juneteenth, I wish to commend my former colleagues in the Maryland General Assembly for this resolution, and I urge all my colleagues in the Senate to join me in celebrating Juneteenth and honoring those who made that day possible.

Mr. LEVIN. Mr. President, today we celebrate Juneteenth Independence Day in observance of the date upon which slavery finally came to an end in the United States, June 19, 1865. It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the 13th amendment in January 1865 legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country. Since that time, 143 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation, and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Throughout the Nation, we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926 Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith, and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19 we celebrate Juneteenth Independence Day.

I am happy to join with my colleagues, Senators DURBIN, REID, OBAMA, STABENOW, BROWNBACK, KERRY, LANDRIEU, CARDIN, LIEBERMAN, MCCASKILL, CLINTON, LEAHY, KENNEDY, DODD, SANDERS, MENENDEZ, BROWN, PRYOR, and LAUTENBERG, in commemorating Juneteenth Independence Day with the submission of S. Res. 231, which the Senate has just adopted, in recognition of the end of slavery and to never forget even the worst aspects of our Nation's history.

Mr. DURBIN. Mr. President, today I am pleased that, S. Res. 231, a resolution recognizing historic Juneteenth Independence Day, has passed the Senate.

June 19 is an ordinary day for many Americans, is a significant day for those who know its history. Juneteenth Independence Day celebrates June 19, 1865, when Union soldiers led by MG Gordon Granger arrived in Galveston, TX, with news that the Civil War had ended and that the enslaved were free.

Americans across the United States continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations.

The legislation recognizes the significance of Juneteenth Independence Day and supports its continued celebration as an opportunity for the people of the United States to learn more about the past and to understand more fully the experiences that have shaped our nation.

As Americans, we must remember the lessons learned from slavery. Juneteenth is a day that all Americans, of all races, creeds, and ethnic backgrounds, can celebrate freedom and the end of slavery in the United States.

I am pleased to recognize historic Juneteenth Independence Day and proud that the Senate has passed this important resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 231

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Mrs. MURRAY. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASEY). Morning business is closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes?

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to Amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to Amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to Amendment No. 1502), to establish a national greenhouse gas registry.

Kohl amendment No. 1519 (to Amendment No. 1502), to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Kohl (for DeMint) amendment No. 1546 (to amendment No. 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Corker amendment No. 1608 (to amendment No. 1502), to allow clean fuels to meet the renewable fuel standard.

Cardin amendment No. 1520 (to amendment No. 1502), to promote the energy independence of the United States.

Domenici (for Thune) amendment No. 1609 (to amendment No. 1502), to provide requirements for the designation of national interest electric transmission corridors.

Cardin amendment No. 1610 (to amendment No. 1502), to provide for the siting, construction, expansion, and operation of liquefied natural gas terminals.

Collins amendment No. 1615 (to amendment No. 1502), to provide for the development and coordination of a comprehensive and integrated U.S. research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change.

Domenici (for Bunning-Domenici) amendment No. 1628 (to Amendment No. 1502), to provide standards for clean coal-derived fuels.

Bingaman (for Tester) amendment No. 1614 (to amendment No. 1502), to establish a program to provide loans for projects to produce syngas from coal and other feedstocks while simultaneously reducing greenhouse gas emissions and reliance of the United States on petroleum and natural gas.

The PRESIDING OFFICER. Under the previous order, there will be up to 2½ hours of debate with respect to amendment No. 1628, offered by the Senator from Kentucky, Mr. BUNNING, and amendment No. 1614, offered by the Senator from Montana, Mr. TESTER, with the time equally divided and controlled between Senator BUNNING, Senator TESTER or their designees.

The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I wish to speak to amendment No. 1614, sponsored by Senators BYRD, ROCKEFELLER, LANDRIEU, SALAZAR, WEBB, and myself.

The Energy bill we have been debating is going to bring us greater energy independence and clean up our energy supply to help combat climate change.

This bill is clean and green and it will make great strides in developing clean energy sources and increasing efficiency. But we must admit we have done little in the bill to address America's largest energy resource and also one of our largest polluters—coal.

Coal supplies over half of our electricity generation, it drives our economy and manufacturing and can be turned into a liquid transportation fuel to replace foreign oil. Coal is relatively cheap and easily accessible. We now have enough coal for 250 years if we keep using it at the same rate we are using it now.

Not only are we going to keep using coal, but most energy experts predict we are going to use more of it into the future. We have to start doing better when it comes to greenhouse gas emissions from coal.

I do not believe the Government has been providing the right incentives to move the coal industry in the right direction. The amendment that I—and others I spoke of earlier—am offering today will provide Government grants for engineering and design of coal to liquid and coal gasification facilities.

It will authorize direct loans for facilities if they reduce their greenhouse gas emissions by 20 percent over the petroleum equivalent, which, by the way, is the same requirement we use for biofuels. To qualify, a facility must show that it can and will both capture and store 75 percent of its carbon dioxide. We need these parameters because we need to start doing things better than we have done in the past if Government is going to be supporting these projects.

There has been a lot of discussion in the last couple of days about coal to liquid fuels. I would rather get our energy from States such as Montana, Ohio, West Virginia, or Colorado than from the oil cartels in the Middle East. Unfortunately, the production of coal to liquids without capturing carbon dioxide emits over twice the amount of carbon dioxide than does petroleum, and climate change is as big a threat as the unstable countries where we buy our oil. When carbon is captured and safely stored, coal to liquid facilities and coal gasification plants can achieve carbon dioxide levels that are closer or better than a petroleum equivalent. If you combine the coal with biomass at the same facilities, you can reach emission levels that are far less than petroleum.

The National Mining Association recently ran an editorial in the New York Times identifying the benefits of clean coal technologies and its implications for national security. The editorial is on this chart. In a nutshell, what Kraig Naasz, president and chief executive of the National Mining Association, said was that a coal to liquid facility with carbon capture and sequestration combined with the use of biomass could achieve life-cycle greenhouse gas emissions 46 percent below a petroleum equivalent. That is good news indeed.

I believe our fuel sources are a national security concern, and we need to explore all safe and clean energy options to help break our addiction to foreign oil. Coal-to-liquid fuel is a part of that equation, and this amendment makes coal cleaner than petroleum when it comes to greenhouse gas emissions.

Climate change is an issue I take very seriously. I want to leave this world for my children and grandchildren in as good of shape or better than my parents left it for me.

Climate change is real. Our oceans are rising, our glaciers are melting, and wildly shifting weather patterns are causing more frequent hurricanes, dramatic snowstorms, and prolonged drought. I am a dryland farmer, and I have spent my entire life on the same piece of ground in Big Sandy, MT. As a farmer, you notice every little detail about the weather—moisture, temperature, when the plants bud, when they are ready for harvest. In recent years, something hasn't been right. The climate we have today is not the one that was there when I was a kid. We plant earlier than we used to, we harvest earlier, rain comes at different times, and the summers have become so hot and dry in Montana that the sky is filled with smoke from forest fires hundreds of miles away.

Steps can be taken to reverse the effects of climate change and improve the energy options we have available. Coal is cheap, we have a lot of it, and I think we should use it. But we must learn lessons from how we have developed coal in the past. The Department of Energy says that there are 151 new or proposed coal powerplants on the way by 2030, and some of those are coal gasification facilities. I am committed to finding ways to make the next generation of coal plants better than the last.

This bill encourages research and development of carbon capture and storage technologies. Carbon capture and storage may be our best option to reduce carbon emissions from coal. We even include a cost-share provision for carbon capture equipment that I sponsored with Senator BINGAMAN in the Energy Committee.

But we have done little to give industry the incentives to employ these technologies on a large scale. Wall Street really has no interest in loaning money for clean coal facilities because there is no economic incentive to reduce emissions. This amendment provides direct loans for 100 percent of the equipment used to reduce greenhouse gas emissions and up to 50 percent of the total project cost.

Coal gasification technology is our best opportunity to prove the capture of CO_2 on a massive scale and safely store it through an industrial process that gives us the products we need, such as fertilizers, plastics, electricity, and fuel. Carbon dioxide can be captured at a gasification facility, then compressed, piped away, and stored in geological formations, including oil and gas fields where they can increase the production of petroleum or CO_2 can be used in products that facilities produce, such as fertilizers, chemicals, plastics, and fuel.

The Syntroleum plant in North Dakota has been capturing their CO_2 for 20 years and piping it 205 miles into Canada for enhanced oil recovery. They capture 5,000 tons of CO_2 a day and sell the carbon to produce more oil. In Colorado, one company actually mines CO_2 from carbon deposits in the ground and pipes it to Texas for enhanced oil recovery, and, I should add, this is done for profit.

The amendment being offered today is a technology driver to move this industry into the next phase and help get the first few new generation facilities on the ground.

Government should only provide backing to the best technologies to help spur a clean industry that can demonstrate an overall societal benefit.

To be clear, industry will move forward with coal gasification projects and coal to liquid projects regardless of congressional actions, and plants have already been announced. But this is our opportunity to encourage these facilities to be clean and push the development of carbon capture and storage on a commercial and industrial scale.

Coal-to-liquid projects have been proposed for Illinois, Ohio, Wyoming, Montana, North Dakota, West Virginia, and the list goes on. These companies have proposed these projects without Government financing, but the emissions from these facilities are yet to be determined.

The timing of this Energy bill and this amendment is critical because designs could be modified to fit the parameters of this amendment, and we can be assured that these projects move forward with the cleanest technology available. Industry will benefit if we set clear guidelines as to the standards we expect to be met for Government backing.

Luckily, we have the science to back up our goals. A recent study from the Idaho National Labs proves that coal to liquids, when produced with carbon capture and biomass, can achieve lifecycle greenhouse gas reductions of over 40 percent from a petroleum equivalent. We see the bar graph with petroleum diesel being the baseline. If we look across at the fourth column, if we combine coal with 30 percent biomass to perform coal to liquids, we can see a tremendous reduction in CO_2.

Coal gasification with carbon capture and biomass is a vast improvement over our current use of coal. Congress is at a crucial point where we can help drive these facilities toward the best technology available. This amendment is a challenge to industry, but it is a challenge that is technologically available and can and should be met.

Rentech, one of the strongest advocates of coal to liquid technology, proved my point in front of the Senate Finance Committee last April when they showed the members of the committee the potential of the technology on which they are working. What they said was that they agree that as carbon capture reaches the levels we spell out in this bill, combined with biomass, coal to liquids is far better than what we are doing currently.

I believe this amendment will drive a new, clean, and green coal to liquids industry toward startup and help offset our foreign dependence on imported oil. Besides fuel, it will make cheaper fertilizers, chemicals, and plastics.

Adopting this amendment will be a technology driver that is good for industry and is good for this country. I urge this body to support clean and green coal development.

Mr. President, I yield the floor to Senator BYRD.

Mr. DOMENICI. Mr. President, if it is in order or appropriate, I ask unanimous consent, to establish my position following Senator BYRD, when he is finished, that the Senator from New Mexico will be recognized for his comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from West Virginia.

Mr. BYRD. Mr. President, during my half century of service in this great body, I have seen too many energy shortages and too many half-hearted efforts by the Federal Government to respond. A geopolitical crisis erupts and oil prices rise. All too quickly, our economy is destabilized. Our national security is undermined. Americans become alarmed. Politicians promise solutions. Once the crisis passes, oil prices decline, public attention fades, and nothing happens to cushion the Nation from the next energy shock. All the while, our dependence on foreign oil grows with ever-worsening implications for our economic and national security.

About 40 percent of the energy we use in the United States comes from petroleum. The majority of this oil is imported from chronically unstable countries. It is shocking to think that our transportation system and so many sectors of our economy are dependent on a constant flow of energy from these dangerous and politically unstable lands. The very security of this great and powerful Nation is vulnerable to the whims of fanatical despots. The well-being of our country is always in threat of a government coup in Nigeria, a typhoon in the Persian Gulf, or a terrorist attack on oil shipments in the Middle East.

We must reduce our dependence on foreign oil. In a speech I made more than two decades ago in this Chamber, I warned the Reagan administration against cutting back on our energy programs. I pointed out that there is no national security without energy security and that we have neither as long as we are dependent on foreign oil. It seems as though some things never change. As we should have learned too many times during the past quarter century, leaving the security of our country so dependent on the vagaries of the free market is too simplistic, too unrealistic, and too dangerous.

Our dependency on foreign oil strikes at the very heart of our national security. Indeed, oil dependence is the Achilles' heel of our Armed Forces. The Pentagon itself has pointed out that our military's ever-increasing reliance on oil makes its ability to respond to crises around the world "unsustainable in the long term." The Air Force pays about $5 billion per year for its fuel, with the Army and Navy close behind. Even more troubling, the United States now spends an estimated $44 billion per year safeguarding oil supplies in the Persian Gulf.

The money we spend on foreign oil too often finds its way into the pockets of terrorists determined to attack the United States. As former CIA Director James Woolsey put it, in buying foreign oil, "we are funding the rope for the hanging of ourselves." Saudi Arabia, Iran, and Sudan have experienced a boom in oil revenues as the price per barrel of oil has gone through the roof. Reports are that some of these profits have been used to finance training centers for terrorists, pay bounties to the families of suicide bombers, and buy weapons and explosives for the groups attacking U.S. soldiers and marines. For years now, we have spent hundreds of billions of dollars fighting terrorists while at the same time we have provided countless sums of money to our enemies through our foreign oil purchases. This is sheer madness. It must end.

It is no longer acceptable for Congress to seek piecemeal, short-term solutions that become irrelevant as soon as the price of oil declines. We need a long-term strategic commitment to the development of clean, domestic-based energy technologies. We must dedicate ourselves to the developing of sources of energy that will move us away from oil dependence and provide better energy options. Chief among those must be coal, our Nation's most abundant source of energy. The United States has 27 percent of the world's coal reserves. We are the Saudi Arabia of coal, and then some. Thirty-three States have recoverable coal reserves. This means 66 Senators have a vested interest in promoting the use of coal. Our coal supplies are large enough to last for generations, fueling the electricity needs of our homes and our businesses. We don't have to ask someone else for this cheaper and abundant energy source; it is right here, like acres of diamonds, under our feet. It is there, there in the ground, for the taking. Coal can be burned cleaner and coal can be more efficiently burned today than at any time in our previous history. With the right kind of investments in clean coal technology, coal can become our lifeline. Coal can save us from foreign oil, from OPEC, from volatile summer gas prices, and from a disastrous foreign policy that revolves around protecting our oil interests abroad.

Through Federal funding, Federal research and development projects, and tax incentives, we have made great strides—great strides—both in increasing the efficiency of our coal-fired powerplants and reducing their emissions. Even with our currently underfunded clean coal technology programs, we will continue to make progress.

I know that a vocal minority would have us believe differently. They are the oil and natural gas producers who try to convince the American public that coal is not the answer. Don't believe it. No, don't believe it. They want

Americans buying their more expensive oil and gas, not cheaper coal. They are interested in their profits and not the prices you and I pay at the pump or for our home energy bills.

The vast majority of Americans already use the cheap electricity provided by coal. They demand it. But with the proper support, coal could be providing other forms of cheap energy. The American military recognizes the hope that coal offers, which is why the Air Force is experimenting with using coal to liquids technology to fuel their aircraft. Coal has to be part, coal must be part of our energy strategy if we are ever, ever, ever to break our dependence on foreign oil. The American military recognizes it, the American people recognize it, and it is time that the Congress recognized it.

For several months now, I have been engaged in serious discussions with a bipartisan group of Senators to develop a program to promote the use of coal for transportation fuels and as a feedstock for our chemical industry. I thank those Senators and their staffs for their hard work in an attempt to reach our own version of a grand compromise on the future use of coal in this country. I particularly thank Senator BINGAMAN and the majority leader for their assistance with this proposal.

Even though there are significant challenges to the development of a coal to liquids industry in the United States, our dependence on foreign oil and the resulting cost to the country have created an economic environment that is favorable—favorable—for the industry to blossom. With a combination of tax incentives, loan guarantees, and regulatory support, along with technology-driven advances in environmental protection, we can reduce the risks associated with the construction of coal to liquid plants and stimulate private investment. We can and we must create a vibrant domestic marketplace for alternative fuels.

The added advantage of this proposal would be that the production of this clean-burning fuel would provide opportunities to commercialize carbon capture and storage technologies. I believe that carbon capture and storage can help advance clean coal technologies, but we must provide both considerable funding and the key Federal guidance to hasten the arrival—in the ground—of carbon capture and storage projects that begin to implement the technology.

I hope my fellow Senators will stop, stop, stop and give serious thought to this proposal. I hope we have finally learned the lessons from the past, and that we will now seize the moment by the forelock.

Our Nation confronts an enormous challenge in breaking our dependence on foreign oil. For all too many years, we have denied—we have denied—the problem. We have delayed taking action. We have conducted endless studies—endless studies—and largely kicked the problem on down the road. We have separated it along regional and political lines and done and said everything but solve the problem.

Of course, the Senate is performing its constitutional function by debating these issues, and making sure the interests of the people and the States we represent are being protected. When the debate is over, however, it is also the responsibility of the Senate to find a workable solution. It is here that regional interests must blend into the national interest.

We have studied the matter, we have debated the issues, we have talked about the solutions, and now we must act. Now we must act. True energy independence at a time when our Nation no longer is dependent on the energy resources of unstable areas and rogue regimes will require give and take from all sides. In fact, in this most significant national quest, there can be no single winner, whether it be coal, whether it be oil, whether it be natural gas, or any environmental interest. If any one special interest wins, then the American people will lose. The American people will win if, and only if, we put aside our parochial interests, our partisan politics, and our petty differences and work together and compromise together for the national good. The time for bold action is here. Let us start to put American ingenuity to work for the benefit of America's future.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, is it appropriate for the Senator from New Mexico to speak now?

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 1628

Mr. DOMENICI. Mr. President, I have a few remarks as ranking member of the committee. I am going to speak first in favor of amendment 1628, the Bunning amendment, with reference to coal to liquids. Later on today—later on today, Senator BYRD—and I don't say this because you need to be on the floor or anything like that, but later in the day, when some other people have finished speaking in favor of this amendment, I will speak against your amendment and be very specific and precise as to why.

I do say to you and your very excellent staff that I think you will be interested in my reasoning, because I am not trying to be vindictive or pick one over another, but I think your amendment, when we finish talking about it, you ought to be worried about whether you have set standards in it that will never commit coal to be turned to liquids.

Mr. BYRD. I hope not.

Mr. DOMENICI. I think you have done that, by mistake or otherwise. The environmental requirements are too high for it to be achieved.

So the money can be used for things other than coal to liquid. That is what it will go for over time, because you cannot achieve the environmental standards. I don't know how I can do it later, but I will talk with you seriously about it.

For now I am going to speak to the Bunning amendment, and later I will do that other one, and if I have to do it in writing, because of my great admiration for Senator BYRD, I will write it up and show it to you, because I do not think you are going to get coal to liquid the way someone has drawn the standards for you. I do not know who drew those.

I rise today, in the absence of Senator BUNNING—I hope everyone in the Senate and those who are wondering why this distinguished Senator, who is so strongly in favor of this coal to liquids, is not here, let's make sure everybody knows that what is going on right now is a very important aspect of this energy bill. It is the tax portion, and Senator BUNNING is on the Finance Committee. They are writing the tax portion, Senator BYRD. So Senator BUNNING can't be here because he is there writing this giant tax provision that is going to be affixed to this bill.

First, I ask unanimous consent that the letter Senator BUNNING and I received this morning in support of this amendment that we have be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADWATERS INCORPORATED,
South Jordan, UT, June 19, 2007.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.
Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATORS DOMENICI AND BUNNING: Headwaters Incorporated supports adding your coal-to-liquid (CTL) transportation fuel amendment to energy legislation currently being debated on the Senate floor (H.R. 6).

Headwaters is a New York Stock Exchange company with deep roots in CTL technologies. Our company has licensed direct coal liquefaction technology to facilities currently under construction in China and we are conducting feasibility and engineering studies in The Philippines and India. In the United States, we are actively developing a project in North Dakota in concert with North American Coal Company and Great River Energy. We are also conducting feasibility studies with CONSOL Energy Inc. in several other states.

Your amendment strikes the appropriate balance between enhancing our nation's energy security and advancing technologies to deal with climate change. To accomplish the greenhouse gas emissions standards required in your amendment, CTL providers will utilize carbon capture and storage technologies at a scale not previously deployed. This will do much to develop capabilities that will be used by many industries in the years to come.

It is time for America to keep more of its energy dollars at home, creating jobs making clean fuels from America's most abundant energy resource—coal. These fuels will work in our existing distribution systems and vehicles and will create a more secure bridge to the next generation of transportation fuels.

Sincerely,

JOHN N. WARD,
Vice President,
Marketing & Government Affairs.

Mr. DOMENICI. Now I would look to repeat once again my opposition to the Tester-Bingaman amendment on coal to liquid fuels. I believe it does little to advance the domestic coal to liquid fuels industry, and could, in fact, harm that effort. But I will return to the floor later today and speak to it in more detail.

I wish to provide some context for my colleagues as we move forward to vote this afternoon on the issue of coal to liquids, because it is so important for our country that we create a situation which will generate incentives so those who will invest money and try innovative technologies will do so for coal to liquid.

We have an abundance of coal. We have an abundance of need for liquefied coal. We have a lot of people who do not want to see this happen because they are fearful of the environmental consequences of this transition.

First, we must increase our national energy security by decreasing our reliance on foreign resources of crude oil. Second, we must ensure that the fuels available to American consumers are affordable. Third, we must seek to improve the environmental performance of the energy resources we consume.

I believe coal to liquid fuels will allow us to accomplish all three goals, and that the Bunning amendment puts us on the right path to get there. In terms of the opportunities for increased energy security that are created by coal to liquids, the case to be made is a convincing one. Our country accounts for 26 percent of the world's proven reserves, 26 percent of the coal.

We have enough coal right here in America to meet our needs for more than 200 years. In every authoritative forecast of domestic and world energy consumption, coal use is projected to increase, not decrease. No matter what people say, you know they don't want coal because it is not clean, every projection says there will be more coal used, not less, in the next 10, 20, 30 years.

What we have to do is be sure that since we have so much in America, we are pushing that and pursuing that with a hand on the accelerator, that makes sure what we come out with is a fuel that is clean enough to sustain itself among the fuels we are permitted to use, where it is as good as any we are promoting for the American people for their future.

Here in the Energy and Natural Resources Committee, we often talk about our Nation's increasing reliance on foreign sources of crude oil. We have included provisions in this bill that represent significant progress toward reversing this trend. I believe we should go further, however, and make better use of coal as our most abundant, secure, and affordable resource.

The facts in support of coal to liquid as a path to greater energy security don't only rely on the sheer abundance of this resource within our borders. It is because of this secure supply, but also due to the characteristics of coal to liquids as a fuel that the Department of Defense has undertaken an aggressive program to test, certify, and ultimately transition to meeting much of their demand with coal to liquid alternatives.

I want to repeat what I have just said about the fact that we are so abundantly blessed, and it is here and it is ours, and it is to be used by us. Because of this, the Department of Defense has undertaken an aggressive program to certify, ultimately to test and certify, to meet much of their demand with coal to liquid alternatives.

Last year the Air Force went through over 3 billion gallons of aviation fuel. That amount represents more than half of the fossil fuels consumed by the Federal Government. That is amazing. Half of all the fossil fuels consumed by the Federal Government was the 3 billion gallons of aviation fuel.

The goal of the Air Force is to certify their entire fleet by 2010, with a 50–50 mix of jet fuel with coal to liquid fuels and meet 50 percent of their demand for fuels with coal to liquids by the year 2016.

We must be encouraging progress along these lines, and the Bunning amendment is a step in the right direction. Coal is affordable. If we consider historic price trends, based on nominal dollars per million Btu's between 1980 and 2005, the cost of petroleum fluctuated between $6 and $16; natural gas fluctuated between $2 and $10; retail electricity fluctuated between $14 and $24; and coal between $1 and $3.

Is that not incredible? Now, if we can find a way through our technological advances and technological genius to make more coal usable, think of that, we will inject into this stream of usable resources that are used in the place of energy a fuel that is the cheapest and most stable fuel we have. I told it to you in incredible numbers. These are accurate. Coal, between $1 and $3 during the same period that retail electricity has been $14 to $24. You got that, my good friend from Montana? Incredible.

Petroleum fluctuated from $6 to $16, and here is that good old coal, $1 to $3. The problem is, we haven't figured out ways to use it for enough of the uses for which these energies I ticked off are used. Coal is secure. But it represents one of our most stable and affordable energy sources.

It should be our policy to ensure that this feedstock shares an equal footing with others that are available for production of alternative fuels. Of course, we must ensure that we continue to reduce the environmental impacts associated with energy resources we consume. Here, too, the ability of coal to liquid fuel to achieve this significant improvement is impressive. By virtue of the process coal must undergo in producing a liquid fuel, nearly all of the criteria pollutants are removed by virtue of the processes coal must undergo in the process of liquid fuel. I am repeating it. Nearly all the criteria pollutants are removed.

This represents a significant improvement relative to conventional diesel and includes a reduction in unburned hydrocarbons, carbon monoxide, nitrous oxide, particulate matter, and others.

I wish to direct the attention of my colleagues to the chart behind me which represents an average of the findings on the national renewable energy laboratories and other Government entities. It shows the percentage reductions achieved in the categories I have mentioned, by using coal to liquid fuels instead of conventional diesel.

Fuels are virtually sulfur free and dramatically reduced the emissions of other harmful pollutants. There it shows it to you right on the chart. Environmentally, what remains is a concern about the emissions of greenhouse gases. This too can be effectively addressed by coal-feeding biomass, utilizing a plant's carbon dioxide for enhanced oil recovery or through future efforts to achieve reliable and safe geological sequestration.

Those seeking to build coal to liquid fuel plants believe they can meet the same standard of 20 percent better than gasoline that is included in the underlying bill for ethanol. I believe no single one of the priorities I laid out as important to the consideration of the fuels legislation should overshadow the other. Coal to liquid meets all three priorities.

On this basis alone, I believe the Bunning amendment is the right approach. Now, some may ask, if this alternative fuel is such a good idea, why have we not already begun to produce it? The Department of Energy has testified that as long as the price of oil remains above roughly $50 to $60 a barrel, the first few gallons of coal to liquid operations will be economically viable. So as long as energy remains at that high price, from there, commercialization will further improve the competitiveness of coal to liquid fuels. It is a concern that oil-producing nations will increase production to lower oil prices, thereby undercutting the viability of alternative fuel production. That has created an unwillingness in the private sector to finance these plans.

I believe the most proven approach to addressing concerns of alternative fuel developers is to provide a guaranteed market and assurances that the market for these fuels will remain present. This is what the Bunning amendment does. This is all it does. This is all we need to do. Specifically, and starting in the year 2016, it will require that three-quarters of a billion gallons—that is all, three-quarters of a billion gallons—are produced a year. That gets us to a level of 6 billion gallons by 2022. Now, I would remind my colleagues that biofuels are mandated at a level of 36 billion gallons that same year under the base bill. We have required that coal to liquid fuels have lifecycle greenhouse gas emissions that are at least 20 percent better than gasoline. That is how we make sure that greenhouse implications are not something we need to worry about.

This is the same standard required of biofuels in the base text of the legislation that is currently before the Senate. We have seen the utility of a mandate in the current success of ethanol. In fact, currently the use of ethanol has even exceeded the mandates set forth in the Energy Policy Act of 2005. I believe the time has come to embark upon a similar success story in coal to liquid fuels.

If the environmental obligations are the same as the mandate for biofuels—and the coal to liquids mandate is one-sixth the size of a biofuel mandate—there is no reasonable basis to vote no on the Bunning amendment. The choice given by the amendment is coal from Wyoming, West Virginia, Connecticut, and North Dakota versus oil from the Middle East or Venezuela. The choice is an easy one. I encourage colleagues to vote for amendment No. 1628. It is not a huge amount of production we are going to assure the use of, but it will push producers and inventors, technocrats and people with money that they will all be working toward a new way to do it because by that point in time, they want to be able to say: Ours is ready. Please buy it. That is what the law says you are supposed to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak on the two amendments before us. I have some grave concerns. I am afraid this Energy bill could easily turn into an antienergy bill. If it does, we will have decreasing supplies of fuel and ever-increasing prices. I don't think that is where we intend to go.

I rise to give strong support to amendment No. 1628 offered by my colleagues, Senator JIM BUNNING and ranking member PETE DOMENICI. The amendment establishes a fuel mandate program for coal to liquid fuel that is identical to the renewable fuel standard we are implementing with this legislation. I know originally the two amendments had some similarities and were being worked on as one with a bipartisan group. That is what we ought to do. But somehow it got polarized and shifted into two separate amendments. One could have phased into the other and wound up with much stronger requirements. That was where I was hoping it would go, on a phased-in basis, so that we could actually have coal to liquid technology and that infant industry could then grow into one that would meet the strict standards that technologically cannot be met at the present time.

If we discourage all development of coal to liquids, we will not have clean coal to liquids. We will not have an adequate fuel supply or we will have a fuel supply that is very expensive, and that will curtail the economy.

I ask unanimous consent to have printed in the RECORD a letter from the Governor of my State, Dave Freudenthal, who talks about a glidepath we need to get the infant industry started and into place.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, June 18, 2007.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: I want to commend you and your committee for taking up the matter of Coal-to-Liquids technology as part of the consideration of national energy policy. As you know, if we can construct the proper policy framework for this technology, the benefits are many. The country will be able to make use of an abundant fuel source to begin to mitigate our dependence on imported fuels. Capital investment and job creation will also be a significant benefit for America.

My view is that with the exception of operations in South Africa, CTL is an emerging technology. Clearly not all the design, engineering and performance issues are determined as would be expected in the case of a mature industry. There is much work to be done with respect to environmental behavior and operational efficiency.

Given the emerging nature of this promising technology, it seems prudent and appropriate to set goals that stretch the technology, represent a step forward and would result in a better environment. However, setting requirements that are likely not achievable in the near term with the first plants may only serve to discourage the kind of technical and financial investment required to bring the CTL technology forward to commercialization.

A 'glide path' that would require continuous improvement of environmental performance with a starting point better than existing alternatives seems a reasonable position for the first CTL plants. This would allow policy makers to keep the ultimate targets intact but acknowledge the evolving nature of the technology. It seems this would be a much better signal to send to the country. This should serve to stimulate rather than discourage the kind of market behavior on the part of cleaner energy entrepreneurs and technologists we need to help us solve these complex energy and environmental challenges.

Thank you for your consideration.

Best regards,

DAVE FREUDENTHAL,
Governor.

Mr. ENZI. I have listened for the past week as my colleagues have discussed the importance of domestic fuels. They argue that it is essential for us to reduce our dependence on foreign energy barons and that the mandate that this bill lays out for 36 billion gallons of biofuels is an important step in being energy independent. I agree with my colleagues and their assessment that we need to produce more domestic fuel, and the amendment I am speaking in support of does just that. By mandating that we use 6 billion gallons of fuel derived from coal, we will use our Nation's most abundant energy source to help break America's addiction to oil.

Coal to liquids technologies are not new. The technology has been around since the 1940s. There is no question that it can be used today in transportation markets that currently exist. It can be transported in pipelines that currently exist. Because it comes from coal, our Nation's most abundant energy source, it can be produced at home by American workers without some of the international interference. Coal to liquid plants are being developed in China. They understand the need for the economy to have the fuel to operate on. They are buying up resources. In Canada, they tried to buy resources in the United States. They know the future of their country depends on having sufficient fuel, particularly for transportation.

Coal to liquid plants are already being developed in China. They are being developed in other major industrialized nations. But they are not being developed in the United States. I am concerned that as we sit on the sidelines, other nations will take advantage of our inaction, and our economy will suffer. That is why I am speaking in support of the amendment offered by my colleagues from Kentucky and New Mexico. The amendment they have introduced is the right approach to moving this issue forward in a way that will truly help the coal to liquids industry. In doing so, it will truly benefit the American people.

There is a competing proposal from my colleague from Montana that I will discuss in a moment, but I first want to discuss why this is the right approach, if we are to spur investment in the coal to liquids industry. Simply put, if our goal is to create a market for a new energy source, mandates work. We have seen it with other current renewable standards. Since passage of the RFS as part of the Energy Policy Act of 2005, we have seen a dramatic rise in the number of ethanol plants that exist, and there is no sign that industry is slowing down. That was the mandate we placed. It is being met. We have an opportunity to do so today for coal to liquids. However, we will do so on a smaller scale, requiring just 6 billion gallons of coal-derived fuel as opposed to 36 billion gallons mandated for biofuels in the bill. We will do so with additional environmental standards.

Like the underlying legislation, we require the 20-percent life cycle greenhouse gas reduction language. However, unlike the underlying bill, the amendment requires coal to liquid plants to operate with technology to capture carbon dioxide emissions. In general, I am not a fan of mandates. I have struggled with this issue. However, if our goal is to reduce our Nation's dependence on foreign energy sources and to produce more fuel domestically, the current renewable fuels mandate has proven that it is an approach that works. In direct contrast to the success of a mandate is the failure of the loan guarantee programs which have issued exactly zero loans almost 2 years after the program was created in the Energy Policy Act. The approach of the Senator from Montana of a direct loan program is different than the approach taken in the Energy Policy Act. Although that is the case, I am concerned that his legislation will simply create another loan program that never happens. A direct loan program requires that the Federal Government loan taxpayer money to private companies to move forward. In the very tight appropriations climate we are currently experiencing, my colleagues are kidding themselves if they think we will spend the kind of money it takes to build one of these plants through a direct loan.

How do I know about that? There is one proposed in southern Wyoming. The company is a coalition of companies to put the money together for one of these plants. It is a huge refinery. That is what a coal to liquids plant is. It changes our low-sulfur coal into diesel, and that is what we are requiring trucks to use now, diesel without coal. It is going to be between the little town of Hannah and Medicine Bow. Hannah was a coal mining town. The coal was deeper so it wasn't useful or economical for them to mine it anymore. It shut down. People are there with houses they can't sell and jobs they don't have. They are retired. But this plant is coming into that area.

The reason it is coming to that area is, first, there is the coal resource but, more importantly, there is a pipeline there. This is one of the fuels, unlike ethanol, that can be put into a pipeline and transported. They have already sold all of the fuel they can build. They put $2 or $3 billion worth of money together to build what will be the first refinery built in the United States in 30 years. It will solve a huge economic problem in that part of the State. I have to say, the requirements in the amendment of the Senator from Montana will probably stop this because the technology isn't there. People aren't going to venture $2.3 billion on the possibility that the technology might be there. I would hope we would put some research money into technology on carbon sequestration and carbon capture. I have encouraged the University of Wyoming to do that with some of the abandoned mine land money. But that is down the road and should be phased in so that plants like this can be built.

In addition to my concerns about the loan program, I am also concerned that the amendment of the Senator from Montana sets forth environmental standards that are technologically unachievable. We have devoted an entire title of this bill—title III—to the research and development of carbon sequestration technologies. I have faith that this research will help us to advance carbon sequestration efforts, but I don't believe we are there yet. As such, the Tester amendment's requirement for 75 percent sequestration—and it is not phased in—seems unreasonable. I am not a technical expert. I have spoken to the people who are planning the coal to liquids facilities. None of the developers I have questioned have suggested they can achieve the 75 percent mandated by the Tester amendment. Both of the Democratic and Republican proposals will reduce greenhouse gases in a major way. Both of these amendments require a 20-percent improvement, but the Democratic proposal goes too far and sets standards that aren't technologically achievable.

My colleagues are faced with a choice. The amendment offered by Senators BUNNING and DOMENICI takes a proven approach of mandating that we use a domestic fuel. It adds responsible and reasonable environmental standards, and it will work to spur development of a domestic coal to liquids industry. I wish the bipartisan group could have gotten together and actually worked out something, but there are some other things playing in this whole process. Sometimes we get so wrapped up in making a political point that we wipe out progress for the United States. I hope that something can be done on that yet, but we will vote on two different amendments. The Bunning-Domenici one has the potential for actually providing some facilities and additional fuels. If we truly want to see coal to liquids plants built in the United States, only one of the approaches before the Senate works. That approach is the one offered by Senators BUNNING and DOMENICI. I hope all of us will support that amendment and see that coal to liquids and fuel independence happens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise today to speak on behalf of the Bunning coal to liquid fuel amendment. This was an amendment cosponsored and championed by our dear late friend, Senator Craig Thomas. If we could adopt this amendment and pass it into law, I think it would be a fitting tribute to the memory of this very fine servant of the people of Wyoming and of the United States.

We have plenty of Members of the Senate who would like to reduce our involvement in the Middle East. Maybe they supported our gulf and Iraq wars; maybe they did not, but they would sure like us to reduce our current involvement, and they certainly would like us not to have to go over there every time there is trouble. Count me in as one of that broader group.

There is another group of Senators, and I would be included in those as well, that would like us to improve the environment by reducing greenhouse gases. They support reducing the lifecycle greenhouse gases emitted during the production of fuels. Indeed, we are considering provisions to require biofuels produce 20 percent less lifecycle greenhouse gases during their production.

So I ask those Senators—all of you who support reducing our dependence on Middle Eastern oil, all of you who support requiring fuels to produce less greenhouse gases—please support the Bunning-Domenici coal to liquid fuel amendment that will do both.

Domestically produced fuel made from coal will reduce our dependence on Middle Eastern oil. Every barrel of oil we produce from America is a barrel of oil we do not need to import from Saudi Arabia, Kuwait, Iraq or Venezuela. Every barrel of oil we produce from America will reduce our need by that much to intervene in local Middle Eastern disputes.

Domestically produced fuel made from coal will improve the environment. Coal to liquid fuel, with its sequestration of pollutants, will be lower in acid rain-causing sulfur and soot-producing particulate matter. The Bunning amendment will also cut greenhouse gas emissions compared to gasoline production by mandating 20 percent less lifecycle greenhouse gas emissions. No coal to liquid plant will receive a cent of Government money unless it can meet this greenhouse gas reduction requirement.

Domestically produced fuel from coal will improve our health. Too many children and elderly suffer from asthma, an acute condition caused by air pollution. Coal to liquid fuel is lower in ozone-causing nitrogen oxides, soot-producing particulate matter, as I mentioned, and toxic emissions from volatile organic compounds.

Domestically produced fuel made from coal will improve the performance of our military. Coal to liquid fuel provides significant performance advantages for military jets and aircraft. The Air Force is most interested in signing long-term supply contracts that will enable them to provide a market for the clean coal to liquid fuel which is envisioned in this amendment. CTL fuel burns at a lower temperature, burns cleaner, and performs better at both lower and higher temperatures. That is good for our war fighters who need every advantage they can get.

Domestically produced fuel made from coal is good for our existing infrastructure. Coal to liquid fuel can go right into our existing pipelines, gas tanks, and engines without any cause of problems. We will not need new pipelines, new storage or new pumps as with biofuels.

Domestically produced fuel made from coal is also good for consumers. Coal to liquids offer long-term supply guarantees without the fear of supply shocks from external forces in other countries. Do you ever wonder why gas prices jump up every time some Middle Eastern radical shoots off a rocket in his neighbor's territory? That would not happen to the fuel we are producing from coal to liquids.

Domestically produced fuel made from coal is also good for taxpayers. Coal to liquids offers the ability to lock in long-term price cut guarantees. I think all of us realize that Southwest Airlines used this long-term fuel supply hedging to save billions of dollars and avoid bankruptcy. Other airlines lost millions and fell into bankruptcy paying for high-priced fuel on the spot market. At the same time, Southwest produced profits in part from the savings from their long-term contracts to buy fuel. We can use this same strategy to benefit all Americans with coal to liquids and specifically by supplying that fuel to the Air Force and other Government users. I would hope the other users of fuel would realize the advantage, but we can do something now to start that market and to assure that technology goes into production.

So I urge my colleagues to give a hard look to the Bunning-Domenici coal to liquid fuel standard amendment. I would say, I would add Craig Thomas's name to that list as well. Sponsors have trimmed back the amendment to require more modest and realistic amounts of CTL fuel. Sponsors have also included the same 20-percent lifecycle greenhouse gas reduction mandate and a requirement for coal to liquid plants to operate with technology to capture carbon dioxide emissions.

We can use the carbon dioxide, so captured, to pump into previously depleted oil wells to generate more production or we can pump it into substructures, geological formations, which will capture and keep that CO_2 sequestered.

I urge my colleagues to support the Bunning-Domenici amendment. Our future in terms of energy independence, our future in terms of a cleaner environment depends on it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to use 12 minutes of Senator TESTER's allotted time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is the right subject, this issue of alternative fuels. I commend all my colleagues for being here to talk about this important issue.

I have mentioned often on the floor of the Senate, we live on this little planet of ours, and on this planet we circle the Sun, and we happen to live on a little patch on this planet called the United States of America. A substantial amount of oil is used here. We use one-fourth of all the oil that is pulled out of this planet every single day. About 84 million gallons of fuel is pulled out of this planet every day, and we use one-fourth of it in this country.

Unfortunately, much of the resources—the oil resources—exist elsewhere. Over 60 percent of that which we use in oil comes from off our shores, much of it from very troubled parts of the world: Saudi Arabia, Kuwait, Venezuela, Iraq, Iran, and so on. In a circumstance where we have such a prodigious appetite for energy—oil in this case—and so much of it exists off our shores, it makes us very vulnerable—extraordinarily vulnerable.

If tomorrow, God forbid, terrorists should somehow interfere with the pipeline of oil to the United States of America, we would be flat on our back. Our economy would be flat on its back because we get up every single morning in this country and we pull the switch, we start the engine, we do all these things that heat the water for the shower and air-condition our home. We have such an unbelievable appetite for energy.

With respect to oil itself, we are held hostage by having so much of it coming from off our shores. Therefore, the question is, how do we become less dependent or how do we become independent of the Saudis or the Kuwaitis or others who have so much oil?

Is it a good thing for us to try to become independent? I think it is. So how do you do that? Well, you do that in a lot of ways, one of which—an important "one of which"—is to develop renewable alternative fuels.

So we are talking about the biofuels. We are talking about ethanol. We are talking about a lot of different issues—cellulosic ethanol. Today on the floor of the Senate, we now talk about coal to liquid. Coal to liquid means taking coal and producing from it diesel fuel. That coal to diesel is another way of producing alternative fuels.

It is very important, however, for us, as we proceed down this road, to do this the right way. There is, perhaps, an easy way and a harder way to do it or a right way and a wrong way to do it, but all of us who come here talking about alternative fuels, I think, are talking about the right subject.

This issue of coal is very important. Coal is the most abundant resource that exists in this country. It is our most abundant. It is our most secure. It is here. It is the lowest cost American resource. It is estimated we have over 600 billion barrels of oil equivalent in coal. Compare that, for example, to the largest oil reserves in the world, which are held by the Saudis, estimated at about 260 billion barrels of oil. Again, the Saudis have the largest repository of oil we know of, estimated at about 260 billion barrels. Our coal has an oil equivalent of about 600 billion barrels.

Well, the question is: How do we use coal? Because coal has a carbon footprint, it has an impact on our environment. I am chairing the Energy and Water Subcommittee on Appropriations. In the accounts I am now working on with my colleagues, I am going to put a great deal of money into clean power and into clean coal technology so we can unlock the mysteries and find ways to continue to use our coal, our most abundant resource, without in any way injuring our environment. I believe we can do that. I am going to tell you in a minute an example in North Dakota that is occurring that holds great promise, in my judgment.

But we have a lot of experience in burning coal for electric generation to produce electricity. We have a good understanding of the challenges we face as a result of that with respect to carbon reduction in those plants, the coal-fired electric generating plants. We also have some experience turning coal into synthetic natural gas. The only plant in the United States in which lignite coal is taken out of the ground—coal is extracted from the ground and put in a processing plant to turn coal into synthetic natural gas the only circumstance in the country where that occurs is on the prairies of North Dakota. It is interesting that the coal gasification facility is really a technical marvel—a technological marvel, I should say. It is producing synthetic gas in a way that is exceeding expectations. It produces very valuable byproducts, and it does, in fact, produce CO_2.

So in this coal gasification plant, with the production of CO_2, which we don't want to admit in great quantities into the atmosphere because of climate change, we have done something that is really pretty interesting. We capture 5,500 tons a day of CO_2 in that plant, put it in a pipe, and in that pipeline it is transported 205 miles north into Canada, where it is invested into the ground in Canadian oil wells to make marginal oil wells more productive. So we have beneficial use of sequestration of CO_2 by piping it to Canada and investing it into the ground to essentially make their oil wells more productive. It has sequestered about 7 million tons of CO_2 into the Weyburn Field since the start of the project in the year 2000. It has doubled the field's oil recovery rate and extended the life of the oilfield by 15 to 20 years. So you talk about beneficial use of CO_2—first of all, capturing it, keeping it from escaping into the atmosphere, and second, using it for beneficial use. I think this is the largest example—the largest demonstration of that—in the entire world.

Now, the question before us today will be a couple of different presentations on coal to liquid. I support coal to liquid. I believe it is part of an alternative fuel strategy that makes sense for this country. But we come to an intersection with energy and climate change, energy and the environment. It is an intersection a lot of people would prefer not to approach, but nonetheless we are there. We can't pretend one doesn't exist. They both exist. They coexist. They have an impact on each other. The question of how we do coal to liquids is a very important question in the context of how we continue to use our abundant coal resource.

Some say the most beneficial use of coal is coal to synthetic natural gas. I have just described how that is being done. Some say another beneficial use of coal is coal to plastics. There are many ways and many approaches to use coal for beneficial use at the same time as we protect the environment.

We have examples in amendments being offered today of the requirement of not only life-cycle reductions in emissions—and I believe both of the amendments have equivalent life-cycle reductions in emissions, but only one has a carbon capture requirement, which I think, frankly, is going to be required as we move forward with coal to liquids. We might debate about where that carbon capture requirement ought to be established, under what conditions can it be met, but I don't think there is much choice that we, as we proceed with coal to liquids, establish a carbon capture standard. I believe the Tester amendment does that in a way that says, I think for many of us, we fully support coal to liquids. We also support all of the other technologies that provide for the beneficial use of coal, which includes, as I have just described, coal to plastics and coal to synthetic natural gas, and so on. But as we proceed with coal to liquids, it is very important that we capture and sequester CO_2, just as we do in North Dakota with this synthetic natural gas plant.

Let me also point out that we have other ways of using coal—biomass cofed with coal to produce liquids. We can actually take CO_2 out of the atmosphere with that process. The plants would capture the CO_2 as they grow, and that CO_2 would be captured in the gasification process, along with the CO_2 from the coal. So it could be permanently sequestered in that circumstance. As a result, the overall carbon footprint for coal biomass to liquids would be better, for example, than with petroleum.

So there are so many different applications and different ways that I believe coal can play a very important role in this country's future. As I indicated, I am going to be adding substantial funding with respect to clean coal technology and the research that is necessary to unlock the capability, the scientific capability, and technology to be able to continue to use our abundant coal resources long into the future.

It makes little difference if we have the equivalent of 600 billion barrels of oil in coal resources if we can't use them. To say we have reserves equivalent to 600 billion barrels of oil, if you can't use that coal, it means very little to this country's future. I believe, when you take a look at the most abundant resource, we need to be able to use it, but I also understand and believe we need to be able to use it in circumstances where we can produce in the future a coal-fired electric generating plant that is a zero-emission plant. I believe that is possible. Now, can we do it tomorrow? Probably not. But I believe that through technology, we can accomplish these things.

The same is true with respect to coal to liquids. I don't believe the debate among those of us who have spoken on this subject today is whether coal to liquids makes sense. It will contribute as a part of our alternative fuels to make us less dependent on foreign sources of oil, and that is something we should all aspire to have happen. But it will also, as we proceed in this direction, require us to have carbon capture and sequestration in a manner that is meaningful.

One of the amendments today will establish a 6-billion-gallon requirement. I believe essentially the same amendment a couple of weeks ago said it should be 21 billion barrels as a mandate or requirement. I don't know where those numbers come from. I just believe, as I think most who have spoken believe, that we have to move in the direction of making coal to liquid work in a way that is compatible with this country's environmental needs.

So I am going to support the Tester amendment. I hope that at the end of the day, we will have received a message here from the debate in this Congress that says: Yes, alternative fuels make sense; coal to liquids makes sense; so, too, do carbon sequestration and carbon capture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to use Senator TESTER's time for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. BROWN. Mr. President, I rise to speak for a moment on the Employee Free Choice Act, the legislation we will be considering this week and legislation which will, frankly, help to build the middle class. That is something I know the Presiding Officer spoke about in Pennsylvania often in the last year, as I did in Ohio.

We know what has happened to manufacturing jobs in this country, many of them good-paying union jobs. In my State, we have lost literally hundreds of thousands of them—more than 3 million in the last 5 years nationally. We know what has happened as profits and wages have gone up in this country—excuse me—as profits and top executive salaries have gone up. We know that for most Americans, their wages have been stagnant. Part of that is the decline of unionization. Poll after poll after poll shows that most people in this country, if presented with the opportunity, would like to join a union, but most are denied that opportunity because of the kind of workplace they are in oftentimes but oftentimes simply because management—employers—is able to beat back any kind of unionization effort.

That is the importance of the Employee Free Choice Act. Let me illustrate by an example. The Presiding Officer and I sit on the Agriculture Committee together and one day back in February, our first month on the job—roughly the first month—we heard from a woman from southwest Ohio who came and testified on food stamps. The food stamp benefit in this country on the average is $1 per person per meal. She and her son, as a result, get about $6 a day in food stamps. She works full time. She is a single parent with a 9-year-old son. She is the president of the local PTA of her son's school. She teaches Sunday school, and she volunteers for the Cub Scouts for her son. She works full time making about $9 an hour. She is a food stamp beneficiary. She occasionally makes her son pork chops, which he likes to eat once or twice at the beginning of the month. During the first couple of weeks, she takes him to a fast-food restaurant once or twice. Almost invariably, the last couple of days of the month, she sits at the kitchen table with her son, just the two of them, and she says she doesn't eat.

He says: Mom, what is wrong?

She says: I am just not feeling well today, son.

She has run out of money. It happens almost every month. She is playing by the rules. She works hard. She is doing almost everything we ask. She is involved in the community.

My belief is that, through talking to people like her, if she had the opportunity to join a union, she would see several things happen. She would see a higher wage. She would be more likely to have health insurance to build toward a pension. All the things everybody in this institution has, everyone who sits in the U.S. Senate—everyone who works in this institution, on that side of the Capitol or on this side of the Capitol, has health care, has a decent wage, and has a decent pension.

The single force that gives people an opportunity for health care, a decent wage, and a decent pension is unionization. We know that. If you trace the numbers of people joining unions and you draw a graph about wages in this country, the lines are almost parallel. We are a more productive workforce than we have ever been. Yet wages have not kept up with productivity. When you measure, for decades and decades in our country, as productivity went up, wages went up. But during the last few years, as productivity has gone up sharply, wages have continued to remain stagnant. That is in large part because of the decline of unionization.

That is the importance of the Employee Free Choice Act. That is why it matters to our country. That is why it matters for building a strong middle class. That is why the Senate this week should pass the Employee Free Choice Act.

Mr. President, I ask unanimous consent that at 2:15 today, there be 60 minutes remaining for debate with respect to the Bunning and Tester amendments, that the time be equally divided and controlled, and that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:41 p.m, recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—Continued

The PRESIDING OFFICER. There are 60 minutes equally divided under the Bunning and Tester amendments.

Who seeks time?

The Senator from Kentucky is recognized.

AMENDMENT NO. 1628

Mr. BUNNING. Mr. President, I rise to talk about the Bunning, et al., fuel amendment No. 1628. Senator HATCH has asked to be listed as a cosponsor. I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, for too long America has ignored its energy security. Many of us can remember the energy crisis in the 1970s. We were held ransom by a monopolistic oil cartel and forced to endure shortages, gas lines, and high prices. In the early 1980s, just as America began to invest in alternative fuels, the oil-producing states of the world crashed prices to make new technology uncompetitive. During most of the last 25 years, we have enjoyed low prices and plentiful supplies. But we have had to pay a price. Today, we find that America is addicted to oil.

September 11, 2001, and the hurricanes in the gulf region have shown the fragile state of our energy markets. Domestic disasters and terrorism can send energy prices spiraling out of control. Our energy resources are stretched to the limit and small supply disruptions ripple throughout the entire economy. I believe all Americans, as they see continued instability in the Middle East, China, and India, and sustained gasoline prices around $3.50, $4 a gallon, can see an energy crisis on the horizon.

As you can see from the chart I have here, our production of energy has almost stayed completely flat and will stay completely flat until about 2025, unless we do something about it. On the other side, our consumption continues to escalate. So the difference between the two is the crisis at which we are now looking.

This year alone, we will send about $250 billion to foreign countries—mostly in the Middle East—to buy oil, adding to the $7 trillion we have already spent in the last few decades. America has become complacent and overdependent on imported oil. No matter what energy prices are, we need to take responsibility for our reliance on imported energy and develop a secure, domestic fuel source.

I believe part of that effort should be developing coal to liquid fuels. America happens to be blessed with significant coal reserves. Coal powers our homes and businesses. Fifty-two percent of our electricity is derived from coal. It has long been America's most abundant fuel resource and has driven our economic growth since the Industrial Revolution. Coal to liquid technology lets America capitalize on a domestic resource. Every dollar invested in coal to liquid production will stay in America, grow our economy, and create jobs. By displacing payments to foreign oil companies with domestic investment, we will actually increase the amount of funding available for other alternative fuels. It will lower energy prices for American families, improve the environment, create thousands of jobs, and bring billions of dollars in new investment to our local communities.

Many of you may be asking one question right now: If this technology is so great and could replace expensive imports from the Middle East, why hasn't it been done already?

The answer is simple: Costs and market uncertainty. A typical size coal to liquid plant costs between $3 billion and $5 billion to construct. With complicated plans and environmental permits, a new plant could take 5 to 8 years to build. This is a challenge for even the biggest risk takers on Wall Street. Raising the capital needed to develop a new technology is always difficult, but the multibillion dollar investment scale of a coal to liquid plant has made it nearly impossible.

On top of this is the uncertainty of the price of oil. Yesterday, oil hit $69.09 cents a barrel—an all-time high. Soon we will be seeing $70 prices on a barrel of oil. We have seen this dramatic rise in the last few years. But investors are concerned that oil prices could drop to the low levels of the 1980s and make coal to liquid plants uncompetitive again.

But even if oil prices were to drop that low in the next few decades, I believe CTL would more than pay for itself by insulating us from supply shocks and providing a secure domestic fuel source for our military, businesses such as airlines and trucking, and the average American car.

The challenge for America is to leverage the private investment required for these large, expensive plants. U.S. investors remember the last time synthetic fuels were promoted in the 1970s, and remember the losses they took as oil prices collapsed in the 1980s. The scale of investment, uncertainty of oil prices, and a complicated environmental permitting process have prevented the industry from taking root in the United States.

We need to take aggressive steps now to ensure that America does not continue to face high heating and gasoline costs and rely so heavily on unstable and dangerous parts of the world for our energy. I believe the answer is to provide Government support to get coal to liquid technology off the ground. At least it is one of the things we must consider.

With modest initial investments, we can kick-start the industry and then the Government will get out of the way and let the marketplace take over. I would rather the Government not have any involvement in coal to liquids, but this industry needs assistance because of the threat of OPEC, oil tyrants like Hugo Chavez, and technology challenges.

While these are legitimate challenges facing coal to liquid, another issue has become more and more prominent during this debate. In the last few weeks, the environmental rhetoric has been strongly against coal fuels. Unfortunately, too many people have repeated it without checking the facts. The picture opponents of coal paint is far from the truth about our fight for energy independence. It shows the same misinformed biases found in anti-coal advertisements and environmental newsletters.

I want to tell you clearly and without reservation that coal to liquid fuel will be a clean part of our energy future.

I want to show you another chart. While some may remember urban diesel pollution problems, coal to liquid will be significantly cleaner than existing fuels in terms of air pollutants such as sulfur, particulate matter, nitrogen, and aromatics. Air Force tests, laboratory tests, and environmental reports all show that coal to liquid fuels will reduce the air pollutants that pose a threat to human health.

As you can see when you compare diesel and well-to-wheel urban emissions, compared to low-sulfur, petroleum-based diesels, you can see organic compounds, carbon monoxide, pollutants, particulate matter, and SO_X, all decreasing in the coal to liquid area. But all of these improvements and the promise of energy security are wiped away by misleading claims that coal to liquid would produce twice as many carbon emissions as conventional fuel. That is not true.

The production of coal to liquid fuels does release carbon twice—once during gasification and another when burned like conventional fuels in engines. But that does not mean coal to liquid plants have to release twice as much carbon emissions.

My amendment requires carbon capture—listen to this. I hope some people in their offices are listening to this. My amendment requires carbon capture, but recognizes that there are limits to this technology today. Carbon capture is only part of the emissions model. Nearly all of the developers we have worked with want to use biomass coal-blended feedstock to achieve emissions reductions.

Believe me, I have studied coal to liquid extensively. Reports from the EPA, DOE, Princeton University, and the Idaho National Laboratories has shown the coal to liquids lifecycle greenhouse gas emissions rate will vary dramatically based on the technology, feedstocks, and process used. These researchers have shown that the coal to liquid process could one day produce a fuel that is carbon neutral. I will repeat that. These researchers have shown that the coal to liquid process could one day produce a fuel that is carbon neutral—no carbon emissions. This is not pie-in-the-sky research. Using some of the same ideas, a planned plant in Ohio—one that will need some Government support to get started—will produce coal to liquid diesel that has 46 percent less carbon emissions than diesel fuel made presently from oil—46 percent less.

On chart 3, we show greenhouse gas emissions. This chart shows the life cycle of greenhouse gas emissions of different kinds of fuel based on the analysis of the Idaho National Lab. On the left, we have diesel fuel, coal to liquid fuels with no environmental technology, coal to liquid that uses carbon capture, and coal to liquid that uses carbon capture and biomass. As we can see by the chart, coal to liquid can be very clean. That is our goal.

For comparison, I included gasoline and ethanol blends on the right. If we support coal to liquids and let the industry develop these carbon capture and biomass technologies, we will reduce emissions more than corn-based E85 and more than cellulosic E10. That is currently what everybody wants to do. E85 is the big savior. The new cellulosic ethanol, E10, is the big savior. As we can see by this chart, that is not true because the emissions at the end of the line with cellulosic E10 and corn E85 are all higher than the coal to liquids mixed with biomass. That is the truth. Those are facts.

The sector should be given time, just as everyone else, to develop the best technology and not rely on Congress to pick it for them. That is why my coal to liquid fuel amendment sets the environmental standard for coal to liquids at the same aggressive 20-percent life cycle reduction that Chairman BINGAMAN requires for biofuels. The very same reduction that Chairman BINGAMAN in his Energy bill requires of biofuels is the one I have in this amendment. Every gallon of coal-to-liquids made with the help of my amendment would meet this standard and would be a gallon of oil we do not have to buy from the Middle East.

While I have shown that limited Government support is necessary and coal to liquid fuels will be as clean as biofuels, another reason to support coal to liquid fuels is national security.

I want my colleagues to look at this chart because this is the most important part of coal to liquid technology, and putting it on this Energy bill.

The military is the largest single purchaser in this country, and the Air Force consumes 50 percent of this total. I have spoken many times with the Secretary of the Air Force, and I am proud to say he has taken the lead on developing this domestic resource.

Last year, the Air Force spent nearly $7 billion—$7 billion—alone on aviation fuels, which was over budget by $1.6 billion. For every $1 change in the price of a barrel of oil, it costs the Air Force about $60 million a year. That dramatic impact is 10 times worse for our commercial airlines.

As we can see, if we do it the right way, we can produce enough of our aviation fuel from this technology with a change in the way the Air Force buys their fuels. If we change it from 5 to 20 years in terms of the amount of time they can contract for, we can have this kind of dramatic impact for our military.

With this in mind, last summer, the Air Force tested jet fuel with a 50-percent mix of Fischer-Tropsch fuel—that is the coal to liquid process—in a B-52 bomber. The results of these tests so far are nothing short of outstanding. We already knew these fuels are nearly zero in sulfur and very low in nitrogen oxide and particulate matter emissions, but we are learning very new benefits.

During these tests, the Air Force demonstrated this fuel we are talking about burns significantly cleaner and burns significantly cooler than conventional jet fuel. These characteristics allow our jets to have a smaller radar profile and lower heat signature. And these advantages translate into better mileage, reducing both fuel costs, as well as greenhouse gas emissions.

In light of this successful assessment, the Air Force plans to test this fuel in the C-17 cargo plane this year, and it is embracing the goal of certifying the entire fleet of aircraft by 2016.

By that time, the Air Force intends to meet 50 percent of its annual fuel needs, more than 1.3 billion gallons, with Fischer-Tropsch fuel. Coal-to-liquid fuel will provide a safety net for our military to ensure a stable fuel supply regardless of the global politics of oil, but only if we build a domestic industry to make the fuel for them.

Let me turn to the two amendments we will consider today. I am asking that my colleagues support the Bunning-Domenici amendment that I have offered with Senator CRAIG, Senator ENZI, Senator MARTINEZ, and Senator HATCH. Our amendment is the only amendment that will help create a domestic coal to liquids industry, is a separate program that will not compete with biofuels in any way, requires coal to liquids meet the same 20 percent life cycle reduction of greenhouse gases that biofuels must meet—the rest of this bill requires that—requires coal to liquid facilities to capture carbon dioxide, and mandates only one-sixth as much fuel as the renewable fuel standard.

I am also urging my colleagues to oppose the Tester-Bingaman amendment. This amendment is not—and I emphasize this—is not a coal to liquid amendment. It sets an irresponsible environmental standard and will just kick Government support for this fuel into the future.

Their amendment is opposed by 23 members of the coal to liquid coalition, including industry, airlines, railroads, and others.

It sets strict technology mandates for emissions that will stifle innovation and prevent nearly all domestic coal to liquid plants from moving forward.

It limits the availability of the loan to 50 percent of the plant cost, making it less effective than the already existing DOE program that we passed in 2005.

It will take years in DOE rulemaking before the first dollar is ever allocated for a plant.

In the greatest deception of all, it does not require coal to be used in the coal to liquid process.

Let me say that again so everybody understands. The biggest deception of all is that the Tester-Bingaman amendment does not even require coal to be used in the coal to liquid process.

I am committed to the coal-to-liquid fuel as a secure domestic and environmentally sound fuel. The Tester amendment looks at coal-to-liquids as an afterthought. I think my proposal should be adopted for any one of a dozen arguments that we have made for coal to liquid fuels. It will create jobs, bring down the price of fuel, bring down the price of what we pay at the pump, fuel our military, but basically displace foreign oil, enhance our national security, add value to our coal resources, and improve our environment.

But my final and perhaps most important point is that coal to liquid fuels deserve fair treatment. I ask that my colleagues look at what we have done for biofuels in America and the benefits we have given to our farmers. Communities throughout the Midwest are uniting to invest in ethanol and biomass. Money from Wall Street is flowing into our rural communities, developing infrastructure and creating jobs. In many parts of America, I have seen new hope in agriculture and new ways for farmers to realize greater values for their crops.

It all started with the ethanol fuel mandate. My amendment will create the exact same mandate for coal to liquid fuel with the same environmental standards. I think our coal communities deserve the same support we gave our farm community.

Will you tell the Governors of the Southern States, Pennsylvania, Ohio, Illinois, North Dakota, Colorado, Nevada, and Montana that you oppose their efforts to bring coal to liquid plants to their States?

Will you tell the men and women who serve as coal miners, construction workers, truckdrivers, train conductors, and plant operators that they deserve less support than our farmers?

Will you tell all Americans that you would rather keep buying oil from the Middle East instead of making fuel in America?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, parliamentary inquiry: How much time remains on either side?

The PRESIDING OFFICER. The Senator from Kentucky has 50 seconds—50 seconds—remaining and the majority side has 30 minutes remaining.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be recognized to speak for 10 minutes in support of the Tester amendment, followed by 10 minutes for Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized for 10 minutes.

Mr. SALAZAR. Mr. President, I rise today to speak on behalf of amendment No. 1614, which is the amendment Senators TESTER, BYRD, ROCKEFELLER, BINGAMAN, and I are cosponsoring today. Before I make my prepared remarks, let me make a couple of introductory remarks.

The work we are doing today here on the floor of the Senate is perhaps the most important work we could be doing, because how we move from our current chaos on energy here in America to the reality of energy independence is the hallmark of the 21st century. It is an absolute imperative for us to get to the kind of energy independence that has been desired in this country for over 40 years and which has been the topic of much rhetoric and very little action. This is our opportunity, today and in the days ahead, as the Senate speaks out loudly and clearly about the importance of energy and how we will move forward in this world.

From my perspective, I believe we have no choice. I believe the inescapable forces of our civilization today require us to do nothing less than to embrace this concept of a clean energy future with the sense of moral imperative President Carter spoke about over 30 years ago. I believe there are three inescapable forces that are with us today.

First, there is national security. When we see the rockets that are raining down from Hezbollah and northern Israel, one has to ask, where is that money coming from that is funding those rockets; and where is that money coming from that is funding 10,000 members of the militia? We know it is coming from the $67 per barrel being paid today for oil that is imported from those countries. Today, indeed, when one looks at the fact that, for instance, in March it was 66, 67 percent of the oil we use in America that was imported from foreign sources, our national security requires us to make sure we move forward with this imperative before us today.

Secondly, there are environmental security issues in how we deal with climate change. I think it is finally a reality here in America that our world needs to deal with the issue of climate change in a realistic way. We need to do it now. We cannot wait. Even the President of the United States, who appeared to be a person who didn't believe in global warming, in his State of the Union speech as he addressed the Congress, said he wanted the Congress this year to address the issue of global warming.

The third and inescapable force which should compel us to move forward on the issue of energy has to do, again, with the economics of our Nation and making sure we are not subject to the volatility we have seen so often in the past. That is why I come to the floor to speak on behalf of the coal gasification amendment for which Senator TESTER is the lead sponsor. What we are proposing fits very well into making sure we are adopting this clean energy future.

I am not against the development of coal. I know what coal is in the West, in places such as Montana and other places, places such as my own State of Colorado, where the coal miners in the mines on the western slope know the importance of coal and the importance of clean energy. The amendment we have introduced will help us reduce our independence on foreign oil by making better use of our vast coal resources here at home. Fuels, fertilizers, chemicals, and consumer products derived from coal, if produced responsibly with coal gasification technology, can replace much of the imported oil we use on a daily basis.

Coal is to the United States what oil is to Saudi Arabia. It is our most abundant domestic energy resource. It produces more than 50 percent of our electricity. As a nation, we have enough coal to last more than 200 years. Until recently, however, coal has not been a legitimate replacement for oil. With old technologies, coal gasification resulted in high CO_2 emissions, which caused global warming. Without carbon capture technology, CO_2 emissions from liquid coal, a product of the coal gasification process, are twice that from conventional fuels. This poses an unacceptable risk to our environmental security. So as we try to deal with CO_2 emissions, we ought not embrace a policy or technology that will increase our problems with respect to CO_2 emissions.

Fortunately, we have new technologies, and those new technologies offer us a way to use coal in our transportation sector and other sectors of our economy in an environmentally responsible manner. Not only can we sequester the carbon produced in the gasification process, but we are able to produce a wide range of materials that are currently being made from oil and natural gas, including diesel fuel, plastics, fertilizer, chemicals, and a wide range of household items.

Senator TESTER and I and the other cosponsors of this amendment have included in this amendment a framework for how we proceed with coal gasification in a responsible manner. Our amendment has four main components.

First, it provides $10 billion in direct loans for the construction of low emission coal gasification plants.

Secondly, our legislation will establish a grant program that will help spur construction of a new generation of coal gasification plants. The grants will be up to $20 million for any one project or $200 million nationwide. They will be awarded to projects that use a variety of feedstocks such as coal and biomass and which have carbon emissions that are 20 percent lower than conventional baseline emissions.

The third component of our amendment is a set of studies that will help us determine the opportunities that might be provided with greater use of coal and moving forward with liquid production of coal. The amendment commissions a study of the benefits of maintaining coal to liquid products in the Strategic Petroleum Reserve. It also requires the administrator of the EPA to examine the emissions of coal-based products that are used as vehicle and aviation fuel.

Fourth, the legislation also provides additional funding for the Air Force research lab to continue its development and testing of synthetic fuels for use in jets.

The amendment that Senator TESTER, myself, and others are proposing is a reasoned way of making better use of our vast coal resources here at home. It recognizes that coal can replace much of the imported oil, but it also creates a rigorous carbon emission standard for these new coal gasification projects to meet in order to get Federal support. We simply cannot afford to dump excess carbon into the atmosphere, and this amendment ensures we won't.

I once again thank Chairman BINGAMAN and Senator DOMENICI for their leadership on the overall bill.

Before I conclude, I want to make a comment with respect to a statement made on the other side with respect to a competing amendment. The essence of the competing amendment is to say it is the end of the world for coal if we don't adopt the amendment that is being proposed by my good friend from Kentucky. As I said earlier, we are not anti-coal. Both of us who are sponsoring amendments are from coal-producing States. We believe coal is very much an item that has to be in our portfolio in the future.

I have a letter, however, in which Dow Chemical says they are fully supportive of Senator TESTER's amendment, and one of the conclusions they reach, in support of the amendment is that:

> Dow Chemical believes the environmental standards in the bill are achievable.

It says:

> The requirement that 75 percent of the carbon dioxide generated is captured will ensure that all companies prepare for long-term CO_2 management. This will help drive action to make carbon capture and storage a reality sooner than later.

In conclusion, I urge my colleagues to join us in support of amendment 1614 because it is the most responsible way to proceed as we deal with energy independence as well as dealing with the issue of high emissions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority side has 20 minutes 40 seconds remaining, and on the minority side there are 50 seconds remaining.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the minority side be given an additional 5 minutes, and would note that Senator DOMENICI and Senator CRAIG are here to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks time?

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will talk quickly in 2 minutes.

I come to support the Bunning-Domenici amendment of coal to liquids. It is quite simple. I look at it in rather black-and-white terms. A vote for coal is a vote against Saudi Arabia. A vote for coal-to-liquids is a vote against Hugo Chavez. A vote of coal-to-liquids is a vote against Nigeria and for our own production.

The Senator from Colorado talks about America always laying the claim that we are the Saudi Arabia of coal, except we are rapidly deciding we are not going to use it for anything. Now, if we are going to use it, and it is the great energy supply, then we have to make it cleaner, and that is clearly the technology at hand.

One of the ways to do so, and not only to use it for transportation fuels, is to run it through the liquefication process. And who is the expert in the field of testing it? The Idaho National Laboratory, working with Baard Energy, looked at the Ohio projects—46 percent cleaner. If you add biomass to it, 30 percent biomass to sequester the carbon dioxide and the combined cycle cogeneration process, that is what you get.

Now, isn't that a technology worth passing on to China, which is the largest emitter, or soon will be, producing more emission with less economy of CO_2 than the United States? I think it is time we pushed all technologies, and if they are cleaner, they are better.

The argument here is they have to be perfect before we do them. I would suggest that perfect may not be possible, but 50 percent cleaner or more is possible, and that is where we ought to go. That is where the Bunning amendment takes us.

I tell you what I am going to do; I am going to vote for Senator BUNNING's amendment, and I am going to vote against Saudi Arabia.

Mr. DOMENICI. Mr. President, I think I have, what, 3 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 35 seconds.

Mr. DOMENICI. Thank you very much, Senator LARRY CRAIG, for those comments.

Now, let me say we have a similar situation to the one we had here in the last 2 or 3 days on the 15-percent wind mandate—RPS. We have two amendments out here, and all of a sudden we find out neither of them is going to have the votes. I am afraid what has happened here is we have two amendments and neither is going to get the votes if the Senate doesn't consider the difference between these two bills and vote for the one that is most apt to accomplish the purpose we set out in a coal to liquid amendment.

The Tester-Bingaman amendment, No. 1614, in this Senator's opinion is only a long shot that we are going to get a lot of incentives for coal-to-liquid. There is $10 billion in direct loans. That is nice for everybody. We are going to have $10 billion to loan, but it is loanable on a number of things beyond coal-to-liquid. I predict the money is going to go to those other things because it is so hard to reach the calibration required in this amendment of coal-to-liquid.

In the Bunning amendment, there is a long time to work on it, until 2016, and a given amount of that liquid will be purchased and they can get ready for it to be purchased. But the standard is clearly achievable because it is the same 20 percent we are going to require of ethanol and of the other programs we are achieving, and we are saying do the same thing. They are not saying that in the Montana amendment—do the same as we have done for the other fuels. I am afraid we are not going to get there and the money is going to get loaned for the wrong things before we are finished. In competing between the two, both are going to die. I suggest that colleagues vote against the amendment of the Senator from Montana and for the one of the Senator from Kentucky if you want to get coal-to-liquid started.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds, and the minority has 53 seconds remaining.

Mr. BINGAMAN. Mr. President, I will take 5 minutes. I know Senator TESTER is here and wishes to speak. I understand Senator KERRY and many others wish to speak also.

The issue between the two amendments is what our focus should be, when we think about the future of coal, are we sure the best use of coal and the best future for coal is in the developing of transportation fuels? In my view, that is what the Bunning amendment concludes.

The Tester amendment, to the contrary, takes a broader view of the future of coal. I believe we want to enable the development of many potential uses of coal that are both environmentally and economically sound. We should not be focused on commercializing in large-scale uses of coal that do not make good sense in the marketplace.

First, let me say a couple of things about the Bunning amendment.

There are currently no large-scale coal to liquid plants in the United States. The price tag of a typical plant is in the billions of dollars.

The Bunning amendment purports to require that coal-derived fuels be 20 percent better than gasoline. But we have an apples-to-oranges comparison here because coal-to-liquids plants will produce primarily diesel fuel, not gasoline. The total greenhouse gas emissions from coal-derived diesels are likely to be greater by about 150 percent than the emissions from diesels that are powered from petroleum.

The Bunning amendment is technologically limiting, and such uses of coal as conversion to chemicals, to plastics, and to fertilizer are not permitted to benefit from the Bunning amendment.

Coal to liquids products mandated by the Bunning amendment have very large water requirements. Water requirements are estimated to be about 2 gallons for every gallon of coal-derived fuel produced. The Tester amendment, by contrast, is much more broad in the beneficial uses coal can be put to, whether to make fuels or fertilizers or plastics or chemicals.

There are industrial plants in the United States that do use coal commercially as a feedstock for chemical products.

I have a letter from the president of Dow Chemical which I ask unanimous consent to be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. He states as follows in that letter:

> On behalf of Dow Chemical Company, I write to offer my strongest support for Senator TESTER's "Coal Innovation" amendment.
>
> Simply put, it will allow companies to build gasification plants in the United States that run on coal, biomass and other feedstocks, while helping to increase fuel and feedstock diversity and demonstrate options for carbon capture and storage. This will result in gasification plants that are more efficient and help address climate change and contribute to energy security.

Mr. President, I also have a letter that I want to have printed in the RECORD at the end of my remarks from various unions—the AFL–CIO Building and Construction Trades Department, the Industrial Union, the United Mine Workers, various others.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. BINGAMAN. They strongly endorse the Tester amendment. They previously were part of a coal to liquids coalition which issued an earlier letter which has now been rescinded which spoke in favor of the Bunning amendment and against the Tester amendment, and they say in their letter that they strongly support the Tester amendment.

Clearly, I think the Tester amendment gives us the best chance of promoting the use of coal to meet our energy needs in the future, and I strongly support it and oppose the Bunning amendment. I hope my colleagues will do the same. I believe this is the right course for us to follow.

EXHIBIT 1

THE DOW CHEMICAL COMPANY,
Midland, Michigan, June 18, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: On behalf of The Dow Chemical Company, I write to offer my strongest support for Senator Tester's "Coal Innovation" amendment to H.R. 6, the energy bill pending before the Senate. Simply put, it will allow companies to build gasification plants in the United States that run on coal, biomass and other feedstocks, while helping to increase fuel and feedstock diversity and demonstrate options for carbon capture and storage. This will result in gasification plants that are more efficient, help address climate change and contribute to energy security.

Dow is excited by the prospect of this legislation being enacted. As you know, Dow is one of the world's largest chemical companies and is heavily reliant in the U.S. on natural gas and oil as raw materials for the products we manufacture. High and volatile prices for these inputs have caused the company's energy bill to swell three-fold since 2002, reaching $22 billion last year, and have forced us to look to other parts of the world for our growth.

In an effort to address this problem, and to help sustain our operations here, we have expressed interest in utilizing industrial gasification technology and in leading a consortium in the U.S. to demonstrate it on a commercial scale. A company like Dow could be a major purchaser of the syngas and/or the naphtha that these plants produce. As you know, the military also has a high interest in taking syngas-based liquid fuels.

Dow would be able to make virtually all of the products we currently make from natural gas liquids by substituting coal, biomass or a combination thereof. The ability to manufacture products like plastics, fibers and coatings would help to optimize the carbon footprint of a project, since a portion of the carbon would reside in finished goods that are not burned. However, one major hurdle for any would-be plant sponsor is the financing. The direct loans in the amendment would go a long way toward helping to get these types of plants built, and help provide, in the long run, a lower cost alternative to oil and natural gas.

In addition, Dow believes that the environmental standards in the bill are achievable. The requirement that 75% of the carbon dioxide generated is captured will ensure that all companies prepare for long-term CO2 management. This will help drive action to make carbon capture and storage a reality sooner rather than later.

Thank you for your and your staff's attention to this issue, which is critical to American manufacturing, the economy and our energy security. Please let us know if there is any way we can be of assistance on this matter.

Sincerely,

ANDREW N. LIVERIS,
Chairman and CEO.

EXHIBIT 2

JUNE 18, 2007.

DEAR SENATOR: On June 13, 2007 the Coal-to-Liquids (CTL) Coalition sent you a letter purporting to have the support of the undersigned labor unions and organizations. The CTL Coalition did not clear this letter with us before sending it. We regret that this letter created the mistaken impression that our organizations had arrived at a position on the issues addressed in the June 13 letter.

Unfortunately, this unauthorized correspondence has been misconstrued to mean that our organizations oppose an amendment that Senators Tester, Byrd, Rockefeller, Salazar, and Bingaman are expected to offer later this week to the Creating Long-Term Energy Alternatives for the Nation (CLEAN Energy) Act of 2007 (H.R. 6).

On the contrary, we strongly urge your support for the Tester-Byrd-Rockefeller-Salazar-Bingaman amendment to establish a coal innovation direct loan program. This $10 billion program would enable America to build successful large-scale facilities to demonstrate carbon dioxide capture for coal conversion technologies, which is essential to guarantee the viability of coal into the future. The coal innovation direct loan program would create thousands of U.S. jobs in mining, construction, and operation.

We believe strongly that coal can be both an economically and environmentally responsible choice for America's energy security. To realize the potential of coal, America must make significant investments to prove the new technologies vital to its future. We therefore urge you to support the Tester-Byrd-Rockefeller-Salazar-Bingaman amendment.

Sincerely,

AFL–CIO Building and Construction Trades Department.
AFL–CIO Industrial Union Council.
International Brotherhood of Boilermakers.
International Union of Operating Engineers.
Laborers International Union of North America.
United Mine Workers of America.

Mr. BINGAMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I wish to speak in opposition to amendment

1628, the Bunning amendment, for a number of reasons.

No. 1, this is a mandate to develop the gallonage from coal-to-liquids. I don't think it is the right direction to go. This amendment—folks have been using apples and oranges to compare greenhouse gases. The Bunning amendment says coal-to-liquids will be 20 percent better than gasoline, but coal-to-liquids does not produce gasoline-equivalent fuel, they produce the equivalent of diesel fuel, and that is 150 percent higher in greenhouse gas emissions than diesel produced from petroleum.

The third thing, it is technology-limiting. Fuels produced from coal are only allowed under the Bunning amendment rather than articles such as fertilizer, chemicals, and plastics, as my amendment does.

Finally, there is no path to coal's future in a carbon-constrained world with the Bunning amendment—no requirement to deal with the carbon dioxide produced in the coal to liquids plants, no technology incentive to keep coal viable into the future, which we absolutely need. If and when our greenhouse gases are regulated, these plants will not be economic, and the cost to the consumers of the Bunning mandate will soar.

I have seen many signs up today, placards, talking about how coal-to-liquid technology is automatically less than petroleum. That is not correct unless you have carbon capture. The Bunning amendment does not allow for carbon capture. My amendment does.

With that, I would certainly suggest and request that the body vote against the Bunning amendment and support the Tester amendment No. 1614.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent to be permitted to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I have sought recognition to speak in favor of the amendment which will be voted on later this afternoon which provides that we would lift the antitrust exemption which is now held by the OPEC nations.

There have been judicial interpretations holding that the OPEC countries have sovereign immunity from prosecution under the antitrust laws, and it is my legal judgment that the limited judicial holdings in this field are erroneous because there was a well-accepted exception to the sovereign immunity doctrine where there is commercial activity involved. But in any event, there is no doubt that the Congress of the United States has the authority to legislate in the field, and I believe it would be very crucial to remove the antitrust exemption which the OPEC nations now have.

We have a crisis—a strong word but I think an accurate word—on gasoline prices today. The price of crude oil has been hovering around $65 a barrel. The American people are paying on average more than $3 a gallon for gasoline. Consumers are paying more for products because American companies have to pay more to manufacture, and without going into great detail, there is no doubt that there is a crisis in the field.

This legislation has been acted on in the past—in the 109th Congress when I chaired the Judiciary Committee—and it has been reintroduced this year. Senator KOHL is the chairman of the Subcommittee on Antitrust and has taken the lead, and we have a very impressive list of sponsors: Senator LEAHY, Senator GRASSLEY, Senator BIDEN, Senator COBURN, Senator FEINGOLD, Senator SNOWE, Senator DURBIN, Senator BOXER, Senator LIEBERMAN, Senator SCHUMER, Senator SANDERS, as well as my own cosponsorship of this legislation.

I have been interested in this subject for more than a decade because I think the antitrust exemption which they enjoy ought not to be. I wrote to President Clinton in his term in office—and received no answer on the subject—a very lengthy letter which I put in the CONGRESSIONAL RECORD when I spoke on this amendment last week. I followed it up with a letter to President George Bush on the same subject. We passed the amendment last year. As I say, it was dropped in conference. We are asking for a rollcall vote on it this time because the practical realities are, if it gets a very strong vote—and I anticipate it will—it will have more stature when it gets to conference.

I urge my colleagues to support this amendment to eliminate the conspiracy, the concerted action where the OPEC nations get together in a room, reduce supply, and that raises the price. This is an important amendment, and it will contribute to reducing the price of gasoline at the pump.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Roughly 9 minutes for the majority, and there is no time remaining for the minority.

Mr. BINGAMAN. Mr. President, let me ask the Senator from Montana if he wanted to use the remaining 9 minutes or some lesser amount of that. We can go ahead and go to a vote whenever you are finished with your statement.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I just want to talk about my amendment, 1614, as long as we have time to do that, very quickly recap it because I think it is important that we know the facts.

First of all, we have enough coal in this country, if it is used at the current rate, to last us for 250 years. We need to develop it responsibly. This amendment for coal-to-liquids will develop it responsibly. What it does is it provides grants and loans for clean coal technology. Let me tell you the parameters because some folks have said this can't be achieved.

In front of the Senate Finance Committee, it was testified that it is entirely capable, with the technology we have today, to have 85 percent carbon capture. This amendment requires 75 percent carbon capture.

The National Mining Association said that with coal to liquids, adding some biomass with the coal, we could achieve 46 percent less in life cycle greenhouse gases than comparable petroleum—46 percent less. This amendment requires 20 percent less. This amendment is entirely doable by the industry. If we want to develop our coal resources in a manner that meets the needs of consumers as well as being able to develop our coal resources in a responsible way that would not trash the environment when climate change is such a huge issue in the world, we need to step forth and adopt this amendment.

I could go into the amendment further and talk about the potential of replacing foreign oil. I could talk about how it is a win-win situation for the country overall, as far as achieving energy independence, as we push this bill forward that deals with renewables such as biofuels and wind and solar and geothermal. The fact is, with this amendment there are no bogeymen. It is achievable by the industry, and it should be adopted if we are going to lead this country down the road of energy independence, a road that will allow the climate change issue to be put to bed.

By the way, if we pass this amendment, I fully believe, with the two powerplants a month China is putting on board at 500 megawatts each, we can also help lead China down a road to clean coal technology.

I would appreciate a "yes" vote on amendment 1614.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Republican leader.

Mr. MCCONNELL. Madam President, I rise to speak in support of my good friend from Kentucky, Senator BUNNING, and his amendment with the Senator from New Mexico to establish a program to help support and promote clean coal-to-liquid fuels. Focusing more on coal-to-liquid fuels will benefit our economy and our national security. Coal is a vital part of America's energy production, and coal is a vital part of Kentucky's economy and history. The coal industry creates over 60,000 jobs in my State, including approximately 15,000 coal miners. Over half the country's electricity is generated by coal, and coal constitutes over 90 percent of America's fossil fuel resources. That means the coal we can mine in this country alone would be enough to supply our Nation for more than 250 years. What Saudi Arabia is to oil, America is to coal. Therefore, it would be irresponsible of us, not to mention downright foolish, not to invest in technology to take advantage of this vital natural resource. That is why I thank my friend Senator BUNNING for his leadership on this issue.

Greater use of coal to liquid fuels will benefit the environment by reducing emissions of sulfur dioxide, nitrous oxide, particulate matter, and other pollutants as compared to conventional fuels. The Bunning amendment also requires that coal to liquid fuels under this program reduce greenhouse gas emissions by 20 percent relative to gasoline. Greater use of coal to liquid fuels, which we can generate here at home, will mean less dependence on foreign sources of oil. Right now America gets 60 percent of its oil from foreign countries, many of which do not have our best interests at heart, as we certainly know. Passing this amendment will mean greater energy independence and strengthened national security. I commend my good friend and fellow Senator JIM BUNNING, as well as Senator DOMENICI. Senator BUNNING has been hard at work on this issue for a lengthy time. I thank him for his dedication to the coal producers and miners of Kentucky and America. This amendment is the right thing to do for them, for our economy, and for our national security.

I urge my colleagues to support it.

I yield the floor.

Mr. BINGAMAN. Madam President, I yield back the time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1628 offered by the Senator from Kentucky, Mr. BUNNING.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 55, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—39

Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Thune
Vitter
Voinovich
Warner

NAYS—55

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Coburn
Dodd
Johnson
McCain

The amendment (No. 1628) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1614, offered by the Senator from Montana, Mr. TESTER.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I strongly urge support for the Tester-Byrd amendment.

I yield the remainder of the time to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, what this amendment does is gives loans for equipment to capture and sequester carbon from coal to liquid technology. It also allows for loans to construct the plant.

The Federal Government has the opportunity right now to push coal to liquids forward with some dollars. Also, what happens with this amendment is—and these are entirely achievable parameters—75 percent of the carbon would be captured and sequestered, and it would be 20 percent less than lifecycle greenhouse gases from petroleum. It works for this country in making us more energy independent and it works for the global warming issue to make sure we get our hands wrapped around that and it is progress in the proper way for energy development.

It is endorsed by the AFL–CIO, the United Mining Association, and Dow Chemical. This amendment is achievable, entirely achievable.

The industry testified in the Senate Finance Committee that they could capture and sequester 85 percent. This amendment does it at 75 percent.

I encourage the adoption of this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. Madam President, I looked around and didn't see anyone else, so I guess I will respond.

Fellow Senators, we defeated the best amendment to assure we would bring coal to liquid on board. Now what you have is an amendment that says a $10 billion direct loan program—not any other kind of loan but a direct loan—meaning the appropriators, without the White House, can approve in appropriations $10 billion. But the kicker is it does not have to go for coal to liquid technology, it can go for a number of technologies, and if you can't reach it in coal, you will reach it in the others. So you surely are voting for $10 billion in direct loans. You are not assuring that you are going to get coal to liquid because the standards are so high you may not be able to achieve them in the coal to liquid.

That is enough for me. I thank you for giving me some time, and I urge a "no" vote.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1614.

Ms. LANDRIEU. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—33

Akaka
Baucus
Bayh
Bingaman
Brown
Byrd

Carper
Casey
Clinton
Coleman
Conrad
Dorgan
Durbin
Inouye
Klobuchar
Kohl
Landrieu
Levin
Lieberman
Lincoln
Lugar
McCaskill
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Rockefeller
Salazar
Stabenow
Tester
Webb

NAYS—61

Alexander
Allard
Bennett
Biden
Bond
Boxer
Bunning
Burr
Cantwell
Cardin
Chambliss
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Lautenberg
Leahy
Lott
Martinez
McConnell
Menendez
Mikulski
Murray
Reed
Roberts
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Whitehouse
Wyden

NOT VOTING—5

Brownback
Coburn
Dodd
Johnson
McCain

The amendment (No. 1614) was rejected.

AMENDMENT NO. 1519

The PRESIDING OFFICER. Under the previous order, there is 30 minutes equally divided on the Kohl amendment. Who yields time?

The Senator from Wisconsin.

Mr. KOHL. Madam President, I rise at this time with 13 cosponsors to urge all of my colleagues to support our bipartisan no-OPEC amendment to the Energy bill. This amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix prices in violation of the most basic principles of free competition.

In addition to the 13 cosponsors of this amendment today, companion House legislation passed the other body last month by an overwhelming 345-to-72 vote. This amendment will authorize the Justice Department, and only the Justice Department, to file suit against nations or other entities that participate in a conspiracy to limit supply or fix the price of oil.

We have longed decried OPEC, but sadly no one in Government has yet tried to take any action. This amendment will, for the first time, establish clearly and plainly that when a group of competing oil producers, such as the OPEC nations, act together to restrict supply or to set prices, then they will be violating U.S. law.

As we consider the high price of gas, one fact has remained consistent: the price of crude oil and, in turn, gasoline dances to the tune set by the OPEC members.

Referring to the 18-percent rise in worldwide crude oil prices since the start of the year, OPEC's president commented:

> We did have a bad situation at the beginning of the year, but it is much better now.

The difference was OPEC's decision last fall to enforce combined output cuts of 1.7 billion barrels of oil a day in order to drive up the price of crude oil. Just last week, OPEC refused to add more oil supply to the market despite the International Energy Agency's urgent call for new supplies to meet rising demand.

While OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. Gas prices have now increased 71 cents a gallon just since the start of the year, to a current national average of $3.01 per gallon, an increase of more than 30 percent.

The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil. If private companies engaged in such an international price-fixing conspiracy, there would be no question it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

The amendment will not authorize private lawsuits, but it will authorize the Justice Department to file suit under the antitrust laws for redress. It will always be at the discretion of the Justice Department and the President as to whether to take action against OPEC.

Our amendment will not require the Government to bring legal action against OPEC member nations. This decision will entirely remain in the discretion of the executive branch.

I believe the Senate should now join the 345 of our colleagues in the House and vote to support this legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Madam President, there is an old legal adage that says, hard cases make bad law. That seems to be the case here. No one likes OPEC. None of us like being put in a position of appearing to defend OPEC. But this amendment, in my opinion, would make bad law. The Framers of the Constitution wisely assigned responsibility for formulating foreign policy and conducting foreign relations to the President and to the Congress, not to the law courts.

Chief Justice Marshall said nearly two centuries ago:

> The judiciary is not the department of the Government to which the assertion of its interest against foreign powers is confided. A question like this is more a political one than a legal one.

There has been much talk in this Chamber over the years about the proper role of the judiciary. Nearly every time we are asked to confirm a judicial nomination, we hear speeches given on the Senate floor about the need for judges to confine themselves to the business of interpreting the law, not making the law. And this is exactly what the courts have done in this circumstance.

Here is a case where the courts have wisely recognized that OPEC's pricing policies are not something that should be litigated in U.S. courts but should instead be addressed by the political branches of the Government—the President, the executive branch, and the Congress. Senator KOHL's amendment would throw the issue of OPEC's oil prices back into our courts and force the courts to address those issues.

The amendment before us has its roots in a lawsuit filed by the labor union nearly 30 years ago. The union at that time charged OPEC with price fixing in violation of our antitrust laws.

The trial court dismissed the case on the ground that OPEC members are sovereign nations and are immune from suit. On appeal, the appeals court affirmed the dismissal, though for different reasons. It dismissed the suit under the act of State doctrine. In the court's words:

> The act of State doctrine declares a United States court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign State.

Quoting the Supreme Court, the Court said:

> Every sovereign State is bound to respect the independence of every other sovereign State, and the courts of one country will not sit in judgment on the acts of the government of another done within its own territory.

Senator KOHL's amendment overturns the act of state doctrine, at least so far as OPEC is concerned. It also creates a new offense under the Sherman Act to get at OPEC, it waives sovereign immunity for this new offense, and it amends the Foreign Sovereign Immunities Act to cover the new offense. In short, it sweeps away all of the legal defenses OPEC members have against antitrust suits in our courts.

Adopting the amendment will undoubtedly be very popular, but it is also very unwise. The Ninth Circuit Court of Appeals explained nearly 30 years ago:

> To participate adeptly in the global community, the United States must speak with one voice and pursue a careful and deliberate policy.

The President can do this, the court said; the judiciary cannot.

Here is another quote from that same decision:

> When the courts engage in piecemeal adjudication of the legality of the sovereign acts of states, they risk disruption of our country's international diplomacy. The executive may utilize protocol, economic sanction, compromise, delay, and persuasion to achieve international objectives. Ill-timed

> judicial decisions challenging the acts of foreign states could nullify these tools and embarrass the United States in the eyes of the world.

In this case—

> the granting of any relief would in effect amount to an order from a domestic court instructing a foreign sovereign to alter its chosen means of allocating and profiting from its own valuable natural resources. On the other hand, should the court hold that OPEC's actions are legal, this would greatly strengthen the bargaining hand of the OPEC nations in the event that Congress or the executive chooses to condemn OPEC's actions.

In addition, we here in the Senate ought to consider how enactment of this amendment might affect our relations with OPEC members. What will be the international repercussions when the United States starts awarding judgments against foreign nations and attaching their assets in this country? What sort of precedent will the amendment set in the international community? Will other nations start to view our trade policies—such as our nuclear trade restrictions—as violations of their antitrust laws?

The Bush administration has offered us answers to some of these questions. Its statement of administration policy on this bill, which we are considering here in the Senate, says that:

> The consequent targeting of foreign direct investment in the United States as a source of damage awards would likely spur retaliatory action against American interests in those countries and lead to a reduction in oil available to U.S. refiners. Not only would such a result substantially harm U.S. interests abroad, it would discourage foreign investment in the United States economy.

For these reasons, the administration concluded:

> If a bill including such a provision is presented to the President—

That is the bill we are considering right here on the Senate floor.

> —his senior advisers will recommend that he veto the bill.

For all these reasons, I urge my colleagues to vote against the Kohl amendment.

Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 8½ minutes in opposition, and 11½ minutes in support.

Mr. LEAHY. Madam President, I join Senator KOHL as a cosponsor of his NOPEC amendment and urge the Senate to adopt it. Under Senator KOHL's leadership, the NOPEC bill has passed unanimously out of the Senate Judiciary Committee without amendment in four separate Congresses, under both Democratic and Republican leadership.

The support for this legislation is both bipartisan and bicameral. The House of Representatives recently passed NOPEC with 345 Members voting for it.

NOPEC will simply hold accountable certain oil-producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel. Unless this amendment becomes law, consumers across the Nation will continue to suffer.

The rise and fall of oil and gas prices has a direct impact on American consumers and our economy. Last month, gas prices in the United States reached a near record high. While prices have come down slightly in recent weeks, that is no reason to condone anticompetitive conduct by foreign government cartels. American consumers should not be held economic hostage to the whim of colluding, foreign governments.

The Associated Press recently reported the Iranian oil minister's announcement that members of OPEC would not increase the supply of oil despite reports that demand is on the rise. Without collusion, OPEC members would compete to serve that demand and prices at home would fall.

When entities engage in anticompetitive conduct that harms American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments. I am disappointed that the administration does not share this view and has threatened a veto.

Americans deserve better, and it is time for Congress to act. We know the oil cartel and Big Oil companies like things just the way they are, and why shouldn't they? They continue to break new records as they roll up huge profits taken from consumers' pockets.

I hope this Senate and this Congress will take the side of American consumers, not the side of Status Quo, Incorporated. We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. I thank Senator KOHL for his leadership on this issue.

Mr. BINGAMAN. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Madam President, I yield several minutes to Senator LINCOLN.

I am sorry, did the Senator from Rhode Island wish to speak?

Mr. WHITEHOUSE. If I may, but it is to a different amendment. It is for the Cardin amendment.

Mr. BINGAMAN. Madam President, if we could complete the debate on this amendment, and then if the Senator wishes to yield back time, we could proceed to debate on the next amendment.

Mr. WHITEHOUSE. That will be fine.

Mr. KOHL. Madam President, I will yield several minutes to Senator LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1556

Mrs. LINCOLN. Madam President, I thank my colleague from Wisconsin, Senator KOHL, for giving me a few moments.

My comments are on a slightly different topic today, and I appreciate my colleague yielding to me. I filed an amendment, No. 1556, to the energy legislation almost a week ago. Since that time, I have pleaded with my colleagues to help reach an agreement where I could come to the floor and offer this important amendment. I offered it several times last week in the latter part of the week so it could be considered by the Chamber and get an up-or-down vote on its merits. Unfortunately, I understand that certain colleagues are unwilling to lift their objection to this amendment being considered on the floor under any circumstances. So I come to the floor today to try to express some of my frustrations in dealing with this bill and particularly my amendment, not only for myself and many of my colleagues who are strongly in support of my amendment but also for the hard-working farm families across our Nation.

The amendment I introduced with my good friend and colleague from New Mexico, Senator DOMENICI, is quite simple. It is identical to the legislation we cosponsored together last Congress and have reintroduced again this year, which is S. 807. The bill already has 26 cosponsors in the Senate and 121 cosponsors in the House. This amendment is particularly timely and appropriate for the legislation we are currently considering in the Chamber today because there is a growing understanding in this countryside that without the clarification provided by this amendment, requirements and liabilities under CERCLA, a law designed to clean up toxic industrial pollutants, could be unfairly applied to America's farmers and ranchers of all sizes, of any size, large or small. These are the very men and women who hold the future of renewable energy production in this country in their hands and in their production operations.

The underlying bill we will consider today would take steps to promote the use of biomass, and specifically animal manure, as an important and critical source of renewable energy. It is widely known that farmers are beginning to use their excess manure for energy generation already, through methane digesters and other innovative technologies that are developing on a day-to-day basis. The expanded use of animal manure for energy production not only promotes our Nation's energy independence, it is also a way to control the unavoidable supply of manure and litter from livestock production in an environmentally friendly manner while adding economic value for our farm families and our rural communities.

This is a win-win situation for our Nation and especially for American agriculture. Yet as this Chamber stands ready to incentivize these innovative practices and spur the growth of alternative technologies to manage this waste, pending lawsuits threaten the entire viability of this emerging industry, not to mention the viability of the hard-working farm families across our country.

We should not stand by and allow a situation where farmers or those who are transporting manure for energy production or other purposes are handling a hazardous waste subject to CERCLA's strict and punitive liability provisions.

It is worth noting that CERCLA section 101(14) specifically excludes petroleum. Here we are, looking to lessen our independence on foreign oil and petroleum products, yet they are exempt from CERCLA. We are looking at the possibility of agricultural by-products being included in CERCLA under the definition of hazardous waste substances but petroleum releases are not subject to CERCLA reporting and liability provisions. Why is it these same liability provisions should apply to our Nation's farmers and ranchers, and particularly our dairy farmers? Farmers and ranchers have always been responsible stewards of the land, making great strides to preserve a healthy environment for their food production but also for their families and communities. Keep in mind that agricultural operations are already regulated under the Clean Water and the Clean Air Acts, as well as other Federal and State environmental laws. The larger size operations are subject to management practices. These are the appropriate regulatory tools to manage the environmental impacts of agriculture in this country, and any farmer will tell you that our U.S. producers are already subject to much greater scrutiny in this area than their foreign competitors. That is one reason why Americans continue to enjoy the safest food supply in the world, produced right here at home by our Nation's farm families, working as hard as they possibly can to not only produce that safe food and fiber but to do it in a way that is respectful of the environment under the regulations we put upon them. The last thing we need to do is stand by and allow policies that encourage the outsourcing of food production in this country.

On that note, it is my view that Congress never intended for CERCLA to apply to agriculture in the first place. In fact, the idea of including animal agriculture under CERCLA was never raised during the first two decades of this law's existence. If normal animal manure is found by the courts to be a hazardous substance under CERCLA, then virtually every farming operation in the country could be potentially exposed to severe liability and penalties under the law. Clearly, Congress never intended such an outcome, and we should take the necessary steps by taking up and passing my amendment to ensure that the courts clearly understand what our congressional intent is. We should not jeopardize American agriculture by allowing courts to impose CERCLA liability on farmers for their traditional farming practices, including the use of manure as a beneficial fertilizer or an emerging feedstock for renewable energy production. This would be most unfortunate.

I hope my colleagues will look at this and be aware. I will continue my efforts to clarify that CERCLA liability does not apply to agriculture, to our livestock, to our ranches and our dairy farms, making sure that agriculture in this country can continue to do what it has always done, and that is to produce a safe, abundant, and affordable food supply under the regulations we provide them.

I thank the Senator from Wisconsin for yielding, and I yield back his time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I believe we have 8 minutes remaining in opposition, and I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

AMENDMENT NO. 1519

Mr. DOMENICI. First, before the Senator from Arkansas leaves the floor, I wish to say I associate myself with her remarks as they pertain to both subjects, and in particular CERCLA, in which we both share a common interest. We have to get something done; we both know it. Those who are not letting us have a chance at getting a vote will find out sooner or later we are going to get a vote, and what is fair and reasonable will prevail. We are going to work hard to see that is done sooner rather than later.

Having said that, I want to talk about the No-OPEC amendment that would permit legal action to be brought in U.S. courts by the Department of Justice on alleged price-fixing and other anticompetitive behavior affecting petroleum product pricing, production, and distribution by members of the Organization of Petroleum Exporting Countries—OPEC.

While I can see at some level how this idea appeals to our sense of fairness and our frustration about oil prices, I must oppose this amendment and join with my chairman, because it is reality, not sentiment, that counts in public policy. The reality is this amendment would be unenforceable. OPEC producers would simply decide not to sell oil to us any longer. One-third of the oil used in the United States every day comes from an OPEC member. They would suffer the loss of some profits, but our entire economy could come to a grinding halt.

Another problem I have with the amendment is it is a major change in international law that has potential applications beyond the oil sector. The sovereignty of nations is put into question by this amendment. I know of no instance when the United States Government sued a foreign government.

I think if this amendment passes, we can expect a jittery oil market to become even more nervous. We can expect that. In reality, that means higher prices. We can expect less transparency from OPEC. In reality, that means higher prices. We can also expect less cooperation from OPEC in the future, and I think that, too, will lead to higher prices.

I believe this amendment should fail, but obviously, looking at the past and looking at the propensity of Senators to vote on this amendment without looking at the realities of it, I am not too hopeful. Nonetheless, that is the extent of my remarks.

Madam President, I yield the floor.

Mr. BINGAMAN. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 5 minutes in opposition and about 3½ in favor.

Mr. BINGAMAN. Madam President, I think the Senator from Wisconsin should be given the chance to conclude his remarks or close the argument. I will yield back the time in opposition and allow Senator KOHL to use whatever additional times he wants. Then we can close the debate on this amendment and proceed to the next amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, I believe the arguments set forth by the administration, as well as those on the floor today in opposition to this bill, are without merit. For example, we disagree that it would harm U.S. interests overseas.

The Justice Department has taken action to sue many foreign cartels that have engaged in price fixing, including, for example, the international vitamin cartel. There has been no retaliation against U.S. business interests abroad.

Only 11 Nations in the world are members of the OPEC oil cartel. There would be no reason for any other Nation to retaliate against the United States for attempting to enforce this legislation. The idea that OPEC could strongly discourage investment in the U.S. economy is likewise speculative and without basis. The existence of strong U.S. antitrust laws for over a century, laws that are already reaching foreign conduct affecting the U.S. markets, has not discouraged investment in the United States.

Further, and this is enormously important, this legislation does not require the administration to do anything. It simply gives them the authority to bring action in court against the OPEC oil cartel. It seems to me the legislation would have a constructive effect in bringing notice to the OPEC oil cartel that we do have recourse, should it be necessary, to move against them in retaliation of their fixing prices of oil at unreasonably high levels.

That is why I believe this legislation should be passed by this body as it was passed by the House of Representatives.

I yield back the remainder of our time.

Mr. DOMENICI. I think Senator BINGAMAN yielded our time back.

The PRESIDING OFFICER. All time is yielded back. There will now be 30 minutes of debate on the Thune amendment. Who yields time?

Mr. BINGAMAN. Madam President, I see Senator WHITEHOUSE is waiting to speak on the Cardin amendment. Senator THUNE is agreeable to letting him speak for 3 minutes or so on that before beginning discussion on the Thune amendment. So I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 3 minutes.

AMENDMENT NO. 1610

Mr. WHITEHOUSE. I thank Senators BINGAMAN and THUNE for their courtesy. I am here today to express my support for an amendment sponsored by my colleague, Senator CARDIN, regarding State approval for liquefied natural gas terminals. I am a cosponsor of this important bipartisan amendment with Senators MIKULSKI, SNOWE, DODD, KERRY, KENNEDY, BOXER, LIEBERMAN, and my senior Senator, JACK REED of Rhode Island.

Our country is grappling with a serious and difficult question: how to meet our growing energy needs without depleting our natural resources, threatening our environment or endangering our people.

I strongly support the work of Senators BOXER and BINGAMAN, with many of our colleagues, to take a significant step forward in our use of alternative and renewable fuels. But as we develop these new and emerging fuel sources, we must take great care to balance our need for energy with other imperatives.

Liquefied natural gas is rapidly assuming a larger share of the overall natural gas market. Over 40 new LNG terminals are now proposed for construction, many of which are planned near heavily populated areas or environmentally sensitive coastal areas. Unfortunately, in their haste to expand this market, the LNG industry and the Federal Energy Regulatory Commission have dismissed the risks this poses to public safety and the environment. I am particularly concerned about a proposed LNG terminal in Fall River, MA, a town of nearly 100,000 people, barely over the State line from Rhode Island.

This is Rhode Island's treasured Narragansett Bay. The Bay is used, particularly on beautiful summer days such as today, for commercial and recreational boating and fishing. Tens of thousands of Rhode Islanders live along its shores, and our Bay is in many ways the economic heart, as well as the environmental and recreational heart, of our ocean State.

Now, to reach the LNG facility proposed for Fall River, LNG tankers would have to navigate 21 nautical miles through Narragansett Bay, passing directly by the homes and businesses of 64,000 Rhode Island residents. Along the way, tankers would pass under four heavily trafficked bridges and execute what the Coast Guard itself recently described as extremely challenging navigational maneuvers, as many as 130 times per year.

Moreover, the tanker requires a security zone around it as it proceeds through the Bay. Here is the tanker. This is the size of the security zone it requires, completely occupying the east passage going up through Narragansett Bay between Newport and Jamestown. It would displace all recreational boaters and other cargo boats and disrupt bridge traffic as it transits.

The residents of my State of Rhode Island have spoken loudly and in large numbers against the LNG terminal proposed for Fall River. I have heard their deep concern about the environmental and security risks posed by LNG tankers passing so close to their homes and communities. Yet their voices have not been heard adequately in the current process for permitting LNG terminals.

This amendment would help correct this flaw and give all States and communities the seat at the table they deserve, by requiring the concurrence of affected States for permits to build liquefied natural gas terminals.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WHITEHOUSE. I urge my colleagues to vote in favor of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1609

Mr. THUNE. Madam President, I rise today in support of my amendment to create clean energy corridors, which will greatly enhance our grid system to transmit clean and renewable energy.

Much of the debate in this Energy bill has focused on renewable energy. How much renewable energy should we use? How should it be produced? Who should be required to use it? However, this debate has overlooked a key component in this argument, which is, how do we transport this energy from areas with high concentrations of renewable resources to areas with high demand for electrical power?

Oftentimes, clean, renewable sources of power are located in rural areas with low demand for electricity and limited capacity to transmit large amounts of power long distances. At the other end of the spectrum, States with larger urban areas are passing State laws that require the use of renewable energy. In many cases, it is more economical to import that energy from other areas of the country.

It is critical that we create the infrastructure to allow that movement of energy to happen. I have to point to this chart to illustrate exactly how my State of South Dakota serves as a prime example of this dilemma. In South Dakota, we are blessed to have abundant sources of wind. In fact, according to the U.S. Department of Energy, South Dakota has enough wind to produce 566 gigawatts of electric power from wind, which is the equivalent of 55 percent of the Nation's electricity demand.

I will refer to the chart. If you look at these red areas and the pink areas, the purple areas around the country, all these different colors demonstrate varying amounts of wind energy.

Of course, as you can see, South Dakota and North Dakota, Minnesota, Iowa, have enormous amounts of wind energy available. Although South Dakota has an abundant source of wind, this renewable resource is dramatically underdeveloped in my State.

In fact, we have less than one-tenth the wind energy production of our neighboring States, even though our wind resources are far superior. The fundamental problem is we don't have the population markets to use large amounts of wind power within my State's borders.

More importantly, we lack the transmission capacity to carry wind power from rural areas in South Dakota to urban areas in other areas of the country. This amendment includes simple provisions that would significantly improve transmission development for renewable sources of energy.

First, this amendment would direct the Department of Energy to identify areas with transmission constraints that increase costs to consumers, limit resource options to serve load growth or limit access to sources of clean, renewable energy, such as wind, solar, geothermal energy, and biomass.

Upon completion of this study, after verifying all alternatives and public comments, the Department of Energy could then designate these areas as "National Interest Electric Transmission Corridors."

These corridors, which enjoyed broad bipartisan support as part of the Energy Policy Act of 2005, are important tools for transmission development. Under current law, these corridors are targeted toward areas experiencing heavy grid congestion. My amendment would expand the designation of these corridors to include access to clean, renewable sources of energy.

This amendment also directs the Federal Energy Regulatory Commission to establish regulations that allow public utilities to allocate and recover costs associated with building the additional transmission infrastructure for wind and other forms of renewable energy. It ensures that rates associated with this development are reasonable, just, and nondiscriminatory.

By overcoming some of the inherent obstacles associated with transmitting renewable energy long distances, I believe this amendment promotes clean, renewable sources of energy in a commonsense fashion.

This amendment will serve as the blueprint for the 21st century grid by facilitating the national scale designation and construction of clean energy corridors that will enable the delivery of clean, sustainable, reliable power to consumers across this country.

As I have met with people from the industry, as I have traveled my State, as I have talked with those who invest in energy projects, it is clear that this is one of the issues that presents a major obstacle to wind energy development in this country. This amendment helps address that by creating and opening these corridors, clean energy corridors that would allow clean green wind energy to make it from areas where it is in abundance, places such as the State of South Dakota, to places in the country that desperately need affordable power.

So I hope my colleagues in the Senate will support this amendment and do something that will significantly address and further the production of wind energy and affordable electricity to America's consumers.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I wish to say to the Senator, I congratulate you on this amendment, the scope of the amendment and the rationale. It is something we need. From my standpoint, I am in favor of it. It will not require a rollcall vote. Hopefully, we can dispose of your amendment very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, Senator THUNE's amendment makes a major change in a provision of the Federal Power Act that governs the siting of electric transmission lines. Until 2 years ago, the siting of electric transmission lines was under the exclusive control of the States. The Federal Power Act gave neither the Secretary of Energy nor the Federal Energy Regulatory Commission the authority to site transmission lines.

The States tended to make their siting decisions in the best interests of their citizens, not necessarily in the best interests of the citizens of neighboring or even distant States that might benefit by the long distance transmission of electricity.

Two years ago, in the Energy Policy Act of 2005, which I worked on with Senator DOMENICI, which amended the Federal Power Act to provide what is called the Federal backstop siting authority. Specifically, we directed the Secretary of Energy to conduct a comprehensive national study of electric transmission congestion once every 3 years.

We then authorized the Secretary to designate, based on the study, any geographic areas experiencing electric transmission congestion as "national interest electric transmission corridors." The Secretary completed the first congestion study last August, and he has begun proceedings to designate the first national interest corridors.

Designation of an area as a national interest corridor is likely to have serious consequences. Under the law we passed 2 years ago, a utility that wants to build an electric transmission line within the corridor can apply to the Federal Energy Regulatory Commission for a permit, and the Commission can approve construction of the transmission line without the permission of or even over the objections of the State. Once the Federal Energy Regulatory Commission issues the utility a permit, the utility can then go into Federal court and exercise the Federal Government's power of eminent domain and take private property to erect the transmission line.

I have heard speeches in the time I have served in the Senate from many of my colleagues about their concern over the exercise of the power of eminent domain. The passage of the Thune amendment substantially increases the likelihood that authority, that power of eminent domain, will be exercised against private property rights. Giving Federal officials and private utilities these powers was a major change in Federal law and a major departure from past practice. Nonetheless, we believed the step was warranted to ensure that the national interest in a national electric grid was protected. We believed that entrusting the Secretary of Energy with the task of studying congestion on a national basis and allowing the Secretary to designate only those areas which affected the national interest would prevent abuse of this Federal eminent domain authority.

Even though this authority is less than 2 years old, no corridors have yet been designated, no construction permits have been issued, and no private property has been taken. The authority is already, however, proving very controversial. There is major opposition to the use of this authority just west of here in northern Virginia and in other areas of the country. There has been talk of repealing the authority.

The Thune amendment will only add to the controversy. It makes a fundamental change in the current authority. The Thune amendment says that "the Secretary may designate additional corridors . . . upon the application by an interested person." So even though the Secretary of Energy did not find that a particular area presented congestion concerns of national interest in conducting his congestion study last year and even though the Secretary of Energy did not see fit to propose an area as a national interest corridor, a utility that would like to make use of the Federal eminent domain authority to take private property can apply to the Secretary and the Secretary could then designate the area as a corridor under this new authority. This, as one of the authors of the provision we put in law in 2005, is a major expansion of that authority, and it is an unwarranted expansion.

In addition, the Thune amendment contains additional provisions on rates and recovery of costs which direct the Federal Energy Regulatory Commission to issue new rules setting transmission rates for the recovery of the cost of transmission lines in national interest corridors. Frankly, I am not entirely sure what the purpose of these provisions are. I am not sure how these provisions affect the ratemaking authority the Commission already exercises under the Federal Power Act. They are either redundant or unnecessary or else they authorize the Commission to set up a new rulemaking standard that will apply in national interest corridors different from the standard the Commission applies elsewhere.

I urge my colleagues to oppose the amendment. We should give the program we created in the Energy Policy Act just 2 years ago a chance to work before we dramatically expand it in ways that are not entirely clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, because our very economic security is dependent on the availability of electricity, our Nation must reinforce its electric power transmission system.

In the Energy Policy Act of 2005, Congress sought to establish national interest electric transmission corridors to make America's electricity grid more secure by ensuring there is enough capacity in essential areas.

In EPAct, we directed the Energy Department to identify regions where electricity reliability is threatened by transmission congestion and to designate national corridors. Congress further provided FERC with "backstop siting" authority for the construction of transmission facilities if the states involved are unable or unwilling to do so.

Just recently, DOE unveiled the following two draft corridor designations:

the Mid-Atlantic Area National Corridor, which runs from New York to Northern Virginia; and the Southwest Area National Corridor, which includes counties in southern California, western Arizona, and southern Nevada.

The amendment offered by Senator THUNE would authorize the Energy Department, in designating national corridors, to consider transmission constraints or congestion that increases costs to consumers; limits resource options to serve load growth; or limits access to sources of clean energy, such as wind, solar, geothermal, and biomass.

Now we just had a debate on the Senate floor last week on the use of renewable energy sources. We all support the increased use of renewable energy sources but there is often heated opposition to the siting of transmission facilities. This is not in the national interest.

I don't see how you can support a mandate for more renewable energy sources but then oppose the designation of national corridors to get the transmission built that is needed to move these renewable energy sources to market.

Yet as we consider this amendment to expand the work we began in the Energy Policy Act of 2005, there are those in the House that are attempting to block the needed funding to implement the national corridors designations out of NIMBY concerns. Again, such attempts are not in the national interest.

The siting provision in EPAct literally provides a light at the end of the tunnel for parts of the country where the electricity grid is at risk due to congestion.

The Thune amendment simply seeks to allow national corridor designations to ensure the necessary transmission to access clean sources of energy like wind, solar, geothermal, and biomass.

I ask my colleagues to support the Thune amendment.

I congratulate Senator THUNE for his amendment because it is just a rational extension and expansion of what we did in the Energy Policy Act. I happened to be part of that Energy Policy Act. As a matter of fact, I think I can say that for years before we got together and Senator BINGAMAN and I were carrying it, we couldn't get it through. But we did get it through. I believe we got it through because it was high time the United States decided that for most matters we could stand on States rights, but every now and then something percolated up that demanded that we take a serious look at a greater interest of the Federal Government.

That is all we are talking about here. If the development of our electric grid ran into situations where you couldn't go through because of the obstinacy of a State to your moving from one State to another or one property owner had a transmission line totally locked up, you could back that up with the Federal Government ending up saying: It has to go because it is a big national interest. You are just kind of piggybacking on that national interest already found in that law as we passed it. Therefore, I believe it is appropriate that we pass this amendment tonight.

I yield back any time I have. I wonder if Senator BINGAMAN would so we could vote.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Before I yield back my time, I thank both Senators from New Mexico. They have both been great leaders on the energy issue.

The 2005 Energy Act was a landmark accomplishment in the Congress. It set a lot of new policy with regard to energy and moved us in a direction that gets us less dependent upon foreign sources of energy and more energy independent, which I think is what this debate is all about.

I argue with respect to this amendment that it builds upon the work we did in 2005. In fact, that amendment that was talked about in 2005 which deals with those areas which are experiencing heavy grid congestion—this simply expands that designation to those corridors to include access to clean, renewable sources of energy, which I believe is what a part of this debate is all about; that is, how do we take energy sources in this country, make them more available to people across the country, and lessen the dependence on foreign sources of energy?

I use my State as a prime example. There are lots of different regulatory bodies, whether it is the Federal Energy Regulatory Commission, the Western Area Power Administration, the Midwest Independent System Operators, whether it is the Public Utilities Commission of the State of South Dakota, there is a balkanization of networks out there that has evolved over time that has created these barriers in the grid to getting power from where it is generated, where it is produced, to where it is needed. My State is a good example of that. On the border of South Dakota, we have what is called a pancaking problem where there is a stacking of fees that makes it difficult to get wind generated in South Dakota across State lines into other areas that could benefit from it.

This is fairly straightforward and consistent with the good work that was done in the Energy bill in 2005. It doesn't in any way undermine or contradict that but complements it in a way that is consistent with what our priorities should be and what our objectives are in terms of energy policy.

I appreciate the comments of both of my colleagues from New Mexico, and I yield back the remainder of my time.

Mr. BINGAMAN. Madam President, I yield back any additional time remaining in opposition.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1609.

The amendment (No. 1609) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1610

The PRESIDING OFFICER. Under the previous order, there remains 11½ minutes in support of and 15 minutes in opposition to amendment No. 1610 offered by the Senator from Maryland, Mr. CARDIN.

Who yields time? The Senator from Maryland.

Mr. CARDIN. Madam President, I yield myself 3 minutes.

The amendment I am proposing with Senators MIKULSKI, SNOWE, DODD, KERRY, REED, KENNEDY, WHITEHOUSE, BOXER, and LIEBERMAN would restore the authority of our State and local governments to protect the environment and ensure public safety with respect to the siting of liquefied natural gas—LNG—terminals within their States. This measure simply gives our States a say as to whether these kinds of facilities should be built within their boundaries and, if so, the exact location.

It amends the Rivers and Harbors Act of 1899. Under that law, the Army Corps of Engineers, acting for the Secretary of the Army, is responsible for issuing permits to anyone who wants to build a structure in and above waters of the United States. These are often called section 10 permits because that is where the provision is found in the Rivers and Harbors Act.

I wish to clarify, we are not changing the authority of the Federal Energy Regulatory Commission. Their authority to site is not changed by this amendment. What we are doing is requiring the Army Corps to work with our States before they issue their permits under the Rivers and Harbors Act. This is not about stopping LNG plants from being sited. Today, there are six in our country. One is located in my State of Maryland in the right location. This amendment is about siting LNG plants where they should be sited and having confidence in federalism and in our States. Our States will act responsibly, but they should be consulted before LNG plants are sited. That is what this amendment will do. We want to make sure they are located in the right locations.

My colleague from Rhode Island pointed out pretty vividly the concerns he has about a site up in the New England area. AES Sparrows Point LNG and Mid-Atlantic Express have proposed building a new terminal near a densely populated area of Baltimore.

That is the wrong location for an LNG plant. If we had consultation and working with the States, we would be able to site these facilities without the risk that they will be located in areas where they should not be. That is what the amendment is about. In our area, our congressional delegation, Governor O'Malley, Baltimore County Executive Jim Smith, and other local officials have all come out against this particular location because of the risk to the community, because of the risk to the environment.

This amendment is very simple. It requires the Army Corps to work with our States before an LNG license could be issued under section 10 permits. It is the right way for federalism to work. We should take advantage of each State's unique understanding of the issues it faces and make sure that expertise is considered in a meaningful way. That is why the Coastal States Organization supports this amendment. They believe it is the right sharing of how LNG plants should be sited.

I urge my colleagues to respect federalism. Respect the goodwill of our States. Respect the fact that we want LNG facilities and terminals to be located, but we want them to be located in the right location.

I yield my colleague from Maryland 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank my colleague.

I understand this is his first amendment that will be voted on in the Senate. I am proud to stand with him as he stands up for Maryland and also stands up for the fact that when we are talking about the siting of an LNG facility, those who are the most affected should have the most to say, which means the State in which it is being located. I support this amendment because it is also the right public policy and because it is the right public policy for Maryland.

I am absolutely opposed to a new LNG facility in Sparrows Point, MD. As the senior Senator from Maryland, I will do all I can to protect the people of Baltimore and to protect the Port of Baltimore. I oppose this LNG facility because of my fears and frustrations. I worry about a terrorist attack. I worry about an accident with ghoulish consequences. This is a national security issue and a community security issue, not just an energy or a budget issue.

These concerns are not mine alone. According to a GAO report, scientists and engineers have raised enormous concern about the potential hazard of an accident or an attack on LNG facilities. GAO says we don't know about the impact of an LNG accident on public safety. We are talking about possible injury and death. How can anyone make a decision on LNG without knowing the decision on public safety?

This is why I support this amendment. This amendment gives States and communities a stronger voice by making sure the Army Corps of Engineers gets the approval of the affected State before giving permits for construction for an LNG facility. That means the Governor can say: "Hold on a minute; this is not good for my State," or, "Hold on a minute; it is good for my State."

We cannot let a Federal agency rubberstamp plans for an LNG facility. I am committed to promoting America's energy independence, but it must not compromise our national security or our neighborhood security. I want to make sure we know the consequence of what happens when an LNG facility comes to a geographic area. What can be done and should be done to review and control the plants, the docks, the ships, the crews?

I do not want permits issued and foreign-flagged tankers coming to our ports until we know key answers. I do not want permits authored by Federal agencies when our States are adamantly opposed and they are not involved in the decision making. Many States will welcome it. Some States will raise questions as we have.

It is my responsibility as a Senator to make sure we ask the right questions to protect the American people. But, most of all, we want to give the people most affected something to say.

We worry about this second LNG facility in Sparrows Point. It is 50 miles up the Chesapeake Bay. These tankers will have to pass under the Bay Bridge. My Governor is worried about the impact on the Port of Baltimore, and the people are worried about the impact on the community.

My colleague says we have another facility, and it was in the right place. Well, I am not sure it was in the right place. They built this LNG facility 3 miles away from a nuclear powerplant—3 miles away from a nuclear powerplant—but it got closed in the 1980s when the market went down. But guess what. FERC issued a permit to reopen Cove Point in a different part of the State 1 month after 9/11, and they did not ask about security concerns. It took this Senator—and then my colleague, Senator Sarbanes, and I—demanding the Department of Homeland Security get involved, demanding the Nuclear Regulatory Commission to say: Is it OK to have an LNG facility down the street? I had to force the Coast Guard to look at it from a security standpoint rather than just an environmental standpoint.

I worry about the rockfish in the bay, but I worry about the people who eat the rockfish in the bay, meaning my constituents. We finally got the reviews we needed and we moved ahead with the permit. Let me tell you, I am on the side of safety, and I believe the safest thing is to make sure the Governor has a chance to comment with the Corps and to have an expressed impact on this permit facility.

I think the Senator's policy is a wise one; it is a prudent one. It is narrowly crafted. I ask my colleagues to adopt the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have in opposition?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DOMENICI. Well, I want to take 5 minutes and yield the rest of it to Senator BINGAMAN. But I do want to make a point that this country is going to need large amounts of natural gas over the next 15, 20, 30 years. One source is probably going to be LNG, liquefied natural gas. It is terribly important for our country that we have this available when we need it, and if the price is right that we be able to locate sites that serve the United States.

Now, frankly, when we passed the Energy Policy Act, there were three or four things that were very much on the minds of those who wanted to deliver energy to the United States. I say to my new friend, the new Senator from Maryland, one of those at that particular time happened to be liquefied natural gas and those around the world who were trying to figure out whether the United States was going to be a place where they could sell liquefied natural gas or was it going to be a place where they could be held up forever.

We had to decide, as we worked through this very gigantic, gargantuan bill, what we were going to do about the concern on the part of the LNG market that if you left the law as it was, every State's Governor would have a veto power, and in some instances mayors would have veto power over an LNG site. We decided that would not work.

Now, we did not take away everyone's power. As a matter of fact, we encouraged cooperation. We encouraged the involvement of the States and the local governments with the LNG company, and we said only when you get to the point where you cannot reach agreement does the Federal Government step in, and then they backstop it and make a determination, through FERC, what is in the interest of our Nation, what is fair, and what is right.

Frankly, I don't know the facts about the Maryland plant, and I do not believe we need to know them on the floor of the Senate, nor do the Senators. What we need to know is we have a good law now on the books that gives involvement and participation to everyone who ought to have that, but it does not give a Governor veto power over the site.

I correct any implications or direct statements by my good friend, the new

Senator from Maryland. There is no question the amendment which they offer seeks veto power on the part of the Governor, gives the ultimate control to the Governor of the State as to what happens to an application. I do not believe that is what we wanted when we overwhelmingly—as the occupant of the chair has said so many times—in a bipartisan manner passed the Energy Policy Act.

I do not think we intended the first time we had a problem that somebody would come to the floor and change that wonderful law that was clear as could be, that when it came to locating LNG plants, we were not going to revert back to where we were and take the power away from FERC, the Federal agency in charge, and reinvest it in the Governor of the State.

We all know how this happens. People get disgruntled about a site, they go to the Governor, we immediately have a political tussle, and, all of a sudden, the Governor, talking to 500, 600, 700 people at a meeting, cannot get out of it, and that puts the Governor in the position where he has to say: I am not going to let that happen.

We saw that over the years. We saw it in other areas. We were bold enough in that Energy Act to change that situation, not only when it came to this kind of LNG siting but we also changed it—just a while ago we were talking about it as it pertained to the grid—the occupant of the chair might recall, where we said, if the grid gets clogged up, where you cannot get things done, we are going to actually put power in the Federal Government to use its public powers to take that gorging and dislodge it through eminent domain.

We did that, and we did other things, all in the interest of what we knew was true; that you ultimately had to let energy sources and energy grids and energy plants—you had to let the Federal Government have the last say, especially where arbitrariness on the part of the local unit was entering the picture and they wanted their way, their way under all circumstances.

I thank the Chair for being aware that I am over a moment or so, but I am now finished and have left most of the time for Senator BINGAMAN because I think he will do a good job, and maybe we will not have to have a vote. But if we do, I urge Senators not to change the law they just voted for 77 strong. Do not change it the first time we get an amendment of this nature coming before us. Leave it there for a try. Let it get tried. It is going to work. It is not going to hurt anybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am sympathetic to the concerns of my colleagues from Maryland, but I also rise to oppose their amendment.

Just 2 years ago, the Senate approved the Energy Policy Act of 2005 which contains this comprehensive approach to the siting of liquefied natural gas receiving terminals. In that bill, Congress gave FERC, the Federal Energy Regulatory Commission, the jurisdiction to approve the siting of LNG terminals that are located on shore.

FERC acts as the lead agency for NEPA compliance and also as a safety regulator. The combined NEPA and permitting process set forth in that legislation, EPAct 2005, fully recognizes the role of other Federal agencies and the role of State agencies acting under delegated Federal authority.

A project developer is not able to move forward unless all relevant permits are granted. FERC has addressed State concerns related to other LNG facilities through conditions placed on its approval certificate and it has denied a certificate due to safety concerns. So it is clear FERC is taking this authority and responsibility very seriously.

Moreover, this EPAct 2005 legislation also mandated the consideration of State concerns in the NEPA prefiling process which occurs very early in the siting process. The Governor of the affected State has a direct role in that process.

The Senators from Maryland describe their amendment as "not affecting FERC authority," but the amendment would essentially trump FERC's authority to site the entire facility.

As my colleagues know, LNG is imported. It is delivered to this country by ship. Therefore, an absolutely essential piece of the LNG receiving facility is a place for the ship to moor and to unload its cargo; that is, a dock that is constructed in the navigable waters of the United States. The Senators' amendment would allow a Governor of an affected State—and there is a very broad definition of which States are affected; in fact, any State within 15 miles of the terminal would be an affected State under their definition—it would allow the Governor of an affected State to block the Corps' permit, Army Corps of Engineers' permit. Obviously, there is no point in building a terminal if the ship is not permitted to get near it.

Finally, all of us are aware of the high price of natural gas and the pressure that puts on electricity prices, home heating prices, and on the viability of domestic industries that rely on natural gas. The Energy Information Administration estimates that by 2030 the United States will need almost 21 billion cubic feet per day of regasified LNG to meet a total estimated demand of about 81 billion cubic feet per day. This means LNG will account for over 25 percent of our natural gas supply. We need a workable process to assure we have adequate capacity to meet this need.

So, Mr. President, for those reasons, I urge my colleagues to vote "no" on this amendment.

I know the Senator from Maryland wishes, I assume, to use the remainder of his time or to conclude his argument. Following that, I will yield back the remaining time in opposition.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me thank both of my friends from New Mexico for their leadership on this bill. They have brought forward a good bill—a bill that I am proud to support and a bill that I hope will be strengthened by the amendment process and that will allow us to become energy independent because we need to for national security reasons, for economic reasons, and for environmental reasons.

But it is important that we get it right and that LNG facilities and terminals be placed in the right locations. My friend from New Mexico says this is a veto power by the State. It is not veto power by the State, no more so than you think FERC today has dictatorial powers on siting LNG plants. What my amendment is trying to do is to make sure our States work with the Federal Government and with our Federal agencies on appropriately siting LNG facilities. That is how federalism should work.

I have confidence in my Governor. He was elected by the people of Maryland. He is going to do the right thing. He makes tough decisions. We make tough decisions. But we should work together because that is the way we are going to be able to get the type of energy policy in this country that will achieve all three objectives, and that is security for energy independence, economic security, and environmental security for this country.

We need to engage our States. We should. This amendment does not change the law that was passed 2 years ago. FERC power remains the same. It amends the Rivers and Harbors Act dealing with the Army Corps of Engineers. That is what it should be; they should be consulting and working with the States before they issue their permits. This is a real problem. There are dozens of applications pending today. We will be able to site LNG plants, but let's site them in the right location. Let's not site them, as my friend from Rhode Island said, in a very sensitive part of Massachusetts or Rhode Island that literally would block recreational use and endanger communities. Let's not site them in a place right next to downtown Baltimore, which we know is going to present a risk—not just an accidental risk but a terrorist target. That is not where we should site LNG plants.

So we can get it right. We can get our energy policy right. I urge my colleagues to respect federalism, respect the fact that the States and the Federal Government should be working together on the energy policies of this country so we truly become energy independent for the right reasons. I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1520, AS MODIFIED

Mr. CARDIN. Mr. President, I ask unanimous consent that my amendment No. 1520 be made the pending amendment for the purposes of modifying it, and I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment as modified is as follows:

At the end of subtitle D of title II, add the following:

SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 256. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "National Commission on Energy Independence" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Mr. CARDIN. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1519

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1519 offered by the Senator from Wisconsin.

The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I urge my colleagues to join me and our 13 cosponsors in voting in favor of our OPEC amendment. This amendment will declare price fixing by the OPEC oil cartel illegal under our antitrust laws and will give our Government a much needed weapon to combat the illegal actions of the OPEC cartel that harms consumers every time they visit the gas pump.

Contrary to the fears of the opponents of this amendment, this amendment will not harm either our foreign relations or foreign investment in the United States. Enforcement of NOPEC is reserved exclusively to the Justice Department. Should the administration deem it imprudent to take action against NOPEC, then it need not do so. It is long past time for us to have the ability, should our Government decide to do so, to take legal action to fight back against the OPEC conspiracy on behalf of American consumers.

So I urge my colleagues to join 345 House Members who last month voted in huge numbers in favor of NOPEC.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, since I don't see anyone else here, let me speak in opposition to the amendment.

This is one of these feel-good amendments where you can tell your constituents you struck a blow for freedom by outlawing OPEC.

The truth is, this is terrible precedent for us to say we are going to drag foreign governments into our court system and allow them to be sued for antitrust violations. We have always stopped short of doing this. The precedent would be terrible because obviously they would do the same thing with us. If we can bring foreign governments into our courts and subject them to penalties here, they can bring our Government into their courts and do the same thing. The courts have stayed away from these issues. These are diplomatic issues and political issues the courts should stay out of.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Kohl amendment.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—70

Akaka
Alexander
Baucus
Bayh
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NAYS—23

Allard
Bennett
Bingaman
Bond
Burr
Cochran
Cornyn
DeMint
Dole
Domenici
Enzi
Gregg
Hagel
Inhofe
Kyl
Landrieu
Lott
Lugar
Murkowski
Roberts
Sununu
Vitter
Warner

NOT VOTING—6

Biden
Brownback
Coburn
Dodd
Johnson
McCain

The amendment (No. 1519) was agreed to.

AMENDMENT NO. 1610

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1610, offered by the Senator from Maryland, Mr. CARDIN.

Who seeks time?

The Senator from Maryland.

Mr. CARDIN. Mr. President, this amendment would restore the authority of State and local governments to protect the environment and ensure public safety with respect to siting of liquefied natural gas, LNG terminals. This measure simply gives our States a say in whether these kinds of facilities, LNG facilities, should be built within their boundaries and, if so, their exact location.

The amendment does not eliminate FERC's siting authority. It doesn't amend the FERC statute at all. It amends the Army Corps' permitting statute and requires that the Army Corps work with our States in siting LNG facilities.

The amendment is common sense, one that engages our States as partners in serious decisionmaking authority as to where an LNG plant should be located. This bill is all about securing America's future through energy independence. We need to work with our States. It should be federalism. We should respect the authorities of our States and the sincerity of our Governors, and this bill restores that type of balance so that the States are involved in protecting the environment at the location of LNG facilities.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment does not just allow the States to participate in the decision; this amendment would give the States the ability to veto the issuance of any permit to the Army Corps of Engineers to build a terminal and would, in that way, cut us off from needed access to international supplies of liquefied natural gas, LNG. We are going to be more and more dependent upon these liquefied natural gas supplies from overseas. We need to have these terminals constructed. We have a provision in existing law that gives us good processes for including the States, but it is important that we not change existing law.

Senator DOMENICI, did you wish to speak?

Mr. DOMENICI. Mr. President, I want to say that I wholeheartedly agree with Senator BINGAMAN. Just 2½ years ago, we decided we needed LNG so much in the future that we wanted an orderly process that did not give the Governors of each State the right to veto. This one is even broader. This gives Governors a 15-mile radius around the opportunity to veto.

I don't think we should change the law so quickly. I think we should leave it alone for a few years.

The PRESIDING OFFICER. The Senator's time has expired. The question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—37

Akaka
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Whitehouse
Wyden

NAYS—56

Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Klobuchar
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—6

Biden
Brownback
Coburn
Dodd
Johnson
McCain

The amendment (No. 1610) was rejected.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized, following him. Senator ENZI, following him Senator GREGG.

Mr. GREGG. And Senator MURKOWSKI.

Mr. REID. Senator ENZI, how long do you wish to speak?

Mr. ENZI. Six to eight minutes.

Mr. REID. How long do you wish to speak, Senator GREGG?

Mr. GREGG. About 10 minutes.

Mr. REID. Senator MURKOWSKI, do you know?

Mr. GREGG. Senator MURKOWSKI for 5 minutes, I believe.

Ms. MURKOWSKI. Ten minutes.

Mr. REID. We will follow that by Senators MENENDEZ, SCHUMER, and BROWN, up to 10 minutes each. Is that OK? You have all that down? Thank you very much.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendments be temporarily set aside so I can offer an amendment incorporating the Finance Committee-reported energy tax package.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I object.

Mr. ENZI. I object.

The PRESIDING OFFICER. Without objection.

Mr. BAUCUS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I don't know why there is objection. I note while there is objection, I will talk about it until we get the objection cleared. This is a Finance Committee amendment passed out of committee. It is very straightforward. We have a copy. The Senator from Wyoming objected?

Mr. ENZI. Mr. President, I think the objection was on the basis that we just got the file. We haven't looked at it at all.

Mr. BAUCUS. You will have time to look at it. We are not going to vote on it for a while. You will have lots of time to look at it. You will have time to look at it, believe me. This is a formality. It is good to bring it up now so we move the process along so the Senator and other Senators have time to look at it.

Mr. ENZI. I have no objection to someone talking on it, but I would like to take a look at it, whatever it is.

Mr. BAUCUS. I inform the Senator I am only asking the amendment be brought up. There will be plenty of time. In fact, the Senator could speak as long as he wants and other Senators could speak as long as they want as we look at the amendment.

The ordinary course is the amendment is brought up. This has been fully vetted in the Finance Committee. Senators on both sides of the aisle passed it by a vote of 15 to 5. Members on the Republican side voted for it in committee.

I hope we can at least get the amendment up, and then we can work the usual Senate will.

Mr. ENZI. Apparently, there are objections on our side. I have no objection to you going ahead and speaking to it, but they want to look at the amendment.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside so I may offer an amendment incorporating the Finance Committee-reported energy tax package.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1704

Mr. BAUCUS. Mr. President, I call up amendment No. 1704.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL and Mr. SALAZAR, proposes an amendment numbered 1704 to amendment No. 1502.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators GRASSLEY, BINGAMAN, LINCOLN, WYDEN, SCHUMER, CANTWELL, and SALAZAR be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I have a long statement here which I am not going to read. Essentially this is the Finance Committee amendment. It goes a long way to help create incentives for renewables and for carbon sequestration, which is so important. It is a $20-billion-plus amendment over 10 years. It is fully offset. It is all paid for. It passed out of the Finance Committee by a vote of 15 to 5 earlier today. We spent a lot of time on this amendment and I think it is one of which the Senate can be very proud.

Basically, we are building on the strong foundation we already have with respect to tax incentives in our country. We continue our commitment to clean energy and renewables. We extend existing tax incentives for solar power, wind power, fuel cells, and energy-efficient homes and buildings. We create a tax incentive for transmission projects related to renewable energy projects and provide more than $3.6 billion over 10 years for renewable energy bonds. I might say this will benefit all of the States and also is of particular interest to my home State of Montana, and I know also to the Senator from Iowa, Senator GRASSLEY.

But we are going further than all that. We are also trying to extend the frontier in three areas that are critical to our Nation's energy future. One is cellulosic ethanol. We give significant incentives for cellulosic ethanol development; hybrid cars, significant incentives for the purchase of hybrid cars as well as plug-ins for hybrids; and third, carbon sequestration.

We propose a $1.11 per gallon tax credit for up to 60 million gallons of cellulosic fuel produced from sawgrass, agricultural wastes, and other biomass.

Hybrid cars provide an opportunity to make transportation cleaner—high-mileage cars with almost no emissions. I think it is worth exploring. The amendment calls for a new credit for plug-in vehicles for $2,500 to $7,500.

We are also trying to take advantage of the vast reserves of coal we have in our country. We clearly also have great concerns about global warming. I think it is imperative that we use our coal to help meet our energy needs, but we also have to prevent carbon dioxide from escaping into the atmosphere.

There are various provisions here with respect to carbon sequestration. It depends upon whether it is known as a clean coal facility, but we use tax credits provided in this mark, which must capture and sequester at least 65 percent of its carbon dioxide emissions. That is with respect to power that is used to generate electricity. The utility industry tells us we can't go higher than 65 percent sequestration or captured sequestration for the utility industry. But we are going higher in other areas, and one is the coal-to-liquids sequestration. We extend the current 50-cent rate for coal-to-liquids to the year 2012. We also provide for a 75-percent capture of carbon for coal to liquids. This provision generated some controversy in the committee—some wanted it much higher, some wanted it lower. We felt that 72 percent is a pretty good compromise and a good place to begin.

I will also add that we provide 50 percent bonus depreciation for new dedicated pipelines that will be used to transport carbon dioxide from an industrial source to a geological formation for permanent disposal.

There are many other provisions in this amendment which I will not mention, except to say that this is a very great addition to the underlying package. We are turning the corner here. We are enacting legislation which will help move America away from the past and more toward the future. The future is renewable energies, alternative energies. It is conservation provisions which we also have in this bill. It is utilizing our coal reserves in the same way; that is, making sure the carbon is sufficiently captured. It is all paid for, and it is paid for by closing some loopholes in the coal and gas industry and also by repealing the reduction for section 199 for the major oil companies. This applies only to the five majors.

We also propose a tax on gulf oil production. Some will say: Gee, aren't we discouraging domestic production by doing that in America with those provisions? But I must point out that since section 199 was enacted several years ago, the actual domestic production in the United States has declined. A few years ago when that provision was enacted, the price of gasoline was much lower than it is now. It is much higher today. In addition to that, the projected profits for the oil and gas industry for the next 10 years are projected to be $1 trillion. If you look at the profits, if you look at how much gasoline prices have risen, and if you look at the decline in domestic production in this country over the last several years, even with those very high profits, it is pretty clear this offset will not in any way diminish our prospects of domestic production and will not cause gasoline prices to increase. In fact, there is a study by the Joint Tax Committee which makes that very point; namely, since these provisions were put into effect a couple or 3 years ago, domestic production has not increased. It has not helped increase domestic production in the United States. Actually, domestic production has decreased.

So we feel this is a good package. It is paid for properly. It passed the committee by a vote of 15 to 5. I recommend this Finance Committee package to the full Senate. We will work our will on it over the next several days, but I think it is an excellent start.

I yield the floor.

The PRESIDING OFFICER. There is a previous order.

Mr. BINGAMAN. Mr. President, who is the next person to speak?

The PRESIDING OFFICER. The Senator from Wyoming, Mr. ENZI.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 8 minutes.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

Mr. ENZI. Mr. President, it was just a few days ago when we heard the news that we had lost our dear friend and colleague, Senator Craig Thomas. We lowered our flags and joined together as a family to say goodbye to someone who fought for what he believed in and worked to the end to make Wyoming and the West better places to live.

Craig is now gone, but the work he began lives on. That is why I am pleased to offer an amendment to S. 277, the Grand Teton National Park Extension Act of 2007. My amendment builds on the work begun by Craig and the efforts of Chairman BINGAMAN and Ranking Member DOMENICI who worked so hard to shepherd this bill through the legislative process. In addition, I also thank Majority Leader REID and Minority Leader MCCONNELL for bringing this bill to the floor so we can make one of Craig's legislative goals a reality.

It is no surprise that Craig worked so hard to develop, draft, and introduce this legislation. No one understood the needs of Wyoming and the West better than he did. Craig was a cowboy from the top of his hat to the tip of his boots. There was nothing he enjoyed more than riding a horse through our national forests and spending time in the great outdoors.

Craig's love for the wide open spaces of our State led him to introduce the Grand Teton National Park Extension Act of 2007. When it is signed into law, it will allow the Secretary of the Interior to accept the donation of approximately 50 acres of private land that will be added to Grand Teton National Park. In addition to Craig, we have the Halpin family to thank for their generosity. It will truly be a gift enjoyed by the people of Wyoming and the West, and the whole country, by all who come to visit our national parks every year.

When that land is added to Grand Teton National Park, it will have another little addition to it. That addition is to rename the visitors center the Craig Thomas Discovery and Visitor Center. It will provide the people with a place to stop and visit during their trips to Grand Teton where they can learn about the history of the park and the life of Craig Thomas. I cannot think of a better way to remember Craig's life than to share it with all who benefitted from his many years of hard work and public service.

Craig dedicated his life to protecting and preserving our State's natural resources, especially our parks. He was a tireless and true advocate for those important and precious facilities, and he fought for their protection when he served as chairman and later as ranking member of the National Park Subcommittee of the Committee on Energy and Natural Resources.

Craig had a proud history on the committee and in the Senate as he constantly and consistently advocated for the best administration and management of our park system. He authored legislation that provided critical funding and mandated management reforms that were necessary to keep our parks pristine and ensure they would be available for future generations to enjoy. He worked with all of his colleagues, regardless of their party affiliation, to increase funding for our parks so they could better deal with the maintenance backlog that exists. Now that he is gone, our parks have lost one of their best friends.

Renaming the visitors center will ensure Craig's legacy will continue and never be forgotten. As noted in a letter by the Grand Teton National Park Foundation:

> Senator Thomas championed this project since 1997. His leadership in securing an $8 million appropriation inspired the Foundation to raise $13.6 million in private funds for the project.

For his efforts on this and so many issues of importance to our national park system, the Grand Teton National Park Foundation supports the naming of the center after Senator Thomas.

I ask unanimous consent that a copy of their letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAND TETON NATIONAL
PARK FOUNDATION,
Moose, WY, June 12, 2007.

Hon. MICHAEL B. ENZI,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the Board of the Grand Teton National Park Foundation I am writing to endorse the idea of naming the new Visitor Center in Grand Teton National Park after the late Senator Craig Thomas.

Senator Thomas loved the national parks and was a tireless advocate for them. The beautiful Grand Teton Discovery and Visitor Center which will open this summer is a model public/private partnership. Senator Thomas championed this project since 1997. His leadership in securing an $8 million appropriation inspired the Foundation to raise $13.6 million in private funds for the project.

The ribbon cutting on August 11th will be a special day for everyone who has been involved with this project. It will also be a very sad day because Senator Thomas will not be there with us to celebrate the culmination of years of work.

Feel free to contact me if you require any additional information.

Sincerely,

LESLIE MATTSON-EMERSON,
Executive Director.

Mr. ENZI. Mr. President, the ribbon-cutting ceremony for the newly constructed Grand Teton Visitors Center is August 11, 2007. It will be a day that will be long remembered by all who come to honor the memory of one of the park's greatest champions. By passing this legislation, we are making that day possible and ensuring that those who attend that special ceremony will be the first to enjoy all the Craig Thomas Discovery and Visitor Center will have to offer. This is an honor which I know would have pleased Craig and made him very proud. I can also see him riding tall in the saddle of a horse, taking it all in under the brim of his favorite cowboy hat.

Naming the visitors center for Craig Thomas will also mean a great deal to everyone who knew and loved him. It will be a tribute to a special American that will last for a long time to come.

Many years from today, when people come to the park and stop by the visitors center that bears his name, they will know that Craig Thomas was so many things in life—a marine, a Senator, a rancher, and a dedicated father and husband. But most of all, they will know Craig loved Wyoming and the West and fought with everything he had to maintain our precious resources.

I always said God saved some of his best handiwork for Wyoming. We are fortunate that he also gave us the best champion to fight to protect and preserve it all.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 41, S. 277.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 277) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1709) was agreed to, as follows:

(Purpose: To designate the Grand Teton Discovery and Visitor Center as the "Craig Thomas Discovery and Visitor Center")

Strike section 4 and insert the following:

SEC. 4. CRAIG THOMAS DISCOVERY AND VISITOR CENTER.

(a) FINDINGS.—Congress finds that—

(1) Craig Thomas was raised on a ranch just outside of Cody, Wyoming, near Yellowstone National Park and Grand Teton National Park, where he—

(A) began a lifelong association with those parks; and

(B) developed a deep and abiding dedication to the values of the public land of the United States;

(2) during his 18-year tenure in Congress, including service in both the Senate and the House of Representatives, Craig Thomas forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility, and rural health care;

(3) as Chairman and Ranking Member of the National Parks Subcommittee of the Committee on Energy and Natural Resources of the Senate and a frequent visitor to many units of the National Park System, including Yellowstone National Park and Grand Teton National Park, Craig Thomas was a strong proponent for ensuring that people of all ages and abilities had a wide range of opportunities to learn more about the natural and cultural heritage of the United States;

(4) Craig Thomas authored legislation to provide critical funding and management reforms to protect units of the National Park System into the 21st century, ensuring quality visits to units of the National Park System and the protection of natural and cultural resources;

(5) Craig Thomas strongly supported public-private partnerships and collaboration between the National Park Service and other organizations that foster new opportunities for providing visitor services while encouraging greater citizen involvement in the stewardship of units of the National Park System;

(6) Craig Thomas was instrumental in obtaining the Federal share for a public-private partnership with the Grand Teton National Park Foundation and the Grand Teton Natural History Association to construct a new discovery and visitor center at Grand Teton National Park;

(7) on June 4, 2007, Craig Thomas passed away after battling cancer for 7 months;

(8) Craig Thomas is survived by his wife, Susan, and children, Patrick, Greg, Peter, and Lexie; and

(9) in memory of the distinguished career of service of Craig Thomas to the people of the United States, the dedication of Craig Thomas to units of the National Park System, generally, and to Grand Teton National Park, specifically, and the critical role of Craig Thomas in the new discovery and visitor center at Grand Teton National Park, the Grand Teton Discovery and Visitor Center should be designated as the "Craig Thomas Discovery and Visitor Center".

(b) THE CRAIG THOMAS DISCOVERY AND VISITOR CENTER.—

(1) DESIGNATION.—The Grand Teton Discovery and Visitor Center located in Moose, Wyoming, and scheduled for completion in August 2007 shall be known and designated as the "Craig Thomas Discovery and Visitor Center".

(2) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Grand Teton Discovery and Visitor Center referred to in paragraph (1) shall be deemed to be a reference to the "Craig Thomas Discovery and Visitor Center".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

The bill (S. 277), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Extension Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means the Grand Teton National Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SUBDIVISION.—The term "Subdivision" means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled "Final Plat GT Park Subdivision", and dated June 18, 1997; and

(B) the map entitled "2006 Proposed Grand Teton Boundary Adjustment", numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. CRAIG THOMAS DISCOVERY AND VISITOR CENTER.

(a) FINDINGS.—Congress finds that—

(1) Craig Thomas was raised on a ranch just outside of Cody, Wyoming, near Yellowstone National Park and Grand Teton National Park, where he—

(A) began a lifelong association with those parks; and

(B) developed a deep and abiding dedication to the values of the public land of the United States;

(2) during his 18-year tenure in Congress, including service in both the Senate and the House of Representatives, Craig Thomas forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility, and rural health care;

(3) as Chairman and Ranking Member of the National Parks Subcommittee of the Committee on Energy and Natural Resources of the Senate and a frequent visitor to many units of the National Park System, including Yellowstone National Park and Grand Teton National Park, Craig Thomas was a strong proponent for ensuring that people of all ages and abilities had a wide range of opportunities to learn more about the natural and cultural heritage of the United States;

(4) Craig Thomas authored legislation to provide critical funding and management reforms to protect units of the National Park System into the 21st century, ensuring quality visits to units of the National Park System and the protection of natural and cultural resources;

(5) Craig Thomas strongly supported public-private partnerships and collaboration between the National Park Service and other organizations that foster new opportunities for providing visitor services while encouraging greater citizen involvement in the stewardship of units of the National Park System;

(6) Craig Thomas was instrumental in obtaining the Federal share for a public-private partnership with the Grand Teton National Park Foundation and the Grand Teton Natural History Association to construct a new discovery and visitor center at Grand Teton National Park;

(7) on June 4, 2007, Craig Thomas passed away after battling cancer for 7 months;

(8) Craig Thomas is survived by his wife, Susan, and children, Patrick, Greg, Peter, and Lexie; and

(9) in memory of the distinguished career of service of Craig Thomas to the people of the United States, the dedication of Craig Thomas to units of the National Park System, generally, and to Grand Teton National Park, specifically, and the critical role of Craig Thomas in the new discovery and visitor center at Grand Teton National Park, the Grand Teton Discovery and Visitor Center should be designated as the "Craig Thomas Discovery and Visitor Center".

(b) THE CRAIG THOMAS DISCOVERY AND VISITOR CENTER.—

(1) DESIGNATION.—The Grand Teton Discovery and Visitor Center located in Moose, Wyoming, and scheduled for completion in August 2007 shall be known and designated as the "Craig Thomas Discovery and Visitor Center".

(2) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Grand Teton Discovery and Visitor Center referred to in paragraph (1) shall be deemed to be a reference to the "Craig Thomas Discovery and Visitor Center".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

Mr. ENZI. I yield the floor.

Mr. GREGG. Mr. President, I thank the Senator from Wyoming for bringing forward this bill on behalf of Senator Thomas, who was such a force in this Chamber and especially a force on behalf of his State. It is a very appropriate thing to do.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 10 minutes.

Mr. GREGG. Mr. President, I rise to talk about an amendment I wish to offer—I will offer it later—relative to the tax package that was just introduced relative to this Energy bill.

Today, for those of us who live on the east coast, we would like to be able to buy ethanol at a reasonable price. In fact, we would like to be able to buy ethanol at all. The problem is, for ethanol to be shipped to the east coast, it has to go through pipelines. Transportation by truck or tank car is not viable, and thus ethanol, because of its components, cannot be shipped and is not stable in going through pipelines. So the east coast really does not have too many options for purchasing ethanol.

One option is to buy it from the Caribbean countries that produce it or from Brazil. Unfortunately, there is a tariff in place on Brazilian ethanol which amounts to 54 cents a gallon. That is a tariff which those of us on the east coast are subjected to and the effect of which is the price of ethanol is arbitrarily overstated.

This tariff was put in place quite a while ago and was put in during a period when the production of ethanol was not commercially viable because the cost of oil was still very low and when corn production was not oriented toward ethanol production. So this tariff was put in purely as a protective tariff for the purpose of allowing the corn industry in the Midwest to be successful in developing ethanol—at least that is the representation.

However, that position no longer has viability. The simple fact is that the corn industry in the Midwest is doing extraordinarily well because not only is it still a major feedstock for most of the traditional animal use to which it is applied, but it is also being used aggressively for the production of ethanol. In fact, we are looking at about 7 billion gallons of ethanol being produced this year.

Under this bill, for the purpose of gasoline replacement, it will be required that we have 36 billion gallons produced by the year 2022. So we are putting in place mandates which will absolutely require an expansion in the use of ethanol of dramatic proportions, which we should, and which will therefore raise the ship of the production of ethanol by the use of corn in the Midwest or sugar beets in the Northern Plains States as a form of producing ethanol. Therefore, they should not be concerned about the threat or the potential threat or the alleged threat of having ethanol come into this country from other producers in the Western Hemisphere, such as Brazil, because that is not going to affect their price and it is not going to affect their production capability.

Secondly, we still have in place in this bill and under the agricultural bills which we passed in the Senate a $3 billion annual subsidy for corn production—a $3 billion annual subsidy. The irony is we are subsidizing a product which is now extraordinarily productive and which has great viability—corn production—and, in fact, the cost of which has gone up so much that we are hearing complaints from many of the various farm communities, such as cattle producers who need corn, because the price has gone up so much as a result of the demand for corn. But at the same time, we are making it virtually impossible, because of the protective attitude of the Midwest on the issue of corn production for ethanol, to bring into the Northeast and into the Eastern States ethanol at a viable price and at a competitive price.

Our goal basically as an economy should be to get ourselves off oil, to move away from oil, and to move to ethanol production, which is the most efficient and cost competitive.

So the Northeast and the Eastern States should be allowed to purchase ethanol from Brazil without this arbitrary tariff that was put in place many years ago and continues.

In addition, if you just want to look at it on the basis of purchasing an overseas product—and some will argue this is just going to underwrite the foreign production of an energy source, ethanol, in Brazil—you can make that argument, but as a practical matter, if you make that argument, you have to ask yourself, would you rather buy ethanol from Brazil or oil from Venezuela because essentially the choice is just about that stark. You can buy your ethanol from Brazil or you can buy Venezuelan oil.

By making Brazilian ethanol more competitive and taking off this arbitrary 54-cents-a-gallon increase, which people from the East have to pay, you will actually make ethanol a more viable product in the East and thus reduce our reliance, for example, on Venezuelan oil or, for that matter, Middle Eastern oil. I personally would rather be buying ethanol from a country such as Brazil than buying oil from the Middle East or from Venezuela.

So the arguments for eliminating this tariff are myriad. They are that we should be purchasing ethanol at the most competitive price, that the Northeast and the East cannot purchase Midwestern ethanol anyway at a competitive value because it cannot be shipped by pipeline because it is so combustible.

The original concept of protecting corn producers in the Midwest no longer has viability in light of the fact that we have mandated an ethanol usage in this country that is going to absorb just about every ounce of corn produced, and we see corn prices are already at extraordinarily high price and that has put a lot of pressure as a feedstock commodity on various other industries, such as cattle production; and that it makes no sense in light of the $3 billion subsidy which we already have in place for corn to require people in the Northeast—who are paying that subsidy, by the way, through their taxes—to also have to pay an inflated price for ethanol which is produced in Brazil. If we are going to choose to use overseas sources of energy; which we are going to have to on the east coast, at least for the foreseeable future, why wouldn't we choose ethanol produced in Brazil over oil produced in the Middle East or Venezuela?

In addition, there is another argument, which is that if the Midwest is so concerned about having this tariff in place, they seem to be cutting off their nose to spite their face because the practical matter is that the more ethanol that is used on the east coast where the population of this country is concentrated to a large degree, the more the east coast will become dependent on ethanol, and when we get over this hurdle of moving ethanol through pipelines or other ways of moving it from the Midwest to suppliers and producers, we will see there is a demand that has been created, and at that point we will have a competitive commodity, one presumes, with the Brazilian ethanol.

There is no logic to continuing this arbitrary tax on people from the Northeast and the East relative to the price on ethanol, a 54-cent-per-gallon tax. It should be repealed, and therefore I will be offering an amendment to repeal this tariff.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for 5 minutes.

THIRTIETH ANNIVERSARY OF THE TRANS-ALASKA OIL PIPELINE

Ms. MURKOWSKI. Mr. President, I rise this evening to acknowledge the 30th anniversary of the first drop of oil passing through the Trans-Alaska Oil Pipeline. This is truly an engineering marvel which is a central component of the transportation of oil from the largest single domestic source in America's history—Prudhoe Bay—to the rest of the United States, where it powers industry and provides jobs to this day.

Alaska has been called a lot of different things, some not too complimentary, unfortunately. You may remember the term "Seward's folly." This was after the United States approved the purchase of Alaska from Russia in 1867 which got the State of Alaska, the territory, for $7.2 million. "Seward's folly" was a reference to Secretary of State William Seward, who was an advocate for the purchase.

Alaskans themselves dubbed it "Seward's icebox," reflecting the sentiment Americans had toward our supposedly barren, dark, ice-covered land. But we soon recognized there was far more than just dark, barren, empty land. It was not an icebox but instead a lush, resource-rich, and stunningly beautiful land.

Gold was discovered in the 1890s, and black gold, or oil, was discovered about 75 years later. While oil is often viewed in a negative context these days, the fact remains that this black gold has enabled America to grow into the economic power it is today.

Alaskan oil, quite honestly, could not have been found in a more inconvenient place. Prudhoe Bay, which is the location of the massive 1968 discovery, contained oil in ground that was permanently frozen up to 1,000 feet deep in the northernmost section of the State with three mountain ranges between it and the nearest ice-free port.

Seven oil companies got together to discuss how they might move the oil to the lower 48 States. There were several options that were proposed at the time. One of them was a water route that would use large ice-breaking tankers—essentially plowing through the ice—to get the oil down to the lower 48 market. A second option was a water route using submarines. A combined land and water system with a Trans-Alaska Pipeline and shipments from a southern Alaskan port was the third option and the option that was considered to be most feasible for several different reasons from the technical, the economic, and the legal issues that surrounded it.

The third option, this Trans-Alaska Pipeline, raised so many concerns and so many problems that for many it seemed an impossible task. The southern two-thirds of the proposed route was the most seismically active area in North America. This was the location of the very famous 1964 earthquake centered out of Valdez. The southern portion also contains a very high avalanche threat. Permafrost, which is the permanently frozen ground, runs about half the length of that pipeline route. You will find permafrost in that area. These all presented an unprecedented engineering challenge. The pipe would have to span a distance greater than the distance between Oregon and Mexico or, to put it in perspective as to where we are here, it would be the equivalent distance of going from this Capitol in Washington, DC, all the way south to Orlando, FL. That is the distance our Trans-Alaska Pipeline covers today.

Also, keep in mind we are not only talking about an incredibly long 800-mile pipe, but it is a stretch of land that includes thousands of rivers, three mountain ranges, and we have air temperatures ranging from minus 80 degrees below in the wintertime to a positive 95 degrees in the summer. So the challenges that faced the Nation as they looked to this engineering feat were quite incredible.

There were also political obstacles that were pretty steep. Environmental concerns, which, quite honestly, mirror the modern-day debate over oil development in the Coastal Plain of the Arctic National Wildlife Refuge, resulted in a 50–50 Senate tie on the vote for the pipeline's approval. Vice President Spiro Agnew cast the tie-breaking affirmative vote in this Chamber about 34 years ago.

It took 38 months, billions of the final $8 billion pricetag, and 1,347 State and Federal permits later for the construction to begin on one of the most ambitious engineering endeavors in the history of the world. During construction, thousands of would-be job seekers flocked to Alaska, and those workers battled the cold in the winter that caused the equipment to freeze up, and in the summer they battled sunken bogs when digging the concrete supports that allow the pipeline to shift in order to deal with the temperature changes and the seismic activity. They solved problems such as installing the pipe in both Atigun Pass and Thompson Pass, incredibly steep terrain just outside the southern terminus in Valdez. The terrain is so steep there that workers had to be tethered to the peaks by cables to keep them from falling down the slopes.

Mr. President, I think I have probably used my 5 minutes. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. I thank the Chair.

Along the way, those working on this pipeline made major engineering advances, learning how to insulate the pipe and how to keep the permafrost ground frozen so that the pipe didn't sink out of site. When the project was completed in 1977, 3 years after construction started, we had a new domestic supply of oil made available to the United States—the single largest domestic source it has ever had.

On average, the Trans-Alaska Pipeline—we call it TAPS—now sees just over 800,000 barrels of oil pass through it each day. This is 231,000 barrels per hour and 22,000 gallons per minute. So, in other words, in the time I have been standing to address you, Mr. President, it has transported about 100,000 gallons of crude.

At peak production, TAPS provided the United States with about 2 million barrels of oil a day, or 30 percent more than Saudi Arabia does today, and nearly as much oil as the entire Persian Gulf provides our country today. And Alaskan oil, unlike Middle Eastern oil, does not come from unstable regimes, does not hinder our foreign policy options by bonding us and our allies to such regimes, and is not at risk of being cut off due to instability. We have been a stable domestic supplier of the oil needs of the United States for over 30 years.

The pipeline has turned out to be a much better deal than originally anticipated. The dire predictions of environmental disaster have been proven false. There have been minor spills, we acknowledge, but the environment and the wildlife have been unaffected by the Trans-Alaska Pipeline. Our caribou numbers have actually grown along the pipeline area, with estimates of up to sixfold in terms of the herd. Moose and bear have not been affected, and little oil has been added to the environment. All land spills have been completely cleaned up.

Additionally, while Prudhoe Bay was originally forecast to contain 9 billion barrels of recoverable oil, we will actually recover twice that much, about 18 billion barrels, by the time that field is depleted.

We recognize the days of abundant Prudhoe Bay oil are dwindling. We have produced about 15 billion barrels of oil, leaving only about 3 billion barrels remaining to recover. Output has fallen by more than 7 percent a year recently. According to the Energy Information Administration, Prudhoe Bay production will be down to 270,000 barrels per day by 2030, a level so low that the pipeline likely will not be able to function in winter's cold and may become inoperable. That could "shut-in" billions of barrels of future heavy oil deposits in the Greater Prudhoe Bay area and perhaps hamper oil recoveries from elsewhere in northern Alaska and the OCS off the State's coast.

In the meantime, U.S. oil imports have grown to account for 58 percent of our current net oil consumption. Twenty years from now, that number is forecasted to climb to 68 percent.

So I ask my colleagues and the American people, as we remember today what Alaska and the Trans-Alaska Pipeline system has given to our country, to consider also what Alaska could provide for America's future. The decision truly lies in the hands of Congress.

Mr. President, I appreciate the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak out of turn.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. BROWN. Mr. President, historians who take a clear-eyed look at the last 30 years will tell you, and in particular economists will tell you, productivity has been rising, our economy has been expanding, and the workers responsible for our Nation's prosperity have not reaped anywhere near their share of the benefits which they have earned.

In 2005, the real median household income in America was down almost 3 percent from the median income in 2000. That is understanding that productivity has sharply increased among American workers. In Ohio, median income was down almost 10 percent. Meanwhile, the average CEO makes 411 times more than the average worker. As recently as 1990, the average CEO made 107 times more; so from 107 times more than the average worker in 1990 to now, 411 times more than the average worker.

Let me explain it another way. In the Agriculture Committee a couple of months ago, a young woman in her mid-thirties, with a 9-year-old son, came and testified about food stamps. The average food stamp beneficiary in our country gets about $1 per meal per person. She and her son got about $6 a day for food stamps. She works full time at a $9-an-hour job. She has no health care benefits. She gets a food stamp benefit. She is president of the local PTA at her son's school. She volunteers to teach Sunday school. And she is active in the Cub Scouts for her son. She works, as I said, full time, making $9 an hour, and gets a small food stamp benefit.

She says at the beginning of the month she serves her son porkchops a couple of times, and as the month goes on she takes him to a fast food restaurant once or twice, but by the last couple of days of the month she sits at the kitchen table with her son and doesn't eat. Her son asks her what is wrong, and she says she's just not feeling well. She simply runs out of money at the end of the month. This is somebody playing by the rules.

Later in the day, on the Banking Committee, a committee on which I sit with the Presiding Officer from New Jersey, Secretary Paulson was testifying, the Secretary of the Treasury, and I told him the story of this lady from Middletown, OH.

He said: Senator, you have to understand we have had 2½, 3 percent economic growth in the last year. Things in our country are going well.

Yes, things are going well in terms of profits for corporations. Things are going well in terms of top executives. But too often they really aren't. Just look at this chart from 1946 to 1973. Economic opportunities for poor and working families grew. The incomes of the country's workers are divided. The lowest 20 percent, second lowest, middle, and then the top 20, top 40 percent, and the top 20 percent here. Families who worked hard and played by the rules had a real chance of getting ahead. You can see those from 1947 to 1973, the lowest 20 percent of our wage earners had the highest growth in income; those who made the most had the lowest. So we are seeing all boats rise—boats rising a little faster for those in the lowest incomes.

Beginning in about 1973 and through to 2000, workers at the bottom and in the middle began to share less and less of the wealth they created. Even though their productivity was going up, their wealth didn't, their wages didn't. Economic growth flattened out for those same families. You can see there is still economic growth at the lowest 20, 40, 60 percent, but the fastest growth in incomes was in the top 20 percent. That was in 2000.

As the economic pie got bigger, the slice for most Americans got smaller. Here you can see the most devastating news of all in the last 4, 5, 6 years. The only people who had economic growth in this country were the top 1 percent. These are the five quintiles. The top 1 percent are the only ones who had economic growth, and those at the bottom fell the furthest and further behind.

Historians will also say that in 2006 the middle class spoke up and sent a message to Congress demanding change. This Congress raised the minimum wage for the first time in a decade. This Congress is fighting for fair trade like never before. And I speak today, Mr. President, in support of the Employee Free Choice Act, which goes to the heart of the plight of working families to reap the benefits of the productivity they created, to provide a home and health care and pensions for themselves and a college education for their kids.

The Employee Free Choice Act is a historic step for working families. It would give workers the right to organize so they can fight for fair wages and decent benefits. The efforts of labor organizers more than 100 years ago finally led to the progress made seven decades ago with the signing of the Wagner Act. The rights that became law then ensured fair pay and decent working conditions.

But more and more employers chose to flout the law by intimidating workers and suppressing union activities. All across Ohio, I talk with workers who have tried to form a union and who share with me the tactics taken by some employers—not all but some employers—to prevent workers from organizing.

I talked with Bill Lawthorn from Macomb, OH. Bill and his coworkers wanted a union so workers would be treated with the respect and dignity all laborers deserve. They hoped with the union they would get fair and decent wages, a decent retirement plan, and decent health care benefits. According to Bill, the company responded with threats, with intimidation, and harassment.

Bill said the company threatened to fire him even if the campaign for the union failed. The union lost the election, and the day after, Bill, in fact, was fired. Since then, various labor boards have held the company's actions were illegal. Bill has not been reinstated, though, or seen 1 cent of backpay, even though his firing was illegal. That is why we need the Employee Free Choice Act.

Despite the struggle, despite doing odd jobs to pay the bills and relying on friends, family, and neighbors, Bill says, if he had the chance to do it all over again, he would do everything exactly the same because he knew he was right. It was the right thing to do, he said, and the Employee Free Choice Act is the right thing to do.

In 2005 alone, 31,000 employees were awarded backpay by a very conservative pro-business National Labor Relations Board due to retaliatory firings and unfair labor practices. I repeat, 31,000 employees were given backpay because, according to the National Labor Relations Board, they were fired illegally and unfairly.

Many companies decide to fire union supporters. Even if employees later successfully prove their case, the penalties all too often are an insufficient deterrent. These practices must end. The Employee Free Choice Act is the first step.

For the first time in our history, our sons and daughters do not have the opportunities their moms and dads had. A son, in 1994, earned 5 percent higher wages than his dad did in 1964. You can see how wages went up in that generation. But in 2004, a son's wages were down 12 percent from what his father made in 1974. You can see, too many kids are pessimistic about their futures.

We cannot continue this course. Unions are an agent for change. History will show that this Congress responded to the ever-increasing gap between the haves and have-nots. Fair trade, fair wages and benefits, the right to join a union—all three are basic to a society where work is rewarded and worker intimidation is not tolerated. Majority Leader REID is committed to moving forward on fair trade issues, on fair wages and fair benefits issues, as we already have, and equally importantly, the right to join a union.

The Employee Free Choice Act is a major step for working families. I urge my colleagues to support it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I first would like to express my appreciation to the distinguished Senator from Ohio for his advocacy for better trade policy for our country. I also appreciate his graphic illustration of what is happening in our country now, when sons are making less than their fathers.

It is difficult to comprehend, but that is the position in which we find ourselves, so we need a better trade policy, and we certainly need to pass the card check and Employees Free Choice Act.

I appreciate the statement of the Senator from Ohio and his constant advocacy for a better trade policy.

Mr. BYRD. Mr. President, today I voted in support of the NOPEC amendment to H.R. 6, which was offered by my colleague, Senator HERBERT KOHL. The amendment seeks to prevent OPEC nations from continuing to conspire to limit the supply of oil and to drive up America's already exorbitant energy costs. While I recognize that this is not a perfect piece of legislation, and that it may require the addition of certain clarifying provisions to ascertain its applicability in particular circumstances, I believe that it is a fine first step toward finally holding OPEC accountable for its actions. The time is long overdue for America's working families to send OPEC the message that West Virginians in particular will no longer be content to sit quietly by the side of the road, watching OPEC drive our gas and home heating prices to ever higher levels. This amendment is meant to send a signal—a signal to OPEC nations that the American people are not going to take it anymore. We will no longer be held hostage to OPEC's self-serving energy policies, which line their pockets, at the expense of our pocketbooks.

Mr. REID. Mr. President, I will be very brief, but I do want to say that I have been in the Senate now for a number of years, with Republican leaders and Democratic leaders, Democratic majorities and Republican majorities, and never have we had a situation like we have had this past 6 months. We have to move to cloture on virtually everything—everything. I am going to file, now, tonight, four cloture motions. Never have we had to do this before.

It is common practice, and has been for all the time we have been a Senate, that, because you are dealing with the House, you are offering a substitute amendment that takes place with the Senate bill. Without going into a lot of detail, we rarely in the past had to file cloture on not only the substitute but also the underlying bill. We have to do it on virtually everything. We have never had to file cloture on every motion to proceed. That is what we are having to do now. It is a tremendous waste of the time of the Senate and of the country, but that is what we have to do. That is what I am going to do tonight.

It is going to become apparent, and is to some people, and some writing is taking place on it now, that we had to file so many cloture motions. It is because we have on almost every occasion had to file cloture on everything. It is a struggle to get legislation here to the floor. The minority's goal, the Republicans' No. 1 goal, I guess, at this time is to see that we don't get anything done. But in spite of that, we have been able to get a lot done. It has been difficult. It has been slogging. It has been slow.

We have a list of things we have been able to accomplish, with which I think the country should be very happy—minimum wage; we have been able to get disaster relief for farmers for the first time in 3 years; we passed a balanced budget amendment; we funded the Government with a continuing resolution. We have been able to do a number of things. There is no need to run through the entire list tonight other than to say it is too bad it has been so difficult to get those things done. We are very close to being able to finish the conference on the lobbying ethics reform; 9/11—I spoke to Senator LIEBERMAN earlier this evening, that is basically all done.

We have a difficult schedule. Why? Because of having to jump through every procedural hoop. It would be different if we were doing it because of people who didn't like immigration. I understand that. But we are doing it on everything we bring through the Senate.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. BROWN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Baucus tax amendment No. 1704 to H.R. 6, the Energy bill.

Max Baucus, Jay Rockefeller, Kent Conrad, Jeff Bingaman, John Kerry, Blanche L. Lincoln, Charles Schumer, Amy Klobuchar, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Ken Salazar, Daniel K. Akaka, Daniel K. Inouye, Sheldon Whitehouse, Sherrod Brown, Harry Reid.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid substitute amendment No. 1502 to Calendar No. 9, H.R. 6, the Energy bill.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

Mr. REID. Mr. President, I ask unanimous consent that on the first cloture motion I filed, the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on the one I just filed, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

Mr. REID. I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I was going to ask, on a number of these matters, unanimous consent that we move forward on them. I am not going to do that tonight. I only appeal to my friends, the Republicans, that they take a look at this and find out if it is absolutely necessary that we have these cloture votes. If we follow through on all these, we will have to work both this weekend and part of the next weekend. I hope we do not have to do that. If it were productive time, it would be one thing, but it is basically a waste of time.

FREE CHOICE ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, as I indicated, I was going to ask consent that the Senate proceed to consideration of Calendar No. 66, H.R. 800, the Free Choice Act of 2007, at a time to be determined by the majority leader following consultation with the Republican leader, but I am not going to do that.

CLOTURE MOTION

I now move to proceed to Calendar No. 66, S. 800, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, am I next in the order?

The PRESIDING OFFICER. The Parliamentarian shows the Senator from New Jersey is to be recognized for up to 10 minutes and then the senior Senator from New York for up to 10 minutes.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Employee Free Choice Act, of which I am proud to be an original cosponsor. This bill will level the playing field for workers seeking a voice at work and ensure they have the freedom to choose to join a union without coercion. I applaud Senator KENNEDY for his passion to move this bill forward and his relentless fight to improve and uphold the rights of workers.

Some may ask why this change is needed. They may think that in 2007, in this great democratic Nation, the right of an employee to seek representation in their workplace is alive and well. It should be. But the fact is, under current law, there are loopholes that have been exploited, tactics that have been utilized, and actions taken against employees that have undermined the basic rights to which employees should be entitled.

We have a chart that shows the number of workers facing roadblocks trying to form a union. From start to finish, workers often face roadblock after roadblock in trying to seek union representation. Active union workers are fired; employers challenge and file appeals with the NLRB; and employers can simply stall the process and prevent it from moving forward.

We cannot ignore that there are some concerted and disturbing efforts that have tainted what should be a fair process. In that process, employees are fired in roughly one quarter of all private-sector organizing efforts. One in five workers who openly advocate for a union during an election campaign is fired.

In 2005 alone, some 30,000 workers experienced some form of discrimination for their participation in an organizing effort, resulting in lost wages or lost jobs. And, in an increasingly common trend, a vast majority of private employers are hiring union-busting consultants to fight unionization drives.

Clearly, existing law has not been enough to deter these types of tactics. The Employee Free Choice Act would close loopholes that have allowed employers to abuse the labor process without repercussion, and it would beef up the penalties for violation. Part of the problem is that under current law, there is not a strong enough incentive to follow the law.

While employers face stiff penalties for firing an employee based on race, gender, or disability, they face minimal penalties for firing an employee for union organizing.

In addition to enacting stronger penalties, this legislation would essentially enforce the steps that are supposed to take place, but often do not. A key part of this bill is that it will bring people to the table. It would ensure that when employees make their voices heard, the process moves forward. This is not forcing the hand of employers or employees, but it simply ensures that negotiations that are supposed to take place will take place.

Currently, employees can agree to join a union, but then the process is dragged out for months or years. This is not the spirit of the law. The Employee Free Choice Act will restore that spirit and uphold the meaning of the rights employees are supposed to have.

Improving the rights of workers is not just about fairness—it is also about equity. We know that workers who have a voice at work have better benefits and are able to provide a higher quality of life for their families. When nearly half of all Americans report having just "enough to get by," it should be obvious that we need to take action to improve the economic standing of many of our workers.

The fact is, union membership means higher wages. According to the Department of Labor, union workers earn 30 percent higher weekly earnings than non-union workers—that is an average of $191 dollars per week, or more than $9,000 per year.

This is especially true for minorities. Latinos represented by unions typically earn median wages that are 46 percent higher than non-unionized Latinos. Women and African-Americans typically earn more than 30 percent higher median wages when they are unionized. By opening the door for more workers to seek union representation, we are helping ensure a pathway to fairness and hopefully, a pathway to a better quality of life.

Hardworking Americans deserve the chance that this bill provides. They deserve a strong law that will not allow employers to skirt its meaning; a law that will protect their decisions and ensure their voices will be heard.

That is why I support this bill. I believe a majority of voices should be upheld and I believe that our workplaces should be the very best they can be for our Nation's workers.

So I urge my colleagues to support the Employee Free Choice Act to protect and enforce the rights of any worker to freely join a union; free from intimidation, free from back-door tactics, free from fear of retribution. That is a right. That is a right that no worker in America should be denied.

I hope we will have the support of our colleagues when this comes to a vote on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to first speak briefly about the Employee Free Choice Act, which is a very important piece of legislation. In fact, I introduced the original bill 4 years ago, worked hard to persuade many of my colleagues in the labor movement that this should be a top priority. I am so glad it is. I wish to salute the Senator from Massachusetts, Mr. KENNEDY, who has taken leadership on this issue. I am proud to be an original cosponsor of the bill.

Let me say this: Before the union movement in America, we had a few wealthy people and a lot of poor people and not much of a middle class. The great thing about the union movement is it created a middle class. Through struggles of laboring men and women from about 1870 to 1960, America became a country that was about 30 or 35 percent unionized.

What that meant was that wages rose, benefits rose, health care rose, and America was a prosperous country. Without a middle class, America would not have prospered. Then, in the late 1970s and early 1980s, many employers who wished to prevent unions or beat back unions found new ways to basically thwart what was the original thrust of the NLRB, which was to freely allow men and women to organize.

They hired lawyers. There are law firms with hundreds of people whose whole job is to prevent unionization. They basically succeeded. So as old industries closed, new industries that have as much reason to organize did not. Factories closed, office towers came about, but the union jobs did not follow from the factories to the office towers, with the exception of the public sector.

So now we are in this situation where fewer than 10 percent of American workers are organized. That hurts America. That means that men and women are not able to bargain collectively for rights. When you talk about declining wages of the middle class, when you talk about declining health benefits of the middle class, one—not the only but one of the reasons is we do not have unions.

Fewer and fewer Americans are organized. What the legislation does, what the Employee Free Choice Act does, is very simply restore the balance so it would be as easy to organize a factory in an office tower in 2007 as it was to organize a factory in the 1930s or 1940s or 1950s.

To show you the law works, Canada has basically the same economic structure as America. Canada is over 30 percent organized and America is 8 percent organized. One reason, they have a law such as the Employee Free Choice Act which allows a majority of employees to sign a card and then a union takes effect.

One of the great problems in the new America is income inequality. The top 1 percent of America represents 9 percent of the income in 1980, 16 percent in 2001, and now it is over 20 percent by the latest statistics. One of the many ways to overcome that inequality is to make it a little easier for people to organize.

So I think this legislation is extremely important to the basic fabric of America. If we want middle-class people to continue to have wage growth and benefit growth, unions are basically essential. So I am proud to support this legislation.

I understand there are employers who fight it tooth and nail. I have seen some of the ads. There is one today in one of the papers, particularly vicious, with a picture of a union leader and then of two dictators. I thought it was the kind of cheap shot we shouldn't see in this country.

The bottom line is simple. This legislation is vital to the health, economic health of working men and women and vital to keeping a middle class in America and not reverting to the old days, when you had very few wealthy people and a large number of struggling people. I support the legislation.

AMENDMENTS NOS. 1604, 1605, 1606, AND 1656 TO H.R. 6

Second, I would like to speak about amendments 1604, 1605, 1606, and 1656, amendments I will be offering to H.R. 6. I am not going to offer them tonight because none of my colleagues from the opposing side are here. But they are important.

This is an energy bill that is vital to the country. We all want to curb the emission of CO_2, we want to curb our dependence on foreign oil, and we want to bring down the prices of gasoline, electricity, and all the other commodities that are petroleum dependent. There has been a great deal of talk and focus on alternative fuels. That is very good. But alternative fuels are the "sizzle" and conservation is the "steak" when it comes to reducing our dependence on oil and particularly foreign oil

It costs about a quarter as much to conserve as it does to create an alternative. So these amendments are very simple. I wish to thank the Finance Committee, first, for drafting a provision that will take billions of dollars in tax breaks and other benefits from the oil industry to create new, improved incentives to promote solar power and wind power and cellulosic ethanol.

But we also have to do energy efficiency. You do not have to be Thomas Edison to know that better energy efficiency is a win-win for American families. The Federal Government, thus far, has failed to take the lead in promoting commercializing or deploying energy efficiency technologies despite their cost-effectiveness and reliability.

Unlike the development of cutting new alternative and renewable fuel sources, we do not have to wait for new technologies to reap the benefits of energy efficiency in our homes. An excellent example is our largest State in population, California. Over the past 30 years, it has demonstrated significant efficiency gains that can be achieved through various energy efficiency measures, especially by increasing the efficiency of utilities, buildings, and appliances.

With these measures, California has generated more than 20 percent of energy savings since 1975. California's energy use, per capita, is similar to many countries in Europe because they did this 30 years ago. So if California can do it, so can America.

The four amendments I have mentioned, one on buildings, two on appliances, and one on electric generation, take the California legislation and basically apply it to America. I am going to discuss each.

The first amendment will create a national energy efficiency resource standard that would require utilities to achieve a small percentage of energy savings every year based on their annual sales.

Under my amendment, utilities can generate energy savings through a variety of ways, including helping their customers save energy through energy-efficient programs, improving energy efficiency in their own distribution systems or credit trading.

Energy savings requirements are phased in in small increments each year, which will give the utilities enough time to boost their energy savings program.

This is not a new idea. Many States already successfully have implemented EERS standards—not only California but Colorado, Connecticut, Hawaii, Minnesota, Nevada, Pennsylvania, Texas, Vermont, Virginia, and Washington.

Several States, including my State of New York, as well as New Jersey, Illinois, Massachusetts, and North Carolina, are actively working to implement the standard. Since the States are moving forward on this standard, it makes sense for Congress to create a national standard so all Americans can reap the benefit of increased energy savings.

According to the American Council for an Energy Efficient Economy, by 2020 a national EERS will reduce peak electric demand by 130,000 megawatts, saving enough to power 40 million households and reduce CO_2 emissions by more than 300 million metric tons. That is equivalent to taking 70 million cars off the road. Is that not incredible? By simply requiring our utilities to be efficient, it is equivalent to taking 70 million cars off the road. I hope we are going to do it. It would save U.S. consumers $26 billion from their utility bills. So this is a huge amendment that can do a great deal.

Now, my second amendment deals with buildings. Buildings account for 37 percent of the total energy used in the United States and two-thirds of the electricity. We all focus on cars. We are going to have a fight on CAFE standards. But buildings are as important as cars in producing efficiency. There is much less controversy and we can get it done more easily.

California has demonstrated that significant energy gains can be achieved through State building codes that are well designed and implemented. But despite the great savings made by California, many States have inadequate State building codes or none at all.

Again, the Federal Government has lagged behind the States in setting aggressive energy saving building codes.

Under my amendment, commercial and residential building codes will be required to meet specific energy use targets. Both must be 30 percent more efficient by 2015 and 50 percent more efficient by 2022.

States will be deemed compliant once they adopt an acceptable code and as long as 90 percent of all new buildings comply with the States's code. Even if a State is not in compliance, each city that meets the criteria will be in compliance.

I wish to salute the mayor of New York, Michael Bloomberg, for taking the lead in imposing such standards on the city of New York.

Finally, my amendment will authorize funding for technical assistance, training, and to help States ensure they are in compliance with these energy-efficient targets. Again, according to the Alliance to Save Energy, this amendment—listen to this—could save our country 5 percent of its total energy use. That simple amendment, done now in California, could be done here—5 percent of our total energy use. It would save consumers $50 billion a year and reduce greenhouse gas emissions by an equivalent of taking another 70 million cars off the road. So it is obvious we should do these things.

Finally, the amendments on appliances. Again, California took the lead in improving energy efficiency standards for appliances. However, Federal law has restricted the ability of States in favor of lower Federal standards that, in many cases, have languished at DOE. For example, earlier this year, the GAO found that DOE had missed 34 out of—guess how many—34—34 out of 34—Congressionally set deadlines for reviewing and updating appliance and equipment standards.

GAO found that delays on four of the overdue standards will cost consumers $28 billion in energy savings by 2030. In addition, even when DOE finally gets around to setting the new standards, these standards fail to meet the very real energy needs of our country.

My amendment also fixes these problems in the bill. First, they will strengthen the process through which the States can apply to DOE to set higher standards for appliances that are currently regulated by the Federal Government; second, to restore authority for efficiency standards—that is the second amendment—to the States when DOE misses legal deadlines for setting or revising standards.

My amendment states that if DOE misses legal deadlines for setting up updated efficiency standards, States may create higher standards that allow them to address their energy needs more effectively.

By cutting our energy use through these energy efficiency measures, while also increasing the use of clean, renewable alternative fuels, we can make a huge difference and begin to address our energy problems, from ending our dependence on unstable foreign sources of oil to helping consumers lower their rising energy bills. I urge adoption of these four commonsense efficiency measures and look forward to working with the managers of the bill as we go forward.

MORNING BUSINESS

Mr. SCHUMER. I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQI HUMANITARIAN CRISIS

Mr. FEINGOLD. Mr. President, when the United States went to war with Iraq in 2003, a number of observers feared that a massive humanitarian crisis could occur if a smooth transition was not successful. Despite the quick collapse of Saddam Hussein's dictatorship, the heroic performance of our servicemembers, and the predictions of some in the administration, the transition was far from smooth. Nonetheless, we did not initially see a humanitarian emergency in Iraq.

Four years later, however, this emergency is now unfolding in the cruelest of ways. With Iraq enmeshed in civil war, the relentless violence has displaced numerous civilians not only within Iraq but outside of it as well.

There are a range of possible factors behind the current situation: as the war is increasingly defined by its sectarian nature, the growing potential for neighborhoods to be "cleansed" by one ethnicity or another may accelerate displacement patterns; the overall increase in violence that occurred following the golden dome shrine bombing of February 2006 may have served as a catalyst that changed the face of the war and the tactics of those fighting it.

Regardless of the reasons, the results are clear—millions of Iraqis have been forced from their homes because of entrenched fear and rampant violence. Basic survival needs such as food, clean water, shelter, sanitation, and health care are in short supply. The government infrastructure has collapsed—if it ever truly existed—taking with it the communities it served.

The U.N. High Commission for Refugees estimates that there are nearly 2 million displaced people within Iraq and close to 2.5 million seeking refuge in neighboring countries. In total, that is almost 4.5 million people, Mr. President, 4.5 million individuals or approximately 13 percent of the total Iraqi population. Many of these individuals are from Iraq's shattered middle class and will be critical to rebuilding the country. But who can say where they will be when that time comes and whether they will be willing or able to contribute to that process.

The United States has admitted only a small number of Iraqi refugees since the beginning of the war. According to the State Department, there have been just 687 Iraqi refugees admitted to the United States since the war began in 2003. We have a particular responsibility to provide aid and safe haven for Iraqis whose lives are threatened because they worked for us.

Fortunately, many neighboring countries have been willing to step up to the plate and allow those Iraqis fleeing their homeland to seek temporary shelter despite the fact that many of their needs are straining the already weak and overburdened social services. Indeed, most of Iraq's neighbors are unable to provide adequate assistance to those living within their borders, citizens and refugees alike. The introduction of more than 2 million additional people into these already precarious environments could tip the balance in the wrong direction.

This humanitarian disaster is emblematic of this administration's poor planning when it comes to virtually every aspect of the war in Iraq. The administration's failure to respond adequately to the needs of these refugees and displaced people will have dramatic consequences for regional and global stability. We still have a chance to reverse course in Iraq, however, to refocus our strategy, and regain our credibility so we can work with the international community and resolve this crisis appropriately.

HONORING OUR ARMED FORCES

SPECIALIST ADAM HEROLD

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Adam Herold of Omaha, NE. Specialist Herold was killed on June 10 when an improvised explosive device detonated near his patrol in Karbala, Iraq. He was 23 years old.

Specialist Herold was the youngest of three brothers in a close-knit Nebraska family. He attended Roncalli High School and would later join the Job Corps in Utah to learn a trade.

In 2005, Specialist Herold made the decision to join the Army. He saw service in the Army as a means to a college education. But he also came from a family with a strong tradition of service to the country. Both of his grandfathers served in World War II.

Specialist Herold had been serving in Iraq since October 2006 with Headquarters and Headquarters Company, 2nd Battalion, 377th Parachute Field Artillery Regiment, 25th Infantry Division, based at Ford Richardson, AK.

We are proud of Specialist Herold's service to our country, as well as the thousands of other brave Americans serving in Iraq.

He is survived by his parents Lance and Debbie Herold, and brothers Andy and Kyle, both of Omaha.

I ask my colleagues to join me and all Americans in honoring SPC Adam Herold.

TRAGEDY IN CHARLESTON, SOUTH CAROLINA

Mr. GRAHAM. Mr. President, on June 18, 2007, in the face of blazing fire, sacrifice and duty overcame fear and surrender. With great sadness and the utmost respect, Senator DEMINT and I mourn the tremendous loss of nine of our finest firefighters, as well as the immeasurable loss experienced by their families and loved ones. As the flames engulfed the building, the brave men and women of the Charleston County Fire Department rushed into the collapsing building as others were running out, fleeing for their lives. May this extraordinary courage and sacrifice forever reflect the spirit of South Carolina, as well as that of our great Nation.

We extend our sincerest condolences to their families, their colleagues, and their friends. You give your loved ones to us to serve and protect our communities, putting public service above personal comfort. Our gratitude is boundless and our respect infinitely deep. We grieve beside you, and we take pride in and are humbled by this ultimate display of service and valor. In the midst of grief and devastation, may you find comfort in knowing that the memory of your loved ones will be forever etched in the minds of South Carolinians as the true embodiment of an American hero.

The United States has not experienced such a devastating loss of firefighters since the horrific events on September 11, 2001. May the Charleston County Fire Department, led by Chief Rusty Thomas, as well as emergency personnel around the country, forever fill this massive void with the legacy left behind by these brave fallen firefighters. Let their legacy not be engulfed by flames and reduced to rubble but rather let it embolden and encourage others to serve in their honor and continue their mission to public service. There is no higher call than to serve, and to the fallen, their families, and those that will fill their shoes, we are forever indebted to you for your noble sacrifices.

ADDITIONAL STATEMENTS

RECOGNITION OF BILL SIMMONS

• Mrs. BOXER. Mr. President, I would like to take a moment to reflect on the work of Bill Simmons, the director of the Yuba County Office of Education's Regional Career Center, and recognize Mr. Simmons' 21 years with the Yuba County Office of Education and commend his more than five decades of service to his country and his community.

In 1954, Bill Simmons began his 24-year career with the U.S. Air Force. He retired in 1977 as a first sergeant for the 9th Field Maintenance Squadron at Beale Air Force Base in Marysville, CA. After his retirement from the U.S. Air Force, Mr. Simmons remained in Marysville and began a long career of service to his community.

Bill Simmons used the leadership skills he gained in the Air Force and began his career with Yuba County as a group counselor in the juvenile probation system. He remained committed to improving the community as he worked to help build the One-Stop Center, a invaluable resource for the region that is the service provider for the Federal Workforce Investment Act's One-Stop Center for Business and Workforce Development.

I had the pleasure of working with Bill when he served on the Yuba County board of supervisors from 1997 to 2005, and we continue to collaborate on issues affecting Beale Air Force Base through Mr. Simmons' role as a member of the Beale Military Liaison Committee. For the last three decades, Bill Simmons has been a forceful advocate for Beale AFB, by both working to improve the on-base facilities and promoting the many values and strengths of Beale AFB throughout California and the country.

Bill Simmons has been a valuable local resource on education, military, and local issues affecting the entire Yuba-Sutter region, and I hope that he will remain active in his community beyond his retirement from the Yuba County Office of Education. I wish my friend the best as he embarks on this latest chapter of his distinguished career.•

2007 STANLEY CUP CHAMPIONS

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the 2006–2007 National Hockey League champions, the Anaheim Ducks. The Anaheim Ducks demonstrated remarkable skill, teamwork, and determination in becoming the first California hockey team to win the prestigious Stanley Cup.

The 2006 to 2007 season will be remembered as a truly landmark season for the Anaheim Ducks. During the course of the season, the Ducks played in the franchise's 1000th regular season game and recorded their 1000th point after a much-deserved 4 to 2 victory on March 11, 2007. The Ducks began their season in fine form as they set an NHL record by remaining undefeated in regulation play for the first 16 games of the season. The Ducks used a high-octane offense and a stout defense to achieve the first 100-point season and the first Pacific Division title in the franchise's history. Throughout the season, the Ducks were a model of hard work, dedication and consistency.

Under the leadership of a dedicated management and coaching staff and with contributions from an outstanding roster of seasoned veterans and promising young players, the Ducks defeated the Minnesota Wild, the Vancouver Canucks, and the Detroit Red Wings in their usual spirited fashion en route to winning the Western Conference title. In the finals, the Ducks triumphed over the Ottawa Senators in a fiercely contested series that ensured the oldest and most famous trophy in all of North American professional sports, the Stanley Cup, will finally make its way to California for the first time.

It is my pleasure to congratulate all the hard working members of the Ducks organization who worked tirelessly to bring so much joy and pride to the people of Orange County and to the State of California. Their successes are considerable, and I salute their accomplishments. As the Anaheim Ducks and their fans celebrate their first Stanley Cup victory, I congratulate them on a truly remarkable and memorable season and wish them more success in future seasons.•

125TH ANNIVERSARY OF LAMOURE

• Mr. DORGAN. Mr. President, it was 125 years ago that pioneers created the city of LaMoure, ND.

LaMoure and its surrounding territory got off to an unexpectedly strong start due to the work of a fellow named MAJ H.T. Elliott. He was employed by a real estate firm whose financial fortunes depended upon the prosperity and success of homesteaders and town builders in the LaMoure area.

To ensure that region boomed, Major Elliott was sent to the nearest railroad station to meet incoming emigrants. If they appeared to be bright, industrious, honest folks with adequate financial resources, Elliott directed them to the region around LaMoure. But if they were of a suspect type, Elliott sent them off in the opposite direction.

Elliott himself was the county's first citizen but had the misfortune to establish the town of Grand Rapids which immediately found itself in a fight with LaMoure over which should be the county seat. When Grand Rapids lost that election, LaMoure's citizens armed themselves and trooped across country in the dead of night to seize the governmental records.

They were met at Grand Rapids by barricaded doors and rifles bristling from the courthouse windows. But with the aid of a battering ram, they smashed their way in and the Grand Rapids defenders slipped away. LaMoure had its first triumph.

There have been many more since then—some headline making like State championship sports teams, installation of a Coast Guard radar site serving mariners and pilots all around the globe, a national award as an All-America City, home to U.S. Senator Milton Young.

But many more of its successes never garnered headlines. They were the quiet but meaningful stories of strong families, vibrant businesses, prosperous farms, good kids, and the warmth of citizens who cared about each other.

LaMoure is both a wellspring and a repository of what is best about America—old-fashioned values of honesty, decency, hard work, faith, and family. Its foundation is solid, and its people will continue to create a community where dreams are turned into reality.•

125TH ANNIVERSARY OF RUTLAND

• Mr. DORGAN. Mr. President, it was 125 years ago that pioneers in Dakota Territory created the community that is now Rutland, ND. Those pioneers included hopeful immigrants from Norway, Sweden, Germany, Ireland, Poland, England, and Scotland, seeking new homesteads on the unbroken prairie; hard-driving businessmen and railroad workers from the Eastern States finding opportunity on America's frontier; and the Wahpeton-Sisseton band of the Dakota people, adapting to changing times and preserving ancient traditions as their world changed around them.

These pioneers built a solid foundation of family, faith, and education for their community, establishing farm homes, churches, and schools first. When the Great Northern Railway built its line through the territory, the community was given its name in honor of Rutland, VT, the hometown of many of the pioneer railroaders. The green hills of the Coteau de Prairie south of the town, reminded them of their home in the Green Mountains.

In those early years, the pioneers of the Rutland community endured drought, harsh winters, and economic exploitation, but their faith, independent spirit, and cooperative attitude carried them through the tough times and made the good times better. It has been said that Rutland could be renamed Phoenix because, like that mythical bird, the city's business district has twice risen from the ashes of devastating fires to rebuild better and stronger each time. One of the business buildings destroyed by the second fire, back in 1941, was a unique combination of economic enterprises, perhaps a forerunner of today's megamalls. The second floor was a hotel, providing rest and refuge for weary travelers, while three businesses occupied the ground floor: In the front was a harness and shoe repair shop, keeping Rutland folks either afoot or on horseback, and they always knew which; at the center of the building was a cream station, where farm produce including chickens, eggs, cream, and butter was bought and sold; and at the rear of the building was a funeral parlor, which had a double life as an illicit gambling casino, when a paying customer was not laid out in somber repose. That building and those businesses went up in smoke many years ago, but this week, another new business, the Rutland General Store, has opened its doors on Rutland's Main Street, showing that the spirit of optimism that inspired our pioneer ancestors is still alive and thriving in the community they built. The optimism and patriotism of Rutland citizens is reflected in the fact that men and women from the community have served in the Nation's military service in every conflict from the Civil War to the current engagements in Iraq and Afghanistan.

Over the past 125 years, Rutland has been noted for many accomplishments: The home of one of North Dakota's outstanding amateur baseball teams, the Rutland Roosters; the Rutland Rockets and Sargent Central Cadets High School sports teams always tough and usually victorious; location of the Tewaukon National Wildlife Refuge, conserving and preserving our Nation's natural heritage; an award as a National Bicentennial Community in 1976; an award as a North Dakota Centennial Community in 1989; home to Obed Wyum, a national leader in the establishment of rural electric and rural telephone cooperatives; and making it into the "Guinness Book of World Records" with the world's largest hamburger, a 3,591-pound whopper, as part of the community's centennial celebration in 1982.

But many more of Rutland's successes never garnered headlines. They were the quiet but meaningful stories of strong families, vibrant businesses, prosperous farms, good kids, and the warmth of citizens who cared about each other.

Rutland is both a wellspring and a repository of what is best about America—old-fashioned values of honesty, decency, hard work, faith, and family. Its foundation is solid, and its people will continue to create a community where dreams are turned into reality.•

FORT ABERCROMBIE

• Mr. DORGAN. Mr. President, one of North Dakota's oldest communities celebrates its anniversary this week. Abercrombie and the nearby fort after which it is named date their origins back 150 years.

Fort Abercrombie is famous for having been the site of one of the most prolonged battles in the American West between Native Americans and U.S. soldiers. Fresh from their triumphs in a Minnesota uprising, Dakota warriors quickly moved to secure their gains by attacking the last military post between the decimated, burning white settlements and the wide open Great Plains.

The defenders of the fort were in a desperate pinch. The fort had no protective palisade and little else in the way of defense, it was several hundred miles from the nearest help, and, worst of all, rifle ammunition was critically low.

For a month the soldiers, and the citizens who had rushed to the protection of the fort, held off Little Crow's warriors. What saved them was the discovery that the metal balls with which the fort's cannon shells were packed were identical to what their rifles required for ammunition.

Fort Abercrombie has a storied history. Military trails radiated out to Fort Wadsworth, Fort Ransom, and Fort Totten. It was here that wagon trains embarked for Montana's gold fields, that the 1870 peace treaty between 900 Dakota and Chippewa delegates was signed, that oxcart caravans from Canada to the Twin Cities overnighted.

Fort Abercrombie is quiet now but houses a handsome State park and historical center. The adjacent community, however, continues to hum. In 1936, an observer called it "an enterprising, live, wide-awake community." That is still an honest description, especially this weekend.

A street dance, military ball, school reunion, parades, wagon train, history tours, and a multitude of other events will fill the days. Although I expect the activity will be as intensive as it was in 1862, it will not be as desperate. Instead, it will be a classic festival of small town America—one of remembrance and homecoming, of neighbors and family, of heritage and pride. I send its citizens birthday greetings and a salute for its proud and singular history.•

NATIONAL VETERANS WHEELCHAIR GAMES

• Mr. FEINGOLD. Mr. President, this week Wisconsin is honored to host more than 600 veterans and athletes for the National Veterans Wheelchair Games in Milwaukee. At the largest annual wheelchair sports event in the world, hundreds of veterans who made tremendous sacrifices for our Nation will demonstrate not only their remarkable athletic abilities but also their unmatched courage and determination in the face of adversity.

World-class wheelchair athletes and newly disabled veterans will join together in Milwaukee for 17 competitive events and 2 exhibition events. The National Veterans Wheelchair Games is a great sporting event, and it is also a chance for athletes to develop lasting friendships with other veterans who have faced and overcome similar obstacles.

I thank the Clement J. Zablocki VA Medical Center in Milwaukee and the Wisconsin Chapter of the Paralyzed Veterans of America for hosting the games, as well as the VA officials and volunteers who helped to make these games a reality. More than 3400 Wisconsinites are showing their support by volunteering during the games.

I encourage these athletes and their families to explore their unique and dynamic host city. I hope everyone has the opportunity to experience Milwaukee's wonderful lakefront and sample the outstanding food and drink that Milwaukee is known for.

I know Milwaukee will give a warm welcome to all the competitors and visitors who have come to the city for this week's games. Their competitive spirit and the incredible sacrifices they have made bravely serving our Nation are an inspiration to us all. I hope everyone enjoys what is sure to be an exciting and memorable week.•

HONORING THE LIFE OF JEFFREY ERLANGER

• Mr. FEINGOLD. Mr. President, today I pay tribute to the memory of Jeff Erlanger, an extraordinary person who was a prominent member of the Madison community, a family friend, and an inspiration to me and everyone lucky enough to know him.

To understand what a positive force Jeff was in people's lives, I will quote something he said in an ad he did for Wisconsin Public Television a few years ago: "It doesn't matter what I can't do—what matters is what I can do." Those are words that everyone should live by, but Jeff, who was a quadriplegic, really did live by them. He never dwelled on the many challenges he faced; instead, he focused on helping others, making tremendous contributions of time and effort to a wide array of organizations.

He served on the Economic Development Commission, as chairman of the Commission on People with Disabilities, and as chairman of the board of the Community Living Alliance, as well as many other positions. Among his accomplishments was his successful push for the accessible taxicab service that exists in Madison today. He also ran for the Madison City Council in 2002. Jeff's commitment to public service says volumes about the kind of person he was and why his passing is such a loss for the Madison community.

Jeff used his personal experience to inspire others, visiting classrooms to talk about living with a disability, and appearing on "Mr. Rogers' Neighborhood" at the age of 10. He became good friends with Fred Rogers, speaking both at Rogers' induction to the Television Academy Hall of Fame and at a memorial service when Rogers passed away in 2003.

Throughout his adulthood, he continued to make life-changing connections with people he met. Incredibly, he saved the life of a Boston woman he was talking with online, calling both AOL and the Boston police after she told him she had cut her wrists but wouldn't tell him what her last name was or where she lived. They tracked the woman down and rushed her to an emergency room. It is just one amazing story from a truly amazing life.

I am proud to say that Jeff was an intern in my office. He was also a dear friend to members of my family. He meant so much to so many people, both those he knew, those he inspired through his appearances, and those he helped through his life of community service. I am deeply saddened by his passing, and my thoughts are with his parents, his family, and his friends. Jeff left behind a wonderful legacy, of hope, enthusiasm, and caring, and that is something everyone who knew him can cherish.•

TRIBUTE TO LIEUTENANT GENERAL EMERSON N. GARDNER JR.

• Ms. MIKULSKI. Mr. President, today I pay tribute to a marine officer from my home State of Maryland, LTG Emerson N. Gardner, Jr., now serving as the Deputy Commandant for Programs and Resources, Headquarters, United States Marine Corps, as he prepares to leave this position for one of even greater importance.

The position of Deputy Commandant for Programs and Resources is one of the most demanding and important jobs within Marine Corps Headquarters. For the past 2 years, as Deputy Commandant, Lieutenant General Gardner has been responsible for planning, programming, budgeting and executing total appropriations in excess of $100 billion. He has led the effort to ensure that the Marine Corps had the resources they needed for success in the current conflict and prepared to answer the nation's call in the future.

While Lieutenant General Gardner is responsible for many critical issues, he has been a champion in protecting our forces deployed to Iraq and Afghanistan. He has been a particularly strong advocate for the mine resistant ambush protected family of vehicles, or MRAP. These vehicles have the possibility of drastically reducing American casualties caused by improvised explosive devices and Lieutenant General Gardner has been leading the effort to secure support for them. Lieutenant General Gardner has taken the time to educate, encourage, guide—and when necessary to cajole and prod—decisionmakers and action officers wherever necessary to accelerate the fielding of MRAP vehicles. Throughout this process, he has been everywhere and involved in every aspect of the MRAP program. So ardent has Lieutenant General Gardner been in support of this life saving program, that he has become known within Headquarters Marine Corps and throughout the Pentagon as "Mr. MRAP."

I know that a grateful nation shares my admiration for Lieutenant General Gardner an indomitable leader whose tireless efforts have directly contributed to the timely delivery of MRAP vehicles to theater. I am confident that my colleagues will join me in expressing the gratitude of the Senate, and bestowing upon him the unofficial title of "Mr. MRAP."•

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACCUMULATION OF A LARGE VOLUME OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION AS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2007.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United

States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2007.*

MESSAGE FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the act (S. 1532) to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 885. An act to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank.

H.R. 2127. An act to designate the facility of the United States Postal Service located 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building".

H.R. 2366. An act to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

H.R. 2397. An act to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes.

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 80. Concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda by engaging in good-faith negotiations, and urging immediate and substantial support for the ongoing peace process from the United States and the international community.

H. Con. Res. 148. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month.

H. Con. Res. 151. Concurrent resolution noting the disturbing pattern of killings of numerous independent journalists in Russia since 2000, and urging Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders.

H. Con. Res. 155. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The message also announced that pursuant to 16 U.S.C. 431 note, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. MOORE of Kansas; Mr. BOSWELL of Iowa; Mr. THORNBERRY of Texas; and Mr. MORAN of Kansas.

At 6:30 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National Flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 885. An act to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank; to the Committee on Foreign Relations.

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2397. An act to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 80. Calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda by engaging in good-faith negotiations, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; to the Committee on Foreign Relations.

H. Con. Res. 148. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on the Judiciary.

H. Con. Res. 151. Noting the disturbing pattern of killings of numerous independent journalists in Russia since 2000, and urging Russian President Vladimir Putin to authorize cooperation with outside investigators in solving those murders; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1639. A bill to provide for comprehensive immigration reform and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 155. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2310. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of technical data, defense services, and defense articles for the production of the Airborne Early Warning and Control System for ultimate sale to and end-use by the Republic of Korea; to the Committee on Foreign Relations.

EC–2311. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Locality-Based Comparability Payments and Evacuation Payments" (RIN3206-AL09) received on June 14, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2312. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Pension Benefit Guaranty Corporation's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2313. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2314. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Self-Insurance Plans Under the Indian Housing Block Grant Program" (RIN2577-AC58) received on June 14, 2007; to the Committee on Indian Affairs.

EC–2315. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule" (RIN1615-AB53) received on June 14, 2007; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-128. A resolution adopted by the Monroe County Board of County Commissioners of the State of Florida urging Congress to appropriate the funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards and to expedite funding for the improvements through the prompt enactment of the Energy and Water Appropriations Bill; to the Committee on Environment and Public Works.

POM-129. A joint resolution adopted by the Legislature of the State of Maine urging Congress and the Federal Communications Commission to forego imposing a cap on Federal Universal Service Fund support for Maine's rural wireless carriers; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-Third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress and the Federal Communications Commission as follows:

Whereas, the federal Telecommunications Act of 1996 through the establishment of the Federal Universal Service Fund was intended to promote the availability of quality services at just, reasonable and affordable prices, increased access to advanced telecommunications services throughout the Nation and the availability of quality services to all consumers, including those in low-income, rural, insular and high-cost areas, at rates that are reasonably comparable to those charged in urban areas; and

Whereas, the intended goals of that legislation have not been met in the State of Maine, and many of Maine's communities have no wireless services or inadequate wireless service; and

Whereas, the failure to achieve the goals of improved and high-quality services has, and will continue to have, a direct and substantial negative impact on the health and safety of the people living and working in Maine's rural areas; and

Whereas, the failure to achieve this goal of high-quality wireless services at just, reasonable and affordable rates to everyone is a very significant barrier to the economic development of much of rural Maine; and

Whereas, there are 2 rural wireless carriers in Maine that have successfully sought certification as eligible telecommunications carriers and have used the federal universal service funding they have received to construct significant additional wireless infrastructure in rural Maine; and

Whereas, the Maine Public Utilities Commission has certified that these Maine rural wireless carriers have used the funds received from the federal universal service fund in a manner consistent with all laws and regulations governing the funds; and

Whereas, the Federal-State Joint Board on Universal Service has recommended that the Federal Communications Commission impose a cap on funding for competitive eligible telecommunications carriers; and

Whereas, this recommended cap would limit Federal Universal Service Fund support for Maine's rural wireless carriers currently receiving these funds; and

Whereas, the proposed cap on funding would serve to undercut the purpose and objective of the federal telecommunications Act of 1996 by impairing the ability of Maine's wireless eligible telecommunications carriers to expand infrastructure into rural Maine so that rural and urban wireless service is equal, as promised by that act; now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the Federal Communications Commission reject the cap proposed by the Federal State Joint Board on Universal Service; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress take action to repeal the cap if it is adopted by the Federal Communications Commission; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Kevin J. Martin, Chairman of the Federal Communications Commission, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM-130. A joint resolution adopted by the Legislature of the State of Nevada urging the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, the United States Department of the Interior, through the Bureau of Land Management, has provided vital fire suppression services to the State of Nevada; and

Whereas, these services include air support for wildland fire suppression in northern Nevada through interagency airtanker base operations at the Battle Mountain, Minden-Tahoe and Reno Stead Airports; and

Whereas, the areas of service include the forests and watershed surrounding Lake Tahoe, one of the nation's premiere natural treasures, and the Wildland urban interface along the Sierra Front in both Nevada and California; and

Whereas, in July 2006, Nevada ranked first in the nation in the amount of wildland acreage burned by wildfire in the United States; and

Whereas, the Federal Government owns and manages 87 percent of the land in Nevada; and

Whereas, the Bureau of Land Management has provided exemplary air support for fighting the wildland fires which have threatened Nevada's residents, private property, public lands and other valuable natural resources; and

Whereas, the Sierra Front has complex and challenging conditions that generate volatile and high-intensity wildland fires which are fought over rugged terrain, and airtankers are a critical component of the fight, being used primarily for initial attack and support; and

Whereas, continued funding for the full operation of the interagency airtanker base programs in Battle Mountain, Minden and Stead with single-engine airtankers that can provide the quick response needed for early suppression of a wildland fire is critical; and

Whereas, the Secretary of the Interior has the authority to authorize the expenditure of money to provide full funding for the interagency airtanker base programs: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the 74th Session of the Nevada Legislature hereby urge the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-131. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 9

Whereas, in 1998, Congress passed the Southern Nevada Public Land Management Act of 1998, Public Law 105-263, which allows the Secretary of the Interior to sell certain federal lands in Clark County, Nevada, for possible development and authorizes use of the proceeds to acquire, conserve and protect environmentally sensitive lands in the State of Nevada; and

Whereas, under the provisions of the Act, 5 percent of the profits from sales of the land is allocated to help fund education, 10 percent is allocated for water and airport infrastructure projects and the remaining 85 percent is deposited into a special account for disbursement; and

Whereas, the money in the special account is specified for certain capital improvement projects, including projects at Lake Mead, Red Rock Canyon, the Desert National Wildlife Refuge and other federally managed recreational areas, the development of parks, trails and a multispecies habitat conservation plan in and around Clark County, the acquisition of environmentally sensitive lands, and restoration and conservation of the Lake Tahoe Basin; and

Whereas, since the first auction of land in 1999, this Act has generated approximately $3 billion, $2.5 billion of which has been disbursed from the special account; and

Whereas, although the money distributed pursuant to the Act has been used for the enhancement and conservation of many federally managed areas in Nevada, there are numerous state parks in Nevada which could also benefit from this money; and

Whereas, with the growing popularity of the many rural recreational and historic sites in Nevada, it is vital that Nevada's state parks be maintained and preserved for the continued enjoyment of the residents of Nevada and its tourists: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the Nevada Legislature urge Congress to amend the Southern Nevada Public Land Management Act of 1998 to authorize the State of Nevada to use a portion of the money in the special account for the improvement and preservation of Nevada's state parks; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–132. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to provide additional appropriations or any other form of assistance to federal agencies and the State of Nevada for the prevention and suppression of wildfires and the rehabilitation of public rangelands destroyed by wildfires in Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 13

Whereas, during 2005, approximately 1,032,104 acres of land were burned by 794 wildfires occurring in Nevada; and

Whereas, during 2006, approximately 1,468,189 acres of land were burned in Nevada, thereby making Nevada one of the highest ranking states for the amount of land destroyed by wildfires; and

Whereas, the costs of suppressing wildfires for federal agencies nationwide is significant, totaling approximately $161,403,000 for the Bureau of Land Management and approximately $614,000,000 for the United States Forest Service for the fire season for 2005; and

Whereas, approximately 87 percent of the land in Nevada is controlled by the Federal Government, and much of that land includes public rangelands that are used in rural areas of Nevada to support the local ranching industry; and

Whereas, the production of livestock is an important asset for rural communities; and

Whereas, when wildfires occur on public land, those wildfires often destroy portions of the public rangelands in Nevada, thereby making them unavailable for use until rehabilitated: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the Nevada Legislature hereby urge Congress to provide additional appropriations or any other form of assistance to federal agencies and the State of Nevada in the prevention and suppression of wildfires and the rehabilitation of public rangelands destroyed by wildfires in Nevada; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Chairman of the Committee on Appropriations of the United States Senate, the Chairman of the Committee on Appropriations of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–133. A joint resolution adopted by the Legislature of the State of Maine urging Congress to fully appropriate the money for radioactive waste management; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, a nuclear-powered electric generation facility was located in Maine at Wiscasset's Bailey Point; and

Whereas, spent nuclear fuel and greater-than-class-C, high-level radioactive waste is currently being stored in Maine in dry casks 300 yards from the coastal tide of the Sheepscot River, at only 21 feet above sea level; and

Whereas, dry cask storage is now being required at the Maine Yankee interim storage site well after the expiration of its license to produce electricity; and

Whereas, continued storage of high-level radioactive spent nuclear fuel and greater-than-class-C, high-level waste in dry casks at the Wiscasset site is not in the best interests of the citizens of that community, nor of the State of Maine; and

Whereas, the Federal Nuclear Waste Policy Act of 1982 established a national policy that the Federal Government is responsible for safe, permanent disposal in a geologic repository of all high-level radioactive waste, including spent nuclear fuel from commercial power reactors and greater-than-class-C waste, as well as military nuclear waste; and

Whereas, the 109th Congress failed to enact a budget for the nuclear waste disposal program for the current fiscal year and took no action on proposed legislation to reform the federal Nuclear Waste Fund to provide more reliable financing of the repository program; and

Whereas, the Federal Accountability for Nuclear Waste Storage Act of 2007 (S. 784) has been introduced in this Congress, requiring the Federal Government to assume legal ownership of all spent nuclear fuel in the country; and

Whereas, the ratepayers of nuclear energy, including Maine, have paid an estimated $19,000,000,000 into the federal Nuclear Waste Fund for the proper disposal of nuclear waste since 1983, and the ratepayers of nuclear energy pay into the Nuclear Waste Fund at least $750,000,000 each year for the purpose of a national repository; and

Whereas, the United States Department of Energy now affirms it cannot initiate retrieval of repository waste for disposal any sooner than 2017 at the very earliest, 19 years past the federal Nuclear Waste Policy Act of 1982 statutory mandate date for initiating retrieval, and the Department of Energy's Office of Civilian Radioactive Waste Management will need full funding to submit a construction application to the United States Nuclear Regulatory Commission by June 2008; and

Whereas, the United States Nuclear Regulatory Commission requires a minimum of 3 years to review such an application; and

Whereas, in order to meet the 2008 license application milestone, the President's budget for fiscal year 2008 requests $202,500,000 from the Nuclear Waste Fund and $292,000,000 from the Defense Nuclear Waste Disposal appropriation to achieve these goals; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress fully appropriate the $494,500,000 budget request for the civilian radioactive waste management program; and be it further

Resolved, That Congress should enact legislation that will ensure repository appropriations to match annual Nuclear Waste Fund fee revenue collected from ratepayers for this specific purpose, and ensuring the future availability of any and all surplus for its intended purpose; and be it further

Resolved, That the Legislature of the State of Maine opposes the proposed Federal Accountability for Nuclear Waste Storage Act of 2007 and any proposal for the Federal Government to take title to spent nuclear fuel in this State if the effect of such an action would be that spent nuclear fuel would be kept in Maine without any protection from its long-term effects on the State's population and from acts of intrusion that would endanger the State's environmental and economic well-being; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–134. A resolution adopted by the General Assembly of the State of New Jersey urging Congress to enact the Military Death Benefit Improvement Act of 2005; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 126

Whereas, the bill before Congress known as the Military Death Benefit Improvement Act of 2005 proposes to increase the military death gratuity from $12,000 to $100,000; and

Whereas, the military death gratuity is money provided within 72 hours to assist with the immediate financial needs of families of service members who are killed while on active duty; and

Whereas, this legislation would apply not only to those who are currently serving on active duty in the military, but would also be applied retroactively to all active duty service members who have died since September 11, 2001; and

Whereas, the current military death gratuity of $12,000 is woefully inadequate to compensate families who have made the ultimate sacrifice; and

Whereas, in the face of the great emotional hardship caused by the loss of a loved one, the families of our brave servicemen and women should not also be faced with financial hardship; and

Whereas, the passage of the Military Death Benefit Improvement Act of 2005 will send a message to all men and women in uniform that their government and their country recognize and appreciate their service and sacrifice; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. This House strongly supports an increase in the military death gratuity from $12,000 to $100,000, and urges the President and Congress to enact legislation (H.R. 292 and S. 44) implementing this policy.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each member of New Jersey's Congressional delegation.

POM–135. A resolution adopted by the General Assembly of the State of New Jersey expressing strong opposition to the surge of U.S. troops in Iraq; to the Committee on Foreign Relations.

ASSEMBLY RESOLUTION NO. 246

Whereas, President George W. Bush announced in January that he would send more United States armed forces to Iraq and extend the duty of many such troops already in that country in an effort to end the sectarian violence that has engulfed that nation and to provide stability to the new Iraqi government; and

Whereas, the United States has already committed 132,000 armed forces personnel to that country and plans to escalate troop levels by 21,500 for a total of 153,500, at a cost of $5.6 billion; and

Whereas, the president's "surge" comes at a time when a substantial majority of the American public have expressed opposition to the war, in general, and his plan to expand it, in particular; and

Whereas, the president's plan is also opposed by members of Congress, including many who are members of the same political party as the president, who believe that the United States is ultimately responsible for the civil war gripping Iraq; and

Whereas, many family members of service personnel fighting in Iraq are already deeply concerned about their loved ones' safety and are disappointed that the tour of many such soldiers will be extended by at least several months; and

Whereas, to date, the global war on terror, of which the war in Iraq is a part, has already had a significant impact on service men and women from New Jersey and their families, with over 6,000 State Army and Air National Guard and Reserve troops deployed and 83 service personnel killed and many more injured; and

Whereas, the surge will effect 159 members of the New Jersey National Guard currently in Iraq, so that instead of returning in March or April, members of the 117th Reconnaissance Surveillance Target Acquisition Unit and the 250th Brigade Support Battalion will now be returning in July or August; and

Whereas, it is clear to this House that sending more troops to Iraq will result in the death of more American service personnel but will do little to end the civil war in Iraq or bring lasting peace to the Iraqi people and stability to their new government; and

Whereas, despite this House's opposition to President Bush's action, it strongly and unequivocally supports the brave men and women in all branches of the Armed Forces of the United States who are currently in Iraq, those service personnel who will be sent to that county as a part of the surge and the families of such troops who remain at home concerned about their loved ones in the war zone; and

Whereas, it is therefore fitting and proper for this House to express its strong opposition to President Bush's surge in United States troops in Iraq; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey.

1. This House expresses its strong opposition to President George W. Bush's surge in United States troops in Iraq.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President George W. Bush and every member of Congress elected from New Jersey.

POM–136. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to repeal the REAL ID Act of 2005; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, in May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109–13, which was signed by President George W. Bush on May 11, 2005, and which becomes fully effective on May 11, 2008; and

Whereas, use of the federal minimum standards for state driver's licenses and state identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed; and

Whereas, the United States Department of Homeland Security, to date, has failed to promulgate rules for the implementation of the REAL ID Act; and

Whereas, the mandate to the states, through federal legislation, provides no funding for its requirements; and

Whereas, the American Association of Motor Vehicle Administrators, the National Governors' Association and the National Conference of State Legislatures have estimated that the cost to the states to implement the REAL ID Act will be more than $11 billion over 5 years; and

Whereas, the implementation of the REAL ID Act would cost Nevada taxpayers approximately $30 million during Fiscal Year 2007 and Fiscal Year 2008; and

Whereas, the State of Nevada would incur additional expenditures associated with the implementation of the national identification card through machine readable technology, increased training of Nevada's Department of Motor Vehicles employees and increased Department of Motor Vehicles employee work hours; and

Whereas, Nevada's compliance with the provisions of the REAL ID Act will require that, over the course of 4 years, an estimated 2 million Nevadans will be subjected to the unnecessary inconvenience of obtaining a REAL ID compliant driver's license or identification card in person at offices of Nevada's Department of Motor Vehicles; and

Whereas, the State of Nevada is committed to increased security and unimpeachable integrity of driver's licenses and identification cards within the State and the United States; and

Whereas, the State of Nevada is also committed to compliance with the REAL ID Act, should appropriate rules be adopted and federal funding be provided for implementation; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the State of Nevada urges Congress to repeal the REAL ID Act portion of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–137. A resolution adopted by the General Assembly of the State of New Jersey opposing the federal legislation entitled "Fairness in Asbestos Injury Resolution Act of 2005"; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 100

Whereas, asbestos was used for decades, especially during and after World War II, in several industries in a variety of products, notably insulation, and exposure to asbestos has proven deadly to thousands of workers; and

Whereas, long-term exposure to asbestos has been associated with various types of cancer, including lung cancer, as well as asbestosis and pleural disease; and

Whereas, the discovery, on a nationwide basis, of the fatal effects of asbestos exposure has spawned a massive and still growing civil litigation industry; and

Whereas, the United States Supreme Court has called upon Congress to resolve the national asbestos litigation issue; and

Whereas, the "Fairness in Asbestos Injury Resolution Act of 2005," pending in the United States Senate as Senate Bill 852 and sponsored by Senators Specter and Leahy, would seek to provide payouts to people sickened by exposure to asbestos by requiring that such individuals apply to the Department of Labor for compensation rather than take the case to court; and

Whereas, the bill would establish a $140 billion trust fund, primarily financed by businesses, from which damages would be paid on accordance with a schedule so that those with the most serious health problems related to asbestos exposure would receive the most money, with maximum damages capped at $1 million; and

Whereas, Senate Bill 852 has drawn reservations and opposition from many members of the United States Congress, organized labor and consumer groups, and some insurance companies, arguing that the bill would allow big businesses to avoid financial responsibility and that the fund would not adequately compensate all of the victims; and

Whereas, because contributions to the trust fund are capped at $27.5 million per company per year, several Fortune 500 companies stand to save billions of dollars under the bill and many companies will be liable for only 10 to 20 cents of every dollar that they would have owed if the cases went to court; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. This House opposes the "Fairness in Asbestos Injury Resolution Act of 2005," currently pending in the United States Senate as Senate Bill 852.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice-President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of the Congress of the United States elected from this State.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008" (Rept. No. 110–87).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1099. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 1647. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mr. LEVIN:

S. 1648. A bill for the relief of Guy Vang, Genevieve Chong Foung, Caroline Vang, and Meline "Melanie" Vang; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. CASEY):

S. 1649. A bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, and Mr. WEBB):

S. 1650. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. BIDEN, Mr. HAGEL, Mr. LEAHY, Mr. LEVIN, and Mr. LIEBERMAN):

S. 1651. A bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes; to the Committee on the Judiciary.

By Mrs. DOLE (for herself and Ms. CANTWELL):

S. 1652. A bill to amend the Trade Act of 1974 with respect to trade adjustment assistance for textile and apparel workers, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. CARPER, and Mr. VOINOVICH):

S. 1653. A bill to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL:

S. 1654. A bill to prohibit the sale or provision of caller ID spoofing services; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mrs. MURRAY, and Mr. BYRD):

S. 1655. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1656. A bill to authorize loans for renewable energy systems and energy efficiency projects under the Express Loan Program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1657. A bill to establish a small business energy efficiency program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. GREGG:

S. 1658. A bill to amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

By Mr. GREGG:

S. 1659. A bill to limit the simultaneous deployment to combat zones of dual-military couples who have minor dependents; to the Committee on Armed Services.

By Mr. GREGG:

S. 1660. A bill to require studies on support services for families of members of the National Guard and Reserve who are undergoing deployment; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 1661. A bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1663. A bill to amend the Small Business Investment Act of 1958 to reauthorize the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself, Mr. DEMINT, Mrs. DOLE, Mr. GRASSLEY, and Mr. VITTER):

S. Res. 239. A resolution expressing the sense of the Senate that the Administration should rigorously enforce the laws of the United States to substantially reduce illegal immigration and greatly improve border security; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 147

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 507

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 535

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 622

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 622, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 651

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 773

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 773, supra.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 871

At the request of Mr. LIEBERMAN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 946

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 961

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1042

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1146

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1149

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1172

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1310

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1323

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1337

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1382

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Mr. VITTER), the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1460

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1572

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1593

At the request of Mr. BAUCUS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1618

At the request of Mr. SALAZAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1618, a bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of a cellulosic biofuel.

S. 1621

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1642

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

S. CON. RES. 1

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. WYDEN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. DOMENICI), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as "National First Responder Appreciation Day".

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 231

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. AKAKA) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1556

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 1556 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1610

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1610 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1628

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1628 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. CASEY):

S. 1649. A bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, today I introduce legislation that should, and could, have been law 1 year ago, the Military Family Support Act. This bill provides modest but significant relief for the families of the brave American soldiers deployed overseas. I was disappointed that, after passing the Senate last year as an amendment to the fiscal year 2007 Defense Department authorization bill, this provision was removed in conference. I am pleased to be joined in this effort by Senator CASEY.

As part of the predeployment process, military personnel with dependent children or other dependent family members designate a caregiver for their dependents. Dependents may be children, elderly parents, an ill sibling; anyone who requires care. These caregivers act in the deployed personnel's place to provide care during the period of deployment. The caregiver could be a spouse, parent, sibling, or other responsible adult who is capable of caring, and willing to care, for the dependents in question.

The bill that I am introducing today, the Military Family Support Act, would create two programs to provide additional leave options for persons who have been designated as caregivers. The bill would require the Office of Personnel Management, OPM, to create a program under which Federal employees who are designated as caregivers could use accrued annual or sick leave, leave bank benefits, and other leave available to them under title 5 for purposes directly relating to or resulting from their designation as a caregiver.

The second program would be administered by the Department of Labor for private sector employees. The Department would create a voluntary program, allowing private sector companies to create similar programs for their employees. Many companies across the country are already working with employees to provide support when an employee or a family member of an employee is called to active duty. I commend these companies for their compassion and understanding, and I hope that this program would expand such options to more workers.

Lastly, this bill would require a report from the Government Accountability Office evaluating both the OPM and voluntary private sector program. If the report demonstrates that the program has helped military families, which I believe it will, Congress may act to expand the programs or make them permanent.

I want to be clear that the legislation I am introducing today specifically exempts Family Medical Leave Act leave from the types of leave that can be used by designated caregivers under this legislation. Last Congress, I introduced legislation to expand the FMLA to cover leave for designated caregivers. That legislation, however, met with opposition from some Members who object to the FMLA itself. While I continue to believe that this opposition is misguided and that family members of deployed servicemembers should be able to take leave under the FMLA, I have drafted this compromise measure to address those concerns.

This legislation has been endorsed by the National Military Family Association, the National Partnership for Women and Families, and the Military Officers Association of America.

In small towns and big cities all over this country, family members of deployed servicemembers are struggling to care for their children without their spouses' help. In addition, many servicemembers care for elderly parents and this responsibility often falls to a sibling or spouse when that servicemember is deployed abroad. While we may not be able to promise the safe return of each one of these brave men and women, we can provide this modest relief to their families here at home. I urge my colleagues to support this legislation and I yield the floor.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Family Support Act of 2007".

SEC. 2. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

NATIONAL MILITARY FAMILY
ASSOCIATION, INC.,
Alexandria, VA, June 14, 2007.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military family members, have built a reputation for being the leading experts on military family issues.

On behalf of NMFA and the families it serves, we commend you on your leadership in sponsoring the "Military Family Support Act of 2007". Authorizing federal employees who have been designated "caregivers" by the Armed Forces to use their previously earned leave time in a more flexible manner helps to alleviate some of the stress caregivers experience during a deployment. NMFA also applauds the inclusion of a provision that instructs the Department of Labor to solicit private businesses to voluntarily offer more accommodating leave time to employees affected by a service member's deployment overseas.

NMFA has heard from many families about the difficulty of balancing family obligations with job requirements when a close family member is deployed. Suddenly, they are single parents or, in the case of grandparents, assuming the new responsibility of caring for grandchildren. The days leading up to a deployment can be filled with pre-deployment briefings and putting legal affairs in order. Families also need the opportunity to spend precious time together prior to a long separation. The need is no less when the service member returns. Reintegration and transition requires training not only for the service member but for the family as well in order to be most effective.

Military families, especially those of deployed service members, are called upon to make extraordinary sacrifices. This amendment offers families some breathing room as they adjust to this time of separation.

Thank you for your support and interest in military families. If NMFA can be of any assistance to you in other areas concerning military families, please contact Jessica Perdew in the Government Relations Department at 703-931-6632 or by e-mail at jessica.perdew@nmfa.org.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

NATIONAL PARTNERSHIP
FOR WOMEN & FAMILIES,
Washington, DC, June 15, 2007.

Senator FEINGOLD
Hart Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: We are writing to express our support of the Military Family Support of 2007. This important legislation would allow federal employees to take job-protected leave to address family caregiving needs caused by the deployment of a family member and would authorize a similar voluntary project for the private sector to be administered by the Department of Labor. We applaud your leadership on this issue.

The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the demands of work and family. We are proud to have led the coalition that helped enact the Family and Medical Leave Act (FMLA), which has helped over 60 million workers take time off from work to welcome a new child or deal with an acute medical need.

But there is more to be done to support America's families, including the 40 percent of workers who today cannot access the FMLA. This legislation will close a critical gap in the FMLA by addressing the specific needs of families with active military members, and could not come at a more critical time in the lives of our military families. Its passage will give them time to prepare, logistically and mentally, before or during a loved one's departure for active duty—without fear of losing a much needed job.

We thank you for supporting our troops by helping to ensure their families are cared for in times of need.

Sincerely,

DEBRA L. NESS,
President.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. BIDEN, Mr. HAGEL, Mr. LEAHY, Mr. LEVIN, and Mr. LIEBERMAN):

S. 1651. A bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, because of the war in Iraq, more than 2 million Iraqis have been internally displaced in their own country, and 2 million other Iraqis are in neighboring countries throughout the region, primarily Jordan and Syria.

The humanitarian needs of the refugees and internally displaced Iraqis are immense. If their needs are not quickly and adequately met, these populations could become a fertile recruiting ground for terrorists.

Iraqi refugees are also a significant financial burden on countries in the region. As the Iraq Study Group concluded, if the refugee crisis "is not addressed, Iraq and the region could be further destabilized."

Many Iraqis who have worked in critical positions in direct support of the U.S. Government in Iraq have been killed or injured in reprisals for their support of our effort. Many more Iraqis associated with the United States have fled their country in fear of being killed or injured.

Clearly, we cannot resettle all of Iraq's refugees in the United States, but we have a fundamental obligation to help the vast number of Iraqis displaced in Iraq and throughout the region by the war and the associated chaos, especially those who have supported America's efforts in Iraq.

In April 2007, Assistant Secretary of State Ellen Sauerbray said the United States "could resettle up to 25,000 Iraqi refugees this year." In May 2007, Under Secretary Paula Dobriansky said, "We are committed to honoring our moral debt to those Iraqis who have provided assistance to the United States military and embassy." On June 8, Secretary Rice said "the people that I'm most worried about in the near term are the people who've worked with us who might be subject to recrimination and reprisal. And we're trying to step up our efforts on their behalf."

It is essential for the United States to develop a comprehensive and effective approach to meet the rapidly growing needs of Iraq's refugees and internally displaced persons, especially those who are associated with the United States.

The legislation I am introducing today with Senators SMITH, BIDEN, HAGEL, LEAHY, LEVIN, and LIEBERMAN seeks to accomplish these goals.

First, the legislation would create a special category of applicants for refugee status in Iraq. Those eligible for this program, a P-2 category for refugees of special humanitarian concern, would be the Iraqis most closely associated with the United States. Iraqis who qualify would be those, 1. who have been employed by or worked directly with the U.S. Government in Iraq; or, 2. who were employed in Iraq by a media or nongovernmental organization based in the United States or by an organization or entity that has received a grant from, or entered into a cooperative agreement or contract with, the U.S. Government; or, 3. who are spouses, children, sons, daughters, siblings and parents of those who worked for or with us; or, 4. who are members of religious or minority communities and have close family members in the U.S.

Those eligible would not have to be referred to our Government by the United Nations High Commissioner for Refugees or a U.S. Embassy. All applicants, however, would need to demonstrate a well-founded fear of persecution. Applicants would be required to go through recently approved extensive security screening.

P-2 visas for these refugees would come out of the overall authorized admissions number for the refugee program, currently established at 70,000. That figure is determined every year by the President in close consultation with the Congress.

In addition to the new P-2 category of refugee applications, the legislation would expand the current U.S. Government program which provides special immigrant visas only to Iraqi and Afghan translators and interpreters. Those eligible for the expanded special immigrant visa program are Iraqis who have been employed by or worked directly with the United States for 1 year in the aggregate since 2003, and need not have served as a translator or interpreter for the military or Department of State.

Applicants for SIV visas would not need to demonstrate a well-founded fear of persecution, but they would need to meet security requirements, demonstrate that they provided faithful service to our Government, and provide a recommendation or evaluation. The Secretary of State would be required to provide applicants with protection or immediate removal from Iraq if they are in immediate danger. Five thousand of these visas would be available yearly for 5 years.

Importantly, our legislation requires the Secretary of State to establish a program for processing P-2 refugees and SIV applicants in Iraq and in countries in the region. The Secretary would be required to report to the Congress within 60 days on plans to establish this program. Currently, there is no mechanism for applying for refugee status in Iraq. Those fleeing persecution and seeking refugee status must find their way to Jordan or Syria, locate an official from the United Nations High Commissioner for Refugees, and then be referred to the U.S. Government by the United Nations. Because of the growing violence and risk for those associated with the United States, we need to find a way to address this problem for Iraqis inside Iraq. Our bill does not eliminate the referral system through the United Nations, or any other existing system, but it does create an essential mechanism for direct applications in country.

To oversee the implementation of this new program, the Secretary of State would be required to establish in the Embassy in Baghdad a Minister Counselor for Refugees and Internally Displaced Persons. This senior official would be responsible for overseeing the in-country processing of P-2 refugee and special immigrant visa applicants, and would have authority to refer them directly to the U.S. refugee resettlement program.

A parallel position would be created in the American embassies in Egypt, Jordan, Lebanon, and Syria to oversee the application process of P-2 refugees of special humanitarian concern. SIV applicants would work through regular consular channels in embassies in those countries.

Recognizing that the United States can only resettle a small number of the most vulnerable refugees within our borders, the Secretary of State would be required to consult with other countries about resettlement of refugee populations, develop mechanisms in countries with significant populations of displaced Iraqis to ensure the refugees' well-being and safety, and provide assistance to the countries in doing so.

In addition, the legislation would allow Iraqis denied asylum after March 2003 based on changed conditions to file a new petition with an immigration judge to reopen their cases. Those denied asylum, for example, on the grounds that Saddam Hussein is no longer in power and the United States is committed to building democracy in Iraq should be permitted to make their case again before a judge.

After 90 days, and annually thereafter, the President would be required to submit an unclassified report to Congress with a classified annex if necessary, assessing the financial, security, personnel, considerations and resources necessary to establish the programs required in the act. After 90 days, the Secretary of Homeland Security would be required to submit a report to Congress outlining plans to expedite processing of Iraqi refugees, including a temporary expansion of the Refugee Corps, and plans to enhance existing systems for conducting background and security checks for Iraqis applying through the program.

More than 5 years ago, Arthur Helton, perhaps this country's staunchest advocate for the rights of refugees wrote, "Refugees matter . . . for a wide variety of reasons . . . Refugees are a product of humanity's worst instincts—the willingness of some persons to oppress others—as well as some of its best instincts—the willingness of many to assist and protect the helpless . . . In personal terms, we care about refugees because of the seed of fear that lurks in all of us that can be stated so simply: it could be me."

A year later, Arthur Helton gave his life for his beliefs. He was killed in Baghdad in 2003 while meeting with U.N. Special Envoy Sergio Vieira de Mello when a bomb destroyed the U.N. headquarters in Iraq.

But his words resonate today, especially when we consider the very human cost of the war in Iraq, and its tragic effect on the millions of Iraqis, men, women, and children, who have fled their homes and their country to escape the violence of a nation at war with itself.

America has a special obligation to keep faith with the Iraqis who now have a bulls-eye on their back because of their association with our Government.

At a hearing in the Senate Judiciary Committee in January, chilling testimony was presented about the dangers Iraqis face because of their association with America.

One Iraqi, Sami, was a translator for U.S. and Coalition forces and who now lives in the United States. He said, "I too, have been targeted for my death. My name was listed on the doors of several mosques calling for my death. Supposed friends of mine saw my name on the list and turned on me because they believed I was traitor . . . In June 2006, I learned that I had been granted special status. As a result, today I live free from the fear of persecution and threats to my life that I faced on a daily basis in Iraq. My hope is that all brave Iraqis who worked and braved so much will have the same chance as I have had to live in freedom."

Another Iraqi, John, worked as a water service man for U.S. troops. He said, "My wife, my six children and myself fled Iraq after terrorist groups targeted me and my family because I aided the Americans by supplying water to their service camps."

Ken Bacon, president of Refugees International, summed it up well when he said, "There is a large group of Iraqis who have risked their lives to support the United States . . . people are sacrificing their lives to help the United States."

The legislation has been endorsed by organizations including Refugees International, Refugee Council USA which encompasses Amnesty International USA, Arab-American and Chaldean Council, Chaldean Federation of America, Church World Service/Immigration and Refugee Program, Episcopal Migration Ministries, Hebrew Immigrant Aid Society, Human Rights First, International Rescue Committee, Jesuit Refugee Service/USA, Jubilee Campaign USA, Lutheran Immigration and Refugee Services, Migration & Refugee Services/United States Conference of Catholic Bishops, Southeast Asia Resource Action Center, U.S. Committee for Refugees and Immigrants, Women's Commission for Refugee Women and Children, and World Relief, the International Rescue Committee, and the PEN American center.

I urge my colleagues to support this legislation in order to keep the faith with those many brave Iraqis whose lives are in jeopardy because of their association with our forces in Iraq.

I ask unanimous consent that the letters of suport be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFUGEE COUNCIL USA,
Washington, DC, June 13, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of a diverse coalition of human rights, faith-based and refugee advocacy organizations around the country, we write to express our support for your legislation addressing the Iraqi refugee crisis unfolding in the Middle East Region.

As you know over two million refugees from Iraq are struggling to survive ound the region, and an additional two million are displaced within the country. Forced to flee because they practice a disfavored religion, were born into a marginalized minority, or agreed to work in support of the U.S. government, many of these refugees have no access to housing, health care or education. Although many of the refugees had temporary permission to remain in Jordan or Syria, they have now overstayed their visas to avoid desperate conditions back in Iraq. These refugees live in constant fear of being forcibly returned to Iraq, where they face death threats and further persecution. Many have already lost spouses, children and siblings to kidnappings and executions.

Although aware of this crisis, the United States has thus far failed to take the meaningful steps necessary to provide protection to these refugees and internally displaced persons. Your legislation is a welcome step in addressing the pressing protection needs of Iraqis.

Of particular concern to the United States are the men, women and children who face targeted persecution from insurgents due to their association with U.S. coalition forces—individuals who served as translators, drivers, doctors, and other contractors and employees of the United States, U.S. allies, and international NGOs serving in the region. The United States has a responsibility to provide protection for individuals who have put their lives on the line for the United States and who are consequently facing persecution due to this association. Your legislation commits the U.S. government to provide support and protection to Iraqi refugees and internally displaced persons in the rygion. In doing so it recognizes our nation's longstanding tradition of extending protection to people who are targeted because of their political opinions, ethnicity, or religion, among other reasons. As a result, we stand in support of this important effort.

Sincerely,

C. RICHARD PARKINS,
Chair, Refugee Council USA.

On behalf of the following organizations:

Sarnata Reynolds, Refugee Program Director, Amnesty International USA.

Radwan Khoury, Executive Director and COO, Arab-American and Chaldean Council.

Joseph Kassab, Executive Director, Chaldean Federation of America.

Joseph Roberson, Director, Church World Service/Immigration and Refugee Program.

C. Richard Parkins, Director, Episcopal Migration Ministries.

Tsehaye Teferra, President, Ethiopian Community Development Council.

Gideon Aronoff, President & CEO, Hebrew Immigrant Aid Society (HIAS).

Elisa Massimino, Washington Director, Human Rights First.

Robert Carey, Vice President, Resettlement, International Rescue Committee.

Fr. Kenneth Gavin, S.J., National Director, Jesuit Refugee Service/USA

Ann Buwalda, Executive Director, Jubilee Campaign USA.

Ralston H. Deffenbaugh, Jr., President, Lutheran Immigration and Refugee Service.

Mark Franken, Executive Director, Migration & Refugee Services/United States Conference of Catholic Bishops.

Doua Thor, Executive Director, Southeast Asia Resource Action Center.

Lavinia Limón, President & CEO, U.S. Committee for Refugees and Immigrants.

Carolyn Makinson, Executive Director, Women's Commission for Refugee Women and Children.

Stephan Bauman, Senior Vice President, Programs World Relief.

JUNE 8, 2007.

Senator Edward M. Kennedy,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, I am writing to endorse your legislation to address the rapidly escalating crisis of Iraqi refugees and internally displaced persons (IDPs). We applaud your bold effort to provide a comprehensive framework to meet the growing needs of Iraq's two million internally displaced and the two million refugees in the region.

Refugees International believes that the United States has a special obligation to Iraqi refugees. This is the fastest growing refugee crisis in the world, and your legislation will bring greatly needed change in American policy, which has been too slow in its response to this humanitarian crisis. Currently, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that near two million Iraqis have fled their homes and moved to other parts of Iraq to escape sectarian conflict, political reprisals and the insecurity that is increasingly prevalent in south and central Iraq. In addition, UNHCR estimates that another 2.2 million Iraqis have left the country to find refuge throughout the Middle East.

While Syria and Jordan have been generous to refugees and deserve international recognition for accepting them in large numbers, the burdens of the large refugee population are an increasing strain on their societies and economies. It is clear that the rapidly escalating refugee and IDP populations are not only grave humanitarian concern, but also a security concern for the region. The Iraq Study Group, among others, highlighted the destabilizing effect the escalating refugee crisis may have, and called upon the United States to take the lead in providing assistance to the refugees.

Your legislation is a greatly needed effort to address this crisis and ensure that the United States take the lead in accepting responsibility for providing safety and security for greater numbers of Iraqi refugees and IDPs. It is abundantly clear that we need to create a P–2 category for Iraqis closely associated with our effort in Iraq. Likewise, the expansion of the Special Immigrant Visa program keeps faith with those who have worked most closely with our government. The bill's requirement for in country processing of refugees is absolutely essential to enable persons with credible fears of persecution to more effectively and expeditiously begin the process of seeking refugee status in Iraq.

Refugees International is presently conducting its third mission to Iraq and the region since last November and has found that the refugees are increasingly dispirited and desperate for assistance. We will strongly encourage the Senate to approve your legislation as an essential step to address this growing crisis and allow the U.S. to fulfill its share of the responsibility for assistance and protection for Iraqi refugees.

Sincerely,

KEN H. BACON,
President.

INTERNATIONAL RESCUE COMMITTEE,
New York, NY, June 6, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR TED: On behalf of the International Rescue Committee (IRC). I write in support of the legislation you are introducing today to address the critical issue of Iraqi refugees and internally displaced persons.

As you know, the Iraqi refugee crisis represents the greatest displacement of people in the Middle East in nearly 60 years, with more than two million Iraqis living as refugees in neighboring countries and another two million internally displaced within their own borders. To date, the U.S. response has failed to reflect the magnitude of the crisis.

As both an international aid organization and a U.S. refugee resettlement agency, the IRC has long advocated for a comprehensive U.S. response to the Iraqi refugee crisis that addresses the essential components of humanitarian assistance, protection in the region, and the admission to the U.S. of vulnerable Iraqis. Your legislation takes such a comprehensive approach.

We believe strongly in a humanitarian aid package that addresses the shelter, health, nutrition, education, and general protection needs of both the refugees and the internally displaced. We also support increased opportunities for the admission to the United States of Iraqis at risk because of association with Americans or because they are from religious, ethnic, minority, or other communities at special risk. While admission to the United States as refugees or special immigrants will be available to only a small fraction of vulnerable Iraqis, these options will save lives and will help convince host countries to keep their doors open.

We thank you for your continued leadership in U.S. refugee protection, and we look forward to working with you to help ensure the enactment of this critical legislation.

Sincerely,

GEORGE RUPP.

PEN AMERICAN CENTER,
June 11, 2007.

Senator EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, We are writing on behalf of the 3,400 members of PEN American Center to express our continuing gratitude for your efforts to address the Iraqi refugee crisis, and to offer our strong support for the Refugee Crisis in Iraq Act.

PEN American Center is the largest of 144 centers of International PEN, the worldwide association of writers that strives to protect writers and freedom of expression and promote the free exchange of literature and ideas around the globe. In keeping with this mission, for nearly two years PEN has been working to resettle Iraqi translators, journalists, and writers who have been targeted for death and forced into hiding in Iraq or neighboring countries for their efforts build a safe, free, and open society in Iraq. Thanks largely to our colleagues at Norwegian PEN, a handful of these men and women and their families have found safe havens in northern Europe. But to date, despite the extreme sacrifices so many Iraqis made to help Americans navigate the political and social realities of their country and encourage their fellow citizens to reject violence and extremism and support a pluralistic Iraq, we have not yet successfully assisted a single one of our colleagues in reaching the United States.

In recent months, as the world has come to recognize the magnitude of the refugee crisis in Iraq, the United States government has taken some important steps to open the way for a limited number of Iraqi refugees to be resettled in this country. With assistance from the U.S. Department of State, a small number of those on whose behalf PEN has been working have been screened by the United Nations High Commission for Refugees in Syria and referred to the United States for resettlement. But the process is complicated, protracted, and at times hostile. Forbidden from working in Syria, they have exhausted their financial resources long before the process will be completed, and those who had the closest associations with Coalition Forces and U.S. contractors have found that the stigma of "collaborators" has followed them across the border. Even so, these are the extremely fortunate few. No avenue whatsoever exists for their counterparts still in Iraq to seek refugee resettlement or relief. Even translators who served honorably as interpreters for U.S. forces, sustained serious combat wounds, survived assassination attempts, and live in constant fear they will be recognized and killed have no access to refugee processing inside Iraq.

The Refugee Crisis in Iraq Act directly addresses several of these glaring inadequacies in our country's current approach to the Iraqi refugee crisis. Taking particular note of the United States' obligation to those who worked with and are therefore endangered by their association with U.S.-based organizations and institutions, it significantly expands the numbers of Iraqis to be resettled in the United States and creates direct, efficient mechanisms for Iraqis to petition for resettlement. It expands and streamlines the Special Immigrant visa program for Iraqi and Afghan translators and interpreters, and creates a new P-2 visa category for Iraqi refugees of special humanitarian concern, a category that includes Iraqi writers, journalists, and media workers who worked with and for U.S.-based media organizations in Iraq. Perhaps most significantly, it requires the United States to establish direct visa processing outside the UNHCR system in neighboring countries and, for the first time, inside Iraq. We strongly support these proposals.

How history views the United States' intervention in Iraq will be colored in part by how we respond to the needs of those who took great risks to try to build a new Iraq and who fear for their lives as a result. PEN is grateful for your leadership in pressing the United States to act on its responsibilities to the growing number of Iraqi refugees, and we are honored to endorse this important legislation.

Sincerely,

FRANCINE PROSE,
President.
LARRY SIEMS,
Director.

HUMAN RIGHTS FIRST
June 14, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I write to express Human Rights First's support of your bipartisan legislation, "The Refugee Crisis in Iraq Act." By extending a lifeline to some of Iraq's most vulnerable refugees and displaced people, your bill would begin to fulfill the moral obligation of the United States to protect Iraqi refugees and provide critical assistance to countries that are already sheltering so many Iraqis in the region. We urge swift passage of this important legislation.

Historically, the United States has led the world in efforts to protect and resettle vulnerable refugees, admitting more than 2.6 million refugees since 1975. In the closing days of the Vietnam War, the United States airlifted more than 131,000 Vietnamese whose close ties to the U.S. effort put them at risk of persecution. In 1999, the United States resettled 14,000 Kosovars whose ethnicity made them vulnerable to persecution.

The United States is justifiably proud of this strong tradition of providing refuge to the persecuted and assistance to those displaced by war. Yet the administration's response to the Iraqi refugee situation fails utterly to match the scale and urgency of the current crisis. As we mark World Refugee Day next week, the United States will have resettled only 272 Iraqi refugees here since 2006.

This must change. Since 2003, more than 2.2 million Iraqis have fled violence and persecution in their homeland. Many have been targeted because of their work for the United States or with U.S. organizations. Others have been targeted because of their ethnicity or religion. Those who have fled to Jordan and Syria are living in dire conditions. Many are at risk of exploitation, detention, and deportation. They lack access to medical treatment, education for their children, food, and a means of supporting their families. As this crisis grows, the protection of refugees, the institution of asylum, and the stability of the region are all at risk.

With every day, the situation of Iraqi refugees in the region and of those displaced inside Iraq grows more urgent. It is past time for the United States to lead the international community in addressing this crisis in a comprehensive manner. The United States should begin by swiftly providing safe haven to those at risk because of their work with the United States or with U.S. organizations. In addition, the United States should create an ambitious and aggressive resettlement program to take in other refugees who have been forced to flee from Iraq. Finally, the United States must significantly increase aid to countries in the region that now play host to millions of refugees, in order to ensure adequate care for these refugees and to encourage these neighboring countries to continue to provide asylum to those who flee in search of refuge.

We believe the United States has a moral obligation to provide a meaningful solution to the Iraqi refugee crisis. Your bill is a vital step towards addressing this growing and complex crisis. As always, we are grateful for your leadership on this issue, and we look forward to working with you to ensure swift passage of this important legislation.

Sincerely,

ELISA MASSIMINO,
Director of the Washington, DC, Office.

Mr. LEAHY. Mr. President, I am pleased to join Senators KENNEDY, SMITH, LEVIN, HAGEL, BIDEN, and LIEBERMAN to introduce this important legislation. In January of this year, the Judiciary Committee held a hearing to examine the plight of Iraq's refugees, during which we heard from the State Department, the United Nations High Commissioner for Refugees, nongovernmental organizations and individuals, and Iraqi citizens who had been targeted for assisting the United States. This hearing brought the enormity of the Iraq refugee situation into sharp focus and made clear that we must do more to address this crisis and provide assistance especially to those Iraqis who have assisted the United States with its mission. If enacted, this bill would help the United States fulfill the promises it has made to the people of Iraq.

In February of this year, the Bush administration announced that 7,000 Iraqi refugees would be permitted to enter the United States in 2007. Over the last 8 months, however, only 70 Iraqis have been allowed into the United States as refugees. Each year there are 20,000 unallocated slots for refugees that could be applied to Iraq, and an additional 5,000 for the Middle East. Yet the Department of Homeland Security has admitted approximately 700 Iraqis since the war began in 2003. We have an obligation to do better than this when an estimated 4 million Iraqis have been displaced within Iraq or have fled the country due to our involvement there. And we have a special obligation to do all we can for those Iraqis who have made tremendous sacrifices on behalf of the United States and who continue to live under the threat of torture and death.

Refugees International has called the Iraq refugee crisis the fastest growing refugee crisis in the world. It is estimated that nearly 2 million Iraqis have been internally displaced, while another 2 million have fled the country, with little more than they could carry. With this bill, we show our commitment not to repeat the tragic and immoral mistake from the Vietnam era and leave friends without refuge and subject to violent reprisals.

The United States has an obligation to the people of Iraq, and especially to those who have assisted the American military in its efforts there. When an Iraqi man or woman makes the choice to help the United States—whether as an interpreter or in some other role—and puts his or her life on the line, the United States bears a special responsibility to do what it can to reciprocate the loyalty that so many Iraqis have shown us.

The bill we introduce today will create a new P2 category for Refugees of Special Humanitarian Concern. Individuals who have assisted the United States, or who have worked for a company, NGO, or other entity that has received a grant or contract from the U.S. Government would be eligible for status as a refugee of special humanitarian concern. In order to implement this new program, the legislation would direct the establishment of consular processing facilities in Iraq to expedite the resettlement process for those Iraqis and their immediate families who qualify under the bill for special relief.

The bill also sets up a special immigrant visa category for individuals who have worked as interpreters or translators for the United States for an aggregate of 1 year between 2003 and the present. This new program would augment current efforts to provide protection for those individuals who have assisted the United States by providing interpreter or translation services.

The legislation would also direct the Secretary of State to establish an office of Minister Counselor in the U.S. Embassy in Baghdad. This office would be responsible for overseeing the new programs set up under this bill, and would be the primary point of contact for eligible individuals seeking protection. This official would also have the authority to refer individuals directly to the United States Refugee Resettlement Program. Additionally, parallel Minister Counselor offices would be established in Egypt, Jordan, Syria, and Lebanon to effectuate the P2 refugee program.

The Secretary of State would also be required to work with other nations currently hosting Iraqi refugees in order to provide support and to help ensure the safety and well-being of Iraqis located in countries surrounding Iraq. The legislation would also allow Iraqis who applied for asylum in the United States after 2003, and who were denied based on changed country conditions due to the overthrow of Saddam Hussein, to have those denials reviewed due to the continuing violence and dangerous conditions in the country. This change will allow our laws to reflect the current reality in Iraq.

This legislation will help provide some relief to the brave men and women who have assisted the United States in Iraq, and will help renew the commitment of the United States to the cause of protecting those who turn to us for help. I hope all Senators can join with us in support of the bill we introduce today.

By Mr. KYL:

S. 1654. A bill to prohibit the sale or provision of caller ID spoofing services; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce a bill that would prohibit the sale or provision of caller ID spoofing services. This bill would enact a legislative proposal that was made by the Justice Department in a letter to members of this committee. To facilitate commentary on this bill, I ask unanimous consent that the text of the bill and a letter from the Justice Department be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1654

Section 1040 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) OFFENSE.—Whoever, using any means or facility of interstate or foreign commerce—

(1) knowingly generates, transmits, or causes to be generated or transmitted—

(i) false caller ID information with intent wrongfully to obtain anything of value; or

(ii) caller ID information pertaining to an actual person or other entity without that person's or entity's consent and with intent to deceive any person or other entity about the identity of the caller; or

(2) knowingly offers, sells, or makes available a service that enables users to modify, generate, or transmit false or misleading caller ID information; or

attempts or conspires to do so, shall be punished as provided in subsection (b)."; and

(2) by adding at the end the following:

"(f) EXCEPTIONS.—Paragraph (a)(2) does not prohibit offering, selling, or making available any such service that transmits, in the signaling data with each call, (1) information sufficient to indicate to the recipient's telephone carrier that the caller ID information is not accurate, (2) if available, the originating telephone number or other information identifying the origin of the call, and (3) the identity of the provider of the service that enabled the user to modify, generate, or transmit the chosen caller ID information."

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 25, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice appreciates the opportunity to provide further comment on H.R. 740, the "Preventing Harassment Through Outbound Number Enforcement Act" ("PHONE Act of 2007"). The PHONE Act of 2007 was passed by the U.S. House of Representatives on March 21, 2007 and referred to the Senate, where consideration of the bill is currently pending before the Judiciary Committee. It is the Department's understanding that a substitute amendment will be offered during the Senate Judiciary Committee's consideration of this legislation. This letter reflects DOJ's views toward the amended version of this bill.

As the Department noted in its original comments on the PHONE Act submitted to Chairman Conyers on February 5, 2007, we support Congressional action to give law enforcement better tools to protect our citizens and our country from identity thieves, stalkers, and other criminals. In the February 5th letter, the Department of Justice made a number of recommendations to strengthen the bill, many of which were adopted. Those changes have made the

PHONE Act a more effective tool for combating threats such as identity theft, preying on the elderly, and the thwarting of important, time-sensitive investigations.

Although the PHONE Act is an important step toward addressing caller ID spoofing, the problem needs a solution that addresses not only users of caller ID spoofing, but also the services that make this capability to deceive widely available to the public. Several services today offer users the ability to manipulate information transmitted with a telephone call in order to cause a number of the caller's choosing to appear on the call recipient's caller ID display. Using such a service can be as easy as calling a toll-free number and entering calling card information.

As the Department has described in its testimony before the House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security on the PHONE Act, the widespread availability of caller ID spoofing services poses several problems. First, the recipient of a spoofed call is led to believe that he or she has received the call from someone who did not actually place the call. Numerous such incidents have been reported, including examples of SWAT teams being misled into raiding innocent persons' houses based on 911 calls that incorrectly appeared to have come from the innocent person's home (a practice known as "SWATting"), businesses being tricked into revealing personal data about the person whose number is spoofed (i.e., enabling "pretexting"), and harassing calls being placed using the phone number of a political candidate in order to anger voters against that candidate.

The PHONE Act does not currently address these caller ID spoofing services that make it easy for anyone with a telephone to spoof caller ID. Simply criminalizing the use of spoofing capabilities for criminal or fraudulent purposes would not sufficiently diminish the availability of spoofing services. Because the use of caller ID spoofing is particularly hard to investigate and to prosecute, to address this problem effectively, Congress should also address the providers who make this capability widely available.

We have included recommended edits to section 2 of the bill in order to address caller ID spoofing services that do not at least notify call recipients that the caller ID information has been modified (attached hereto as Appendix A). We also suggest that Congress consider whether this legislation should contain an explicit exemption for entities complying with existing Federal regulations such as the Telemarketing Sales Rule that allow the substitution of caller ID information for limited purposes.

The Department appreciates the Committee's leadership in ensuring that our country's laws meet this new challenge. Thank you for the opportunity to comment on the bill and for your continuing support.

The Office of Management and Budget has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. If we may be of additional assistance, please do not hesitate to contact this office.

Sincerely,

RICHARD A. HERTLING,
Acting Assistant Attorney General.

By Mr. KENNEDY (for himself, Mrs. MURRAY, and Mr. BYRD):

S. 1655. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, last year, the Nation was stunned by the terrible tragedies at the Sago, Alma, and Darby mines. Those disasters exposed the many failures in our laws on mine safety and mine health, and made clear that it is essential to bring these protections into the modern world.

Last year, Congress came together to take a vital step toward protecting the Nation's miners with the passage of the MINER Act, which addressed critical lapses in mine safety and accident response, but advances in scientific research and technological development show us that there is much more to be done. In part through the new scrutiny that is taking place under the MINER Act, we have learned a great deal more about what puts miners in danger and how to prevent it.

We need to begin to address these other pressing safety and health needs. That is why today I am introducing the Miner Health and Safety Enhancement Act of 2007.

There is much we can do in the area of mine safety emergencies to increase miners' chances of survival, and this legislation encourages the development of technologies to do so. It requires stronger seal barriers to protect miners from explosions in hazardous mining areas. It also requires mine companies to adopt more sophisticated communications technology to stay in touch with miners underground, and to install rescue chambers to protect miners in the event of an explosion or fire.

The bill does more to eliminate dangerous conditions in mines before they harm miners, by banning the unsafe practice of ventilating mines in the same passageway as coal-dust laden conveyor belts. This practice, unfortunately, has been approved by the Bush administration, and it contributed to the tragic fire at Alma mine last year.

Other reforms are essential as well. Establishing a national call center can quickly coordinate emergency information and enhance mine rescue and recovery operations. To see that accident investigations are objective and thorough, the legislation requires an independent investigation to be conducted if miners or their families ask for one.

Successful prevention depends also on the willingness of miners to tell the truth about their working conditions. Safeguards are needed to allow them to speak out about on-the-job hazards without fearing for their jobs. The bill establishes an independent ombudsman, so miners' safety complaints can be heard and fully addressed, without jeopardizing miners who blow the whistle on job hazards.

Tragically, we continue to see miners developing symptoms of black lung disease and other deadly respiratory illnesses of the past. To protect them, the bill requires operators to provide miners with personal dust monitors developed and certified by the National Institute of Occupational Safety and Health. To make underground air safer, the bill adopts the Institute's levels for exposure to coal dust, silica dust, and other air contaminants. It also adopts the higher OSHA standard for asbestos. We cannot continue to allow miners to work without the protection of these important health standards.

Mining is an essential industry, and the nation's miners deserve the safest possible working conditions. We have a responsibility to see that our mine safety laws make our mines the safest and healthiest in the world. America's miners deserve no less. I urge my colleagues to support the Mine Health and Safety Enhancement Act of 2007.

Mr. BYRD. Mr. President, I am pleased to cosponsor the Miner Health and Safety Enhancement Act of 2007.

It is critical that the Congress continue to review the statutory safeguards for our Nation's coal miners. I want to do everything I can to encourage that effort.

Given reports recently about alarmingly aggressive cases of black lung around southern West Virginia, the Congress ought to seriously consider new standards for dust monitoring and control. I also support the bill's language requiring the installation of atmospheric monitoring systems in underground coal mines and requiring the Mine Safety and Health Administration, MSHA, to randomly test emergency breathing devices every 6 months.

I also very much support provisions in the bill that would clarify the intentions of the MINER Act and require the Department of Labor to issue regulations mandating the installation of refuge chambers and restricting the use of belt-air ventilation.

These are all good initiatives and something that the Congress should be advocating to ensure safer working conditions for miners. Nevertheless, I do have reservations about some of the provisions in the Miner Health and Safety Enhancement Act, which I hope can be addressed before the Senate Health, Education, Labor, and Pensions, HELP, Committee takes any action on this legislation.

The MINER Act that the Congress passed last year set a deadline requiring coal operators to install wireless emergency communications and tracking equipment by June 2009. In order to meet this deadline, the Congress appropriated $23 million through the fiscal year 2008 for NIOSH to expedite its research of emergency communications and tracking.

It is important that the Congress adhere closely to that schedule. To suddenly rewrite it, mandating the installation of technologies before NIOSH has completed its research, could undermine the intentions of the MINER Act and complicate the efforts of MSHA and the Congress to ensure timely compliance. Let us not revisit timelines that have already been resolved and where implementation has already begun. It is better for the Congress to hold operators to the schedule outlined in the MINER Act and to allow NIOSH to perform the critical research that has already been mandated and funded.

The Congress should continue to exercise its oversight function to ensure rapid implementation of the MINER Act and also to review non-MINER Act priorities to ensure statutory safeguards are adequate. I proudly join the sponsors of this bill in that endeavor.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1656. A bill to authorize loans for renewable energy systems and energy efficiency projects under the Express Loan Program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee Small Business and Entrepreneurship, I rise today with Senator KERRY to introduce the Small Business Energy Efficiency Act of 2007. The energy debate now underway in this body is a positive initial step for our country, but it is only a first step. Frankly, America must become more innovative and invest in infrastructure that provides a lifetime of savings, both for its citizens and our global neighbors.

This year the Senate Committee on Small Business and Entrepreneurship, of which I am the Ranking Member, has paid particular attention to the effects of climate change and escalating fuel costs on small businesses, and the role America's entrepreneurs can play in affecting change in these areas. Chairman KERRY and I have already devoted two hearings during the 110th Congress to these subjects. Clearly, rising gas prices and global warming are having a devastating affect on the health of small business in this country.

As we all know, small business is the backbone of our Nation's economy. As the leading Republican on the Small Business Committee and as a longstanding steward of the environment, I firmly believe that small business has a pivotal role to play in finding a solution to global climate change. According to a recent survey conducted by the National Small Business Association, 75 percent of small businesses believe that energy efficiency can make a significant contribution to reducing greenhouse gas emissions. And yet, only 33 percent of those had successfully invested in energy efficiency programs for their businesses.

We need to significantly improve energy efficiency investment by small businesses. To that end, our measure will ensure that the SBA completes its requirements under the Energy Policy Act of 2005. Within 90 days of enactment, the SBA, through a final rulemaking, would be required to complete all of its requirements under the Energy Policy Act, including setting up a Energy Clearinghouse that builds on the Environmental Protection Agency's Energy Star program.

Our bill would also create the position of Assistant Administrator for Small Business Energy Policy within the SBA. The duties of this position include: 1. the oversight and administration the Small Business Energy Clearinghouse Program; and 2. the promotion of energy efficiency efforts and the reduction of energy costs for small businesses.

It would also create a Small Business Energy Efficiency Pilot Grant Program. This pilot, competitive grant program would be administered through the national network of Small Business Development Centers, SBDCs, which would provide "energy audits" to small businesses to enhance their energy efficiency practices, as well as providing access to information and resources on energy efficiency practices. These practices would include "on-bill financing" options.

Our bill would also encourage innovation in energy efficiency. Federal agencies shall give priority to Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, program solicitations by small businesses that participate in or conduct energy efficiency or renewable energy system research and development. The SBA will issue guidelines to assist Federal agencies and departments in determining whether priority has been given.

Finally, our bill would make the SBA's Express Loan Program available to small businesses who wish to purchase renewable energy systems or make energy efficiency improvements to their existing businesses. I firmly believe that the SBA Express Loan will be an attractive option to small business owners looking to make their businesses more energy efficient and environmentally sound because of the program's quick turnaround time and the ability of participating lenders to use their own forms and procedures for approval. Furthermore, lenders and borrowers can negotiate the interest rate, which can result in more favorable terms for a small business owner. The Express Program is the most widely used of SBA's loan products, representing 69 percent of all loans made. In fact, the SBA Express lender network is made up of almost 2,000 financial institutions nationwide.

Many small businesses are already leading the charge in combating global warming. For instance, in my home state of Maine, Oakhurst Dairy, an 86-year-old business, recently announced that it has converted its fleet of over 100 trucks and trailers to a bio-diesel fuel blend. Oakhurst's President Stanley Bennett sent me a letter stating: "We firmly believe that doing the right thing environmentally is almost always the right thing to do for your business." It is my hope that our bill will spur more small firms to make the same investment in the environment and their businesses.

As we engage in this debate, we must remain mindful that potential solutions must fully consider the economic realities facing small businesses. According to the SBA Office of Advocacy, compliance with environmental regulations costs 364 percent more in small businesses than in larger businesses. So, in developing solutions Senator KERRY and I have worked to ensure that small businesses possess a range of cost-effective alternatives and have avoided a one-sized-fits-all approach.

In conclusion, this bipartisan measure will enable small businesses to play a leading role in combating global climate change. Assisting small firms in this regard will not only help the environment, but will also significantly lower the energy costs for cash-strapped small businesses.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1657. A bill to establish a small business energy efficiency program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in March of this year, I convened a hearing in the Committee on Small Business and Entrepreneurship to look at what small businesses can do to confront global warming. In February, the Intergovernmental Panel on Climate Change put forward a report that has been referred to as "the smoking gun" on global warming, written by more than 600 scientists, reviewed by another 600 experts, and edited by officials from 154 governments, the report provides indisputable evidence that the ice caps are melting, the sea level is rising, and the earth's surface is heating up at an alarming and potentially catastrophic rate.

Senator SNOWE and I have worked together on a number of initiatives to combat global warming, including introducing the Global Warming Reduction Act of 2007, an effort to reduce greenhouse gas emissions by 65 percent by the year 2050. Today, we continue this partnership as chairman and ranking member of the Committee on Small Business and Entrepreneurship by introducing the Small Business Energy Efficiency Act of 2007.

There are nearly 26 million small businesses in this country, nearly 26 million business owners that are focused on keeping their doors open and putting food on the table for their families. And while climate change and national energy security sometimes seem like distant threats compared to rising health care costs and staying competitive in an increasingly global economy, small business owners are telling us that energy costs are indeed a concern. The National Small Business Association recently conducted a poll of its members, asking how energy prices affected their business decisions. Seventy-five percent said that energy prices had at least a moderate effect on their businesses, with roughly the same number saying that reducing energy costs would increase their profitability. Despite these numbers, only 33 percent have invested in energy efficient programs.

The Environmental Protection Agency estimates that small businesses consume roughly 30 percent of the commercial energy consumed in this country, that is roughly 2 trillion kBtu of energy per year, and it is costing small business concerns approximately $29 million a year. Through efforts to increase energy efficiency, small businesses can contribute to America's energy security, help to combat global warming, and add to their bottom line all at the same time.

The Small Business Energy Efficiency Act of 2007 seeks to assist small business owners in doing all of these things. First, the bill requires the Small Business Administration, SBA, to implement an energy efficiency program that was mandated in the 2005 Energy Policy Act. To date, the SBA has dragged its feet in implementing a program that could help small business owners to become more energy efficient. Administrator Preston should implement this important program today, and this bill directs him to do so.

Second, the bill establishes a program to increase energy efficiency through energy audits at Small Business Development Centers, SBDCs. The Pennsylvania SBDC currently operates a similar program, and has successfully assisted hundreds of businesses to become more energy efficient. As a result of the program, six of the eight winners of the 2006 ENERGY STAR Small Business Awards given by the EPA went to Pennsylvania businesses. This program should be replicated so that small businesses across the country have the same opportunity to cut energy costs through the efficiency measures.

In addition, this bill authorizes the Administrator to guarantee on-bill financing agreements between businesses and utility companies, to cover a utility company's risk in entering into such an agreement. The federal government should encourage utility companies to pursue these agreements with businesses, where an electric utility will cover the up-front costs of implementing energy efficiency measures, and a business will repay these costs through the savings realized in their energy bill.

This bill also encourages telecommuting through a pilot program at SBA. The Administrator is authorized to establish a program that produces educational materials and performs outreach to small businesses on the benefits of telecommuting.

Finally, the bill encourages increased innovation by providing a priority status within the SBIR and STTR programs that ensures high priority be given to small business concerns participating in energy efficiency or renewable energy system research and development projects.

As a Nation, we have much to do to secure our future energy supply and to solve the international crisis that is global warming. This bill represents one step in that process—to engage our small business owners in this effort, and to assist them in becoming more aware of what is possible. I urge my colleagues to support this bill, and I thank Senator SNOWE for her work in this area.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Energy Efficiency Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Implementation of small business energy efficiency program.
Sec. 5. Small business energy efficiency.
Sec. 6. Small business telecommuting.
Sec. 7. Encouraging innovation in energy efficiency.
Sec. 8. Express loans for renewable energy and energy efficiency.

SEC. 2. FINDINGS.

Congress finds that:

(1) Small business concerns represent roughly 50 percent of the economy of the United States, employing 50 percent of all private sector employees, and producing more than 50 percent of nonfarm private gross domestic product.

(2) The Environmental Protection Agency estimates that, based on data from the 2003 Commercial Buildings Energy Consumption Survey of the Department of Energy, small business concerns consume roughly 2,000,000,000,000 kBtu of energy per year, costing small business concerns approximately $29,000,000,000.

(3) The Environmental Protection Agency estimate does not include additional energy that is used by small business concerns located outside of commercial buildings, such as home-based small business concerns. Additional, peer-reviewed research studies must be conducted to assess the amount of energy consumed by small business concerns.

(4) A recent survey conducted by the National Small Business Association revealed that 75 percent of small business concerns believe that energy efficiency can make a significant contribution to reducing greenhouse gas emissions. And yet, only 33 percent of those small business concerns had successfully invested in energy efficiency programs for their businesses.

(5) Small business concerns have demonstrated that they are capable of achieving realistic energy consumption reductions of 30 percent as a result of implementing the recommendations of targeted energy audits. These reductions have been demonstrated by clients of the Pennsylvania Small Business Development Centers and are supported by the national experience of the ENERGY STAR Small Business program of the Environmental Protection Agency.

(6) Small business concerns are a source for the technological innovations at the heart of the effort to find a solution to the challenge of climate change and to establish energy independence for the United States.

(7) On-bill financing arrangements, involving small business concerns, utilities, banks, and certified energy efficiency professionals, have demonstrated success in reducing energy usage by small business concerns across the country, and greater use of on-bill financing agreements should be encouraged.

(8) Telecommuting represents an established method for reducing fuel consumption, and information regarding the benefits of telecommuting should be made available to owners of small business concerns.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

SEC. 4. IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the

Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(b) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(1) assist small business concerns in becoming more energy efficient; and

(2) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(c) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(1) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(2) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(A) oversee and administer the requirements under this section and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(B) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(d) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

SEC. 5. SMALL BUSINESS ENERGY EFFICIENCY.

(a) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this section referred to as the "Efficiency Pilot Program") to provide energy efficiency assistance to small business concerns through small business development centers.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(A) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(B) conduct training and educational activities;

(C) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(D) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(E) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(2) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(A) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(B) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(C) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(D) any additional information determined necessary by the Administrator, in consultation with the association.

(3) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under paragraph (2) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(c) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(d) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(1) GROUPINGS.—

(A) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in subparagraphs (B) through (K) to participate in the pilot program established under this section.

(B) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(C) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(D) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(E) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(F) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(G) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(H) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(I) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(J) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(K) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(e) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(f) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under subsection (d) shall be eligible to receive a grant in an amount equal to—

(1) not less than $100,000 in each fiscal year; and

(2) not more than $300,000 in each fiscal year.

(g) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(h) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this section.

(j) TERMINATION.—The authority under this section shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

SEC. 6. SMALL BUSINESS TELECOMMUTING.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—In accordance with this section, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this section referred to as the "Telecommuting Pilot Program").

(2) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(A) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(B) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(C) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(3) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(A) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(B) conduct outreach—

(i) to small business concerns that are considering offering telecommuting options; and

(ii) as provided in paragraph (2); and

(C) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(4) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this section, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(c) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this section.

SEC. 7. ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

"(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

"(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

"(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

SEC. 8. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph, the terms 'energy efficiency project' and 'renewable energy system' have the meanings given those terms in section 9(z).

"(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) an energy efficiency project for an existing business.".

By Mr. GREGG:

S. 1658. A bill to amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

Mr. GREGG. Mr. President, I rise today to speak about several of the personal problems currently being experienced by some military families due to the deployment of one or both parents and to introduce three pieces of legislation, the language of which is included in the recently passed House of Representatives Defense authorization bill, which are designed to help alleviate those problems.

But first, I would like to express my sincere thanks to the fathers and mothers, husbands and wives, sisters and brothers, and the sons and daughters of our Nation, who in these very tumultuous and dangerous times have volunteered to join our Armed Forces and serve our country around the world. In December 1776, another of the tumultuous times for our Nation, Thomas Paine wrote "These are the times that try men's souls: The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman." Our modern day Patriots, who are now serving in the Army, Navy, Marine Corps, Air Force and Coast Guard, also heard and answered our country's call and they surely deserve the love and thanks of our Nation.

In some cases, while a military parent is deployed overseas, courts have overturned custody arrangements of their child or children; this while the deployed military custodial parent was unable to appear before the court. The first piece of legislation, S. 1658, would provide protection of child custody arrangements for Armed Forces parents who are deployed in contingency operations. The legislation states that if a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order that changes the child custody arrangement that existed as of the deployment date. An exception is allowed whereby the court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child. Additionally, if a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

The second piece of legislation, S. 1659, is intended to preclude some of the tension and anxiety that a child may suffer from the simultaneous deployment of both parents, as well as the grief that would result if both those parents were to lose their lives while simultaneously deployed. This bill would provide a limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents. It states that in the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

And the third piece of legislation, S. 1660, would initiate studies that could hopefully lead to improved support services for families of members of the National Guard and Reserve who are undergoing deployment. This legislation would direct the Secretary of Defense to conduct a study of possible methods to enhance support services for children of members of the National Guard and Reserve who are deployed. Additionally, the legislation would require the Pentagon to carry out a study on establishment of a program on family-to-family support for families of deployed members of the National Guard and Reserve.

Mr. President, I ask that my fellow Senators consider these bills.

By Mr. DORGAN (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 1661. A bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United

States from abroad; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing, along with Senators STEVENS and INOUYE, the Travel Promotion Act of 2007. We seek with this bill to increase travel to the United States and rebuild the country's place in the global travel market. After 9/11, the number of overseas travelers to the United States decreased dramatically and has still not recovered. Travel and tourism are a crucial part of our export industry, but other countries have gained market share to our detriment. Foreign travelers are going elsewhere.

The absence of federal leadership in travel promotion has resulted in States having to step in to fill that void. An example is the effort made by my home State of North Dakota, where tourism is the State's second largest industry, with visitors spending $3.36 billion in 2004. The investment that North Dakota made to encourage travel and tourism has reaped enormous benefits, with the State getting a return of investment of almost $82 for each dollar spent on travel promotion.

While States have made inroads to attracting travelers, the lack of a coordinated federal campaign creates a comparative disadvantage with countries that have centralized ministries or offices to encourage international travel to their countries. The example of North Dakota should be a lesson for the entire country. The United States offers unique and diverse destinations for travelers—a small investment in national coordination has the potential to create a significant windfall for our economy.

The Travel Promotion Act of 2007 will promote travel to the U.S., including areas not traditionally visited, highlighting the United States as a premier travel destination. The bill will improve communication of United States travel policies and perceptions of the process. Negative perceptions can often deter foreigners from traveling to the United States. Our communities will benefit from growth of this multi-billion dollar industry. With an increase in visitors they will experience an increase in jobs and expansion of local economies.

The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It creates a Corporation for Travel Promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers visiting the U.S. and matching contributions from the travel industry.

This is a great country, and we should welcome visitors to our shores to meet our people and experience our culture. I thank the Chair and Vice-Chair of the Committee on Commerce, Science, and Transportation for joining with me to develop this campaign and promote travel to our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) This Act may be cited as the "Travel Promotion Act of 2007.".

(b) TABLE OF CONTENTS—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. The Corporation for Travel Promotion.
Sec. 3. Accountability measures.
Sec. 4. Matching public and private funding.
Sec. 5. Travel promotion program funding.
Sec. 6. Assessment authority.
Sec. 7. Under Secretary of Commerce for Travel Promotion.
Sec. 8. Research program.
Sec. 9. Definitions.

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 14 members, appointed by the Secretary of Commerce, who are United States citizens with professional expertise and experience in the fields of travel, international travel promotion, and marketing and broadly represent various regions of the Nation, of whom—

(A) 1 shall represent hotel accommodations providers;

(B) 2 shall represent restaurant and retail businesses;

(C) 2 shall represent attractions and recreation businesses;

(D) 1 shall represent the passenger air transportation business;

(E) 1 shall represent the car rental business;

(F) 3 shall represent State and local offices from disparate regions of the country;

(G) 1 shall be a Federal employee (as defined in section 2105 of title 5, United States Code);

(H) 1 shall represent the higher education community; and

(I) 2 shall represent the small business community.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full terms.

(5) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of their members to be Chairman and elect 1 or more of their members as a Vice Chairman or Vice Chairmen.

(6) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(7) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Council. Each member of the Council shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a President, and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists and others interested in travelling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, and processes, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to counter and correct misperceptions regarding United States travel policy around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia, including areas not traditionally visited by international travelers.; and

(E) to give priority to the Corporation's efforts in terms of countries and populations most likely to travel to the United States.

(2) SPECIFIC POWERS.—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 8 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General shall have full and complete access to the books and records of the Corporation.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary. The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary no later than August 16 immediately preceding that fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(4) an explanation of the reason for any failure to achieve an objective established by the board; and

(5) such recommendations as the Corporation deems appropriate.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) FIRST YEAR.—For fiscal year 2008, the Corporation may borrow from the Treasury beginning on October 1, 2007, such sums as may be necessary, but not to exceed $10,000,000, to cover its initial expenses and activities under this Act. Before October 1, 2012, the Corporation shall reimburse the Treasury, without interest, for any such amounts borrowed from the Treasury, using funds deposited in the Fund from non-Federal sources. Amounts reimbursed to the Treasury shall be treated as matching funds from non-Federal sources for purposes of subsection (c) in the fiscal year in which such reimbursements are made.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2009 through 2012, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 5 of this Act, the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2008, except to the extent that—

(A) for fiscal year 2009, the Corporation provides matching funds from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2009, the Corporation provides matching funds from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount of matching funds, other than money, available to the Corporation—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) CARRYFORWARD.—The amount of any matching funds received by the Corporation in fiscal year 2009, 2010, or 2011 that cannot be used as matching funds in the fiscal year in which received may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

If a fully automated electronic traveler authorization system to collect basic biographical information in order to determine, in advance of travel, the eligibility of an alien to travel to the United States is implemented, the United States Government may charge a fee to an applicant for the use of the system. The amount of any such fee initially shall be at least $10, plus such amounts as may be necessary to cover the cost of operating such a system, but may be reduced thereafter if that amount is not necessary to ensure that the Corporation is fully funded.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(D), (H), or (I)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(3) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. UNDER SECRETARY OF COMMERCE FOR TRAVEL PROMOTION.

(a) IN GENERAL.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

"(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

"(b) UNDER SECRETARY FOR TRAVEL PROMOTION.—

"(1) IN GENERAL.—The head of the Office shall be the Under Secretary of Commerce for Travel Promotion. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Under Secretary shall—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to the promotion of travel in the United States.

"(3) LIMITATION ON INVESTMENTS.—The Under Secretary may not own stock in, or have a direct or indirect beneficial interest in, a corporation or other enterprise engaged in the travel, transportation, or hospitality business or in a corporation or other enterprise that owns or operates theme park or other entertainment facility.

"(c) FUNCTION.—The Under Secretary shall—

"(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2007 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

"(2) work with the Corporation, the Secretary of State, and the Secretary of Homeland Security—

"(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor; and

"(B) to ensure that arriving international visitors are processed efficiently and in a welcoming and respectful manner;

"(3) support State, regional, and private sector initiatives to promote travel to and within the United States;

"(4) supervise the operations of the Office of Travel and Tourism Industries; and

"(5) enhance the entry and departure experience for international visitors.

"(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2007, and periodically thereafter as appropriate, the Under Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce describing the Under Secretary's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).".

(b) CONFORMING AMENDMENTS.—

(1) Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Commerce for Travel Promotion.".

(2) The International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by striking "Commerce (hereafter in this Act referred to as the 'Secretary')" in section 201 (22 U.S.C. 2122) and inserting "Commerce, acting through the Under Secretary for Travel Promotion,".

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 6, is further amended by inserting after section 202 the following:

"SEC. 203. RESEARCH PROGRAM.

"The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

"(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

"(2) revising the Commerce Department's Survey of International Travelers questionnaire and report formats to accommodate a new survey instrument, expanding the respondent base, improving response rates, and improving market coverage;

"(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

"(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2007; and

"(5) research to support the annual report required by section 202(d) of this Act.".

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.".

SEC. 9. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the board of directors of the Corporation.

(2) CORPORATION.—The term "Corporation" means the Corporation for Travel Promotion established by section 2.

(3) FUND.—The term "Fund" means the Travel Promotion Fund established by section 4.

(4) SECRETARY.—Except as otherwise expressly provided, the term "Secretary" means the Secretary of Commerce.

Mr. INOUYE. Mr. President, the travel and tourism industry is a driving force for our Nation's economy. In 2006, the industry generated a $7.3 billion trade surplus. In 2006, international receipts for travel-related tourism spending reached $107.8 billion. Travel and tourism supported 8.3 million American jobs in 2006, of which 1.1 million were supported by international travel and tourism. In Hawaii, tourism is the largest industry bringing in approximately $12 billion annually, $4 billion of which derives from international visitor spending.

International tourism brings more than economic returns. International travelers who visit our country can advance our standing overseas. Studies have shown that, after visiting the United States and interacting with Americans, 74 percent of visitors have a more favorable opinion of our country.

In recent years, overseas travel to the United States has suffered. In the wake of the September 11, 2001, terrorist attack, the United States made a number of necessary changes in the visa and entry processes to improve security, but some of those changes have confused and deterred visitors from even the friendliest countries. Many in the travel industry have continued to express concerns about the perception that the U.S. entry process is unnecessarily antagonistic.

In order to strengthen our competitiveness and recover lost international market share, we must improve and better explain the process for travelers coming to America. The world needs to know that the United States welcomes business and leisure travelers.

In addressing these concerns, and in recognizing the benefits of travel promotion, I am pleased to join my colleagues, Senator DORGAN and Vice Chairman STEVENS, in introducing the Travel Promotion Act of 2007. The bill establishes a nonprofit, independent corporation charged with reaching out to potential international travelers, clarifying the ease of travel to America, and encouraging them to visit. As experts have testified in hearings before the Commerce Committee, a unified effort to promote tourism to all areas of the United States is necessary and cannot be achieved by the industry alone.

The proposed corporation will be run by 14 board members, appointed by the Secretary of Commerce, who represent all aspects of the travel industry, including State tourism boards, hotels, and airlines, as well as the Federal Government. A small fee collected from international travelers to the United States will help fund the corporation, but its costs will be truly shared with industry. In order to receive the funds collected by the Government, the corporation will need to raise matching funds from the travel industry. By working together, the Federal and State governments and business will be able to revitalize the travel industry and make America a stronger and more welcoming destination.

In most developed countries, the minister of tourism is one of the most powerful and important positions in the government. For too long, our Government has relegated travel and tourism to a second tier status. The bill seeks to improve that status by creating an Under Secretary of Commerce for Travel Promotion who would work with the State Department and the Department of Homeland Security, as well as the corporation, to improve travel promotion efforts and the entry process for international travelers.

The travel and tourism industry helps drive the U.S. economy. The Travel Promotion Act of 2007 will enhance our competitiveness while improving our image abroad, and I urge my colleagues to support this measure.

By Mr. KERRY (for himself and Ms. Snowe):

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today I am introducing legislation with my colleague, Senator Snowe, to increase access to venture capital for small businesses. This type of financing is essential to grow a company, but it's hard to come by, particularly for startup firms. The Small Business Administration, SBA, has played an important role in filling this gap for almost 50 years with the Small Business Investment Company, SBIC, program.

Since the SBIC program's inception in 1958, SBIC firms have invested $48 billion in more than 100,000 small businesses. For fiscal year 2006 alone, 30 percent of all SBIC investment dollars went to companies that had been in business for two years or less. Overall in that year, SBIC financing supported more than 2,000 small businesses which employed a total of 286,000 Americans.

Many extremely successful companies that received their start from SBIC financing are now household names: Intel, Federal Express, Jenny Craig, and Outback Steakhouse are all SBIC success stories. Companies receiving SBIC financing have also consistently appeared on a variety of prominent business lists, including Inc. 500, BusinessWeek's "Hot Growth Companies" and "Hot Growth Hall of Fame," Fortune magazine's "Best Companies to Work For" and "Most Admired Companies," and the FSB 100. And they provide tens of thousands of jobs and contribute significantly to our Federal and local tax bases, paying back the investment many times over.

Given the important contribution SBIC funds have made to our economy, our bill reauthorizes the SBIC program for another 3 years, through 2010, ensuring the continued availability of this important small business financing tool. Additionally, the legislation simplifies the program's regulations to attract new investors and allow existing investors to increase their involvement. These provisions will ensure that dependable capital is available for small businesses for years to come.

Entrepreneurs may start out small, but the contribution they make to our economy is huge—and particularly important in underserved communities. This legislation will also increase the leverage cap for small businesses owned by women and minorities as well as those located in low-income areas. It will simplify existing incentives for investing in the smallest businesses in order to give every entrepreneur a fighting chance. Finally, we have included a provision which ensures that SBICs licensed under the participating securities program will be able to easily make follow-up investments in successful companies.

Small businesses are responsible for more than two-thirds of all new jobs in America. They employ more than half of the private sector work force, and pump over $900 billion into the economy annually. As small business owners are living the American dream, they should be able to count on the government to help create an environment where they can do what they do best: innovate, compete, and create good jobs for Americans.

I thank Senator Snowe for joining me in introducing this bill, and I ask my colleagues to support it when it comes before the full Senate for consideration. Mr. President, I ask that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Venture Capital Act of 2007".

SEC. 2. REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "low-income geographic area" has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term "New Markets Venture Capital company" has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term "New Markets Venture Capital Program" means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) Selection of Companies in Each Geographic Region.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

"(f) Geographic Requirement.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall select, to the extent practicable, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.".

(b) Participation in New Markets Venture Capital Program.—

(1) Administration participation required.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking "under which the Administrator may" and inserting "under which the Administrator shall".

(2) Small manufacturer participation agreements required.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended—

(A) by striking "In accordance with this part," and inserting the following:

"(a) In General.—In accordance with this part,";

(B) in subsection (a)(1), as so designated by this paragraph, by inserting after "section 352" the following: "(with at least 1 such agreement to be with a company engaged primarily in development of and investment in small manufacturers, to the extent practicable)"; and

(C) by adding at the end the following:

"(b) Rule of Construction.—Subsection (a)(1) shall not be construed to authorize the Administrator to decline to enter into a participation agreement with a company solely on the basis that the company is not engaged primarily in development of and investment in small manufacturers.".

SEC. 4. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

"SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

"(a) Establishment.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

"(b) Director.—The Office of New Markets Venture Capital shall be headed by a Director, who shall be a career appointee in the Senior Executive Service, as those terms are defined in section 3132 of title 5, United States Code.

"(c) Responsibilities of Director.—The responsibilities of the Director of the Office of New Markets Venture Capital include—

"(1) to administer the New Markets Venture Capital Program under part B of title III;

"(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

"(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

"(4) to encourage investment in small manufacturing.".

SEC. 5. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D of the Internal Revenue Code of 1986 (relating to the new markets tax credit)."; and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351(2) of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to private capital raised under section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) before, on, or after the date of enactment of this Act.

SEC. 6. LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended by striking "a period of time, not to exceed 2 years," and inserting "2 years".

SEC. 7. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 8. OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

"(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

"(i) 10 percent of the private capital raised by the company; or

"(ii) $1,000,000.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal years 2001 through 2006" and inserting "fiscal years 2007 through 2010"; and

(2) in paragraph (2), by striking "$30,000,000" and inserting "$20,000,000".

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the "Small Business Venture Capital Act of 2007," a bill to reauthorize and improve the Small Business Administration's (SBA) Small Business Investment Company (SBIC) Program. I am deeply committed to supporting our nation's small businesses by increasing their access to capital. Small businesses employ more than half (57 percent) of the total private-sector workforce and are responsible for the creation of more than two-thirds of all new jobs. Clearly, increasing investments in small businesses is crucial to our on-going economic success.

This bill, a product of genuine bipartisan negotiation, will reform and enhance the SBIC program, which is so vital to fostering innovation, growth, and job creation in small businesses throughout our country. SBICs are privately owned and managed venture capital investment companies that are licensed and regulated by the SBA. SBICs use their own capital, combined with funds borrowed from other private investors and supported by an SBA guarantee, to make equity and debt investments in qualifying small businesses. The SBA shares in the profits of SBICs. The structure of the program is unique and has been a model for similar public-private partnerships around the world.

The program has been successful in mobilizing private venture capital investment and leveraging private investment with additional funds supported by SBA guarantees. According to the SBA's annual reports to Congress, the SBIC program has provided billions in financing to small businesses since its inception. For example, companies like Staples, FedEx, Outback Steakhouse, America Online, Costco, Apple Computers, and Intel have all received SBIC investments at one time in their history.

Each year, financing brought about by the SBIC program allows small businesses to create or retain tens of thousands of jobs. For example, during Fiscal Year 2006, the SBIC program invested $2.987 billion in 2,121 small businesses. Of these, 40 percent were located in government-designated Low and Moderate Income (LMI) areas of the county. Those LMI-district companies received $669 million of the total dollars invested by SBICs in 2006. Since its beginning in 1958, the SBIC program has provided approximately $48 billion of long-term debt and equity capital to more than 100,000 small businesses. In fact, in my home State of Maine, SBICs invested nearly $21 million during FY 2006.

A key proposal in this bill is a technical change made to simplify the maximum leverage limits contained in the current statute. Under current law, the maximum leverage cap or the maximum amount of government-guaranteed capital an SBIC can control for Fiscal Year 2007, is $127.2 million for any one SBIC or for multiple SBICs controlled by the same management team. The cap increases automatically on an annual basis by the percentage increase in the Consumer Price Index (CPI). The problem with current law is that because the leverage cap applies to a whole family of SBICs, it is often impossible for a successful SBIC to operate a second or third fund due to a lack of available leverage. Additional leverage would remedy this issue. Accordingly, the bill increases the leverage cap for anyone fund to $150 million, and the cap for multiple funds held under one management team to $225 million.

Furthermore, this bill will increase leverage available for investment in minority- and women-owned businesses, which are having trouble accessing SBIC dollars. In Fiscal Year 2004, minority-owned firms received 5.2 percent of financing dollars. Women-owned businesses obtained just 2.2 percent of financing dollars. To try to increase financing available to such small businesses, the bill increases leverage limits to $175 million for a single fund and $250 million for a group of funds held under an SBIC license if the SBIC certifies that at least 50 percent of its investments are made in companies that are owned by either women or minorities, or are located in a low-income geographic area.

Mr. President, I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Failing to advance this bill would diminish our chances for innovation, and stifle the entrepreneurial opportunities this program has and will continue to produce.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1663. A bill to amend the Small Business Investment Act of 1958 to reauthorize the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in addition to introducing a bill to reauthorize the Small Business Investment Company, SBIC, program, Senator SNOWE and I are introducing a bill to extend the New Markets Venture Capital, NMVC, program. The Securing Equity for the Economic Development of Low Income Areas Act of 2007, or the SEED Act, is important to states like Massachusetts and Maine.

Both of our States are home to pioneers in the field of development venture capital, which uses the discipline of traditional venture investing to focus on economic development in low-income areas. We know the benefits of this type of investment and believe the model should be expanded to other parts of the country.

Our support is not new. In my case, I was the sponsor of the Community Development and Venture Capital Act of 1999, which created the New Markets Venture Capital program. Its purpose was to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses located in impoverished rural and urban areas or that employ low-income people.

Both innovative and fiscally sound, this program was built on two of the Small Business Administration's most popular programs. It developed a financial structure similar to that of the successful Small Business Investment Company, SBIC, program, mentioned earlier, while also incorporating a technical assistance component similar to that of SBA's microloan program.

However, unlike the SBIC program, which focuses on small businesses with high-growth potential, the New Markets Venture Capital program focuses on small businesses that show promise of both financial and social returns—what is referred to as a "double bottom line." These businesses have special needs, and they tend to want intensive, ongoing financial, management and marketing assistance, be higher risk, and need longer periods to pay back money than SBIC investments. However, they more than balance out the equation by providing good, stable jobs and creating wealth in our neediest communities.

Unfortunately, the program expired in 2006, and it has been operating under temporary authority since then. The SEED Act seeks to reauthorize, expand, and improve this important program.

First, the bill will reauthorize the program for the next 3 years until 2010, making it possible for the SBA to license up to 20 more New Markets Venture Capital funds. Those funds will have the potential to invest $250 million in small businesses in low-income areas, by leveraging $150 million in debentures. Building on experiences with this program and the Rural Business Investment Company Program, which proved the matching requirement unreasonable and inefficient, the bill changes the operational assistance grants so that firms can get up to $1 million in funding in order to provide the companies they invest in with management assistance services. This support is absolutely necessary to make their business a success. Also important to making future funds successful, we have clarified that new markets venture capital companies have two years to raise their private capital. The committee has been troubled by the Agency's interpretation of the NMVC statute, which they viewed as giving SBA the authority to choose how much time it can give conditionally approved NMVCs to raise private-sector matching money. The chosen time frames were unreasonable and not what Congress intended. This bill clarifies that they get the full 2 years to raise the money. The bill also establishes an office of new markets venture capital so that there are resources devoted to its management and oversight, something lacking in past years. And to try to expand the reach of development capital in other parts of the country, the bill requires the SBA, to the extent practicable, to try and license funds in each of the Agency's ten regions, so that there is diversity. And it requires the SBA, to the extent practicable, to try and license a fund that focuses on investments in small manufacturers, as a way to help stem the loss of manufacturing in this country.

On behalf of the Nation's small businesses and entrepreneurs, I urge my colleagues to support this important legislation. Mr. President, I ask that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Equity for the Economic Development of Low Income Areas Act of 2007" or the "SEED Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "low-income geographic area" has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term "New Markets Venture Capital company" has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term "New Markets Venture Capital Program" means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SELECTION OF COMPANIES IN EACH GEOGRAPHIC REGION.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

"(f) GEOGRAPHIC REQUIREMENT.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall select, to the extent practicable, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.".

(b) PARTICIPATION IN NEW MARKETS VENTURE CAPITAL PROGRAM.—

(1) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking "under which the Administrator may" and inserting "under which the Administrator shall".

(2) SMALL MANUFACTURER PARTICIPATION AGREEMENTS REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended—

(A) by striking "In accordance with this part," and inserting the following:

"(a) IN GENERAL.—In accordance with this part,";

(B) in subsection (a)(1), as so designated by this paragraph, by inserting after "section 352" the following: "(with at least 1 such agreement to be with a company engaged primarily in development of and investment in small manufacturers, to the extent practicable)"; and

(C) by adding at the end the following:

"(b) RULE OF CONSTRUCTION.—Subsection (a)(1) shall not be construed to authorize the Administrator to decline to enter into a participation agreement with a company solely on the basis that the company is not engaged primarily in development of and investment in small manufacturers.".

SEC. 4. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

"SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

"(a) ESTABLISHMENT.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

"(b) DIRECTOR.—The Office of New Markets Venture Capital shall be headed by a Director, who shall be a career appointee in the Senior Executive Service, as those terms are defined in section 3132 of title 5, United States Code.

"(c) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the Director of the Office of New Markets Venture Capital include—

"(1) to administer the New Markets Venture Capital Program under part B of title III;

"(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

"(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

"(4) to encourage investment in small manufacturing.".

SEC. 5. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D of the Internal Revenue Code of 1986 (relating to the new markets tax credit)."; and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351(2) of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to private capital raised under section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) before, on, or after the date of enactment of this Act.

SEC. 6. LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended by striking "a period of time, not to exceed 2 years," and inserting "2 years".

SEC. 7. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 8. OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

"(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

"(i) 10 percent of the private capital raised by the company; or

"(ii) $1,000,000.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal years 2001 through 2006" and inserting "fiscal years 2007 through 2010"; and

(2) in paragraph (2), by striking "$30,000,000" and inserting "$20,000,000".

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the Securing Equity for the Economic Development of Low Income Areas Act of 2007, a bill to reauthorize the New Markets Venture Capital, NMVC, Program. The NMVC program specializes in providing investment dollars to small businesses in underserved, low-wealth urban and rural communities.

Selected by the SBA through a competitive process, NMVC companies are privately owned and managed for-profit entities. They use their own private capital plus debentures obtained at favorable rates with SBA guarantees for investing. In addition, they provide technical assistance to the low-income enterprises in which they invest or intend to invest, by using private resources matched by the SBA in the form of operational assistance grants. While the Consolidated Appropriations Act of 2001, which established the program, contemplated 15 NMVC companies, unfortunately, only six NMVC companies have received final approval.

Despite the shortfall in the final numbers of approved companies, the NMVC program has achieved some remarkable success since Congress created it in 2000. According to the Community Development Venture Capital Alliance, as of March 31, 2006, the six NMVC companies had invested more than $13.4 million of capital into 29 small businesses. Not only have the NMVC Companies brought investment dollars to underinvested areas, but they have also created or maintained 1,626 jobs in low-income communities.

Although the statistics I have just cited pertain to the entire Nation, I want to share an example of how the NMVC program has been a tremendous benefit to my home State of Maine. In 2003, Mike Cote purchased Look's Canning Company in Whiting, ME, which had become one of the last of what had been dozens of canneries along Maine's coast. After changing the canning company's name to Look's Gourmet Food Company, Mike worked with Wiscasset, Maine, based Coastal Enterprises, Inc., a New Markets Venture Capital Company, to help grow the business. Look's Gourmet Food Company is now thriving by selling all-natural, high-quality, shelf-stable seafood products under the "Bar Harbor T" and "Atlantic T" brands all over the country. As Look's took off, it was able to create 18 new jobs with benefits in Maine's Washington County. That's no small feat for a company doing business in a county that had a 9.1 percent unemployment rate in February, the highest in Maine and more than double the national average. The bill introduced today will go a long way to assisting many low-income communities across America.

Other than reauthorizing the NMVC Program, this bill will make other changes to ensure the program is given the full opportunity to achieve its full potential. For example, the bill will conform the definition of "low-income geographic area" used in the NMVC program to the definition of a "low-income community" as defined by the New Markets Tax Credit, NMTC, program. This amendment is beneficial because many investors participate in both the NMVC and NMTC programs, and a uniform definition between the two programs would improve coordination between the two programs. This change would allow NMVC companies to invest in businesses that benefit a low-income population, as well as businesses located in low-income census tracts. This flexibility to serve low income "targeted populations" would be particularly important for NMVC companies operating in states like Maine which have large rural areas with dispersed populations. Additionally, the bill ensures that all existing NMVC companies can take advantage of the amended targeting for investments made with the capital they have already raised.

The entrepreneurial spirit of our 26 million small businesses dates back to our Nation's founding. Small businesses are the cornerstone of economic growth and job creation, and it is critical that we support the NMVC program that enables aspiring entrepreneurs to obtain the crucial financing dollars they need to start and grow their businesses. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long fought to ensure the success and vitality of our country's small business sector. An investment in small business is an investment in the long-term economic prosperity of America, and I encourage my colleagues to support this vital legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—EXPRESSING THE SENSE OF THE SENATE THAT THE ADMINISTRATION SHOULD RIGOROUSLY ENFORCE THE LAWS OF THE UNITED STATES TO SUBSTANTIALLY REDUCE ILLEGAL IMMIGRATION AND GREATLY IMPROVE BORDER SECURITY

Mr. SESSIONS (for himself, Mr. DEMINT, Mrs. DOLE, Mr. GRASSLEY, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 239

Whereas the President of the United States has the primary authority to employ Federal Government resources to enforce Federal immigration laws;

Whereas an estimated 40 percent of the estimated 12,000,000 to 20,000,000 illegal immigrants in the United States have overstayed their nonimmigrant visas;

Whereas the implementation of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program would provide the Federal Government with information about whether people who entered the country on a short-term visa return to their countries of origin before such visas expire;

Whereas the decision of the Department of the Treasury to allow financial institutions to accept the Mexican matricula consular card as valid identification for the purpose of opening bank accounts encourages illegal immigrants to remain in the United States;

Whereas Federal Bureau of Investigation officials have testified under oath that the matricula consular card "is not a reliable form of identification, due to the nonexistence of any means of verifying the true identity of the card holder" and because the card is so vulnerable to fraud and forgery "there are 2 major criminal threats posed by the cards, and 1 potential terrorist threat.";

Whereas the current and previous Administrations have failed to enforce the legally binding affidavits of support signed by sponsors of immigrants;

Whereas the lack of such enforcement sends a message to immigrants that they can wrongfully take advantage of government benefits paid for by American taxpayers;

Whereas 98 percent of illegal immigrants arrested along the international border between the United States and Mexico between 2000 and 2005 were released across the border without prosecution, and many of such illegal immigrants were caught and released multiple times;

Whereas such a catch and return without prosecution policy encourages illegal immigrants to keep trying to enter illegally and creates a revolving door of illegal immigration;

Whereas the current and previous Administrations have largely ignored laws enacted as part of the Immigration Reform and Control Act of 1986 that impose fines on businesses that employ illegal workers;

Whereas in 2004, the Administration did not issue any final orders to employers for hiring illegal immigrants;

Whereas in 2005, the Administration issued only 10 such final orders;

Whereas not enforcing employer sanctions encourages the hiring of illegal immigrants and the easy availability of jobs acts as a magnet that attracts illegal immigrants;

Whereas neither the Department of Homeland Security nor the Department of Justice has filed suit to stop any of the 10 States that allow colleges and universities to offer in-State tuition rates to illegal immigrants in violation of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

Whereas such a policy unfairly burdens United States citizens because there are fewer places for legal residents in those colleges or universities and out-of-State students pay higher tuition than the tuition charged to illegal immigrants;

Whereas in some judicial jurisdictions alien smugglers will not be prosecuted by the United States Attorney's Office unless they are caught smuggling at least 12 illegal immigrants;

Whereas such a policy acts as an incentive for smugglers to continue their trade as long as they do not breach the arbitrary threshold for prosecution;

Whereas, as of June 2007, there are only 13,500 active border patrol agents, which is 1,306 less than the number Congress required be in place by the end of fiscal year 2007 under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas more Border Patrol agents would help ensure effective control of the international border between the United States and Mexico;

Whereas, as of June 2007, there are only 27,500 detention beds for holding illegal immigrants, which is 15,944 less than the number Congress required be in use by the end of fiscal year 2007 under section 5204 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional detention beds would help ensure that all criminal aliens and individuals apprehended while crossing the border illegally are detained prior to prosecution and deportation;

Whereas, as of June 2007, there are only 5,571 immigration investigators, which is less than the number Congress required be in place by the end of fiscal year 2007 under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional investigators would help ensure that sufficient worksite enforcement is performed to impose employer sanctions on those who hire illegal immigrants;

Whereas the Secure Fence Act of 2006 requires that more than 700 miles of fencing be built along the international border between the United States and Mexico;

Whereas as of June 5, 2007, only 87 miles of fencing exists, even though such fencing helps deter illegal border crossing;

Whereas the Department of Homeland Security may use expedited removal procedures for any illegal immigrants who have not been admitted or paroled into the United States and who have not affirmatively shown that they have been inside the United States for 2 years;

Whereas the Department of Homeland Security only uses expedited removal procedures for illegal immigrants who are apprehended within 100 miles of the United States border and within 14 days of entry to the Unites States even though wider use of expedited removal would help decrease the number of appeals of removal orders which clog the Federal court system;

Whereas the current Immigration Violators File in the National Crime Information Center (NCIC) database is being underutilized and could be expanded so that State and local law enforcement could help locate the more than 600,000 alien absconders living in the United States; and

Whereas the current illegal immigration crisis is a direct result of this and previous Administrations failing to enforce or adequately enforce at least 8 immigration laws passed by Congress and enacted by the current and previous Administrations: Now, therefore, be it

Resolved, That the Senate believes that—

(1) the Administration should—

(A) implement the entry and exit portions of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) as required under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

(B) reverse the United States Treasury Department decision to allow financial institutions to accept the Mexican matricula consular cards as valid identification for the purpose of opening bank accounts;

(C) enforce legally binding affidavits of support signed by sponsors of immigrants;

(D) end the practice of catching illegal immigrants at the border and returning them without prosecution;

(E) enforce the employer sanctions contained in the Immigration Reform and Control Act of 1986.

(F) enforce section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which prohibits in-State college tuition for illegal immigrants.

(G) require prosecution of anyone caught smuggling immigrants across the border regardless of how many immigrants are being smuggled.

(H) increase the number of full time border patrol agents by at least 1,306 by the end of fiscal year 2007, as authorized by the Intelligence Reform and Terrorism Prevention Act of 2004;

(I) increase the number of detention beds for illegal immigrants by at least 15,944 by the end of fiscal year 2007, as authorized under the Intelligence Reform and Terrorism Prevention Act of 2004;

(J) increase the number of full time immigration investigators by at least 1,600 by the end of fiscal year 2007, as authorized by the Intelligence Reform and Terrorism Prevention Act of 2004;

(K) comply with the Secure Fence Act of 2006 by building over 700 miles of fencing along the international border between the United States and Mexico;

(L) increase the use of expedited removal procedures for all illegal immigrants eligible for removal under United States immigration laws; and

(M) expand the Immigration Violators File in the NCIC database to include information on aliens with final orders of removal, aliens with expired voluntary departure agreements, aliens whom Federal immigration officers have confirmed are unlawfully present, and aliens whose visas have been revoked; and

(2) taking the steps set forth in paragraph (1)—

(A) will lead to a substantial reduction in illegal immigration; and

(B) will greatly improve the border security of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1655. Mr. NELSON, of Florida (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1656. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1657. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1658. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1659. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1660. Mr. INHOFE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1661. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1662. Ms. KLOBUCHAR (for herself, Mr. BOND, Mr. NELSON, of Nebraska, Mr. VOINOVICH, Mr. KERRY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1663. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1664. Ms. KLOBUCHAR (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1665. Mr. SALAZAR (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1666. Mr. INHOFE (for himself, Mr. BURR, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1667. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1668. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1669. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1670. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1671. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1672. Mr. SCHUMER (for himself and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1673. Mr. BINGAMAN (for himself, Mr. Dodd, Mr. Allard, Mr. Reed, Mr. Crapo, Mr. Schumer, Mr . Martinez, Mr. Casey, and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1674. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1675. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1676. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1677. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1678. Mrs. HUTCHISON (for herself and Mr. Cornyn) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1679. Mrs. HUTCHISON (for herself and Mr. Cornyn) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1680. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1681. Mr. HAGEL (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1682. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1683. Mr. VOINOVICH (for himself, Mr. Carper, and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1684. Mrs. HUTCHISON (for herself and Mr. Cornyn) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1685. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1686. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1687. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1688. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1689. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1690. Mr. MENENDEZ (for himself and Mr. Sanders) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1691. Mr. WYDEN (for himself and Mr. Sununu) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1692. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1693. Mr. BINGAMAN (for himself, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1694. Mr. BINGAMAN (for himself, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1695. Mr. BINGAMAN (for himself, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1696. Mr. NELSON, of Nebraska (for himself, Mr. Craig, Mr. Crapo, Mr. Kohl, Mr. Allard, and Mr. Thune) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1697. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1698. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1699. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1700. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1701. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1702. Ms. SNOWE (for herself and Mr. Kerry) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1703. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1704. Mr. BAUCUS (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) proposed an amendment to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra.

SA 1705. Mr. KERRY (for himself, Ms. Cantwell, and Mr. Tester) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1706. Mr. KERRY (for himself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1707. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1708. Mr. TESTER (for himself and Mr. Coleman) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1709. Mr. ENZI proposed an amendment to the bill S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

SA 1710. Mr. FEINGOLD (for himself, Mr. Sanders, and Mr. Menendez) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1711. Mr. PRYOR (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1712. Mr. PRYOR (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1713. Mr. PRYOR (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1714. Mr. SCHUMER (for Mr. Kennedy) proposed an amendment to the bill H.R. 1429, to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

SA 1715. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1655. Mr. NELSON of Florida (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, line 5, strike "35" and insert "40".

SA 1656. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, add the following:

SEC. 2 . ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS DISTRIBUTORS.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS DISTRIBUTORS.

"(a) DEFINITIONS.—In this section:

"(1) BASE QUANTITY.—The term 'base quantity', with respect to a retail electricity or natural gas distributor, means the total quantity of electric energy or natural gas delivered by the retail electricity or natural gas distributor to retail customers (other than to an electricity distributor for purposes of electric generation) during the most recent calendar year for which information is available.

"(2) CHP SAVINGS.—

"(A) IN GENERAL.—The term 'CHP savings' means the increment of electric output of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), as determined in accordance with such regulations as the Secretary may promulgate.

"(B) RELATED DEFINITION.—For purposes of subparagraph (A), the term 'new combined heat and power system' means a system that uses the same energy source for the generation of electrical or mechanical power and the production of steam or another form of useful thermal energy, if—

"(i) the facility at which the system is used meets such requirements relating to efficiency and other operating characteristics as the Secretary may promulgate by regulation;

"(ii) the net wholesale sales of electricity by the facility will not exceed 50 percent of total annual electric generation by the facility; and

"(iii) the facility commences operation after June 30, 2007.

"(3) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity or natural gas consumption (including recycled energy savings) at a facility of an end-use consumer of electricity or natural gas served by a retail electricity or natural gas distributor, as compared to—

"(A) consumption at that facility during a base year;

"(B) in the case of new equipment, regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment, consumption by new equipment of average efficiency; or

"(C) in the case of a new facility, consumption at a reference facility.

"(4) ELECTRICITY SAVINGS.—The term 'electricity savings' means, as determined in accordance with such regulations as the Secretary may promulgate—

"(A) customer facility savings of electricity consumption, adjusted to reflect any associated increase in fuel consumption at the facility;

"(B) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency (as defined in regulations to be promulgated by the Secretary); and

"(C) CHP savings.

"(5) NATURAL GAS SAVINGS.—The term 'natural gas savings' means, as determined in accordance with such regulations as the Secretary may promulgate—

"(A) customer facility savings of natural gas, adjusted to reflect any associated increase in electricity consumption at the facility; and

"(B) reductions in leakage, operational losses, and gas fuel consumption in the operation of a gas distribution system achieved by a retail gas distributor, as compared to similar losses during a base year.

"(6) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity or natural gas consumption that is attributable to electrical or mechanical power (or both), or thermal energy, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

"(7) RETAIL ELECTRICITY OR NATURAL GAS DISTRIBUTOR.—The term 'retail electricity or natural gas distributor' means a person or Federal or State agency that—

"(A) owns or operates an electric or natural gas distribution facility; and

"(B) using the facility, delivers to consumers of the energy that are not affiliated with, and that are not lessees or tenants of, the person or agency, during the most recent calendar year for which data are available—

"(i) more than 800,000 megawatt hours of electricity; or

"(ii) more than 1,000,000,000 cubic feet of natural gas.

"(8) VERIFIED ELECTRICITY OR NATURAL GAS SAVINGS.—The term 'verified electricity or natural gas savings' means electricity savings or natural gas savings that meet the requirements of subsection (c).

"(b) PERFORMANCE STANDARD.—

"(1) IN GENERAL.—For calendar year 2010, and each calendar year thereafter, each retail electricity or natural gas distributor shall submit to the Secretary, by not later than March 31 of the calendar year after the applicable calendar year, a number of credits issued under subsection (d) equal to the following percentages of the base quantity of the retail electricity or natural gas distributor applicable to the calendar year:

Year	Electricity Credits (%)	Natural Gas Credits (%)
2010	0.5	0.3
2011	1.25	0.6
2012	2.0	1.0
2013	3.0	1.5
2014	4.0	2.0
2015	5.0	2.5
2016	6.0	3.0
2017	7.0	3.5

Year	Electricity Credits (%)	Natural Gas Credits (%)
2018	8.0	4.0
2019	9.0	4.5
2020	10.0	5.0

"(2) Subsequent calendar years.—For calendar year 2021 and each calendar year thereafter, each retail electricity or natural gas distributor shall submit to the Secretary, by not later than March 31 of the calendar year after the applicable calendar year, a number of credits issued under subsection (d) equal to such a percentage of the base quantity of the retail electricity or natural gas distributor as the Secretary may determine, by regulation, but in no case less than the applicable percentage for calendar year 2020.

"(c) Measurement and Verification of Savings.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding measurement and verification of electricity and natural gas savings under this section, including—

"(1) procedures and standards for defining and measuring electricity savings and natural gas savings that will be eligible to receive credits under subsection (d)(2), which shall—

"(A) specify the types of energy efficiency and energy conservation measures that will be eligible for the credits;

"(B) require that energy consumption estimates for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

"(C) account for the useful life of electricity savings measures;

"(D) include deemed savings values for specific, commonly-used efficiency measures;

"(E) specify the extent to which electricity savings and natural gas savings attributable to measures carried out before July 1, 2007, are eligible to receive credits under this section; and

"(F) exclude savings that—

"(i) are not properly attributable to measures carried out by the entity seeking the credit (or a designated agent of the entity); or

"(ii) have already been credited under this section to another entity; and

"(2) procedures and standards for third-party verification of reported electricity savings or natural gas savings.

"(d) Credit and Trading System.—

"(1) Credit regulations.—

"(A) In general.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding—

"(i) the issuance of credits under this section;

"(ii) a national credit trading system; and

"(iii) a system for independent monitoring of the market for the credits.

"(B) Limitations.—In promulgating regulations under subparagraph (A), the Secretary may establish such limitations as the Secretary determines to be appropriate with respect to the extent to which a retail electricity or natural gas distributor may achieve compliance with subsection (b) by submitting credits issued for electricity or natural gas savings that are not customer facility savings at a facility served by the retail electricity or natural gas distributor.

"(C) Requirement.—In promulgating regulations under subparagraph (A), the Secretary shall provide for the issuance of appropriate credits for the mechanical output of new combined heat and power systems.

"(2) Issuance of credits.—In accordance with the regulations promulgated under paragraph (1), the Secretary shall issue credits for—

"(A) verified electricity and natural gas savings achieved by a retail electricity or natural gas distributor in a certain calendar year; and

"(B) verified electricity and natural gas savings achieved by other entities (including State agencies), if—

"(i)(I) no retail electricity or natural gas distributor paid a substantial portion of the cost of achieving the savings; or

"(II) if a retail electricity or natural gas distributor paid a substantial portion of the cost of achieving the savings, the retail electricity or natural gas distributor has waived any entitlement to the credit; and

"(ii) the measures used to achieve the verified electricity and natural gas savings were installed or placed in operation by the entity seeking certification (or a designated agent of the entity).

"(3) Value of credits.—A credit issued by the Secretary under this subsection shall have a value of—

"(A) 1,000 kilowatt-hours, in the case of an electricity savings credit; or

"(B) 10 therms, in the case of a natural gas savings credit.

"(4) Fee.—

"(A) In general.—Subject to subparagraph (B), the Secretary shall charge the recipient of a credit under this section a fee in an amount equal to, as determined by the Secretary, the administrative costs of issuing, recording, monitoring the sale or exchange of, and receiving the credit.

"(B) Maximum amount.—Notwithstanding subparagraph (A), the amount of a fee under this paragraph shall be not more than, as applicable—

"(i) $1 for a electric credit; or

"(ii) $0.10 for a natural gas credit.

"(C) Use of funds.—The Secretary shall use fees received under this paragraph for the administrative costs of carrying out this subsection.

"(5) Credit sale and use.—In accordance with regulations promulgated under paragraph (1), any entity that receives a credit under this section may—

"(A) sell or transfer the credit to any other entity; or

"(B) use the credit to achieve compliance with the performance standard under subsection (b).

"(e) Buyout Option.—In lieu of submitting credits to achieve compliance with an applicable performance standard under subsection (b) for a calendar year, a retail electricity or natural gas distributor may pay to the Secretary, by not later than March 31 of the following calendar year, a buyout fee in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate—

"(1) $20 for each electricity savings credit otherwise required to be submitted by the retail electricity or natural gas distributor; or

"(2) $2 for each natural gas savings credit otherwise required to be submitted by the retail electricity or natural gas distributor.

"(f) State Administration.—On receipt of an application from the Governor of a State, the Secretary may authorize the State to administer and enforce an energy efficiency program in the State in lieu of the program under this section, if the Secretary determines that the State program will achieve electricity savings and natural gas savings at least equivalent to the electricity savings and natural gas savings that would be required to be achieved by electricity and natural gas distributors in the State under this section.

"(g) Information and Reports.—In accordance with section 13 of the Federal Energy Administration Act of 1974 (15 U.S.C. 774), the Secretary may require any retail electricity or natural gas distributor or other entity that receives a credit under this section, and any other entity as the Secretary determines to be necessary, to provide such information and reports, and access to any records or facility of the entity, as the Secretary determines to be appropriate to carry out this section.

"(h) Enforcement.—

"(1) Failure to submit credits.—Except in a case in which a State program is carried out in lieu of the program under this section under subsection (f), if a retail electricity or natural gas distributor fails to submit to the Secretary any credit required for compliance with the applicable performance standard under subsection (b), or to pay to the Secretary an applicable buyout payment under subsection (e), the Secretary shall assess against the retail electricity or natural gas distributor a civil penalty for each such failure in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate—

"(A) $100 for each electricity savings credit or buyout payment failed to be made by the retail electricity or natural gas distributor; or

"(B) $10 for each natural gas savings credit or buyout payment failed to be made by the retail electricity or natural gas distributor.

"(2) Procedure.—The procedures under section 31(c) of the Federal Power Act (16 U.S.C. 823b(c)) shall apply to a civil penalty assessed under paragraph (1).

"(i) State Law.—Nothing in this section supersedes or otherwise affects any State or local law (including regulations) relating to electricity savings or natural gas savings, to the extent that the State or local law requires equal or greater electricity savings or natural gas saving than the savings required by this section.".

SA 1657. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, line 14, strike "(e)" and insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in part or in whole by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates.

"(B) sold in the United States fewer than 0.5 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.5 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.".

(f)

SA 1658. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF COASTAL IMPACT ASSISTANCE TO IMPROVE HURRICANE OR FLOOD PROTECTION IN RESPONSE TO HURRICANE KATRINA OR RITA.

Section 31(d)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(d)(3)) is amended—

(1) by striking "Not" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), no"; and

(2) by adding at the end the following:

"(B) USE FOR HURRICANE OR FLOOD PROTECTION IN RESPONSE TO CERTAIN HURRICANES.—Subparagraph (A) shall not apply to the extent that the 1 or more purposes are designed to improve the level of hurricane or flood protection in an area declared to be a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita during calendar year 2005.".

SA 1659. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _. CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D (relating to allowance of credit), as amended by this Act, is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by adding at the end the following new paragraph:

"(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.".

(b) MAXIMUM CREDIT.—Paragraph (1) of section 25D(b) (relating to maximum credit), as amended by this Act, is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(E) $4,000 with respect to any qualified biomass fuel property expenditures.".

(c) MAXIMUM EXPENDITURES.—Subparagraph (A) of section 25D(e)(4) (relating to maximum expenditures in case of joint occupancy) is amended—

(1) by striking "and" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) $13,334 in the case of any qualified biomass fuel property expenditures.".

(d) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D (relating to definitions), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

"(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

"(ii) which has a thermal efficiency rating of at least 75 percent.

"(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(e) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

SA 1660. Mr. INHOFE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 402 through 404 and insert the following:

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act; and

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95-619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23-203.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

SA 1661. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION OF EMISSION STANDARD FOR NEW QUALIFIED ADVANCED LEAN BURN MOTOR VEHICLE CREDIT.

Subclause (I) of section 30B(c)(3)(A)(iv) of the Internal Revenue Code of 1986 is amended by inserting "(the Bin 8 Tier II emission standard so established in the case of a 2009 model vehicle)" after "model year vehicle".

SA 1662. Ms. KLOBUCHAR (for herself, Mr. BOND, Mr. NELSON of Nebraska, Mr. VOINOVICH, Mr. KERRY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 131. RENEWABLE FUELS INFRASTRUCTURE DEVELOPMENT.

(a) DEFINITION OF RENEWABLE FUEL.—In this section, the term "renewable fuel" means—

(1) any fuel at least 85 percent of the volume of which consists of ethanol; and

(2) any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of that Code), determined without regard to any use of kerosene, that contains at least 20 percent biodiesel.

(b) INFRASTRUCTURE DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants to retail and wholesale motor fuel dealers and other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure that will be used exclusively to store and dispense renewable fuel, including equipment used in the blending, distribution, and transport of those fuels.

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) COMBINED APPLICATIONS.—

(i) IN GENERAL.—A local government entity or a nonprofit entity may submit to the Secretary an application to receive a grant under this subsection—

(I) on behalf of a group of retailers within a certain geographical area; or

(II) to carry out a regional or multistate deployment project.

(ii) INCLUSIONS.—An application under clause (i) shall include—

(I) a description of the proposed project of the local government entity or a nonprofit entity;

(II) a certification of the ability of the local government entity or nonprofit entity to provide the non-Federal share of the cost of the proposed project, as required under subsection (e); and

(III) a list containing the name and location of each retailer that will receive the funds.

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall offer to enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuels nationally, for the provision of technical and marketing assistance to recipients of grants under this section.

(2) INCLUSIONS.—Assistance provided under paragraph (1) shall include—

(A) technical advice relating to compliance with applicable Federal and State environmental requirements;

(B) help in identifying supply sources and securing long-term contracts; and

(C) the provision of public outreach, education, and labeling materials.

(3) ALLOCATION.—Of amounts made available to carry out the grant program under subsection (b), the Secretary shall reserve not less than 15 percent for the provision of technical and marketing assistance under this subsection.

(d) SELECTION CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this section in a manner that will maximize the availability and use of renewable fuels, including criteria that provide for priority consideration for applications that, as determined by the Secretary—

(1) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(2) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuels; and

(3) demonstrate—

(A) the greatest commitment on the part of the applicant to ensure funding for the proposed project; and

(B) the greatest likelihood that the project will be maintained or expanded after the assistance provided under this section is expended.

(e) LIMITATION.—The amount of assistance provided to an entity under this section shall not exceed, as applicable—

(1) an amount equal to 20 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(2) $100,000 for a combination of equipment at any retail outlet location.

(f) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section, including regulations requiring entities that receive assistance under this section—

(1) to provide to the public renewable fuel;

(2) to establish a marketing plan that informs consumers of the price and availability of the renewable fuel;

(3) to clearly label renewable fuel dispensers and related equipment; and

(4) to submit to the Secretary periodic reports on the status of—

(A) the renewable fuel sales of the entity;

(B) the type and quantity of renewable fuel dispensed at each location of the entity; and

(C) the average price of the renewable fuel.

(g) NOTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—On or before the date on which an renewable fuel station for which assistance is provided under this section opens to offer renewable fuel to the public, the owner or operator of the station shall submit to the Secretary a notice of the opening.

(2) ACTION BY SECRETARY.—On receipt of a notice under paragraph (1), the Secretary shall include the name and location of the applicable renewable fuel station on a list to be published and maintained on the website of the Secretary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000, to remain available until expended.

SA 1663. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, after line 23, add the following:

SEC. 1___. SUBSTANTIALLY SIMILAR FUELS.

(a) TREATMENT OF CERTAIN GASOLINE.—Section 211(f)(1) of the Clean Air Act (42 U.S.C. 7545(f)(1) is amended by adding at the end the following:

"(C) TREATMENT OF CERTAIN GASOLINE.—

"(i) IN GENERAL.—For the purpose of this subsection, gasoline described in clause (ii) shall be considered to be substantially similar to any fuel or fuel additive used in the certification of any model year 1975 vehicle or engine.

"(ii) DESCRIPTION OF GASOLINE.—Gasoline referred to in clause (i) is gasoline that contains—

"(I) not more than 3.7 percent oxygen, by weight, such that the oxygen weight of gasoline is not greater than the equivalent oxygen weight in E–10 gasoline: or

"(II) a greater quantity of oxygen, as the Administrator may determine by regulation.".

(b) RULEMAKING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a rulemaking to revise regulations under section 80.27 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), promulgated under section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)), to clarify the maximum allowable quantity of ethanol, in fuels that are considered to be substantially similar and permitted to be introduced into commerce under section 211(f) of that Act (42 U.S.C. 7545(f)), that may be replaced by biobutanol and other higher-molecular-weight alcohol cosolvents.

(2) EFFECT OF SECTION.—Except with respect to the rulemaking required under paragraph (1), nothing in this section or the amendment made by subsection (a) affects section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)).

SA 1664. Ms. KLOBUCHAR (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. RIGHT TO RETAIL RENEWABLE FUEL.

(a) PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'alternative fuel' means any fuel—

"(A) at least 85 percent of the volume (or any other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any combination of such fuels; or

"(B) that consists of any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of the Internal Revenue Code of 1986), determined without regard to any use of kerosene and containing at least 20 percent biodiesel; and

"(2) the term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor related to terms or conditions of the sale of fuel by a franchisee.

"(b) PROHIBITIONS.—(1) Notwithstanding any provision of a franchise-related document in effect on the date of the enactment of this section, a franchisee or affiliate of a franchisee may not be restricted from—

"(A) installing on the marketing premises of the franchisee an alternative fuel pump;

"(B) converting an existing tank and pump on the marketing premises of the franchisee for alternative fuel use;

"(C) advertising (including through the use of signage or logos) the sale of any alternative fuel; or

"(D) selling alternative fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears).

"(2)(A) Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

"(i) shall be considered to be null and void as of that date; and

"(ii) may not be enforced under section 105.

"(B)(i) It shall be an unfair or deceptive act or practice in or affecting commerce (within the meaning of subsections (a)(1) and (n) of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)) for any person to violate the requirements of this section. For purposes of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), including any remedy or penalty applicable to any violation of such Act, such a violation shall be treated as a violation of a rule under such Act respecting unfair or deceptive acts or practices.

"(ii) The Federal Trade Commission shall enforce the requirements of this section. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person subject to the jurisdiction of the Commission with the requirements imposed under this section.

"(c) EXCEPTION TO 3-GRADE REQUIREMENT.—A franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall not prevent the franchisee from selling an alternative fuel instead of 1 grade of gasoline.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13)(C) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)(C)) is amended by striking "(C)" and all that follows through "failure" and inserting the following:

"(C) any failure".

(2) TABLE OF CONTENTS.—The table of contents for such Act (15 U.S.C. 2801 note) is amended by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of alternative fuel pumps.".

SA 1665. Mr. SALAZAR (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 21 and all that follows through page 118, line 7, and insert the following:

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety;

(2) new materials (including cast metal composite materials) with a higher strength to weight ratio may be developed;

(3) the cost of lightweight materials (such as steel alloys, fiberglass, and metal and carbon composites) required for the construction of lighter-weight vehicles may be reduced; and

(4) the efficiency of automated manufacturing processes to produce materials with a higher strength to weight ratio may be improved.

SA 1666. Mr. INHOFE (for himself, Mr. BURR, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 113. AGRICULTURE EQUITY.

(a) ASSESSMENT OF FOOD AND FEED AVAILABILITY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall conduct an assessment of the availability of corn for food and feed uses by not later than July 31 and November 30 of each calendar year after the date of enactment of this Act.

(2) REGIONAL WEATHER CONDITIONS.—

(A) IN GENERAL.—Not later than August 1, 2007, and annually thereafter, the Administrator, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Association of American Feed Control Officials, shall submit to Congress, and publish in the Federal Register, an assessment of the Administrator regarding—

(i) regional weather conditions during the current crop year; and

(ii) the impact of the conditions on projected local corn supplies.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, as applicable—

(i) the impacts of drought, including reduced precipitation;

(ii) the impacts of flooding, including increased precipitation; and

(iii) projected local demand for corn during the following crop year.

(3) ESTIMATES.—

(A) IN GENERAL.—Not later than December 1, 2007, and annually thereafter, the Administrator shall conduct an assessment of the most current estimates of the ratio that, with respect to the marketing year beginning in September of the calendar year in which the assessment is conducted—

(i) United States domestic ending stocks of corn; bears to

(ii) total use of corn.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, and rely on, the data published by the Secretary of Agriculture in the monthly report entitled "World Agricultural Supply and Demand Estimates" (or similar public and authoritative estimates provided by the Secretary of Agriculture).

(b) POTENTIAL ECONOMIC AND CONSUMER HARM ASSESSMENT.—

(1) REGIONAL WEATHER CONDITIONS.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator shall publish the determination in the Federal Register by not later than 14 days after the date on which the determination is made.

(2) ESTIMATES.—If the Administrator determines that an assessment of the Administrator under subsection (a)(3) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator, in consultation with the Secretary and the Secretary of Agriculture, shall publish, by not later than 14 days after the date on which the determination is made, the intention of the Administrator to request the President to modify a portion of the requirement described in section 111(a)(2).

(3) REGIONAL DISRUPTION.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that a regional disruption to the availability of feed corn with respect to livestock producers will occur, the Administrator, in consultation with the Secretary of Agriculture, shall develop and implement a plan to ensure that regional food and feed supplies are maintained, to the maximum extent practicable, including through adjustments to the applicable renewable fuels standard under section 111(a) in the affected region.

(c) ACTIONS TO PREVENT ECONOMIC AND CONSUMER HARM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator may submit to the President a petition to request a modification of a requirement under the renewable fuels standard under section 111(a) in a quantity of gallons sufficient to ensure, to the maximum extent practicable, that the ratio described in subsection (a)(3)(A) will be at least 0.10.

(2) LIMITATION.—A requirement under the renewable fuels standard under section 111(a) shall not be reduced by more than 15 percent during any calendar year.

(3) EFFECTIVE PERIOD.—A modification under paragraph (1) shall be effective during the 1-year period beginning on the effective date of the modification.

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Administrator shall—

(A) make each assessment conducted, and each modification provided, pursuant to this section available to the public; and

(B) provide an opportunity for public comment relating to each assessment and modification for a period of not more than 30 days.

(2) MODIFICATIONS.—Not later than 14 days after the end of the comment period described in paragraph (1)(B), the President shall promulgate the modification that is the subject to the comment period, unless the President, in consultation with the Administrator, determines that clear and compelling evidence demonstrates that the modification would not have a material effect on the quantity of corn available for food and feed use.

SA 1667. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 22 and 23, insert the following:

(iii) TREATMENT OF CERTAIN REFINERS AND REFINERIES.—

(I) IN GENERAL.—A refiner shall be eligible for an extension of an exemption under clause (ii) as a small business refiner after December 31, 2007, if the refiner makes an election under section 179C of the Internal Revenue Code of 1986.

(II) SMALL REFINERIES.—A small refinery owned by a refiner described in subclause (I) shall be eligible for an extension of an exemption under clause (ii) as a small refinery after December 31, 2007, if the refinery makes an election under section 179C of the Internal Revenue Code of 1986.

(III) MERGERS AND ACQUISITIONS.—An entity that is the result of a merger or acquisition by 1 or more refiners shall not be eligible for an extension under subclause (I) unless the merger or acquisition involves only refineries of small business refiners described in that subclause.

SA 1668. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol of not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly-labeled fuel storage facilities and dispensers;

(4) an evaluation on the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability and performance of onroad, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the

Administrator shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out the study under this section $1,000,000.

(e) TECHNICAL AMENDMENT.—Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) is amended by striking the last sentence and inserting the following: "The Administrator, after providing notice and an opportunity for public comment, shall approve or deny an application submitted under this paragraph by not later than 270 days after the date of receipt of the application.".

SA 1669. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY SERVICE ROUTE.

Section 1948 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1514) is repealed.

SA 1670. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—COASTAL PLAIN STRATEGIC PETROLEUM READY RESERVE

SEC. 801. SHORT TITLE.

This title may be cited as the "Coastal Plain Strategic Petroleum Ready Reserve Act of 2007". .

SEC. 802. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) domestic production of crude oil is in sharp decline;

(2) more than 60 percent of the oil consumed in the United States is imported;

(3) traditional sources of foreign oil supply, including the Middle East, are facing terrorism, armed conflicts, instability, and political uncertainty, which increase the vulnerability and threaten the security of the oil imports on which the United States has become so dependent;

(4) crude oil production in Alaska, a major source of domestic oil for the United States has decreased from approximately 2,000,000 barrels a day in 1991 to approximately 800,000 barrels a day in 2007;

(5) the approximately 1,500,000-acre Coastal Plain area of the 19,000,000-acre Arctic National Wildlife Refuge is projected to contain—

(A) a median of 10,400,000,000 barrels of oil; and

(B) very large reserves of natural gas;

(6) there are legislative measures pending in Congress to designate all or a portion of the Coastal Plain as a wilderness, which would prevent the large crude oil and natural gas reserves of the Coastal Plain from being used as a strategic petroleum reserve; and

(7) the proposed designation of the Coastal Plain as wilderness is contrary to the critically important interests of the security and energy policy of the United States.

(b) PURPOSES.—The purposes of this title are—

(1) to designate the public land of the Coastal Plain area of the Arctic National Wildlife Refuge as a strategic petroleum reserve;

(2) to ensure that the reserves of crude oil and natural gas in the Coastal Plain are ready, but not actually made available until authorized by Act of Congress, for commercial production; and

(3) in recognition of the long lead times in Alaska associated with the transition from expressions of industry interest in leasing, exploration, and development of crude oil and natural gas to the actual leasing, exploration, and development, to authorize seismic and exploration activities in the Coastal Plain so that production of crude oil and natural gas can proceed in the Coastal Plain if Congress determines, after the date of enactment of this Act, that production of oil and natural gas in the Coastal Plain is necessary based on—

(A) the need for domestic oil; and

(B) political uncertainties and instability in major producing regions of the world.

SEC. 803. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term "Coastal Plain" means—

(A) the approximately 1,500,000 acres of land described in Appendix I to part 37 of subchapter C of chapter 1 of title 50, Code of Federal Regulations; and

(B) land within the exterior boundaries of the Refuge that is north of the area described in subparagraph (A).

(2) EXPLORATORY ACTIVITY.—The term "exploratory activity" means an activity described in subparagraph (A), (B), or (C) of section 804(c)(1).

(3) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) REFUGE.—The term "Refuge" means the Arctic National Wildlife Refuge in the State.

(5) RESERVE.—The term "Reserve" means the Coastal Plain Strategic Petroleum Ready Reserve designated by section 804(a).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Alaska.

(8) WINTER.—The term "winter" means the applicable period of time defined for the winter season by the State Department of Natural Resources.

SEC. 804. COASTAL PLAIN STRATEGIC PETROLEUM READY RESERVE.

(a) IN GENERAL.—The public land in the Coastal Plain is designated as the Coastal Plain Strategic Petroleum Ready Reserve.

(b) ADMINISTRATION.—The public land in the Reserve shall be administered by the Secretary in accordance with—

(1) any law applicable to the Coastal Plain; and

(2) this title.

(c) AUTHORIZED EXPLORATORY ACTIVITIES.—

(1) IN GENERAL.—To enable the Secretary to expeditiously open the Coastal Plain to oil and natural gas production if Congress authorizes such production in the Reserve in accordance with section 807, beginning not later than winter 2008, the Secretary shall conduct, or shall enter into 1 or more contracts with other Federal agencies or private entities for the conduct of the following activities on public land in the Reserve and private land of the Kaktovik Inupiat Corporation or the Arctic Slope Regional Corporation in the Coastal Plain:

(A) Seismic exploration activities.

(B) Exploratory drilling to delineate the locations and provide firm estimates of the quantities of oil and natural gas holdings.

(C) The provision of any infrastructure necessary for the exploratory activities.

(2) CONTRACT TERMS AND CONDITIONS.—A contract for the conduct of exploratory activity entered into by the Secretary under paragraph (1) shall—

(A) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(B) provide that the Federal Government shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploratory activities within the Coastal Plain conducted under this title;

(C) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under paragraph (3); and

(D) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this title and regulations issued under this title.

(3) LIMITATION.—Any exploratory activity authorized under paragraph (1) shall be conducted only during the winter unless the President authorizes the exploratory activity to be conducted during additional periods based on a finding by the President that there is a national oil shortage.

(4) APPLICABLE LAW.—The Secretary shall conduct any exploratory activity authorized under paragraph (1) in accordance with applicable land use and environmental laws, including any regulations promulgated by the Secretary to carry out this title.

(d) PRIVATE LAND PROTECTIONS.—

(1) IN GENERAL.—The designation of the Reserve under subsection (a) does not affect property rights or title to private land located within the Coastal Plain that is owned by—

(A) the Kaktovik Inupiat Corporation; or

(B) the Arctic Slope Regional Corporation.

(2) ACCESS.—Access to and across the Reserve, including right-of-way access by Kaktovik Inupiat Corporation, Arctic Slope Regional Corporation, and shareholders of the Corporations, shall be permitted—

(A) for—

(i) subsistence, customary, and traditional uses; and

(ii) reasonable commercial purposes; and

(B) for access in accordance with sections 1110 and 1111 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170, 3171).

(3) LIMITATION ON LEASING AND COMMERCIAL PRODUCTION ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall not conduct any oil or natural gas production activity in the Reserve unless—

(i) the maximum quantity of surface acreage covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) does not exceed 2,000 acres on the Coastal Plain;

(ii) the President submits to Congress—

(I) a finding that oil or natural gas production in the Reserve is necessary for the economic or national security of the United States; and

(II) a plan for the production and storage of oil or natural gas produced from the Reserve; and

(iii) the oil or natural gas production is specifically authorized by an Act of Congress in accordance with section 807.

(B) COSTS.—The costs of any natural gas leasing or commercial production activity authorized under subparagraph (A) shall be paid by the United States.

(C) USE.—Any oil or natural gas produced in accordance with subparagraph (A) shall be made available for sale only in accordance with section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241).

(D) ROYALTIES.—Any royalties or revenues from the sale of oil or natural gas under subparagraph (C) shall be allocated in accordance with applicable law.

(4) INFRASTRUCTURE.—The Secretary may construct any infrastructure authorized under subsection (c)(1)(C) on private land in the Reserve only with the consent of the owner of the private land.

SEC. 805. COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN LAWS.

(a) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(1) the exploratory activities authorized in the Reserve under this title shall be considered to be compatible with the purposes for which the Refuge was established; and

(2) no further findings or decisions shall be required to implement the exploratory activities.

(b) ADEQUACY OF FINAL STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-seismic and pre-exploration drilling activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the conduct of exploratory activities authorized by this title before the conduct of the activities.

(c) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(1) IN GENERAL.—Before conducting exploratory activities under this title, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this title that are not referred to in paragraph (2).

(2) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this subsection, the Secretary shall not be required—

(A) to identify nonexploratory alternative courses of action; or

(B) to analyze the environmental effects of those courses of action.

(3) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) identify only a preferred action and a single alternative for exploratory activities; and

(B) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(4) PUBLIC COMMENTS.—In carrying out this subsection, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of an environmental analysis.

(5) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this subsection shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed exploratory activities under this title.

SEC. 806. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall administer this title through regulations, terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure, to the maximum extent practicable, that exploratory activities will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain; and

(2) require the application of the best commercially available technology for oil and gas exploration operations.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed exploratory drilling activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with each agency having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before conducting any exploratory activities authorized by this title, the Secretary shall prepare and issue regulations, terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure, to the maximum extent practicable, that the exploratory activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, terms, conditions, restrictions, prohibitions, and stipulations for carrying out this title shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploratory activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(D) reasonable stipulations for protection of cultural and archaeological resources;

(E) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns, wetland, and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(F) research, monitoring, and reporting requirements;

(3) that exploratory activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploratory activities will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(5) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(6) fuel storage and oil spill contingency planning;

(7) conduct of periodic field crew environmental briefings;

(8) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(9) compliance with applicable air and water quality standards;

(10) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(11) development and implementation of such other protective environmental requirements, restrictions, terms, and conditions as the Secretary determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

SEC. 807. EXPEDITED PROCEDURE.

(a) DEFINITION OF BILL.—In this section, the term "bill" means only a bill to amend section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) to authorize oil or natural gas production in the Reserve.

(b) MANDATORY INTRODUCTION.—Not later than 30 days after the date of receipt from the President of a bill described in subsection (a), the Chairperson of the Committee on Energy and Natural Resources of the Senate and the Chairperson of the Committee on Natural Resources of the House of Representatives shall introduce the bill, by request.

(c) REFERRAL TO COMMITTEE.—

(1) HOUSE OF REPRESENTATIVES.—A bill described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Natural Resources of the House of Representatives.

(2) SENATE.—A bill described in subsection (a) introduced in the Senate shall be referred to the Committee on Energy and Natural Resources of the Senate.

(3) TIMING.—A bill described in subsection (a) shall be reported not earlier than 60 days after the date of introduction of the bill.

(d) DISCHARGE OF COMMITTEE.—The committee to which a bill described in subsection (a) is referred shall be considered to have discharged the bill from further consideration, and the bill shall be placed on the appropriate calendar of the appropriate House, if the committee fails to report the bill by the earlier of—

(1) the date that is 90 calendar days after the date of introduction of the bill; and

(2) the end of the first day after there is reported to the applicable House a bill described in subsection (a).

(e) FLOOR CONSIDERATION.—

(1) IN GENERAL.—On the date on which the committee to which a bill is referred has reported, or is considered to be discharged from further consideration under subsection (d)—

(A) it shall be in order at any time (even if a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the bill; and

(B) all points of order against the bill (and against consideration of the bill) are waived.

(2) TREATMENT OF MOTION.—

(A) IN GENERAL.—A motion under paragraph (1)(A) shall be considered to be—

(i) highly privileged in the House of Representatives;

(ii) privileged in the Senate; and

(iii) not debatable.

(B) AMENDMENTS AND OTHER MOTIONS NOT ALLOWED.—The motion shall not be subject to—

(i) an amendment;

(ii) a motion to postpone; or

(iii) a motion to proceed to the consideration of other business.

(C) MOTIONS TO RECONSIDER.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) AGREEMENT TO MOTION TO PROCEED.—If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until the bill is disposed of.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the bill (including all debatable motions and appeals in connection with the bill) shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill.

(B) MOTIONS TO FURTHER LIMIT DEBATE.—A motion to limit further debate on the bill is in order and not debatable.

(C) AMENDMENTS AND OTHER MOTIONS NOT ALLOWED.—The bill shall not be subject to—

(i) an amendment;

(ii) a motion to postpone;

(iii) a motion to proceed to the consideration of other business; or

(iv) a motion to recommit.

(D) MOTIONS TO RECONSIDER.—A motion to reconsider the vote by which the bill is agreed to or disagreed to is not in order.

(4) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a bill described in subsection (a), and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

(5) RULINGS OF THE CHAIR ON PROCEDURE.—An appeal from a decision of the Chairperson relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(f) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a bill of that House described in subsection (a), the House receives from the other House a bill described in subsection (a)—

(1) the bill of the other House shall not be referred to a committee; and

(2) with respect to a bill described in subsection (a) of the House receiving the bill—

(A) the procedure in that House shall be the same as if no bill had been received from the other House; but

(B) the vote on final passage shall be on the bill of the other House.

(g) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such—

(A) this section is deemed to be—

(i) a part of the rules of each House, respectively; but

(ii) applicable only with respect to the procedure to be followed in that House in the case of a bill described in subsection (a); and

(B) this section supersedes other rules only to the extent that this section is inconsistent with those rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 808. STRATEGIC PETROLEUM RESERVE.

(a) ESTABLISHMENT.—

(1) POLICY.—Section 151(b) of the Energy Policy and Conservation Act (42 U.S.C. 6231(b)) is amended by striking "1 billion" and inserting "1,500,000,000".

(2) LEVEL.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking "1 billion" and inserting "1,500,000,000".

(b) FILLING STRATEGIC PETROLEUM RESERVE TO CAPACITY.—Section 301(e) of the Energy Policy Act of 2005 (42 U.S.C. 6240 note; Public Law 109–58) is amended by striking "1,000,000,000-barrel" and inserting "1,500,000,000-barrel".

SEC. 809. ANNUAL REPORT.

Not later than June 30, 2008, and each June 30 thereafter, the Secretary and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report that describes—

(1) the volume of crude oil produced during the previous year in—

(A) the State; and

(B) the United States;

(2) the volume of crude oil imported into the United States during the previous year by—

(A) the country of origin; and

(B) the average price paid per barrel;

(3) the volume of petroleum products imported during the previous year by—

(A) the country of origin; and

(B) the average price paid per barrel;

(4) the average daily throughput of crude oil for the previous year by the trans-Alaska pipeline;

(5) updated projections of the potential and known reserves of crude oil and natural gas located in the Reserve; and

(6) the status of the activities authorized under section 804(c)(1).

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 1671. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, strike beginning with line 10 through page 288, line 2, and insert the following:

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term "affected area" means an area covered by a Presidential declaration of energy emergency as provided in section 606.

(2) SUPPLIER.—The term "supplier" means any person engaged in the trade or business

of selling or reselling, at retail or wholesale, or distributing road transportation fuels or domestic home heating oil.

(3) Price gouging.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier in an affected area while a Presidential declaration of energy emergency is in effect.

(4) Unconscionably excessive price.—The term "unconscionably excessive price" means an average price charged in an affected area for road transportation fuels or domestic home heating oil that—

(A)(i)(I) represents a gross disparity between the price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the price at which the same or similar road transportation fuels or domestic home heating oil were readily obtainable by purchasers from other suppliers in the in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to the justifiable price increases set forth in section 603(c).

(5) Commission.—The term "Commission" means the Federal Trade Commission.

(6) Wholesale.—The term "wholesale" refers to a sale that occurs at a petroleum terminal rack or any sale thereafter, other than a retail sale to a consumer.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) In General.—During any energy emergency declared by the President under section 606, it is unlawful for any supplier to sell, or offer to sell, road transportation fuels or domestic home heating oil in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) Factors Considered.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the price at which the road transportation fuel or domestic home heating oil was sold reasonably reflects additional costs or risks, not within the control of the seller, that were paid or incurred by the seller.

(c) Justifiable Price Increases.—The prohibition in subsection (a) does not apply to the extent that the increase in the price of the road transportation fuel or domestic home heating oil is substantially attributable to—

(1) an increase in the wholesale cost of road transportation fuel or domestic home heating oil to a retail seller or reseller;

(2) an increase in the replacement costs for road transportation fuel or domestic home heating oil sold;

(3) an increase in operational costs; or

(4) local, regional, national, or international market conditions.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of road transportation fuels or domestic home heating oil at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of road transportation fuels or domestic home heating oil distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the Commission for statistical or analytical purposes with respect to the market for road transportation fuels or domestic home heating oil.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) In General.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of road transportation fuels or domestic home heating oil due to a disruption in the national distribution system for road transportation fuels or domestic home heating oil (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), the President may declare that a Federal energy emergency exists.

(b) Scope and Duration.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies, which, for the 48 contiguous states may not be limited to a single State.

(c) Extensions.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days; and

(2) extend such a declaration not more than twice.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) Enforcement.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made part of this title.

(b) Violation Is Unfair or Deceptive Act or Practice.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Commission Actions.—Following the declaration of an energy emergency by the President under section 606, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting and avoiding price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for road transportation fuels or domestic home heating oil in the affected area; and

(3) conduct an investigation to determine whether any supplier in the affected area has violated section 603, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

(d) Limited Preemption.—This title shall preempt State laws only with respect to affected areas and only for the period of time that a declaration of energy emergency issued under section 606 is in effect. Nothing contained in this section shall otherwise prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—A State, as parens partriae, may, on behalf of its residents, petition the Commission to enforce the provisions of section 603, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the Attorney General of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of road transportation fuel or domestic home heating oil in violation of section 603.

(b) Notice.—The State shall petition the Commission to enforce the provisions of section 607 by filing with the Commission a written notice of probable violation which sets forth the State's reasons for believing section 603 has been violated.

(c) Required Investigation.—Upon receiving the notice required by subsection (b), the Commission shall commence or continue an investigation in accordance with section 607(c)(3), taking into account the claims set forth in the State's notice of probable violation.

(d) Limitation on State Action While Federal Action Is Pending.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(e) Limited Preemption.—This title shall preempt State laws only with respect to affected areas and only for the period of time that a declaration of energy emergency under section 606 is in effect. Nothing contained in this section shall otherwise prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. EFFECT ON OTHER LAWS.

(a) Other Authority of the Commission.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) State Law.—Nothing in this title preempts any State law.

SA 1672. Mr. SCHUMER (for himself and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMMUTER BENEFIT EQUITY.

(a) Uniform Dollar Limitation for All Types of Transportation Fringe Benefits.—

(1) In general.—Section 132(f)(2) of the Internal Revenue Code of 1986 (relating to limitation on exclusion) is amended—

(A) by striking "$100" in subparagraph (A) and inserting "$200", and

(B) by striking "$175" in subparagraph (B) and inserting "$200".

(2) Inflation adjustment conforming amendments.—Subparagraph (A) of section 132(f)(6) of the Internal Revenue Code of 1986 (relating to inflation adjustment) is amended—

(A) by striking the last sentence,

(B) by striking "1999" and inserting "2008", and

(C) by striking "1998" and inserting "2007".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(b) Clarification of Federal Employee Benefits.—Section 7905 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C) by inserting "and" after the semicolon;

(B) in paragraph (3) by striking "; and" and inserting a period; and

(C) by striking paragraph (4); and

(2) in subsection (b)(2)(A) by amending subparagraph (A) to read as follows:

"(A) a qualified transportation fringe as defined in section 132(f)(1) of the Internal Revenue Code of 1986;".

SA 1673. Mr. BINGAMAN (for himself, Mr. Dodd, Mr. Allard, Mr. Reed, Mr. Crapo, Mr. Schumer, Mr. Martinez, Mr. Casey, and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, line 5, strike "and if" and insert the following: "the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and".

SA 1674. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, strike lines 8 and 9 and insert the following:

(b) Protection for Small Business.—Section 111(c)(3) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(c)(3)) is amended by striking "subsection (d)(7) or (8)" and inserting "paragraph (7), (8), (16), or (17) of subsection (d)".

(c) Natural Gas Utilities.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. * * *

On page 164, between lines 20 and 21, insert the following:

(d) Small Business Impacts.—Section 303(d) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(d)) is amended by striking "subsection (b)(3) or (4)" and inserting "any of paragraphs (3) through (6) of subsection (b)".

SA 1675. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) Study.—

(1) In general.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) Requirements.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SA 1676. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 26 . RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) Establishment.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) Solicitation.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) Program Purposes.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) Eligible Entities.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) Eligible Projects.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) Criteria and Guidelines.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SA 1677. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 11, insert "(including landfill gas and sewage waste treatment gas)" after "biogas".

On page 7, strike lines 13 through 16 and insert the following:

biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

On page 9, line 13, strike ", boiler fuel,".

On page 9, line 20, strike ", boiler,".

On page 10, lines 17 and 18, strike "motor vehicle fuel, home heating oil, and boiler fuel" and insert "motor vehicle fuel and home heating oil".

On page 11, line 11, strike "built" and insert "that commence operations".

On page 44, lines 4 and 5, strike "local biorefineries" and insert "local biorefineries, including by portable processing equipment".

On page 44, lines 13 and 14, strike "local biorefineries" and insert "local biorefineries, including by portable processing equipment".

On page 47, strike lines 9 through 15 and insert the following:

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

SA 1678. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike line 12 and insert the following:

(2) PETITIONS FOR WAIVER.—

(A) IN GENERAL.—The President,

On page 21, between lines 19 and 20, insert the following:

(B) IMMEDIATE RELIEF.—During the 90-day period described in subparagraph (A), the President may authorize the Administrator of the Environmental Protection Agency to adjust the requirements described in subsection (a) as the Administrator of the Environmental Protection Agency determines to be necessary to provide immediate relief until the date on which the President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, approves or disapproves a State petition for a waiver under subparagraph (A).

SA 1679. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 19 through 21 and insert the following:

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(B) ADJUSTMENT OF REQUIREMENTS.—If, on completion of a periodic review under subparagraph (A), or on the date on which the Secretary submits to Congress the report under paragraph (5), the Secretary concludes that there will be a shortfall in the supply of domestic feed grain-based feedstocks or renewable fuels for the period covered by the review, as soon as practicable after the date on which the Secretary submits to Congress the report under that paragraph, the Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall, after an opportunity for public notice and comment, promulgate regulations to establish a downward adjustment of the requirements described in subsection (a)(2) necessary to alleviate the shortfall, as determined by the Secretary.

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SA 1690. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 255. ENERGY-RELATED RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) information and opinions provided by individuals and entities of the academic and industrial sectors should be an important consideration with respect to energy-related research and development activities carried out by the Federal Government;

(2) in carrying out energy-related research and development activities, the Federal Government should regularly seek input from multiple sources, including the industrial sector, academia, and other relevant sectors;

(3) research is better focused around well-defined problems that need to be resolved;

(4) a number of potential problems to be resolved are likely to require input from a diverse selection of technologies and contributing sectors;

(5) sharing of information relating to energy research and development is important to the development and innovation of energy technologies;

(6) necessary intellectual property protection can lead to delays in sharing valuable information that could aid in resolving major energy-related problems;

(7) the Federal Government should facilitate the sharing of information from a diverse array of industries by ensuring the protection of intellectual property while simultaneously creating an environment of openness and cooperation; and

(8) the Federal Government should revise the methods of the Federal Government regarding energy-related research and development to encourage faster development and implementation of energy technologies.

(b) Definitions.—In this section:

(1) Network.—The term "network" means the Energy Technologies Innovation Network established by subsection (d)(1).

(2) Secretary.—The term "Secretary" means the Secretary of Energy.

(3) Survey.—The term "survey" means a survey conducted pursuant to subsection (c).

(c) Energy-Related Research and Development Priorities.—

(1) In general.—As soon as practicable after the date of enactment of this Act, and on the dates that are 5 years and 10 years after that date, the Secretary shall conduct a survey in accordance with this subsection to determine the 10 highest-priority energy-related problems to resolve to ensure the goals of—

(A) maximizing the energy security of the United States;

(B) maximizing improvements in energy efficiency within the United States; and

(C) minimizing damage to the economy and the environment of the United States.

(2) Survey.—

(A) In general.—Each survey shall contain a request that the respondent shall list, in descending order of priority, the 10 highest-priority energy-related problems that, in the opinion of the respondent, require resolution as quickly as practicable to ensure the goals described in paragraph (1).

(B) Announcement.—The Secretary shall announce the existence of each survey by—

(i) publishing an announcement in the Federal Register; and

(ii) placing an announcement in a prominent position on the homepage of the website of the Department of the Energy.

(C) Availability.—The Secretary shall ensure that each survey is made available—

(i) in an electronic format only through a link on the Department of Energy website;

(ii) for a period of not less than 21 days and not more than 30 days; and

(iii) to any individual or entity that elects to participate.

(D) Additional information gathering.—Each survey—

(i) shall require each respondent to provide information regarding—

(I) the age of the respondent;

(II) the occupational category of the respondent;

(III) the period of time during which the respondent has held the current occupation of the respondent; and

(IV) the State and country in which the respondent resides; and

(ii) may request, but shall not require—

(I) the name of the respondent;

(II) an identification of the employer of the respondent;

(III) the electronic mail address of the respondent; and

(IV) such other information as the Secretary determines to be appropriate.

(E) Respondents.—The Secretary shall seek responses to a survey from appropriate representatives of—

(i) the energy, transportation, manufacturing, construction, mining, and electronic industries;

(ii) academia;

(iii) research facilities;

(iv) nongovernmental organizations;

(v) the Federal Government; and

(vi) units of State and local government.

(F) Nonpolitical requirement.—The Secretary shall ensure that each survey is conducted, to the maximum extent practicable—

(i) in a transparent, nonpolitical, and scientific manner; and

(ii) without any political bias.

(G) Report.—Not later than 180 days after the date on which a survey under this subsection is no longer available under subparagraph (C)(ii), the Secretary shall submit to Congress and make available to the public (including through publication in the Federal Register and on the website of the Department of Energy) a report that—

(i) describes the results of the survey; and

(ii) includes a list of the 10 highest-priority energy-related problems based on all responses to the survey.

(d) Energy Technologies Innovation Network.—

(1) Establishment.—There is established an information and collaboration network, to be known as the "Energy Technologies Innovation Network".

(2) Purpose.—The purpose of the network shall be to provide a forum through which interested parties (including scientists and entrepreneurs) can present, discuss, and collaborate with respect to information and ideas relating to energy technologies.

(3) Operation of network.—

(A) In general.—The Secretary shall operate the network.

(B) Use of third-party databases.—In operating the network pursuant to subparagraph (A), the Secretary may use any relevant database of a third party that, as determined by the Secretary—

(i) has experience with respect to the establishment and maintenance of a comprehensive database of Federal research and development projects that—

(I) is easily searchable;

(II) is open to the public;

(III) is capable of expansion; and

(IV) requires only limited interaction with any database manager beyond the initial interaction necessary to register with the database;

(ii) provides a secure electronic forum to enable collaboration among users of the network; and

(iii) agrees to collaborate with the Secretary to protect the intellectual property rights of individual users and governmental agencies participating in the network in accordance with paragraph (6).

(4) Required contributors.—Each research laboratory or other facility that receives Federal funding shall provide to the network the results of the research conducted using that funding, regardless of whether the research relates to energy, subject to the condition that revelation of the research will not adversely effect national security.

(5) Other contributors.—Other entities, including entities in the academic and industrial sectors and individuals, may participate in the network to actively contribute to resolving—

(A) the energy-related problems included on the list of the report under subsection (c)(2)(G)(ii); or

(B) any other energy-related problem that the contributor determines would advance the goals described in subsection (c)(1).

(6) Protection of information and ideas.—In operating the network under paragraph (3), the Secretary shall employ such individuals and entities with experience relating to—

(A) intellectual property as the Secretary determines to be necessary to ensure that—

(i) information and ideas presented, and discussed in the network are—

(I) monitored with respect to the intellectual property owners and components of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations);

(ii) information and ideas developed within the network are—

(I) monitored with respect to the intellectual property components of the developers of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations); and

(iii) contributors to the network are provided adequate assurances that intellectual property rights of the contributors will be protected with respect to participation in the network;

(B) setting up, maintaining, and operating a network that ensures security and reliability.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1681. Mr. HAGEL (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 2 . REESTABLISHMENT OF OFFICE OF TECHNOLOGICAL ASSESSMENT.

(a) Office of Technology Assessment.—

(1) In general.—Sections 113 and 114 of the Legislative Branch Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 526), are repealed.

(2) Application.—The Technology Assessment Act of 1972 (Public Law 92-484; 86 Stat. 797) shall be applied and administered as if sections 113 and 114 of the Legislative Branch Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 526) had not been enacted.

(b) Amendment to Short Title.—

(1) In general.—The first section of the Technology Assessment Act of 1972 (Public Law 92-484; 86 Stat. 797) is amended by striking "Technology Assessment Act of 1972"

and inserting "Office of Technology Assessment Reestablishment Act of 2007".

(2) CROSS-REFERENCES.—Any reference in a law, regulation, or other document of the United States to the "Technology Assessment Act of 1972" shall be considered to be a reference to the "Office of Technology Assessment Reestablishment Act of 2007".

(c) ESTABLISHMENT OF OFFICE.—Section 3(c) of the Office of Technology Assessment Reestablishment Act of 2007 (Public Law 92–484; 86 Stat. 797) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (6) through (13), respectively;

(2) in paragraph (12) (as redesignated by paragraph (1)), by striking "paragraphs (1) through (5)" and inserting "paragraphs (6) through (10)"; and

(3) by inserting before paragraph (6) (as redesignated by paragraph (1)), the following:

"(1) provide Congress with timely, impartial analyses of scientific and technological information;

"(2) make assessments relating to the uses and application of technology toward achieving national policy goals;

"(3) assess and analyze technologies that could contribute to solving energy security related issues;

"(4) assess and analyze foreign sciences and technologies that could contribute to achieving national policy goals;

"(5) assess the impact of existing or probable policies on scientific and technological advances;".

(d) PRIORITY OF ASSESSMENTS; REQUIREMENTS.—Section 3 of the Office of Technology Assessment Reestablishment Act of 2007 (Public Law 92–484; 86 Stat. 798) is amended by adding at the end the following:

"(f) PRIORITY OF ASSESSMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), requests for the conduct of assessment activities under subsection (d)(1) shall be addressed by the Office in the following order:

"(A) Requests with bipartisan and bicameral support.

"(B) Requests with bipartisan support.

"(C) Requests from individual members of Congress.

"(2) EXCEPT.—Notwithstanding paragraph (1), the Director of the Office, with the approval of the Board, may determine the final priority for requests within and among the categories described in subparagraphs (A) through (C) of paragraph (1).

"(g) DEADLINE.—In conducting assessments requested under subsection (d)(1), the Director and the person or entity submitting the request shall agree on a timeline for the delivery of the results of the assessment, including briefings, findings, draft reports, final reports, or any other appropriate information.

"(h) PEER REVIEW.—Each assessment report requested under subsection (d) shall be subject to peer review, which shall consist of rigorous vetting, checking, criticism, and recommendations for improvement by independent, qualified experts in the various aspects of the matters being assessed.

"(i) AVAILABILITY OF ASSESSMENTS.—The Office shall maintain an electronic resource that makes available to the public—

"(1) assessments produced by the Office; and

"(2) any other information determined to be appropriate by the Director.".

(e) USE OF THE CONGRESSIONAL BUDGET OFFICE.—The Office of Technology Assessment Reestablishment Act of 2007 (Public Law 92–484; 86 Stat. 797) is amended—

(1) by redesignating sections 10, 11, and 12, as sections 11, 13, and 14, respectively; and

(2) by inserting after section 9 the following:

"SEC. 10. USE OF CONGRESSIONAL BUDGET OFFICE.

"(a) IN GENERAL.—The Director of the Congressional Budget Office may make available to the Office any services and assistance that may be appropriate to carry out the objectives of this Act, including all of the services and assistance which the Congressional Budget Office is otherwise authorized to provide to the Congress.

"(b) REIMBURSEMENT.—Services and assistance made available to the Office by the Director of the Congressional Budget Office under this section may be provided with or without reimbursement by the Office, as agreed upon by the Board and the Director of the Congressional Budget Office.

"(c) EFFECT.—Nothing in this section alters or modifies any services or responsibilities (other than services performed for, and responsibilities relating to, the Office) that the Director of the Congressional Budget Office performs for or on behalf of the Congress under any law.".

(f) COORDINATION WITH NATIONAL ACADEMIES.—The Office of Technology Assessment Reestablishment Act of 2007 (Public Law 92–484; 86 Stat. 797) is amended by inserting after section 11 (as redesignated by subsection (e)(1)) the following:

"SEC. 12. COORDINATION WITH NATIONAL ACADEMIES.

"The Office shall maintain a continuing liaison with the National Academies of Science with respect to—

"(1) grants and contracts formulated or activated by the National Academies of Science for purposes of technology assessment;

"(2) the promotion of coordination in areas of technology assessment; and

"(3) the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.".

(g) AUTHORIZATION OF APPROPRIATIONS.—The Office of Technology Assessment Reestablishment Act of 2007 (Public Law 92–484; 86 Stat. 797) is amended by striking section 14 (as redesignated by subsection (e)(1)) and inserting the following:

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"Of amounts in the Treasury not otherwise appropriated, there is authorized to be appropriated to the Office to carry out the duties of the Office pursuant to this Act $15,000,000 for each of fiscal years 2008 through 2013.".

SA 1682. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLIANCE EFFICIENCY STANDARDS COMMISSION.

(a) APPLIANCE EFFICIENCY STANDARDS COMMISSION.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(hh) APPLIANCE EFFICIENCY STANDARDS COMMISSION.—

"(1) ESTABLISHMENT.—

"(A) ESTABLISHMENT.—There is established a commission to be known as the 'Appliance Efficiency Standards Commission' (referred to in this subsection as the 'Commission').

"(B) MEMBERSHIP.—

"(i) COMPOSITION.—The Commission shall be composed of 14 members appointed by the President, of whom—

"(I) 5 members shall be appointed to represent energy and manufacturing industries;

"(II) 3 members shall be appointed to represent consumer organizations;

"(III) 2 members shall be appointed from nongovernmental organizations that specialize in energy efficiency, environmental protection, or consumer advocacy; and

"(IV) 1 member shall be appointed from each of—

"(aa) the Department of Commerce;

"(bb) the National Academy of Sciences;

"(cc) the Department of Energy; and

"(dd) the Environmental Protection Agency.

"(ii) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this subsection.

"(C) TERM; VACANCIES.—

"(i) TERM.—Subject to clause (ii), the term of office of a member of the Commission shall be 3 years.

"(ii) STAGGERED INITIAL TERMS.—Of the initial members of the Commission appointed under clause (i), the term of office of—

"(I) 5 members shall be 3 years;

"(II) 5 members shall be 2 years; and

"(III) 4 members shall be 1 year.

"(iii) VACANCIES.—A vacancy on the Commission—

"(I) shall not affect the powers of the Commission; and

"(II) shall be filled in the same manner as the original appointment was made.

"(D) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

"(E) MEETINGS.—The Commission shall meet at the call of the Chairperson.

"(F) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

"(2) DUTIES.—The Commission shall—

"(A) conduct ongoing studies of the establishment or improvement of energy conservation standards and test protocols for consumer goods and appliances that will reduce the use of electricity use of consumer products and improve the competitiveness of the United States; and

"(B) based on the studies, make recommendations to the Secretary for the establishment or improvement of energy conservation standards and test protocols through expedited rulemaking under subsection (ii).

"(3) POWERS.—

"(A) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subsection.

"(B) INFORMATION FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subsection.

"(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

"(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(D) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

"(4) COMMISSION PERSONNEL MATTERS.—

"(A) COMPENSATION OF MEMBERS.—

"(i) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

"(ii) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(B) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

"(C) STAFF.—

"(i) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

"(ii) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

"(iii) COMPENSATION.—

"(I) IN GENERAL.—Except as provided in subclause (I), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(II) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(D) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

"(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(5) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.".

(b) EXPEDITED RULEMAKINGS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by subsection (a)) is amended by adding at the end the following:

"(ii) EXPEDITED RULEMAKING FOR STANDARDS RECOMMENDED BY APPLIANCE EFFICIENCY STANDARDS COMMISSION.—

"(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on each energy conservation standard or test procedure recommended by the Appliance Efficiency Standards Commission established under subsection (hh).

"(2) PROCEDURE.—

"(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a recommendation of the Appliance Efficiency Standards Commission, the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the recommendation in accordance with this paragraph.

"(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the recommendation, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

"(C) PROPOSED RULE.—

"(i) PUBLICATION.—Not later than 30 days after the receipt of a recommendation described in paragraph (1), the Secretary shall publish a proposed rule proposing the standard or test procedure covered by the recommendation.

"(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30-day period beginning on the date of publication of the proposed rule in the Federal Register.

"(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

"(D) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

"(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

"(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.".

SA 1683. Mr. VOINOVICH (for himself, Mr. CARPER, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7___. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

SA 1684. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 4 through 6 and insert the following:

(A) implementation of the requirement would significantly harm—

(i) the economy or environment of a State, region, or the United States; or

(ii) any industry located in a State, region, or the United States, particularly with respect to—

(I) producers of livestock, poultry, and pork products; and

(II) processors of food and food products;

SA 1685. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 2___. ADVANCED COAL GENERATION DEPLOYMENT OF ADVANCED COAL GENERATION UNITS.

(a) DEFINITIONS.—In this section:

(1) AIR SEPARATION UNIT.—The term "air separation unit" means a technology capable of using ambient air to separate and concentrate a gas with 95 percent oxygen concentration for use in oxy fuel technology.

(2) CAPTURE-READY.—The term "capture ready" means the design of a new coal-fired unit that reduces the cost of and facilitates the addition of carbon dioxide separation and capture technologies after the unit has been placed into service.

(3) OXY FUEL.—The term "oxy fuel" means a coal-fired boiler that burns coal in an environment with a 95 percent oxygen concentration.

(4) SUBCRITICAL PULVERIZED COAL UNIT.—The term "subcritical pulverized coal unit" means a coal-fired boiler that operates—

(A) at a pressure below 3,200 pounds per square inch; and

(B) below a temperature of 1,025 degrees Fahrenheit.

(5) SUPERCRITICAL PULVERIZED COAL UNIT.—The term "supercritical pulverized coal unit" means a coal-fired boiler that—

(A) reaches an electricity generating efficiency of from 37 percent to 40 percent (High Heating Value); and

(B) operates at a minimum pressure of 3,500 pounds per square inch and a minimum temperature of 1,050 degrees Fahrenheit.

(6) ULTRASUPERCRITICAL PULVERIZED COAL UNIT.—The term "ultrasupercritical pulverized coal unit" means a coal-fired boiler that—

(A) reaches an electricity generating efficiency of more than 43 percent (High Heating Value); and

(B) operates at a minimum pressure of 4,600 pounds per square inch and a minimum temperature of 1,110 degrees Fahrenheit.

(b) EXEMPTION FROM NEW SOURCE REVIEW.—Effective beginning on the date of enactment of this Act, any subcritical pulverized coal unit in existence on the date of enactment of this Act that is rebuilt with a supercritical pulverized coal unit, or an ultrasupercritical pulverized coal unit, that includes post-combustion carbon dioxide capture technology or an oxy fuel pulverized coal unit shall be exempt from new source review requirements under the Clean Air Act (42 U.S.C. 7401 et seq.) if—

(1) there is no appreciable increase in the rate of regulated emissions calculated by quantity of pollutants removed per ton of coal used; and

(2) the new unit does not—

(A) cause the area in which the unit is located to deteriorate from an attainment to a nonattainment area; or

(B) alter the progress of the State in achieving attainment under the applicable State implementation plan.

(c) Loan Guarantees for Oxy Fuel Air Separation Units and Air-Blown Ultrasupercritical Pulverized Coal Units That Are Capture-Ready.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(11) Air separation units and air-blown ultrasupercritical pulverized coal units that are capture ready (as the terms are defined in section 2 (a) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007).".

SA 1686. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. EXTENSION OF QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECT BONDS.

(a) Subsection (l) of section 142 (relating to qualified green building and sustainable design projects) is amended—

(1) by striking "2009" in paragraph (8) and inserting "2012", and

(2) by striking "2009" in paragraph (9) and inserting "2012".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 1687. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 292, strike line 7 and all that follows through page 293, line 6, and insert the following:

(4) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

SA 1688. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, strike lines 20 and 21 and insert the following:

SEC. 707. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) Reports.—

(1) In general.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) New presidents.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) Contents.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) Classified and Unclassified Form.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 708. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

SA 1689. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

After section 706, insert the following:

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

SA 1690. Mr. MENENDEZ (for himself and Mr. Sanders) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SOLAR ENERGY

SEC. 801. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) solar energy is the most abundant energy source in the United States;

(2) solar energy can play a significant role in the economy of the United States;

(3) photovoltaic products are produced by domestic and foreign manufacturers and are purchased by thousands of people throughout the United States and foreign countries;

(4) photovoltaic products should be readily available and marketed efficiently to ensure that the people of the United States have adequate access to clean and renewable, domestically-produced energy;

(5) the maintenance and expansion of existing markets for solar energy are vital to the welfare of photovoltaic producers and those concerned with marketing, using, and producing photovoltaic products, as well as to the general economy of the United States; and

(6) photovoltaic products move in interstate and foreign commerce, and photovoltaic products that do not move in interstate or foreign commerce directly burden or affect interstate commerce of photovoltaic products.

(b) PURPOSES.—The purposes of this title are—

(1) to provide for the establishment of an orderly procedure for financing (through assessments on all photovoltaic products manufactured and shipped in the United States and on photovoltaic products imported into the United States) and carrying out a coordinated program of promotion and research designed to strengthen the position of the solar energy industry in the marketplace; and

(2) to maintain and expand domestic and foreign markets and uses for solar energy and solar energy products.

SEC. 802. DEFINITIONS.

In this title:

(1) ASSESSMENT.—The term "assessment" means a fee required to be paid for a photovoltaic product in accordance with an order at a rate equal to $.02 per watt, based on the nameplate capacity of the photovoltaic product (or an equivalent capacity of the photovoltaic product for balance-of-system components, as determined by the Secretary).

(2) BOARD.—The term "Board" means the Solar Energy Promotion and Research Board established under an order and described in section 803(b).

(3) CONSUMER INFORMATION.—The term "consumer information" means technology specifications, environmental data, and other information that would assist consumers and other persons in making evaluations and decisions regarding the purchase and use of solar energy products.

(4) DEPARTMENT.—The term "Department" means the Department of Energy.

(5) FOUNDATION.—The term "Foundation" means the Solar Energy Research and Education Foundation.

(6) IMPORTER.—The term "importer" means any person that imports a photovoltaic product into the United States.

(7) INDUSTRY INFORMATION.—The term "industry information" means information and programs that are designed to lead to the development of new markets, marketing strategies, increased efficiency, and activities to enhance the image of the solar energy industry.

(8) ORDER.—The term "order" means a final solar energy promotion and research order promulgated under section 803(b).

(9) PERSON.—The term "person" means any—

(A) individual;

(B) group of individuals;

(C) partnership;

(D) corporation;

(E) association;

(F) cooperative; or

(G) other entity.

(10) PHOTOVOLTAIC PRODUCT.—The term "photovoltaic product" means—

(A) any photovoltaic cell, module, or other solar electric product with a nameplate capacity that exceeds 1 watt; and

(B) any balance-of-system component (such as an inverter) used in a solar electric system.

(11) PRODUCER.—The term "producer" means any person that manufacturers photovoltaic products.

(12) PROMOTION.—The term "promotion" means any action (including paid advertising) to advance the image and desirability of solar energy products to improve the competitive position and stimulate the sales of solar energy products in the marketplace.

(13) RESEARCH.—The term "research" means—

(A) studies testing the effectiveness of market development and promotion efforts;

(B) studies relating to technological advancement or environmental benefit; and

(C) other related solar energy research and new product development.

(14) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(15) STATE.—The term "State" means—

(A) a State; and

(B) the District of Columbia.

(16) UNITED STATES.—The term "United States" means the all of the States.

SEC. 803. ORDERS.

(a) PROPOSED ORDER.—Not later than January 1, 2008, the Secretary shall—

(1) publish in the Federal Register a proposed solar energy promotion and research order; and

(2) provide notice and opportunity for public comment on the proposed order.

(b) FINAL ORDER.—Not later than 120 days after the date of publication of a proposed order in accordance with subsection (a), the Secretary shall promulgate a final order, which shall take effect as of that date of promulgation.

(c) REQUIREMENTS.—A final order promulgated under subsection (b) shall—

(1) provide for the establishment and selection of a Solar Energy Promotion and Research Board, to be composed of members who are producers or importers appointed by the Secretary from nominations submitted by the Solar Energy Industries Association;

(2) define the powers and duties of the Board, which shall—

(A) hold at least an annual meeting; and

(B) include only the powers—

(i) to administer the order issued under this section, in accordance with the terms and conditions of the order;

(ii) to recommend to the Secretary rules to carry out the order;

(iii) to approve or disapprove budgets submitted by the Foundation;

(iv) to receive, investigate, and report to the Secretary complaints of violations of the order;

(v) to collect and use assessments in accordance with this subsection; and

(vi) to recommend to the Secretary amendments to the order;

(3) specify the circumstances under which special meetings of the Board may be held;

(4) provide that—

(A)(i) except as provided in clauses (ii) through (iv)—

(I) the term of a member appointed to the Board shall be 3 years; and

(II) no member appointed to the Board may serve more than 2 consecutive terms;

(ii) with respect to the initial appointments to the Board, members shall be appointed in staggered 1-, 2-, and 3-year terms, as determined by the Secretary;

(iii) the Secretary shall have a permanent appointment to the Board; and

(iv) the President of the Solar Energy Industries Association shall have a permanent appointment to the Board;

(B) Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in carrying out the duties of the Board;

(C) the total costs of collection of assessments and administrative staff incurred by the Board during any fiscal year shall not exceed 5 percent of the projected total assessments to be collected by the Board for the fiscal year; and

(D) the Board shall use, to the maximum extent practicable, the resources, staff, and facilities of industry organizations to carry out the duties of the Board;

(5) provide that the Board shall oversee the disbursement of assessment funds to the Foundation for the promotion of solar energy;

(6) provide that the Foundation—

(A) shall develop plans or projects of promotion and advertising, research, consumer information, and industry information, to be funded by assessments collected by the Board;

(B) shall, in developing those plans or projects, to the maximum extent practicable, take into account similarities and differences between different solar technologies;

(C) to ensure coordination and efficient use of funds, shall enter into contracts or agreements with established nonprofit organizations to implement programs of promotion and advertising, research, consumer information, and industry information, on the condition that any such contract or agreement provides that—

(i) the person entering the contract or agreement shall develop and submit to the Foundation a proposal for a plan or project, together with 1 or more budgets that describe the estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the person entering the contract or agreement shall, with respect to the plan or project—

(I) keep accurate records of all transactions;

(II) account for funds received and expended;

(III) submit to the Foundation periodic reports on activities conducted; and

(IV) submit such other reports as the Secretary, Board, or Foundation may require; and

(D) may use the resources, staff, and facilities of the Board and industry organizations to carry out the duties of the Foundation;

(7) provide that an employee of an industry organization—

(A) may not receive compensation for work performed for the Foundation; but

(B) shall be reimbursed from assessments collected by the Board for reasonable expenses incurred in performing that work;

(8) require the Board and the Foundation—

(A) to maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe;

(B) to prepare and submit to the Secretary, from time to time, such reports as the Secretary may require; and

(C) to account for the receipt and disbursement of all funds received by the Board and Foundation;

(9) provide that—

(A) each producer shall, for each photovoltaic product produced by the producer, collect an assessment and remit the assessment to the Board in a manner prescribed by the order;

(B) each importer shall, for each photovoltaic product imported by the importer, pay to the Board an assessment in the manner prescribed by the order; and

(C) the Board shall use assessments received under this paragraph—

(i) to provide funds to the Foundation for use in carrying out solar energy projects;

(ii) to pay the costs of plans and projects carried out by the Board;

(iii) to reimburse employees as described in paragraph (7)(B);

(iv) to pay the administrative expenses incurred by the Board in carrying out the duties of the Board, and by the Secretary, after promulgation of the order (including administrative expenses incurred in carrying out a referendum under section 804); and

(v) to establish a reasonable reserve;

(10) permit the Board, with the approval of the Secretary, to invest funds collected through assessments, pending disbursement, only in—

(A) obligations of the United States (or any agency of the United States);

(B) general obligations of any State (or any political subdivision of a State);

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States;

(11) prohibit any funds received by the Board under the order from being used to pay the salary of any Federal employee, other than for recommending amendments to the order;

(12) require that each producer and importer—

(A) maintain and make available for inspection such books and records as may be required by the order, including records of persons from which the producer or importer received payment for photovoltaic products produced or imported by the producer or importer;

(B) submit reports at such time, in such manner, and having such content as is prescribed by the order; and

(C) make information described in subparagraphs (A) and (B) available to the Secretary, upon request, for use in administering and enforcing the order or this title; and

(13) contain such other terms and conditions as are consistent with this title and necessary to carry out the order.

(d) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), information made available to the Secretary in accordance with subsection (c)(12) shall be—

(A) kept confidential by all officers and employees of the Department; and

(B) disclosed only—

(i) in the course of a civil action or administrative proceeding involving the order—

(I) that is brought or initiated at the request of the Secretary; or

(II) to which the Secretary or any other officer of the United States is a party; and

(ii) to the extent that the Secretary or a court of law determines the information to be relevant.

(2) NO PROHIBITION ON ISSUANCE OR PUBLICATION OF CERTAIN INFORMATION.—Nothing in this paragraph prohibits—

(A) the issuance of any general statement, based on any report submitted to the Secretary under subsection (c)(12)(B), of the number of persons subject to the order or statistical data collected by those persons, on the condition that the statement does not identify the information provided by any person; or

(B) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

(3) PROHIBITED DISCLOSURE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, no information obtained under this title or the order may be made available to any agency or officer of the United States for any purpose other than the implementation of this title and the order (including the conduct of any investigation or enforcement action necessary to implement this title or the order).

(B) PENALTY FOR VIOLATION.—A person that violates subparagraph (A) shall be—

(i) fined not more than $1,000, imprisoned for not more than 1 year, or both; and

(ii) if the person is an officer or employee of the Board or the Department, removed from office.

SEC. 804. REFERENDUM.

(a) CONTINUATION OR TERMINATION OF ORDER.—

(1) INITIAL REFERENDUM.—Not later than 4 years after the date of promulgation of the order or such earlier date as may be recommended by the Board, the Secretary shall conduct an initial referendum among persons who have been producers or importers during a representative period, as determined by the Secretary, to determine whether the producers and importers favor the termination of the order.

(2) SECOND REFERENDUM.—After conducting the initial referendum under paragraph (1), on the request of a representative group comprising 25 percent or more of the producers and importers that voted in the initial referendum, the Secretary may conduct a second referendum to determine whether producers and importers described in paragraph (1) favor the termination of the order.

(3) CONTINUATION OF ORDER.—The order shall remain in effect only if the Secretary determines that the order was approved by not less than—

(A) a majority of the producers and importers voting in the initial referendum under paragraph (1); or

(B) in the case of a second referendum conducted under paragraph (2), a majority of the producers and importers voting in that second referendum.

(4) FAILURE TO APPROVE CONTINUATION.—If the Secretary determines that continuation of the order is not approved by a majority of the persons voting in the initial referendum under paragraph (1) or a second referendum under paragraph (2), the Secretary shall—

(A) terminate the collection of assessments under the order by not later than 180 days after the date on which the Secretary makes that determination; and

(B) terminate the order, in an orderly manner, as soon as practicable after that date.

(b) ADMINISTRATIVE MATTERS.—

(1) REIMBURSEMENT.—Subject to section 803(c)(11)(A), the Department shall be reimbursed for expenditures relating to the conduct of a referendum under this section from assessments received by the Board in accordance with the order.

(2) TIME AND PLACE OF REFERENDUM; CERTIFICATION.—Subject to paragraph (3)—

(A) a referendum conducted under this section shall be conducted at local offices on a date and as determined by the Secretary; and

(B) at such a referendum, a producer or importer—

(i) shall certify that the producer or importer was engaged in the production of photovoltaic products during a representative period determined by the Secretary; and

(ii) on the same day, shall be provided an opportunity to vote in the referendum.

(3) ABSENTEE MAIL BALLOT.—The Secretary shall—

(A) provide for a producer or importer to receive an absentee mail ballot for use in voting in a referendum on request; and

(B) establish rules by which a producer or importer may use such an absentee mail ballot to vote in a referendum.

SEC. 805. ENFORCEMENT.

(a) RESTRAINING ORDER; CIVIL FINE.—If the Secretary determines that the administration and enforcement of this title or the order would be adequately served by the issuance of an administrative order or assessment of a civil penalty, following an opportunity for an administrative hearing on the record, the Secretary may—

(1) issue an administrative order to restrain or prevent a person from violating the order; and

(2) assess a civil fine of not more than $25,000 for each violation of the order.

(b) JURISDICTION OF DISTRICT COURT.—The United States district courts shall have exclusive jurisdiction over any civil action brought to enforce, or to prevent or restrain a person from violating, the order or this title.

(c) CIVIL ACTION TO BE REFERRED TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

SEC. 806. INVESTIGATORY POWERS AND PROCEDURES.

(a) INVESTIGATIONS.—The Secretary may conduct such investigations as the Secretary determines to be necessary—

(1) for the effective administration of this title; or

(2) to determine whether any person subject to this title has engaged or is about to engage in any act that constitutes or will constitute a violation of the order or this title.

(b) POWERS.—

(1) IN GENERAL.—In conducting an investigation described in paragraph (1), the Secretary may administer such oaths and affirmations, subpoena and compel the attendance of such witnesses, receive such evidence, and require the production of such records as are relevant to the investigation.

(2) GEOGRAPHICAL BOUNDARY.—The attendance of witnesses and the production of records under paragraph (1) may be required from any place in the United States.

(3) JUDICIAL ACTION.—In a case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or in which the person resides or carries on business, to issue, and such a court may issue, an order requiring the attendance and testimony of the person and the production of any requested records.

(4) CONTEMPT.—Any failure to obey an order of a court issued under paragraph (3)

may be punished by the court as a contempt of the court.

(5) Service of process.—Process in any case described in this subsection may be served—

(A) in the judicial district in which a person is an inhabitant; or

(B) wherever the person may be found.

SEC. 807. EFFECT ON OTHER AUTHORITY.

Nothing in this title preempts, supercedes, or otherwise affects any other Federal or State program relating to solar energy promotion.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the consumer education activities authorized by the order and this title.

SA 1691. Mr. WYDEN (for himself and Mr. Sununu) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REMOVAL OF ROYALTY RELIEF AUTHORITY.

Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

SA 1692. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LICENSING OF LAKE DIANA HYDROELECTRIC PROJECT.

(a) In General.—Notwithstanding any other provision of law, the license to construct the project described in the Federal Energy Regulatory Commission preliminary permit application numbered 12716-000 is approved.

(b) Project Construction Requirements.—The project referred to in subsection (a) shall be carried out in accordance with the notice of intent dated March 29, 2007, as determined by the Federal Energy Regulatory Commission under subsection (c).

(c) Approval.—The Federal Energy Regulatory Commission shall approve the project only if the Commission determines that the project—

(1) will be carried out in accordance with the notice of intent referred to in subsection (b); and

(2) will best develop the affected water resources, in accordance with section 10(a) of the Federal Power Act (16 U.S.C. 803(a)).

(d) License Conditions.—The license for the project referred to in subsection (a) shall include conditions identical to the license conditions relating to the use of affected water determined to be necessary and appropriate by the Federal Energy Regulatory Commission under section 10(a) of that Act (16 U.S.C. 803(a)).

SA 1693. Mr. BINGAMAN (for himself, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, insert the following:

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) In General.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) Requirements and Priority.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(t) Studies of Effects of Renewable Fuel Use.—

"(1) In general.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(2) Matters to be studied.—

"(A) In general.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

"(B) Specific matters.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

"(i) in air and water quality and the quality of other natural resources;

"(ii) in land use patterns;

"(iii) in the rate of deforestation in the United States and globally;

"(iv) to greenhouse gas emissions;

"(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

"(vi) in the long-term capacity of the United States to produce biomass feedstocks.

"(C) Baseline comparison.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

"(3) Reports to congress.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

"(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

"(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.".

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle—

"(A) if, in the judgment of the Administrator, any fuel or fuel additive or";

(2) in subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that"; and

(3) by striking ", or (B) if" and inserting the following: "; or

"(B) if".

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

"(u) Prevention of Air Quality Deterioration.—

"(1) Study.—

"(A) In general.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) Considerations.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) Regulations.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

"(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

"(B) make a determination that no such measures are necessary.

"(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.".

SA 1694. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 165. LIFECYCLE GREENHOUSE GAS EMISSIONS FOR ADVANCED BIOFUELS.

(a) 50-PERCENT REDUCTION.—In addition to or as part of the regulations promulgated under section 111(a)(1), the President shall promulgate regulations to ensure that advanced biofuels achieve at least a 50-percent reduction in lifecycle greenhouse gas emissions compared to the comparable transportation fuel.

(b) FAILURE TO ACHIEVE.—Notwithstanding paragraphs (1) and (3) of section 102 and section 111(a)—

(1) an advanced biofuel that achieves a reduction of at least 20 percent, but less than 50 percent, in lifecycle greenhouse gas emissions compared to gasoline shall be considered a conventional biofuel under section 111(a); and

(2) an advanced biofuel that achieves a reduction of less than 20 percent in lifecycle greenhouse gas emissions compared to gasoline shall not be considered to be a renewable fuel under section 111(a).

SA 1695. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 23 and 24, insert the following:

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term "lifecycle greenhouse gas emissions" means the aggregate quantity of greenhouse gases attributable to the production, transportation, and use of renewable fuel, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

(A) any greenhouse gases captured at the facility and sequestered; and

(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass.

On page 7, line 24, strike "(4)" and insert "(5)".

On page 9, line 11, strike "(5)" and insert "(6)".

On page 10, line 1, strike "(6)" and insert "(7)".

On page 10, line 3, strike "(7)" and insert "(8)".

SA 1696. Mr. NELSON of Nebraska (for himself, Mr. CRAIG, Mr. CRAPO, Mr. KOHL, Mr. ALLARD, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. CREDIT FOR PRODUCTION OF BIOGAS FROM CERTAIN RENEWABLE FEEDSTOCKS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 40A the following new section:

"SEC. 40B. BIOGAS PRODUCED FROM CERTAIN RENEWABLE FEEDSTOCKS.

"(a) GENERAL RULE.—For purposes of section 38, the qualified biogas production credit for any taxable year is an amount equal to the product of—

"(1) $4.27, and

"(2) each million British thermal units (mmBtu) of biogas—

"(A) produced by the taxpayer—

"(i) from qualified energy feedstock, and

"(ii) at a qualified facility, and

"(B) either—

"(i) sold by the taxpayer to an unrelated person during the taxable year, or

"(ii) used by the taxpayer during the taxable year.

"(b) DEFINITIONS.—

"(1) BIOGAS.—The term 'biogas' means a gas that—

"(A) is derived by processing qualified energy feedstock through anaerobic digestion, gasification, or other similar processes, and

"(B) is an energy or fuel alternative to fossil fuels such as coal, natural gas or petroleum-based products."

"(2) QUALIFIED ENERGY FEEDSTOCK.—

"(A) IN GENERAL.—The term 'qualified energy feedstock' means—

"(i) manure of agricultural livestock, including litter, wood shavings, straw, rice hulls, bedding material, and other materials incidentally collected with the manure,

"(ii) any nonhazardous, cellulosic, or other organic agricultural or food industry byproduct or waste material that is derived from—

"(I) harvesting residues,

"(II) wastes or byproducts from fermentation processes, ethanol production, biodiesel production, slaughter of agricultural livestock, food production, food processing, or food service, or

"(III) other organic wastes, byproducts, or sources, or

"(iii) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings.

"(B) EXCLUSIONS.—The term 'qualified energy feedstock' does not include—

"(i) pressure-treated, chemically-treated, or painted wood wastes,

"(ii) municipal solid waste,

"(iii) landfills, or

"(iv) paper that is commonly recycled.

"(C) AGRICULTURAL LIVESTOCK.—The term 'agricultural livestock' means poultry, cattle, sheep, swine, goats, horses, mules, and other equines.

"(3) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that—

"(A) uses anaerobic digestion technology, gasification technology, or other similar technologies to process qualified energy feedstock into biogas,

"(B) is owned by the taxpayer,

"(C) is located in the United States,

"(D) is originally placed in service before January 1, 2018, and

"(E) the biogas output of which is—

"(i) marketed through interconnection with a gas distribution or transmission pipeline, or

"(ii) used on-site or off-site in a quantity that is sufficient to offset the consumption of at least 50,000 mmBtu annually of commercially-marketed fuel derived from coal, crude oil, natural gas, propane, or other fossil fuel.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the qualified facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such qualified facility.

"(2) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling biogas to an unrelated person if such biogas is sold to such a person by another member of such group.

"(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(4) COORDINATION WITH CREDIT FROM PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—The amount of biogas produced and sold or used by the taxpayer during any taxable year which is taken into account under this section shall be reduced by the amount of biogas produced and sold by the taxpayer in such taxable year which is taken into account under section 45K.

"(5) CREDIT ELIGIBILITY IN THE CASE OF GOVERNMENT-OWNED FACILITIES USING POULTRY WASTE.—In the case of a facility using poultry waste to produce biogas and owned by a governmental unit, subparagraph (B) of subsection (b)(3) shall be applied by substituting 'is leased or operated by the taxpayer' for 'is owned by the taxpayer'.

"(d) TRANSFERABILITY OF CREDIT.—

"(1) IN GENERAL.—A taxpayer may transfer the credit under this section through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

"(2) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under paragraph (1) is claimed once and not reassigned by such other person.

"(e) ADJUSTMENT BASED ON INFLATION.—

"(1) IN GENERAL.—The $4.27 amount under subsection (b)(1) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

"(2) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(A) IN GENERAL.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor in accordance with this paragraph.

"(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for calendar year 2007. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

"(f) APPLICATION OF SECTION.—This section shall apply with respect to biogas produced and sold—

"(1) after the date of the enactment of this section, and

"(2) before the date on which the Secretary of Energy certifies that 100,000,000 British thermal units of biogas have been produced at qualified facilities after such date.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the qualified biogas production credit under section 40B(a).".

(c) CREDIT ALLOWED AGAINST AMT.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting ", and", and by adding at the end the following new clause:

"(iii) the credit determined under section 40B.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Biogas produced from certain renewable feedstocks.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to biogas produced and sold or used in taxable years beginning after the date of the enactment of this Act.

SA 1697. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, after line 20, insert the following:

(d) MAJOR ENERGY PRODUCER RECORDS.—

(1) IN GENERAL.—Following the declaration of an energy emergency by the President under section 606, a major energy producer (as defined by section 702) shall maintain and shall make available to the Federal Trade Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to determine whether the producer is in violation of this title.

(2) RETENTION.—A major energy producer subject to paragraph (1) shall retain records required by paragraph (1) for a period of 1 year after the expiration of the declaration of an energy emergency.

SA 1698. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(4), strike subparagraph (A) and insert the following:

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

---

SA 1699. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 21 and all that follows through page 118, line 10, and insert the following:

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of motor vehicle structures may be reduced to improve fuel efficiency without compromising passenger safety;

(2) the cost of primary lightweight materials (such as high-strength steel alloys, aluminum, magnesium, and carbon fiber for reinforced polymer composites) with the properties required for the construction of lighter-weight vehicles may be reduced; and

(3) the cost of processing, joining, and recycling lightweight materials for high-volume applications may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to the appropriated to carry out this section $90,000,000 for each of fiscal years 2007 through 2012.

SA 1700. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 13 . RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term "fuel emission baseline" means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

SA 1701. Mrs. DOLE submitted an amendment to be proposed by her to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking "and" at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting "; and" and

(C) by adding at the end the following:

"(V) a second conviction for drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.".

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.

SA 1702. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) an energy efficiency project for an existing business.".

SA 1703. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) QUALIFIED SETTLEMENT INCOME NOT INCLUDED IN SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(c) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(d) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term "qualified settlement income" means income, including interest and any punitive damage award, received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post judgment and whether related to a settlement or judgment).

SA 1704. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE VIII—ENERGY TAX PROVISIONS

SEC. 800. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Energy Advancement and Investment Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VIII—ENERGY TAX PROVISIONS
Sec. 800. Short title; etc.
Subtitle A—Energy Advancement and Investment
PART I—ADVANCED ELECTRICITY INFRASTRUCTURE
Sec. 801. Extension and modification of renewable electricity, refined coal, and Indian coal production credit.
Sec. 802. Extension and modification of credit for clean renewable energy bonds.
Sec. 803. Clean coal energy bonds.
Sec. 804. Extension and modification of energy credit.
Sec. 805. Energy credit for combined heat and power system property.
Sec. 806. Special depreciation allowance for certain electric transmission property.
Sec. 807. Extension of special rule to implement FERC restructuring policy.
Sec. 808. Extension and modification of credit for residential energy efficient property.
Sec. 809. Credit for residential wind property.
Sec. 810. Expansion and modification of advanced coal project investment credit.
Sec. 811. Expansion and modification of coal gasification investment credit.
Sec. 812. Seven-year applicable recovery period for depreciation of qualified energy management devices.
Sec. 813. Landowner incentive to encourage electric transmission build-out.
PART II—CARBON DIOXIDE SEQUESTRATION
Sec. 815. Tax credit for carbon dioxide sequestration.
Sec. 816. Seven-year applicable recovery period for depreciation of qualified carbon dioxide pipeline property.
Sec. 817. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.
PART III—DOMESTIC FUEL SECURITY
Sec. 821. Credit for production of cellulosic biomass alcohol.
Sec. 822. Expansion of special allowance to cellulosic biomass alcohol fuel plant property.
Sec. 823. Extension of small ethanol producer credit.
Sec. 824. Credit for producers of fossil free alcohol.
Sec. 825. Modification of alcohol credit.
Sec. 826. Extension and modification of credit for biodiesel used as fuel .
Sec. 827. Extension and modification of alternative fuel credit.
Sec. 828. Extension of alternative fuel vehicle refueling property credit.
Sec. 829. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 830. Extension and modification of election to expense certain refineries.
Sec. 831. Ethanol tariff extension.
Sec. 832. Elimination of duty drawback on certain imported ethanol.
Sec. 833. Certain income and gains relating to alcohol fuel mixtures, biodiesel fuel mixtures, and alternative fuel treated as qualifying income for publicly traded partnerships.
Sec. 834. Technical amendments.
PART IV—ADVANCED TECHNOLOGY VEHICLES
Sec. 841. Expansion and modification of credit for alternative fuel motor vehicles.
Sec. 842. Credit for plug-in electric drive motor vehicles.
Sec. 843. Exclusion from heavy truck tax for idling reduction units and advanced insulation added after purchase.
PART V—CONSERVATION AND ENERGY EFFICIENCY
Sec. 851. Extension and modification of nonbusiness energy property credit.
Sec. 852. Extension and modification of new energy efficient home credit.
Sec. 853. Extension and modification of energy efficient commercial buildings deduction.
Sec. 854. Modifications of energy efficient appliance credit for appliances produced after 2007.
PART VI—ACCOUNTABILITY STUDIES
Sec. 861. Cost-benefit analysis of pollution reduction and saving in imported oil per dollar of tax benefit.
Sec. 862. Effect of energy related tax benefits on prices for consumer goods.
Sec. 863. Study on tax-credit bonds.
PART VII—OTHER PROVISIONS
SUBPART A—TIMBER PROVISIONS
Sec. 871. Deduction for qualified timber gain.
Sec. 872. Excise tax not applicable to section 1203 deduction of real estate investment trusts.
Sec. 873. Timber REIT modernization.
Sec. 874. Mineral royalty income qualifying income for timber REITs.
Sec. 875. Modification of taxable REIT subsidiary asset test for timber REITs.
Sec. 876. Safe harbor for timber property.
SUBPART B—MISCELLANEOUS
Sec. 877. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 878. Credit to holders of rural renaissance bonds.
Subtitle B—Revenue Raising Provisions
Sec. 881. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, natural gas, or primary products thereof.
Sec. 882. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 883. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 884. Limitation on drawback claimed for amounts deposited into the Oil Spill Liability Trust Fund.
Sec. 885. Tax on crude oil and natural gas produced from the outer Continental Shelf in the Gulf of Mexico.
Sec. 886. Taxation of taxable fuels in foreign trade zones.
Sec. 887. Clarification of penalty for sale of fuel failing to meet EPA regulations.
Sec. 888. Clarification of eligibility for certain fuels credits for fuel with insufficient nexus to the United States.
Sec. 889. Treatment of qualified alcohol fuel mixtures and qualified biodiesel fuel mixtures as taxable fuels.
Sec. 890. Calculation of volume of alcohol for fuel credits.
Sec. 891. Bulk transfer exception not to apply to finished gasoline.
Sec. 892. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.
Sec. 893. Modification of effective date of leasing provisions of the American Jobs Creation Act of 2004.
Sec. 894. Revision of tax rules on expatriation of individuals.
Subtitle C—Secure Rural Schools and Community Self-Determination Program
Sec. 901. Secure rural schools and community self-determination program.

Subtitle A—Energy Advancement and Investment

PART I—ADVANCED ELECTRICITY INFRASTRUCTURE

SEC. 801. EXTENSION AND MODIFICATION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 45(d) (relating to qualified facilities) is amended—

(A) by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) and inserting "January 1, 2014", and

(B) by striking "7-year period" both places it appears in paragraph (10)(A) and inserting "8-year period".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) CREDIT RATE FOR ELECTRICITY MAINTAINED AT 2007 LEVEL.—

(1) IN GENERAL.—Section 45(a)(1) (relating to general rule) is amended by striking "1.5 cents" and inserting "2 cents".

(2) NO INFLATION ADJUSTMENT.—Section 45(b)(2) (relating to credit and phaseout adjustment based on inflation) is amended by striking "1.5 cent amount in subsection (a), the".

(3) CONFORMING AMENDMENTS.—Section 45(b)(4)(A) is amended—

(A) by striking "2003" and inserting "2006", and

(B) by striking "the amount in effect" and all that follows and inserting "subsection (a)(1) shall be applied by substituting '0.9 cent' for '2 cents'.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold after December 31, 2006.

(c) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A) (defining refined coal) is amended—

(A) by striking clause (iv),

(B) by adding "and" at the end of clause (ii), and

(C) by striking ", and" at the end of clause (iii) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting "at least 40 percent of the emissions of" after "nitrogen oxide and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to coal produced and sold after December 31, 2007.

(d) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—

(1) ON-SITE USE.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—In the case of electricity produced after December 31, 2007, at any facility described in paragraph (2) or (3) which is equipped with net metering to determine electricity consumption or sale (such consumption or sale to be verified by a third party as determined by the Secretary), subsection (a)(2) shall be applied without regard to subparagraph (B) thereof.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(e) EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) wave, current, tidal, and ocean thermal energy.".

(2) DEFINITION OF RESOURCES.—Section 45(c) is amended by adding at the end the following new paragraph:

"(10) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

"(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.".

(3) FACILITIES.—Section 45(d) is amended by adding at the end the following new paragraph:

"(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in subparagraph (A), (B), or (C) of subsection (c)(10) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2014, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility.".

(4) CREDIT RATE.—Section 45(b)(4)(A) (relating to credit rate), as amended by this section, is amended by striking "or (9)" and inserting "(9), or (11)".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) TRASH FACILITY CLARIFICATION.—

(1) IN GENERAL.—Paragraph (7) of section 45(d) is amended—

(A) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(B) by striking "COMBUSTION".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 802. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) INCREASE IN AMOUNT OF BONDS DESIGNATED; 4-YEAR EXTENSION.—

(1) IN GENERAL.—Section 54(f) (relating to limitation on amount of bonds designated) is amended by adding at the end the following new paragraph:

"(3) NATIONAL ANNUAL LIMITATION.—

"(A) IN GENERAL.—There is a national clean renewable energy bond annual limitation for each calendar year. Such limitation is $900,000,000 for 2008, 2009, 2010, and 2011, and, except as provided in subparagraph (C), zero thereafter.

"(B) ALLOCATION BY SECRETARY.—The national clean renewable energy bond limitation for a calendar year shall be allocated by the Secretary among qualified projects in such manner as the Secretary determines appropriate, except that the Secretary may not allocate more than $563,000,000 of such limitation for each calendar year to finance qualified projects of qualified borrowers which are governmental bodies, of which not less than one-half of such amount shall be allocated with respect to qualified projects equaling or exceeding $10,000,000 in capital expenditures per project.

"(C) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year, the national clean renewable energy bond annual limitation for such year exceeds the amount of bonds allocated during such year, such limitation for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation may be carried only to the first year following the unused limitation year. For purposes of the preceding sentence, a limitation shall be treated as used on a first-in first-out basis.".

(2) CONFORMING AMENDMENT.—Section 54 is amended by striking subsection (m).

(b) LIMITATION ON TIME FOR ISSUANCE.—Section 54(d)(1)(A) (defining clean renewable energy bond) is amended by inserting ", or is issued by the qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable energy bond annual limitation under subsection (f)(3) by not later than the end of the calendar year following the year of such allocation" after "subsection (f)(2)".

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

"(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period in the case of bonds issued pursuant to an allocation under subsection (f)(3)).".

(2) CONFORMING AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(d) QUALIFIED PROJECT INCLUDES CERTAIN TRANSMISSION LINES.—Section 54(d)(2)(A) (defining qualified project) is amended by inserting "and any electric transmission property capital expenditures (as defined in section 172(b)(1)(I)(v)(I)) related to such facility" after "qualified borrower".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 803. CLEAN COAL ENERGY BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF CLEAN COAL ENERGY BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a clean coal energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a clean coal energy bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any clean coal energy bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any clean coal energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of clean coal energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

"Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than subpart C, section 1400N(l), and this section).

"(d) CLEAN COAL ENERGY BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'clean coal energy bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean coal energy bond limitation under subsection (f)(2),

"(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsection (h).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means a qualifying advanced coal project (as defined in section 48A(c)(1)) placed in service by a qualified borrower.

"(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean coal energy bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

"(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean coal energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean coal energy bond,

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean coal energy bond.

"(e) MATURITY LIMITATIONS.—

"(1) DURATION OF TERM.—A bond shall not be treated as a clean coal energy bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

"(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of subsection (l)(5) and using as a discount rate the average annual interest rate of tax of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national clean coal energy bond limitation of $3,000,000,000.

"(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate, except that the Secretary may not allocate more than $1,875,000,000 of the national clean coal energy bond limitation to finance qualified projects of qualified borrowers which are governmental bodies.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean coal energy bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean coal energy bond or, in the case of a clean coal energy bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a clean coal energy bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) COOPERATIVE ELECTRIC COMPANY; CLEAN COAL ENERGY BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

"(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(2) CLEAN COAL ENERGY BOND LENDER.—The term 'clean coal energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

"(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

"(A) a clean coal energy bond lender,

"(B) a cooperative electric company, or

"(C) a governmental body.

"(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

"(B) a governmental body.

"(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) NO BASIS ADJUSTMENT.—Rules similar to the rules under section 1397E(l) shall apply.

"(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any clean coal energy bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean coal energy bond unless it is part of an issue which provides for an equal amount principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).

"(6) REPORTING.—Issuers of clean coal energy bonds shall submit reports similar to the reports required under section 149(e).

"(m) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2012.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON CLEAN COAL ENERGY BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) Conforming Amendment.—Section 54(c)(2) is amended by inserting "section 54A," after "subpart C,".

(d) Clerical Amendment.—The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of clean coal energy bonds.".

(e) Issuance of Regulations.—The Secretary of the Treasury shall issues regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 804. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) Extension.—

(1) Qualified fuel cell property.—Subparagraph (E) of section 48(c)(1) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(2) Qualified microturbine property.—Subparagraph (E) of section 48(c)(2) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(3) Solar property.—Paragraphs (2)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(b) Repeal of Public Utility Property Exclusion.—

(1) In general.—Paragraph (3) of section 48(a), as amended by subsection (a)(3), is amended by striking the first sentence which follows subparagraph (D).

(2) Conforming amendments.—

(A) Section 48(c)(1), as amended by subsection (a)(1), is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(B) Section 48(c)(2), as amended by subsection (a)(2), is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(c) Repeal of Dollar Per Kilowatt Limitation for Fuel Cell Property.—

(1) In general.—Section 48(c)(1), as amended by subsection (b)(2)(A), is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(2) Conforming amendment.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) Extensions.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 805. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) In General.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(b) Combined Heat and Power System Property.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

"(d) Combined Heat and Power System Property.—For purposes of subsection (a)(3)(A)(v)—

"(1) Combined heat and power system property.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(C) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(D) the energy efficiency percentage of which exceeds 60 percent, and

"(E) which is placed in service before January 1, 2017.

"(2) Special rules.—

"(A) Energy efficiency percentage.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) Determinations made on btu basis.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

"(C) Input and output property not included.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(3) Systems using biomass.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

"(A) paragraph (1)(D) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(c) Effective Date.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 806. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN ELECTRIC TRANSMISSION PROPERTY.

(a) In General.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following:

"(m) Special Allowance for Certain Electric Transmission Property.—

"(1) Additional allowance.—In the case of any specified electric transmission property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) Specified electric transmission property.—The term 'specified electric transmission property' means property of a character subject to the allowance for depreciation—

"(A) which is used in the United States as a generator tie to solely transmit electricity from any qualified facility described in section 45(d) (without regard to any placed in service date or the last sentence of paragraph (4) thereof) to the grid,

"(B) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

"(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

"(D) which is placed in service by the taxpayer before January 1, 2014.

"(3) Exceptions.—

"(A) Alternative depreciation property.—Such term shall not include any property described in section 168(k)(2)(D)(i).

"(B) Election out.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(4) Special rules.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

"(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

"(B) by substituting 'January 1, 2014' for 'January 1, 2005' in clause (i) thereof, and

"(C) by substituting 'specified electric transmission property' for 'qualified property' in clause (iv) thereof.

"(5) Recapture.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any specified electric transmission property which ceases to be specified electric transmission property.".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 807. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) Qualifying Electric Transmission Transaction.—

(1) In general.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) Effective date.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) Independent Transmission Company.—

(1) In general.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

SEC. 808. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) Extension.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2014".

(b) Maximum Credit for Solar Electric Property.—

(1) In general.—Section 25D(b)(1)(A) (relating to maximum credit) is amended by striking "$2,000" and inserting "$4,000".

(2) Conforming amendment.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,334".

(c) Effective Date.—The amendments made by this section shall apply to expenditures made after December 31, 2007.

SEC. 809. CREDIT FOR RESIDENTIAL WIND PROPERTY.

(a) In General.—Section 25D(a) (relating to allowance of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(b) Limitation.—Section 25D(b)(1) (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (A) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(c) Qualified Small Wind Energy Property Expenditures.—

(1) In general.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) Qualified small wind energy property expenditure.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(2) No double benefit.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(d) Maximum Expenditures in Case of Joint Occupancy.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $1,667 in the case of each half kilowatt of capacity of wind turbines for which qualified small wind energy property expenditures are made.".

(e) Effective Date.—The amendments made by this section shall apply to expenditures after December 31, 2007.

SEC. 810. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) Credit Rate Parity Among Projects.—Section 48A(a) (relating to qualifying advanced coal project credit) is amended by striking "equal to" and all that follows and inserting "equal to30 percent of the qualified investment for such taxable year.".

(b) Expansion of Aggregate Credits.—Section 48A(d)(3)(A) (relating to aggregate credits) is amended by striking "$1,300,000,000" and inserting "$3,800,000,000".

(c) Authorization of Additional Projects.—

(1) In general.—Subparagraph (B) of section 48A(d)(3) (relating to aggregate credits) is amended to read as follows:

"(B) Particular projects.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i),

"(iii) $1,500,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii), and

"(iv) $1,000,000,000 for other advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) Application period for additional projects.—Subparagraph (A) of section 48A(d)(2) (relating to certification) is amended to read as follows:

"(A) Application period.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in clause (iii) or (iv) of paragraph (3)(A) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) Capture and sequestration of carbon dioxide emissions requirement.—Section 48A(e)(1) (relating to requirements) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ", and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in paragraph (2)(A)(ii), the project includes equipment to separate and sequester 65 percent of such project's total carbon dioxide emissions.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 811. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) Credit Rate.—Section 48B(a) (relating to qualifying gasification project credit) is amended by striking "20 percent" and inserting "30 percent".

(b) Expansion of Aggregate Credits.—Section 48B(d)(1) (relating to qualifying gasification project program) is amended by striking "$350,000,000" and inserting "$1,850,000,000 (of which $1,500,000,000 shall be allocated for qualifying gasification projects that include equipment to separate and sequester 75 percent of such a project's total carbon dioxide emissions)".

(c) Eligible Projects Include Fischer-Tropsch Process.—Section 48B(c)(7) (defining eligible entity) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting ", and", and by adding at the end the following new subparagraph:

"(H) transportation grade liquid fuels.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) In General.—Section 168(e)(3)(C) (defining 7-year property) is amended by striking "and" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified energy management device, and".

(b) Definition of Qualified Energy Management Device.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

"(18) Qualified energy management device.—

"(A) In general.—The term 'qualified energy management device' means any energy management device which is placed in service before January 1, 2011, by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) Energy management device.—For purposes of subparagraph (A), the term 'energy management device' means any two-way communications network and associated equipment, including equipment installed on the premises of a consumer, which is used by the taxpayer—

"(i) to measure and record electricity usage data on a time-differentiated basis of at least 60 minutes, and

"(ii) to provide such data on demand to both consumers and the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 813. LANDOWNER INCENTIVE TO ENCOURAGE ELECTRIC TRANSMISSION BUILD-OUT.

(a) In General.—Part III of subchapter B of chapter 1. (relating to items specifically excluded from gross income) is amended by inserting after section 139A the following new section:

“SEC. 139B. ELECTRIC TRANSMISSION EASEMENT PAYMENTS.

“(a) In General.—Gross income shall not include any qualified electric transmission easement payment.

“(b) Qualified Electric Transmission Easement Payment.—For purposes of this section, the term ‘qualified electric transmission payment’ means any payment by an electric utility or electric transmission entity pursuant to an easement or other agreement granted by the payee (or any predecessor of such payee) for the right of such entity (or any successors of such entity) to locate on such payee's property transmission lines and equipment used to transmit electricity at 230 or more kilovolts primarily from qualified facilities described in section 45(d) (without regard to any placed in service date or the last sentence of paragraph (4) thereof) or energy property (as defined in section 48(a)(3)) placed in service after the date of the enactment of this section.

“(c) No Increase in Basis.—Notwithstanding any other provision of this subtitle, no increase in the basis or adjusted basis of any property shall result from any amount excluded under this subsection with respect to such property.

“(d) Denial of Double Benefit.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed (to the person for whose benefit a qualified electric transmission easement payment is made) for, or by reason of, any expenditure to the extent of the amount excluded under this section with respect to such expenditure.”.

(b) Clerical Amendment.—The table of sections for such part III is amended by inserting after the item relating to section 139A the following new item:

“Sec. 139B. Electric transmission easement payments.”.

(c) Effective Date.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

PART II—CARBON DIOXIDE SEQUESTRATION

SEC. 815. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

“SEC. 45O. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

“(a) General Rule.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

“(1) $20 per metric ton of qualified carbon dioxide which is—

“(A) captured by the taxpayer at a qualified facility, and

“(B) disposed of by the taxpayer in secure geological storage, and

“(2) $10 per metric ton of qualified carbon dioxide which is—

“(A) captured by the taxpayer at a qualified facility, and

“(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

“(b) Qualified Carbon Dioxide.—For purposes of this section—

“(1) In general.—The term ‘qualified carbon dioxide’ means carbon dioxide captured from an industrial source which—

“(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

“(B) is measured at the source of capture and verified at the point of disposal or injection.

“(2) Recycled carbon dioxide.—The term ‘qualified carbon dioxide’ includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

“(c) Qualified Facility.—For purposes of this section, the term ‘qualified facility’ means any industrial facility—

“(1) which is owned by the taxpayer,

“(2) at which carbon capture equipment is placed in service, and

“(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

“(d) Special Rules and Other Definitions.—For purposes of this section—

“(1) Only carbon dioxide captured within the United States taken into account.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture of which is within—

“(A) the United States (within the meaning of section 638(1)), or

“(B) a possession of the United States (within the meaning of section 638(2)).

“(2) Secure geological storage.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

“(3) Tertiary injectant.—The term ‘tertiary injectant’ has the same meaning as when used within section 193(b)(1).

“(4) Qualified enhanced oil or natural gas recovery project.—The term ‘qualified enhanced oil or natural gas recovery project’ has the meaning given the term ‘qualified enhanced oil recovery project’ by section 43(c)(2), by substituting ‘crude oil or natural gas’ for ‘crude oil’ in subparagraph (A)(i) thereof.

“(5) Credit attributable to taxpayer.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

“(6) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

“(7) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2008, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

“(A) such dollar amount, multiplied by

“(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting ‘2007’ for ‘1990’.

“(e) Application of Section.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.”.

(b) Conforming Amendment.—Section 38(b) (relating to general business credit) is amended by striking “plus” at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting “, plus”, and by adding at the end of following new paragraph:

“(32) the carbon dioxide sequestration credit determined under section 45O(a).”.

(c) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

“Sec. 45O. Credit for carbon dioxide sequestration.”.

(d) Effective Date.—The amendments made by this section shall apply carbon dioxide captured after the date of the enactment of this Act.

SEC. 816. SEVEN-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED CARBON DIOXIDE PIPELINE PROPERTY.

(a) In General.—Section 168(e)(3)(C) (defining 7-year property), as amended by this Act, is amended by striking “and” at the end of clause (v), by redesignating clause (vi) as clause (vii), and by inserting after clause (iv) the following new clause:

“(vi) any qualified carbon dioxide pipeline property—

“(I) the original use of which commences with the taxpayer after the date of the enactment of this clause,

“(II) the original purpose of which is to transport carbon dioxide, and

“(III) which is placed in service before January 1, 2014.”.

(b) Definition of Qualified Carbon Dioxide Pipeline Property.—Section 168(e) (relating to classification of property) is amended by inserting at the end the following new paragraph:

“(8) Qualified carbon dioxide pipeline property.—The term ‘qualified carbon dioxide pipeline property’ means property which is used in the United States solely to transmit qualified carbon dioxide (as defined in section 45O(b)) from the point of capture to the point of disposal (as described in section 45O(a)(1)(B)) or the point at which such qualified carbon dioxide is used as a tertiary injectant (as described in section 45O(a)(2)(B)).”.

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 817. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) In General.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting “or industrial source carbon dioxide” after “timber)”.

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

PART III—DOMESTIC FUEL SECURITY

SEC. 821. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) In General.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking “plus” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, plus”, and by adding at the end the following new paragraph:

"(4) the small cellulosic alcohol producer credit.".

(b) Small Cellulosic Alcohol Producer Credit.—

(1) In general.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

"(A) In general.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

"(B) Applicable amount.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.11, over

"(ii) the sum of—

"(I) the amount of the credit allowable for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

"(II) the amount of the credit allowable under subsection (b)(4) at the time of such production.

"(C) Qualified cellulosic alcohol production.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which is produced by an eligible small cellulosic alcohol producer and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

"(D) Additional distillation excluded.—The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(E) Application of paragraph.—This paragraph shall apply with respect to qualified cellulosic alcohol production—

"(i) after December 31, 2007, and

"(ii) before the end of the later of—

"(I) December 31, 2012, or

"(II) the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 1,000,000,000 gallons of cellulosic biomass alcohol (as so defined) have been produced in or imported into the United States after such date.".

(2) Termination date not to apply.—Subsection (e) of section 40 (relating to termination) is amended by adding at the end the following new paragraph:

"(3) Exception for small cellulosic alcohol producer credit.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) Eligible Small Cellulosic Alcohol Producer.—Section 40 is amended by adding at the end the following new subsection:

"(i) Definitions and Special Rules for Small Cellulosic Alcohol Producer.—For purposes of this section—

"(1) In general.—The term 'eligible small cellulosic alcohol producer' means a person, who at all times during the taxable year, has a productive capacity for cellulosic biomass alcohol not in excess of 60,000,000 gallons.

"(2) Cellulosic biomass alcohol.—

"(A) In general.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(B) Determination of proof.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(3) Aggregation rule.—For purposes of the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(4) Partnership, S corporations, and other pass-thru entities.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(5) Allocation.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(6) Regulations.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(4) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of cellulosic biomass alcohol during the taxable year.

"(7) Allocation of small cellulosic producer credit to patrons of cooperative.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.".

(d) Alcohol Not Used as a Fuel, etc.—

(1) In general.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(e) Effective Date.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 822. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOMASS ALCOHOL FUEL PLANT PROPERTY.

(a) In General.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) Cellulosic biomass alcohol.—For purposes of this subsection, the term 'cellulosic biomass alcohol' means any alcohol produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) Conforming Amendments.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biomass alcohol".

(2) The heading of section 168(l) is amended by striking "Cellulosic Biomass Ethanol" and inserting "Cellulosic Biomass Alcohol".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOMASS ALCOHOL".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 823. EXTENSION OF SMALL ETHANOL PRODUCER CREDIT.

Paragraph (1) of section 40(e) (relating to termination) is amended—

(1) in subparagraph (A), by inserting "(December 31, 2012, in the case of the credit allowed by reason of subsection (a)(3))" after "December 31, 2010", and

(2) in subparagraph (B), by inserting "(January 1, 2013, in the case of the credit allowed by reason of subsection (a)(3))" after "January 1, 2011".

SEC. 824. CREDIT FOR PRODUCERS OF FOSSIL FREE ALCOHOL.

(a) In General.—Subsection (a) of section 40 (relating to alcohol used as fuel), as amended by section 821, is amended by striking "plus" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", plus", and by adding at the end the following new paragraph:

"(5) the small fossil free alcohol producer credit.".

(b) Small Fossil Free Alcohol Producer Credit.—

(1) In general.—Subsection (b) of section 40, as amended by section 821, is amended by adding at the end the following new paragraph:

"(7) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—

"(A) In general.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 cents for each gallon of qualified fossil free alcohol production.

"(B) Qualified fossil free alcohol production.—For purposes of this section, the term 'qualified fossil free alcohol production' means alcohol which is produced by an eligible small fossil free alcohol producer at a fossil free alcohol production facility and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

"(C) Additional distillation excluded.—The qualified fossil free alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.".

(c) ELIGIBLE SMALL FOSSIL FREE ALCOHOL PRODUCER.—Section 40, as amended by section 821, is amended by adding at the end the following new subsection:

"(j) DEFINITIONS AND SPECIAL RULES FOR SMALL FOSSIL FREE ALCOHOL PRODUCER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible small fossil free alcohol producer' means a person, who at all times during the taxable year, has a productive capacity for alcohol from all fossil free alcohol production facilities of the taxpayer which is not in excess of 60,000,000 gallons.

"(2) FOSSIL FREE ALCOHOL PRODUCTION FACILITY.—The term 'fossil free alcohol production facility' means any facility at which 90 percent of the fuel used in the production of alcohol is from biomass (as defined in section 45K(c)(3)).

"(3) AGGREGATION RULE.—For purposes of the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(4) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(5) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(5) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of alcohol from fossil free alcohol production facilities during the taxable year.

"(7) ALLOCATION OF SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.".

(d) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d), as amended by section 821, is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(5), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(7)(B),

then there is hereby imposed on such person a tax equal to 25 cents for each gallon of such alcohol.".

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1) and amended by section 821, is amended by striking "or (D)" and inserting "(C), or (E)".

(e) TERMINATION.—Paragraph (1) of section 40(e), as amended by section 823, is amended—

(1) in subparagraph (A), by striking "(December 31, 2012, in the case of the credit allowed by reason of subsection (a)(3))" and inserting "(December 31, 2012, in the case of the credits allowed by reason of paragraphs (3) and (5) of subsection (a))", and

(2) in subparagraph (B), by striking "(January 1, 2013, in the case of the credit allowed by reason of subsection (a)(3))" and inserting "(January 1, 2013, in the case of the credits allowed by reason of paragraphs (3) and (5) of subsection (a))".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 825. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—Subsection (h) of section 40 (relating to reduced credit for ethanol blenders) is amended by adding at the end the following new paragraph:

"(3) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after the date described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

"(B) DATE DESCRIBED.—The date described in this subparagraph is the first date on which 7,500,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of the enactment of this paragraph, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) (relating to alcohol fuel mixture credit) is amended by adding at the end the following new subparagraph:

"(C) REDUCED AMOUNT AFTER SALE OF 7,500,000,000 GALLONS.—In the case of any alcohol fuel mixture produced in a calendar year beginning after the date described in section 40(h)(3)(B), subparagraph (A) shall be applied by substituting '46 cents' for '51 cents'.".

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 826. EXTENSION AND MODIFICATION OF CREDIT FOR BIODIESEL USED AS FUEL .

(a) EXTENSION.—

(1) INCOME TAX CREDITS FOR BIODIESEL AND RENEWABLE DIESEL AND SMALL AGRI-BIODIESEL PRODUCER CREDIT.—Section 40A(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010 (December 31, 2012, in the case of the credit allowed by reason of subsection (a)(3))".

(2) EXCISE TAX CREDIT.—Section 6426(c)(6) (relating to termination) is amended by striking "2008" and inserting "2010".

(3) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(5)(B) (relating to termination) is amended by striking "2008" and inserting "2010".

(b) MODIFICATION OF CREDIT FOR RENEWABLE DIESEL.—

(1) IN GENERAL.—Section 40A(f) (relating to renewable diesel) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR CO-PROCESSED RENEWABLE DIESEL.—In the case of a taxpayer which produces renewable diesel through the co-processing of biomass and petroleum at any facility, this subsection shall not apply to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons."

(c) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking "and mustard seeds" and inserting "mustard seeds, and camelina".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 827. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking "September 30, 2009" and inserting "December 31, 2012".

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking "September 30, 2009" and inserting "December 31, 2012".

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking "September 30, 2009" and inserting "December 31, 2012".

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking "and" at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) compressed or liquified biomass gas, and".

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting "sold by the taxpayer for use as a fuel in aviation," after "motorboat,".

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) CARBON CAPTURE REQUIREMENT.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been produced at a facility which is primarily a liquid coal facility which separates and sequesters not less than 75 percent of such facility's total carbon dioxide emissions.".

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting "which meets the requirements of paragraph (4) and which is" after "any liquid fuel".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

(2) CARBON CAPTURE REQUIREMENTS.—The amendments made by subsection (c) shall apply to fuel sold or used after December 31, 2007.

SEC. 828. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

Paragraph (2) of section 30C(g) (relating to termination) is amended by striking "December 31, 2009" and inserting "December 31, 2012".

SEC. 829. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

SEC. 830. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking "January 1, 2012" in subparagraph (B) and inserting "January 1, 2014", and

(2) by striking "January 1, 2008" each place it appears in subparagraph (F) and inserting "January 1, 2010".

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting ", or directly from shale or tar sands" after "(as defined in section 45K(c))".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting "shale, tar sands, or" before "qualified fuels".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 831. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "1/1/2009" and inserting "1/1/2011".

SEC. 832. ELIMINATION AND REDUCTIONS OF DUTY DRAWBACK ON CERTAIN IMPORTED ETHANOL.

(a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "or" and inserting the following: "other than an article that contains either—

"(aa) imported ethyl alcohol (provided for in subheading 2207.10.60 or 2207.20.00 of such Schedule), or

"(bb) any imported mixture (provided for in heading 2710 or 3824 of such Schedule) that contains ethyl alcohol, or".

(b) LIMITATIONS ON, AND REDUCTIONS OF, DRAWBACKS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(z) LIMITATIONS ON, AND REDUCTIONS OF, DRAWBACKS.—

"(1) LIMITATIONS.—

"(A) IN GENERAL.—Ethyl alcohol or mixture containing ethyl alcohol described in subparagraph (B) may be treated as being of the same kind and quality under subsection (b) of this section or may be treated as being commercially interchangeable with any other ethyl alcohol or mixture containing ethyl alcohol under subsection (j)(2) of this section, only if the other ethyl alcohol or mixture—

"(i) if imported, is subject to the additional duty under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States; or

"(ii) if domestic, is subject to Federal excise tax under section 4041 or 4081 of the Internal Revenue Code of 1986 in an amount equal to or greater than the amount of drawback claimed.

"(B) ETHYL ALCOHOL OR MIXTURE CONTAINING ETHYL ALCOHOL DESCRIBED.—Ethyl alcohol or mixture containing ethyl alcohol described in this subparagraph means—

"(i) ethyl alcohol classifiable under subheading 2207.10.60 or 2207.20.00 of the Harmonized Tariff Schedule of the United States, or

"(ii) a mixture containing ethyl alcohol classifiable under heading 2710 or 3824 of the Harmonized Tariff Schedule of the United States, which, if imported would be subject to additional duty under subheading 9901.00.50 of such Schedule.

"(2) REDUCTION OF DRAWBACK.—For purposes of subsections (b), (j)(2), and (p) of this section, the amount of the refund as drawback under this section shall be reduced by an amount equal to any Federal tax credit or refund of any Federal tax paid on the merchandise with respect to which the drawback is claimed.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to articles exported on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 833. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUEL MIXTURES, BIODIESEL FUEL MIXTURES, AND ALTERNATIVE FUEL TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income), as amended by this Act, is amended by inserting ", or the transportation or storage of any fuel described in subsection (b), (c), or (d) of section 6426" after "carbon dioxide)".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 834. TECHNICAL AMENDMENTS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting "or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))" after "section 6426" in subparagraph (A),

(B) by inserting "or (e)(2)" after "subsection (e)(1)" in subparagraphs (A)(i) and (B), and

(C) by inserting "AND ALTERNATIVE FUEL CREDIT" after "MIXTURE CREDIT" in the heading thereof.

(2)(A) Subparagraph (G) of section 6426(d)(2), as redesignated by section 827, is amended by striking "hydrocarbons" and inserting "fuel".

(B) Section 6426 is amended by adding at the end the following new subsection:

"(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel which is described in subsection (b) or (c) or section 40 or 40A.".

(3) The amendments made by this subsection shall take effect as if included in section 11113 of the SAFETEA-LU.

(b) AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1342 OF THE ACT.—

(A) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to all alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—".

(B) Subsection (c) of section 30C is amended to read as follows:

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.——For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(2) only the following were treated as clean burning fuels for purposes of section 179A(d):

"(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(B) Biodiesel (as defined in section 40A(d)(1)).

"(C) Any mixture—

"(i) which consists of two or more of the following: biodiesel (as so defined), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.".

(2) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(A)(i) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(ii) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(iii) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(B)(i) Paragraph (5) of section 4041(d) is amended—

(I) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(II) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions."

(ii) Section 4082 is amended—

(I) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(II) by redesignating subsections (f) and (g) as subsections (g) and (h) and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(iii) Subsection (e) of section 4082 is amended—

(I) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(II) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(iv) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4081(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(C) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)" after "subsections".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(B) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by paragraph (2)(C) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(C) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by paragraph (2)(B)(iii)(II) shall take effect as if included in section 11161 of the SAFETEA–LU.

(c) AMENDMENTS RELATED TO SECTION 339 OF THE AMERICAN JOBS CREATION ACT OF 2004.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

"(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).".

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.".

(B) Subsection (m) of section 6501 is amended by inserting "45H(g)," after "45C(d)(4),".

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking "qualified capital costs" and inserting "qualified costs".

(B) The heading of paragraph (2) of section 45H(c) is amended by striking "CAPITAL".

(C) Subsection (a) of section 179B is amended by inserting "and which are properly chargeable to capital account" before the period at the end.

(4) The amendments made by this subsection shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

PART IV—ADVANCED TECHNOLOGY VEHICLES

SEC. 841. EXPANSION AND MODIFICATION OF CREDIT FOR ALTERNATIVE FUEL MOTOR VEHICLES.

(a) EXTENSION.—Section 30B(j) (relating to termination) is amended—

(1) by striking "December 31, 2014" in paragraph (1) and inserting "December 31, 2016",

(2) by striking "December 31, 2010" in paragraph (2) and inserting "December 31, 2012",

(3) by striking "December 31, 2009" in paragraph (3) and inserting "December 31, 2012", and

(4) by striking "December 31, 2010" in paragraph (4) and inserting "December 31, 2012".

(b) MODIFICATION RELATING TO NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—The last sentence of section 30B(e)(2) is amended to read as follows: "A new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating shall be deemed to satisfy the preceding sentence if it is certified as exceeding the most stringent standard applicable to the model year in which such motor vehicle was produced.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 842. CREDIT FOR PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30D. PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

"(A) $2,500, plus

"(B) $400 for each kilowatt hour of traction battery capacity of at least 5 kilowatt hours, plus

"(C) $400 for each kilowatt hour of traction battery capacity in excess of 5 kilowatt hours.

"(b) LIMITATIONS.—

"(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2)(A) shall not exceed—

"(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

"(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

"(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

"(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—No credit shall be allowed under subsection (a) for any new qualified plug-in electric drive motor vehicle which is a passenger vehicle or light truck in any calendar year following the calendar year which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2007, is at least 250,000.

"(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

"(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

"(2) which uses an offboard source of energy to recharge such battery,

"(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

"(4) the original use of which commences with the taxpayer,

"(5) which is acquired for use or lease by the taxpayer and not for resale, and

"(6) which is made by a manufacturer.

"(d) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

"(B) the tentative minimum tax for the taxable year.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

"(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

"(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

"(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

"(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(f) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.".

(2) COORDINATION WITH OTHER MOTOR VEHICLE CREDITS.—

(A) NEW QUALIFIED FUEL CELL MOTOR VEHICLES.—Paragraph (3) of section 30B(b) is amended by adding at the end the following new flush sentence:

"Such term shall not include any motor vehicle which is a new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)).".

(B) NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(d) is amended by adding at the end the following new flush sentence:

"Such term shall not include any motor vehicle which is a new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)).".

(3) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting "plus", and by adding at the end the following new paragraph:

"(33) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.".

(B) Section 55(c)(3) is amended by inserting "30D(d)(2)," after "30C(d)(2),".

(C) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30D(e)(4).".

(D) Section 6501(m) is amended by inserting "30D(e)(9)" after "30C(e)(5)".

(E) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. Plug-in electric drive motor vehicle credit.".

(b) CONVERSION KITS.—

(1) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) PLUG-IN CONVERSION CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 10 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

"(2) LIMITATIONS.—The amount of the credit allowed under this subsection shall not exceed $2,500 with respect to the conversion of any motor vehicle.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

"(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

"(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

"(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

"(iii) consists of a standardized configuration and is mass produced,

"(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

"(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

"(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

"(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

"(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2009.".

(2) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the plug-in conversion credit determined under subsection (i).".

(3) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: ", except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years beginning after such date.

SEC. 843. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION ADDED AFTER PURCHASE.

(a) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraphs:

"(7) IDLING REDUCTION DEVICE.—Any device or system of devices which—

"(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using either—

"(i) an all electric unit, such as a battery powered unit or from grid-supplied electricity, or

"(ii) a dual fuel unit powered by diesel or other fuels, and capable of providing such services from grid-supplied electricity or on-truck batteries alone, and

"(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

For purposes of subparagraph (B), the term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

"(8) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after December 31, 2007.

PART V—CONSERVATION AND ENERGY EFFICIENCY

SEC. 851. EXTENSION AND MODIFICATION OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) NATURAL GAS FIRED HEAT PUMPS.—Section 25C(d)(3) (relating to energy-efficient building property) is amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(F) a natural gas fired heat pump with a heating coefficient of performance (COP) of at least 1.1.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) INCREASED LIMITATION FOR OIL FURNACES AND NATURAL GAS, PROPANE, AND OIL HOT WATER BOILERS.—

(A) IN GENERAL.—Subparagraphs (B) and (C) of section 25C(b)(3) are amended to read as follows:

"(B) $150 for any qualified natural gas furnace or qualified propane furnace, and

"(C) $300 for—

"(i) any item of energy-efficient building property, and

"(ii) any qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler.".

(B) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

"(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or".

(2) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d)(3) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 852. EXTENSION AND MODIFICATION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination), as amended by section 205 of division A of the Tax Relief and Health Care Act of 2006, is amended by striking "December 31, 2008" and inserting "December 31, 2011".

(b) MODIFICATION.—

(1) IN GENERAL.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to homes purchased after December 31, 2008.

SEC. 853. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 854. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Section 45M of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 45M. ENERGY EFFICIENT APPLIANCE CREDIT.

"(a) GENERAL RULE.—

"(1) IN GENERAL.—For purposes of section 38, the energy efficient appliance credit determined under this section for any taxable year is an amount equal to the sum of the credit amounts determined under paragraph (2) for each type of qualified energy efficient appliance produced by the taxpayer during the calendar year ending with or within the taxable year.

"(2) CREDIT AMOUNTS.—The credit amount determined for any type of qualified energy efficient appliance is—

"(A) the applicable amount determined under subsection (b) with respect to such type, multiplied by

"(B) the eligible production for such type.

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is $75 in the case of a residential model dishwasher which—

"(A) is manufactured in calendar year 2008, 2009, or 2010, and

"(B) uses not more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $125 in the case of a residential model top-loading clothes washer which—

"(i) is manufactured in calendar year 2008 or 2009, and

"(ii) meets or exceeds a 1.8 MEF and does not exceed a 7.5 water consumption factor,

"(B) $150 in the case of a residential or commercial model clothes washer which—

"(i) is manufactured in calendar year 2008, 2009, or 2010, and

"(ii) meets or exceeds a 2.0 MEF and does not exceed a 6.0 water consumption factor, and

"(C) $250 in the case of a residential or commercial model clothes washer which—

"(i) is manufactured in calendar year 2008, 2009, or 2010, and

"(ii) meets or exceeds a 2.2 MEF and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $75 in the case of a residential model refrigerator which—

"(i) is manufactured in calendar year 2008 or 2009, and

"(ii) consumes at least 23 percent, but not more than 24.9 percent, fewer kilowatt hours per year than the 2001 energy conservation standards,

"(B) $100 in the case of a residential model refrigerator which—

"(i) is manufactured in calendar year 2008, 2009, or 2010, and

"(ii) consumes at least 25 percent, but not more than 29.9 percent, fewer kilowatt hours per year than the 2001 energy conservation standards, and

"(C) $200 in the case of a residential model refrigerator which—

"(i) is manufactured in calendar year 2008, 2009, or 2010, and

"(ii) consumes at least 30 percent fewer kilowatt hours per year than the 2001 energy conservation standards.

"(c) ELIGIBLE PRODUCTION.—The eligible production in a calendar year with respect to each type of qualified energy efficient appliance is the excess of—

"(1) the number of appliances of such type which are produced in the United States by the taxpayer during such calendar year, over

"(2) the average number of appliances of such type which were produced in the United

States by the taxpayer (or any predecessor) during the preceding 2-calendar year period.

"(d) TYPES OF QUALIFIED ENERGY EFFICIENT APPLIANCES.—For purposes of this section, the types of qualified energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).

"(e) LIMITATIONS.—

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—Except as provided in paragraph (2), the aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.

"(2) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined beginning after December 31, 2007.

"(3) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(f) DEFINITIONS.—For purposes of this section:

"(1) DISHWASHER.—The term 'dishwasher' means a dishwasher subject to the energy conservation standards established by the Department of Energy.

"(2) CLOTHES WASHER.—The term 'clothes washer' includes a clothes washer subject to the energy conservation standards established by the Department of Energy.

"(3) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer with the clothes container compartment access located on the top of the machine.

"(4) REFRIGERATOR.—The term 'refrigerator' means an automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

"(5) GALLONS PER CYCLE.—The term 'gallons per cycle' means the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(6) MEF.—The term 'MEF' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.

"(7) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means the quotient of the total weighted per-cycle water consumption divided by the cubic foot capacity of the clothes washer.

"(8) 2001 ENERGY CONSERVATION STANDARD.—The term '2001 energy conservation standard' means the energy conservation standards promulgated by the Department of Energy and effective July 1, 2001.

"(g) SPECIAL RULES.—For purposes of this section:

"(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(2) CONTROLLED GROUP.—

"(A) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single producer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(3) VERIFICATION.—No amount shall be allowed as a credit under subsection (a) with respect to which the taxpayer has not submitted such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

PART VI—ACCOUNTABILITY STUDIES

SEC. 861. COST-BENEFIT ANALYSIS OF POLLUTION REDUCTION AND SAVING IN IMPORTED OIL PER DOLLAR OF TAX BENEFIT.

(a) COST-BENEFIT ANALYSIS.—The Secretary of the Treasury shall undertake a cost-benefit analysis of those provisions of this Act that use tax incentives to reduce the use of imported oil and to reduce the emissions of carbon dioxide and harmful air pollutants.

(b) REPORT.—Not later than December 31 of the 2nd calendar year after the date of the enactment of this Act, the Secretary of the Treasury shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the cost-benefit analysis conducted pursuant to subsection (a).

SEC. 862. EFFECT OF ENERGY RELATED TAX BENEFITS ON PRICES FOR CONSUMER GOODS.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the estimated effects on the price of consumer goods that may result from the enactment of the amendments to the Internal Revenue Code of 1986 made by this Act, including the effect on the price of foodstuffs, soaps, automobiles, motor fuels, and any other product for which the amendments made by this Act may be expected to significantly alter the supply and demand conditions of a consumer goods market.

(b) REPORT.—Not later than December 31 of the 2nd calendar year after the date of the enactment of this Act, the Secretary of the Treasury shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted pursuant to subsection (a).

SEC. 863. STUDY ON TAX-CREDIT BONDS.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the use of tax-credit bonds as a means of subsidizing the borrowing costs of the beneficiaries of such financing. In addition to providing a general examination of the effectiveness of the tax-credit bonds described in paragraph (2) and of the Federal subsidy provided by tax-credit bonds relative to the subsidy provided by tax-exempt bonds, the study shall—

(1) examine the extent to which projects eligible for tax-credit bonds also receive other Federal tax benefits under present law,

(2) examine any market or administrative issues associated with present-law tax-credit bonds under sections 54 and 1397E of the Internal Revenue Code of 1986 and sections 54A and 54B of such Code, as added by this Act, including—

(A) the effect of the Department of the Treasury setting the credit rate,

(B) the Department's selection of projects eligible for financing,

(C) the potential for arbitrage earnings and the extent to which this may affect the level of subsidy,

(D) the lack of uniform rules for tax-credit bonds, and

(E) the direct issuance of tax-credit bonds by private parties, and

(3) discuss the changes to present-law that would be necessary to provide a tax-credit bond that delivers a subsidy comparable to that provided by tax-exempt bonds and reduces the market and administrative issues associated with present-law tax-credit bonds.

(b) REPORT.—Not later than December 31 of the 2nd calendar year after the date of the enactment of this Act, the Secretary of the Treasury shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the results of the study conducted pursuant to subsection (a).

PART VII—OTHER PROVISIONS

Subpart A—Timber Provisions

SEC. 871. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income in an amount equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(1) In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)) other than a real estate investment trust, the election under this section shall be made separately by each taxpayer subject to tax on such gain.

"(2) In the case of any qualified timber gain of a real estate investment trust, the election under this section shall be made by the real estate investment trust.

"(d) TERMINATION.—

"(1) IN GENERAL.—This section shall not apply to any taxable year beginning after the date that is 1 year after the date of the enactment of this section.

"(2) TAXABLE YEARS WHICH INCLUDE DATE OF TERMINATION.—In the case of any taxable year which includes the date of the termination described in paragraph (1), for purposes of this section, the taxpayer's qualified timber gain shall not exceed the excess that would be described in subsection (b) if only dispositions of timber before such date were taken into account.".

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain Not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(22) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) Treatment of Qualified Timber Gain of Real Estate Investment Trusts.—Paragraph (3) of section 857(b) is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) Treatment of qualified timber gain.—For purposes of this part, in the case of a real estate investment trust with respect to which an election is in effect under section 1203—

"(i) Reduction of net capital gain.—The net capital gain of the real estate investment trust for any taxable year shall be reduced (but not below zero) by the real estate investment trust's qualified timber gain (as defined in section 1203(b)).

"(ii) Adjustment to shareholder's basis attributable to deduction for qualified timber gains.—

"(I) In general.—The adjusted basis of shares in the hands of the shareholder shall be increased by the amount of the deduction allowable under section 1203(a) as provided in subclauses (II) and (III).

"(II) Allocation of basis increase for distributions made during taxable year.—For any taxable year of a real estate investment trust for which an election is in effect under section 1203, in the case of a distribution made with respect to shares during such taxable year of amounts attributable to the deduction allowable under section 1203(a), the adjusted basis of such shares shall be increased by the amount of such distributions.

"(III) Allocation of excess.—If the deduction allowable under section 1203(a) for a taxable year exceeds the amount of distributions described in subclause (II), the excess shall be allocated to every shareholder of the real estate investment trust at the close of the trust's taxable year in the same manner as if a distribution of such excess were made with respect to such shares.

"(IV) Designations.—To the extent provided in regulations, a real estate investment trust shall designate the amounts described in subclauses (II) and (III) in a manner similar to the designations provided with respect to capital gains described in subparagraphs (C) and (D).

"(V) Definitions.—As used in this subparagraph, the terms 'share' and 'shareholder' shall include beneficial interests and holders of beneficial interests, respectively.

"(iii) Earnings and profits deduction for qualified timber gains.—The deduction allowable under section 1203(a) for a taxable year shall be allowed as a deduction in computing the earnings and profits of the real estate investment trust for such taxable year. The earnings and profits of any such shareholder which is a corporation shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.".

(g) Loss Attributable to Basis Adjustment for Deduction for Qualified Timber Gain of Real Estate Investment Trusts.—

(1) Section 857(b)(8) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Loss attributable to basis adjustment for deduction for qualified timber gain.—If—

"(i) a shareholder of a real estate investment trust receives a basis adjustment provided under subsection (b)(3)(G)(ii), and

"(ii) the taxpayer has held such share or interest for 6 months or less,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in clause (i), be disallowed.".

(2) Subparagraph (D) of section 857(b)(8), as redesignated by paragraph (1), is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)".

(h) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202, and the deduction under section 1203, shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "or 1203," after "1202,".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(i) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Taxable years which include date of enactment.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SEC. 872. EXCISE TAX NOT APPLICABLE TO SECTION 1203 DEDUCTION OF REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—Subparagraph (B) of section 4981(b)(1) is amended to read as follows:

"(B) 95 percent of the real estate investment trust's capital gain net income, without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i).".

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Taxable years which include date of enactment.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this Act, if only dispositions of timber after such date were taken into account.

SEC. 873. TIMBER REIT MODERNIZATION.

(a) In General.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

"(H) Treatment of timber gains.—

"(i) In general.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

"(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

"(II) recognized under section 631(b); or

"(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

"(ii) Special rules.—

"(I) For purposes of this subtitle, cut timber, the gain of which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

"(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

"(iii) Termination.—

"(I) In general.—This subparagraph shall not apply to dispositions on or after the termination date.

"(II) Termination date.—For purposes of this subsection, the termination date is the date that is 1 year after the date of the enactment of this subparagraph.".

(b) Effective Date.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 874. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) In General.—Section 856(c)(2) is amended by striking "and" at the end of subparagraph (G), by inserting "and" at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

"(I) mineral royalty income earned before the termination date, from real property owned by a timber real estate investment trust held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;".

(b) Timber Real Estate Investment Trust.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Timber real estate investment trust.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to income earned after the date of the enactment of this Act.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 875. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) In General.—Section 856(c)(4)(B)(ii) is amended by inserting "(in the case of a quarter which closes before the termination date, 25 percent in the case of a timber real estate investment trust)" after "not more than 20 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries".

(b) Effective Date.—The amendment made by this section shall apply to quarters closing after the date of the enactment of this Act.

SEC. 876. SAFE HARBOR FOR TIMBER PROPERTY.

(a) In General.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) Special rules for sales to qualified organizations.—

"(i) In general.—In the case of sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

"(I) by substituting '2 years' for '4 years' in clause (i), and

"(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

"(ii) Termination.—This subparagraph shall not apply to sales on or after the termination date.".

(b) Prohibited Transactions.—Section 857(b)(6)(D)(v) is amended by inserting "or, in the case of a sale before the termination date, a taxable REIT subsidiary" after "independent contractor (as defined in section 856(d)(3)) from whom the trust itself does not derive or receive any income".

(c) Sales That Are Not Prohibited Transactions.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(H) Sales of property that are not a prohibited transaction.—In the case of a sale before the termination date, the sale of property which is not a prohibited transaction through application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.".

(d) Termination Date.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(I) Termination date.—For purposes of this paragraph, the termination date is the date that is 1 year after the date of the enactment of this subparagraph.".

(e) Effective Date.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

Subpart B—Miscellaneous

SEC. 877. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) Refund.—

(1) Coal producers.—

(A) In general.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, the export or shipment of which was other than through an exporter who has filed a claim for a refund under paragraph (2),

(ii) such coal producer filed a return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary of the Treasury shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported by the coal producer or a party related to such coal producer.

(B) Special rules for certain taxpayers.—For purposes of this section—

(i) Establishment of export.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) Amount of payment.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount awarded under the judgment described in clause (iii).

(iii) Judgment described.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(iv) Recapture.—In the case any judgment described in clause (iii) is overturned, the coal producer shall pay to the Secretary the amount of any payment received under subparagraph (A) unless the coal producer establishes the export of the coal to a foreign country or shipment of coal to a possession of the United States.

(2) Exporters.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary of the Treasury shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported by the exporter.

(b) Limitations.—Subsection (a) shall not apply with respect to exported coal if a credit or refund of tax imposed by section 4121 of such Code on such coal has been allowed or made to, or if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) Subsequent Refund Prohibited.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported coal has been paid to any person.

(d) Definitions.—For purposes of this section—

(1) Coal producer.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) Exporter.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to sell or export such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) Related party.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of such Code) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(e) Timing of Refund.—With respect to any claim for refund filed pursuant to this section, the Secretary of the Treasury shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) Interest.—Any refund paid pursuant to this section shall be paid by the Secretary of the Treasury with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of such Code.

(g) Denial of Double Benefit.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) Application of Section.—This section applies only to claims on coal exported on or after October 1, 1990, through the date of the enactment of this Act.

(i) Standing Not Conferred.—

(1) Exporters.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) Coal producers.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 878. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) In General.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 54B. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

“(a) Allowance of Credit.—In the case of a taxpayer who holds a rural renaissance bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

“(b) Amount of Credit.—

“(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

“(2) Annual credit.—The annual credit determined with respect to any rural renaissance bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) Determination.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) Credit allowance date.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than subpart C, section 1400N(l), and this section).

“(d) Rural Renaissance Bond.—For purposes of this section—

“(1) In general.—The term ‘rural renaissance bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national rural renaissance bond limitation under subsection (f)(2),

“(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form,

“(D) the issue meets the requirements of subsection (h), and

“(E) such bond is not a federally guaranteed bond (within the meaning of section 149(b)(2)).

“(2) Qualified project; special use rules.—

“(A) In general.—The term ‘qualified project’ means 1 or more projects described in subparagraph (B) located in a rural area.

“(B) Projects described.—A project described in this subparagraph is a project eligible for assistance under—

“(i) the utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(2)),

“(ii) the distance learning or telemedicine programs authorized pursuant to chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.),

“(iii) the rural electric programs authorized pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.),

“(iv) the rural telephone programs authorized pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.),

“(v) the broadband access programs authorized pursuant to title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), and

“(vi) the rural community facility programs as described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)).

“(C) Refinancing rules.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

“(D) Reimbursement.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(E) Treatment of changes in use.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower or qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

“(F) Treatment of other subsidies.—For purposes of subparagraph (B), a qualified project does not include any portion of a project financed by grants or subsidized financing provided (directly or indirectly) under a Federal program, including any State or local obligation used to provide financing for such portion the interest on which is exempt from tax under section 103.

“(e) Maturity Limitations.—

“(1) Duration of term.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) Maximum term.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

"(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national rural renaissance bond limitation of $400,000,000.

"(2) ALLOCATION BY SECRETARY.—

"(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among at least 20 qualified projects, or such lesser number of qualified projects with proper applications filed after 12 months after the adoption of the selection process under subparagraph (B).

"(B) SELECTION PROCESS.—In consultation with the Secretary of Agriculture, the Secretary shall adopt a process to select projects described in subparagraph (A). Under such process, the Secretary shall not allocate more than 15 percent of the allocation under subparagraph (A) to qualified projects within a single State.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) DEFINITIONS AND SPECIAL RULES RELATING TO ISSUERS AND BORROWERS.—For purposes of this section—

"(1) QUALIFIED ISSUER.—The term 'qualified issuer' means—

"(A) a rural renaissance bond lender,

"(B) a cooperative electric company, or

"(C) a governmental body.

"(2) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

"(B) a governmental body.

"(3) RURAL RENAISSANCE BOND LENDER.—The term 'rural renaissance bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(5) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

"(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) RURAL AREA.—The term 'rural area' shall have the meaning given such term by section 1393(a)(2).

"(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

"(7) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54B(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54B(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 54B. Credit to holders of rural renaissance bonds.".

(2) Section 54(c)(2), as amended by this Act, is amended by inserting "section 54B," after "section 54A,".

(3) Section 54A(c)(2), as added by this Act, is amended by inserting "section 54B," after "subpart C,".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54B of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Subtitle B—Revenue Raising Provisions

SEC. 881. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) of such Code is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(c) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking "electricity, natural gas," and inserting "electricity", and

(2) in subparagraph (B)(ii) by striking "electricity, natural gas," and inserting "electricity".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 882. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

"(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

"(1) the amount of the combined foreign oil and gas income for the taxable year,

"(2) multiplied by—

"(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

"(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

"(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

"(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

"(A) foreign oil and gas extraction income, and

"(B) foreign oil related income.

"(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

"(A) oil and gas extraction taxes, and

"(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.".

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

"(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

"(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

"(i) first by the amount determined under subparagraph (B), and

"(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

"(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Advancement and Investment Act of 2007) for preceding taxable years beginning after December 31, 1982.

"(C) REDUCTION FOR POST-2007 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

"(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

"(ii) the excess of—

"(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2007, over

"(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2007.

"(D) FOREIGN OIL AND GAS LOSS DEFINED.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

"(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

"(II) the sum of the deductions properly apportioned or allocated thereto.

"(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

"(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

"(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

"(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Advancement and Investment Act of 2007.".

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking "oil and gas extraction taxes" each place it appears and inserting "foreign oil and gas taxes", and

(2) by adding at the end the following new paragraph:

"(4) TRANSITION RULES FOR PRE-2008 AND 2008 DISALLOWED CREDITS.—

"(A) PRE-2008 CREDITS.—In the case of any unused credit year beginning before January 1, 2008, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2007—

"(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

"(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

"(B) 2008 CREDITS.—In the case of any unused credit year beginning in 2008, the amendments made to this subsection by the Energy Advancement and Investment Act of 2007 shall be treated as being in effect for any preceding year beginning before January 1, 2008, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.".

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking "oil and gas extraction taxes" and inserting "foreign oil and gas taxes".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 883. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking "5 cents" and inserting "10 cents".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.".

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraph (2)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 884. LIMITATION ON DRAWBACK CLAIMED FOR AMOUNTS DEPOSITED INTO THE OIL SPILL LIABILITY TRUST FUND.

Section 313(j) of the Tariff Act of 1930 (19 U.S. C. 1313(j)) is amended by adding at the end the following new paragraph:

"(5) LIMITATION ON CERTAIN DRAWBACKS.—Any tax or fee imposed under section 4611 of the Internal Revenue Code of 1986 for deposit in the Oil Spill Liability Trust Fund pursuant to section 9509 of such Code shall not be eligible for refund as drawback under this section.".

SEC. 885. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

"Sec. 5896. Imposition of tax.
"Sec. 5897. Taxable crude oil or natural gas and removal price.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

"(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

"(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

"(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

"SEC. 5897. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

"(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

"(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

"(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL OR GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) ADMINISTRATIVE REQUIREMENTS.—

"(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5896 on a quarterly basis.

"(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

"(3) TAXABLE PERIODS; RETURN OF TAX.—

"(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

"(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5896.

"(b) DEFINITIONS.—For purposes of this chapter—

"(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

"(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

"(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The tax imposed by section 5896(a) (after application of section 5896(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.".

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

"CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after the date of the enactment of this Act.

SEC. 886. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) TAX IMPOSED ON REMOVALS AND ENTRIES IN FOREIGN TRADE ZONES.—

(1) IN GENERAL.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) UNITED STATES.—The term 'United States' includes any foreign trade zone or bonded warehouse located in the United States.".

(2) CONFORMING AMENDMENT.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—

(A) in clause (i), by inserting "in the United States" after "refinery"; and

(B) in clause (ii), by inserting "in the United States" after "terminal".

(b) TREATMENT OF TAXABLE FUEL IN FOREIGN TRADE ZONES.—Paragraph (2) of section 81c(a) of title 19, United States Code, is amended by inserting "(other than the provisions relating to taxable fuel (as defined under section 4083(a) of the Internal Revenue Code of 1986))" after "thereunder".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to removals and entries after December 31, 2007.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on January 1, 2008.

SEC. 887. CLARIFICATION OF PENALTY FOR SALE OF FUEL FAILING TO MEET EPA REGULATIONS.

(a) IN GENERAL.—Subsection (a) of section 6720A (relating to penalty with respect to certain adulterated fuels) is amended by striking "applicable EPA regulations (as defined in section 45H(c)(3))" and inserting "the requirements for diesel fuel under section 211 of the Clean Air Act, as determined by the Secretary,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 888. CLARIFICATION OF ELIGIBILITY FOR CERTAIN FUELS CREDITS FOR FUEL WITH INSUFFICIENT NEXUS TO THE UNITED STATES.

(a) IN GENERAL.—

(1) ALCOHOL CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—

"(A) ALCOHOL CREDIT.—No alcohol credit shall be determined under this section with respect to any alcohol unless such alcohol is produced in the United States for consumption in the United States or entered into the United States for consumption in the United States.

"(B) ALCOHOL MIXTURE CREDIT.—No alcohol mixture credit shall be determined under this section with respect to any mixture unless such mixture is produced in the United States for consumption in the United States or entered into the United States for consumption in the United States.

"(C) NO CREDITS FOR ALCOHOL DESTINED FOR EXPORT.—No credit (other than the small ethanol producer credit) shall be determined under this section with respect to any mixture or alcohol if such mixture or alcohol is destined for export from the United States (as determined by the Secretary).

"(D) SPECIAL RULE FOR SMALL PRODUCER CREDITS.—No small ethanol producer credit, small cellulosic alcohol producer credit, or small fossil free alcohol producer credit shall be determined under this section with respect to any alcohol unless such alcohol is produced in the United States.".

(2) BIODIESEL CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—

"(A) BIODIESEL CREDIT.—No biodiesel credit shall be determined under this section with respect to any biodiesel unless such biodiesel is produced in the United States for consumption in the United States or is entered into the United States for consumption in the United States.

"(B) BIODIESEL MIXTURE CREDIT.—No biodiesel mixture credit shall be determined under this section with respect to any mixture unless such mixture is produced in the United States for consumption in the United States or is entered into the United States for consumption in the United States.

"(C) NO CREDITS FOR BIODIESEL DESTINED FOR EXPORT.—No credit (other than the small agri-biodiesel producer credit) shall be determined under this section with respect to any mixture or biodiesel if such mixture or biodiesel is destined for export from the United States (as determined by the Secretary).

"(D) SPECIAL RULE FOR SMALL AGRI-BIODIESEL PRODUCER CREDIT.—No small agri-biodiesel producer credit shall be determined under this section with respect to any agri-biodiesel unless such agri-biodiesel is produced in the United States.".

(3) EXCISE TAX CREDITS.—Section 6426, as amended by section 833, is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) MIXTURE CREDITS.—No credit shall be determined under this section with respect to any mixture unless such mixture is produced in the United States for consumption in the United States or is entered into the United States for consumption in the United States.

"(2) ALTERNATIVE FUEL CREDIT.—No alternative fuel credit shall be determined under this section with respect to any alternative fuel unless such alternative fuel is produced in the United States for consumption in the United States or is entered into the United States for consumption in the United States.

"(3) NO CREDITS FOR FUELS DESTINED FOR EXPORT.—No credit shall be determined under this section with respect to any mixture or alternative fuel if such mixture or alternative fuel is destined for export from the United States (as determined by the Secretary).".

(4) PAYMENTS.—Subsection (e) of section 6427 is amended by redesignating paragraph (5), as amended by this Act, as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 889. TREATMENT OF QUALIFIED ALCOHOL FUEL MIXTURES AND QUALIFIED BIODIESEL FUEL MIXTURES AS TAXABLE FUELS.

(a) IN GENERAL.—Subparagraph (A) of section 4083(a)(3) (relating to diesel fuel) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (v), and inserting after clause (ii) the following new clauses:

"(iii) any qualified mixture (as defined in section 40(b)(1)(B)) which is a mixture of alcohol and special fuel,

"(iv) any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)), and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2007.

SEC. 890. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "the volume of alcohol" and all that follows and inserting "the volume of alcohol shall not include any denaturant added to such alcohol.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2007.

SEC. 891. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

"(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any gasoline which meets the requirements for gasoline under section 211 of the Clean Air Act.".

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

"(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2007.

SEC. 892. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 893. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 894. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) TREATMENT OF GIFTS AND INHERITANCES.—

“(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

“(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

“(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.”.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.”.

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.”.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.”.

(4) Section 6039G(a) is amended by inserting “or 877A” after “section 877(b)”.

(5) The second sentence of section 6039G(d) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “section 877(a))”.

(6) Section 7701(n) is amended by adding at the end the following new paragraph:

“(3) APPLICATION.—This subsection shall not apply to any expatriate subject to section 877A.”.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Subtitle C—Secure Rural Schools and Community Self-Determination Program

SEC. 901. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Secure Rural Schools and Community Self-Determination Act of 2000’.

“SEC. 2. PURPOSES.

“The purposes of this Act are—

“(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

“(2) to make additional investments in, and create additional employment opportunities through, projects that—

“(A)(i) improve the maintenance of existing infrastructure;

“(ii) implement stewardship objectives that enhance forest ecosystems; and

“(iii) restore and improve land health and water quality;

“(B) enjoy broad-based support; and

“(C) have objectives that may include—

“(i) road, trail, and infrastructure maintenance or obliteration;

“(ii) soil productivity improvement;

“(iii) improvements in forest ecosystem health;

“(iv) watershed restoration and maintenance;

“(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

“(vi) the control of noxious and exotic weeds; and

“(vii) the reestablishment of native species; and

“(3) to improve cooperative relationships among—

“(A) the people that use and care for Federal land; and

“(B) the agencies that manage the Federal land.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADJUSTED SHARE.—The term ‘adjusted share’ means the number equal to the quotient obtained by dividing—

“(A) the number equal to the quotient obtained by dividing—

“(i) the base share for the eligible county; by

“(ii) the income adjustment for the eligible county; by

“(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

“(2) BASE SHARE.—The term ‘base share’ means the number equal to the average of—

“(A) the quotient obtained by dividing—

“(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

“(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

“(B) the quotient obtained by dividing—

“(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

“(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $526,079,656 for fiscal year 2007;

"(B) $520,000,000 for fiscal year 2008; and

"(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'forest service' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

"(B) for fiscal year 2007, any funds appropriated to carry out this Act; and

"(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

“(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

“(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

“(i) reserve any portion of the balance for—

“(I) carrying out projects under title II;

“(II) carrying out projects under title III; or

“(III) a combination of the purposes described in subclauses (I) and (II); or

“(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

“(2) DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended in accordance with title II.

“(3) ELECTION.—

“(A) NOTIFICATION.—

“(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

“(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

“(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

“(II) return the balance to the Treasury of the United States.

“(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

“(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

“SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED AMOUNT.—The term ‘adjusted amount’ means, with respect to a covered State—

“(A) for fiscal year 2007—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

“(B) for fiscal year 2008, 90 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

“(C) for fiscal year 2009, 81 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

“(D) for fiscal year 2010, 73 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

“(2) COVERED STATE.—The term ‘covered State’ means each of the States of California, Oregon, and Washington.

“(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

“(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

“(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

“(1) Payments to the State of California under subsection (b).

“(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

“(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

“TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

“SEC. 201. DEFINITIONS.

“In this title:

“(1) PARTICIPATING COUNTY.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

“(2) PROJECT FUNDS.—The term ‘project funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

“(3) RESOURCE ADVISORY COMMITTEE.—The term ‘resource advisory committee’ means—

“(A) an advisory committee established by the Secretary concerned under section 205; or

“(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

“(4) RESOURCE MANAGEMENT PLAN.—The term ‘resource management plan’ means—

“(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

“(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

“(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

“(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

“SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

“(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

“(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

“(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

"(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

"(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

"(1) The purpose of the project and a description of how the project will meet the purposes of this title.

"(2) The anticipated duration of the project.

"(3) The anticipated cost of the project.

"(4) The proposed source of funding for the project, whether project funds or other funds.

"(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

"(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

"(6) A detailed monitoring plan, including funding needs and sources, that—

"(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

"(B) includes an assessment of the following:

"(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

"(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

"(7) An assessment that the project is to be in the public interest.

"(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

"(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

"(1) The project complies with all applicable Federal laws (including regulations).

"(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

"(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

"(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

"(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

"(b) ENVIRONMENTAL REVIEWS.—

"(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

"(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

"(3) EFFECT OF REFUSAL TO PAY.—

"(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) DECISIONS OF SECRETARY CONCERNED.—

"(1) REJECTION OF PROJECTS.—

"(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) IMPLEMENTATION OF APPROVED PROJECTS.—

"(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) BEST VALUE CONTRACTING.—

"(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2007, 25 percent.

"(ii) For fiscal year 2008, 35 percent.

"(iii) For fiscal year 2009, 45 percent.

"(iv) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) PURPOSE.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) EXISTING ADVISORY COMMITTEES.—

"(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) DUTIES.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) APPOINTMENT BY THE SECRETARY.—

"(1) APPOINTMENT AND TERM.—

"(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) TRANSFER OF PROJECT FUNDS.—

"(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

“(B) Suspension of work.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

“SEC. 207. AVAILABILITY OF PROJECT FUNDS.

“(a) Submission of Proposed Projects to Obligate Funds.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

“(b) Use or Transfer of Unobligated Funds.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

“(c) Effect of Rejection of Projects.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

“(d) Effect of Court Orders.—

“(1) In general.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

“(2) Expenditure of funds.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

“SEC. 208. TERMINATION OF AUTHORITY.

“(a) In General.—The authority to initiate projects under this title shall terminate on September 30, 2011.

“(b) Deposits in Treasury.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

“TITLE III—COUNTY FUNDS

“SEC. 301. DEFINITIONS.

“In this title:

“(1) County funds.—The term ‘county funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

“(2) Participating county.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

“SEC. 302. USE.

“(a) Authorized Uses.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

“(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

“(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

“(A) performed on Federal land after the date on which the use was approved under subsection (b);

“(B) paid for by the participating county; and

“(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

“(b) Proposals.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

“(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

“(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

“SEC. 303. CERTIFICATION.

“(a) In General.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

“(b) Review.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

“SEC. 304. TERMINATION OF AUTHORITY.

“(a) In General.—The authority to initiate projects under this title terminates on September 30, 2011.

“(b) Availability.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

“TITLE IV—MISCELLANEOUS PROVISIONS

“SEC. 401. REGULATIONS.

“The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

“SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

“SEC. 403. TREATMENT OF FUNDS AND REVENUES.

“(a) Relation to Other Appropriations.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

“(b) Deposit of Revenues and Other Funds.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.”.

(b) Forest Receipt Payments to Eligible States and Counties.—

(1) Act of May 23, 1908.—The sixth paragraph under the heading “forest service” in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking “twenty-five percentum” and all that follows through “shall be paid” and inserting the following: “an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid”.

(2) Weeks law.—Section 13 of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 500) is amended in the first sentence by striking “twenty-five percentum” and all that follows through “shall be paid” and inserting the following: “an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid”.

(c) Payments in Lieu of Taxes.—

(1) In general.—Section 6906 of title 31, United States Code, is amended to read as follows:

“§ 6906. Funding

“For each of fiscal years 2008 through 2012—

“(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

“(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.”.

(2) Conforming amendment.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

“6906. Funding.”.

(3) Budget scorekeeping.—

(A) In general.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the amendment made by paragraph (1) shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as if Payment in Lieu of Taxes (14-1114-0-1-806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(B) Effective date.—This paragraph shall—

(i) be effective beginning on the date of enactment of this Act; and

(ii) remain in effect for any fiscal year for which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SA 1705. Mr. KERRY (for himself, Ms. Cantwell, and Mr. Tester) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 21, insert the following:

SEC. 279. SMALL BUSINESS EMERGENCY FUEL ASSISTANCE.

(a) Short Title.—This section may be cited as the "Small Business Emergency Fuel Assistance Act of 2007".

(b) Emergency Fuel Assistance Program.—There is established within the Economic Development Administration of the Department of Commerce, an emergency assistance program for small businesses dependent on fuel.

(c) Declaration of Fuel Emergency.—

(1) By the secretary.—The Secretary of Commerce may declare a severe fuel supply interruption for small businesses if—

(A) the retail price of gasoline in the United States is at least 60 percent higher than the 5-year rolling average retail price for 2 consecutive weeks; and

(B) the price differential continues to increase during the most recent week for which price information is available.

(2) By a governor.—If the Secretary does not declare a fuel emergency during a period that meets the criteria described in paragraph (1)—

(A) a Governor may certify that small businesses in the State have incurred economic injury as a result of a fuel interruption in the State;

(B) a Governor may request financial assistance through the program established under this section; and

(C) the Secretary shall provide the Governor with a written determination not later than 30 days after receiving a request under subparagraph (B).

(d) Grants Authorized.—

(1) In general.—The Secretary of Commerce is authorized to award grants to States under a declaration of fuel supply interruption in accordance with this section.

(2) In general.—Subject to paragraph (3), the Secretary shall award grants to States, in accordance with an allocation formula established by the Secretary based on the pro rata share of each State of the total need among all States, as applicable, for emergency assistance for fuel interruption, as determined on the basis of—

(A) the number and percentage of qualifying small businesses operating within the State;

(B) the increase in the retail price of fuel in the State; and

(C) such other factors as the Secretary determines to be appropriate.

(3) Allocation plan.—Each State shall establish, after giving notice to the public, an opportunity for public comment, and consideration of public comments received, an allocation plan for the distribution of financial assistance received under this subsection, which shall be submitted to the Secretary, shall be made available to the public by the State, and shall include—

(A) application requirements for qualifying small businesses seeking to receive assistance under this subsection, including a requirement that each application include—

(i) demonstration of need for assistance under this subsection;

(ii) a plan to decrease the total commercial energy usage of the small business through energy efficiency measures, such as those promoted through the Energy Star Program; and

(iii) if a small business has previously received assistance under this subsection, evidence that the small business has implemented the plan previously documented under clause (ii); and

(B) factors for selecting among small businesses that meet the application requirements, with preference given to applicants based on the percentage of operating costs expended on fuel.

(e) Eligibility.—A small business is eligible for a grant under this section if—

(1) the average gross receipts of the small business for the 3 preceding taxable years does not exceed $5,000,000; or

(2) the small business employed an average of more than 1 and fewer than 50 qualified employees on business days during the preceding taxable year.

(f) Defined Term.—In this section, the term "aggregate gross assets" has the meaning given such term in section 1202(d)(2) of the Internal Revenue Code of 1986.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Commerce $100,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

SA 1706. Mr. KERRY (for himself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. SMALL BUSINESS ENERGY EFFICIENCY.

(a) Definitions.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) Implementation of Small Business Energy Efficiency Program.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) Plan.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) Assistant administrator for small business energy policy.—

(A) In general.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) Duties.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) Reports.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) Small Business Energy Efficiency.—

(1) Authority.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the "Efficiency Pilot Program") to provide energy efficiency assistance to small business concerns through small business development centers.

(2) Small business development centers.—

(A) In general.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) Reports.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) Reports to congress.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) Eligibility.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) Selection of participating state programs.—

(A) Groupings.—

(i) Selection of programs.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) Group 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) Group 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) Group 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) Group 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) Group 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) Group 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) Group 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) Group 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) Group 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) Group 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) Matching requirement.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) Grant amounts.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) Evaluation and report.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) Guarantee.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) Authorization of appropriations.—

(A) In general.—There are authorized to be appropriated to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) Limitation on use of other funds.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) Termination.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) Small Business Telecommuting.—

(1) Pilot program.—

(A) In general.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the "Telecommuting Pilot Program").

(B) Special outreach to individuals with disabilities.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) Permissible activities.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) Selection of regions.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) Report to congress.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) Termination.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) Authorization of appropriations.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) Encouraging Innovation in Energy Efficiency.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) Encouraging Innovation in Energy Efficiency.—

"(1) Federal agency energy-related priority.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

"(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) Consultation required.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

"(3) Guidelines.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

"(4) Definitions.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

“(VI) fibers;

“(VII) animal wastes and other waste materials; and

“(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

“(ii) does not include—

“(I) paper that is commonly recycled; or

“(II) unsegregated solid waste;

“(B) the term ‘energy efficiency project’ means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

“(C) the term ‘renewable energy system’ means a system of energy derived from—

“(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

“(ii) hydrogen derived from biomass or water using an energy source described in clause (i).”.

SA 1707. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation’s dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy techniques, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ENERGY EMERGENCIES

SEC. _01. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, including nonfarm and agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) occurred during the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 02. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

“(4) ENERGY EMERGENCIES.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘heating fuel’ means heating oil, natural gas, propane, or kerosene; and

“(iv) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

“(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

“(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

“(E) DECLARATIONS.—For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting “, significant increases in the price of heating fuel” after “civil disorders”; and

(2) by inserting “other” before “economic”.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator of the Small Business Administration under section _04.

SEC. _03. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking “operations have” and inserting “operations (i) have”; and

(B) by inserting before “: *Provided*,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or by the Secretary”;

(2) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or by the Secretary”; and

(3) in the fourth sentence—

(A) by striking “or natural disaster” each place such term appears and inserting “, natural disaster, or energy emergency”;

(B) by inserting “or declaration” after “emergency designation”; and

(C) by inserting “or energy emergency” after “such natural disaster”.

(b) FUNDING.—Funds available on the date of the enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 04.

SEC. 04. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act, as added by section _02.

SEC. _05. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 04, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added section 02, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under such section, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section, if any.

(b) DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Agriculture issues guidelines under section __04, and annually thereafter until the date that is 1 year after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit a report to the committees listed in paragraph (2) that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

(2) REPORT RECIPIENTS.—The report described in paragraph (1) shall be submitted to—

(A) the Committee on Small Business and Entrepreneurship of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Small Business of the House of Representatives; and

(D) the Committee on Agriculture of the House of Representatives.

SA 1708. Mr. TESTER (for himself, Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 21, add the following:

SEC. 279. ENERGY EFFICIENT SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) BASELINE ENERGY EFFICIENCY STANDARD.—The term "baseline energy efficiency standard" means—

(A) in the case of new construction of a building, the most recent version of applicable provisions of the International Energy Conservation Code; and

(B) in the case of renovation of a building, a standard to be calculated based on a 3-year, weather-normalized average for the building.

(2) HIGH-PERFORMANCE SCHOOL BUILDING.—The term "high-performance school building" means a school building that integrates and optimizes all major high-performance building attributes, including energy and water efficiency, renewable energy, indoor air quality, durability, lifecycle cost performance, and occupant productivity.

(3) RENEWABLE ENERGY.—The term "renewable energy" means—

(A) energy produced using solar, wind, biomass, ocean, geothermal, or hydroelectric energy; or

(B) heating and cooling from a ground source heat pump.

(4) SCHOOL.—The term "school" means an accredited public school that is—

(A) subject to the authority of a State education agency; and

(B)(i) an elementary school or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(ii) a BIA school (within the meaning of section 9101(26)(C) of that Act (20 U.S.C. 7801(26)(C))).

(5) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) STATE ENERGY OFFICE.—The term "State energy office" means—

(A) the State agency that is responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322); or

(B) if an agency described in subparagraph (A) does not exist in a State, a State agency designated by the Governor of the State.

(b) ESTABLISHMENT OF PROGRAM.—There is established in the Department of Energy a program, to be known as the "High-Performance Schools Program", under which the Secretary may provide grants to State energy offices to assist school districts in the State—

(1) to improve the energy efficiency of, and use of renewable energy in, school buildings;

(2) to educate students regarding—

(A) energy consumption in buildings; and

(B) the benefits of energy efficiency and renewable energy;

(3) to administer the program; and

(4) to promote participation in the program.

(c) CONDITIONS OF RECEIPT.—As a condition of receiving a grant under this section, a State energy office shall agree to use the grant only to provide assistance to school districts in the State that demonstrate to the satisfaction of the State energy office—

(1) financial need with respect to the construction of new or renovated high-performance school buildings;

(2) a commitment to use the grant funds to develop high-performance school buildings, in accordance with a plan that the State energy office, in consultation with the State educational agency, determines to be feasible and appropriate to achieve the purposes for which the grant is provided;

(3) a commitment to educate students and the public regarding the energy efficiency and renewable energy uses relating to the program; and

(4) that the school district has conducted an energy audit satisfactory to the State energy office of the baseline energy consumption of the district.

(d) ADMINISTRATION.—

(1) SELECTION OF PROJECTS.—In selecting school districts to receive funds provided under this section, the Secretary shall—

(A) give priority to States that carry out, or propose to carry out, projects that—

(i) achieve maximum increases in energy efficiency; and

(ii) achieve maximum cost savings as a result of that increased efficiency; and

(B) ensure geographical diversity of distribution of funds throughout the United States, to the maximum extent practicable.

(2) USE OF GRANTS BY STATE ENERGY OFFICES.—A State energy office may use a portion of a grant received under this section—

(A) to evaluate compliance by school districts in the State with the requirements of this section;

(B) to develop and conduct programs for school board members, school personnel, architects, engineers, and other interested persons to advance the concepts of high-performance school buildings;

(C) to obtain technical services and assistance in planning and designing high-performance school buildings;

(D) to collect and monitor data relating to high-performance school building projects; or

(E) for promotional and marketing activities.

(e) SUPPLEMENTING GRANT FUNDS.—Each State energy office that receives a grant under this section shall encourage each school district provided funds by the State energy office to supplement, to the maximum extent practicable, the funds using funds from other sources in the implementation of the plans of the school districts.

(f) OTHER FUNDS.—Of amounts made available to carry out this section, the Secretary may reserve an amount equal to the lesser of 10 percent of the amounts and $500,000 for a fiscal year to provide assistance to State energy offices with respect to the coordination and implementation of the program under this section, including the development of reference materials—

(1) to clarify and support the purposes of this section; and

(2) to increase the quantity in the States of high-performance school buildings.

(g) REPORT.—Not later than 3 years after the date on which the Secretary provides the initial grant to a State energy office pursuant to this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes, with respect to each school that uses funds provided under this section—

(1) the projected quantity of energy savings of the school, as compared to the baseline energy efficiency standard applicable to a similar school that does not use—

(A) energy efficient technologies; or

(B) renewable energy;

(2) the projected amount of savings relating to reduced operation and maintenance costs due to use by the school of—

(A) any energy efficiency technology; or

(B) renewable energy; and

(3) the level of participation of students and faculty members of the school in each applicable energy efficiency and renewable energy technology.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 1709. Mr. ENZI proposed an amendment to the bill S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; as follows:

Strike section 4 and insert the following:

SEC. 4. CRAIG THOMAS DISCOVERY AND VISITOR CENTER.

(a) FINDINGS.—Congress finds that—

(1) Craig Thomas was raised on a ranch just outside of Cody, Wyoming, near Yellowstone National Park and Grand Teton National Park, where he—

(A) began a lifelong association with those parks; and

(B) developed a deep and abiding dedication to the values of the public land of the United States;

(2) during his 18-year tenure in Congress, including service in both the Senate and the House of Representatives, Craig Thomas forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility, and rural health care;

(3) as Chairman and Ranking Member of the National Parks Subcommittee of the Committee on Energy and Natural Resources of the Senate and a frequent visitor to many units of the National Park System, including Yellowstone National Park and Grand Teton National Park, Craig Thomas was a strong proponent for ensuring that people of all ages and abilities had a wide range of opportunities to learn more about the natural and cultural heritage of the United States;

(4) Craig Thomas authored legislation to provide critical funding and management reforms to protect units of the National Park System into the 21st century, ensuring quality visits to units of the National Park System and the protection of natural and cultural resources;

(5) Craig Thomas strongly supported public-private partnerships and collaboration between the National Park Service and other organizations that foster new opportunities for providing visitor services while encouraging greater citizen involvement in the stewardship of units of the National Park System;

(6) Craig Thomas was instrumental in obtaining the Federal share for a public-private partnership with the Grand Teton National Park Foundation and the Grand Teton Natural History Association to construct a new discovery and visitor center at Grand Teton National Park;

(7) on June 4, 2007, Craig Thomas passed away after battling cancer for 7 months;

(8) Craig Thomas is survived by his wife, Susan, and children, Patrick, Greg, Peter, and Lexie; and

(9) in memory of the distinguished career of service of Craig Thomas to the people of the United States, the dedication of Craig Thomas to units of the National Park System, generally, and to Grand Teton National Park, specifically, and the critical role of Craig Thomas in the new discovery and visitor center at Grand Teton National Park, the Grand Teton Discovery and Visitor Center should be designated as the "Craig Thomas Discovery and Visitor Center".

(b) THE CRAIG THOMAS DISCOVERY AND VISITOR CENTER.—

(1) DESIGNATION.—The Grand Teton Discovery and Visitor Center located in Moose, Wyoming, and scheduled for completion in August 2007 shall be known and designated as the "Craig Thomas Discovery and Visitor Center".

(2) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Grand Teton Discovery and Visitor Center referred to in paragraph (1) shall be deemed to be a reference to the "Craig Thomas Discovery and Visitor Center".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

SA 1710. Mr. FEINGOLD (for himself, Mr. SANDERS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, strike lines 17 through 19, and insert the following:

"(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

SA 1711. Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike line 16 and all that follows through page 277, line 5 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. INCREASING THE EFFICIENCY OF AUTOMOBILES.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE.—The term "automobile" means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency that are in effect on the date of the enactment of this Act—

(A) a light-duty truck; or

(B) a light-duty vehicle.

(2) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 32901(a) of title 49, United States Code.

(3) E85.—The term "E85" means a fuel blend containing 85 percent denatured ethanol and 15 percent gasoline by volume.

(4) FLEXIBLE FUEL AUTOMOBILE.—The term "flexible fuel automobile" means an automobile warrantied by the manufacturer of the vehicle to operate on any combination of gasoline, E85, and M85 or diesel fuel blends containing not less than 20 percent non-petroleum based fuel alternatives.

(5) HYBRID MOTOR VEHICLE.—The term "hybrid motor vehicle" means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy.

(6) M85.—The term "M85" means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.

(7) PLUG-IN HYBRID AUTOMOBILE.—The term "plug-in hybrid automobile" means a hybrid automobile that—

(A) has an onboard, rechargeable storage device capable of propelling the vehicle by electricity for at least 10 miles; and

(B) achieves at least 125 percent of the model year 2002 city fuel economy.

(8) QUALIFIED AUTOMOBILE.—The term "qualified automobile" means—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile (as defined in section 32901(a) of title 49, United States Code);

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) a hybrid automobile;

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(b) REQUIREMENTS.—

(1) IN GENERAL.—For each model year, the percentage of new automobiles manufactured by a manufacturer for sale in the United States that are qualified automobiles shall be not less than the corresponding percentage in the following table:

For model year:	The percentage that are qualified automobiles shall be not less than:
2012	20 percent
2013	30 percent
2014	40 percent
2015 and thereafter	50 percent

(2) NEW TECHNOLOGY.—Not less than 10 percent of the number of qualified automobiles required to be manufactured by a manufacturer for sale in the United States in each model year after 2016 pursuant to paragraph (1), shall be—

(A) hybrid automobiles;

(B) plug-in hybrid automobiles;

(C) new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(D) new qualified fuel cell motor vehicles (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) electric automobiles; or

(F) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 combined fuel economy, as determined by the Secretary of Transportation, by regulation.

(c) QUALIFIED AUTOMOBILE CREDITS.—

(1) IN GENERAL.—The Secretary shall issue qualified automobile production credits to manufacturers for automobiles manufactured for model year 2012 and for each subsequent model year, in accordance with this subsection.

(2) EFFECT OF CREDIT.—Each credit issued to a manufacturer under this subsection shall reduce the qualified automobile mandate requirement under subsection (b)(1) by 1

automobile for the model year to which the credit applies.

(3) RATE OF CREDIT ISSUANCE.—For each qualified automobile (except for automobiles described in subparagraphs (B) and (C) of subsection (a)(8)) manufactured for model year 2012, 2013, 2014, 2015, or 2016, the manufacturer shall be issued—

(A) 1.25 qualified automobile production credits if the combined fuel economy for such automobile is greater than 110 percent and less than 125 percent of the combined fuel economy of the model year 2002 inertia weight class;

(B) 1.5 qualified automobile production credits if the combined fuel economy for such automobile is at least 125 percent and less than 150 percent of the combined fuel economy of the model year 2002 inertia weight class;

(C) 2.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 150 percent and less than 175 percent of the combined fuel economy of the model year 2002 inertia weight class; and

(D) 3.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 175 percent of the combined fuel economy of the model year 2002 inertia weight class;

(4) DEFINED TERM.—For purposes of this paragraph, the term "model year 2002 inertia weight class" has the same meaning as the term "vehicle inertia weight class" as defined in Section 30B of the Internal Revenue Code of 1986.

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) NONPASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for nonpassenger automobiles manufactured by a manufacturer in that model year.

"(B) STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of nonpassenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2012 THROUGH 2014.—Not later than April 1, 2010, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2012, 2013, and 2014. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2015.—Not later than April 1, 2013, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2015—

"(A) at least 25.3 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2016 THROUGH 2019.—Not later than April 1, 2014, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2016, 2017, 2018, and 2019. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2020.—Not later than April 1, 2018, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2020—

"(A) at least 27.7 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2021 THROUGH 2024.—Not later than April 1, 2019, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2021, 2022, 2023, and 2024. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(7) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2025 AND THEREAFTER.—Not later than April 1, 2023, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2025 and each subsequent model year—

"(A) at least 30 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A)."; and

(2) by amending subsection (b) to read as follows:

"(b) PASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year.

"(B) AUTHORITY FOR PRESCRIPTION OF DIFFERING STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of passenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2012.—Not later than April 1, 2010, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2012—

"(A) at least 29 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2013 THROUGH 2016.—Not later than April 1, 2011, the Secretary shall establish average fuel economy standards for passenger automobiles for each of the model years 2013, 2014, 2015, and 2016. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2017.—Not later than April 1, 2015, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2017—

"(A) at least 32.5 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2018 THROUGH 2021.—Not later than April 1, 2016, the Secretary shall establish average fuel economy standards for passenger automobiles for model years 2018, 2019, 2020, and 2021. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2022 AND THEREAFTER.—Not later than April 1, 2020, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2022 and each subsequent model year—

"(A) at least 36 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(7) MINIMUM FOR AVERAGE FUEL ECONOMY STANDARDS BASED ON VEHICLE ATTRIBUTES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for passenger automobiles on the basis of vehicle attributes pursuant to subsection (j), the average fuel economy standard for passenger automobiles manufactured by a manufacturer in that model year shall also provide for an alternative minimum standard that shall apply only to a manufacturer's domestically manufactured passenger automobiles, as calculated under section 32904 as in effect on the day before the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

“(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

“(i) 27.5 miles per gallon; or

“(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.

“(C) APPLICABILITY.—The alternative minimum standard under this paragraph shall apply to a manufacturer's domestically manufactured passenger automobiles only if the passenger automobile standard established on the basis of vehicle attributes pursuant to subsection (j), excluding any credits transferred by the manufacturer pursuant to subsection (g) from other categories of automobiles described in paragraph (5)(B), would allow that manufacturer to comply with a less stringent passenger automobile standard than the alternative minimum standard.”.

(b) REPEAL OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 32901(a)(12) of such title is amended by striking “section 32902(d)” and inserting “section 32902(c)”.

(B) Section 32902 of such title is amended—

(i) in subsection (c)(1), as redesignated by paragraph (1)(B), by striking “under subsection (b) or (c)” and inserting “under subsection (b)”;

(ii) in subsection (d)(2), as redesignated by paragraph (1)(B), by striking “under subsection (a), (b), (c), or (d)” and inserting “under subsection (a), (b), or (c)”;

(iii) in subsection (f), as redesignated by paragraph (1)(B)—

(I) in paragraph (1)—

(aa) by striking “under subsection (a) or (d)” and inserting “under subsection (a), (b), or (c)”; and

(bb) by striking “of subsection (a) or (d)” and inserting “of subsection (a), (b), or (c)”; and

(II) in paragraph (2), by striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)”;

(iv) in subsection (g), as redesignated by paragraph (1)(B), by striking “carrying out subsections (c), (f), and (g)” and inserting “carrying out subsections (a), (b), (e), and (f)”; and

(v) in subsection (i), as redesignated by paragraph (1)(B), by striking “under subsection (a), (c), or (g) of this section” and inserting “under subsection (a), (b), or (f)”.

(C) Section 32904(a)(1)(B) of such title is amended by striking “section 32902(b)-(d)” and inserting “subsections (b) and (c) of section 32902”.

(D) Section 32907(a)(4) of such title is amended by striking “section 32902(d)” and inserting “section 32902(c)”.

(E) Section 32909(b) of such title is amended by striking “, except that a petition for review” and all that follows through “referred to in section 32902(c)(2)”.

(F) Section 32917(b)(1)(B) of such title is amended by striking “or (c)”.

(c) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—Section 32902 of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

“(j) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—

“(1) IN GENERAL.—The authority of the Secretary of Transportation to prescribe by regulation average fuel economy standards for passenger automobiles and nonpassenger automobiles includes the authority to prescribe standards based on vehicle attributes related to fuel economy and to express any such attribute-based standard in the form of a mathematical function.

“(2) TRANSITION PERIOD.—If the Secretary prescribes standards for passenger automobiles on the basis of vehicle attributes, the Secretary shall provide a transition period during the first 3 model years in which an attribute-based standard would apply during which each manufacturer may elect whether to comply with the attribute-based standard or with the single corporate average fuel economy level prescribed under subsection (b).

“(3) PRESCRIPTION OF STANDARDS FOR MULTIPLE YEARS.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles includes the authority to prescribe standards by issuing regulations governing more than 1 model year at a time, up to 5 consecutive model years.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32901(a) of title 49, United States Code, is amended—

(A) by redesignating paragraph (16) as paragraph (17); and

(B) by inserting after paragraph (15) the following:

“(16) ‘nonpassenger automobile’ means an automobile that is not a passenger automobile; and”.

(2) Section 32903 of title 49, United States Code, is amended—

(A) by striking “section 32902(b)-(d) of this title” each place it appears and inserting “subsections (b) and (c) of section 32902”;

(B) in subsection (a)(2), by striking “clause (1) of this subsection,” and inserting “paragraph (1)”; and

(C) in subsection (e), by striking “automobiles that are not passenger automobiles” and inserting “nonpassenger automobiles”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR PASSENGER AUTOMOBILES.—The standard or standards for passenger automobiles under the authority of section 32902(b) of title 49, United States Code, in effect on the day before the date of the enactment of this Act, shall remain in effect until a standard for passenger automobiles is established under the authority of section 32902(b) of such title, as amended by this section.

(3) AVERAGE FUEL ECONOMY STANDARD FOR NONPASSENGER AUTOMOBILES IN MODEL YEARS THROUGH 2011.—The average fuel economy standard for nonpassenger automobiles, under the authority of section 32902(a) of such title for model years through 2011, shall be the standard described in the final rule issued by the National Highway Traffic Safety Administration entitled “Average Fuel Economy Standards for Light Trucks Model Years 2008–2011” (71 Fed. Reg. 17566), as amended in a notice published by the National Highway Traffic Safety Administration on April 14, 2006 (71 Fed. Reg. 19449).

SEC. 503. FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.

Section 32902 of title 49, United States Code, as amended by section 502, is further amended by adding at the end the following:

“(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

“(1) STUDY.—Not later than 18 months after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

“(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

“(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

“(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

“(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

“(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, and based on the results of that study, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program and, as appropriate, shall adopt test methods, measurement metrics, fuel efficiency standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

“(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

“(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term ‘commercial medium- and heavy-duty on-highway vehicle’ means a commercial on-highway vehicle with a gross vehicle weight rating of more than 10,000 pounds.”.

SEC. 504. CREDIT AVAILABILITY.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking “section 32902(b)-(d) of this title” each place it appears and inserting “subsections (b) and (c) of section 32902”;

(2) in subsection (a)—

(A) by striking “3 consecutive model years” each place it appears and inserting “5 consecutive model years”; and

(B) in paragraph (2), by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) in subsection (b)—

(A) in paragraph (1), by striking "paragraph (2) of this subsection" and inserting "paragraph (2) and subsection (g)"; and

(B) in paragraph (2), by striking "3 model years" and inserting "5 model years";

(4) in subsection (e), by striking "automobiles that are not passenger automobiles" and inserting "nonpassenger automobiles"; and

(5) by adding at the end the following:

"(g) Credit Transferring Within a Manufacturer's Fleet.—

"(1) Average fuel economy credit transferring program.—The Secretary of Transportation shall establish, by regulation, a corporate average fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply them within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) Availability of credits transferred.—Credits transferred under this section are available to be used in the same model years that the manufacturer could have applied them under subsections (a), (b), (d) and (e) as well as for the model year in which the manufacturer earned them. The maximum increase in any compliance category attributable to transferred credits is 1.0 mile per gallon in any single model year.

"(3) Limitation on credit transfers to category of passenger automobiles.—In the case of transfers to the category of automobiles described in paragraph 5(B)(i), the transfer is limited to the extent that the fuel economy level of the manufacturer's fleet of passenger automobiles manufactured domestically shall comply with the provisions established under section 32902(b)(7), excluding any transfers from other categories of automobiles described in paragraph 5(B).

"(4) Effective date.—A credit transferred in conformance with this section may only be so transferred if such credit is earned no earlier than the first model year after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(5) Definitions.—In this subsection:

"(A) Fleet.—The term 'fleet' means all automobiles manufactured by a manufacturer in a given model year.

"(B) Compliance category of automobiles.—The term 'compliance category of automobiles' means any of the 3 categories of automobiles for which compliance is separately calculated under this chapter, namely—

"(i) passenger automobiles manufactured domestically;

"(ii) passenger automobiles not manufactured domestically; and

"(iii) nonpassenger automobiles.".

(b) Flexible Fueled Vehicles.—

(1) Extension of alternative fuel automobiles manufacturing incentives.—Section 32905 of title 49, United States Code, is amended—

(A) by striking "1993-2010" each place it appears and inserting "1993 through 2020.";

(B) by striking subsections (f) and (g); and

(C) by redesignating subsection (h) as subsection (f).

(2) Extension of maximum increase period.—Section 32906(a) of title 49, United States Code, is amended—

(A) by striking "1993-2010" and inserting "1993 through 2020";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "(A)"; and

(ii) by striking subparagraph (B); and

(C) in paragraph (2), by striking "described—" and all that follows and inserting "is more than 1.2 miles per gallon, the limitation in paragraph (1) applies.".

SEC. 505. RESEARCH ON AND DEVELOPMENT OF LEAP-AHEAD TECHNOLOGY.

(a) Program.—The Secretary of Energy (referred to in this section as the "Secretary"), in cooperation with heads of other Federal agencies, shall carry out a comprehensive program to develop advanced vehicle technologies (including associated components and parts) that will offer—

(1) the potential for significantly-improved fuel economy; and

(2) significant reductions in emissions.

(b) Components.—The program carried out under subsection (a) shall include research and development in the areas of—

(1) advanced lightweight materials;

(2) advanced battery technology;

(3) hybrid systems, including—

(A) power electronics, electric motors, power control units, and power controls;

(B) hydraulic accumulators or other energy storage devices; and

(C) testing and analysis;

(4) plug-in hybrids;

(5) advanced clean diesel;

(6) hydrogen internal combustion engines;

(7) fuel cell technology;

(8) hydrogen storage;

(9) fuel cell membranes;

(10) cellulosic ethanol;

(11) biodiesel fuel;

(12) biodiesel fuel and technology;

(13) ethanol and biofuels technology; and

(14) such other related areas as the Secretary determines to be appropriate.

(c) Advanced Lightweight Materials.—In carrying out this section, the Secretary shall carry out an advanced lightweight materials research and development program the primary focuses of which shall include—

(1) the provision of—

(A) technical advice for compliance with applicable Federal and State environmental requirements;

(B) assistance in identifying supply sources and securing long-term contracts; and

(C) public outreach, education, and labeling materials; and

(2) the development of—

(A) low-cost, durable, abuse-tolerant lithium ion-based chemistries or other advanced chemistries;

(B) advanced lightweight steels that provide a 30-percent weight reduction;

(C) advanced lightweight metals (such as magnesium, aluminum, and titanium);

(D) advanced composites, particularly carbon fiber precursors and forming; and

(E) advanced forming and joining processes for lightweight materials, including mixed materials (such as combinations of steel, aluminum, magnesium, and carbon fiber into a single assembly or vehicle).

(d) Advanced Batteries.—

(1) In general.—In carrying out this section, the Secretary shall carry out an advanced battery program the primary focuses of which shall be—

(A) research in the chemistry of exploratory battery technologies (other than lithium ion batteries); and

(B) battery and battery systems production process research and development.

(2) Industry alliance.—In carrying out the advanced battery program under this subsection, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries and battery systems.

(3) Research.—

(A) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology road maps.

(4) Availability to the public.—The information and road maps developed under this subsection shall be available to the public.

(5) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(6) Cost sharing.—In carrying out this subsection, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(e) Hybrid Systems.—In carrying out this section, the Secretary shall carry out a program relating to hybrid systems, the primary focus of which shall be research on and development of—

(1) advanced electric traction systems and wheel motors;

(2) advanced power electronics;

(3) systems integration; and

(4) hydraulic accumulators or other energy storage devices.

(f) Plug-in Hybrids.—In carrying out this section, the Secretary shall carry out a program relating to plug-in hybrids, the primary focus of which shall be—

(1) research on and development of advanced batteries with appropriate power to energy ratios necessary for minimum electric range and vehicle performance, such as acceleration; and

(2) the early demonstration of vehicles and infrastructure through the provision of procurement assistance to fleet purchasers.

(g) Advanced Clean Diesel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to diesel combustion and emissions, the primary focuses of which shall be—

(1) the development of clean-burn and after treatment technologies, including advanced low-temperature combustion (including homogeneous charge compression-ignition);

(2) the development of mixed mode operation that combines attributes of compression- and spark-ignition engine technologies;

(3) the integration of advanced technologies, including increased expansion ratio, variable valve timing, reduced friction, and improved exhaust gas heat recovery;

(4) the development of NO_X after treatment systems, including absorber-catalysts, selective catalytic reduction, and lean NO_X catalysts;

(5) the development of particulate matter after treatment systems;

(6) the development of powertrain integration of engine and after treatment systems; and

(7) enhancements in durability and reliability and reduction of costs.

(h) Hydrogen Internal Combustion Engines.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen internal combustion engines, the primary focuses of which shall be—

(1) to advance hydrogen internal combustion engine technology to a level at which the robustness and durability of such an engine would be acceptable to real-world customers; and

(2) to use those engines to provide an affordable transition to a hydrogen economy by creating a demand for hydrogen refueling infrastructure and bridging to hydrogen-powered fuel cells.

(i) Fuel Cell Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell technology, the primary focuses of which shall be research on and development of—

(1) fuel cell stack components and fuel cell manufacturing processes; and

(2) materials resistant to hydrogen embrittlement.

(j) Hydrogen Storage.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen storage, the primary focus of which shall be research on and development of competitive storage methods for sufficient quantities of hydrogen onboard a vehicle (including a demonstration of hydrogen refueling infrastructure for not less than 10 nor more than 20 stations)—

(1) to enable increased development and use of hydrogen internal combustion engines and hydrogen-powered fuel cell vehicles; and

(2) to meet or surpass the customer-discernable attributes of vehicles available as of the date of enactment of this Act with respect to range and cost per mile.

(k) Fuel Cell Membranes.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell membranes, the primary focuses of which shall be—

(1) the achievement of a fundamental understanding of the catalytic materials for fuel cells; and

(2) the development of low-cost fuel cell membranes.

(l) Cellulosic Ethanol.—In carrying out this section, the Secretary shall carry out a program of research and development relating to cellulosic ethanol, the primary focus of which shall be research on and development of enzymes necessary for the production of cellulosic ethanol.

(m) Biodiesel Fuel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the development of a national B–20 standard;

(2) fundamental research on biomass-to-liquid alternatives;

(3) total lifecycle analyses of the total potential for petroleum replacement, total fossil fuel replacement, or greenhouse gas reductions for biodiesel options;

(4) an assessment of feedstock options; and

(5) an assessment of the effects on engine durability and reliability including the effects due to fuel quality variations, stability, and degradation parameters.

(n) Biodiesel Fuel and Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the evaluation and optimization of B-100 processing variables to enhance blendstock stability, maintain uniform quality and specifications, and reduce cost;

(2) the development and expansion of processing, blending, and distribution infrastructure;

(3) the development of standardized labeling and dispensing of equipment information;

(4) establishment of a consumer education outreach program;

(5) assessment and evaluation of biodiesel on advanced engine (such as high-pressure injector) and after treatment components; and

(6) assessment of the effects of biodiesel on advanced combustion clean-burn strategies.

(o) Ethanol and Biofuels Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to ethanol and biofuels technology, the primary focus of which shall be research and development into—

(1) ethanol and biofuels transport systems, such as truck, rail, and pipelines;

(2) advanced high-efficiency combustion research for fuels, such as E–85;

(3) materials compatibility for E–85 fuel;

(4) E–85 vehicle engineering and calibration to speed conversion of systems; and

(5) advanced combustion and after-treatment systems to support fuel efficiency gains

(p) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to carry out subsection (a), $60,000,000 for each of fiscal years 2008 through 2012;

(2) to carry out subsection (b), $143,000,000 for each of the fiscal years 2008 through 2012;

(3) to conduct research and development into hybrid systems (power electronics, electric motors, hydraulic accumulators, other energy storage devices, testing, and analysis), $64,000,000 for each of the fiscal years 2008 through 2012;

(4) to conduct research and development into plug-in hybrids, $56,000,000 for each of the fiscal years 2008 through 2012;

(5) to conduct research and development into advanced clean diesel, $54,000,000 for each of the fiscal years 2008 through 2010;

(6) to conduct research and development into hydrogen internal combustion engines, $11,000,000 for each of the fiscal years 2008 through 2012;

(7) to conduct research and development into fuel cell technology, $40,000,000 for each of the fiscal years 2008 through 2012;

(8) to conduct research and development into hydrogen storage, $88,000,000 for each of the fiscal years 2008 through 2012;

(9) to conduct research and development into fuel cell membranes, $64,000,000 for each of the fiscal years 2008 through 2012;

(10) to conduct research and development into cellulosic ethanol, $340,000,000 for each of the fiscal years 2008 through 2012;

(11) to conduct research and development into biodiesel fuel and technology, $7,000,000 for each of the fiscal years 2008 through 2012; and

(12) to conduct research and development into ethanol biofuels technology, $23,000,000 for each of the fiscal years 2008 through 2012.

SEC. 506. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO ALTERNATIVE FUEL INFRASTRUCTURE.

(a) In General.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.

"(a) Definition.—In this section:

"(1) Alternative fuel.—The term 'alternative fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any combination of those fuels; or

"(B) any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of the Internal Revenue Code of 1986), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

"(2) Franchise-related document.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) Prohibitions.—

"(1) In general.—Notwithstanding any provision of a franchise-related document in effect on the date of enactment of this section, no franchisee or affiliate of a franchisee shall be restricted from—

"(A) installing on the marketing premises of the franchisee an alternative fuel pump or storage tank;

"(B) converting an existing tank and pump on the marketing premises of the franchisee for alternative fuel use;

"(C) advertising (including through the use of signage or logos) the sale of any alternative fuel;

"(D) selling alternative fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

"(E) purchasing alternative fuel solely from the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

"(F) listing alternative fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

"(G) allowing payment of alternative fuel with a credit card.

"(2) Enforcement.—Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

"(A) shall be considered to be null and void as of that date; and

"(B) shall not be enforced under section 105.

"(c) Exception to 3-Grade Requirement.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an alternative fuel in lieu of 1 grade of gasoline.".

(b) Conforming Amendments.—

(1) In general.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by adjusting the indentation of subparagraph (C) appropriately.

(2) Table of contents.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of alternative fuel pumps.".

SEC. 507. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary of Energy shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, including an identification of any remedial or preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary of Energy considers to be appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 508. PUBLIC ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL REFUELING STATION.—The term "alternative fuel refueling station" has the meaning given the term "qualified alternative fuel vehicle refueling property" in section 30C(c)(1) of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.—Not later than 18 months after the date of enactment of this Act—

(1) except as provided in subsection (d)(1), any Federal property that includes at least 1 fuel refueling station shall include at least 1 alternative fuel refueling station; and

(2) except as provided in subsection (d)(2), any alternative fuel refueling station located on property owned by the Federal government shall permit full public access for the purpose of refueling using alternative fuel.

(c) DURATION.—The requirements described in subsection (b) shall remain in effect until the sooner of—

(1) the date that is 7 years after the date of enactment of this Act; or

(2) the date on which the Secretary determines that not less than 5 percent of the commercial refueling infrastructure in the United States offers alternative fuels to the general public.

(d) EXCEPTIONS.—

(1) WAIVER.—Subsection (b)(1) shall not apply to any Federal property under the jurisdiction of a Federal agency if the Secretary determines that alternative fuel is not reasonably available to retail purchasers of the fuel, as certified by the head of the agency to the Secretary.

(2) NATIONAL SECURITY EXEMPTION.—Subsection (b)(2) does not apply to property of the Federal government that the Secretary, in consultation with the Secretary of Defense, has certified must be exempt for national security reasons.

(e) REPORT.—Not later than October 31 of each year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes the progress of the agencies of the Federal Government (including the Executive Office of the President) in complying with—

(1) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(2) Executive Order 13149 (65 Fed. Reg. 24595; relating to greening the government through Federal fleet and transportation efficiency); and

(3) the fueling center requirements of this section.

SA 1712. Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike line 16 and all that follows through page 263, line 8 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. INCREASING THE EFFICIENCY OF AUTOMOBILES.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE.—The term "automobile" means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency that are in effect on the date of the enactment of this Act—

(A) a light-duty truck;

(B) a light-duty vehicle; or

(C) a medium-duty passenger vehicle.

(2) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 32901(a) of title 49, United States Code.

(3) E85.—The term "E85" means a fuel blend containing 85 percent denatured ethanol and 15 percent gasoline by volume.

(4) FLEXIBLE FUEL AUTOMOBILE.—The term "flexible fuel automobile" means an automobile warrantied by the manufacturer of the vehicle to operate on any combination of gasoline, E85, and M85 or diesel fuel blends containing not less than 20 percent non-petroleum based fuel alternatives.

(5) HYBRID MOTOR VEHICLE.—The term "hybrid motor vehicle" means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy.

(6) M85.—The term "M85" means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.

(7) PLUG-IN HYBRID AUTOMOBILE.—The term "plug-in hybrid automobile" means a hybrid automobile that—

(A) has an onboard, rechargeable storage device capable of propelling the vehicle by electricity for at least 10 miles; and

(B) achieves at least 125 percent of the model year 2002 city fuel economy.

(8) QUALIFIED AUTOMOBILE.—The term "qualified automobile" means—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile (as defined in section 32901(a) of title 49, United States Code);

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) a hybrid automobile;

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(b) REQUIREMENTS.—

(1) IN GENERAL.—For each model year, the percentage of new automobiles manufactured by a manufacturer for sale in the United States that are qualified automobiles shall be not less than the corresponding percentage in the following table:

For model year:	The percentage that are qualified automobiles shall be not less than:
2012	20 percent
2013	30 percent
2014	40 percent
2015 and thereafter	50 percent

(2) NEW TECHNOLOGY.—Not less than 10 percent of the number of qualified automobiles required to be manufactured by a manufacturer for sale in the United States in each model year after 2016 pursuant to paragraph (1), shall be—

(A) hybrid automobiles;

(B) plug-in hybrid automobiles;

(C) new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(D) new qualified fuel cell motor vehicles (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) electric automobiles; or

(F) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 combined fuel economy, as determined by the Secretary of Transportation, by regulation.

(c) QUALIFIED AUTOMOBILE CREDITS.—

(1) IN GENERAL.—The Secretary shall issue qualified automobile production credits to manufacturers for automobiles manufactured for model year 2012 and for each subsequent model year, in accordance with this subsection.

(2) EFFECT OF CREDIT.—Each credit issued to a manufacturer under this subsection shall reduce the qualified automobile mandate requirement under subsection (b)(1) by 1 automobile for the model year to which the credit applies.

(3) RATE OF CREDIT ISSUANCE.—For each qualified automobile (except for automobiles described in subparagraphs (B) and (C) of subsection (a)(8)) manufactured for model year 2012, 2013, 2014, 2015, or 2016, the manufacturer shall be issued—

(A) 1.25 qualified automobile production credits if the combined fuel economy for such automobile is greater than 110 percent and less than 125 percent of the combined fuel economy of the model year 2002 inertia weight class;

(B) 1.5 qualified automobile production credits if the combined fuel economy for such automobile is at least 125 percent and less than 150 percent of the combined fuel economy of the model year 2002 inertia weight class;

(C) 2.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 150 percent and less than 175 percent of the combined fuel economy of the model year 2002 inertia weight class; and

(D) 3.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 175 percent of the combined fuel economy of the model year 2002 inertia weight class;

(4) DEFINED TERM.—For purposes of this paragraph, the term "model year 2002 inertia weight class" has the same meaning as the term "vehicle inertia weight class" as defined in Section 30B of the Internal Revenue Code of 1986.

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) NONPASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for nonpassenger automobiles manufactured by a manufacturer in that model year.

"(B) STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of nonpassenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2012 THROUGH 2014.—Not later than April 1, 2010, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2012, 2013, and 2014. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2015.—Not later than April 1, 2013, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2015—

"(A) at least 25.3 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2016 THROUGH 2019.—Not later than April 1, 2014, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2016, 2017, 2018, and 2019. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2020.—Not later than April 1, 2018, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2020—

"(A) at least 27.7 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2021 THROUGH 2024.—Not later than April 1, 2019, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2021, 2022, 2023, and 2024. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(7) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2025 AND THEREAFTER.—Not later than April 1, 2023, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2025 and each subsequent model year—

"(A) at least 30 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A)."; and

(2) by amending subsection (b) to read as follows:

"(b) PASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year.

"(B) AUTHORITY FOR PRESCRIPTION OF DIFFERING STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of passenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2012.—Not later than April 1, 2010, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2012—

"(A) at least 29 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2013 THROUGH 2016.—Not later than April 1, 2011, the Secretary shall establish average fuel economy standards for passenger automobiles for each of the model years 2013, 2014, 2015, and 2016. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2017.—Not later than April 1, 2015, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2017—

"(A) at least 32.5 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2018 THROUGH 2021.—Not later than April 1, 2016, the Secretary shall establish average fuel economy standards for passenger automobiles for model years 2018, 2019, 2020, and 2021. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2022 AND THEREAFTER.—Not later than April 1, 2020, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2022 and each subsequent model year—

"(A) at least 36 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(7) MINIMUM FOR AVERAGE FUEL ECONOMY STANDARDS BASED ON VEHICLE ATTRIBUTES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for passenger automobiles on the basis of vehicle attributes pursuant to subsection (j), the average fuel economy standard for passenger automobiles manufactured by a manufacturer in that model year shall also provide for an alternative minimum standard that shall apply only to a manufacturer's domestically manufactured passenger automobiles, as calculated under section 32904 as in effect on the day before the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

"(i) 27.5 miles per gallon; or

"(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.

"(C) APPLICABILITY.—The alternative minimum standard under this paragraph shall apply to a manufacturer's domestically manufactured passenger automobiles only if the passenger automobile standard established on the basis of vehicle attributes pursuant to subsection (j), excluding any credits transferred by the manufacturer pursuant to subsection (g) from other categories of automobiles described in paragraph (5)(B), would allow that manufacturer to comply with a less stringent passenger automobile standard than the alternative minimum standard.".

(b) REPEAL OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 32901(a)(12) of such title is amended by striking "section 32902(d)" and inserting "section 32902(c)".

(B) Section 32902 of such title is amended—

(i) in subsection (c)(1), as redesignated by paragraph (1)(B), by striking "under subsection (b) or (c)" and inserting "under subsection (b)";

(ii) in subsection (d)(2), as redesignated by paragraph (1)(B), by striking "under subsection (a), (b), (c), or (d)" and inserting "under subsection (a), (b), or (c)";

(iii) in subsection (f), as redesignated by paragraph (1)(B)—

(I) in paragraph (1)—

(aa) by striking "under subsection (a) or (d)" and inserting "under subsection (a), (b), or (c)"; and

(bb) by striking "of subsection (a) or (d)" and inserting "of subsection (a), (b), or (c)"; and

(II) in paragraph (2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)";

(iv) in subsection (g), as redesignated by paragraph (1)(B), by striking "carrying out subsections (c), (f), and (g)" and inserting "carrying out subsections (a), (b), (e), and (f)"; and

(v) in subsection (i), as redesignated by paragraph (1)(B), by striking "under subsection (a), (c), or (g) of this section" and inserting "under subsection (a), (b), or (f)".

(C) Section 32904(a)(1)(B) of such title is amended by striking "section 32902(b)-(d)" and inserting "subsections (b) and (c) of section 32902".

(D) Section 32907(a)(4) of such title is amended by striking "section 32902(d)" and inserting "section 32902(c)".

(E) Section 32909(b) of such title is amended by striking ", except that a petition for review" and all that follows through "referred to in section 32902(c)(2)".

(F) Section 32917(b)(1)(B) of such title is amended by striking "or (c)".

(c) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—Section 32902 of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

"(j) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—

"(1) IN GENERAL.—The authority of the Secretary of Transportation to prescribe by regulation average fuel economy standards for passenger automobiles and nonpassenger automobiles includes the authority to prescribe standards based on vehicle attributes related to fuel economy and to express any such attribute-based standard in the form of a mathematical function.

"(2) TRANSITION PERIOD.—If the Secretary prescribes standards for passenger automobiles on the basis of vehicle attributes, the Secretary shall provide a transition period during the first 3 model years in which an attribute-based standard would apply during which each manufacturer may elect whether to comply with the attribute-based standard or with the single corporate average fuel economy level prescribed under subsection (b).

"(3) PRESCRIPTION OF STANDARDS FOR MULTIPLE YEARS.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles includes the authority to prescribe standards by issuing regulations governing more than 1 model year at a time, up to 5 consecutive model years.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32901(a) of title 49, United States Code, is amended—

(A) by redesignating paragraph (16) as paragraph (17); and

(B) by inserting after paragraph (15) the following:

"(16) 'nonpassenger automobile' means an automobile that is not a passenger automobile; and".

(2) Section 32903 of title 49, United States Code, is amended—

(A) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsections (b) and (c) of section 32902";

(B) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(C) in subsection (e), by striking "automobiles that are not passenger automobiles" and inserting "nonpassenger automobiles".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR PASSENGER AUTOMOBILES.—The standard or standards for passenger automobiles under the authority of section 32902(b) of title 49, United States Code, in effect on the day before the date of the enactment of this Act, shall remain in effect until a standard for passenger automobiles is established under the authority of section 32902(b) of such title, as amended by this section.

(3) AVERAGE FUEL ECONOMY STANDARD FOR NONPASSENGER AUTOMOBILES IN MODEL YEARS THROUGH 2011.—The average fuel economy standard for nonpassenger automobiles, under the authority of section 32902(a) of such title for model years through 2011, shall be the standard described in the final rule issued by the National Highway Traffic Safety Administration entitled "Average Fuel Economy Standards for Light Trucks Model Years 2008–2011" (71 Fed. Reg. 17566), as amended in a notice published by the National Highway Traffic Safety Administration on April 14, 2006 (71 Fed. Reg. 19449).

SEC. 503. FUEL EFFICIENCY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.

Section 32902 of title 49, United States Code, as amended by section 502, is further amended by adding at the end the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—Not later than 18 months after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, and based on the results of that study, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program and, as appropriate, shall adopt test methods, measurement metrics, fuel efficiency targets, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means a commercial on-highway vehicle with a gross vehicle weight rating of more than 10,000 pounds.".

SEC. 504. CREDIT AVAILABILITY.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsections (b) and (c) of section 32902";

(2) in subsection (a)—

(A) by striking "3 consecutive model years" each place it appears and inserting "5 consecutive model years"; and

(B) in paragraph (2), by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) in subsection (b)—

(A) in paragraph (1), by striking "paragraph (2) of this subsection" and inserting "paragraph (2) and subsection (g)"; and

(B) in paragraph (2), by striking "3 model years" and inserting "5 model years";

(4) in subsection (e), by striking "automobiles that are not passenger automobiles" and inserting "nonpassenger automobiles"; and

(5) by adding at the end the following:

"(g) Credit Transferring Within a Manufacturer's Fleet.—

"(1) Average fuel economy credit transferring program.—The Secretary of Transportation shall establish, by regulation, a corporate average fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply them within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) Availability of credits transferred.—Credits transferred under this section are available to be used in the same model years that the manufacturer could have applied them under subsections (a), (b), (d) and (e) as well as for the model year in which the manufacturer earned them. The maximum increase in any compliance category attributable to transferred credits is 1.0 mile per gallon in any single model year.

"(3) Limitation on credit transfers to category of passenger automobiles.—In the case of transfers to the category of automobiles described in paragraph 5(B)(i), the transfer is limited to the extent that the fuel economy level of the manufacturer's fleet of passenger automobiles manufactured domestically shall comply with the provisions established under section 32902(b)(7), excluding any transfers from other categories of automobiles described in paragraph 5(B).

"(4) Effective date.—A credit transferred in conformance with this section may only be so transferred if such credit is earned no earlier than the first model year after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(5) Definitions.—In this subsection:

"(A) Fleet.—The term 'fleet' means all automobiles manufactured by a manufacturer in a given model year.

"(B) Compliance category of automobiles.—The term 'compliance category of automobiles' means any of the 3 categories of automobiles for which compliance is separately calculated under this chapter, namely—

"(i) passenger automobiles manufactured domestically;

"(ii) passenger automobiles not manufactured domestically; and

"(iii) nonpassenger automobiles.".

(b) Flexible Fueled Vehicles.—

(1) Extension of alternative fuel automobiles manufacturing incentives.—Section 32905 of title 49, United States Code, is amended—

(A) by striking "1993–2010" each place it appears and inserting "1993 through 2020.";

(B) by striking subsections (f) and (g); and

(C) by redesignating subsection (h) as subsection (f).

(2) Extension of maximum increase period.—Section 32906(a) of title 49, United States Code, is amended—

(A) by striking "1993–2010" and inserting "1993 through 2020";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "(A)"; and

(ii) by striking subparagraph (B); and

(C) in paragraph (2), by striking "described—" and all that follows and inserting "is more than 1.2 miles per gallon, the limitation in paragraph (1) applies.".

SEC. 505. RESEARCH ON AND DEVELOPMENT OF LEAP-AHEAD TECHNOLOGY.

(a) Program.—The Secretary of Energy (referred to in this section as the "Secretary"), in cooperation with heads of other Federal agencies, shall carry out a comprehensive program to develop advanced vehicle technologies (including associated components and parts) that will offer—

(1) the potential for significantly-improved fuel economy; and

(2) significant reductions in emissions.

(b) Components.—The program carried out under subsection (a) shall include research and development in the areas of—

(1) advanced lightweight materials;

(2) advanced battery technology and battery systems;

(3) hybrid systems, including—

(A) power electronics, electric motors, power control units, and power controls;

(B) hydraulic accumulators or other energy storage devices; and

(C) testing and analysis;

(4) plug-in hybrids;

(5) advanced clean diesel;

(6) hydrogen internal combustion engines;

(7) fuel cell technology;

(8) hydrogen storage;

(9) fuel cell membranes;

(10) cellulosic ethanol;

(11) biodiesel fuel;

(12) biodiesel fuel and technology;

(13) ethanol and biofuels technology; and

(14) such other related areas as the Secretary determines to be appropriate.

(c) Advanced Lightweight Materials.—In carrying out this section, the Secretary shall carry out an advanced lightweight materials research and development program the primary focuses of which shall include—

(1) the provision of—

(A) technical advice for compliance with applicable Federal and State environmental requirements;

(B) assistance in identifying supply sources and securing long-term contracts; and

(C) public outreach, education, and labeling materials; and

(2) the development of—

(A) low-cost, durable, abuse-tolerant lithium ion-based chemistries or other advanced chemistries;

(B) advanced lightweight steels that provide a 30-percent weight reduction;

(C) advanced lightweight metals (such as magnesium, aluminum, and titanium);

(D) advanced composites, particularly carbon fiber precursors and forming; and

(E) advanced forming and joining processes for lightweight materials, including mixed materials (such as combinations of steel, aluminum, magnesium, and carbon fiber into a single assembly or vehicle).

(d) Advanced Batteries.—

(1) In general.—In carrying out this section, the Secretary shall carry out an advanced battery program the primary focuses of which shall be—

(A) research in the chemistry of exploratory battery technologies (other than lithium ion batteries); and

(B) battery and battery systems production process research and development.

(2) Industry alliance.—In carrying out the advanced battery program under this subsection, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries and battery systems.

(3) Research.—

(A) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology road maps.

(4) Availability to the public.—The information and road maps developed under this subsection shall be available to the public.

(5) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(6) Cost sharing.—In carrying out this subsection, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(e) Hybrid Systems.—In carrying out this section, the Secretary shall carry out a program relating to hybrid systems, the primary focus of which shall be research on and development of—

(1) advanced electric traction systems and wheel motors;

(2) advanced power electronics;

(3) systems integration; and

(4) hydraulic accumulators or other energy storage devices.

(f) Plug-in Hybrids.—In carrying out this section, the Secretary shall carry out a program relating to plug-in hybrids, the primary focus of which shall be—

(1) research on and development of advanced batteries with appropriate power to energy ratios necessary for minimum electric range and vehicle performance, such as acceleration; and

(2) the early demonstration of vehicles and infrastructure through the provision of procurement assistance to fleet purchasers.

(g) Advanced Clean Diesel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to diesel combustion and emissions, the primary focuses of which shall be—

(1) the development of clean-burn and after treatment technologies, including advanced low-temperature combustion (including homogeneous charge compression-ignition);

(2) the development of mixed mode operation that combines attributes of compression- and spark-ignition engine technologies;

(3) the integration of advanced technologies, including increased expansion ratio, variable valve timing, reduced friction, and improved exhaust gas heat recovery;

(4) the development of NO_x after treatment systems, including absorber-catalysts, selective catalytic reduction, and lean NO_x catalysts;

(5) the development of particulate matter after treatment systems;

(6) the development of powertrain integration of engine and after treatment systems; and

(7) enhancements in durability and reliability and reduction of costs.

(h) Hydrogen Internal Combustion Engines.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen internal combustion engines, the primary focuses of which shall be—

(1) to advance hydrogen internal combustion engine technology to a level at which

the robustness and durability of such an engine would be acceptable to real-world customers; and

(2) to use those engines to provide an affordable transition to a hydrogen economy by creating a demand for hydrogen refueling infrastructure and bridging to hydrogen-powered fuel cells.

(i) Fuel Cell Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell technology, the primary focuses of which shall be research on and development of—

(1) fuel cell stack components and fuel cell manufacturing processes; and

(2) materials resistant to hydrogen embrittlement.

(j) Hydrogen Storage.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen storage, the primary focus of which shall be research on and development of competitive storage methods for sufficient quantities of hydrogen onboard a vehicle (including a demonstration of hydrogen refueling infrastructure for not less than 10 nor more than 20 stations)—

(1) to enable increased development and use of hydrogen internal combustion engines and hydrogen-powered fuel cell vehicles; and

(2) to meet or surpass the customer-discernable attributes of vehicles available as of the date of enactment of this Act with respect to range and cost per mile.

(k) Fuel Cell Membranes.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell membranes, the primary focuses of which shall be—

(1) the achievement of a fundamental understanding of the catalytic materials for fuel cells; and

(2) the development of low-cost fuel cell membranes.

(l) Cellulosic Ethanol.—In carrying out this section, the Secretary shall carry out a program of research and development relating to cellulosic ethanol, the primary focus of which shall be research on and development of enzymes necessary for the production of cellulosic ethanol.

(m) Biodiesel Fuel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the development of a national B–20 standard;

(2) fundamental research on biomass-to-liquid alternatives;

(3) total lifecycle analyses of the total potential for petroleum replacement, total fossil fuel replacement, or greenhouse gas reductions for biodiesel options;

(4) an assessment of feedstock options; and

(5) an assessment of the effects on engine durability and reliability including the effects due to fuel quality variations, stability, and degradation parameters.

(n) Biodiesel Fuel and Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the evaluation and optimization of B-100 processing variables to enhance blendstock stability, maintain uniform quality and specifications, and reduce cost;

(2) the development and expansion of processing, blending, and distribution infrastructure;

(3) the development of standardized labeling and dispensing of equipment information;

(4) establishment of a consumer education outreach program;

(5) assessment and evaluation of biodiesel on advanced engine (such as high-pressure injector) and after treatment components; and

(6) assessment of the effects of biodiesel on advanced combustion clean-burn strategies.

(o) Ethanol and Biofuels Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to ethanol and biofuels technology, the primary focus of which shall be research and development into—

(1) ethanol and biofuels transport systems, such as truck, rail, and pipelines;

(2) advanced high-efficiency combustion research for fuels, such as E–85;

(3) materials compatibility for E–85 fuel;

(4) E–85 vehicle engineering and calibration to speed conversion of systems; and

(5) advanced combustion and after-treatment systems to support fuel efficiency gains.

(p) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to carry out subsection (a), $60,000,000 for each of fiscal years 2008 through 2012;

(2) to carry out subsection (b), $143,000,000 for each of the fiscal years 2008 through 2012;

(3) to conduct research and development into hybrid systems (power electronics, electric motors, hydraulic accumulators, other energy storage devices, testing, and analysis), $64,000,000 for each of the fiscal years 2008 through 2012;

(4) to conduct research and development into plug-in hybrids, $56,000,000 for each of the fiscal years 2008 through 2012;

(5) to conduct research and development into advanced clean diesel, $54,000,000 for each of the fiscal years 2008 through 2010;

(6) to conduct research and development into hydrogen internal combustion engines, $11,000,000 for each of the fiscal years 2008 through 2012;

(7) to conduct research and development into fuel cell technology, $40,000,000 for each of the fiscal years 2008 through 2012;

(8) to conduct research and development into hydrogen storage, $88,000,000 for each of the fiscal years 2008 through 2012;

(9) to conduct research and development into fuel cell membranes, $64,000,000 for each of the fiscal years 2008 through 2012;

(10) to conduct research and development into cellulosic ethanol, $340,000,000 for each of the fiscal years 2008 through 2012;

(11) to conduct research and development into biodiesel fuel and technology, $7,000,000 for each of the fiscal years 2008 through 2012; and

(12) to conduct research and development into ethanol biofuels technology, $23,000,000 for each of the fiscal years 2008 through 2012.

SEC. 506. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO ALTERNATIVE FUEL INFRASTRUCTURE.

(a) In General.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.

"(a) Definition.—In this section:

"(1) Alternative fuel.—The term 'alternative fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any combination of those fuels; or

"(B) any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of the Internal Revenue Code of 1986), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

"(2) Franchise-related document.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) Prohibitions.—

"(1) In general.—Notwithstanding any provision of a franchise-related document in effect on the date of enactment of this section, no franchisee or affiliate of a franchisee shall be restricted from—

"(A) installing on the marketing premises of the franchisee an alternative fuel pump or storage tank;

"(B) converting an existing tank and pump on the marketing premises of the franchisee for alternative fuel use;

"(C) advertising (including through the use of signage or logos) the sale of any alternative fuel;

"(D) selling alternative fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

"(E) purchasing alternative fuel solely from the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

"(F) listing alternative fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

"(G) allowing payment of alternative fuel with a credit card.

"(2) Enforcement.—Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

"(A) shall be considered to be null and void as of that date; and

"(B) shall not be enforced under section 105.

"(c) Exception to 3-Grade Requirement.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an alternative fuel in lieu of 1 grade of gasoline.".

(b) Conforming Amendments.—

(1) In general.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by adjusting the indentation of subparagraph (C) appropriately.

(2) Table of contents.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of alternative fuel pumps.".

SEC. 507. PUBLIC ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.

(a) Definitions.—In this section:

(1) Alternative fuel refueling station.—The term "alternative fuel refueling station" has the meaning given the term "qualified alternative fuel vehicle refueling property" in section 30C(c)(1) of the Internal Revenue Code of 1986.

(2) Secretary.—The term "Secretary" means the Secretary of Energy.

(b) Access to Federal Alternative Refueling Stations.—Not later than 18 months after the date of enactment of this Act—

(1) except as provided in subsection (d)(1), any Federal property that includes at least 1 fuel refueling station shall include at least 1 alternative fuel refueling station; and

(2) except as provided in subsection (d)(2), any alternative fuel refueling station located on property owned by the Federal government shall permit full public access for the purpose of refueling using alternative fuel.

(c) DURATION.—The requirements described in subsection (b) shall remain in effect until the sooner of—

(1) the date that is 7 years after the date of enactment of this Act; or

(2) the date on which the Secretary determines that not less than 5 percent of the commercial refueling infrastructure in the United States offers alternative fuels to the general public.

(d) EXCEPTIONS.—

(1) WAIVER.—Subsection (b)(1) shall not apply to any Federal property under the jurisdiction of a Federal agency if the Secretary determines that alternative fuel is not reasonably available to retail purchasers of the fuel, as certified by the head of the agency to the Secretary.

(2) NATIONAL SECURITY EXEMPTION.—Subsection (b)(2) shall not apply to property of the Federal government that the Secretary, in consultation with the Secretary of Defense, has certified must be exempt for national security reasons.

(e) REPORT.—Not later than October 31 of each year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes the progress of the agencies of the Federal Government (including the Executive Office of the President) in complying with—

(1) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(2) Executive Order 13149 (65 Fed. Reg. 24595; relating to greening the government through Federal fleet and transportation efficiency); and

(3) the fueling center requirements of this section.

SEC. 508. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (F) as subparagraph (H); and

(B) by inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902;

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard; and

"(iii) 1 additional green star for the use of thermal management technologies, including energy efficient air conditioning systems, glass, and powertrain systems.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1713. Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike line 16 and all that follows through page 263, line 8 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. INCREASING THE EFFICIENCY OF AUTOMOBILES.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE.—The term "automobile" means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency that are in effect on the date of the enactment of this Act—

(A) a light-duty truck;

(B) a light-duty vehicle; or

(C) a medium-duty passenger vehicle.

(2) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 32901(a) of title 49, United States Code.

(3) E85.—The term "E85" means a fuel blend containing 85 percent denatured ethanol and 15 percent gasoline by volume.

(4) FLEXIBLE FUEL AUTOMOBILE.—The term "flexible fuel automobile" means an automobile warrantied by the manufacturer of the vehicle to operate on any combination of gasoline, E85, and M85 or diesel fuel blends containing not less than 20 percent non-petroleum based fuel alternatives.

(5) HYBRID MOTOR VEHICLE.—The term "hybrid motor vehicle" means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy.

(6) M85.—The term "M85" means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.

(7) PLUG-IN HYBRID AUTOMOBILE.—The term "plug-in hybrid automobile" means a hybrid automobile that—

(A) has an onboard, rechargeable storage device capable of propelling the vehicle by electricity for at least 10 miles; and

(B) achieves at least 125 percent of the model year 2002 city fuel economy.

(8) QUALIFIED AUTOMOBILE.—The term "qualified automobile" means—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile (as defined in section 32901(a) of title 49, United States Code);

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) a hybrid automobile;

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(b) REQUIREMENTS.—

(1) IN GENERAL.—For each model year, the percentage of new automobiles manufactured by a manufacturer for sale in the United States that are qualified automobiles shall be not less than the corresponding percentage in the following table:

For model year:	**The percentage that are qualified automobiles shall be not less than:**
2012	20 percent
2013	30 percent
2014	40 percent
2015 and thereafter	50 percent

(2) NEW TECHNOLOGY.—Not less than 10 percent of the number of qualified automobiles required to be manufactured by a manufacturer for sale in the United States in each model year after 2016 pursuant to paragraph (1), shall be—

(A) hybrid automobiles;

(B) plug-in hybrid automobiles;

(C) new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(D) new qualified fuel cell motor vehicles (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) electric automobiles; or

(F) any other appropriate automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 combined fuel economy, as determined by the Secretary of Transportation, by regulation.

(c) QUALIFIED AUTOMOBILE CREDITS.—

(1) IN GENERAL.—The Secretary shall issue qualified automobile production credits to manufacturers for automobiles manufactured for model year 2012 and for each subsequent model year, in accordance with this subsection.

(2) EFFECT OF CREDIT.—Each credit issued to a manufacturer under this subsection shall reduce the qualified automobile mandate requirement under subsection (b)(1) by 1 automobile for the model year to which the credit applies.

(3) RATE OF CREDIT ISSUANCE.—For each qualified automobile (except for automobiles described in subparagraphs (B) and (C) of subsection (a)(8)) manufactured for model year 2012, 2013, 2014, 2015, or 2016, the manufacturer shall be issued—

(A) 1.25 qualified automobile production credits if the combined fuel economy for such automobile is greater than 110 percent and less than 125 percent of the combined fuel economy of the model year 2002 inertia weight class;

(B) 1.5 qualified automobile production credits if the combined fuel economy for such automobile is at least 125 percent and less than 150 percent of the combined fuel economy of the model year 2002 inertia weight class;

(C) 2.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 150 percent and less than 175 percent of the combined fuel economy of the model year 2002 inertia weight class; and

(D) 3.0 qualified automobile production credits if the combined fuel economy for such automobile is at least 175 percent of the combined fuel economy of the model year 2002 inertia weight class;

(4) DEFINED TERM.—For purposes of this paragraph, the term "model year 2002 inertia weight class" has the same meaning as the term "vehicle inertia weight class" as defined in Section 30B of the Internal Revenue Code of 1986.

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) NONPASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for nonpassenger automobiles manufactured by a manufacturer in that model year.

"(B) STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of nonpassenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2012 THROUGH 2014.—Not later than April 1, 2010, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2012, 2013, and 2014. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2015.—Not later than April 1, 2013, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2015—

"(A) at least 25.3 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2016 THROUGH 2019.—Not later than April 1, 2014, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2016, 2017, 2018, and 2019. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2020.—Not later than April 1, 2018, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2020—

"(A) at least 27.7 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2021 THROUGH 2024.—Not later than April 1, 2019, the Secretary shall establish average fuel economy standards for nonpassenger automobiles for each of the model years 2021, 2022, 2023, and 2024. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(7) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2025 AND THEREAFTER.—Not later than April 1, 2023, the Secretary shall establish the average fuel economy standard for nonpassenger automobiles for model year 2025 and each subsequent model year—

"(A) at least 30 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A)."; and

(2) by amending subsection (b) to read as follows:

"(b) PASSENGER AUTOMOBILES.—

"(1) ANNUAL PRESCRIPTION OF AVERAGE FUEL ECONOMY STANDARDS.—

"(A) IN GENERAL.—Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year.

"(B) AUTHORITY FOR PRESCRIPTION OF DIFFERING STANDARDS BASED ON CLASS.—The Secretary may prescribe separate standards for different classes of passenger automobiles.

"(C) STANDARDS BASED ON VEHICLE ATTRIBUTES.—The Secretary may prescribe such standards based on vehicle attributes pursuant to subsection (j).

"(D) MINIMUM STANDARD.—Each standard prescribed under this paragraph shall be the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in that model year, consistent with subsection (e).

"(2) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEAR 2012.—Not later than April 1, 2010, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2012—

"(A) at least 29 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(3) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2013 THROUGH 2016.—Not later than April 1, 2011, the Secretary shall establish average fuel economy standards for passenger automobiles for each of the model years 2013, 2014, 2015, and 2016. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(4) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2017.—Not later than April 1, 2015, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2017—

"(A) at least 32.5 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(5) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2018 THROUGH 2021.—Not later than April 1, 2016, the Secretary shall establish average fuel economy standards for passenger automobiles for model years 2018, 2019, 2020, and 2021. Each such standard shall be set at the maximum feasible average fuel economy level that the Secretary determines the manufacturers can achieve in each such model year.

"(6) AVERAGE FUEL ECONOMY STANDARD FOR MODEL YEARS 2022 AND THEREAFTER.—Not later than April 1, 2020, the Secretary shall establish the average fuel economy standard for passenger automobiles for model year 2022 and each subsequent model year—

"(A) at least 36 miles per gallon, consistent with paragraph (1)(D); or

"(B) if the Secretary prescribes average fuel economy standards on the basis of vehicle attributes pursuant to subsection (j), at a level that yields estimated fuel savings not less than those that would be achieved by the average fuel economy standard described in subparagraph (A).

"(7) MINIMUM FOR AVERAGE FUEL ECONOMY STANDARDS BASED ON VEHICLE ATTRIBUTES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for passenger automobiles on the basis of vehicle attributes pursuant to subsection (j), the average fuel economy standard for passenger automobiles manufactured by a manufacturer in that model year shall also provide for an alternative minimum standard that shall apply only to a manufacturer's domestically manufactured passenger automobiles, as calculated under section 32904 as in effect on the day before the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

"(i) 27.5 miles per gallon; or

"(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.

"(C) APPLICABILITY.—The alternative minimum standard under this paragraph shall apply to a manufacturer's domestically manufactured passenger automobiles only if the passenger automobile standard established on the basis of vehicle attributes pursuant to subsection (j), excluding any credits transferred by the manufacturer pursuant to subsection (g) from other categories of automobiles described in paragraph (5)(B), would allow that manufacturer to comply with a less stringent passenger automobile standard than the alternative minimum standard.".

(b) REPEAL OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE FUEL ECONOMY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 32901(a)(12) of such title is amended by striking "section 32902(d)" and inserting "section 32902(c)".

(B) Section 32902 of such title is amended—

(i) in subsection (c)(1), as redesignated by paragraph (1)(B), by striking "under subsection (b) or (c)" and inserting "under subsection (b)";

(ii) in subsection (d)(2), as redesignated by paragraph (1)(B), by striking "under subsection (a), (b), (c), or (d)" and inserting "under subsection (a), (b), or (c)";

(iii) in subsection (f), as redesignated by paragraph (1)(B)—

(I) in paragraph (1)—

(aa) by striking "under subsection (a) or (d)" and inserting "under subsection (a), (b), or (c)"; and

(bb) by striking "of subsection (a) or (d)" and inserting "of subsection (a), (b), or (c)"; and

(II) in paragraph (2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)";

(iv) in subsection (g), as redesignated by paragraph (1)(B), by striking "carrying out subsections (c), (f), and (g)" and inserting "carrying out subsections (a), (b), (e), and (f)"; and

(v) in subsection (i), as redesignated by paragraph (1)(B), by striking "under subsection (a), (c), or (g) of this section" and inserting "under subsection (a), (b), or (f)".

(C) Section 32904(a)(1)(B) of such title is amended by striking "section 32902(b)-(d)" and inserting "subsections (b) and (c) of section 32902".

(D) Section 32907(a)(4) of such title is amended by striking "section 32902(d)" and inserting "section 32902(c)".

(E) Section 32909(b) of such title is amended by striking ", except that a petition for review" and all that follows through "referred to in section 32902(c)(2)".

(F) Section 32917(b)(1)(B) of such title is amended by striking "or (c)".

(c) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—Section 32902 of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

"(j) AUTHORITY OF THE SECRETARY TO PRESCRIBE STANDARDS BASED ON VEHICLE ATTRIBUTES.—

"(1) IN GENERAL.—The authority of the Secretary of Transportation to prescribe by regulation average fuel economy standards for passenger automobiles and nonpassenger automobiles includes the authority to prescribe standards based on vehicle attributes related to fuel economy and to express any such attribute-based standard in the form of a mathematical function.

"(2) TRANSITION PERIOD.—If the Secretary prescribes standards for passenger automobiles on the basis of vehicle attributes, the Secretary shall provide a transition period during the first 3 model years in which an attribute-based standard would apply during which each manufacturer may elect whether to comply with the attribute-based standard or with the single corporate average fuel economy level prescribed under subsection (b).

"(3) PRESCRIPTION OF STANDARDS FOR MULTIPLE YEARS.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles includes the authority to prescribe standards by issuing regulations governing more than 1 model year at a time, up to 5 consecutive model years.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32901(a) of title 49, United States Code, is amended—

(A) by redesignating paragraph (16) as paragraph (17); and

(B) by inserting after paragraph (15) the following:

"(16) 'nonpassenger automobile' means an automobile that is not a passenger automobile; and".

(2) Section 32903 of title 49, United States Code, is amended—

(A) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsections (b) and (c) of section 32902";

(B) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(C) in subsection (e), by striking "automobiles that are not passenger automobiles" and inserting "nonpassenger automobiles".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR PASSENGER AUTOMOBILES.—The standard or standards for passenger automobiles under the authority of section 32902(b) of title 49, United States Code, in effect on the day before the date of the enactment of this Act, shall remain in effect until a standard for passenger automobiles is established under the authority of section 32902(b) of such title, as amended by this section.

(3) AVERAGE FUEL ECONOMY STANDARD FOR NONPASSENGER AUTOMOBILES IN MODEL YEARS THROUGH 2011.—The average fuel economy standard for nonpassenger automobiles, under the authority of section 32902(a) of such title for model years through 2011, shall be the standard described in the final rule issued by the National Highway Traffic Safety Administration entitled "Average Fuel Economy Standards for Light Trucks Model Years 2008–2011" (71 Fed. Reg. 17566), as amended in a notice published by the National Highway Traffic Safety Administration on April 14, 2006 (71 Fed. Reg. 19449).

SEC. 503. FUEL EFFICIENCY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.

Section 32902 of title 49, United States Code, as amended by section 502, is further amended by adding at the end the following:

"(k) Commercial Medium- and Heavy-Duty On-Highway Vehicles.—

"(1) Study.—Not later than 18 months after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) Rulemaking.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, and based on the results of that study, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program and, as appropriate, shall adopt test methods, measurement metrics, fuel efficiency targets, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) Lead-time; regulatory stability.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) Commercial medium- and heavy-duty on-highway vehicle defined.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means a commercial on-highway vehicle with a gross vehicle weight rating of more than 10,000 pounds.".

SEC. 504. CREDIT AVAILABILITY.

(a) In General.—Section 32903 of title 49, United States Code, is amended—

(1) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsections (b) and (c) of section 32902";

(2) in subsection (a)—

(A) by striking "3 consecutive model years" each place it appears and inserting "5 consecutive model years"; and

(B) in paragraph (2), by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) in subsection (b)—

(A) in paragraph (1), by striking "paragraph (2) of this subsection" and inserting "paragraph (2) and subsection (g)"; and

(B) in paragraph (2), by striking "3 model years" and inserting "5 model years";

(4) in subsection (e), by striking "automobiles that are not passenger automobiles" and inserting "nonpassenger automobiles"; and

(5) by adding at the end the following:

"(g) Credit Transferring Within a Manufacturer's Fleet.—

"(1) Average fuel economy credit transferring program.—The Secretary of Transportation shall establish, by regulation, a corporate average fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply them within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) Availability of credits transferred.—Credits transferred under this section are available to be used in the same model years that the manufacturer could have applied them under subsections (a), (b), (d) and (e) as well as for the model year in which the manufacturer earned them. The maximum increase in any compliance category attributable to transferred credits is 1.0 mile per gallon in any single model year.

"(3) Limitation on credit transfers to category of passenger automobiles.—In the case of transfers to the category of automobiles described in paragraph 5(B)(i), the transfer is limited to the extent that the fuel economy level of the manufacturer's fleet of passenger automobiles manufactured domestically shall comply with the provisions established under section 32902(b)(7), excluding any transfers from other categories of automobiles described in paragraph 5(B).

"(4) Effective date.—A credit transferred in conformance with this section may only be so transferred if such credit is earned no earlier than the first model year after the date of the enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(5) Definitions.—In this subsection:

"(A) Fleet.—The term 'fleet' means all automobiles manufactured by a manufacturer in a given model year.

"(B) Compliance category of automobiles.—The term 'compliance category of automobiles' means any of the 3 categories of automobiles for which compliance is separately calculated under this chapter, namely—

"(i) passenger automobiles manufactured domestically;

"(ii) passenger automobiles not manufactured domestically; and

"(iii) nonpassenger automobiles.".

(b) Flexible Fueled Vehicles.—

(1) Extension of alternative fuel automobiles manufacturing incentives.—Section 32905 of title 49, United States Code, is amended—

(A) by striking "1993–2010" each place it appears and inserting "1993 through 2020.";

(B) by striking subsections (f) and (g); and

(C) by redesignating subsection (h) as subsection (f).

(2) Extension of maximum increase period.—Section 32906(a) of title 49, United States Code, is amended—

(A) by striking "1993–2010" and inserting "1993 through 2020";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "(A)"; and

(ii) by striking subparagraph (B); and

(C) in paragraph (2), by striking "described—" and all that follows and inserting "is more than 1.2 miles per gallon, the limitation in paragraph (1) applies.".

SEC. 505. RESEARCH ON AND DEVELOPMENT OF LEAP-AHEAD TECHNOLOGY.

(a) Program.—The Secretary of Energy (referred to in this section as the "Secretary"), in cooperation with heads of other Federal agencies, shall carry out a comprehensive program to develop advanced vehicle technologies (including associated components and parts) that will offer—

(1) the potential for significantly-improved fuel economy; and

(2) significant reductions in emissions.

(b) Components.—The program carried out under subsection (a) shall include research and development in the areas of—

(1) advanced lightweight materials;

(2) advanced battery technology and battery systems;

(3) hybrid systems, including—

(A) power electronics, electric motors, power control units, and power controls;

(B) hydraulic accumulators or other energy storage devices; and

(C) testing and analysis;

(4) plug-in hybrids;

(5) advanced clean diesel;

(6) hydrogen internal combustion engines;

(7) fuel cell technology;

(8) hydrogen storage;

(9) fuel cell membranes;

(10) cellulosic ethanol;

(11) biodiesel fuel;

(12) biodiesel fuel and technology;

(13) ethanol and biofuels technology; and

(14) such other related areas as the Secretary determines to be appropriate.

(c) Advanced Lightweight Materials.—In carrying out this section, the Secretary shall carry out an advanced lightweight materials research and development program the primary focuses of which shall include—

(1) the provision of—

(A) technical advice for compliance with applicable Federal and State environmental requirements;

(B) assistance in identifying supply sources and securing long-term contracts; and

(C) public outreach, education, and labeling materials; and

(2) the development of—

(A) low-cost, durable, abuse-tolerant lithium ion-based chemistries or other advanced chemistries;

(B) advanced lightweight steels that provide a 30-percent weight reduction;

(C) advanced lightweight metals (such as magnesium, aluminum, and titanium);

(D) advanced composites, particularly carbon fiber precursors and forming; and

(E) advanced forming and joining processes for lightweight materials, including mixed materials (such as combinations of steel, aluminum, magnesium, and carbon fiber into a single assembly or vehicle).

(d) Advanced Batteries.—

(1) In general.—In carrying out this section, the Secretary shall carry out an advanced battery program the primary focuses of which shall be—

(A) research in the chemistry of exploratory battery technologies (other than lithium ion batteries); and

(B) battery and battery systems production process research and development.

(2) Industry alliance.—In carrying out the advanced battery program under this subsection, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries and battery systems.

(3) Research.—

(A) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology road maps.

(4) Availability to the public.—The information and road maps developed under this subsection shall be available to the public.

(5) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(6) Cost sharing.—In carrying out this subsection, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(e) Hybrid Systems.—In carrying out this section, the Secretary shall carry out a program relating to hybrid systems, the primary focus of which shall be research on and development of—

(1) advanced electric traction systems and wheel motors;

(2) advanced power electronics;

(3) systems integration; and

(4) hydraulic accumulators or other energy storage devices.

(f) Plug-In Hybrids.—In carrying out this section, the Secretary shall carry out a program relating to plug-in hybrids, the primary focus of which shall be—

(1) research on and development of advanced batteries with appropriate power to energy ratios necessary for minimum electric range and vehicle performance, such as acceleration; and

(2) the early demonstration of vehicles and infrastructure through the provision of procurement assistance to fleet purchasers.

(g) Advanced Clean Diesel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to diesel combustion and emissions, the primary focuses of which shall be—

(1) the development of clean-burn and after treatment technologies, including advanced low-temperature combustion (including homogeneous charge compression-ignition);

(2) the development of mixed mode operation that combines attributes of compression- and spark-ignition engine technologies;

(3) the integration of advanced technologies, including increased expansion ratio, variable valve timing, reduced friction, and improved exhaust gas heat recovery;

(4) the development of NO_x after treatment systems, including absorber-catalysts, selective catalytic reduction, and lean NO_x catalysts;

(5) the development of particulate matter after treatment systems;

(6) the development of powertrain integration of engine and after treatment systems; and

(7) enhancements in durability and reliability and reduction of costs.

(h) Hydrogen Internal Combustion Engines.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen internal combustion engines, the primary focuses of which shall be—

(1) to advance hydrogen internal combustion engine technology to a level at which the robustness and durability of such an engine would be acceptable to real-world customers; and

(2) to use those engines to provide an affordable transition to a hydrogen economy by creating a demand for hydrogen refueling infrastructure and bridging to hydrogen-powered fuel cells.

(i) Fuel Cell Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell technology, the primary focuses of which shall be research on and development of—

(1) fuel cell stack components and fuel cell manufacturing processes; and

(2) materials resistant to hydrogen embrittlement.

(j) Hydrogen Storage.—In carrying out this section, the Secretary shall carry out a program of research and development relating to hydrogen storage, the primary focus of which shall be research on and development of competitive storage methods for sufficient quantities of hydrogen onboard a vehicle (including a demonstration of hydrogen refueling infrastructure for not less than 10 nor more than 20 stations)—

(1) to enable increased development and use of hydrogen internal combustion engines and hydrogen-powered fuel cell vehicles; and

(2) to meet or surpass the customer-discernable attributes of vehicles available as of the date of enactment of this Act with respect to range and cost per mile.

(k) Fuel Cell Membranes.—In carrying out this section, the Secretary shall carry out a program of research and development relating to fuel cell membranes, the primary focuses of which shall be—

(1) the achievement of a fundamental understanding of the catalytic materials for fuel cells; and

(2) the development of low-cost fuel cell membranes.

(l) Cellulosic Ethanol.—In carrying out this section, the Secretary shall carry out a program of research and development relating to cellulosic ethanol, the primary focus of which shall be research on and development of enzymes necessary for the production of cellulosic ethanol.

(m) Biodiesel Fuel.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the development of a national B–20 standard;

(2) fundamental research on biomass-to-liquid alternatives;

(3) total lifecycle analyses of the total potential for petroleum replacement, total fossil fuel replacement, or greenhouse gas reductions for biodiesel options;

(4) an assessment of feedstock options; and

(5) an assessment of the effects on engine durability and reliability including the effects due to fuel quality variations, stability, and degradation parameters.

(n) Biodiesel Fuel and Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to biodiesel fuel, the primary focuses of which shall be—

(1) the evaluation and optimization of B–100 processing variables to enhance blendstock stability, maintain uniform quality and specifications, and reduce cost;

(2) the development and expansion of processing, blending, and distribution infrastructure;

(3) the development of standardized labeling and dispensing of equipment information;

(4) establishment of a consumer education outreach program;

(5) assessment and evaluation of biodiesel on advanced engine (such as high-pressure injector) and after treatment components; and

(6) assessment of the effects of biodiesel on advanced combustion clean-burn strategies.

(o) Ethanol and Biofuels Technology.—In carrying out this section, the Secretary shall carry out a program of research and development relating to ethanol and biofuels technology, the primary focus of which shall be research and development into—

(1) ethanol and biofuels transport systems, such as truck, rail, and pipelines;

(2) advanced high-efficiency combustion research for fuels, such as E–85;

(3) materials compatibility for E–85 fuel;

(4) E–85 vehicle engineering and calibration to speed conversion of systems; and

(5) advanced combustion and after-treatment systems to support fuel efficiency gains

(p) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to carry out subsection (a), $60,000,000 for each of fiscal years 2008 through 2012;

(2) to carry out subsection (b), $143,000,000 for each of the fiscal years 2008 through 2012;

(3) to conduct research and development into hybrid systems (power electronics, electric motors, hydraulic accumulators, other energy storage devices, testing, and analysis), $64,000,000 for each of the fiscal years 2008 through 2012;

(4) to conduct research and development into plug-in hybrids, $56,000,000 for each of the fiscal years 2008 through 2012;

(5) to conduct research and development into advanced clean diesel, $54,000,000 for each of the fiscal years 2008 through 2010;

(6) to conduct research and development into hydrogen internal combustion engines, $11,000,000 for each of the fiscal years 2008 through 2012;

(7) to conduct research and development into fuel cell technology, $40,000,000 for each of the fiscal years 2008 through 2012;

(8) to conduct research and development into hydrogen storage, $88,000,000 for each of the fiscal years 2008 through 2012;

(9) to conduct research and development into fuel cell membranes, $64,000,000 for each of the fiscal years 2008 through 2012;

(10) to conduct research and development into cellulosic ethanol, $340,000,000 for each of the fiscal years 2008 through 2012;

(11) to conduct research and development into biodiesel fuel and technology, $7,000,000 for each of the fiscal years 2008 through 2012; and

(12) to conduct research and development into ethanol biofuels technology, $23,000,000 for each of the fiscal years 2008 through 2012.

SEC. 506. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (F) as subparagraph (H); and

(B) by inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902;

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard; and

"(iii) 1 additional green star for the use of thermal management technologies, including energy efficient air conditioning systems, glass, and powertrain systems.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 507. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 508. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1714. Mr. SCHUMER (for Mr. KENNEDY) proposed an amendment to the bill H.R. 1429, to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start for School Readiness Act".

SEC. 2. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote the school readiness of low-income children by enhancing their cognitive and social development—

"(1) with a learning environment that supports cognitive development (including the growth of language, pre-literacy, and premathematics skills) and the growth of social, emotional, and physical skills; and

"(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) in paragraph (2), by inserting "(including a community-based organization, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" after "nonprofit";

(2) in paragraph (3)(C), by inserting ", including financial literacy," after "Parent literacy";

(3) in paragraph (17), by striking "Mariana Islands," and all that follows and inserting "Mariana Islands."; and

(4) by adding at the end the following:

"(18) The term 'deficiency' means—

"(A) a systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves—

"(i) a threat to the health, safety, or civil rights of children or staff;

"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program operations;

"(iii) a failure to comply with standards related to early childhood development and health services, family and community partnerships, or program design and management;

"(iv) the misuse of funds under this subchapter;

"(v) loss of legal status or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

"(vi) failure to meet any other Federal or State requirement that the agency has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified;

"(B) systemic failure of the board of directors of an agency to fully exercise its legal and fiduciary responsibilities;

"(C) substantial failure of an agency to meet the administrative requirements of section 644(b);

"(D) failure of an agency to demonstrate that the agency attempted to meet the coordination and collaboration requirements with entities described in section 640(a)(5)(D)(ii)(I); or

"(E) having an unresolved area of noncompliance.

"(19) The term 'homeless child' means a child described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

"(20) The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(21) The term 'interrater reliability' means the extent to which 2 or more independent raters or observers consistently obtain the same result when using the same assessment tool.

"(22) The term 'limited English proficient', used with respect to a child, means a child—

"(A) who is enrolled or preparing to enroll in a Head Start program (which may include an Early Head Start program), or other early care and education program;

"(B)(i) who was not born in the United States or whose native language is a language other than English;

"(ii)(I) who is a Native American, Alaska Native, or a native resident of an outlying area (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

"(II) who comes from an environment where a language other than English has had a significant impact on the child's level of English language proficiency; or

"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(C) whose difficulties in speaking or understanding the English language may be sufficient to deny such child—

"(i) the ability to successfully achieve in a classroom in which the language of instruction is English; or "(ii) the opportunity to participate fully in society.

"(23) The term 'unresolved area of noncompliance' means failure to correct a noncompliance item within 120 days, or within such additional time (if any) authorized by the Secretary, after receiving from the Secretary notice of such noncompliance item, pursuant to section 641A(d).".

SEC. 4. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended by inserting "for a period of 5 years" after "provide financial assistance to such agency".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter $7,350,000,000 for fiscal year 2008, $7,650,000,000 for fiscal year 2009, $7,995,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 and 2012.

"(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available to carry out research, demonstration, and evaluation activities, including longitudinal studies under section 649, not more than $20,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012, of which not more than $7,000,000 for each of fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).".

SEC. 6. ALLOTMENT OF FUNDS.

(a) ALLOTMENT.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that the Secretary shall reserve for each fiscal year for use by Indian Head Start and migrant and seasonal Head Start programs (referred to in this paragraph as 'covered programs'), on a nationwide basis, a sum that is the total of a percentage specified by the Secretary that is not less than 4 percent of the amount appropriated under section 639 for that fiscal year (for Indian Head Start programs) and a percentage specified by the Secretary that is not less than 5 percent of that appropriated amount (for migrant and seasonal Head Start programs) (referred to in this paragraph as the 'specified percentages'), except that—

"(i) if reserving the specified percentages would reduce the number of children served by Head Start programs, relative to the number of children served on the date of enactment of the Head Start for School Readiness Act, taking into consideration an appropriate adjustment for inflation, the Secretary shall reserve percentages that approach, as closely as practicable, the specified percentages and that do not cause such a reduction; and

"(ii) notwithstanding any other provision of this subparagraph, the Secretary shall reserve for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for the previous fiscal year;";

(B) by striking subparagraph (C) and inserting the following:

"(C) training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement activities as described in any of paragraphs (1) through (18) of section 648(d), in an amount for each fiscal year that is not less than 2 percent of the amount appropriated under section 639 for such fiscal year, of which—

"(i) 50 percent shall be made available to Head Start agencies to use directly, or by establishing local or regional agreements with community experts, institutions of higher education, or private consultants, for any of the following training and technical assistance activities, including—

"(I) activities that ensure that Head Start programs meet or exceed the performance standards described in section 641A(a)(1);

"(II) activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children who are limited English proficient and their families and children with disabilities;

"(III) activities to pay expenses, including direct training for expert consultants working with any staff, to improve the management and implementation of Head Start services and systems;

"(IV) activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii);

"(V) activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early childhood development program to preschool children;

"(VI) activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families;

"(VII) activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable;

"(VIII) activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program;

"(IX) additional activities determined appropriate for the improvement of Head Start agencies' programs, as determined in the agencies' technical assistance and training plans; or

"(X) any other activities regarding the use of funds as determined by the Secretary;

"(ii) 50 percent shall be made available to the Secretary—

"(I) to provide directly training and technical assistance on early childhood education and care or to support, through grants or other arrangements, a State system of training and technical assistance (which may include such a system for a consortium of States within a region); and

"(II) to assist local programs (including Indian Head Start programs and migrant and seasonal Head Start programs) in meeting the performance standards described in section 641A(a)(1); and

"(iii) not less than $3,000,000 of the amount in clause (ii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(d)(4);";

(C) in subparagraph (D), by striking "agencies;" and inserting "agencies);"; and

(D) by adding at the end of the flush matter at the end the following: "In no case shall the Secretary use funds appropriated under this subchapter to expand or create additional slots or services in non-Indian and non-migrant and seasonal Head Start programs until the amounts based on the specified percentages for Indian Head Start programs and migrant and seasonal Head Start programs pursuant to subparagraph (A) are reached. The Secretary shall require each Head Start agency to report at the end of each budget year on how funds provided to carry out subparagraph (C)(i) were used.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i)(I)—

(i) by striking "60 percent of such excess amount for fiscal year 1999" and all that follows through "2003:"; and

(ii) by inserting the following: "30 percent of such excess amount for fiscal year 2008, and 40 percent of such excess amount for each of fiscal years 2009 through 2012;";

(B) in subparagraph (B)—

(i) in clause (i), by striking "performance standards" and all that follows and inserting "performance standards pursuant to section 641A(a)(1).";

(ii) by striking clause (ii) and inserting the following:

"(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including training to promote the development of language, premathematics, and pre-literacy skills in young children and in working with limited English proficient children, children in foster care, children referred by child welfare services, and children with disabilities, when appropriate.";

(iii) by striking clause (iii) and inserting the following:

"(iii) Developing and financing the salary scales and benefits standards under section 644(a) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.";

(iv) by striking clause (iv) and inserting the following:

"(iv) Using salary increases to—

"(I) assist with the implementation of quality programs and improve staff qualifications;

"(II) ensure that staff can promote the language skills and literacy growth of children and can provide children with a variety of skills that have been identified, through scientifically based early reading research, as predictive of later reading achievement, as well as the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii); and

"(III) encourage the staff to continually improve their skills and expertise—

"(aa) through the implementation of career development programs; and "(bb) through the completion of postsecondary coursework in early childhood education.";

(v) in clause (v)—

(I) by striking "community-wide" and inserting "communitywide"; and

(II) by inserting ", including collaborations to increase program participation by underserved populations of eligible children" before the period; and

(vi) by striking clauses (vii) and (viii) and inserting the following:

"(vii) Providing assistance to complete postsecondary coursework, to enable Head Start teachers to improve competencies and the resulting child outcomes, including informing the teachers of the availability of Federal and State incentive and loan forgiveness programs.

"(viii) Promoting the regular attendance and stability of all Head Start children with particular attention to highly mobile children, including children of migrant or seasonal farmworkers (where appropriate), homeless children, and children in foster care.

"(ix) Making such other improvements in the quality of such programs as the Secretary may designate.";

(C) in subparagraph (C)—

(i) in clause (i)(I), by striking the last sentence and inserting "Salary increases, in excess of cost-of-living allowances, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).";

(ii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "education performance" and all that follows through "641A(a)(1)(B)"and inserting "standards and measures described in section 641A";

(II) in subclause (I), by inserting ", pre-literacy," after "language";

(III) by striking subclause (II) and inserting the following:

"(II) to help limited English proficient children attain the knowledge, skills, abilities, and development specified in section 641A(a)(1)(B)(ii) and to promote the acquisition of the English language by such children and their families;"; and

(IV) by striking subclause (IV) and inserting the following:

"(IV) to provide education and training necessary to improve the qualifications of Head Start staff, particularly assistance to enable more instructors to be fully competent and to meet the degree requirements under section 648A(a)(2)(A), and to support staff training, child counseling, and other services necessary to address the challenges of children participating in Head Start programs, including children from immigrant, refugee, and asylee families, children from families in crisis, homeless children, children in foster care, children referred to Head Start programs by child welfare agencies, and children who are exposed to chronic violence or substance abuse.";

(iii) in clause (iii), by inserting ", educational staff who have the qualifications described in section 648A(a)," after "ratio";

(iv) in clause (v), by striking "programs, including" and all that follows and inserting "programs.";

(v) by redesignating clause (vi) as clause (x); and

(vi) by inserting after clause (v) the following:

"(vi) To conduct outreach to homeless families in an effort to increase the program participation of homeless children.

"(vii) To conduct outreach to migrant and seasonal farmworker families and families with limited English proficient children.

"(viii) To partner with institutions of higher education and nonprofit organizations, including community-based organizations, that recruit, train, place, and support college students, to serve as mentors and reading partners to preschool children in Head Start programs.

"(ix) To upgrade the qualifications and skills of educational personnel to meet the professional standards described in section 648A(a)(1), including certification and licensure as bilingual education teachers, as teachers of English as a second language, and for other educational personnel who serve limited English proficient children.";

(3) in paragraph (4), in the first sentence—

(A) in subparagraph (A), by striking "1998" and inserting "2007"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed as follows:

"(i) Each State shall receive an amount sufficient to serve the same number of children in Head Start programs in each State as were served on the date of enactment of the Head Start for School Readiness Act, taking into consideration an appropriate adjustment for inflation.

"(ii) After ensuring that each State has received the amount described in clause (i), the Secretary shall distribute the remaining balance, by—

"(I) distributing 65 percent of the balance among the States serving less than 60 percent (as determined by the Secretary) of children who are 3 or 4 years of age from families whose income is below the poverty line, by allotting to each of those States an amount that bears the same relationship to that 65 percent as the number of children who are less than 5 years of age from families whose income is below the poverty line (referred to in this clause as 'young low-income children') in that State bears to the number of young low-income children in all those States; and

"(II) distributing 35 percent of the balance among the States, by allotting to each State an amount that bears the same relationship to that 35 percent as the number of young low-income children in that State bears to the number of young low-income children in all the States.";

(4) in paragraph (5)—

(A) in subparagraph (A), by inserting after "paragraph (4)" the following: "(and amounts reserved, before such allotments, for national administrative offices)";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively;

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

"(B)(i) From the reserved sums, the Secretary shall award a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant and seasonal Head Start programs to facilitate collaboration between Head Start agencies and entities (including the State or national administrative office) that carry out other activities designed to benefit low-income families and children from birth to school entry. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraphs (B) and (C).

"(ii) Grants described in clause (i) shall be used to—

"(I) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income families and children from birth to school entry;

"(II) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

"(III) promote alignment of Head Start services with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(IV) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

"(V) carry out the activities of the State Director of Head Start Collaboration authorized in subparagraph (D).

"(C) In order to improve coordination and delivery of early childhood education and care to children in the State, a State that receives a collaboration grant under subparagraph (B) shall—

"(i) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

"(ii) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iii) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office involved.

"(D) The State Director of Head Start Collaboration, shall—

"(i) not later than 1 year after the State receives a collaboration grant under subparagraph (B), conduct an assessment that—

"(I) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination of services, and alignment of services with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(II) shall be updated on an annual basis; and

"(III) shall be made available to the general public within the State;

"(ii) develop a strategic plan that is based on the assessment described in clause (i) that will—

"(I) enhance collaboration and coordination of Head Start services with other entities providing early childhood education and care (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood education and care for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for such services;

“(II) assist Head Start agencies to develop a plan for the provision of full-working-day, full calendar year services for children enrolled in Head Start programs who need such care;

“(III) assist Head Start agencies to align services with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards; and

“(IV) enable Head Start agencies in the State to better access professional development opportunities for Head Start staff, such as by—

“(aa) working with local Head Start agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

“(bb) enabling the State Head Start agencies to better conduct outreach to eligible families;

“(iii) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children from low-income families, who are in Head Start programs or are preschool age, are receiving comprehensive services to prepare the children to enter school ready to learn;

“(iv) consult with the chief State school officer, local educational agencies, and providers of early childhood education and care, regarding early childhood education and care at both the State and local levels;

“(v) promote partnerships (such as the partnerships involved with the Free to Grow initiative) between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high risk behaviors that compromise healthy development;

“(vi) promote partnerships between Head Start agencies and other organizations in order to enhance the Head Start curriculum, including partnerships to promote inclusion of more books in Head Start classrooms and partnerships to promote coordination of activities with the Ready-to-Learn Television program carried out under subpart 3 of part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6775 et seq.); and

“(vii) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State.

“(E)(i) The Governor of the State shall—

“(I) designate or establish a council to serve as the State Advisory Council on Early Childhood Education and Care, for children from birth to school entry (in this subchapter referred to as the ‘State Advisory Council’); and

“(II) designate an individual to coordinate activities of the State Advisory Council, as described in clause (iv)(I).

“(ii) The Governor may designate an existing entity to serve as the State Advisory Council, if the entity includes representatives consistent with clause (iii).

“(iii) Members of the State Advisory Council shall include, to the maximum extent possible—

“(I) the State Director of Head Start Collaboration;

“(II) a representative of the State educational agency and local educational agencies;

“(III) a representative of institutions of higher education;

“(IV) a representative (or representatives) of the State agency (or agencies) responsible for health or mental health care;

“(V) a representative of the State agency responsible for professional standards, certification, and licensing for early childhood educators;

“(VI) a representative of the State agency responsible for child care;

“(VII) early childhood educators, including professionals with expertise in second language acquisition and instructional strategies in teaching limited English proficient children;

“(VIII) kindergarten teachers and teachers in grades 1 through 3;

“(IX) health care professionals;

“(X) child development specialists, including specialists in prenatal, infant, and toddler development;

“(XI) a representative of the State agency responsible for assisting children with developmental disabilities;

“(XII) a representative of the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(XIII) a representative of the State interagency coordinating councils established under section 641 of the Individuals with Disabilities Education Act (20 U.S.C. 1441);

“(XIV) a representative of the State Head Start Association (where appropriate), and other representatives of Head Start programs in the State;

“(XV) a representative of the State network of child care resource and referral agencies;

“(XVI) a representative of community-based organizations;

“(XVII) a representative of State and local providers of early childhood education and care;

“(XVIII) a representative of Indian Head Start programs (where appropriate) and a representative of migrant and seasonal Head Start programs (where appropriate);

“(XIX) parents;

“(XX) religious and business leaders;

“(XXI) the head of the State library administrative agency;

“(XXII) representatives of State and local organizations and other entities providing professional development to early childhood educators and child care providers;

“(XXIII) a representative from the Office of Coordinator for Education of Homeless Children and Youths in the State;

“(XXIV) a State legislator; and

“(XXV) a representative of other entities determined to be relevant by the Governor of the State.

“(iv)(I) The State Advisory Council shall be responsible for, in addition to responsibilities assigned to the council by the Governor of the State—

“(aa) conducting a periodic statewide needs assessment concerning early childhood education and care for children from birth to school entry and assessing the availability of high quality prekindergarten services for low-income children in the State;

“(bb) identifying barriers to, and opportunities for, collaboration and coordination among entities carrying out federally-funded and State-funded child development, child care, and early childhood education programs;

“(cc) developing recommendations regarding means of establishing a unified data collection system for early childhood education and care throughout the State;

“(dd) developing a statewide professional development and career ladder plan for early childhood education and care in the State;

“(ee) assisting 2-year and 4-year public and private institutions of higher education, which may include assisting the institutions with development of articulation agreements or model programs of early childhood education and care, including practica or internships for students to spend time in a Head Start or prekindergarten program; and

“(ff) undertaking collaborative efforts to develop, and make recommendations for improvements in, State early learning standards.

“(II) The State Advisory Council shall hold public hearings and provide an opportunity for public comment on the activities described in subclause (I). The State Advisory Council shall submit a statewide strategic report addressing the activities described in subclause (I) to the State Director of Head Start Collaboration and the Governor of the State.

“(III) After submission of a statewide strategic report under subclause (II), the State Advisory Council shall meet periodically to review any implementation of the recommendations in such report and any changes in State and local needs.

“(F)(i)(I) Prior to carrying out paragraph (4), the Secretary shall reserve a portion to carry out this subparagraph for a fiscal year. The Secretary shall reserve the portion from the amount (if any) by which the funds appropriated under section 639(a) for the fiscal year exceed the adjusted prior year appropriation (as defined in paragraph (3)(A)(ii)), without reducing the share available for quality improvement funds described in paragraph (3)(B).

“(II) To the extent consistent with subclause (I), the Secretary shall reserve $100,000,000 for fiscal year 2008. Funds reserved under this subclause shall remain available for obligation through fiscal year 2012.

“(ii) The Secretary shall use the portion reserved under clause (i) to award, on a competitive basis, one-time startup grants of not less than $500,000 to eligible States to enable such States to pay for the Federal share of the cost of further developing and implementing the recommendations and plans for which the State's State Advisory Council is responsible under subparagraph (E)(iv)(I). Such grants shall—

“(I) facilitate the development of high-quality systems of early childhood education and care designed to improve school preparedness;

“(II) increase and make effective use of existing and new delivery systems and funds for early childhood education and care; and

“(III) enhance existing early childhood education and care (in existence on the date on which the grant involved is awarded).

“(iii) To be eligible to receive a grant under this subparagraph, a State shall prepare and submit to the Secretary an application, for a 3-year period, at such time, in such manner, and containing such information as the Secretary shall require, including—

“(I) a description of the State's State Advisory Council's responsibilities under subparagraph (E)(iv)(I);

“(II) a description, for each fiscal year, of how the State will make effective use of funds available under this subparagraph, with funds described in clause (iv), to create an early childhood education and care system, by developing or enhancing programs and activities described in subparagraph (E)(iv)(I);

"(III) a description of the State early learning standards and the State's goals for increasing the number of children entering kindergarten ready to learn;

"(IV) information identifying the agency or joint interagency office and individual designated to carry out the activities under this subparagraph, which may be the individual designated under subparagraph (E)(i)(II); and

"(V) a description of how the State plans to sustain activities under this subparagraph beyond the grant period.

"(iv) The Federal share of the cost described in clause (ii) shall be 30 percent, and the State shall provide the non-Federal share.

"(v) Funds made available under this subparagraph shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities related to early childhood education and care in the State.

"(vi) Not later than 18 months after the date a State receives a grant under this subparagraph, the State shall submit an interim report to the Secretary. A State that receives a grant under this subparagraph shall submit a final report to the Secretary at the end of the grant period."; and

(D) in subparagraph (G), as redesignated by subparagraph (B) of this paragraph—

(i) in clause (i)(I), by striking "child care and early childhood education programs and resources" and inserting "early childhood education and care programs and resources"; and

(ii) in clause (ii), by striking "Federal child care or early childhood education" and inserting "Federal early childhood education or child care"; and

(5) in paragraph (6)—

(A) in subparagraph (A), by striking "7.5 percent" and all that follows and inserting "not less than 12 percent for fiscal year 2008, not less than 14 percent for fiscal year 2009, not less than 16 percent for fiscal year 2010, not less than 18 percent for fiscal year 2011, and not less than 20 percent for fiscal year 2012, of the amount appropriated pursuant to section 639(a).";

(B) by striking subparagraph (B);

(C) in subparagraph (C)(i), by striking "required to be" each place it appears; and

(D) by redesignating subparagraph (C) as subparagraph (B).

(b) Minimum Enrollment Requirement for Children With Disabilities.—The first sentence of section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended to read as follows: "The Secretary shall establish policies and procedures to assure that, for fiscal year 2008 and thereafter, not less than 10 percent of the total number of children actually enrolled by each Head Start agency and each delegate agency will be children with disabilities who are eligible for special education or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and that the Head Start agency or delegate agency involved will collaborate with the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) to ensure the provision of services to meet the special needs of such children.".

(c) Service Delivery Models.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended—

(1) by striking "(f) The" and inserting "(f)(1) Not later than 1 year after the date of enactment of the Head Start for School Readiness Act, the";

(2) by striking "needs." and inserting "needs, including models that leverage the capacity and capabilities of the delivery system of early childhood education and care."; and

(3) by adding at the end the following:

"(2) In establishing the procedures the Secretary shall establish procedures to provide for—

"(A) the conversion of part-day programs to full-day programs or part-day slots to full-day slots; and

"(B) serving additional infants and toddlers pursuant to section 645(a)(5).".

(d) Additional Funds.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the extent to which the applicant has undertaken communitywide strategic planning and needs assessments involving other community organizations and Federal, State, and local public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities, children in foster care, and homeless children including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));";

(2) in subparagraph (D)—

(A) by striking "community" the first place it appears and inserting "communitywide"; and

(B) by striking "other local" and inserting "the State and local";

(3) in subparagraph (E)—

(A) by inserting "would like to participate but" after "community who"; and

(B) by striking "early childhood program" and inserting "early childhood education and care program";

(4) in subparagraph (G), by inserting "leverage the existing delivery systems of such services (existing as of the date of the allocation decision) and" after "manner that will"; and

(5) in subparagraph (H), by inserting ", including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))," after "community involved".

(e) Vehicle Safety Requirements.—Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking "(i)" and inserting "(i)(1)";

(2) in paragraph (1), as so designated, by adding at the end the following: "The regulations shall also establish requirements to ensure the appropriate supervision of, and appropriate background checks for, individuals with whom the agencies contract to transport those children."; and

(3) by adding at the end the following:

"(2)(A) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

"(B)(i) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in part 1310 of that title (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

"(ii) Notwithstanding subparagraph (A), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in clause (i), the provisions of section 1310.12(a) of that title relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in clause (i).".

(f) Migrant and Seasonal Head Start Programs.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) in paragraph (1), by striking "and seasonal farmworker families" and inserting "or seasonal farmworkers"; and

(2) by striking paragraph (3) and inserting the following:

"(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant or seasonal farmworkers and shall ensure—

"(A) that appropriate funding is provided to meet such needs, including training and technical assistance provided by staff with knowledge of and experience in working with such populations; and

"(B) the appointment of a national Indian Head Start collaboration director and a national migrant and seasonal Head Start program collaboration director.

"(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start (including Early Head Start) programs.

"(B) The consultations shall be for the purpose of better meeting the needs of American Indian and Alaska Native children and families pertinent to subsection (a)(2)(A), taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services within tribal communities.

"(C) The Secretary shall publish a notification of the consultations in the Federal Register prior to conducting the consultations.

"(D) A detailed report of each consultation shall be prepared and made available, on a timely basis, to all tribal governments receiving funds under this subchapter.

"(5)(A) In order to increase access to Head Start services for children of migrant or seasonal farmworkers, the Secretary shall work in collaboration with providers of migrant and seasonal Head Start programs, the Secretary of Agriculture, the Secretary of Labor, and the Secretary of Education to—

"(i) collect, report, and share data on farmworkers and their families in order to adequately account for the number of children of migrant or seasonal farmworkers who are eligible for Head Start services and determine how many of such children receive the services; and

"(ii) identify barriers that prevent children of migrant or seasonal farmworkers who are eligible for Head Start services from accessing Head Start services, and develop a plan for eliminating such barriers, including certain requirements relating to tracking, health records, and educational documents.

"(B) Not later than 1 year after the date of enactment of the Head Start for School Readiness Act, the Secretary shall publish in the Federal Register a notice about how the Secretary plans to carry out the activities identified in subparagraph (A) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in subparagraph (A).

"(C) Not later than 18 months after the date of enactment of the Head Start for School Readiness Act, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate detailing how the Secretary plans to carry out the activities identified in subparagraph (A).

"(D) The Secretary shall take appropriate caution to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained regarding children and families served by migrant and seasonal Head Start programs.

"(E) Nothing in this paragraph shall be construed to authorize the development of a nationwide database of personally identifiable data, information, or records on individuals involved in studies or other collections of data under this paragraph.".

(g) HOMELESS CHILDREN.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall issue regulations to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such regulations shall require Head Start agencies to—

"(1) implement policies and procedures to ensure that homeless children are identified and receive priority for enrollment;

"(2) allow homeless children to apply to, enroll in, and attend Head Start programs while required documents, such as proof of residency, proof of immunization, and other medical records, birth certificates, and other documents, are obtained within a reasonable timeframe; and

"(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early childhood education and care for children in the State, to require any child to participate in a program in order to attend preschool, or to participate in any initial screening prior to participation in a program of early childhood education and care, except as provided under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)) and consistent with section 635(a)(5) of such Act (20 U.S.C. 1435(a)(5)).

"(o) CURRICULA.—All curricula funded under this subchapter shall be scientifically based, developmentally and linguistically based (to the extent practicable), and age appropriate. The curricula shall reflect all areas of child development and learning. Parents shall have the opportunity to examine any such curricula or instructional materials funded under this subchapter.".

SEC. 7. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

"SEC. 641. DESIGNATION OF HEAD START AGENCIES.

"(a) DESIGNATION.—

"(1) IN GENERAL.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit or for-profit agency, within a community, including a community-based organization that—

"(A) has power and authority to carry out the purpose of this subchapter and perform the functions set forth in section 642 within a community; and

"(B) is determined to have the capacity to plan, conduct, administer, and evaluate, either directly or by other arrangements, a Head Start program.

"(2) REQUIRED GOALS FOR DESIGNATION.—In order to be designated as a Head Start agency, an entity described in paragraph (1) shall—

"(A) establish program goals for improving the school readiness of children participating in a program under this subchapter, including goals for meeting the performance standards described in section 641A(a)(1) and shall establish results-based school readiness goals that are aligned with the Head Start Child Outcomes Framework, State early learning standards (as appropriate), and requirements and expectations for local public schools; and

"(B) have a governing body—

"(i) with legal and fiscal responsibility for administering and overseeing programs under this subchapter;

"(ii) that fully participates in the development, planning, and evaluation of the programs to ensure the operation of programs of high quality;

"(iii) that is responsible for ensuring compliance with Federal laws and regulations, including the performance standards described in section 641A(a)(1), as well as applicable State, tribal, and local laws and regulations, including laws defining the nature and operations of the governing body; and

"(iv) that has procedures to facilitate meaningful consultation and collaboration about decisions of the governing body and the policy council established under paragraph (3).

"(3) ESTABLISHMENT OF POLICY COUNCIL UPON DESIGNATION.—Upon receiving designation as a Head Start agency, the agency shall establish a policy council that—

"(A) in accordance with paragraph (5)(C), shall make decisions that influence the character of programs consistent with paragraph (5)(F); and

"(B) with the governing body, shall establish processes to resolve internal disputes.

"(4) ELIGIBILITY FOR SUBSEQUENT GRANTS.—In order to receive a grant under this subchapter subsequent to the initial grant provided following the date of enactment of the Head Start for School Readiness Act, an entity described in paragraph (1) shall demonstrate that the entity has met or is making progress toward meeting the goals described in paragraph (2)(A).

"(5) GOVERNING BODY AND POLICY COUNCIL.—

"(A) ESTABLISHMENT OF GOVERNING BODY.—Each Head Start agency shall establish a governing body in accordance with paragraph (2)(B).

"(B) COMPOSITION OF GOVERNING BODY.—

"(i) IN GENERAL.—The governing body shall be composed as follows:

"(I) Not less than 1 member of the governing body shall have a background in fiscal management.

"(II) Not less than 1 member of the governing body shall have a background in early childhood education and care.

"(III) Not less than 1 member of the governing body shall be a licensed attorney familiar with issues that come before the governing body.

"(IV) Additional members shall reflect the community to be served, and include parents of children who are currently, or were formerly, enrolled in Head Start programs.

"(V) In the case in which the governing body is a part of a Head Start agency that is a public agency, members of the governing body shall include elected or appointed public officials.

"(ii) CONSULTANTS.—In the case that persons described in clause (i) are not available to serve as members of the governing body, the governing body shall make use of consultants in the areas described in clause (i) to work directly with the governing body.

"(iii) CONFLICT OF INTEREST.—Members of the governing body shall—

"(I) not have a conflict of interest with the Head Start agency (including any delegate agency); and

"(II) not receive compensation for the purposes of serving on the governing body or for providing services to the Head Start agency.

"(C) RESPONSIBILITIES OF GOVERNING BODY.—

"(i) IN GENERAL.—The governing body shall be responsible for—

"(I) the selection of delegate agencies and such agencies' service areas;

"(II) establishing procedures and criteria for recruitment, selection, and enrollment;

"(III) all funding applications and amendments to funding applications for programs under this subchapter;

"(IV) establishing procedures and guidelines to access and collect the information described in paragraph (6);

"(V) review and approval of—

"(aa) the annual self-assessment, financial audit, and findings from the Federal monitoring review, of the Head Start agency (including any delegate agency); and

"(bb) such agency's progress in carrying out the programmatic and fiscal intent of such agency's grant application;

"(VI) developing procedures for how members of the policy council of the Head Start agency are selected, consistent with subparagraph (E)(ii);

"(VII) financial audits, accounting, and reporting;

"(VIII) personnel policies and procedures regarding hiring, termination, salary scales (and changes made to the scale), and salaries of the Executive Director, Head Start Director, the Director of Human Resources, the Chief Fiscal Officer, and any equivalent position; and

"(IX) review and approval of the community assessment, including any updates to such assessment.

"(ii) CONDUCT OF RESPONSIBILITIES.—The governing body shall ensure the development and approval of an internal control structure to facilitate those responsibilities in order to—

"(I) safeguard Federal funds;

"(II) comply with laws and regulations that have an impact on financial statements;

"(III) detect or prevent noncompliance with this subchapter; and

"(IV) receive financial audit reports and direct and monitor staff implementation of corrective actions.

"(iii) COMMITTEES.—The governing body shall, to the extent practicable and appropriate, establish—

"(I) advisory committees to oversee responsibilities related to financial auditing and finances of the Head Start agency, as well as compliance with Federal, State, and local laws and regulations; and

"(II) at the discretion of the governing body, additional advisory committees to study and make recommendations on areas related to the improvement of the Head Start program.

"(D) ESTABLISHMENT OF POLICY COUNCIL.—Each Head Start agency shall establish a policy council in accordance with paragraph (3).

"(E) COMPOSITION OF POLICY COUNCIL.—

"(i) IN GENERAL.—The policy council shall consist of—

"(I) parents of children currently enrolled in the programs of the Head Start agency (including any delegate agency), which shall constitute a majority of the membership of the policy council; and

"(II) members at large of the community served by the Head Start agency, which may include parents of children previously enrolled in the programs of the Head Start agency (including any delegate agency).

"(ii) SELECTION.—Parents serving on the policy council shall be elected by parents of children currently enrolled in the programs of the Head Start agency (including any delegate agency) and shall represent, proportionately, all program options and settings operated by the Head Start agency (including any delegate agency).

"(iii) CONFLICT OF INTEREST.—Members of the policy council shall—

"(I) not have a conflict of interest with the Head Start agency (including any delegate agency); and

"(II) not receive compensation for serving on the policy council or for providing services to the Head Start agency.

"(F) RESPONSIBILITIES OF POLICY COUNCIL.—The policy council shall be responsible for—

"(i) program planning, including—

"(I) program design, including long and short term program goals, all funding applications and amendments to funding applications, and objectives based on the annual communitywide assessment and self-assessment;

"(II) program recruitment, selection, and enrollment priorities; and

"(III) budget planning for program expenditures consistent with subparagraph (C)(i)(VII), including polices for reimbursement and participation in policy council activities;

"(ii) program operation consistent with subparagraph (C)(i)(VIII), including implementation of standards of conduct for program staff, contractors, and volunteers and criteria for the employment and dismissal of program staff; and

"(iii) activities to support the active involvement of parents in supporting program operations, including policies to ensure that the Head Start program is responsive to community and parent needs.

"(6) INFORMATION SHARING.—The governing body and the policy council shall share with each other regular and accurate information for use by both entities about program planning, policies, and Head Start agency operations, including—

"(A) monthly financial statements (including detailed credit card account expenditures for any employee with a Head Start agency credit card or who seeks reimbursement for charged expenses);

"(B) monthly program information summaries;

"(C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;

"(D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;

"(E) the financial audit;

"(F) the annual self-assessment, including any findings related to the annual self-assessment;

"(G) the community assessment of the Head Start agency's service area and any applicable updates;

"(H) communication and guidance from the Secretary; and

"(I) the program information reports.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—Appropriate training and technical assistance shall be provided to the members of the governing body and the policy council to ensure that the members understand the information the members receive and can effectively oversee and participate in the programs of the Head Start agency

"(b) COMMUNITIES.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary), or a neighborhood or other area (irrespective of boundaries or political subdivisions) that provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.

"(c) REDESIGNATION.—

"(1) IN GENERAL.—In administering the provisions of this section, the Secretary shall, in consultation with the Governor of the State involved, redesignate as a Head Start agency any Head Start agency (including any delegate agency) that is high performing, as determined by meeting each of the following criteria:

"(A) Is receiving assistance under this subchapter.

"(B) Meets or exceeds standards described in section 641A(a)(1) (including program and financial management requirements).

"(C) Has no unresolved deficiencies, including having resolved any deficiencies found during the last triennial review under section 641A(c).

"(D) Can demonstrate, through agreements such as memoranda of understanding, active collaboration with the State or local community in the provision of services for children (such as the provision of extended day services, education, professional development and training for staff, and other types of cooperative endeavors).

"(E) Completes and submits the appropriate reapplication forms as required by the Secretary.

"(2) LIMITATION.—A Head Start agency with a triennial review under section 641A(c) scheduled not later than 18 months after the date of enactment of the Head Start for School Readiness Act shall not be subject to the criteria described in paragraph (1) for that review in order to be redesignated. The Head Start agency shall be subject to the criteria for any subsequent triennial review.

"(d) DESIGNATION WHEN NO ENTITY IS REDESIGNATED.—If no entity in a community is redesignated according to subsection (c), the Secretary shall, after conducting an open competition, designate a Head Start agency from among qualified applicants in such community.

"(e) EFFECTIVENESS.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

"(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

"(2) the plan of such applicant to provide comprehensive health, educational, nutritional, social, and other services needed to aid participating children in attaining their full potential, and to prepare children to succeed in school;

"(3) the capacity of such applicant to serve eligible children with programs that use scientifically based research that promote school readiness of children participating in the program;

"(4) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(5) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out with other preschool programs, including—

"(A) the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(B) other preschool program under title I of that Act (20 U.S.C. 6301 et seq.);

"(C) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(D) State prekindergarten programs;

"(E) child care programs;

"(F) the educational programs that the children in the Head Start program involved will enter at the age of compulsory school attendance; and

"(G) reading readiness programs such as those conducted by public and school libraries;

"(6) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out with public and private entities who are willing to commit resources to assist the Head Start program in meeting its program needs;

"(7) the plan of such applicant to collaborate with a local library, where available, that is interested in that collaboration, to—

"(A) develop innovative programs to excite children about the world of books, such as programs that involve—

"(i) taking children to the library for a story hour;

"(ii) promoting the use of library cards;

"(iii) developing a lending library or using a mobile library van; and

"(iv) providing fresh books in the Head Start classroom on a regular basis;

"(B) assist in literacy training for Head Start teachers; and

"(C) support parents and other caregivers in literacy efforts;

"(8) the plan of such applicant—

"(A) to facilitate the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including through providing transportation costs;

"(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), if needed, including information on the effect of drug exposure on infants and fetal alcohol syndrome;

"(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) training in basic child development (including cognitive development);

"(ii) assistance in developing literacy and communication skills;

"(iii) opportunities to share experiences with other parents (including parent mentor relationships);

"(iv) regular in-home visitation; or

"(v) any other activity designed to help such parents become full partners in the education of their children;

"(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents (including foster parents and grandparents, where applicable) about the benefits of parent involvement and about the activities described in subparagraphs (C), (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

"(G) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

"(i) in appropriate cases, including fathers in home visits and providing opportunities for direct father-child interactions; and

"(ii) targeting increased male participation in the conduct of the program;

"(9) the ability of such applicant to carry out the plans described in paragraphs (2), (4), and (5);

"(10) other factors related to the requirements of this subchapter;

"(11) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language;

"(12) the plan of such applicant to meet the needs of children with disabilities, including procedures to identify such children, procedures for referral of such children for evaluation to State and local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq), and plans for collaboration with those State and local agencies;

"(13) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program, to obtain health services from other sources;

"(14) the plan of such applicant to collaborate with other entities providing early childhood education and care in the community;

"(15) the plan of such applicant to meet the needs of homeless children and children in foster care, including the transportation needs of such children; and

"(16) the plan of such applicant to recruit and retain qualified staff.

"(f) Involvement of Parents and Area Residents.—The Secretary shall continue the practice of involving parents and area residents who are affected by programs under this subchapter in the selection of qualified applicants for designation as Head Start agencies.

"(g) Priority.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to applicants that have demonstrated capacity in providing effective, comprehensive, and well-coordinated early childhood education and care to children and their families.

"(h) Interim Basis.—If there is not a qualified applicant in a community for designation as a Head Start agency, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

"(i) Prohibition Against Non-Indian Head Start Agency Receiving a Grant for an Indian Head Start Program.—

"(1) In general.—Notwithstanding any other provision of law except as provided in paragraph (2), under no condition may a non-Indian Head Start agency receive a grant to carry out an Indian Head Start program.

"(2) Exception.—In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency may receive a grant to carry out an Indian Head Start program but only until such time as an Indian Head Start agency in such community becomes available and is designated pursuant to this section.".

SEC. 8. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "642(d)" and inserting "642(c)";

(B) in paragraph (1)(B)—

(i) in clause (i), by striking "education performance standards" and inserting "educational performance standards"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) additional educational standards based on the recommendations of the National Academy of Sciences panel described in section 649(h) and other experts in the field, to ensure that the curriculum involved addresses, and that the children participating in the program show appropriate progress toward developing and applying, the recommended educational outcomes, after the panel considers the appropriateness of additional educational standards relating to—

"(I) language skills related to listening, understanding, speaking, and communicating;

"(II) pre-literacy knowledge and skills;

"(III) premathematics knowledge and skills;

"(IV) scientific abilities;

"(V) general cognitive abilities related to academic achievement and child development;

"(VI) social and emotional development related to early learning and school success;

"(VII) physical development; and

"(VIII) in the case of limited English proficient children, progress toward acquisition of the English language (which may include progress made with linguistically appropriate instructional services) while making meaningful progress in attaining the knowledge, skills, abilities, and development described in subclauses (I) through (VII);";

(C) in paragraph (1)(D), by striking "projects; and" and inserting "projects, including regulations that require that the facilities used by Head Start agencies (including Early Head Start agencies and including any delegate agencies) for regularly scheduled center-based and combination program option classroom activities—

"(i) shall be in compliance with State and local requirements concerning licensing for such facilities; and

"(ii) shall be accessible by State and local authorities for purposes of monitoring and ensuring compliance; and";

(D) in paragraph (2)—

(i) in subparagraph (B)—

(I) in clause (i), by striking "the date of enactment of this section" and inserting "the date of enactment of the Head Start for School Readiness Act";

(II) in clause (ii), by striking "the date of enactment of this Act" and inserting "the date of enactment of the Head Start for School Readiness Act";

(III) in clause (iii)—

(aa) by striking "early childhood education and development" and inserting "early childhood education and care"; and

(bb) by inserting "homeless children, children in foster care," after "children with disabilities,";

(IV) in clause (vi), by striking "including the language" and all that follows and inserting "and the language background and family structure of such children, and changes in the population and number of such children who are in foster care or are homeless children";

(V) by striking clause (vii) and inserting the following:

"(vii) the need for Head Start agencies to maintain close and frequent communications with parents, including conducting periodic meetings to discuss the progress of individual children in Head Start programs; and

"(viii) the unique challenges faced by individual programs, including those programs that are seasonal or short term and those programs that serve rural populations;";

(ii) in subparagraph (C)(ii), by striking "the date of enactment of the Coats Human Services Reauthorization Act of 1998," and inserting "the date of enactment of the Head Start for School Readiness Act; and"; and

(iii) by adding at the end the following:

"(D) consult with Indian tribes, American Indian and Alaska Native experts in early childhood education and care, linguists, and the National Indian Head Start Directors Association on the review and promulgation of standards under this subchapter (including standards for language acquisition and school readiness).";

(E) by adding at the end the following:

"(4) Evaluations and Corrective Actions for Delegate Agencies.—

"(A) PROCEDURES.—

"(i) IN GENERAL.—Subject to clause (ii), the Head Start agency shall establish procedures relating to its delegate agencies, including—

"(I) procedures for evaluating delegate agencies;

"(II) procedures for defunding delegate agencies; and

"(III) procedures for appealing a defunding decision relating to a delegate agency.

"(ii) TERMINATION.—The Head Start agency may not terminate a delegate agency's contract or reduce a delegate agency's service area without showing cause or demonstrating the cost-effectiveness of such a decision.

"(B) EVALUATIONS.—Each Head Start agency—

"(i) shall evaluate its delegate agencies using the procedures established pursuant to this section, including subparagraph (A); and

"(ii) shall inform the delegate agencies of the deficiencies identified through the evaluation that shall be corrected.

"(C) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—In the event that the Head Start agency identifies a deficiency for a delegate agency through the evaluation, the Head Start agency shall take action, which may include—

"(i) initiating procedures to terminate the designation of the agency unless the agency corrects the deficiency;

"(ii) conducting monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and

"(iii) releasing funds to such delegate agency—

"(I) only as reimbursements, until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and

"(II) only if there is continuity of services for children and families.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to impact or obviate the responsibilities of the Secretary with respect to Head Start agencies (including any delegate agencies) receiving funding under this subchapter.";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking the paragraph heading and inserting the following:

"(2) CHARACTERISTICS AND USE OF MEASURES.—";

(ii) in subparagraph (B), by striking ", not later than July 1, 1999; and" and inserting a semicolon;

(iii) in subparagraph (C), by striking the period and inserting a semicolon;

(iv) by striking the flush matter following subparagraph (C); and

(v) by adding at the end the following:

"(D) measure characteristics that are strongly predictive (as determined on a scientific basis) of a child's school readiness and later performance in school;

"(E) be appropriate for the population served; and

"(F) be reviewed not less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall be issued by regulation and shall include the performance standards and additional educational standards described in subparagraphs (A) and (B) of subsection (a)(1).";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) to enable Head Start agencies to individualize programs of instruction to better meet the needs of the child involved.";

(C) by striking paragraph (4);

(D) by redesignating paragraph (5) as paragraph (4); and

(E) by adding at the end the following:

"(5) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to authorize or permit the Secretary or any employee or contractor of the Department of Health and Human Services to mandate, direct, control, or suggest the selection of a curriculum, a program of instruction, or instructional materials, for a Head Start program.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (C) and inserting the following:

"(C) Unannounced site inspections for health and safety reasons, as appropriate.";

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

"(D) Followup reviews, including—

"(i) prompt return visits as necessary for failure to meet 1 or more of the performance measures developed by the Secretary under subsection (b);

"(ii) a review of agencies and programs with citations that include findings of deficiencies not later than 6 months after the date of such citation; and

"(iii) followup reviews that incorporate a monitoring visit without prior notice of the visit to the agency or program involved or with such limited prior notice as is necessary to ensure the participation of parents and key staff members."; and

(B) by striking paragraph (2) and inserting the following:

"(2) CONDUCT OF REVIEWS.—

"(A) IN GENERAL.—The Secretary shall ensure that reviews described in paragraph (1)—

"(i) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

"(ii) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and other early childhood education and care and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities, homeless children, and children in foster care) and limited English proficient children and their families, and personnel management, financial accountability, and systems development and monitoring;

"(iii) include as part of the reviews of the programs, a review and assessment of program effectiveness, including strengths and weaknesses, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the performance standards established pursuant to subsection (a)(1);

"(iv) seek information from the communities and States where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies to collaborate with the entities providing early childhood education and care in the community;

"(v) include as part of the reviews of the programs, a review and assessment of whether the programs are in conformity with the income eligibility requirements under section 645 and regulations promulgated under such section;

"(vi) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed population and community needs (including needs of populations of limited English proficient children and children of migrant or seasonal farmworkers);

"(vii) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the needs of children with disabilities, including whether the agencies involved have met the 10 percent minimum enrollment requirement specified in section 640(d) and whether the agencies have made sufficient efforts to collaborate with State and local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(viii) include as part of the reviews of the programs, data from the results of periodic child assessments, and a review and assessment of child outcomes and performance as they relate to agency-determined school readiness goals described in section 641(a)(2)(A); and

"(ix) in the case of Early Head Start agencies and programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers.

"(B) TRAINING; QUALITY AND CONSISTENCY.—The Secretary, from funds available under section 640(a)(2)(D), shall provide periodic training for supervisors and members of review teams in such topics as program management and financial audit performance. The Secretary shall ensure the quality and consistency across and within regions of reviews and non-compliance and deficiency determinations by conducting periodic interrater reliability checks.";

(4) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting "or fails to address the communitywide strategic plan and needs assessment identified in section 640(g)(2)(C)," after "subsection (b),"; and

(B) in subparagraph (A), by inserting "and identify the assistance to be provided consistent with paragraph (3)" after "corrected";

(5) in subsection (e), by striking the last sentence and inserting "The information contained in such report shall be made available to parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, in a language that the parents can understand. Such information shall be made widely available through public means such as distribution through public agencies, and, at a minimum, by posting such information on the Internet immediately upon publication."; and

(6) by adding at the end the following:

"(f) SELF-ASSESSMENTS.—

"(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils, and, as applicable, policy committees, and, as appropriate, other community members, each agency receiving funds under this subchapter shall conduct a comprehensive self-assessment of the agency's effectiveness and progress in meeting program goals and objectives and in implementing and complying with performance standards described in subsection (a)(1).

"(2) REPORT AND IMPROVEMENT PLANS.—

"(A) REPORT.—An agency conducting a self-assessment shall report the findings of the self-assessment to the relevant policy council, policy committee, governing body, and regional office of the Administration for Children and Families of the Department of Health and Human Services. Each self-assessment shall identify areas of strength and weakness.

"(B) IMPROVEMENT PLAN.—The agency shall develop an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement. The agency shall report the areas to the appropriate regional office of the Administration for Children and Families.

"(3) ONGOING MONITORING.—Each Head Start agency (including each Early Head Start agency and including any delegate agency) shall establish and implement procedures for the ongoing monitoring of their Head Start (including Early Head Start) programs, to ensure that the operations of the programs work toward meeting program goals and objectives and Head Start performance standards.

"(4) TRAINING AND TECHNICAL ASSISTANCE.—Funds may be made available, through section 648(d), for training and technical assistance to assist agencies in conducting self-assessments.

"(g) REDUCTION OF GRANTS AND REDISTRIBUTION OF FUNDS IN CASES OF UNDER-ENROLLMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) ACTUAL ENROLLMENT.—The term 'actual enrollment' means, with respect to the program of a Head Start agency, the actual number of children enrolled in such program and reported by the agency (as required in paragraph (2)) in a given month.

"(B) BASE GRANT.—The term 'base grant' means, with respect to a Head Start agency for a fiscal year, that portion of the grant derived—

"(i) from amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant or seasonal Head Start program;

"(ii) from amounts reserved for payments under section 640(a)(2)(B); or

"(iii) from amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

"(C) FUNDED ENROLLMENT.—The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

"(2) ENROLLMENT REPORTING REQUIREMENT FOR CURRENT FISCAL YEAR.—Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—

"(A) the actual enrollment in such program; and

"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

"(3) SECRETARIAL REVIEW AND PLAN.—The Secretary shall—

"(A) on a semiannual basis, determine which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment based on not less than 4 consecutive months of data;

"(B) for each such Head Start agency operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, as determined under subparagraph (A), develop, in collaboration with such agency, a plan and timetable for reducing or eliminating under-enrollment taking into consideration—

"(i) the quality and extent of the outreach, recruitment, and communitywide needs assessment conducted by such agency;

"(ii) changing demographics, mobility of populations, and the identification of new underserved low-income populations;

"(iii) facilities-related issues that may impact enrollment;

"(iv) the ability to provide full-day programs, where needed, through funds made available under this subchapter or through collaboration with entities carrying out other preschool or child care programs, or programs with other funding sources (where available);

"(v) the availability and use by families of other preschool and child care options (including parental care) in the community served; and

"(vi) agency management procedures that may impact enrollment; and

"(C) provide timely and ongoing technical assistance to each agency described in subparagraph (B) for the purpose of implementing the plan described in such subparagraph.

"(4) IMPLEMENTATION.—Upon receipt of the technical assistance described in paragraph (3)(C), a Head Start agency shall immediately implement the plan described in paragraph (3)(B).

"(5) SECRETARIAL ACTION FOR CONTINUED UNDER-ENROLLMENT.—If, 1 year after the date of implementation of the plan described in paragraph (3)(B), the Head Start agency continues to operate a program at less than funded enrollment, the Secretary shall, where determined appropriate, continue to provide technical assistance to such agency.

"(6) SECRETARIAL REVIEW AND ADJUSTMENT FOR CHRONIC UNDER-ENROLLMENT.—

"(A) IN GENERAL.—If, after receiving technical assistance and developing and implementing a plan to the extent described in paragraphs (3), (4), and (5) for 9 months, a Head Start agency is still operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, the Secretary may—

"(i) designate such agency as chronically under-enrolled; and

"(ii) recapture, withhold, or reduce the base grant for the program by a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year in which the agency is determined to be under-enrolled under paragraph (3)(A).

"(B) WAIVER OR LIMITATION OF REDUCTIONS.—If the Secretary, after the implementation of the plan described in paragraph (3)(B), finds that—

"(i) the causes of the enrollment shortfall, or a portion of the shortfall, are beyond the agency's control (such as serving significant numbers of children of migrant or seasonal farmworkers, homeless children, children in foster care, or other highly mobile children);

"(ii) the shortfall can reasonably be expected to be temporary; or

"(iii) the number of slots allotted to the agency is small enough that under-enrollment does not constitute a significant shortfall, the Secretary may, as appropriate, waive or reduce the percentage recapturing, withholding, or reduction otherwise required by subparagraph (A).

"(C) PROCEDURAL REQUIREMENTS; EFFECTIVE DATE.—The actions taken by the Secretary under this paragraph with respect to a Head Start agency shall take effect 1 day after the date on which—

"(i) the time allowed for appeal under section 646(a) expires without an appeal by the agency; or

"(ii) the action is upheld in an administrative hearing under section 646.

"(7) REDISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—The Secretary shall use amounts recovered from a Head Start agency through recapturing, withholding, or reduction under paragraph (6) in a fiscal year—

"(i) in the case of a Head Start agency administering an Indian Head Start program or a migrant or seasonal Head Start program, whose base grant is derived from amounts specified in paragraph (1)(B)(i), to redirect funds to 1 or more agencies that—

"(I) are administering Head Start programs serving the same special population; and

"(II) demonstrate that the agencies will use such redirected funds to increase enrollment in their Head Start programs in such fiscal year; or

"(ii) in the case of a Head Start agency in a State, whose base grant is derived from amounts specified in clause (ii) or (iii) of paragraph (1)(B), to redirect funds to 1 or more agencies that—

"(I) are administering Head Start programs in the same State; and

"(II) make the demonstration described in clause (i)(II).

"(B) SPECIAL RULE.—If there is no agency located in a State that meets the requirements of subclauses (I) and (II) of subparagraph (A)(ii), in the case of a Head Start agency described in subparagraph (A)(ii), the Secretary shall use amounts described in subparagraph (A) to redirect funds to Head Start agencies located in other States that make the demonstration described in subparagraph (A)(i)(II).

"(C) ADJUSTMENT TO FUNDED ENROLLMENT.—The Secretary shall adjust as necessary the requirements relating to funded enrollment indicated in the grant agreement of a Head Start agency receiving redistributed amounts under this paragraph.

"(h) CONTRACT WITH NONPROFIT INTERMEDIARY ORGANIZATION.—From funds reserved under clause (i) or (ii) of section 640(a)(2)(C) or from whatever other resources the Secretary determines appropriate, in carrying out the provisions of this section, the Secretary or a Head Start agency may contract with a nonprofit intermediary organization that—

"(1) provides evaluations and technical assistance to improve overall performance management; and

"(2) has an exclusive focus of improving the performance management and the use of technology in assessing performance and meeting Head Start regulations and can provide on-site, hands-on guidance with the implementation of Head Start programs.".

SEC. 9. CENTERS OF EXCELLENCE IN EARLY CHILDHOOD.

The Head Start Act is amended by inserting after section 641A (42 U.S.C. 9836a) the following:

"SEC. 641B. CENTERS OF EXCELLENCE IN EARLY CHILDHOOD.

"(a) DEFINITION.—In this section, the term 'center of excellence' means a Center of Excellence in Early Childhood designated under subsection (b).

"(b) DESIGNATION AND BONUS GRANTS.—The Secretary shall, subject to the availability of funds under this subchapter, including under subsection (f), establish a program under which the Secretary shall—

"(1) designate not more than 200 exemplary Head Start agencies (including Early Head

Start agencies, Indian Head Start agencies, and migrant and seasonal Head Start agencies) as Centers of Excellence in Early Childhood; and

"(2) make bonus grants to the centers of excellence to carry out the activities described in subsection (d).

"(c) APPLICATION AND DESIGNATION.—

"(1) APPLICATION.—

"(A) NOMINATION AND SUBMISSION.—

"(i) IN GENERAL.—To be eligible to receive a designation as a center of excellence under subsection (b), except as provided in clause (ii), a Head Start agency in a State shall be nominated by the Governor of the State and shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(ii) INDIAN AND MIGRANT AND SEASONAL HEAD START PROGRAMS.—In the case of an Indian Head Start agency or a migrant or seasonal Head Start agency, to be eligible to receive a designation as a center of excellence under subsection (b), such an agency shall be nominated by the head of the appropriate regional office of the Department of Health and Human Services and shall submit an application to the Secretary in accordance with clause (i).

"(B) CONTENTS.—At a minimum, the application shall include—

"(i) evidence that the Head Start program carried out by the agency has significantly improved the school readiness of, and enhanced academic outcomes for, children who have participated in the program;

"(ii) evidence that the program meets or exceeds performance standards described in section 641A(a)(1), as evidenced by successful completion of programmatic and monitoring reviews, and has no findings of deficiencies with respect to such standards;

"(iii) evidence that the program is making progress toward meeting the requirements described in section 648A;

"(iv) evidence demonstrating the existence of a collaborative partnership among the Head Start agency, the State (or a State agency), and other providers of early childhood education and care in the local community involved;

"(v) a nomination letter from the Governor, or appropriate regional office, demonstrating the agency's ability to provide the coordination, transition, and training services of the program to be carried out under the bonus grant involved, including coordination of activities with State and local agencies that provide early childhood education and care to children and families in the community served by the agency;

"(vi) information demonstrating the existence of a local council for excellence in early childhood, which shall include representatives of all the institutions, agencies, and groups involved in the work of the center for, and the local provision of services to, eligible children and other at-risk children, and their families; and

"(vii) a description of how the Center, in order to expand accessibility and continuity of quality early childhood education and care, will coordinate activities assisted under this section with—

"(I) programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(II) other programs carried out under this subchapter, including the Early Head Start programs carried out under section 645A;

"(III)(aa) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(bb) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.); and

"(cc) the Ready-to-Learn Television program carried out under subpart 3 of part D of title II of that Act (20 U.S.C. 6775 et seq.);

"(IV) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(V) State prekindergarten programs; and

"(VI) other programs of early childhood education and care.

"(2) SELECTION.—In selecting agencies to designate as centers of excellence under subsection (b), the Secretary shall designate not less than 1 from each of the 50 States, the District of Columbia, an Indian Head Start program, a migrant or seasonal Head Start program, and the Commonwealth of Puerto Rico.

"(3) PRIORITY.—In making bonus grant determinations under this section, the Secretary shall give priority to programs that, through their applications, demonstrate that they are of exceptional quality and would serve as exemplary models for programs in the same geographic region. The Secretary may also consider the populations served by the applicants, such as programs that serve large proportions of families of limited English proficient children or other underserved populations, and may make bonus grants to programs that do an exceptional job meeting the needs of children in such populations.

"(4) TERM OF DESIGNATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall designate a Head Start agency as a center of excellence for a 5-year term. During the period of that designation, subject to the availability of appropriations, the agency shall be eligible to receive a bonus grant under subsection (b).

"(B) REVOCATION.—The Secretary may revoke an agency's designation under subsection (b) if the Secretary determines that the agency is not demonstrating adequate performance or has had findings of deficiencies described in paragraph (1)(B)(ii).

"(5) AMOUNT OF BONUS GRANT.—The Secretary shall base the amount of funding provided through a bonus grant made under subsection (b) to a center of excellence on the number of children eligible for Head Start services in the community involved. The Secretary shall, subject to the availability of funding, make such a bonus grant in an amount of not less than $200,000 per year.

"(d) USE OF FUNDS.—

"(1) ACTIVITIES.—A center of excellence that receives a bonus grant under subsection (b)—

"(A) shall use the funds made available through the bonus grant to model and disseminate, to other Head Start centers in the State involved, best practices for achieving early academic success, including—

"(i) best practices for achieving school readiness and developing pre-literacy and premathematics skills for at-risk children and achieving the acquisition of the English language for limited English proficient children; and

"(ii) best practices for providing seamless service delivery for eligible children and their families;

"(B) may use the funds made available through the bonus grant—

"(i) to provide Head Start services to additional eligible children;

"(ii) to better meet the needs of working families in the community served by the center by serving more children in existing Early Head Start programs (existing as of the date the center is designated under this section) or in full-working-day, full calendar year Head Start programs;

"(iii) to further coordinate early childhood education and care and social services available in the community served by the center for at-risk children (birth through age 8), their families, and pregnant women;

"(iv) to provide training and cross training for Head Start teachers and staff, child care providers, public and private preschool and elementary school teachers, and other providers of early childhood education and care, and training and cross training to develop agency leaders;

"(v) to provide effective transitions between Head Start programs and elementary school, to facilitate ongoing communication between Head Start and elementary school teachers concerning children receiving Head Start services, and to provide training and technical assistance to providers who are public elementary school teachers and other staff of local educational agencies, child care providers, family service providers, and other providers of early childhood education and care, to help the providers described in this clause increase their ability to work with low-income, at-risk children and their families;

"(vi) to develop or maintain partnerships with institutions of higher education and nonprofit organizations, including community-based organizations, that recruit, train, place, and support college students to serve as mentors and reading partners to preschool children in Head Start programs; and

"(vii) to carry out other activities determined by the center to improve the overall quality of the Head Start program carried out by the agency and the program carried out under the bonus grant involved.

"(2) INVOLVEMENT OF OTHER HEAD START AGENCIES AND PROVIDERS.—A center that receives a bonus grant under subsection (b), in carrying out activities under this subsection, shall work with the center's delegate agencies and several additional Head Start agencies (especially agencies that are low-performing on the performance standards described in section 641A(a)(1)), and other providers of early childhood education and care in the community involved, to encourage the agencies and providers described in this paragraph to carry out model programs.

"(e) RESEARCH AND REPORTS.—

"(1) RESEARCH.—The Secretary shall, subject to the availability of funds to carry out this subsection, award a grant or contract to an independent organization to conduct research on the ability of the centers of excellence to improve the school readiness of children receiving Head Start services, and to positively impact school results in the earliest grades. The organization shall also conduct research to measure the success of the centers of excellence at encouraging the center's delegate agencies, additional Head Start agencies, and other providers of early childhood education and care in the communities involved to meet measurable improvement goals, particularly in the area of school readiness.

"(2) REPORT.—Not later than 48 months after the date of enactment of the Head Start for School Readiness Act, the organization shall prepare and submit to the Secretary and Congress a report containing the results of the research described in paragraph (1).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2012—

"(1) $90,000,000 to make bonus grants to centers of excellence under subsection (b) to carry out activities described in subsection (d);

"(2) $500,000 to pay for the administrative costs of the Secretary in carrying out this section; and

"(3) $2,000,000 for research activities described in subsection (e).".

SEC. 10. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) by striking all that precedes "In order" the first place it appears and inserting the following:

"SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

"(a) In General.—"; and

(2) by striking subsections (b) through (e) and inserting the following:

"(b) Additional Requirements.—In order to be designated as a Head Start agency under this subchapter, a Head Start agency shall also—

"(1) establish a program with all standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(2) demonstrate the capacity to serve eligible children with scientifically based curricula and other interventions and support services that help promote the school readiness of children participating in the program;

"(3) establish effective procedures and provide for the regular assessment of Head Start children, including observational and direct formal assessment, where appropriate;

"(4) establish effective procedures, for determining the needs of children, that include high quality research based developmental screening tools that have been demonstrated to be valid, reliable, and accurate for children from a range of backgrounds;

"(5) establish effective procedures for timely referral of children with disabilities to State and local agencies providing services under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and collaboration with those agencies;

"(6) establish effective procedures for providing necessary services to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services under section 619 or part C of such Act;

"(7) require each delegate agency to create a policy committee, which shall—

"(A) be comprised of members of the community to be served, including parents of children who are currently enrolled in the Head Start programs of the Head Start agency; and

"(B) serve in an advisory capacity to the delegate agency, to make decisions and recommendations regarding program planning and operation and parental involvement.

"(8) seek the involvement of parents, area residents, and local business in the design and implementation of the program;

"(9) provide for the regular participation of parents and area residents in the implementation of the program;

"(10) provide technical and other support needed to enable such parents and area residents to secure, on their own behalf, available assistance from public and private sources;

"(11) establish effective procedures to carry out subparagraphs (A) and (B) of section 641(f)(8);

"(12) conduct outreach to schools in which Head Start children will enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness;

"(13) establish effective procedures to carry out section 641(f)(8)(C);

"(14) establish effective procedures to carry out section 641(f)(8)(D);

"(15) establish effective procedures to carry out section 641(f)(8)(E);

"(16) establish effective procedures to carry out section 641(f)(8)(F);

"(17) consider providing services to assist younger siblings of children participating in its Head Start program, to obtain health services from other sources;

"(18) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers;

"(19)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

"(B) refer eligible parents to the child support offices of State and local governments;

"(20) provide parents of limited English proficient children outreach and information in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand; and

"(21) at the option of such agency, partner with an institution of higher education and a nonprofit organization to provide college students with the opportunity to serve as mentors or reading partners to Head Start participants.

"(c) Transition Activities To Facilitate Continued Progress.—

"(1) In general.—Each Head Start agency shall collaborate with the entities listed in this subsection, to the maximum extent possible, to ensure the successful transition of Head Start children to school, so that such children are able to build upon the developmental and educational gains achieved in Head Start programs in further schooling.

"(2) Coordination.—

"(A) Local educational agency.—In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children.

"(B) Elementary schools.—Head Start staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending to—

"(i) share information about such children;

"(ii) collaborate with the teachers in such elementary schools regarding teaching strategies and options; and

"(iii) ensure a smooth transition to elementary school for such children.

"(C) Other programs.—The head of each Head Start agency shall coordinate activities and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), other entities providing early childhood education and care, and the agencies responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.), programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), serving the children and families served by the Head Start agency.

"(3) Collaboration.—A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) collaborating on the shared use of transportation and facilities, in appropriate cases;

"(B) collaborating to reduce the duplication of services while increasing the program participation of underserved populations of eligible children; and

"(C) exchanging information on the provision of noneducational services to such children.

"(4) Parental involvement.—In order to promote the continued involvement of the parents of children that participate in Head Start programs in the education of their children, the Head Start agency shall—

"(A) provide training to the parents—

"(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable the parents, upon the transition of their children to school—

"(I) to understand and work with schools in order to communicate with teachers and other school personnel;

"(II) to support the schoolwork of their children; and

"(III) to participate as appropriate in decisions relating to the education of their children; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

"(d) Assessment or Evaluation.—Each Head Start agency shall adopt, in consultation with experts in child development and with classroom teachers, an assessment or evaluation to measure whether classroom teachers have mastered the functions described in section 648A(a)(1) and have attained a level of literacy appropriate to implement Head Start curricula.

"(e) Funded Enrollment; Waiting List.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.

"(f) Technical Assistance and Training Plan.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the communitywide needs assessment, and the needs of parents to be served by such agency.".

SEC. 11. HEAD START TRANSITION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended to read as follows:

"SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K–12 EDUCATION.

"(a) In General.—Each Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, which may include—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including, as appropriate, teachers, social workers, health staff, and local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))) to—

"(A) facilitate coordination of programs;

"(B) develop continuity of developmentally appropriate curricular objectives and practices, in order to ensure an effective transition to school and appropriate shared expectations for the learning and development of children as they make the transition to school; and

"(C) provide appropriate linkages between the Head Start program and educational services, including services related to language, literacy, and numeracy, provided by such local educational agency;

"(3) establishing comprehensive transition policies and procedures that support children transitioning to school, including by engaging the local education agency in the establishment of such policies;

"(4) conducting outreach to parents, elementary school (such as kindergarten) teachers, and Head Start teachers to discuss the educational, developmental, and other needs of individual children;

"(5) organizing and participating in joint training, including transition-related training of school staff and Head Start staff;

"(6) developing and implementing a family outreach and support program, in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), taking into consideration the language needs of parents of limited English proficient children;

"(7) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity of parental involvement in activities between Head Start services and elementary school classes;

"(8) helping parents understand the importance of parental involvement in a child's academic success while teaching the parents strategies for maintaining parental involvement as their child moves from the Head Start program to elementary school;

"(9) helping parents understand the instructional and other services provided by the school in which their child will enroll after participation in the Head Start program; and

"(10) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards, with regard to cognitive development (including language, pre-literacy, and premathematics competencies), and social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.

"(b) CONSTRUCTION.—In this section, a reference to a Head Start agency, or its program, services, facility, or personnel, shall not be construed to be a reference to an Early Head Start agency, or its program, services, facility, or personnel.".

SEC. 12. SUBMISSION OF PLANS TO GOVERNORS.

Section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) in the first sentence—

(A) by striking "chief executive officer" and inserting "Governor"; and

(B) by striking "45" and inserting "30";

(2) in the last sentence, by striking ", however,"; and

(3) by adding at the end the following: "This section shall not apply to contracts, agreements, grants, loans, or other assistance for Indian Head Start programs and migrant and seasonal Head Start programs.".

SEC. 13. COSTS OF DEVELOPING AND ADMINISTERING A PROGRAM.

Section 644(b) of the Head Start Act (42 U.S.C. 9839(b)) is amended—

(1) by striking "Except" and inserting "(1) Except"; and

(2) by adding at the end the following:

"(2)(A) The limitation prescribed by paragraph (1) shall not prohibit a Head Start agency from expending an amount in excess of allowable direct costs associated with developing and administering a program assisted under this subchapter, if—

"(i) the agency submits an application for a grant year containing an assurance that—

"(I) the agency will serve a greater percentage of children in the community involved than were served in the preceding grant year; and

"(II) the agency will not diminish services provided to currently enrolled children (as of the date of the application), including the number of hours and days such services are provided;

"(ii) any such excess amount does not exceed 5 percent of the total costs, including the required non-Federal contributions to such costs, of such program; and

"(iii) in the event that the applicant applies to expend any such excess amount in a subsequent grant year, the applicant continues to serve the same number of children as proposed in the initial application submitted under this paragraph and accomplishes, relative to the prior Head Start agency, at least 3 of the 5 improved outcomes.

"(B) In subparagraph (A), the term 'improved outcome' means—

"(i) an increase in average teacher salary;

"(ii) an increase in the number of qualified teachers;

"(iii) a significant increase in the number of children who receive full-day Head Start services;

"(iv) a decrease in the caseload for family workers; or

"(v) an increase in transportation options for families.

"(C) The Secretary shall approve not more than 10 applications described in subparagraph (A) for a fiscal year, and to the extent practicable shall ensure participation under this paragraph of a diverse group of Head Start agencies, including public, private nonprofit, and for-profit agencies operating Head Start programs.".

SEC. 14. PARTICIPATION IN HEAD START PROGRAMS.

Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "130 percent of" after "below"; and

(II) by striking "and" at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

"(B) that the Head Start agencies involved make efforts to ensure that the programs serve children from families with incomes below the poverty line prior to serving other income-eligible children; and"; and

(iv) in the flush matter at the end, by adding at the end the following: "A homeless child shall be deemed eligible for Head Start services."; and

(B) by adding at the end the following:

"(3)(A) In this paragraph:

"(i) The term 'dependent' has the meaning given the term in paragraphs (2)(A) and (4)(A)(i) of section 401(a) of title 37, United States Code.

"(ii) The terms 'member' and 'uniformed services' have the meanings given the terms in paragraphs (23) and (3), respectively, of section 101 of title 37, United States Code.

"(B) The following amounts of pay and allowance of a member of the uniformed services shall not be considered to be income for purposes of determining the eligibility of a dependent of such member for programs funded under this subchapter:

"(i) The amount of any special pay payable under section 310 of title 37, United States Code, relating to duty subject to hostile fire or imminent danger.

"(ii) The amount of basic allowance payable under section 403 of such title, including any such amount that is provided on behalf of the member for housing that is acquired or constructed under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law.

"(4) After demonstrating a need through a communitywide needs assessment, a Head Start agency may apply to the Secretary to convert part-day sessions, particularly consecutive part-day sessions, into full-day sessions.

"(5)(A) Consistent with a communitywide needs assessment, a Head Start agency may apply to the Secretary to serve additional infants and toddlers if the agency submits an application to the Secretary containing—

"(i) a description of how the needs of pregnant women, infants, and toddlers will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management;

"(ii) a description of how the needs of eligible Head Start children are being and will be served;

"(iii) assurances that the agency will participate in technical assistance activities (including a planning period, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A; and

"(iv) evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

"(B) In approving such applications, the Secretary shall take into account the costs of serving persons under section 645A.

"(C) Any Head Start agency designated under this section and permitted to use grant funds under subparagraph (A) to serve additional infants and toddlers shall be considered to be an Early Head Start agency and shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A for those grant funds."; and

(2) in the first sentence of subsection (c), by striking "(age 3 to compulsory school attendance)" and inserting "(other than children eligible for an Early Head Start program)"; and

(3) in subsection (d), by adding at the end the following:

"(4) Notwithstanding any other provision of this Act, an Indian tribe that operates both an Early Head Start program under section 645A and a Head Start program may, at its discretion, at any time during the grant period involved, reallocate funds between the Early Head Start program and the Head Start program in order to address fluctuations in client population, including pregnant women and children birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 641A(g)(1)) for either program in succeeding years.".

SEC. 15. EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 645A. EARLY HEAD START PROGRAMS.";

(2) in subsection (b)—

(A) in paragraph (4), by striking "provide services to parents to support their role as parents" and inserting "provide additional services and research-based activities to parents to support their role as parents (including parenting skills training and training in basic child development)";

(B) by redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (6), (8), (11), (12), and (13), respectively;

(C) by inserting after paragraph (4) the following:

"(5) where appropriate and in conjunction with services provided under this section to the children's immediate families (or as approved by the Secretary), provide home-based services to family child care homes, and kin caregivers, caring for infants and toddlers who also participate in Early Head Start programs, to provide continuity in supporting the children's cognitive, social, emotional, and physical development;";

(D) in paragraph (6), as redesignated by subparagraph (B)—

(i) by inserting "(including home-based services)" after "with services";

(ii) by inserting "and homeless infants and toddlers" after "disabilities"; and

(iii) by inserting ", and family support services" after "health services";

(E) by inserting after paragraph (6), as redesignated by subparagraph (B), the following:

"(7) ensure that children with documented behavioral problems, including problems involving behavior related to prior or existing trauma, receive appropriate screening and referral;";

(F) by inserting after paragraph (8), as redesignated by subparagraph (B), the following:

"(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program to a Head Start program or another local program of early childhood education and care;

"(10) establish channels of communication between staff of Early Head Start programs and staff of Head Start programs or other local providers of early childhood education and care, to facilitate the coordination of programs;"; and

(G) in paragraph (12), as redesignated by subparagraph (B)—

(i) by striking "and providers" and inserting ", providers"; and

(ii) by inserting ", and the agencies responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) and parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.)" after "(20 U.S.C. 1400 et seq.)";

(3) in subsection (d)—

(A) in paragraph (1), by inserting ", including tribal governments and entities operating migrant and seasonal Head Start programs" after "subchapter"; and

(B) in paragraph (2), by inserting ", including community-based organizations" after "private entities";

(4) in subsection (g)(2)—

(A) in subparagraph (A), by adding at the end the following: "In determining the amount so reserved, the Secretary shall consider the number of Early Head Start programs newly funded for that fiscal year."; and

(B) in subparagraph (B)—

(i) in clause (ii), by inserting ", including supporting infant and toddler specialists to assist such staff and improve the programs carried out under this section" after "section"; and

(ii) by striking clause (iv) and inserting the following:

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a), relating to—

"(I) effective methods of conducting parent education, home visiting, and promoting quality early childhood development;

"(II) recruiting and retaining qualified staff; and

"(III) increasing program participation for underserved populations of eligible children."; and

(5) by adding at the end the following:

"(h) STAFF QUALIFICATIONS AND DEVELOPMENT.—

"(1) CENTER-BASED STAFF.—The Secretary shall establish staff qualification goals to ensure that, not later than September 30, 2012, all teachers providing direct services to Early Head Start children and families in Early Head Start centers have a minimum of a child development associate credential or an associate degree, and have been trained (or have equivalent course work) in early childhood development with a focus on infant and toddler development.

"(2) HOME VISITOR STAFF.—

"(A) STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

"(B) CONTENTS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

"(i) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

"(ii) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

"(iii) early childhood development with respect to children from birth through age 3;

"(iv) methods to help parents promote emergent literacy in their children from birth through age 3, including use of research-based strategies to support the development of literacy and language skills for children who are limited English proficient;

"(v) health, vision, hearing, and developmental screenings;

"(vi) strategies for helping families coping with crisis; and

"(vii) the relationship of health and well-being of pregnant women to prenatal and early child development.".

SEC. 16. APPEALS, NOTICE, AND HEARING AND RECORDS AND FINANCIAL AUDITS.

(a) APPEALS, NOTICE, AND HEARING.—Section 646(a) of the Head Start Act (42 U.S.C. 9841(a)) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) financial assistance under this subchapter may be terminated or reduced, and an application for refunding may be denied, after the recipient has been afforded reasonable notice and opportunity for a full and fair hearing, including—

"(A) a right to file a notice of appeal of a decision not later than 30 days after notice of the decision from the Secretary; and

"(B) access to a full and fair hearing of the appeal, not later than 120 days after receipt by the Secretary of the notice of appeal;

"(4) the Secretary shall develop and publish procedures (including mediation procedures) to be used in order to—

"(A) resolve in a timely manner conflicts potentially leading to an adverse action between—

"(i) recipients of financial assistance under this subchapter; and

"(ii) delegate agencies, or policy councils of Head Start agencies;

"(B) avoid the need for an administrative hearing on an adverse action; and

"(C) prohibit a Head Start agency from expending financial assistance awarded under this subchapter for the purpose of paying legal fees pursuant to an appeal under paragraph (3), except that such fees shall be reimbursed by the Secretary if the agency prevails in such decision; and

"(5) the Secretary may suspend funds to a grantee under this subchapter—

"(A) except as provided in subparagraph (B), for not more than 30 days; or

"(B) in the case of a grantee under this subchapter that has multiple and recurring deficiencies for 180 days or more and has not made substantial and significant progress toward meeting the goals of the grantee's quality improvement plan or eliminating all deficiencies identified by the Secretary, during the hearing of an appeal described in paragraph (3), for any amount of time, including permanently.".

(b) RECORDS AND FINANCIAL AUDITS.—

(1) HEADING.—Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by striking the section heading and inserting the following: "RECORDS AND FINANCIAL AUDITS".

(2) RECIPIENTS.—Section 647(a) of the Head Start Act (42 U.S.C. 9842(a)) is amended by striking "Each recipient of" and inserting "Each Head Start center, including each Early Head Start center, receiving".

(3) FINANCIAL AUDITS.—Subsections (a) and (b) of section 647 of the Head Start Act (42 U.S.C. 9842) are amended by striking "audit" and inserting "financial audit".

(4) ACCOUNTING.—Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c) Each Head Start center, including each Early Head Start center, receiving financial assistance under this subchapter shall maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses, including expenses for salaries and compensation funded under this subchapter and provide such additional documentation as the Secretary may require.".

SEC. 17. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a)(2), by striking "(b) and (c)" and inserting "(b), (c), and (d)";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) The Secretary shall make available funds set aside in section 640(a)(2)(C)(ii) to support a State system of training and technical assistance (which may include such a system for a consortium of States within a region) that improves the capacity of Head Start programs to deliver services in accordance with the standards described in section 641A(a)(1), with particular attention to the standards described in subparagraphs (A) and (B) of such section. The Secretary shall—

"(1) ensure that agencies with demonstrated expertise in providing high-quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Associations, State agencies, Indian Head Start agencies, migrant and seasonal Head Start agencies, and other entities providing training and technical assistance in early childhood education and care, for the State (including such a consortium of States within a region), are included in the planning and coordination of the system; and

"(2) encourage States (including such consortia) to supplement the funds authorized in section 640(a)(2)(C)(ii) with Federal, State, or local funds other than funds made available under this subchapter, to expand training and technical assistance activities beyond Head Start agencies to include other providers of other early childhood education and care within a State (including such a consortium).";

(4) in paragraph (3) of subsection (c), as redesignated by paragraph (2), by striking "child care and early childhood programs" and inserting "early childhood education and care programs";

(5) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1)(B)(ii), by striking "educational performance measures" and inserting "measures";

(B) in paragraph (2), by inserting "and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6372(d))" after "children with disabilities";

(C) in paragraph (3), by striking "early childhood professional development systems" and inserting "professional development systems regarding early childhood education and care";

(D) in paragraph (5), by inserting ", including assessing the needs of homeless children and their families" after "needs assessment";

(E) by striking paragraph (7) and inserting the following:

"(7) assist Head Start agencies in better serving the needs of families with very young children, including providing support and program planning and implementation assistance for Head Start agencies that apply to serve or are serving additional infants and toddlers with funds previously used for 3- and 4-year-olds in accordance with section 645(a)(5);";

(F) in paragraph (10), by striking "; and" and inserting a semicolon;

(G) in paragraph (11), by striking the period and inserting a semicolon; and

(H) by adding at the end the following:

"(12) assist Head Start agencies in increasing the program participation of homeless children;

"(13) provide training and technical assistance to members of governing bodies, policy councils, and, as appropriate, policy committees, to ensure that the members can fulfill their functions;

"(14) provide training and technical assistance to Head Start agencies to assist such agencies in conducting self-assessments;

"(15) assist Head Start agencies in improving outreach to, and the quality of services available to, families of limited English proficient children, including such services to help such families learn English, particularly in communities that have experienced a large percentage increase in the population of such families;

"(16) assist Head Start agencies and improve programs to increase the capacity of classroom staff to meet the needs of children with disabilities in Head Start classrooms;

"(17) provide activities that help ensure that Head Start programs have qualified staff who can promote prevention of childhood obesity by integrating into the programs developmentally appropriate research-based initiatives that stress the importance of physical activity and nutrition choices made by children and family, through daily classroom and family routines; and

"(18) assist Indian Head Start agencies to provide on-site and off-site training to staff, using approaches that identify and enhance the positive resources and strengths of Indian children and families, to improve parent and family engagement and staff development, particularly with regard to child and family development.";

(6) in subsection (e), as redesignated by paragraph (2), by inserting "including community-based organizations," after "nonprofit entities,";

(7) in subsection (f), as redesignated by paragraph (2)—

(A) by striking "early childhood development and child care programs" and inserting "early childhood education and care programs"; and

(B) by inserting "or providing services to children determined to be abused or neglected, training for personnel providing services to children referred by entities providing child welfare services or receiving child welfare services," after "English language)"; and

(8) by adding at the end the following:

"(g) The Secretary shall provide, either directly or through grants or other arrangements, funds for training of Head Start personnel in addressing the unique needs of children with disabilities and their families, migrant and seasonal farmworker families, families of children with limited English proficiency, and homeless families.

"(h) Funds used under this section shall be used to provide high quality, sustained, and intensive, training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to 1 or more of the following:

"(1) Education and early childhood development.

"(2) Child health, nutrition, and safety.

"(3) Family and community partnerships.

"(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

"(i) Funds used under this section for training shall be used for needs identified annually by a grant applicant (including any delegate agency) in its program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities—

"(1) available locally or regionally; or

"(2) substantially similar to locally or regionally available training activities.

"(j)(1) To support local efforts to enhance early language and preliteracy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and environments that are rich in literature, in which to acquire language and preliteracy skills, each Head Start agency, in coordination with the appropriate State office and the relevant State Head Start collaboration office, shall ensure that all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), including appropriate curricula and assessments to improve instruction and learning. Such training shall include training in methods to promote phonological awareness (including phonemic awareness) and vocabulary development in an age-appropriate and culturally and linguistically appropriate manner.

"(2) The literacy training shall be provided at the local level in order—

"(A) to be provided, to the extent feasible, in the context of the Head Start programs of the State involved and the children the program involved serves; and

"(B) to be tailored to the early childhood literacy background and experience of the teachers involved.

"(3) The literacy training shall be culturally and linguistically appropriate and support children's development in their home language.

"(4) The literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home.

"(5) The literacy training shall include specific methods to best address the needs of children who are limited English proficient.

"(6) The literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development.".

SEC. 18. STAFF QUALIFICATION AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

"(2) DEGREE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall establish staff qualification goals to ensure that—

"(i) not later than September 30, 2012, all Head Start teachers nationwide in center-based programs have at least—

"(I)(aa) an associate degree (or equivalent coursework) relating to early childhood; or

"(bb) an associate degree in a related educational area and, to the extent practicable, coursework relating to early childhood; and

"(II) demonstrated teaching competencies, as determined by the program director involved (including, at a minimum, an appropriate level of literacy, a demonstrated capacity to be highly engaged with children, and a demonstrated ability to effectively implement an early childhood curriculum);

"(ii) not later than September 30, 2010, all Head Start curriculum specialists and education coordinators nationwide in center-based programs have—

"(I) the capacity to offer assistance to other teachers in the implementation and adaptation of curricula to the group and individual needs of a class; and

"(II)(aa) a baccalaureate or advanced degree relating to early childhood; or

"(bb) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood;

"(iii) not later than September 30, 2010, all Head Start teaching assistants nationwide in center-based programs have—

"(I) at least a child development associate credential;

"(II) enrolled in a program leading to an associate or baccalaureate degree; or

"(III) enrolled in a child development associate credential program to be completed within 2 years; and

"(iv) not later than September 30, 2013, 50 percent of all Head Start teachers in center-based programs in each State (and geographic region for Indian Head Start programs and for migrant and seasonal Head Start programs) have a baccalaureate degree relating to early childhood (or a related educational area), and demonstrated teaching competencies, as determined by the program director involved (including, at a minimum, an appropriate level of literacy, a demonstrated capacity to be highly engaged with children, and a demonstrated ability to effectively implement an early childhood curriculum).

"(B) TEACHER IN-SERVICE REQUIREMENT.—Each Head Start teacher shall attend not less than 15 clock hours of professional development per year. Such professional development shall be high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and regularly evaluated for effectiveness.

"(C) PROGRESS.—

"(i) REPORT.—The Secretary shall—

"(I) require Head Start agencies to—

"(aa) describe continuing progress each year toward achieving the goals described in subparagraph (A);

"(bb) submit to the Secretary a report indicating the number and percentage of classroom instructors in center-based programs with child development associate credentials or associate, baccalaureate, or advanced degrees; and

"(II) compile and submit a summary of all program reports described in subclause (I)(bb) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(ii) DEMONSTRATE PROGRESS.—A Head Start agency may demonstrate that progress by partnering with institutions of higher education or other programs that recruit, train, place, and support college students to deliver an innovative program of early childhood education and care to preschool children.

"(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that, in order to enable Head Start agencies to comply with the requirements of subparagraph (A), individuals who receive financial assistance under this subchapter to pursue a degree or credential described in subparagraph (A) shall—

"(i) teach or work in a Head Start program for a minimum of 3 years after receiving the degree; or

"(ii) repay the total or a prorated amount of the financial assistance received based on the length of service completed after receiving the degree."; and

(B) in paragraph (3), by striking "(i) or (ii)" and inserting "(i) or (iv)";

(2) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) promote the use of appropriate strategies to meet the needs of special populations (including populations of limited English proficient children).";

(3) in subsection (d)(3)(C) by inserting ", including a center," after "any agency"; and

(4) by adding at the end the following:

"(f) PROFESSIONAL DEVELOPMENT PLANS.—Every Head Start agency and center shall create, in consultation with employees of the agency or center (including family service workers), a professional development plan for employees who provide direct services to children, including a plan for classroom teachers, curriculum specialists, and education coordinators, and teaching assistants to meet the requirements set forth in subsection (a).

"(g) CONSTRUCTION.—In this section, a reference to a Head Start agency, or its program, services, facility or personnel, shall not be considered to be a reference to an Early Head Start agency, or its program, services, facility or personnel. For purposes of this section, a teacher who is providing services, in a migrant or seasonal Head Start program, in a classroom for children under age 3, shall be considered to be a teacher in an Early Head Start program, as described in section 645A.".

SEC. 19. TRIBAL COLLEGES AND UNIVERSITIES HEAD START PARTNERSHIP.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

"SEC. 648B. TRIBAL COLLEGE OR UNIVERSITY HEAD START PARTNERSHIP PROGRAM.

"(a) PURPOSE.—The purpose of this section is to promote social competencies and school readiness in Indian children.

"(b) TRIBAL COLLEGE OR UNIVERSITY HEAD START PARTNERSHIP PROGRAM.—

"(1) GRANTS.—The Secretary is authorized to award grants, for periods of not less than 5 years, to Tribal Colleges and Universities to—

"(A) implement education programs that include education concerning tribal culture and language and increase the number of associate, baccalaureate, and advanced degrees in early childhood education and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

"(B) develop and implement the programs under subparagraph (A) in technology-mediated formats, including providing the programs through such means as distance learning and use of advanced technology, as appropriate; and

"(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

"(2) STAFFING.—The Secretary shall ensure that the American Indian Programs Branch of the Head Start Bureau of the Department of Health and Human Services shall have staffing sufficient to administer the programs under this section and to provide appropriate technical assistance to Tribal Colleges and Universities receiving grants under this section.

"(c) APPLICATION.—Each Tribal College or University desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a certification that the Tribal College or University has established a partnership with 1 or more Indian Head Start agencies for the purpose of conducting the activities described in subsection (b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

"(e) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(2) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University'—

"(A) has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c); and

"(B) means an institution determined to be accredited or a candidate for accreditation by a nationally recognized accrediting agency or association.".

SEC. 20. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (a)(1)(B), by inserting ", children determined to be abused or neglected, homeless children, and children in foster care" after "children with disabilities";

(2) in subsection (d)—

(A) by redesignating paragraphs (5), (6), (7), (8), (9), and (10), as paragraphs (6), (8), (9), (10), (11), and (12);

(B) by inserting after paragraph (4) the following:

"(5)(A) identify successful strategies that promote good oral health and provide effective linkages to quality dental services through pediatric dental referral networks, for infants and toddlers participating in Early Head Start programs and children participating in other Head Start programs; and

"(B) identify successful strategies that promote good vision health through vision screenings for such infants, toddlers, and children, and referrals for appropriate followup care for those identified as having a vision problem;";

(C) in paragraph (6), as redesignated by subparagraph (A), by striking "child care, early childhood education, or child development services" and inserting "early childhood education and care services";

(D) by inserting after that paragraph (6) the following:

"(7)(A) contribute to understanding the impact of services related to children with disabilities, delivered in Head Start classrooms, on both children with disabilities and typically-developing children; and

"(B) disseminate promising practices for increasing the availability and quality of such services;";

(E) in paragraph (10), as redesignated by subparagraph (A), by adding "and" after the semicolon;

(F) by striking paragraph (11), as redesignated by subparagraph (A);

(G) by redesignating paragraph (12), as redesignated by subparagraph (A), as paragraph (11); and

(H) by striking the last sentence;

(3) in subsection (e)(3), by striking "child care, early childhood education, or child development services" and inserting "early childhood education and care services";

(4) in subsection (g)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking "education, and early childhood programs" and inserting "and early childhood education and care programs";

(ii) by striking clause (i); and

(iii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively;

(B) in paragraph (2), by striking ", and research, education, and early childhood programs" and inserting "and research, and early childhood education and care programs";

(C) in paragraph (5)(D)—

(i) in clause (i), by striking "early childhood programs" and inserting "early childhood education and care programs"; and

(ii) in clause (ii), by striking "early childhood program" and inserting "early childhood education and care program"; and

(D) in paragraph (7)(C)—

(i) in clause (i), by striking "2003" and inserting "2008"; and

(ii) in clause (ii)—

(I) by striking "Education and the Workforce" and inserting "Education and Labor"; and

(II) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(5) by striking subsection (h) and inserting the following:

"(h) REVIEW OF ASSESSMENTS.—

"(1) APPLICATION OF STUDY.—When the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences is made available to the Secretary, the Secretary shall—

"(A) incorporate the results of the study, as appropriate and in accordance with paragraphs (2) and (3), into each assessment used in the Head Start programs; and

"(B) use the results of the study to develop, inform, and revise the standards and measures described in section 641A.

"(2) DEVELOPMENT AND REFINEMENT.—In developing and refining any assessment used in the Head Start programs, the Secretary shall—

"(A) receive recommendations from the Panel on Developmental Outcomes and Assessments for Young Children of the National Academy of Sciences; and

"(B) with respect to the development or refinement of such assessment, ensure—

"(i) consistency with relevant, nationally recognized professional and technical standards;

"(ii) validity and reliability for all purposes for which assessments under this subchapter are designed and used;

"(iii) developmental and linguistic appropriateness of such assessments for children assessed, including children who are limited English proficient; and

"(iv) that the results can be used to improve the quality of, accountability of, and training and technical assistance in, Head Start programs.

"(3) ADDITIONAL REQUIREMENTS.—The Secretary, in carrying out the process described under paragraph (2), shall ensure that—

"(A) staff administering any assessments under this subchapter have received appropriate training to administer such assessments;

"(B) appropriate accommodations for children with disabilities and children who are limited English proficient are made;

"(C) the English and Spanish (and any other language, as appropriate) forms of such assessments are valid and reliable; and

"(D) such assessments are not used to exclude children from Head Start programs.

"(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall—

"(A) suspend implementation and terminate further development and use of the National Reporting System; and

"(B) incorporate, as appropriate, recommendations under paragraph (2)(A) into any assessment used in the Head Start programs.

"(i) SPECIAL RULE.—The use of assessment items and data on any assessment authorized under this subchapter by any agent of the Federal Government to rank or compare individual children or teachers, or to provide rewards or sanctions for individual children or teachers is prohibited. The Secretary shall not use the results of a single assessment as the sole method for assessing program effectiveness or making grantee funding determinations at the national, regional, or local level under this subchapter.

"(j) SERVICES TO LIMITED ENGLISH PROFICIENT CHILDREN AND FAMILIES.—

"(1) STUDY.—The Secretary shall conduct a study on the status of limited English proficient children and their families in Head Start (including Early Head Start) programs.

"(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2011, a report containing the results of the study, including information on—

"(A) the demographics of limited English proficient children from birth through age 5, including the number of such children receiving Head Start (including Early Head Start) services and the geographic distribution of children described in this subparagraph;

"(B) the nature of Head Start (including Early Head Start) services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

"(C) procedures in Head Start programs for the assessment of language needs and the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

"(D) the qualifications of and training provided to Head Start (including Early Head Start) teachers serving limited English proficient children and their families;

"(E) the rate of progress made by limited English proficient children and their families in Head Start (including Early Head Start) programs, including—

"(i) the rate of progress of the limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs, measured between 1990 and 2006;

"(ii) the correlation between the progress described in this subparagraph and the type of instruction and educational program provided to the limited English proficient children; and

"(iii) the correlation between the progress described in this subparagraph and the health and family services provided by Head Start programs to limited English proficient children and their families; and

"(F) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.

"(k) RESEARCH AND EVALUATION ACTIVITIES RELEVANT TO DIVERSE COMMUNITIES.—For purposes of conducting the study in described in subsection (j), activities described in section 640(l)(5)(A), and other research and evaluation activities relevant to limited English proficient children and their families, migrant and seasonal farmworker families, and other families from diverse populations served by Head Start programs, the Secretary shall award, on a competitive basis, funds from amounts made available under section 639(b) to 1 or more organizations with a demonstrated capacity for serving and studying the populations involved.".

SEC. 21. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Education and the Workforce" and inserting "Education and Labor";

(ii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(iii) by striking "(including disabled and non-English language background children)" and inserting "(including children with disabilities, limited English proficient children, and children participating in Indian Head Start programs and migrant and seasonal Head Start programs)";

(B) in paragraph (8), by inserting "homelessness, children in foster care," after "ethnic background,";

(C) in paragraph (12), by inserting "vision care," after "dental care,";

(D) in paragraph (14)—

(i) by striking "Alaskan Natives" and inserting "Alaska Natives"; and

(ii) by striking "migrant and" and inserting "migrant or"; and

(E) in the flush matter at the end—

(i) by striking "Education and the Workforce" and inserting "Education and Labor"; and

(ii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(2) in subsection (b)—

(A) by striking "Education and the Workforce" and inserting "Education and Labor";

(B) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(C) by striking "Native Alaskan" and inserting "Alaska Native".

SEC. 22. COMPARABILITY OF WAGES.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended—

(1) by striking "The Secretary shall take" and inserting "(a) The Secretary shall take"; and

(2) by adding at the end the following:

"(b) No Federal funds shall be used to pay the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs or any proration of such costs, in an amount in excess of an amount based on the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.".

SEC. 23. LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES.

Section 655 of the Head Start Act (42 U.S.C. 9850) is amended by inserting "or in" after "assigned by".

SEC. 24. POLITICAL ACTIVITIES.

Section 656 of the Head Start Act (42 U.S.C. 9851) is amended—

(1) by striking all that precedes "chapter 15" and inserting the following:

"SEC. 656. POLITICAL ACTIVITIES.

"(a) State or Local Agency.—For purposes of"; and

(2) by striking subsection (b) and inserting the following:

"(b) Restrictions.—

"(1) In general.—A program assisted under this subchapter, and any individual employed by, or assigned to or in, a program assisted under this subchapter (during the hours in which such individual is working on behalf of such program), shall not engage in—

"(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

"(2) Rules and regulations.—The Secretary, after consultation with the Director of the Office of Personnel Management, may issue rules and regulations to provide for the enforcement of this section, which may include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.".

SEC. 25. PARENTAL CONSENT REQUIREMENT FOR HEALTH SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following new section:

"SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) Definition.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

"(2) requires incision or is otherwise invasive, or involves exposure of private body parts.

"(b) Requirement.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

"(c) Rule of Construction.—Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.".

SEC. 26. CONFORMING AMENDMENT.

Section 2501(c)(1)(C) of the Children's Health Act of 2000 (42 U.S.C. 247b–1 note) is amended by striking "9840a(h)" and inserting "9840a".

SEC. 27. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) Definitions.—In this section, the term—

(1) "appropriate committees" means—

(A) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Education and Labor of the House of Representatives; and

(2) "improper payment" has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) Requirement for Compliance Certification and Report.—The Secretary of Health and Human Services shall submit a report to the appropriate committees that—

(1) contains a certification that the Department of Health and Human Services has, for each program and activity of the Administration for Children and Families, performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

SA 1715. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, line 21, strike "and".

On page 221, between lines 21 and 22, insert the following:

(iv) wood products that are certified under all nationally recognized sustainable forest certification programs, as determined by the Director, that are carried out by a third party; and

On page 221, line 22, strike "(iv)" and insert "(v)".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on June 27, 2007, at 2:30 p.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1171, a bill to amend the Colorado River Storage Project Act and Public Law 87–483; to authorize the construction and rehabilitation of water infrastructure in northwestern New Mexico; to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund; to authorize the conveyance of certain reclamation land and infrastructure; to authorize the Commissioner of Reclamation to provide for the delivery of water; and to resolve the Navajo Nation's water rights claims in the San Juan River basin in New Mexico.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by email to *Gina_Weinstock@energy.senate.gov.*

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 19, 2007, at 9:30 a.m., in open session to consider the nomination of the honorable Preston M. Geren, to be Secretary of the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 19, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to consider an original bill entitled the "Energy Advancement and Investment Act of 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 19, 2007, at 10 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 19, 2007, at 2:30 p.m. to hold a hearing on the Western Hemisphere Travel Initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, on Tuesday, June 19, 2007, at 9:30 a.m. in order to conduct a hearing entitled: "The Juvenile Diabetes Research Foundation and the Federal Government: A Model Public-Private Partnership Accelerating Research Toward a Cure."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on June 19, 2007 at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Crystal Bridgeman, a fellow on my staff, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Jodie Sweitzer, an intern with my staff on the Energy and Natural Resources Committee, be granted the privileges of the floor during the remainder of debate on the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING HEAD START ACT OF 2007

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 137, H.R. 1429, the Head Start authorization bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I welcome the Senate's action on this important legislation, the Head Start for School Readiness Act.

I commend Senator ENZI, Senator DODD, and Senator ALEXANDER for their bipartisan cooperation on this legislation, and I thank all the Senators on the HELP Committee for their contributions to improving Head Start to meet today's challenges. We began this process four years ago. Today, our bipartisan efforts have resulted in the strengthening of a 42 year old program that has been a lifeline of support for millions of low-income children preparing for school and for life.

Since the War on Poverty, Head Start has delivered the assistance needed to enable disadvantaged children to arrive at school, ready to learn. Its comprehensive services provide balanced meals for children, support visits to the doctor and dentist, and teach young children important learning and social skills. It helps families with the greatest needs get on their feet, and encourages parents to participate actively in their child's early development.

Years of evaluation have demonstrated that Head Start works. A Federal survey found that Head Start children make both academic and social gains under the program, and that these gains continue when children enter kindergarten. Once Head Start children complete their kindergarten year, they are near the national average of 100 in key areas, with scores of 93 in vocabulary, 96 in early writing, and 92 in early math.

Over the years, we've also learned more about how Head Start can be improved. This reauthorization applies that knowledge to make modifications in the program, and it will enable Head Start to be even more effective in the years ahead.

In this legislation, we expand Head Start to include thousands of low-income children who are not yet served by the program. We provide for better coordination of Head Start with State programs for low-income children. We strengthen Head Start's focus on critical early learning skills and school readiness. We enhance the educational goals for Head Start teachers. We preserve the community-based structure of the program to ensure that the needs of local neighborhoods and their children are the top priority. We also provide greater accountability for the program, including new policies to provide improved monitoring visits and guarantee that programs with deficiencies receive needed attention and support.

To strengthen Head Start, we must begin by providing more resources for it. Child poverty is on the rise again and the need for Head Start is greater than ever. Today, less than 50 percent of children eligible for Head Start participate in the program. Hundreds of thousands of 3- and 4-year-olds are left out because of inadequate funding. Early Head Start serves only 3 percent of eligible infants and toddlers. It is shameful that 97 percent of the children eligible for Early Head Start have no access to it. This legislation expands access to Head Start to serve as many infants, toddlers, and preschool children and their families as possible.

The bill establishes goals to increase funding and expand the program to provide nearly $8 billion worth of services by 2010. These funding levels are essential to carry out the essential reforms in the legislation and to serve thousands of additional children and families.

In 1994, we enacted Early Head Start to benefit infants, toddlers, and their families. It has worked ever since. Early Head Start children have larger vocabularies, lower levels of aggressive behavior, and higher levels of sustained attention than children not enrolled in the program. Early Head Start parents are more likely to play with their children and read to them. These activities increase a child's desire to learn and strengthen a family's commitment to education. Our bill doubles the size of Early Head Start over the course of the authorization, and includes a commitment to serve 56,000 additional children.

The bill also establishes a Head Start Collaboration Office in every State to improve support for Head Start children, to align Head Start with kindergarten classrooms, and to strengthen its local partnerships with other agencies. These offices will work hand in hand with the Head Start network of training and technical assistance to support grantees in meeting the goals of preparing children for school.

I'm especially pleased that the bill provides the blueprint needed to upgrade and strengthen other early childhood education programs and services in the states. The bill provides an active role for states in coordinating early childhood education and development programs, and designates an Early Care and Education Council in each state to undertake the activities essential to developing a comprehensive system for the nation's youngest children. The councils will conduct an inventory of children's needs, develop plans for data collection, support early childhood educators, review and upgrade early learning standards, and make recommendations on technical assistance and training. For States ready to move forward and implement their statewide plan, the legislation offers $100 million to support incentive grants for States to implement these important efforts.

Over the past four decades, Head Start has developed quality and performance standards to guarantee a full range of services, so that children are educated in the basics about letters, numbers, and books, and are also healthy, well-fed, and supported in stable and nurturing relationships. Head Start is already a model program, but we can enhance its quality even more.

The bill strengthens literacy efforts currently underway in Head Start programs. We know the key to future reading success is to get young children excited about letters and books and numbers. The bill emphasizes language and literacy, by enhancing the literacy training required of Head Start teachers, continuing to promote parent literacy, and working to put more books into Head Start classrooms and into children's homes.

In addition, we make a commitment in the bill to upgrade all of the educational components of Head Start, and ensure that the services are aligned with expectations for children's kindergarten year and continue to be driven by the effective Head Start Child Outcomes Framework.

At the heart of Head Start's success are its teachers and staff. They are caring, committed leaders who know the children they serve and are dedicated to improving their lives. They help children learn to identify letters of the alphabet and arrange the pieces of puzzles. They teach them to brush their teeth, wash their hands, make friends and follow rules. Yet their salary is only half the salary of kindergarten teachers, and the turnover is high, about 11 percent a year.

Because teacher quality is directly related to a child's outcome, our bill establishes a goal to ensure that every Head Start teacher earns an A.A. degree, and that half earn their B.A. degree by the next time Congress revisits the program. Head Start teachers and staff are the greatest resource for children and families in the program, and investing in their development must be a priority. I look forward to working with my colleagues to match these ambitious goals with the funding needed to make them a reality.

Our legislation also gives local Head Start programs greater authority to assess the needs of families in their communities and define the services necessary to meet those needs. We've lifted the eligibility requirements under the program, so that families living below 130 percent of the Federal poverty rate can qualify and participate in Head Start. Yet we still prioritize services to children who need them the most. If programs determine that a greater share of infants and toddlers need services, our bill allows them to apply to the Secretary to convert and expand services to our youngest children. If programs identify a need to provide full-day or full-year care for children and families, they can take steps to do this as well.

Accountability is a cornerstone of excellence in education and should start early. Head Start should be accountable for its commitment to provide safe and healthy learning environments, to support each child's individual pattern of development and learning, to cement community partnerships in services for children, and to involve parents in their child's growth.

Head Start reviews are already among the most extensive in the field. Our bill takes a further step to improve this process by ensuring that monitoring results and feedback are available to programs and used for their improvement. We also take steps to address programs with serious deficiencies, and ensure that substantial problems in programs do not languish at the expense of children. If a local program is unable to meet Head Start's high standards of quality, others should step in. Every Head Start child deserves to develop and learn in a high-quality program.

Our bill also takes an important step to suspend the Head Start National Reporting System. Four years ago, many of us insisted that instead of rushing forward with a national test of hundreds of thousands of children, Head Start would be better served if plans were developed more deliberately to ensure an appropriate means to gather and report child outcomes in programs. That appeal was ignored, and the Administration proceeded with an assessment—without sufficient authorization or oversight from Congress—that was later proven flawed and inconsistent with professional standards for testing and measurement.

This legislation requires that the assessments used in Head Start must be held to the highest standard. Head Start's measures must be valid and reliable, fair to children from all backgrounds, balanced in what they assess, and sufficient to reflect the development of the whole child. We've called on the National Academy of Sciences to survey and study the state of assessments and outcomes appropriate for young children in environments like Head Start. Their study will be of great value as we consider how best to move forward in Head Start and other early childhood settings.

Finally, the bill maintains the essential Federal-to-local structure of Head Start, and rejects other proposals that would dilute this important focus. Head Start's design enables it to tailor its services to meet local community needs. Head Start's regulations guarantee a universal standard of quality across all programs. Yet each program is unique and specifically adapted to its children and families. The focus on local neighborhoods and their children must always be at the heart of Head Start.

One of our highest priorities in Congress is to expand educational opportunities for every American. In this age of globalization, every citizen deserves a chance to acquire the educational skills needed to compete in the modem economy. This process starts early—it begins at birth and continues throughout the early years, long before children enter kindergarten.

The Head Start for School Readiness Act of 2007 will keep Head Start on its successful path, and enable this vital program to continue to thrive and improve. I look forward to swift passage of this legislation in the Senate, and a productive Conference with the House on the important reforms in this bill.

Mr. ENZI. Mr. President, I rise today in support of the Head Start for School Readiness Act of 2007. This legislation is a bipartisan effort by the Health, Education, Labor and Pensions Committee to reauthorize the Head Start Act.

The Head Start Program was established in 1965 as part of the war on poverty by President Lyndon B. Johnson. The purpose of the program was, and remains, to provide educational and other developmental services to children in very low-income families. Since its creation, Head Start has been a comprehensive early childhood development program that provides educational, health, nutritional, social, and other services to low-income preschool-aged children and their families. Head Start currently provides services to over 900,000 children and their families through a network of over 1,600 public and private agencies.

The legislation before us today builds on work started last Congress by the HELP Committee under my leadership. The Head Start for School Readiness Act ensures that low-income children receive the educational and developmental services they need to be ready to learn and be successful in school.

I want to thank Senator KENNEDY for his ongoing commitment to working on a bipartisan basis, which has resulted in legislation that meets the needs of children and families who participate in the Head Start Program throughout our Nation. I would also like to thank our colleagues, Senators ALEXANDER and DODD, for their fine work and dedication to this important program.

Head Start was created to level the playing field for low-income children by providing them with education and development activities. This program recognizes that children do not start school with the same set of experiences and knowledge and helps provide low-income children with some of the experiences and knowledge their more affluent peers have as they start their elementary school experience. The Head Start Program also recognizes the important role that families play in a child's development and encourages their regular participation in the program.

This legislation helps ensure that children in the Head Start Program will be better prepared to enter school with the skills necessary to succeed. It is well documented in early childhood education research that students who are not reading at grade level by the third grade will struggle with reading the rest of their lives. Head Start provides early education for over 900,000 children each year, most of whom would not have the opportunity to attend preschool programs elsewhere. The future of these children is why we have all worked so hard to improve and strengthen this act. The legislation before us today will help Head Start Programs provide children with the early learning skills and early childhood development activities they need to be successful. Head Start introduces many of these children to books, the alphabet, numbers, as well as how to play and share with their classmates. Head Start provides the building blocks children need for success later in life.

The Head Start for School Readiness Act builds on what many great Head Start providers are already doing. Working from recommendations from the National Academy of Sciences, this bill adds educational standards related to language skills, literacy and numeracy skills, as well as cognitive, emotional, and physical development. Steps are also taken to ensure that limited English proficient children are provided assistance in acquiring the English language.

I am particularly pleased with the accountability provisions put forth in this legislation. The legislation before us today includes important changes to the Head Start Program related to the evaluation and review of grantees. The timeframe for Head Start grantees to appeal decisions made by the Secretary to terminate grants is now limited. In some instances, Head Start grantees have been found to be operating programs that are unsafe or misusing Federal funds—and are often continuing those bad practices for months—as long as 600 days in some cases—during the termination process. This equates to children not receiving quality services, and instead of being prepared for success, they fall further behind.

Additional steps have been taken in this legislation to increase the quality of Head Start Programs, including providing the Secretary the authority to terminate a grantee that has multiple and recurring deficiencies that has not made significant and substantial progress toward correcting those deficiencies. This legislation provides greater clarity for grantees as to what constitutes a program deficiency. Many of us have heard from grantees across the country who expressed frustration with the lack of consistency with which the provisions of the Head Start Program is enforced. For that reason this legislation includes provisions related to interrator reliability—this will help ensure consistency in the review of Head Start Programs across the country.

Changes were made to the distribution of grant funds to ensure that programs maintain their funded levels of enrollment. We understand that families served by the Head Start Program tend to be more migratory and that full enrollment at Centers is often difficult to maintain. However, we also know that many programs have waiting lists and that thousands of eligible children are not currently being served. This legislation balances those needs by providing flexibility in meeting full enrollment, but also requiring funds to be moved from chronically under-enrolled programs.

Senator DODD has provided valuable leadership as we worked to develop a clear policy on the roles and responsibilities of the governing bodies and policy councils. We have worked together to clarify and strengthen the roles of the governing body and policy councils while preserving the important role of parents. After careful review, the committee found that many of the important fiscal and legal responsibilities of Head Start grantees were not explicitly assigned.

Unfortunately there have been too many examples of programs that have failed the children, families, and community they were funded to serve due to appalling financial mismanagement. Cases were brought to the committee that detailed excessive and inappropriate expenditures, lost funds, and reduced services to children because proper financial management techniques were not in place. Too often the truth was hidden from governing bodies and policy councils alike.

The bill clarifies those responsibilities leading to more consistent, high-quality fiscal and legal management, which will ensure these programs are serving children in the best possible way. Changes in this legislation address the concerning situations mentioned earlier by placing fiscal responsibility with the governing body. It is absolutely necessary and vital that one entity maintain fiscal and legal control of the Federal grant dollars. That said, we maintain the equally vital and necessary role of the policy councils in setting program priorities, classroom activities, and personnel changes. We believe this careful balance will help ensure the continued integrity of the Head Start Program for years to come.

We recognize that a vast majority of the Head Start agencies provide high quality, comprehensive services for children in the Head Start Programs. However, the provisions in this bill will create an important incentive for programs to operate at their best and in the best interest of the children they serve.

I want to particularly note emphasis we have placed on the role of parents in Head Start Programs. It is vital to remember that this program provides services to children and their families. Parents provide valuable insight and experience as to what a Head Start Program should do for children. In fact, this legislation increases the presence of parents in Head Start Programs, strengthens services for families, and provides training and development opportunities for parents that do serve on the policy councils and governing bodies.

This legislation also increases the coordination, collaboration, and excellence of early childhood education and care programs. It enhances the role of the State director of Head Start collaboration to ensure that Head Start Programs are maximizing their potential by stretching dollars, promoting partnerships to meet State and local needs, and developing strategic plans to meet future and current goals. This legislation also allows each State to apply for funds to support a State advisory council on early care and education to conduct a statewide needs assessment, identify collaboration opportunities, and support additional data collection. Additional encouragement of coordination and collaboration will stretch Federal, State and local resources to provide additional resources to disadvantaged children across the country.

Finally, this legislation requires the Department of Health and Human Services to cease any further development or implementation of the National Reporting System. While I believe that the assessment of children in the Head Start Program is important, I believe that the assessment must be both age and developmentally appropriate. This legislation requires a review and update of the assessments, standards, and measures used in Head Start Programs by the Panel on Developmental Outcomes and Assessments for Young Children of the National Academy of Sciences. Once the panel completes its recommendations, the Secretary is then allowed to revisit the issue of assessment in Head Start Programs.

The members of the HELP Committee, and in particular Senators ALEXANDER, KENNEDY, and DODD, have worked tirelessly on this legislation. The final product before us today is a comprehensive and bipartisan reauthorization of the Head Start Program. I wish to thank Senators KENNEDY, ALEXANDER, and DODD and the other members of the committee for their assistance in moving this legislation to the floor. Passage of this legislation will ensure that low-income children are prepared not only for success in school but for later success in life.

Finally, I would like to thank the staff of members of the HELP Committee who have spent countless hours preparing this legislation for passage by the Senate. In particular I would like to thank Roberto Rodriguez with Senator KENNEDY, Catherine Hildum and Sharon Lewis with Senator DODD, David Cleary and Sarah Rittling with Senator ALEXANDER, and Beth Buehlmann and Lindsay Hunsicker of my staff.

It is my hope that our bipartisan efforts will continue to produce results as we move to final passage of this legislation and on to a conference committee with the House of Representatives. We must all work together to get a bipartisan product to President Bush for his signature as soon as possible.

Mr. REID. Mr. President, I am pleased to speak today about the passage of H.R. 1429, the Head Start for School Readiness Act. This bipartisan legislation reauthorizes the Head Start program, something the Congress has not done since 2003.

In 1965, President Lyndon Johnson launched a summer program for low-income children and their families, and called it Project Head Start. The program's mission was simple: prepare low-income, preschool-aged children for success in school. Today, Head Start serves children and their families in urban and rural areas across the United States. And, since its inception, more than 20 million children and families have benefited from the Head Start program.

Nevada's eight centers range from a Head Start and Early Head Start Center in rural Ely, to larger, more urban centers in Reno, to a Tribal Head Start center in Gardnerville. Each of these programs is unique and, with the input and involvement of parents and families, help meet the needs of the communities they serve.

Head Start currently provides comprehensive early education and health services to almost one million low-income preschool children to help them prepare for and succeed in school. Unfortunately, this is only a fraction of the number of children that could benefit from Head Start services. In my own state of Nevada, there are just under 10,000 3- and 4-year-olds that are eligible for Head Start programs. But, last year, only about 27 percent of those eligible were able to participate.

The bill that we have passed will allow many of these children in Nevada and across the Nation to get the early childhood services that they need, by expanding access and eligibility for low-income children and families.

The legislation also makes a number of other important changes to the Head Start program. It focuses on developing the skills that children will need to enter school ready to learn by aligning Head Start standards and services with state child care and preschool programs and local public schools, and requiring new research-based standards and assessments.

And, to ensure that Head Start programs are effective, the bill requires greater accountability through improved monitoring and recompetition for poor performing Head Start centers. Finally, this bill strengthens the Head Start workforce by setting new education and training goals for Head Start teachers and curriculum specialists.

With proven and lasting results, Head Start is a wise investment in our future. I applaud the good work of the HELP Committee, and thank Senators KENNEDY, ENZI, DODD, and ALEXANDER for their efforts on behalf of low-income children across the Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I am delighted to join my colleagues in supporting the Head Start for School Readiness Act, which reauthorizes this critically important program to help prepare our most disadvantaged young children to attend school. We have worked hard to bring this bipartisan bill to the floor, and I particularly thank Senators KENNEDY, ENZI, and ALEXANDER for their leadership on this issue.

For more than 40 years, Head Start provided comprehensive early childhood development services to low-income children, creating an important bridge to kindergarten and beyond.

Head Start addresses the comprehensive needs of children and their families by offering not only academic opportunities, but also supports for health, nutrition, social skills, and more. More than 900,000 children across the Nation, including nearly 9,000 children in Connecticut, depend on Head Start to support their social, emotional, physical, and cognitive development. Head Start is the foundation for a lifetime of learning for many of our most vulnerable children, and this reauthorization provides for continued success, while also strengthening the program.

Among the many improvements in this legislation, of great importance is the expanded access to Head Start for more disadvantaged children. In Connecticut and other States where the cost of living is particularly high, many poor families aren't able to enroll their children in Head Start because they earn incomes just above the poverty level. This reauthorization allows programs to serve families with incomes up to 130 percent of the Federal poverty level, and expands opportunities for children of migrant families. Indian children, homeless children, foster children, as well as additional infants and toddler in Early Head Start programs.

Currently, only half of all eligible children are served in Head Start, and fewer than 5 percent are served in Early Head Start. Head Start programs are also facing tremendous increases in operating costs, including transportation, health care premiums, facilities maintenance, and training for staff; yet Head Start has essentially been flatfunded for years. This legislation authorizes an increase from $6.9 billion in the current fiscal year, to $7.3 billion in fiscal year 2008, $7.5 billion in fiscal year 2009, and $7.9 billion in fiscal year 2010, which will begin to meet the needs of Head Start children and allow for more enrollment opportunities. However, we must also acknowledge that we still have far to go before we provide adequate resources to this invaluable program.

We know that children struggle when their families are not involved in their education; and that parents play the most important role in ensuring the success of their children. This legislation encourages a high level of family involvement, maintains the integral participation of parents in the day-to-day operations of the programs, and offers family members key roles as decisionmakers.

I am pleased that this bill also improves program accountability by further clarifying governance responsibilities and enhancing teacher quality expectations. While we establish goals for improving educational standards for staff, we acknowledge that current resources may not adequately support staff to pursue additional training, nor provide enough for increased wages; therefore, we do not make these standards mandatory.

Head Start must continue to maintain a core and integral role in our broader early childhood care and education systems as we expand our efforts to improve early education across this country. The legislation encourages greater collaboration and coordination with other early childhood development programs.

Passing the Head Start for School Readiness Act today is an important step forward to improve opportunities for low-income children. Nothing reduces poverty like learning, and Head Start gives children what they need to learn early. I look forward to working with my colleagues to see that this important legislation becomes law.•

STATE ADVISORY COUNCILS

Mrs. MURRAY. Mr. President, I would like to inquire of Chairman KENNEDY regarding the State advisory councils on early childhood education and care included in S. 556, the Head Start for School Readiness Act.

Mr. KENNEDY. Mr. President, S. 556 affirms the active role that States have in coordinating their system of early childhood education programs, and encourages States to enhance that role to increase the quality of programs available to young children. The act designates an early care and education council in each State for the purposes of conducting an inventory of children's needs and exploring the availability of prekindergarten opportunities; exploring areas for collaboration and coordination across programs; developing plans for data collection and to support the professional development of early childhood educators; and providing for the review and upgrading of State early learning standards. For those States prepared and interested in moving forward with a statewide plan encompassing these activities, S. 556 provides for one-time incentive grants to further develop and implement these important efforts.

S. 556 also permit States to designate an existing entity to serve as the State advisory council on early childhood education and care, if such entity includes representation consistent with members mentioned in the act.

Mrs. MURRAY. I thank the chairman for his explanation of these provisions. I am concerned, however, that it may not be practical for States with existing advisory councils to reconfigure their membership to reflect all of the individuals mentioned in the Head Start bill. In my home State of Washington, we are leading the way on early childhood coordination and reform with the establishment in 2005 of Governor Gregoire's cabinet-level Department of Early Learning and the Early Learning Council, which became the Early Learning Advisory Council. The council is working hard to make sure early learning programs in my State are aligned and are providing high quality services. However, I want to make sure that the council is not unduly burdened for being a leader, and that it will not have to reconstitute its membership. I ask the chairman for his commitment to work with me as this bill is considered in conference with the House, to further resolve this issue.

Mr. KENNEDY. I agree and would be happy to work with you on this issue. S. 556 directs Governors to designate specific individuals as members of the State advisory council to the maximum extent possible. While some members may need to be added by States to their existing councils in order to meet the goals of this legislation, I agree fully that Governors will need some flexibility in this function. Therefore, I support grant additional discretion as they consider the makeup and function of their existing councils in relation to the roles and responsibilities under this Act.

Mr. DODD. Mr. President, I share Senator MURRAY's concerns and appreciate the commitment to working with us on this issue.

S. 556 also includes specific responsibilities of the State advisory council regarding early childhood activities, professional development and opportunities for coordination and collaboration. My State of Connecticut has been a leader in promoting the coordination and improvement of early learning opportunities for young children and has successfully carried out activities that complement the responsibilities under this act. Connecticut's Early Childhood Education Cabinet, which includes many of the members required by the Head Start Act, already advises the State on policy and on initiatives to meet early childhood goals, conducts statewide evaluations of the school readiness programs, and promotes collaboration and consistency of quality services.

Is it the intention that States would be required to abandon the progress made with their existing efforts and begin new initiatives to fulfill their responsibilities under S. 556?

Mr. KENNEDY. I appreciate the Senator's inquiry on this important point. That is not my intention, and S. 556 does not stipulate any requirements for States to conduct new efforts concerning their assessment of children's needs, opportunities for collaboration and coordination, the establishment of a unified data system, professional development activities, or other efforts described under the responsibilities of the State Advisory Council in this legislation. My own State of Massachusetts has also been a leader in carrying out several of these efforts through our own State Department of Early Care and Education.

Preexisting and current efforts in States to improve and enhance the quality of early childhood education programs would certainly help fulfill and count toward the responsibilities stipulated by the Head Start for School Readiness Act.

I ask Senator ENZI if he agrees with this point.

Mr. ENZI. I do agree with the chairman and would be happy to join him, Senator DODD, and Senator MURRAY in further clarifying these points as the conference committee considers S. 556 and begins its work on the reauthorization of the Head Start Act.

Mr. KENNEDY. I thank my colleagues for their work with me on these issues, and I commend them for their leadership on the important reforms in this bill.

Mr. SCHUMER. I ask unanimous consent that the substitute amendment at the desk be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the Senate insist upon its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the HELP Committee be appointed as conferees, with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1714) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER appointed Senators KENNEDY, DODD, HARKIN, MIKULSKI, BINGAMAN, MURRAY, REED, CLINTON, OBAMA, SANDERS, BROWN, ENZI, GREGG, ALEXANDER, BURR, ISAKSON, MURKOWSKI, HATCH, ROBERTS, ALLARD, and COBURN conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, JUNE 20, 2007

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, June 20; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 6 and resume consideration of the DeMint amendment No. 1546 and that there be 30 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senators DEMINT and BINGAMAN or their designees; that no amendment be in order prior to a vote in relation to the amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:18 p.m., adjourned until Wednesday, June 20, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

CONGRATULATING MR. AND MRS. TORRY KIDD, SR. ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BONNER. Madam Speaker, I rise today to congratulate Mr. and Mrs. Torry Kidd, Sr., on the occasion of their 65th wedding anniversary. Torry Kidd, Sr., and Lydia Stallworth were married on June 26, 1942, at Parsonages at Mt. Zion Baptist Church in Mobile, Alabama.

Mr. Kidd is a respected member of his church and community. He has been a member of the Greater Mount Olive Baptist Church #2 for over 60 years, recently serving as trustee. In 1942, he began his service with the U.S. Army. Following an honorable discharge, he went to work for McGowin & Lyons Hardware and Supply Company, while earning his degree from Spaulding Business School. Mr. Kidd then went to work for Moore Handley and became the company's first African-American salesperson. When the company relocated, Mr. Kidd became the building manager for World Wide Crating and Packing Company. He retired in 1984 and started Kidd Janitorial Service.

A member of Andrew Street Church of Christ for over 60 years, Mrs. Kidd was born Lydia Stallworth in Gordonville, Alabama. A graduate of Lowndes County Training School, her first job was with a janitorial service. After raising 11 children, Mrs. Kidd returned to the work force and began caring for elderly patients at Cogburn Nursing Home and later at the Medic Center in Mobile. Her skills combined with her compassionate heart led to requests for her service as a private duty nurse, which she was for over 30 years.

Their 11 children: Torry, Jr., Winston, Sr., Anthony, Sr., Christina, Wayne, Sr., Donna, Arnold, Sr., Amos, Beverly, Mark, Sr., and Phillip, Sr. would like me to pass on a special word of appreciation to their parents for the example they have set, the encouragement they have given; and yes, even the discipline they have administered. Mr. and Mrs. Kidd's family are grateful for the love they shared not only with them but with their many friends.

Madam Speaker, in these times where there is so much trouble and turmoil on the television set and all around us in our communities, it is refreshing to know a family that is committed to the values and outstanding morals that Mr. and Mrs. Torry Kidd, Sr., have encouraged in their marriage and family. I have no doubt that this marriage symbolizes the strength of character and love of God that every American should emulate. I know their 11 children, 25 grandchildren, 32 great grandchildren, and their many friends join with me in congratulating Mr. and Mrs. Kidd on their 65th anniversary and wishing for them many more happy celebrations to come.

MAJOR GENERAL JAMES H. PILLSBURY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to Major General James H. Pillsbury and his dynamic wife Becky Pillsbury. We hail from the same great State of Texas. These two wonderful public servants have committed their careers to serving our Nation.

This summer will mark the end of Maj. Gen. Pillsbury's tenure as Commander of the Army's Aviation and Missile Command at Redstone Arsenal in Huntsville, Alabama, a command he assumed on December 1, 2003. Leaving Huntsville with him is his wife Becky, who has made a lasting impression in the Huntsville community as an area school teacher for the disabled and board member for a long list of organizations serving soldiers and their families.

Maj. Gen. Pillsbury is a graduate of Trinity University in San Antonio, Texas where he earned a Bachelor of Arts Degree in History. After that, he attended Troy State University, earning a Masters of Science in International Relations. He has completed Infantry Officer Basic Course, Transportation Officer Advanced Course, United States Army Command and General Staff College, and the United States Army War College.

For the past 34 years Maj. Gen. Pillsbury has risen through the Army ranks, first commissioned as a Second Lieutenant in May of 1973. He has served here at home and abroad; his most recent position overseas was as the Deputy Chief of Staff, G–4, United States Army Europe and Seventh Army. Maj. Gen. Pillsbury has been decorated with numerous military honors including: The Defense Superior Service Medal, the Legion of Merit, the Meritorious Service Medal, and the Army Commendation Medal.

Becky also attended Trinity where she graduated with a degree in Elementary Education and Education for the Hearing Impaired and then pursuing her love for children with disabilities by earning a Masters from Pacific Lutheran University in Elementary Education and Learning Disabilities.

She has set a high standard for military wives at Redstone Arsenal. She co-founded the "Dream Factory," a wish granting organization for seriously and terminally ill children; and more recently co-founded "Still Serving Veterans," which affects the lives of thousand of new veterans in offering a wide range of support services as they transition to the civilian workforce.

Even though this outstanding couple is leaving the Huntsville community, they will not hesitate to come back and visit.

I ask my colleagues to join me in congratulating Maj. Gen. James H. Pillsbury and his wife Becky on a phenomenal job in Huntsville . . . and wishing them the best of luck with the next chapter in their lives.

IN HONOR OF MRS. WENDY HARDING

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. WESTMORELAND. Madam Speaker, I rise today to recognize and honor Mrs. Wendy Harding, the 2007 Muscogee County School District Teacher of the Year.

Almost every student that passes through a school, from the teacher's pet to the class clown, has a fond memory of a special teacher who positively influenced their lives. For many students at Columbus' Hardaway High School, that teacher has been a Spanish teacher named Wendy Harding.

Harding knows how to stick with a good thing once she's found it. She stayed happily married and raised two high-achieving children with her high school sweetheart Phil, who was also an educator, until his death from cancer 7 years ago. And Harding has spent every single day of her 31-year professional career at Hardaway High, making her the longest-serving teacher there.

Principal Matt Bell told the Columbus Ledger-Enquirer that Harding is an integral part of the school's success: "She's a leader in the school. She teaches everyone. She heads our mentor program. She cares about every student who comes through her doorway as well as students who don't. If a student doesn't learn in her class, she takes it personally. They all learn at a high level. They see her enthusiasm for her subject and her zest for life and it's just contagious."

Harding says she's wanted to become a teacher since she was 7 years old. Now, she mentors the next generation of teachers, encouraging her own students to pick up the torch that enlightens young minds. Those influenced by her example include her daughter, who last year was named First Year Teacher of the Year in a Texas school district. The skills needed to excel at the head of the classroom obviously run deep in the family blood.

I would like to personally thank Mrs. Harding for her many years of outstanding service to the young people of Muscogee County. Teachers such as her, across Georgia and the United States, make a positive difference every day.

On behalf of Georgia's 3rd Congressional District, I congratulate the Muscogee County

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Teacher of the Year and wish her many years of continued success.

TRIBUTE TO DR. PETER B. AJLUNI

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. KNOLLENBERG. Madam Speaker, I rise today to congratulate Dr. Peter B. Ajluni of Bloomfield Hills, Michigan on his election to the position of 111th president of the American Osteopathic Association.

In 1965, Dr. Peter B. Ajluni graduated from the Chicago College of Osteopathy to become a board certified osteopathic physician. For 35 years, Dr. Ajluni has delivered high quality service to his patients.

Currently, Dr. Ajluni is a senior orthopedic surgeon in the Bone and Joint Center at the Regional Medical Center in Mount Clemens, Michigan. He has also served as president of both the Michigan Osteopathic Association and the Michigan Osteopathic Academy of Orthopedic Surgeons. Furthermore, Dr. Ajluni has served on the American Osteopathic Association Board of Trustees since 1998.

As president of the American Osteopathic Association, Dr. Ajluni will lead 59,000 osteopathic physicians to deliver high quality and cost-effective health care in this vital profession. In addition, Dr. Ajluni will help to ensure the osteopathic community is united in their profession and that they receive the highest quality of education and training programs.

Dr. Ajluni resides in Michigan's Ninth Congressional district with his wife Judy. They have a daughter and two sons. I am proud to have the Ajluni family as constituents.

Madam Speaker, once again, I congratulate Dr. Ajluni on his election as the President of the American Osteopathic Association and for his long dedication to high quality patient care.

H.R. 2775, A BILL TO AUTHORIZE FUNDING FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. OBERSTAR. Madam Speaker, today I introduce H.R. 2775, a bill to authorize funding for the Emergency Management Performance Grant ("EMPG") program.

H.R. 2775 authorizes $1.35 billion for Fiscal Years 2009 through 2011 for the Administrator of the Federal Emergency Management Agency ("FEMA") to continue to implement the EMPG program. The bill codifies the EMPG program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act").

EMPG is the Federal Government's principal program to build the capability of State and local governments to prepare for, respond to, recover from, and mitigate all hazards. Administered by FEMA, EMPG is truly a partnership between the Federal Government and State and local governments that has withstood the test of time. This grant program has been in existence, under different names, since the 1950s and derives its authority from the Stafford Act.

As recent history has shown, despite the grave potential threat that terrorism poses, our country faces and responds to the threats of natural hazards far more frequency. The terror of Katrina is still fresh in our memories, and our Nation faces smaller-scale natural disasters every day. Just last month, a region of my district was devastated by a threat that started in the U.S., then roared across the Canadian border: not a terrorist attack, but a 75,000 acre forest fire.

Despite the risk that our country faces from all hazards, EMPG receives a small fraction of what the Federal Government spends on terrorism-specific programs. In April, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the Federal Government's programs related to preparedness for all hazards. At that hearing, Members of the Subcommittee learned that in FY 2006, EMPG received only a small fraction—about 10 percent—of the funding allocated to terrorism preparedness programs.

EMPG has a long, successful history of fostering true preparedness capabilities at the State and local level. The program requires a non-Federal share of 50 percent, but state and local governments overmatch Federal funds by approximately $96 million each year. This 50-percent cost share is specifically designed to require State and local governments to contribute their resources to building strong emergency management capabilities. This is why, unlike many other Federal grant programs, State and local governments have not sought an increased Federal cost share for this program.

Recently, some in Congress and in the Administration have sought to undermine and undo the EMPG program, by proposing changes that stand to gut the core all hazards nature of the program. I introduce this bill today to provide the current EMPG program with statutory reinforcement.

The administration proposed in its FY 2008 Budget request that EMPG should be combined with terrorism programs. I am pleased that the FY 2008 Homeland Security Appropriations bill, passed by the House last week, rejected this misguided proposal and funds EMPG as a separate program. The Committee on Appropriations recognized the importance of the EMPG program as "the one true all-hazard sources of funding for emergency managers," as stated in the Committee report. In the same manner that Congress must wall off and protect the appropriation for EMPG, we must act to reinforce this program through an authorization.

It has been suggested, in the other body, that the EMPG program be codified as an amendment to an act other than the Stafford Act. In fact, the Senate does exactly that in its version of the 9/11 Commission Recommendations Bill (S. 4). This approach would be a mistake. If EMPG is authorized outside of the Stafford Act, DHS may use its administrative authority to turn EMPG into another terrorism preparedness program. This shift would undercut all-hazards preparedness and place States in danger of not being ready for natural disasters and other non- terrorism hazards, which are significantly, even drastically, more likely to occur.

The Stafford Act is the natural and historic home for this program. The authority to prepare for all hazards must be kept together with the authority to respond to, recover from, and mitigate against all hazards, which is found in the Stafford Act. This view is supported by the nation's State and local emergency managers.

One of the key lessons learned from Hurricane Katrina is that separating the programs and organizations that prepare for disasters from the rest of the emergency management system leads to sluggish and ineffective response. Recognizing this mistake, Congress reunited preparedness with the rest of emergency management functions in FEMA at the end of the 109th Congress, by passing the Post Katrina Emergency Management Reform Act. This reorganization of FEMA became effective less than 3 months ago, on April 1, 2007. Authorizing EMPG as a program separate from the other emergency management programs would begin to undo this much-needed reform, and reinstate the mistakes that led to the Department of Homeland Security's dismal response to Hurricane Katrina.

IN HONOR OF LENORE GOLDEN SHACKELFORD

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Ms. Lenore Golden Shackelford of Quitman, GA. In recognition of her 60 plus years of service to her community in south Georgia and her nomination by the National Coalition of One Hundred Black Women as a "Woman Who Inspires."

Ms. Shackelford, a native of Quitman, GA, has spent the greater balance of her life in service to the community there. In 1950 she started her professional career as a Social studies teacher and Girls' Basketball Coach at Morven Rosenwald High School in Brooks County. She went on to teach the fourth and fifth grades at New Empress Elementary School in Brooks County before returning to school and receiving her Certification in Guidance and Counseling from Florida A & M University in 1959.

She returned to service in education as a Social Studies Teacher and School Counselor at Washington Street High School in Quitman, GA. Ms. Shackelford was one of the first certified school counselors in the state of Georgia and the first school counselor in Brooks County.

Ms. Shackelford was a devoted teacher and counselor, who made it her mission to have direct interaction with each of her students in order to help them have productive futures. During her 30 years as a school counselor, Ms. Shackelford was also very active in her community. She coordinated community committees to address personnel issues in the

Brooks County School System, organized Human Rights Committees, and played an instrumental role in establishing Martin Luther King, Jr. Day in Brooks County Public Schools.

So, on this the 19th day of June, 2007, I with great honor commend Ms. Lenore Golden Shackelford, for her many years of unheralded service to the people of Brooks County. She is truly a credit to the Second Congressional District of Georgia, the State of Georgia, and the United States as a whole.

$8 GASOLINE IN AMERICA'S SAUDI ARABIA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. YOUNG of Alaska. Alaska is America's Energy Ace in the Hole. If our Nation truly wanted to kick our OPEC habit, we would be using our own abundant resources of all kinds, including our conventional resources in Alaska. Not only is Alaska home to North America's largest producing oil field, it is also home to more clean coal than the entire lower 48 States. With modern technology, this resource could be used to produce clean energy and transportation fuels that would last for centuries. The people of the State of Alaska also claim the largest natural gas reserves and by far the largest unconventional natural gas reserves in a form of frozen natural gas known as methane hydrates. It is also home to that small part of ANWR that holds the promise as the largest energy complex yet discovered on our continent. Between its tens of billions of barrels of oil and untold amounts of clean burning natural gas, it could help Americans and generate revenues while providing high paying jobs here at home.

Unfortunately, there has been a decades-long campaign to deny America and Alaskans the benefits of this domestic energy. The consequence is that Alaska's pipeline that once sent over 2 million barrels each day of U.S. oil to American consumers now sends less than 800,000 barrels per day. America now imports the 1.2 million barrels per day that Alaska used to send to the West Coast. America now sends $84 million per day, over $30 billion per year, to foreign nations like Venezuela and nations in the Middle East who hate everything America stands for. The oil that isn't produced in Alaska also increases prices for all Americans, who can see it daily at the pump or monthly in their utility bills.

Recently a reporter for the Wall Street Journal, Mr. Russell Gold, traveled to the village of Shungnak, Alaska, to find out what impacts the increased cost of energy are having on the people who live there. It is rich irony, Madame Speaker, that in a State with huge energy resources people are suffering from high energy prices because their government has outlawed the production of this energy. It is reminiscent of Coleridge's lament in the Rime of the Ancient Mariner: "Water, water, everywhere, nor any drop to drink."

It is shameful that it is government policy that some people should suffer from higher costs of energy because others who do not suffer believe costs are not high enough and energy is too available for Americans. I hope Members will take the time to read what may be a story coming to their neighborhoods soon, if Alaska's energy resources continue to be locked away from the American people.

[From the Wall Street Journal, June 9, 2007]

RUNNING ON EMPTY ON A ROAD TO NOWHERE

(By Russell Gold)

SHUNGNAK, ALASKA—When Genevieve Norris was born 59 years ago in this remote Eskimo village, hunters used dog sleds to pursue caribou and moose. Wood stoves kept out the cold during the long, dark winters.

Then Shungnak entered the petroleum age, and fuel was barged up the Kobuk River every summer. Noisy electrical generators arrived, which allowed lights and indoor plumbing to be installed. Soon, nearly every home had snowmobiles, fourwheelers and heaters.

Now as crude-oil prices have doubled in the past couple of years, Ms. Norris and the rest of the village are being priced back out of the petroleum age. She heats her home with wood as much as possible and only occasionally buys gasoline for an outboard engine to go fishing. "Fuel right now, I'm only purchasing if I have to," says Ms. Norris.

Even though Shungnak is in energy-rich Alaska, home to the largest U.S. oilfield discovered in the past half century, it is at the very end of the oil-distribution system. By the time gasoline makes it here from where it is refined, it costs $8.11 a gallon, more than twice the current U.S. average.

The U.S. has long enjoyed among the lowest oil prices in the industrialized world—and until recently, even in remote Alaska, fossil fuel was affordable to the majority of people. Decades of cheap energy prompted Americans to use more and more petroleum, lengthening their commutes in the lower 48 states and trading in dog sleds for snowmobiles in Alaskan villages.

Today, the price of oil and all the products made from it has surged and seem likely to remain high for some time. This has raised the unsettling question: What happens to a community accustomed to cheap energy when the energy is no longer cheap?

Remote villages like Shungnak have long been fragile economies with little to offer residents by way of jobs and opportunity. High fuel prices have made a bad situation worse, threatening the survival of Shungnak as well as more than a hundred other remote villages. Some of the estimated 101,000 people living in these villages have left for Alaska's large cities, creating what one former state elected official has called "energy refugees."

These native-Alaskan villages are among countless poorer communities across the world that have been hammered by the new century's energy-price boom. Over all, strong economies such as China and most of the U.S. have held up well despite the sting of higher fuel prices. But in poor regions, the price shock has hit hard. Thousands of Nepalese took to the streets of Katmandu last year, resulting in bloody clashes with police, to protest a 25% rise in gasoline prices. In July 2005, under pressure from the International Monetary Fund, the Yemeni government lifted gasoline subsidies and the resulting riots left 22 people dead. The government buckled and restored subsidies. In Africa, Guinea's decision to reduce gasoline subsidies over the past two years helped spark general strikes and riots that claimed at least 11 lives.

The village of Shungnak was officially founded in 1899, but Eskimos have lived in the region for thousands of years traveling between summer camps and winter camps. Today, the village is a collection of 75 homes, a store, a school, a community health clinic and a city office building along a half dozen dirt streets. The foothills of the Brooks Range rise in the distance over the tundra.

Petroleum didn't arrive here until the middle of the 1960s. As the crow flies, Shungnak is only 310 miles northwest from the Flint Hills Resources refinery outside of Fairbanks, Alaska. But since there are no roads to Shungnak, the journey is a complex route that stretches more than 2,000 miles, passing mountain meadows where grizzly bears graze, caribou herds sipping from glacier-fed streams and mile after mile of rugged, unpopulated coastline.

TANKER CARS

First, fuel from the Fairbanks refinery is loaded onto rolling tanker cars and taken south through Denali National Park, past Mount McKinley and into the Port of Anchorage. Then it's loaded onto a barge and towed through the Unimak Pass, a navigable break in the Aleutian Islands, before it heads north for Kotzebue on the coast.

From there, the fuel is loaded once a year on a shallow-draft barge and pushed up the Kobuk River during a brief period when the snow melt engorges the river and makes it navigable. By the time it gets to Shungnak, it has traveled a distance equivalent to the drive from New York to Las Vegas.

Last year, one of the barge companies made it up the river and delivered distillate—a blend of heating oil and diesel that powers nearly everything from generators to furnaces—to the school and electric company. The other barge company, less experienced in the region's serpentine rivers, couldn't make it up to Shungnak during the brief window of time that the river thawed. Fuel had to be flown in from Fairbanks on propeller cargo planes, raising the cost to $8.11 for a gallon of gasoline and $6.50 for a gallon of heating oil. In February, heat in the town's only two-story building, which holds the city offices, post office and tribal-council office, went out for three days because the tank ran out and no one was willing to pay to fill it up again. The temperature inside dropped to 30 degrees below zero.

MANY JOBLESS

Half of Shungnak village is jobless, according to the state. Commerce Department data suggest that Alaskans living in remote villages like Shungnak already receive about 50% of their income from government programs, two and halftimes the average in the U.S. Now the situation is exacerbated because it is difficult to attract economic activity because of the high energy costs. Village leaders say their only choice is even more government aid.

"Half the village doesn't know how to go out and do a subsistence way of life . . . their lifestyle is living off the store, even though you hear them say 'We're natives, we can survive,'" says Raymond Woods, a member of the Shungnak tribal government.

Some residents are leaving town. Ms. Norris's daughter moved to South Dakota and her high-school-aged son talks about leaving after he graduates.

Those that remain behind are scraping along. Henry Douglas, 48, says he eats less meat and fish than he used to. Like most people here, he receives state energy assistance—credit at the tribal store. He got $1,500 in January to pay for heating oil. It lasted him through March. Afterward, he used a wood stove in the main room of the log cabin where he lives with his sister and his nephew.

His younger brother, George Douglas, 39, says he's fortunate to have a job as a school-maintenance worker. The paycheck gives him the $100 required to fuel up his Polaris snowmobile. He uses it to hunt caribou and distributes the meat to three households of relatives, including his brothers. Few of his relatives can afford to hunt much anymore because of the high cost of fuel.

Signs of the cost are everywhere in Shungnak. On a recent visit, there were photocopied fliers posted throughout the village with a stark reminder: May 29 is the day the Alaska Village Electric Cooperative bill collector was scheduled to be in Shungnak. The co-op, known as Avec, has seen past-due accounts soar in the past couple of years. Last year, it took out ads in local papers threatening to cut off paying customers if they allow delinquent customers to move in with them.

Researchers at the University of Alaska Anchorage estimated that one-quarter of household income in remote villages last year went to paying utility bills, double the percentage in 2000. The poorest residents in remote villages spent 61% of their income on utility bills, also double the level a few years ago.

Fuel bills are also swallowing the city's budget. Last November, the village's fuel and electrical bill accounted for 61% of total expenditures, according to town administrator Helen Mitchell. In response, it has cut costs. The hours for city workers were cut to six hours from eight hours a day last year. The part-time patrolman position was eliminated a couple of years ago.

The result of these crushing bills is that remote villages face a slow decline. Four schools in the last two years have shut their doors when they fell below 10 students and lost most state funding. In Shungnak, school enrollment is off 7% in the past decade. A few miles down the Kobuk River, the village of Ambler has lost 29% of its school-aged population.

Despite shrinking enrollment, the regional school district has been on a building boom in recent years, largely supported by state grants. That, in turn, has only increased its need for fuel. The new schools, despite better insulation, require more petroleum to operate.

NEW SCHOOL

In nearby Noatak, an 18,000-square-foot school was torn down and replaced with one more than twice as large with a new air-circulating system and more lights.

"We have a very fragile economy in most of these villages already and then you add the jolt of high fuel-oil prices. It's my guess that many of these communities will not find themselves viable if fuel prices stay here," says Mike Black, director of community advocacy at Alaska's Department of Commerce, Community and Economic Development. The villages, he says, "are begging, borrowing and stealing to get enough fuel."

The extreme costs of fuel in rural Alaska have led to numerous energy experiments. But various efforts to reduce rural Alaska's dependence on petroleum-based energy have struggled. Petroleum is easy to store, handle and transport, says Brent Sheets, head of the federal government's Arctic Energy Office in Fairbanks. "It is hard to beat diesel fuel," he says.

A proposal to build a small nuclear power plant for one small town was shelved when a study concluded that the federal security requirements made the project uneconomic. Solar isn't a good fit for Alaska, because fuel demand goes up in the winter when the state gets little sunlight. The Energy Department office even looked at turbines designed to harness river energy, dodging logs and car-sized icebergs, but plans never made it past the theoretical stage.

One alternative-energy success story is in Kotzebue, the hub community to the west of Shungnak on the Chukchi Sea. On the tundra outside of Kotzebue, where the only sign of life is paw prints from an Arctic fox, are 17 windmills capable of generating one megawatt of electricity. The windmills "are a hedge against rising fuel costs," says Brad Reeve, a Minnesotan who came to the town 30 years ago to run the public-radio station and now heads up the electric cooperative.

As the cost of bringing in diesel has grown, electricity from the windmills has looked better and better. But the windmills have a high upfront cost—they sit on special pilings with chemicals that ensure the tundra remains frozen to hold the windmills steady. And on a recent morning, as a computer in the coop's offices showed 2.8 megawatts of demand, the wind wasn't blowing. All of the electricity came from distillate-burning generators, a reminder that Kotzebue needs to keep a steady supply of oil.

In Shungnak, Mr. Woods, the tribal-government official, says he expects the oil will keep on flowing. Eskimos are accustomed to adapting to extreme conditions, he says. But there is little effort being made to teach children how to hunt the old way. "Their lifestyle now is so convenient," he says.

Hanging out on the steps of the village store after school with friends, 11th-grader Dion Tickett says he didn't grow up learning how to hunt or take care of a team of Alaskan huskies. He grew up watching television and riding snowmobiles, something he and his friends do to pass the time. "There's nothing to do around here," he says.

After school let out on a recent afternoon, Mr. Woods spent $90 to fill up his Arctic Cat snowmobile to take his son out hunting. But he doesn't expect his son to need these skills. In a couple of years, when his son enters high school, Mr. Woods plans to move his family to east Texas, where he was stationed in the military. Gasoline there costs just under $3.00 a gallon.

LEWISTON'S RECOGNITION AS ONE OF TEN ALL-AMERICAN CITIES

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. MICHAUD. Mr. Speaker, I rise today in celebration of the fact that Lewiston, Maine, has been recognized as 1 of 10 All-American Cities by the National Civic League.

Lewiston truly embodies both dynamic change and proud tradition and is extremely deserving of this award. Located in my congressional district in Maine, the city of Lewiston was first settled in 1770 by Franco-American and Acadian settlers, who came to Lewiston to find employment in the mills powered by the nearby Androscoggin River. Textile mills flourished as women from the surrounding countryside came for employment opportunities. The city continued to grow and expand, and by the 1950s, Lewiston had become the State's primary manufacturing center.

Unfortunately, the subsequent decline of textile manufacturing led to unemployment, decreased wages, and a need for new ideas and new industries. In the 1990s, the city began to focus on new downtown construction, bold development strategies, improved post-secondary educational prospects, expanded health care, and new cultural events. In 1992, the town acquired the Bates mill and redeveloped 500,000 square feet of space. Lewiston also joined in a partnership with Auburn, ME, for economic development, busing, 911 services and drinking water. In the downtown area, the Southern Gateway project established Maine's first fully-fiber optic community for telephone, cable and broadband services. University of Southern Maine has begun a new expansion which makes the Lewiston-Auburn College the fastest growing campus within the University of Maine system, while Bates College has been recognized as a best value college by a national publication.

Since 2003, Lewiston has invested $20 million in affordable housing to provide opportunities for families, and since 2000, it has seen $350 million in new business construction.

Today, Lewiston is thriving. It is home to almost 36,000 residents, and it is clear that her citizens are working together with great pride to continue building the community. Local institutions are deeply involved in helping Lewiston to grow and evolve. The Androscoggin Leadership Institute is helping the community to understand its current and future needs and find new opportunities for individuals to contribute. The local Thongragg Nature Center Project is now the largest bird sanctuary within New England; volunteers there ensure safe access to 5 miles of recreational trails. And since the city is now home to a large Somali community, the group United Somali Women of Maine has created a DVD that stresses the importance of education, changing roles of women, and the commitment to preserving their culture for the youth of Lewiston.

It is clear that Lewiston today is a center of business, volunteerism, education, environmental action, and diversity. The citizens are mindful of their proud traditions, and have made something very special in Lewiston, ME. Their achievements are truly something to commemorate, and I congratulate the city of Lewiston for their achievements and for the well-deserved recognition of this award.

CONGRATULATIONS TO BOB WILLIAMS ON THE OCCASION OF HIS RETIREMENT FROM THE WAVE TRANSIT SYSTEM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Bob Williams on the occasion of his retirement after 35 years of service in public transportation. For the past 6 years, Bob has served Mobile as the general manager of the Wave Transit System.

Bob began his career in Peoria, Illinois, as a bus operator and rose to assistant general manager. In 1988, he was selected to be assistant general manager of the Transit System in Charlotte, North Carolina, where he served for 12 years.

In 2001, Bob came to Mobile and was responsible for the overall management of day-to-day operations. He oversaw the opening of the renovated GM&O building and helped coordinate relief efforts during Hurricanes Dennis and Katrina. Bob forever changed the face of public transportation in Mobile—new carriers, the MODA, user-friendly routing, neighborhood pick-up service, comfortable rider stations, litter free bus rides, and increased ridership.

Madam Speaker, I ask my colleagues to join with me in commending Bob Williams for his tireless service to public transportation in Mobile. I know Bob's colleagues, his family, and his many friends join with me in praising his significant accomplishments and extending thanks for all his efforts on behalf of the citizens of the First Congressional District.

HONORING RODOLFO AND DORA MIRABAL FROM CORPUS CHRISTI, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to the accomplishments of two pioneers in the national Hispanic community, and their home in south Texas. Rodolfo Zepeda Mirabal, Sr., and Dora Cervera Mirabal, were two activists and organizers in the Corpus Christi community who answered the call of patriots and did much to make our community a better, more transparent, place to live.

Rodolfo was among the original founders of the League of United Latin American Citizens, LULAC, and in the 1920s he began publishing his own Spanish-language newspaper, called El Demócrata. In the 1930s Dora began an annual publication of a traditional form of Mexican satirical verse for Dia de los Muertos (Day of the Dead or All Souls Day).

Always civically engaged, Dora founded a bilingual school called El Circulo de Nuestros Amigos Para Los Estudiantes Bilingües, which operated at the Mirabal Printing Company and helped Spanish speakers learn English. She became the first female member of the Corpus Christi Mexican Chamber of Commerce, and served as an officer in the Corpus Christi Ladies' LULAC Chapter.

Together Rodolfo and Dora operated Mirabal Printing Company in the heart of the Mexican-American community of Corpus Christi.

In 1938 the couple began publishing a weekly, full-size Spanish language newspaper in Corpus Christi, El Progreso, which kept the community informed for 41 years. This paper not only served as a crucial resource to the Hispanic community for local, national, and international issues, but it tried to give the Mexican-Americans in the Coastal Bend inspiration and a voice.

Following Rodolfo's death in 1968, Dora Cervera Mirabal continued work on El Progreso until she died of cancer on December 4, 1979. The Mirabals were succeeded by three children: Rodolfo, Jr.; Rosie; and Robert, all of whom carry on the family's printing business today.

Rodolfo and Dora Mirabal were "lost giants" in the advancement of the Mexican-American civil rights movement who inspired not just my generation, but generations to come.

I ask the House of Representatives to join me today in remembering this extraordinary couple and their outstanding record of civic service to the city of Corpus Christi and the south Texas community.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. WESTMORELAND. Madam Speaker, on Friday, June 15 until the end of the legislative day, I was home in Georgia due to an unexpected medical condition of a family member. As a result, I missed a number of votes. Had I been present, I would have voted the following:

"Aye" on the McHenry 2nd Degree Amendment to the Fox Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 466).

"Aye" on the Fox Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 467).

"Aye" on the Fallin Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 468).

"Aye" on the Drake Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 469).

"Aye" on the King (NY) Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 470).

"Aye" on the Brown-Waite Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 471).

"Aye" on the Burgess Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 472).

"Aye" on the Ferguson Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 473).

"Aye" on the McHenry Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 474).

"Aye" on the Pearce Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 475).

"Aye" on the Carter Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (rollcall 476).

"Aye" on the McCaul (TX) Amendment No. 98 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 477).

"Aye" on the King (IA) Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 478).

"Aye" on the Bilbray Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 479).

"Aye" on the McCaul (TX) Amendment No. 99 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 480).

"Aye" on the Rogers Amendment No. 2 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 481).

"Aye" on the Poe Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 482).

"No" on the LaTourette Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 483).

"Aye" on the Tancredo Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 484).

"Aye" on the Tancredo Amendment No. 7 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 485).

"Aye" on the Royce Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 486).

"Aye" on the Forbes Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 487).

"Aye" on the Rogers (KY) Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 488).

"Aye" on the Rogers (KY) Amendment No. 1 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 489).

"Aye" on the Motion to Recommit H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 490).

"No" on Passage of H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 491).

"Aye" on Hayes Amendment to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 492).

"No" on the Blumenauer Amendment to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 493).

"Aye" on the Price (GA) Amendment No. 17 to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 494).

"Aye" on the Moran (KS) Amendment to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 495).

"Aye" on the Garrett Amendment No. 1 to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 496).

"Aye" on the Musgrave Amendment to H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 497).

"Aye" on Passage of H.R. 2642, the Military Construction and Veterans Affairs Appropriations for Fiscal Year 2008 (Rollcall 498).

IN RECOGNITION OF PASTOR DOUGLAS P. JONES

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize and congratulate Reverend Douglas P. Jones, who celebrates his 18th anniversary as pastor of the Welcome Missionary Baptist Church in Pontiac, Michigan, on June 18, 2007, as well as his birthday on June 10, 2007.

After graduating from the University of Cincinnati, Pastor Jones continued his studies in pastoral care administration at Cincinnati Bible College. On April 8, 1989, the Welcome Ministry Baptist Church voted to call Reverend Jones as their pastor. During his years of service, he has earned certificates in various workshops and counseling sessions, as well as special training in administration, management, and planning. Under his leadership, the congregation has seen its membership grow from 165 to over 3,600.

Pastor Jones' tireless efforts and continued dedication to the ministry has allowed him to develop strong support that extends throughout the city of Pontiac and Oakland County. This includes serving as the Chaplain of the Oakland County Sheriff's Department, Board Chair of North Oakland Medical Center, and acting as a board member for the Pontiac Oakland Symphony, the Minority Chamber of Commerce, and the Salvation Army. Pastor Jones is more than deserving of the numerous honors and awards that he has received over the past 18 years, including commendations from the City of Pontiac, the State of Michigan, and even recognition from President Bill Clinton.

The impact that Pastor Jones has had on the community is immeasurable. As founder and President of the Greater Pontiac Community Coalition and board member of the Pontiac Youth Assistance Board, he has established programs that guide our youth to a brighter future. In addition, the scholarship established by his church has helped open the doors of success to hundreds of young men and women.

Today I recognize Reverend Douglas P. Jones for his commitment to his faith and community. He has truly worked to help better those around him. I wish him many years of continued success and a happy and healthy birthday.

IN RECOGNITION OF STAFF SERGEANT SHANNON WEAVER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. ROGERS of Alabama. Madam Speaker, SSG Shannon Weaver was killed on May 21, 2007, in Baghdad, Iraq, when his vehicle was struck by an I.E.D. Staff Sergeant Weaver was assigned to the A Company, 425th Brigade Special Troops Battalion, 25th Infantry Division stationed in Fort Richardson, Alaska.

Staff Sergeant Weaver had previously completed two operational deployments and was on his second tour of duty in Iraq. Staff Sergeant Weaver will be dearly missed by family and the community of his youth, Piedmont, Alabama. Shannon was a graduate of Piedmont High School where he was a member of the football team. His former teammates recall a young man known for his strong will and determination.

Words cannot express the sense of sadness we have for his family and for the gratitude our country feels for his service. Staff Sergeant Weaver, like other brave men and women who have served in uniform, died serving not just the United States but the entire cause of liberty. Indeed, like those who have served before him, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our Nation. Thank you, Madam Speaker, for the House's remembrance at this mournful occasion.

COMMEMORATING UCLA'S 100TH NCAA CHAMPIONSHIP

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. WAXMAN. Madam Speaker, I would like to take this opportunity to recognize the University of California, Los Angeles for winning its 100th NCAA championship. UCLA is the first university to reach this historic milestone through the hard work and dedication of gifted young student-athletes and their coaches. Beginning with the university's first NCAA championship in tennis in 1950, 16 different men's and women's athletics programs have contributed to these 100 championships, establishing an unparalleled record of excellence. The most recent championship victory was achieved when the women's water polo team captured the 2007 NCAA title. For the talented young women of the water polo team, this represents their third consecutive championship and fifth overall.

Madam Speaker, while this is an occasion to commend these athletes, their coaches, the athletics staff, and the fans who proudly wear the blue and gold, we should recognize not only their athletic achievements, but also UCLA's outstanding tradition of nurturing student-athletes who excel both on and off the field and the contributions they make to their communities as they do so. I am proud and delighted to congratulate UCLA on this occasion. Go Bruins.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Ms. ESHOO. Madam Speaker. I was not present during rollcall votes Nos. 444–447 on June 7, 2007, and rollcall votes Nos. 492–498 on June 14, 2007.

On rollcall vote No. 444 I would have voted "yes."

On rollcall vote No. 445 I would have voted "yes."

On rollcall vote No. 446 I would have voted "no."

On rollcall vote No. 447 I would have voted "yes."

On rollcall vote No. 492 I would have voted "no."

On rollcall vote No. 493 I would have voted "yes."

On rollcall vote No. 494 I would have voted "no."

On rollcall vote No. 495 I would have voted "yes."

On rollcall vote No. 496 I would have voted "no."

On rollcall vote No. 497 I would have voted "yes."

On rollcall vote No. 498 I would have voted "yes."

HOUSE OF REPRESENTATIVES—*Wednesday, June 20, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIRES).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2007.

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As a people, we protect our privacy and prize our secrets. Perhaps this is why, O Lord, we have difficulty in accepting You as infinite self-disclosure.

Out of love for us, You continue to reveal Yourself in Your creation, by speaking Your word and breathing forth Your spirit upon us and the work of Congress.

Today, again, Lord, speak Your word and Your servants will try to listen more attentively. In the midst of the many problems and concerns before Congress, Your servants can seem at times distracted or even dissipated. Let faith open their minds and hearts.

Send forth Your spirit to free these leaders in government, touch individual consciences, and help them collaborate with one another to address the priorities of Your people as a focused agenda.

By Your revelation to them and in them may Your servants accomplish mighty deeds in Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute speeches on each side.

STAND BY OUR VALUES, IDEALS, AND PRINCIPLES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, in a recent international survey, we find that nations around the world think China could be better trusted to lead this world than the United States. It's a devastating conclusion. It would not have been the case even 6 years ago.

It's not that people around the world don't acknowledge our military power, but it is our arrogance and the fact that we don't live up to our principles and ideals that this survey reflects.

If we are going to win this so-called global war on terrorism, it is not going to be through a military victory. It is going to be because we stand by the values and ideals and principles that define us as a nation and as a people.

One of the things that every day undermines those defining principles is keeping the Guantanamo detention facility open, keeping hundreds of people detained without charging them, without enabling them to know what they are charged with and thus being able to defend themselves. It's the antithesis of what this country stands for. That detention facility needs to be shut down. And we need to regain our rightful position as the leader of the free world.

THE NINE FIREFIGHTERS OF CHARLESTON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, firefighters are a special brand of people. When others are fleeing burning buildings, firefighters suit up and charge head first into the searing infernos and blackening smoke, not stopping until that beast is tamed. They go where others fear to tread.

In Charleston, South Carolina, on Monday night, firefighters were called to a blaze at a local furniture store. As they were trained to do, they entered the engulfed building. Moments later, without warning, the roof of the furniture store collapsed, trapping and killing nine firefighters.

Last night, at 7:00 p.m., 24 hours after the tragedy, at 30,000-plus fire stations across the plains of America, firefighters stood in reverent silence for their brothers. This devastation in Charleston is the single greatest sacrifice of American firefighters since 343 of them were killed on September 11.

This Nation's firefighters are ordinary citizens armed with extraordinary bravery and dedication to the public. When danger occurs, most run from the danger, but America's firefighters are not like most. They run to the danger.

And that's just the way it is.

DEMOCRATS INVESTING IN RIGHT PRIORITIES

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, to govern is to choose. For the past 6 years, the choices made by the Republican leadership in this Congress have been wrong for America: tax cuts for the very wealthy, budget cuts for everyone else in health care, in education and the environment. It has led to the largest deficit in the history of this country.

The new Congress is making a different choice, promising to invest in America's priorities, first by bringing back fiscal responsibility and then making government work for average working families. Last week this House passed a Homeland Security bill. It improves aviation and port security, restores cuts to first responders across the Nation.

This week we passed an Energy and Water appropriations bill that finally provides a significant investment in studying the effects of global warming, something that's been ignored for far too long.

This new Congress is moving this country in a new direction and has made a new choice.

COMMENDING THE WORK OF HOUSE CONSERVATIVES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WILSON of South Carolina. Mr. Speaker, last week the House engaged in an important debate regarding the transparency and accountability of Member project requests. As Democrat leaders sought to earmark taxpayer dollars in the dark of night, and away from public scrutiny, House Republicans took them to task, demanding the reforms we past last year be upheld.

I am grateful for the work of my colleagues on the Republican Study Committee who are committed to returning our party to its roots of fiscal discipline. Budget Committee ranking member PAUL RYAN has worked tirelessly in his fight against the Democrat budget, which amounts to the largest tax increase in American history.

RSC chairman JEB HENSARLING and his staff are working night and day literally to promote conservative philosophy. I am especially thankful for the work of communications director Brad Dayspring, who works some of the longest hours on Capitol Hill to accomplish this goal.

In conclusion, God bless our troops and we will never forget September 11th.

FUNDING FOR VETERANS HEALTH CARE, DEMOCRATS PROVIDE LARGEST FUNDING INCREASE EVER

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Mr. Speaker, many of our soldiers returning from service in Iraq and Afghanistan suffer from a loss of limb or other serious wounds. Our VA and military hospitals have state-of-the-art facilities to treat these wounds and to help our soldiers make a recovery that they need and deserve.

But the same is not true for those soldiers who return from combat suffering from post-traumatic stress syndrome. A Washington Post series chronicled the struggles faced by many of our soldiers seeking psychological assistance and support from our medical facilities and from the VA. The Post writers concluded that Walter Reed lacks sufficient psychiatrists and clinicians to properly treat the growing numbers of soldiers returning with combat stress.

I am proud to say help is on the way. The historic VA funding which passed the House last week provides 600 million more than the President requested to treat PTSD and finally, finally, begin to address a disturbing problem. Let us not repeat the mistake we have made with our Vietnam veterans and begin to help our veterans now.

WORLD REFUGEE DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today is World Refugee Day, and I rise to draw the attention of this body to the plight of millions of refugees and internally displaced people around the world.

As a beacon of hope and freedom, the United States has historically been a leader in raising awareness and providing assistance to the world's refugees, and the need is certainly great.

Thousands, for instance, of Iraqis have been forced to flee their homeland and face a daily existence that denies them even the most basic protections. The military dictatorship in Burma has inflicted such horrific violence on the Burmese people that hundreds of thousands of people have been forced to flee just to save their own lives. These are just two examples. The list goes on.

There are over 8 million refugees, nearly 24 million IDPs, internally displaced people, worldwide. Combined, that's nearly equal to the population of California.

On this World Refugee Day, let us remember the plight of these people. Try to find ways that we can help and support them.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL AND STEM CELL RESEARCH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Saturday night Memphis, Tennessee, will celebrate the 50th anniversary of ALSAC, which is the fund-raising arm of St. Jude Hospital, an institution of which I am extremely proud.

St. Jude has used science to bring cures to cancer and to fight cancer for children. It is a leading institution in our country. President Bush has a stem cell bill before him that this House and the Senate have passed. It needs his signature to become law.

I plead to the President to allow that bill to become law, as Nancy Reagan has pleaded to the President when she saw her husband suffering from Alzheimer's; as Christopher Reeve pleaded when he had spinal cord injuries and some hope for his future, but didn't see it and died; as people with Parkinson's, multiple sclerosis and cancer hope.

Today I speak to you as a victim of polio. I wish we had stem cell research 50 years ago so we could regrow the muscle in my leg, and I would be whole, and I could play on the baseball team that the Congress has going to play next month. But I can't do it.

We didn't have that research. We didn't have stem cells. We have it today. We need to invest it for the people of the 20th century and to cure illness. Please, Mr. President, sign the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

DEMOCRATS ARE TAXING AND SPENDING

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, congressional Democrats are looking to fund $190 billion in spending projects. However, they don't have $190 billion. So the Democrats seem to be disguising the truth from the American people by playing hide and seek. They are hiding $190 billion by claiming it's in a reserve fund. But there isn't any reserve fund.

So where will $190 billion come from? Well, the Democrats have voted to terminate the Republican tax cuts of 2001 through 2003. The money will come from the American taxpayers.

As much as I strongly disagree with tax increases, the least the Democrats can do is to level with the American people.

Rather than playing hide and seek, the Democrats should have the political courage to admit that they are taxing and spending. The American people deserve to know the truth. After all, it's their money.

FUNDING FOR HEALTH CARE OF AMERICAN SOLDIERS

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute.)

Mr. MAHONEY of Florida. Mr. Speaker, it's an unfortunate fact of war young American soldiers are not only losing their lives on the battlefield, but many soldiers who survive traumatic combat injuries are returning home with equally serious psychological wounds. Unfortunately, the Veterans Administration has not been given, by this administration, the personnel and the funding necessary to address the problem.

A recent series of Washington Post articles followed the stories of several soldiers returning home from service in Iraq who suffer from post-traumatic stress disorder. The articles paint a harrowing picture of the challenges that face these veterans, suicidal patients left in waiting rooms, psychiatric wards with terrible odors and a disconcerting lack of therapy and treatment.

Mr. Speaker, last week this House took action to help our military personnel who are suffering from post-traumatic stress syndrome. We passed the largest increase for funding for veterans health care in the VA's history. This includes treatment for PTSD.

It is clear that these funds are desperately needed to provide better care for our men and women returning from serving our Nation.

□ 1015

AMERICA IS AT AN ENERGY CROSSROAD

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we in America are at an energy crossroad. Now, one road will lead to price controls and a potential energy crisis that would remind us of the 1970s. The other would lead to cutting-edge technology that will provide affordable, reliable energy for decades to come.

Yet, the liberal leadership in this House has chosen to revert to the 1970s and repeat that history. Today, the Energy appropriations bill under consideration will underfund nuclear production by $20 million in one account, hydroelectric power by $20 million in another account, and other forms of American productivity by hundreds of millions of dollars.

And where does the money go? Well, it goes to fund research for climate change in another bow to the religion of global warming.

And in coordination with other House and some Senate legislation, we find out that some of these proposals could end up raising the price of a gallon of gas over the next couple of decades to $6 a gallon.

We need to focus on energy independence today. It is what the American people want.

SOME THINGS ARE MORE IMPORTANT THAN POLITICS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, some things are more important than politics. Lifesaving research that has the potential to cure diseases and end suffering for millions of Americans ought to be one of them.

But for President Bush, certain things aren't above politics. The President formed his opinion on stem cell research and now he has America ensnarled in his political straitjacket.

The American people see stem cell research as a cure to illnesses that plague their family and family members.

So today, as the President vetoes legislation that is backed by 72 percent of the American people, he will attempt to fool the American public and soothe his conscience with a symbolic gesture that is empty of medical value.

The American people will not be fooled. They know that the President has failed to lead and, instead, made a decision that is a crushing blow to millions of Americans suffering from diseases like Parkinson's, Alzheimer's and ALS.

Sixty years ago, when America was plagued with polio, this Nation and its political leaders rose to the challenge and took on the medical challenge of their time. Thank goodness we are not facing that challenge now, and we had leaders then who put medical science ahead of political stance.

CATHEDRAL HIGH SCHOOL WINS CLASS 2A BASEBALL TOURNAMENT

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I rise today for a happy occasion to congratulate the St. Cloud Cathedral High School Crusaders for winning the Class 2A High School Baseball Tournament Championship in Minnesota.

This was a thrill, Mr. Speaker, when the Crusaders came from behind in the final inning, in a most dramatic 7–6 victory over the great students from Glencoe-Silver Lake. It doesn't get much better than this in Minnesota, Mr. Speaker.

The championship is a long tradition of success for the Cathedral students. And over the course of 13 State appearances, the Crusaders have come a way with six State titles.

This continued success of the program for the Cathedral Crusaders is no doubt due to the steady leadership of the head coach, Mr. Bob Karn who, in his 37 seasons of coaching the Crusaders, brought his team once more to a great victory.

Mr. Speaker, I ask that this body would join me in congratulating Coach Karn and the Cathedral Crusaders on their Class 2A State Baseball Championship.

DEMOCRATS CONTINUE TO WORK TO BRING REAL ACCOUNTABILITY TO WASHINGTON

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, when Democrats took control of Congress earlier this year, we vowed to restore accountability here in Washington. Unfortunately, President Bush is stubbornly resistant to any changes in the status quo.

Case in point: Earlier this year we passed the Accountability in Contracting Act which cleans up government contracting abuses and no-bid contracts that companies like Halliburton and KBR have made infamous. The bill overwhelmingly passed here in the House, and yet the Bush administration says it currently opposes the bill.

We've all heard about the $100 million compensation packages that executives walk away with at the same time their company is laying off their employees. So we in Congress passed a corporate accountability bill that enhances the accountability of corporate management shareholders by allowing a nonbinding vote by shareholders on executive compensation plans. But the administration opposes this legislation in its current form.

Mr. Speaker, despite opposition from the President and his party, Democrats will continue to serve as a catalyst for change to care about ordinary, hardworking Americans and bring real accountability here in Washington.

START ADDRESSING THE PRIORITIES OF THE AMERICAN PEOPLE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, during the first months of this new Congress, Democrats have passed resolutions congratulating sports teams and renaming post offices, along with the largest tax increase in American history. But they've done nothing to lower the tax burden on hardworking American families, enact legislation to address skyrocketing gasoline prices, or enact legislation to secure our borders.

I know what my district needs. Families in my district want a lower tax bill. They want us to spend their tax dollars sparingly and wisely. My constituents want to pay less for gas at the pump. They want to know our borders are secure, and that our ports and airports are safe from terrorists.

It's time for this Congress to start addressing the priorities of the American public. It's time we stopped passing resolutions congratulating sports teams and started enacting legislation into law.

I urge my Democrat colleagues not to continue to languish as a do-nothing Congress, but to let us start enacting some of the legislative priorities of our constituents into law.

A CHANGE IN DIRECTION IS NEEDED IN IRAQ

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, this weekend, General David Petraeus acknowledged that we will not see any significant improvements in the situation on the ground in Iraq by September.

When President Bush first proposed the troop escalation plan at the beginning of this year, he said we should know if it's actually working by the beginning of the summer. A couple of months later, when the troops were actually on the ground, the President revised that time frame, saying that we should have a good grasp if the plan is working by September.

Now we have confirmation from the President's top general on the ground that positive signs in Iraq will continue to be elusive.

The question now is, will the administration do as it has in the past and change the deadline?

Moving deadlines are simply no longer acceptable. President Bush has been promising for months that we would see significant changes come September, and since that is no longer possible, a significant change in direction is needed in Iraq.

It is time for the President and the congressional Republicans to realize that Petraeus is now admitting that no improvements will be seen by September.

ADDRESSING VETERANS' INVISIBLE WOUNDS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, our troops are returning from all over the world having suffered from many wounds, but many of the wounds that they're suffering from are not visible to the naked eye. Those wounds are psychological wounds. And tragically, our veterans system is not equipped, as we've seen this last week from a series by the Washington Post, to address many of those concerns.

Our Nation needs to be better prepared to address the psychological and emotional wounds that our veterans are facing. And tragically, this country has not come to grips with the mental health crisis that even our own citizens face.

This Congress needs to address this problem. It needs to address it within the Veterans Administration, and it needs to address it for this country by passing mental health parity and by making sure that we address PTSD for our veterans, making sure we have oversight of the VA, and making sure that they address the needs of our veterans, both visible and invisible wounds of our Nation's veterans.

BUSH ADMINISTRATION BLOCKING DEMOCRATIC ATTEMPTS TO MOVE AMERICA IN A NEW DIRECTION

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, over the last 6 months the new Democratic Congress has passed over 37 major pieces of legislation, many of them with bipartisan support, which have helped millions of Americans. Unfortunately, President Bush seems content with the status quo, opposing two-thirds of our forward-agenda.

Today, the President will again veto legislation providing for a serious Federal investment in lifesaving stem cell research, supported by 70 percent of the American people. Further stem cell research would give new hope to millions of American families across the country suffering from life threatening and debilitating diseases like lupus, juvenile diabetes and Parkinson's.

Earlier this year, we approved a defense authorization bill that includes a 3.5 percent pay raise for military personnel. The President's response was a veto threat. He believed a 3.5 percent raise was too much.

Mr. Speaker, there is never too much gratitude and respect we can show for our troops. We don't show gratitude with lip service, we show it by action.

Mr. Speaker, I was elected in November to move this country in a new direction, and my fellow Democrats are serious about real change. And I respectfully ask the President to join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 923) to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emmett Till Unsolved Civil Rights Crime Act of 2007".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

SEC. 3. DEPUTY CHIEF OF THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION.

(a) In General.—The Attorney General shall designate a Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice.

(b) Responsibility.—

(1) In general.—The Deputy Chief shall be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) Coordination.—In investigating a complaint under paragraph (1), the Deputy Chief may coordinate investigative activities with State and local law enforcement officials.

(c) Study and Report.—

(1) Study.—The Attorney General shall annually conduct a study of the cases under the jurisdiction of the Deputy Chief or under the jurisdiction of the Supervisory Special Agent and, in conducting the study, shall determine—

(A) the number of open investigations within the Department for violations of criminal civil rights statutes that occurred not later than December 31, 1969;

(B) the number of new cases opened pursuant to this Act since the previous year's study;

(C) the number of unsealed Federal cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(D) the number of cases referred by the Department to a State or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in State charges being filed, the jurisdiction in which such charges were filed, the date the charges were filed, and if a jurisdiction declines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(E) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant federal statutes;

(F) the number of attorneys who worked, in whole or in part, on any case described in subsection (b)(1); and

(G) the applications submitted for grants under section 5, the award of such grants, and the purposes for which the grant amount were expended.

(2) Report.—Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 4. SUPERVISORY SPECIAL AGENT IN THE CIVIL RIGHTS UNIT OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) In General.—The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice.

(b) Responsibility.—

(1) In general.—The Supervisory Special Agent shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) Coordination.—In investigating a complaint under paragraph (1), the Supervisory Special Agent may coordinate the investigative activities with State and local law enforcement officials.

SEC. 5. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General may award grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution by them of criminal offenses, involving civil rights, that occurred not later than December 31, 1969, and resulted in a death.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2008 through 2017 to carry out this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, in addition to any other amounts otherwise authorized to be appropriated for this purpose, to the Attorney General $10,000,000 for each of the fiscal years 2008 through 2017 for the purpose of investigating and prosecuting violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. These funds shall be allocated by the Attorney General to the Deputy Chief of the Criminal Section of the Civil Rights Division and the Supervisory Special Agent of the Civil Rights Unit of the Federal Bureau of Investigation in order to advance the purposes set forth in this Act.

(b) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in section 4(b).

SEC. 7. DEFINITION OF "CRIMINAL CIVIL RIGHTS STATUTES".

In this Act, the term "criminal civil rights statutes" means—

(1) section 241 of title 18, United States Code (relating to conspiracy against rights);

(2) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(3) section 245 of title 18, United States Code (relating to federally protected activities);

(4) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(5) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(6) any other Federal law that—

(A) was in effect on or before December 31, 1969; and

(B) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, before the date of enactment of this Act.

SEC. 8. SUNSET.

Sections 2 through 6 of this Act shall cease to have effect at the end of fiscal year 2017.

SEC. 9. AUTHORITY OF INSPECTORS GENERAL.

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

"SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

"(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

"(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

"(2) by engaging in similar activities.

"(b) LIMITATIONS.—

"(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

"(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank my chairman of the Subcommittee on Crime.

Mr. Speaker, today is a very important day. What we're doing is recalling a difficult period in American history to understand the combined climate at that time that coexisted with fear and violence during the civil rights era. And so we have the Emmett Till Unsolved Civil Rights Crime Act.

The first thing I want to do is try to recapture, for the moment, all those who were not in the Judiciary Committee the day of the testimony, because it moved both Republicans and Democrats and visitors when we had Myrlie Evers, the widow of Medgar Evers, who was himself a victim of the violence that marked the civil rights era, talking to us about Emmett Till and how this youngster's life was taken.

And it was one of those moments in judiciary history that we were all electrified by the ability of our witnesses to recapture this moment in our history.

□ 1030

It was a remarkable hearing. I commend the gentleman from Virginia (Mr. SCOTT) and others, including the ranking member of the Judiciary Committee, LAMAR SMITH, and also I lift up the name of STEVE KING of Iowa. Everybody was moved by this determination that at this point in American history we are now moving forward at a pace that may not always be recognized, faster than we think. And the reason I say that is that we are now going back into history to make the corrections that law enforcement could have and should have made at that earlier time. So it is to me a very powerful determination of the Committee on the Judiciary to bring H.R. 923 to the floor for the expedited action that is required this morning.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act of 2007. I am a cosponsor of H.R. 923, which has broad bipartisan support.

At the full committee markup of this legislation last week, members from both sides of the aisle, as Chairman CONYERS just mentioned, and from all backgrounds and experiences joined together to ensure the swift prosecution of civil rights-era crimes, which were oftentimes ignored.

It is appropriate that the House consider this legislation today, Mr. Speaker. Last week marked the 44th anniversary of the murder of civil rights leader Medgar Evers. Before his death, Medgar Evers was a primary, although unofficial, investigator of the Emmett Till murder. The committee was privileged to hear from his widow, Mrs. Myrlie Evers William. She movingly testified that the conviction of Medgar's killer in 1994, 31 years after his murder, gave a sense of hope to those who experienced this bleak time in our Nation's history.

Last week also marked an enormous victory in the fight to bring justice to unsolved civil rights-era murders. A Mississippi jury convicted former Klansman James Ford Seale for his role in the 1964 kidnapping and murder of 19-year-olds Charlie Eddie Moore and Henry Hezekiah Dee.

Unfortunately, time is running out for other unsolved civil rights-era murders. To date, the FBI has identified nearly 100 outstanding cases that still need to be solved. Many of these crimes are 30 to 40 years old. Evidence has been lost or destroyed, witnesses and defendants have died, and memories have dimmed. We must act swiftly to help bring long overdue justice to the victims, their families, and the communities that these brutal crimes affected.

H.R. 923 directs the Attorney General to designate a deputy chief within the Civil Rights Division of the Department of Justice to coordinate the investigation and prosecution of unsolved civil rights-era murders. The bill also directs the Attorney General to designate a supervisory special agent within the Civil Rights Unit of the FBI to further investigate these outstanding cases.

Finally, the bill provides much-needed resources to the Department of Justice, the FBI, and State and local law enforcement officials to prosecute these same cases.

Mr. Speaker, I want to especially thank Chairman CONYERS and Representatives NADLER, FRANKS, SCOTT, and FORBES, members of the Judiciary Committee, for their commitment to this legislation.

I hope my colleagues will support this much-needed bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. FORBES), the ranking member of the Crime Subcommittee, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), and I ask unanimous consent that he be allowed to control that time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), and I yield him such time as he may consume.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act of 2007. This important bill enjoys wide bipartisan and bicameral support. The bill will assist Federal, State, and local governments with the important task of solving unsolved civil rights-era crimes.

Mr. Speaker, at the recent joint hearing held by the Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Constitution, Civil Rights, and Civil Liberties, we heard from six excellent witnesses. The most moving of these were Mrs. Myrlie Evers Williams and Mrs. Rita Schwerner Bender, both of whose husbands the Ku Klux Klan assassinated because of the import civil rights work they were doing. The Klan assassinated Medgar Evers on June 12, 1963, and Michael Schwerner on June 21, 1964. The gentleman from Georgia (Mr. LEWIS) has asked us to take up this act now because it coincides with the anniversary of these two important events. In both cases it took government authorities decades before the killers were convicted of these brutal murders.

Unfortunately, these cases were not isolated incidents. There are dozens of cases, probably hundreds, like these, some of which have never been acknowledged, investigated, or prosecuted. Indeed, we don't even know how many people were murdered during the 1950s and 1960s, because retaliation was so common that many families did not dare report that their loved ones had been murdered. The FBI has identified more than 100 cold cases that should be investigated and, when possible, charges should be brought against the accused killers.

I support H.R. 923 because it will hold the Department of Justice and the FBI accountable for following through on these investigations and prosecutions. The act requires the Attorney General to appoint a specific high-ranking employee in each agency to be accountable for this work. The act also requires the Department of Justice to report to Congress annually on the progress it has made towards solving these cases, and the first such report is due 6 months after the bill becomes law.

Lastly, the bill authorizes funds to the Department of Justice, the FBI, and when appropriate, State and local enforcement agencies, to investigate and prosecute these cases.

The FBI has already made a start in investigating these cases when it kicked off the Cold Cases Campaign in February of 2006 and expanded on this campaign in February 2007 when it solicited assistance from major civil rights organizations. However, there is still much more work that needs to be done, and Federal resources are necessary to do it. H.R. 923 will provide these necessary resources.

I urge my colleagues to support this important bill.

Mr. FORBES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I thank my friend for yielding me the time this morning.

Mr. Speaker, in 1963, while confined in the Birmingham city jail, Dr. Martin Luther King, Jr. wrote a letter to eight Alabama clergymen regarding his recent demonstrations. In that letter, Dr. King eloquently wrote: "Injustice anywhere is a threat to justice everywhere." Dr. King's words ring true today in this debate on H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act. We can no longer stand by and allow those civil rights cold cases to collect dust on our shelves. As a Nation, we owe it to the victims and their families and the country generally to provide them with long overdue justice.

Before I begin, I see waiting in the wings my good friend and colleague, the gentleman from Georgia (Mr. LEWIS). His diligence and perseverance on this legislation has been instrumental in getting us here today.

Mr. Chairman, thank you for considering this bill.

It is truly an honor to stand in league with my friend from Georgia as we began this bill, actually, this trek in the last session of Congress, and certainly he is a giant in the civil rights legislation and it is a privilege for me, Mr. LEWIS, to stand with you on this bill.

I also want to thank Alvin Sykes, who is the president of the Emmett Till Justice Campaign, and also former Senator Jim Talent from Missouri. Had it not been for them, I don't think we would be standing here today. Mr. Sykes was inspirational in opening the Emmett Till case, for whom this legislation is named. He came to Senator Talent two years ago with the idea that ultimately spawned this legislation.

I think in the short time of this calendar year, a couple of months ago we commemorated as a Nation the 150-year anniversary of the Dred Scott decision. As the gentleman from Michigan eloquently stated a moment ago, there have been chapters in our country's history that are not proud chapters, and yet we cannot turn past those chapters in the book of history, but instead must focus and right wrongs.

For those of you who don't know the story of Emmett Till, Emmett was a 14-year-old African American boy from Chicago who spent his summer vacation with relatives in Mississippi. One afternoon, young Emmett spotted a Caucasian woman and allegedly whistled. For this indiscretion he was kidnapped from his house, brutally beaten, and thrown into a river with weights around his neck. And although Emmett's murderers were quickly arrested and placed on trial, the jury acquitted them and they walked out of the courtroom as free men. What makes this story even more tragic is that about a year later, one of the murderers confessed to his guilty conduct, without remorse no less, in an interview in Look magazine.

As an original cosponsor of this bill, I rise today to express my strong support for this legislation as I hope it will help bring closure to countless families who continue to suffer from injustices perpetrated so long ago. As has been noted, this legislation will establish an Unsolved Civil Rights Crime Investigative Office within the FBI to investigate these pre-1970 cases in conjunction with, that is, in conjunction with, State and local authorities. H.R. 923 will also create an Unsolved Crime Section to prosecute these cold cases.

In my previous life as a prosecutor, I tried some three dozen or so murder cases. And with any trial, particularly murder trials, time is of the essence. And that is especially true with cold cases that this legislation addresses. Over the past nearly 20 years, we have had 29 unsolved civil rights murder cases that have been reopened, reexamined. Thankfully, 22 convictions have resulted. We have seen justice brought to the families of Henry Dee and Charlie Moore, who were only 19 when they were murdered. What were their infractions that caused this horrific end to their lives? Henry and Charlie were believed to have knowledge about African Americans importing firearms into the country. And for this James Ford Seale and a group of fellow Klansmen kidnapped Henry and Charlie, took them into the woods, brutally beat them, and drove them into Parker's Landing in Mississippi. Henry was tied to an engine block and thrown into the Mississippi River, still alive. Charlie had to sit there and watch his friend drown, knowing that his fate would be no different. Their bodies were found several months later, Henry still tied to the engine block, Charlie to a pile of iron weights.

After more than 40 years. James Ford Seale was finally held accountable for his actions, convicted just last week for his role in the murders. A fellow Klansman was given immunity in exchange for testifying about Seale's role in the murders.

The Nation has witnessed the conviction of Edgar Ray Killen for his part in the murders of civil rights activists Andrew Goodman, Michael Schwerner, and James Chaney. Ironically, tomorrow, June 21, actually marks the anniversary of those murders.

We have recently seen authorities reexamine the murders of Johnnie Mae Chappell in Florida and Jimmie Lee Jackson in Alabama and hopefully, hopefully, with the enactment of H.R. 923, many more.

Supreme Court Justice Thurgood Marshall once said: "Justice too long delayed is justice denied." I urge all my colleagues to support this legislation so we can continue to help heal the Nation, rectify the inequities of the past, and provide justice to those who have been seemingly forgotten.

☐ 1045

Mr. CONYERS. Mr. Speaker, in recognizing the gentleman from Georgia, JOHN LEWIS, I can't help but observe that the difference between this crime, the Emmett Till crime of 52 years ago, and today is that passionately held beliefs about justice and fairness could cost you your life. There are only a few people left in America today who put their lives on the line knowingly in this struggle for justice, and the one in this body, the 110th Congress, is none other than JOHN LEWIS of Georgia, and I yield him as much time as he may consume.

Mr. LEWIS OF Georgia. Mr. Speaker, I want to thank my good friend, the chairman of the Judiciary Committee, (Mr. CONYERS) for those kind words.

Mr. Speaker, I am so pleased the Emmett Till Unsolved Civil Rights Crime Act is being considered today before the full House of Representatives.

I would like to thank the lead cosponsor of this bill, my good friend, Representative KENNY HULSHOF from Missouri, and my good friends in the United States Senate, Senator CHRIS DODD of Connecticut, and Senator PATRICK LEAHY of Vermont for their distinguished support in this effort.

Again, I must thank Chairman CONYERS for all of his help and for all of his support in bringing this bill before us today. Also, Subcommittee Chairs SCOTT and NADLER for coordinating a powerful hearing on this legislation.

Mr. Speaker, the time has come for the sake of history, for the sake of justice, for the sake of closure, the 110th Congress must pass this legislation.

On August 28, 1955, almost 52 years ago, a 14-year-old boy from Chicago, a young African American boy, was visiting his uncle in Money, Mississippi. He was pulled from his bed in the darkness of night. He was beaten until he could hardly be recognized. He was shot in the head, and his body was dumped in the Tallahatchie River, all because somebody said he had been fresh with a white woman.

Several years later, an intelligent and dignified NACP leader named Medgar Evers was gunned down in front of his home in Mississippi in June of 1963. Some historians said it was the injustice of these unsolved two murders that began the mass movement in the American South that we call the modern-day civil rights movement.

Who can forget the NAACP leader and his wife, Harry and Harriette Moore, who were killed by a bomb on Christmas night as they celebrated their 25th wedding anniversary in 1951 in Florida? Who can forget the two black couples lynched about 60 miles east of Atlanta in 1946, or the death of Lemuel Penn, a lieutenant colonel in the United States Army Reserve from Washington, DC, who was a veteran trying to get home from Fort Benning, Georgia for a little rest. He was killed in 1964 as members of the KKK drove by him on a highway.

Who can forget Viola Liuzzo, shot down in Alabama in 1965, from the hometown of our chairman, Chairman CONYERS from Detroit, trying to bring nonviolent activists back to their home after the Selma-to-Montgomery march?

There are hundreds, maybe even thousands, of these crimes that were never brought to justice. There are murderers who have walked free for decades while the families of victims cry out for justice. Passing this bill is the least we can do. And we must do something to right these wrongs.

I will never forget the three civil rights workers, 3 young men I knew, Andy Goodman, James Chaney and Mickey Schwerner. They came to Mississippi with a simple mission, to register as many black voters as possible. They were stopped, arrested, taken to jail. Later that night, June 21, 1964, they were taken from jail by the sheriff and his deputy, turned over to the Klan, where they were beaten, shot and killed. They didn't die in Vietnam. They didn't die in Eastern Europe. They died right here in the United States. They died in Philadelphia, Mississippi.

Viola Liuzzo didn't die on a road or some street in Baghdad, she died right there in Alabama on Highway 80. Lemuel Penn, Medgar Evers, Emmett Till and countless others didn't die in the Middle East; they died right here in our own country fighting for simple justice.

Mr. Speaker, we have an obligation, we have a mission, we have a mandate. The blood of hundreds of innocent men and women is calling out to us. Then, no one came to their aid. But today we can help make it right. Let us move to close this dark chapter in our history. Let us try to wash away the stains on our democracy. So I call on all of my colleagues to pass this legislation and pass it today.

Mr. Speaker, I submit the following letters of support for H.R. 923, the Emmett Till Unsolved Civil Rights Crimes Act.

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW,
Washington, DC, June 18, 2007.

Hon. NANCY PELOSI,
U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I am writing on behalf of the Lawyers' Committee for Civil Rights Under Law to express our strong support for H.R. 923/S. 535, the Emmett Till Unsolved Civil Rights Crime Act. The bill, sponsored by Congressman John Lewis of Georgia, will give the U.S. Department of Justice the funding and tools necessary to investigate and prosecute civil rights era murders.

Ever since our founding by President John F. Kennedy in 1963, the Lawyers' Committee has sought to attain equal justice under law for all Americans, and the Unsolved Civil Rights Crime Act is an important step in continuing that mission.

We are hopeful that the House of Representatives will pass the bill this week, as June 21 represents an incredibly symbolic day in the history of the civil rights movement. On that date in 1964, KKK member Edgar Ray Killen assembled a mob to hunt down three civil rights workers in Mississippi. The victims' names were James Chaney, Andrew Goodman, and Michael Schwerner. Those young men sacrificed their lives in pursuit of equal rights for all Americans, yet their killer roamed free for decades until a court finally convicted him on June 21, 2005.

We urge Congress to mark this important anniversary by passing H.R. 923.

The bill assigns offices within the Justice Department the specific responsibility of investigating and prosecuting civil rights murders before 1970. Then, civil rights murder cases that went to trial often ended in hung juries. However, today, different attitudes and improved race relations could result in color-blind justice, and technological advancements could allow prosecutors to present more persuasive evidence at trial.

To this end, H.R. 923 will provide the Justice Department with $11.5 million in funds to carry out their duties, a sum publicly supported by a D.O.J. representative at a recent House subcommittee hearing.

At that same hearing, Myrlie Evers-Williams, the widow of slain civil rights worker Medgar Evers, spoke in support of the bill. Her husband was assassinated in 1963, and three decades later, a jury convicted 74 year-old Byron de la Beckwith of the murder, proof that justice knows no time limitations.

Although the Lawyers' Committee and Americans-at-large are thankful that the Evers family and others have received some level of closure, we know that countless American families are still waiting to see justice served. Just last week, a federal jury convicted James Ford Seale of two counts of kidnapping in relation to the 1964 murders of two African-American teenagers. Passage of the Emmett Till Unsolved Crimes Act will help the Justice Department investigate and prosecute cases similar to the Killen, Seale, and De la Beckwith trials.

With your support of this measure, aging murderers who have subverted our legal system for decades could finally face a court of law. The long-grieving families of numerous victims could hope to see closure. Perhaps most importantly, this bill could assist the United States government in upholding justice, no matter how long overdue.

Again, we urge you to mark this important anniversary by scheduling a floor vote on H.R. 923/S. 535 this week. Please feel free to contact me if you have any questions regarding this request.

Sincerely,

JOHN G. BRITTAIN,
Chief Counsel.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, June 4, 2007.

Hon. JOHN LEWIS,
Cannon House Office Building,
Washington, DC.
Hon. CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.
Hon. KENNY C. HULSHOF,
Cannon House Office Building,
Washington, DC.
Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR COLLEAGUES: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with nearly 200 member organizations, we urge you to cosponsor and support the bipartisan Emmett Till Unsolved Civil Rights Crime Act (S. 535/H.R. 923). LCCR believes that it is imperative to put resources behind investigating and prosecuting those individuals involved with committing the unsolved civil rights era crimes.

The historic conviction of Edgar Ray Killen, for the 1964 deaths of three Mississippi Civil Rights workers, Andrew Goodman, James Chaney, and Michael Schwerner, demonstrates how it is imperative that our nation bring murderers to justice, even if several decades have passed since these heinous crimes were committed. However, time is running out because the witnesses to these crimes are elderly.

S. 535/H.R. 923 will create two new offices to investigate and prosecute unsolved civil rights era murders. The Unsolved Civil Rights Crime Investigative Office, a new FBI office headed by a Chief Investigator, will aggressively investigate pre-1970 murder cases in coordination with state and local law enforcement. The second office will be the Unsolved Crimes Section in the Civil Rights Division of the DOJ, which will focus specifically on prosecuting these cases. If a crime other than murder is discovered during the course of an inquiry, it will be referred to the appropriate law enforcement officials.

The bill authorizes $11.5 million in annual appropriations: $5 million for the Unsolved Crimes Section, $5 million for the Unsolved Civil Rights Crime Investigative Office and $1.5 million for Community Relations Service of the Department of Justice to work with local communities in identifying these cases.

We hope that you co-sponsor and support the Emmet Till Unsolved Civil Rights Crime Act (S. 535/H.R. 923), which will bring to justice individuals who committed heinous crimes against civil rights activists and individual African Americans.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Vice President/Director of Public Policy.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, June 5, 2007.

Re H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act.

Hon. JOHN LEWIS,
U.S. House of Representatives,
Washington, DC.
Hon. KENNY HULSHOF,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMEN LEWIS AND HULSHOF: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized/grassroots civil rights organization, I would like to thank you for your sponsorship of and leadership behind H.R. 923 the Emmett Till Unsolved Civil Rights Crime Act. It is imperative to bring murderers of early civil rights activists to justice, to show the victims' families, as well as the Nation, that their sacrifices continue to outrage our Nation. The United States' government needs to commit the resources necessary to see that these heinous crimes intended to intimidate are resolved.

Witnesses and evidence to these crimes are aging and time is of the essence. As proven by the historic 2005 conviction of Edgar Ray Killen for the 1964 deaths of three Civil Rights workers, Andrew Goodman, James Chaney, and Michael Schwerner, and the 1994 conviction of Byron De La Beckwith of the murder of Medgar Evers, more than 40 years earlier, there is no time limit on justice.

As you know, this bill creates two new offices within the Department of Justice whose sole purpose is to investigate these crimes. The Unsolved Civil Rights Crime Investigative Office, a new FBI office headed by a Chief Investigator, will aggressively investigate pre-1970 cases in coordination with state and local law enforcement officials that resulted in death and remain unsolved. This office will do everything possible to make certain those who have committed these murders are brought to justice. The Unsolved Crimes Section, a new office within the Civil Rights Division of the Department of Justice, will focus specifically on prosecuting these cases. If a crime other than murder is discovered during the course of an inquiry it will be referred to the appropriate law enforcement officials. Lastly, the bill authorizes $11.5 million in annual appropriations: $5 million for the Unsolved Crimes Section, $5 million for the Unsolved Civil Rights Crime Investigative Office and $1.5 million for Community Relations Service of the Department of Justice to work with local communities in identifying these cases.

In order for our Nation to fully begin to move beyond these heinous orimes, the federal government needs to resolve these cases. Thank you again for your leadership on this bill; the NAACP deeply appreciates all you are doing on this issue. Please feel free to contact me if you have any questions or comments on the NAACP position, or if there is any way that I can be helpful to you as we move ahead with this legislation.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is both humbling and an honor to speak on this bill after the distinguished gentleman, Congressman LEWIS, has just spoken. And I join my colleagues in strong support of H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act OF 2007, and also compliment Chairman CONYERS for his leadership and work on bringing this bill forward.

It is important that Congress adopt this legislation as quickly as possible; 30 to 40 years have passed since many of these murders were committed.

Under normal circumstances, trying a murder case is difficult and costly. Add to that the loss or destruction of evidence, witnesses who have died or are unavailable, and numerous procedural hurdles, it only increases the difficulty and cost of prosecuting these crimes. But law enforcement officers and prosecutors are continuing to pursue these cases, and we applaud their efforts.

In 2006, the FBI directed all 56 of its field offices to comb through their own cold case files and assess how many could be prosecuted. The FBI identified roughly 100 such cases. Many cases are confined to a handful of field offices that must complete rigorous in-depth investigations before it's too late.

H.R. 923 directs the Attorney General to designate a deputy chief within the Civil Rights Division of the Department of Justice to coordinate the investigation and prosecution of unsolved civil rights-era murders. The bill also directs the Attorney General to designate a supervisory special agent within the Civil Rights Unit of the FBI to investigate these outstanding cases.

Mr. Speaker, most of these cases, if viable, will lack the requisite Federal nexus for prosecution by the Department of Justice. Yet, the Department and the FBI are able to provide valuable assistance to State prosecutors in their investigations. The Emmett Till Unsolved Civil Rights Crime Act provides additional resources to fully assess these cases and bring the offenders to justice.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 7 minutes. The gentleman from Virginia controls 13 minutes.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to the articulate gentlelady from Texas, SHEILA JACKSON-LEE, a distinguished member of the committee, as much time as she may consume.

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to take a moment of personal privilege to acknowledge the chairman of the full Judiciary Committee. It has only been a little over 6 months, or almost 6 months, that Mr. CONYERS has taken the realm of this august body. And I think if history is to be accurate, to recount the volcanic change that has come about on the life-changing legislative initiatives that have been able to be moved out of this committee, we recognize that hate should not be applauded, but it should be made illegal.

We have confronted the issues dealing with the creativity of America, addressing the questions of patent reform. We are looking closely at the idea of how do we find a balance on the issue of immigration. We are listening, we are learning, we are sympathetic. We are, in fact, what the Judiciary Committee, one of the oldest committees, was really intended to do: to listen to the grievances of people and be able to find relief.

Let me thank the ranking member of the subcommittee, the ranking member of the full committee, for they have partnered on a number of initiatives, and we have found, sometimes, common ground. Today I rise on that very shining example of a common ground.

Allow me to thank Congressman HULSHOF of Missouri for his passion and his commitment, and Mr. Sykes, who was a witness and who humbly said he was simply a public servant, someone who thought this idea was long in coming.

And so why we are here today is to talk about what many of you perceive as a television program called Cold Cases. I wish it was as simple as that. On that program, you do see the impact on families, but it is, in fact, a television program. Today, we speak of lives, lives long left on the dusty road of unsolved crimes, lives that are broken, torn, full of tears, looking for just a semblance of justice and hope in America. Maybe they were thinking of the words of Winston Churchill when he spoke to President Roosevelt in the dark ways of World War II, "Give us the tools, and we will finish the job." That is what this bill does today; it gives the tools to America's prosecutors to pick up the broken pieces of the civil rights movement.

In 1989, we put together a memorial for those who had lost their lives in the civil rights era. They lost their lives not because they were criminals, not because they were caught in an unfortunate accident, but they lost their lives because they were on the battlefield for justice. They were murdered because they were active in the civil rights movement. They were killed by organized hate groups as acts of terror aimed at intimidating blacks and civil rights activists of many different colors and religious backgrounds. Their death, like the death of Emmett Till, helped to galvanize the movement by demonstrating the brutality faced by African Americans in the South. It is an era of terror which all of us have come to stand against, proudly so, which makes you very proud to stand here as an American, frankly, the greatest country in the world. For we have traveled a blood-stained road, but yet as we've traveled it, there have been those who have tried to go back and be able to bring us forward, united, arm in arm together, sweeping across America talking about the injustices of the past, but looking forward to the future for our children.

And so this bill is in tribute to the likes of Rita Bender, a witness who was brought before this committee. It was in recognition of the lives that we have heard of, Schwerner, Goodman and Chaney, buried deep in a mud pile. It was a testimony to JOHN LEWIS, who sits among us as an icon of conscience, who will tell you that in those muddy fields of Mississippi and Alabama, there are still skeletons that have yet been found. For many were killed, unnamed, and the relatives were too frightened to ever come forward. Maybe now, because this bill has a section in it on community relations, and I am hoping that as we provide oversight on this bill, we will increase those dollars from $1.5 million to $2 million or $2.5 million, because one of the witnesses said they could not have prosecuted the case had it not been for the persistence and the heart and determination of the family members, having lived under the shadow of this sin for so long.

This bill does create a deputy chief in the Criminal Division of the Civil Rights Division. Many of us would have preferred a division, some separate fixture standing with the responsibility to have the hammer, if you will, of rightness. But we support this legislation, and we hope that as our chairman has been diligent and vigilant, as he looks forward, that we will ensure that that deputy chief does the right thing and provides a vigorous advocacy and prosecution of those unsolved crimes.

□ 1100

Let me, Mr. Speaker, just recount very briefly the moving testimony that was given of the witnesses. Let me home in, if I could, on Myrlie Evers Williams. Why? Because it is part of my psyche to have seen Medgar Evers folding down on his front yard as he was murdered going into his home to see his wife and his children.

Can you imagine the horror of waiting for daddy to come home, waiting for your husband to come home, the dinner on the table, the radio playing, the children making the kinds of pleasant noises that children make? Her husband was a warrior, but a gentle man, a man of peace, a man who was willing to sacrifice his own future so that he might bring justice to some.

Let me, Mr. Speaker, as I close, simply ask my colleagues to remember this past and go to the future as I ask for support for this legislation.

I thank you, JOHN LEWIS, and I thank you, JOHN CONYERS.

Mr. Speaker, I rise in strong of H.R. 923, the "Emmett Till Unsolved Civil Rights Crimes Act of 2007." This legislation, which I am proud to co-sponsor and strongly support, is intended to complete some of the Nation's most important unfinished business. And that is to solve some of the most depraved acts of violence against persons belonging to a racial group that was vulnerable, politically powerless, and innocent, and against those persons who risked life and limb to help them secure the rights promised in the Declaration of Independence and made real in the Constitution.

The Emmett Till Unsolved Civil Rights Crimes Act of 2007 is long overdue. I thank our colleague, JOHN LEWIS of Georgia, who is widely recognized as the moral conscience of the House for sponsoring this legislation and I thank Chairmen CONYERS, SCOTT, and NADLER for their work in shepherding it through the legislative process.

Mr. Speaker, in 1989, the Civil Rights Memorial was dedicated in Montgomery, Alabama, the birthplace of the modern Civil Rights Movement. The Memorial honors the lives and memories of 40 martyrs who were slain during the movement from 1954 to 1968, including Emmett Till. But we know that many more people lost their lives to racial violence during that era. In fact, at the time the Memorial was dedicated, the killers of 13 of the 40 martyrs whose names are inscribed on the Memorial had not been prosecuted or convicted. In 10 of the 40 deaths, defendants were either acquitted by all-white juries or served only token prison sentences. We also know there are many cases that still cry out for justice. These unsolved crimes represent a continuing stain on our Nation's honor and mock its commitment to equal justice under law. The legislation before us is intended to help us remove that stain once and for all.

The 40 victims selected for inclusion in the Civil Rights Memorial fit at least one of three criteria: (1) they were murdered because they were active in the civil rights movement; (2) they were killed by organized hate groups as acts of terror aimed at intimidating blacks and civil rights activists; or, (3) their deaths, like the death of Emmett Till, helped to galvanize the movement by demonstrating the brutality faced by African Americans in the South. The 40 persons who fit the selection criteria ranged in age from 11 to 66. Seven were white, and 33 were black. They were students, farmers, ministers, truck drivers, a homemaker and a Nobel laureate.

But Mr. Speaker, there are many, many other victims besides the 40 who are remembered on the Memorial. The Southern Poverty Law Center reports that its research uncovered approximately 75 other people who died violently between 1952 and 1968 under circumstances suggesting that they were victims of racial violence. For most of them the reason their names were not added to the Memorial is because not enough was known about the details surrounding their deaths. Sadly, the reason so little is known about these cases is because they were never fully investigated or, in some cases, law enforcement officials were involved in the killings or subsequent cover-ups. And because the killings of African Americans were often covered up or never seriously investigated, there is little reason to doubt that many slayings were never even recorded by the authorities.

The reason justice had not been served was the callous indifference, and often the criminal collusion, of many white law enforcement officials in the segregated South. There simply was no justice for African Americans during the civil rights era. The whole criminal justice system—from the police, to the prosecutors, to the juries, and to the judges—was perverted by racial bigotry. African Americans were routinely beaten, bombed and shot with impunity. Sometimes, the killers picked their victims on a whim. Sometimes, they targeted them for their activism. In other cases, prominent white citizens were involved and no consequences followed. Herbert Lee of Liberty, Mississippi, for example, was shot in the head by a state legislator in broad daylight in 1961.

It is, of course, fitting and proper that H.R. 923 bears the name of Emmett Till, whose slaying in 1955 and his mother's decision to have an open casket at his funeral stirred the Nation's conscience and galvanized a generation of Americans to join the fight for equality. Sadly, hundreds of them were killed in that struggle, and many of the killers, like those of Emmett himself, were never successfully prosecuted.

Mr. Speaker, I am very pleased to learn that the Department of Justice strongly supports this legislation. It should. No government agency has done more through the years to protect and defend the civil rights of African Americans and other victims of injustice. I hope the DOJ's embrace of this legislation represents a rededication to its historic role of ensuring equal justice under law for all, even the poor, powerless, and vulnerable.

Mr. Speaker, the heart of this legislation is sections 3 and 4. Section 3 establishes a Deputy Chief of the Criminal Section of the Civil Rights Division. Section 3 requires the Attorney General to designate a Deputy Chief of the Criminal Section of the Civil Rights division who will be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred before December 31, 1969, and ended in death.

Section 3 also requires a study and report to Congress about the number of cases opened, the number of Federal prosecutions commenced, the number of cases of State and local prosecutions where the DOJ assisted, the number of cases that have been closed, and the number of open pending cases. The report shall be made not later than 6 months after the enactment of the Act.

Section 4 of the bill establishes a parallel component in the Civil Rights Unit of the Federal Bureau of Investigation to be headed by a Supervisory Special Agent designated by the Attorney General. This Supervisory Special Agent in the Civil Rights Unit is responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in death. The Supervisory Special Agent should, where appropriate, coordinate investigations with State and local law enforcement officials.

Mr. Speaker, although I strongly support H.R. 923, I believe the bill would be even stronger if it incorporated three small but important amendments. First, I would recommend an amendment containing Congressional findings of fact that help explain to the nation and the world why the Congress was compelled to enact this vitally important legislation. We are enacting this legislation not because of who the perpetrators of these unsolved criminal violations of civil rights statutes are, but who we are, and who their victims were.

Mr. Speaker, over the past half century, the United States has made tremendous progress in overcoming the badges and vestiges of slavery. But this progress has been purchased at great cost. From Reconstruction through the modern Civil Rights Movement, heinous and depraved acts of violence were committed against persons belonging to a racial group that was innocent, vulnerable, and politically powerless, and also against those persons who risked life and limb to help them secure the rights promised in the Declaration of Independence and made real in the Constitution. Many of these crimes remain unsolved and no one has ever been held accountable.

Examples of unsolved cases include the 1968 "Orangeburg Massacre" at South Carolina State University where state police shot and killed three student protesters; the 1967 shooting death of Carrie Brumfield, whose body was found on a rural Louisiana road; the 1957 murder of Willie Joe Sanford, whose body was fished out of a creek in Hawkinsville, GA; the 1946 killing of a black couple, including a pregnant woman, who was pulled out of a car in Monroe, GA, and dragged down a wagon trail before being shot in front of 200 people.

These unsolved crimes represent a continuing stain on our Nation's honor and mock its commitment to equal justice under the law. Solving these cases is part of the unfinished work of America. President Kennedy said it so well 44 years ago, when he addressed the Nation on June 11, 1963: "this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free."

A second amendment I would recommend is the establishment of a specially created section within the Civil Rights Division with dedicated resources, personnel, and budgetary authority to investigate and prosecute notorious and neglected pre-1970 criminal violations of the civil rights statutes.

I believe that in designating the Deputy Chief required by this legislation, the Attorney General must also be required to delegate to the Deputy Chief authority over the necessary personnel and budgetary resources. The high hope of H.R. 923 is that it may help bring justice to those whom justice has been delayed for more than two generations. The Deputy Chief, therefore, has an awesome responsibility. If we are to expect positive results, it is incumbent upon us to provide the Deputy Chief the resources and authority needed to be successful. As Winston Churchill said to President Roosevelt during the dark days of 1940: "Give us the tools and we will finish the job!"

I am pleased, however, that the bill authorizes annual appropriations of $10 million for each of fiscal years 2008 through 2017 for the purpose of investigating and prosecuting pre-1970 criminal violations of the civil rights statutes that resulted in a death. Similarly, I am pleased that the bill authorizes annual appropriations of $1,500,000 to the Community Relations Service of the Department of Justice to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of criminal violations of civil rights statutes.

My third amendment I would recommend is to increase the amount of this annual appropriation by $500,000 to $2 million and to make this funding source available to assist the families of victims in coping with the loss of a loved one through counseling and other support services, financial and otherwise. Such assistance must be available to the victim's families because in many cases the testimony of a family member may be indispensable to government investigators and prosecutors. I am particularly mindful that the witnesses testifying before the Judiciary Committee hearing affirmed their belief that the government's ability successfully to investigate and solve criminal civil rights violations would be greatly enhanced were assistance and support available to the victims' families.

Mr. Speaker, 44 years ago, Medgar Evers was murdered in Jackson, Mississippi; justice would not be done in his case for more than twenty years. But that day was foretold because the evening before the death of Medgar Evers, on June 11, 1963, President John F. Kennedy addressed the Nation from the Oval Office on the state of race relations and civil rights in America. In his historic speech to the nation President Kennedy said:

> We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.
>
> One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

H.R. 923 is intended to help bring justice to those whom justice has been delayed for more than two generations. In doing so, this legislation will help this Nation fulfill its hopes and justify its boast that in America all persons live in freedom.

Mr. Speaker. I strongly support this historic legislation and urge all Members to join me in voting for its passage.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is an important bill. The fact that it is on suspension ought not to suggest that it is not an important bill. This bill is another in a number of bills that helps us heal some tremendous wounds in this country that go to the very essence of this country.

The Civil War, which caused more bloodshed than any other war that this Nation has been engaged in, is viewed as the tremendous act of expiation with the effort of this Nation to resolve, in its own mind, what it meant by every man and woman being equal.

That began the process that was followed through in a remarkable period of time during the last century called the civil rights revolution. But that revolution has not ended. There are still things that need to be done.

One of the terrible stains left on this Nation is the lack of justice done for those who suffered at the hands of people who believed this country would never recognize the rights of all; those who thought they could act with impunity to threaten, to terrorize, to murder other human beings merely because of the color of their skin.

I call this bill the "last chance bill," the "now or never bill." If we don't do this now, we will never have the chance to do it again, because those individuals who were involved in these crimes may not be around, and the family members of those who were victims of these crimes may not be around. We give ourselves a 10-year period of time in which we make a real effort to try and bring those to justice who should have been brought to justice a long time ago.

In the process, we say to all Americans, We understand the injustice that was done. We will make sure it is never repeated again. We will work to make this country a better place now and in the future.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank our subcommittee chairman, and I thank our full committee chairman and subcommittee ranking member as well.

Mr. Speaker, this is an important bill. As it has been said, there exists in America an open sore that is yet to be remedied. I note that sometimes people see an amount of money that is being spent and say that is too much money. But in this case, there is an injustice that cries out for healing and for addressing.

When one American, regardless of race, creed, color, gender, religion, national origin, when one is struck down, then all of us are struck down. We need to address this. Now, I am not one of those who believes that we need to run forward and apologize for the sins of others that we didn't commit. But in this case, this bill addresses an injustice.

We have the power. We have the wherewithal and the ability to address this wrongdoing and this injustice. If we were not to take action, then this body would owe an apology, and I do not want to see that become necessary.

There are times that we hear moving testimony, and our heart is moved. But we know for the greater good of the country we must do something else. This is one of those cases in which we heard testimony that was very moving, and the heart is aligned with the head. This requires action. I appreciate the leadership moving this forward so that this injustice, this open sore, can finally be addressed.

Mr. FORBES. Mr. Speaker, this bill, partnered by the gentleman from Georgia, a Democrat, and the gentleman from Missouri, a Republican, shows what we can do when we just pause and take a breath from the partisanship, the finger pointing, the negative attacks by the press and even some Members of our own body against this great body and join together to move this country forward.

I want to thank all of the individuals who worked on this bill, especially the chairman of the Judiciary Committee.

At this time I would like to yield to the chairman of the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I want to thank the ranking member, Mr. FORBES. I think this is an important step forward. I have been amazed by the congeniality and the cooperation that has been extended to me by all of the members of the House Judiciary Committee.

Things come around. This is a historic moment. It has been expressed with great articulateness by Members on your side of the aisle, Mr. FORBES, as well as mine. But the witnesses on that day in Judiciary, and Myrlie Evers Williams stands out more than anyone else, were so amazing that I want everyone to go back and read the testimony that just electrified us all.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'd like to thank my dear friend and colleague, Mr. LEWIS of Georgia for leading this effort.

The murder and subsequent miscarriage of justice in the unresolved civil rights cases still remains this country's biggest transgression. The first step towards erasing the injustices that has haunted the families of the victims is to, as a nation, acknowledge and give due diligence to these unsolved murders.

According to the FBI, there are roughly 100 unsolved homicide cases from that time period. Among those is the murder of Emmett Till—for whom the bill is named—an African-American teenager who was brutally beaten and shot in 1955. His killers tied a cotton gin to his neck and threw his body into a Mississippi river. That became a major event in the civil rights movement. Two men were prosecuted for the crime but were acquitted.

H.R. 923 authorizes $10 million annually for fiscal years 2008–2017 for the Justice Department to hire special investigators to work on solving civil rights crimes dating back to before 1969.

Justice being served in these cases is a reality. To name a few examples in Mississippi: The 1994 conviction of Byron De La Beckwith for his role in the assassination of Medgar Evers. The 2005 conviction of Edgar Ray Killen for his role in the deaths of Schwerner, Chaney and Goodman, the three civil rights workers in Mississippi in 1964. The conviction was based, in part, on new evidence that he had boasted of the killing at a Ku Klux Klan rally and to others over the three decades after the crime; and most recently, James Ford Seale, convicted last Thursday, June 14, 2007, for his role in the abduction of two Charles Eddie Moore and Henry Hezekiah Dee, the African-American teenagers in Meadville, Mississippi, in 1964.

This bill provides an honest effort to bring closure to the more than 40 families of unresolved civil rights cases in Mississippi.

Such as the Family of Charles Brown of Yazoo City, Miss., 1957—A white man shot Brown, who was visiting the white man's sister. The Justice Department handed the case over to the state.

The Family of Jessie Brown of Winona, Miss., 1965—The 1965 NAACP annual report claimed white farmer R.M. Gibson killed Brown.

The Family of Eli Brumfield of McComb, Miss., 1961—Police officer B. F. Elmore alleged self-defense after shooting Brumfield. Police claimed Brumfield jumped from his car with a pocket knife after police pulled him over for speeding.

The Family of Silas (Ernest) Caston of Jackson, Miss., 1964—Caston was shot by a local police officer. CORE and NAACP filed a civil suit against Deputy Sheriff Herbert Sullivan. The result of that suit is unknown.

The Family of Vincent Dahmon of Natchez, Miss., 1966—Dahmon, 65, was shot in the head around the time of a march in support of James Meredith.

The Family of Woodrow Wilson Daniels of Water Valley, Miss., 1958—Sheriff Buster Treloar, identified by four witnesses as the man who beat Daniels to death in a prison, was freed after 23 minutes of deliberation by an all-white jury. "By God," Treloar said after the trial. "Now I can get back to rounding up bootleggers and damn niggers."

The Family of Pheld Evans of Canton, Miss., 1964—Medgar Evers identified Evans as having been killed under mysterious circumstances.

The Family of J. E. Evanston of Long Lake, Miss., 1955—Evanston's body is fished out of Long Lake in December. Evanston was a teacher in the local elementary school.

The Family of Jasper Greenwood of Vicksburg, Miss., 1964—Greenwood was found shot to death near his car on a rural road. Police said the slaying was not racially motivated.

The Family of Jimmie Lee Griffin of Sturgis, Miss., 1965—Griffin was killed in a hit-and-run accident. A coroner's report revealed Griffin was run over at least twice.

The Family of Luther Jackson of Philadelphia, Miss., 1959—Jackson was killed by police after he and his girlfriend were found talking in their car, which was stalled in a ditch. Police claim Jackson attacked them.

The Family of Ernest Jells of Clarksdale, Miss., 1964—Jells was accused of stealing a banana from a grocery and pointing a rifle at pursuing police officers. The officers were exonerated.

The Family of John Lee of Goshen Springs, Miss., 1965—Lee's body was found beaten on a country road.

The Family of Willie Henry Lee of Rankin County, Miss., 1965—Lee, who was known to have attended civil rights meetings, was found beaten on a country road. An autopsy revealed he died by strangulation from gas.

The Family of George Love of Indianola, Miss., 1958—Love was killed in a gun battle with police who believed he was responsible for a murder and arson. He was later cleared of any connection to the murder.

The Family of Sylvester Maxwell of Canton, Miss., 1963—Maxwell's castrated and mutilated body was found by his brother-in-law less than 500 yards from the home of a white family.

The Family of Robert McNair of Pelahatchie, Miss., 1965—McNair was killed by a town constable.

The Family of Clinton Melton of Sumner, Miss., 1956—Elmer Otis Kimbell was cleared in Melton's death. Kimbell claimed Melton fired at him three times before he returned fire with a shotgun. No gun was found in Melton's car or on his body.

The Family of Booker T. Mixon of Clarksdale, Miss., 1959—Mixon's body was found lying on the side of the road, completely nude. Police claimed it was a hit-and-run, though family members cited his naked body and the extensive amount of flesh torn from his body as evidence of murder.

The Family of Nehemiah Montgomery of Merigold, Miss., 1964—Montgomery, 60, was shot by police after allegedly refusing to pay for gas. Police were acquitted, and the shooting was called justifiable homicide.

The Family of Sam O'Quinn of Centreville, Miss., 1959—O'Quinn, derided by some local whites for being "uppity," was shot after joining the NAACP.

The Family of Hubert Orsby of Pickens, Miss., 1964—Orsby's body was found in the Black River. It was reported that he was wearing a t-shirt with "CORE," written on it, representing the Congress of Racial Equality.

The Family of William Roy Prather of Corinth, Miss., 1959—Prather, 15, was killed in an anti-black Halloween prank.. One of eight youths involved was indicted on manslaughter charges.

The Family of Johnny Queen of Fayette, Miss., 1965—A white off-duty constable was named in the pistol slaying of Johnny Queen. The shooting was not connected to any arrest.

The Family of Donald Rasberry of Okolona, Miss., 1965—Rasberry was shot to death by his plantation boss.

The Family of Jessie James Shelby of Yazoo City, Miss., 1956—Shelby, 23, was fatally wounded by a police officer who claimed he shot Shelby because he resisted arrest.

The Family of Ed Smith of State Line, Miss., 1958—A grand jury refused to indict L.D. Clark in the death of Smith, who was shot in his yard in front of his wife. Clark later reportedly bragged about the killing.

The Family of Eddie James Stewart of Crystal Springs, Miss., 1966—Stewart was reportedly beaten and shot while in police custody. Police claimed he was shot while trying to escape.

The Family of Isaiah Taylor of Ruleville, Miss., 1964—Taylor was shot by a police officer after allegedly lunging at him with a knife. The shooting was ruled a justifiable homicide.

The Family of Freddie Lee Thomas of LeFlore County, Miss., 1965—Federal investigators looked into the death of Thomas, 16. Thomas's brother believed he was murdered as a warning against black voter registration. The result of the investigation is unknown.

The Family of Saleam Triggs of Hattiesburg, Miss., 1965—The body of Mrs. Triggs was found mysteriously burned to death.

The Family of Clifton Walker of Adams County, Miss., 1964—Walker was killed by a shotgun blast at close range. The result of a federal investigation is unknown; and a host of others.

We must act—not only to bring these criminals to justice, but to also cleanse our Nation of this stain. The unsolved case of Emmett Till and other victims of the civil rights movement represent a terrible chapter in our Nation's history. Over the years there have been sporadic efforts to prosecute some of the civil rights era slayings that were ignored at the time. We need to address these injustices before it is too late—before they become permanent scars on our Nation's history. It is essential that Congress pass this legislation mandating a well-coordinated and well-funded effort to investigate and prosecute unsolved crimes from the civil rights era.

Mr. FORBES. Mr. Speaker, the chairman should have the last word on this, and so he has.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 923, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 923.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2764 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1115

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 498 is an open rule that provides for consideration of H.R. 2764, the fiscal year 2008 appropriations for the Department of State, Foreign Operations, and related programs.

Mr. Speaker, I have seen 15 State and Foreign Operations measures go through the House of Representatives in almost 16 years of serving in this body. Some bills were well-intentioned, but fell short of meeting America's critical needs and objectives, while others missed the target altogether.

Regarding today's State and Foreign Operations bill, I must commend Chairwoman LOWEY, Ranking Member WOLF, their respective staffs and the rest of the committee for coming together in a bipartisan fashion to craft this meaningful piece of legislation. Despite critical budget constraints and critical concerns, the bill is fiscally responsible and begins to address our Nation's foreign policy initiatives as they relate to fulfilling our commitments abroad.

In my capacity as chairman of the Commission on Security and Cooperation in Europe and as a senior member of the House Permanent Select Committee on Intelligence, I believe I can speak to our country's need to restore world stability after years of following misguided and shortsighted foreign policy.

This bill provides $34.2 billion overall for foreign assistance and State Department operations, with much-needed emphasis placed on international AIDS programs, children's health care, basic education programs and targeted peacekeeping operations. By increasing funds for critical global health, basic education, refugee and disaster assistance programs, we are heightening world stability and rebuilding our image abroad as a nation builder, not divider.

In an effort to shift away from a Middle East foreign policy that focused a little too narrowly on Iraq, we are now reaching out to neighboring Mediterranean countries that need our attention and assistance. The escalating situation in Iraq has forced thousands, indeed millions, of refugees to flee into neighboring countries, Jordan being one of the most heavily affected.

During a trip to the region almost 2 weeks ago, Mr. Speaker, I witnessed firsthand the heart-wrenching effects of people displaced. What I learned in Jordan and saw in Kosovo is that there are people in this world being forced to live in conditions so inhumane that even our wildest nightmares could not comprehend. As such, I am pleased to support the bill's allocation of $830 million to provide refugees worldwide with food, water and shelter. As I spoke last evening during the testimony in the Rules Committee, I said to Mrs. LOWEY and to Mr. WOLF that I am hopeful in conference that they will be able to add funds specifically for Jordan for reasons that I perceive are necessary.

While we must remain vigilant and diligent on combating the evils of terrorism, we must also simultaneously seize opportunities to establish, maintain and strengthen diplomatic ties in every region of the world. I am pleased also to see that the bill provides $365 million to enhance our public diplomacy efforts, and allocates $501 million for cultural, educational and professional exchange programs globally.

The underlying legislation includes critical foreign aid to our allies in the world, including Israel. It also restores funding in many of the areas which the present administration sought to cut.

As I mentioned, I serve as chairman of the U.S. Helsinki Commission, and the President Emeritus of the Organization for Security and Cooperation in Europe's Parliamentary Assembly. Mr. Speaker, I am fond of saying that if you can say all of that, you ought to be president of the assembly. I am deeply appreciative that this bill funds America's commitment to the OSCE and the Helsinki Commission, and I indeed thank the chairwoman and ranking member, especially the chairwoman, for her efforts toward this end.

Mr. Speaker, America has a responsibility in the world. We are, as is constantly reported, the last remaining Superpower. Contrary to what many might argue later in this debate, our power cannot and must not be flexed only in our military might. On the contrary, our power must be flexed in what we do to help repair many of the things that are broken in the world.

The underlying legislation is a critical component in this effort. I am pleased to support this open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to thank the gentleman from Florida, my good friend, Mr. HASTINGS, for the time. I would also like to thank Chairwoman LOWEY and Ranking Member WOLF for their efforts on this undeniably important piece of legislation.

This bill funds a number of U.S. Government programs and activities, including the State Department, the United States Agency for International Development, foreign, economic and military assistance, contributions to international organizations and international broadcasting programs.

Even though aspects of this bill have clearly bipartisan support, there are significant areas of concern with some of the priorities that the majority has set forth in this legislation.

Just over a year ago, the people of Colombia reelected President Uribe to a second term with over 62 percent of the vote. President Uribe is the first President in over 100 years to be reelected by the Colombian people. His reelection and his extraordinarily high current approval ratings are a testament to his efforts to curb terrorism, corruption and narcotrafficking in Colombia.

For years, designated terrorist organizations in Colombia have hampered efforts by the people of that great country to live in a peaceful democracy. Proactive action must continue to be taken to ensure that armed terrorists are not allowed to create social unrest through violence. With the current landscape in the world today, foreign assistance, Mr. Speaker, is as strategically important to our national interest as it is morally just.

I am concerned that the underlying legislation cuts funding for Plan Colombia $59 million below the President's request and $86.5 million below fiscal year 2007. Plan Colombia has achieved significant results. When it began, that country was facing a civil war that was tearing it apart. Now that the plan has had time to take effect, and with President Uribe's leadership, kidnappings have fallen by 75 percent and the gross domestic product of Colombia has increased to 7 percent annually.

We must not take progress in the Andean region for granted, however. If the United States turns its back on the region, it will falter and create a scenario that will require greater U.S. investment and sacrifice at a time when obviously we have significant responsibilities worldwide, not to mention that we would be spurning a democratically elected ally that has bravely fought corruption and narcotrafficking.

Mr. Speaker, I would like to thank President Bush for his continued support for a democratic transition in Cuba. Pursuant to the recommendations of his Commission for Assistance to a Free Cuba, the President requested $45 million in economic support funds for Cuba pro-democracy activities. These funds would support efforts for a transition to democracy in the Western Hemisphere's only totalitarian dictatorship through support for dissidents, human rights activists, independent librarians and others who risk their lives each day for freedom in that enslaved island. Unfortunately, the bill brought forth by the majority is cutting the funds needed to support pro-democracy efforts in Cuba and funding less than 20 percent of the President's request.

I would note that under the bill, the other countries in the Western Hemisphere will receive over 95 percent of the funds requested by the President, and I think that is good. Yet funds to support a democratic transition in the Western Hemisphere's only totalitarian dictatorship constitute approximately 19 percent of the President's request.

Mr. Speaker, these acts include from staging a hunger strike; to demanded access to e-mail and the Internet and going to prison for it; to having the audacity of possessing books by Gandhi and Orwell and Martin Luther King in their homes and offering those books as an independent library to their neighbors, an act of great courage that is met by the dictatorship's goon squads with violence, confiscation of the books and often prison time; to the independent journalists who risk their lives and their families' safety by writing the truth about life under the totalitarian nightmare, and who need paper and typewriters and faxes and telephones to send their stories out; to the children of political prisoners who have received the only toys they have ever seen because of the solidarity of this United States program of assistance; to those from all walks of life who dare to join a human rights organization in a totalitarian police state; to the physicians who open their homes to their neighbors for the practice of medicine and dispense medicines, risking prison for breaking the rules of the totalitarian state, the only employer in the country, or the physicians who refuse to perform the forced abortions ordered by the state when there is any indication whatsoever of a problematic pregnancy, so the regime can keep its infant mortality statistics low.

Mr. Speaker, that is how one of my heroes, Dr. Oscar Elias Biscet began his heroic journey as a pro-democracy activist. He subsequently has become a great pro-democracy leader. I carry a card with his photograph with me at all times. He is currently in a dark and damp dungeon, sentenced to 25 years in the gulag for having the audacity of peacefully advocating for democracy and free elections in Cuba.

Mr. Speaker, we cannot send aid to him in prison. The regime will not allow it. But we can help his family and his colleagues in the struggle for freedom.

These are the acts of civic resistance that have grown exponentially in recent years, despite a tremendous increase in the dictatorship's brutal repression, and those are the people, the heroes that I have mentioned, that we help with this program, that we will seek to increase funding for through the President's requested level by an amendment that I will introduce with my friend and colleague Representative ALBIO SIRES of New Jersey, and that I will ask all freedom-loving Members of this House to support.

Last February, Mr. Speaker, the six Cuban American Members of this Congress, BOB MENENDEZ, MEL MARTINEZ, ILEANA ROS-LEHTINEN, ALBIO SIRES, MARIO DIAZ-BALART and myself, received a letter from nine pro-democracy leaders in Cuba. They know the risks that they were and are taking by sending us that letter. They knew that it would be utilized publicly in forums such as today's.

In that letter, that group of dissidents and pro-democracy leaders, representing an extraordinarily wide spectrum of ideology and opinion, some with whom I have had disagreements in the past, came together and told us of the importance of this aid that we will be debating in this bill. They stated in their letter, "We can affirm that the aid that for years has flowed to the pro-democracy movement takes into account the vast range of needs, from medicine to keep a political prisoner or dissident from dying, to food, water filters, medical equipment, clothing, shoes, coats, toys for the children of political prisoners, who suffer doubly the loss of a loved one and social repression on the streets and in school, essential vitamins, office supplies, and the tools of democracy, computers, printers, phones, fax machines, among others, that account for a long list of articles and materials that have been made possible in Cuba."

Today, with the amendment that I have filed along with Representative SIRES, we reply to the letter sent in February by those pro-democracy leaders, and, as I stated, Mr. Speaker, we will ask all of our colleagues on both sides of the aisle to support the aid requested by those pro-democracy leaders in that letter, the assistance for the pro-democracy movement.

□ 1130

Mr. Speaker, on other subjects in this important legislation, the bill cuts by approximately 40 percent the President's request for the Millennium Challenge account. The Millennium Challenge, which President Bush called a new compact for global development, provides assistance through a competitive selection process to developing nations that are pursuing political and economic reforms in three areas: ruling justly, investing in people, and fostering economic freedom. Contributions from that account are linked to greater responsibility from developing nations. The new responsibilities these nations accept in exchange for the funds ensure that the funds we provide do not go to waste and have the greatest possible impact on those who need the help the most.

That account encourages transparency, and it is a good aspect of our foreign policy, and it is very important that it be increased as this legislation moves forward.

Lastly, I would mention that this bill faces a veto threat by the President because of language which may undermine what is known as the Mexico City policy. The Mexico City policy currently in effect requires that foreign NGOs agree as a condition of receipt of Federal funds for family-planning activities that the organization will neither perform nor promote abortion as a method of family planning. The Mexico City policy applies only to family-planning programs and is designed to protect the integrity of U.S.-funded international family-planning programs by creating a bright line of separation between abortion and family planning.

There is concern by the President and many Members in this Congress that U.S. taxpayer family-planning funds could possibly go to NGOs that promote or provide abortions under the language in the underlying legislation.

I understand the gentleman from New Jersey (Mr. SMITH) and the gentleman from Michigan (Mr. STUPAK) will introduce an amendment to address this issue, and I urge Members to consider that very important amendment.

The majority correctly currently brings this important legislation to the floor under an open rule. The House has traditionally considered appropriations bills under open rules in order to allow each Member an opportunity to offer germane amendments without having to preprint their amendments or receive approval from the Rules Committee. I hope that the majority will live up to their campaign promise of running a transparent House and will continue our tradition of open rules with the rest of the appropriations bills this year.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the second-ranking member on the majority side on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from Florida (Mr. HASTINGS), for yielding me the time.

Mr. Speaker, I rise in support of this open rule and the underlying bill, H.R. 2764, the State-Foreign Operations Appropriations Act for Fiscal Year 2008. There is so much to praise in this bill: its emphasis on funding our core bilateral development programs; its emphasis on funding basic education, child survival and global health initiatives. And most importantly, its emphasis on providing for our national security and our global economic interests.

I would like to praise Subcommittee Chairwoman LOWEY and Ranking Member WOLF and the Foreign Operations Subcommittee in particular for the work they have done on aid to Colombia. This bill makes some badly needed and long overdue changes to our aid program for Colombia. The results of the past several years, particularly where illegal drugs are concerned, made clear that it is time to try a different and more comprehensive approach.

The 2008 bill rebalances our priorities in Colombia. It recognizes that the response to violence, narcotrafficking and instability in our South American neighbor must be multifaceted, helping to guarantee lasting security through good governance.

Colombia is an important friend of the United States and it is the largest recipient of U.S. assistance outside the troubled Middle East region. Colombia deserves our support; and even though I have been a critic of many of our past policies, I have never and I will never advocate walking away from Colombia or its people.

The new approach in this bill will make our counternarcotics policy more effective by helping small farmers transition permanently away from illegal drug production, increasing funds to investigate and prosecute major drug traffickers, and continuing drug interdiction programs. Aerial fumigation and sporadic military offenses are no substitute for helping Colombia to govern its own territory. The results make that clear: 7 years and $5.4 billion later, the old policy has resulted in more coca growing in Colombia, and the price of cocaine on the streets of America is actually lower than before we started.

It is time for a change, for a new more balanced direction, and this bill provides more funding for judges and prosecutors, roads, clean water, jobs and aid for vulnerable people. It looks to fund the need of today's Colombia, not yesterday's. Many Colombians are working today to clean house in Colombia, going after politically powerful criminals who send drugs to our shores and wreak violence and mayhem in Colombia. The aid in this bill will help them. Success hinges on Colombia's judicial system which faces serious challenges. This bill provides them with new resources to meet those challenges.

Mr. Speaker, unless Colombia deals with the overriding issue of impunity, many of us are going to continue to fight for even more changes in our policy, restricting security assistance to the Colombian military which is responsible for a lot of the human rights violations, and we are going to continue to insist that no free trade agreement move forward until the human rights situation improves in Colombia.

If the United States of America stands for anything, it should stand out loud and foursquare for human rights. And for too many years, we have turned our backs on the harsh reality in Colombia where thousands of trade unionists have disappeared or been murdered, thousands of people have been victimized by security forces and their allies in the paramilitary forces.

We should not be sending money in a way that does not acknowledge that those security forces need to do better. Mr. Speaker, success also depends on Colombia's ability to govern and create employment, especially in the lawless zones where drug traffickers and paramilitary groups still operate. This bill allows USAID to expand badly needed efforts to those communities in coca-growing areas that up until now have been beyond our reach due to lack of funds.

Finally, success depends on Colombia's ability to care for and reintegrate victims of violence. This includes helping Colombia's internally displaced population which is second in the world only to Sudan. That is not a list you want to be on, Mr. Speaker. It means protecting people coming forward to testify who are seeking redress. It also means helping people recover stolen land through violence and helping Afro-Colombian and indigenous people who have been disproportionately hit by violence.

Mr. Speaker, this bill does a good job of achieving balance between economic development and security aid for Colombia. It demonstrates a level of support for Colombia's democratic future that we have not been able to articulate before now. I support this new balanced direction for Colombia, and I applaud the work of the Appropriations Committee for not only these provisions but for its judicious approach of supporting what works best in our global development programs.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

I also join in the praise for the bipartisan work of the Foreign Operations Subcommittee, the excellent work of Chairwoman LOWEY and Ranking Member WOLF.

Mr. Speaker, the job of the next President of the United States, whoever that may be, whatever party that person may represent, is very straightforward. They are going to have to reintroduce America to the world. They are going to have to reintroduce the America of cooperation, of working together, of multilateralism rather than unilateralism, of diplomacy rather than force, and strength through persuasion and cooperation.

This Foreign Operations appropriations bill is the introduction to a new relationship that America will have with the world and a new relationship that our appropriations bill will have with the taxpayers of this country. It really does two things. One, it restores accountability. That is best seen in the fact that it does not give a blank check on more money to Iraq that will go down the sink hole. Number two, it recognizes that we have to be a participant in cooperating with other countries in order to solve global problems.

Mr. Speaker, our Appropriations Committee is to be commended for this strong bipartisan work. Our image in the world has been tarnished by the foreign policies of this administration, from the war in Iraq to the rejection of multilateral agreements such to the Kyoto Protocol, the International Criminal Court, to human rights abuses at Abu Ghraib and Guantanamo. Through this appropriations measure, we have the opportunity to send the world a different message about America's priorities. We do that in this bill by allocating $6.5 billion to combat global health crises, including HIV/AIDS, tuberculosis, and malaria. We have provided needed help to those suffering from genocide in Darfur by investing $949 million in development assistance.

We offer needed food, water and shelter for refugees around the world, and we make good on our obligations to international organizations investing $334 million in multilateral programs to address the global challenges, and we pay $1.3 billion in U.N. peacekeeping operations. The bill also helps protect the American taxpayer and brings needed accountability from the administration.

I would also like to commend the committee for restoring funding for a small but extremely important initiative, the Middle East Regional Cooperation, or MERC program. Established in 1979 by my colleague from California, MERC provides grants for collaborative scientific research projects between Israel and its Arab neighbors. MERC grants have made it possible for many Vermont students to travel to the Middle East to conduct environmental research at an innovative program called the Arava Institute.

This incredible program, working together on difficult environmental problems, has allowed Vermonters and others to live and work alongside Israeli and Arab colleagues, working together on environmental problems that affect the entire region. MERC grants have made this experience possible, and I applaud the committee for working to make sure this invaluable program receives the funding it deserves.

Mr. Speaker, in addition to supporting important work in the Middle East, this bill implements needed changes to our policy in another conflicted region, Colombia, as was eloquently described by the gentleman from Massachusetts (Mr. McGOVERN). This bill recognizes that it is time for change in our Colombia policy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my dear friend for yielding me the time initially.

I would like to, with regard to the issue of the amendment that I made reference to previously, note that I will be bringing to the floor along with my friend and colleague, Representative SIRES, to restore to the President's request by offsetting funds from the administration account billions of dollars of the State Department, approximately $30 million, to bring to the President's request level the assistance for Cuban democracy programs.

Not today on the floor in the context of the rule but last night in the Rules Committee, a colleague who previously spoke made reference to a GAO report to impugn and to impeach the program of assistance to the Cuban pro-democracy movement and oppose efforts to restore the level to the President's request.

I have in my office and I highly recommend to all colleagues precisely that GAO report. We would inform colleagues where to download it. It is a very important report, and there are a couple of things I would like to point out from the report that is used to impeach or attempt to impeach the program and impugn the program, criticize the program, of assistance to the dissidents in Cuba.

□ 1145

The GAO report found that from 1996 to 2006, the Cuba program provided the following assistance:

385,000 pounds of medicine, food, and clothing to the pro-democracy movement.

More than 23,000 shortwave radios.

Millions of books, newsletters and other informational materials.

U.S. assistance, the GAO found, supported journalism correspondence courses for more than 200 Cuban journalists.

The publication of approximately 23,000 reports by independent journalists in Cuba.

And with regard to the recommendations of the GAO report, as you know, Mr. Speaker, the GAO often when it reviews in-depth, as it does, a government program or agency, it often recommends cuts in that program, and the GAO makes no recommendation of a cut. It makes recommendations for the more efficient running of the Cuban democracy programs.

And in response to the GAO report, and I have this letter in my office and it's available to any Member who would like to read it and I highly recommend it, the agency that administers these programs, the U.S. Agency for International Development, USAID, in a letter dated January 16 of this year, responding to the GAO report, informs specifically, with specificity, how all of the recommendations of the GAO report have been implemented.

And so I highly recommend the reading of the GAO report and also the response by the administrating agency with regard to the implementation of the recommendations of the GAO report, Mr. Speaker.

It's important that we help those who risk their lives and the safety of their families day in and day out to achieve freedom, a democratic transition in our closest neighbor, 90 miles away, that at this time is a state sponsor of terrorism and an anti-American totalitarian regime. And what those heroes of the pro-democracy movement are risking their lives and their families' freedom for is a democratic transition to a reality with the rule of law, obviously a democratically elected government that will no longer be allied with state sponsors of terrorism, anti-American state sponsors of terrorism but that will, rather, be worried and working for the needs to better the lives of the long oppressed people within Cuba.

Mr. Speaker, again I thank my good friend Mr. HASTINGS for yielding the time. I thank any of my colleagues who may have been listening to this debate for their attention. Once again I would plead that they join from both sides of the aisle to bring up to the President's request the assistance for the Cuba pro-democracy movement.

With that, Mr. Speaker, and acknowledging the complexities and yet the importance of the underlying legislation brought to the floor today by this rule, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, America's leadership role is not limited to the Presidency. Nor does it solely fall upon the shoulders of this body. Branches of our government must share responsibility.

During this critical time in world history, when America's image as a global leader is tarnished and questioned, we must lead from this Chamber. We must take it upon ourselves to make it possible for America's image in the world to be restored. We must make it our business to try and make all that is wrong right.

When America leads in a constructive, inclusive and thoughtful manner, others in the world follow. This approach toward global leadership is not, as some have charged, a soft approach to conducting the war on terrorism. On the contrary, it is a clear recognition that America cannot do this alone.

If we have learned anything in the last 6 years, it is that no one in this world is safe from the directions of terrorism. It will take a global effort to curb the efforts of those who are seeking to destroy us and others in the world.

But if we have learned anything else during the last 6 years, it is that the policies of the present administration have failed and America's standing in the world is in dire need of restoration.

Parts of the Middle East, from Iraq to Gaza, are living in a civil war. People are dying in Darfur as we and others around the world do nothing. And children throughout the world are starving to death and dying of malnourishment and lack of potable fresh water.

The underlying legislation, the first Foreign Operations appropriations bill of this new Democratic majority, sends a clear message to our friends and enemies alike that America's priorities in the world are making must-needed changes.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1429) "An Act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN, to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the Chair, on behalf of the Republican Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Tenth Congress:

The Senator from Indiana (Mr. LUGAR).

The Senator from Virginia (Mr. WARNER).

The Senator from Alabama (Mr. SESSIONS).

The Senator from New Mexico (Mr. DOMENICI).

The Senator from Tennessee (Mr. CORKER).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 923, by the yeas and nays;

H. Con. Res. 21, by the yeas and nays;

H.R. 2359, by the yeas and nays;

H.R. 2284, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 923, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 923, as amended.

The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 8, as follows:

[Roll No. 512]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Paul
Westmoreland

NOT VOTING—8

Becerra
Cubin
Davis, Jo Ann
McCrery
Ortiz
Sullivan
Walden (OR)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1217

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WICKER. Mr. Speaker, on rollcall No. 512, I was unavoidably detained. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF THE LATE ROBIN BEARD

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, I rise to make the body aware of the loss of our colleague and friend, Robin Beard, former Congressman from the old Sixth District, who passed away last Saturday. His district basically overlapped with the current Seventh District of Tennessee. He served in this body from 1973 until 1983.

Robin Beard really had a storied and amazing life in which he dedicated himself to public service, and he did love it.

He received a B.A. in history from Vanderbilt in 1962. He was a veteran, serving 4 years in the Marine Corps, where he was a Marine Corps officer in charge of the Gemini IV offshore recovery mission, and attained the rank of lieutenant colonel.

While in Congress, he served on the Armed Services Committee. He was a strong supporter of and friend to Fort Campbell, which was located in both his district and mine.

He was appointed by the House Speaker as a congressional advisor to the Strategic Arms Negotiations in Geneva and the U.N. General Assembly Special Session on Disarmament.

He also served as an assistant Republican whip, was cochairman of the Republican Research Committee on Defense, and an executive committee member of the Republican Study Committee.

His expertise extended to domestic issues, and he served as an executive committee member of the Congressional Task Force on Economic Policy.

After leaving Congress, he continued to serve the public, twice named as NATO Deputy Secretary General.

He is being laid to rest today in the Protestant French Huguenot Church in Charleston, South Carolina.

He is survived by his wife, Cathy, two children and five grandchildren.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I'd like to thank Mrs. BLACKBURN for bringing this to our attention.

Robin Beard was a friend of all of ours from Tennessee, and many of you, both professionally and personally. I actually got to know him when he served two stints as Assistant Secretary General in NATO parliamentary, or the NATO organization in Brussels.

He had a keen sense of humor, and he was a man who enjoyed the collegiality of the House. He was a House man, and he served his country well, both in uniform and out, when he was with NATO.

And so I join on behalf of all of our Members from Tennessee and, really, all of the House and Mrs. BLACKBURN in this tribute to our fallen colleague, Mr. Beard.

Mrs. BLACKBURN. Mr. Speaker, I would ask that the body join our Tennessee delegation in a moment of silence in remembrance of our former colleague, Robin Beard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CALLING ON UNITED NATIONS SECURITY COUNCIL TO CHARGE IRANIAN PRESIDENT WITH CERTAIN VIOLATIONS BECAUSE OF HIS CALLS FOR DESTRUCTION OF ISRAEL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 21, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 21, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 2, answered "present" 11, not voting 8, as follows:

[Roll No. 513]

YEAS—411

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

ANSWERED "PRESENT"—11

Abercrombie
Baldwin
Blumenauer
DeFazio
Gilchrest
Hinchey
Jones (NC)
McDermott
Miller, George
Stark
Wu

NOT VOTING—8

Becerra
Conyers
Cubin
Davis, Jo Ann
Marshall
Ortiz
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1229

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution calling on the United Nations Security Council to charge Iranian leader Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel.".

A motion to reconsider was laid on the table.

SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2359, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2359.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 18, not voting 9, as follows:

[Roll No. 514]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Barrett (SC)
Campbell (CA)
Cannon
Duncan
Flake
Foxx
Franks (AZ)
Hensarling
Manzullo
Paul
Pence
Pickering
Poe
Rohrabacher
Royce
Shadegg
Stearns
Westmoreland

NOT VOTING—9

Becerra
Cubin
Davis, Jo Ann
Gutierrez
Holden
Ortiz
Sullivan
Walden (OR)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1236

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPANDING AND IMPROVING ASSISTANCE PROVIDED BY SMALL BUSINESS DEVELOPMENT CENTERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2284, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 2284.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 73, not voting 8, as follows:

[Roll No. 515]

YEAS—351

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—73

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Biggert
Bilbray
Boustany
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cannon
Coble
Conaway
Culberson
Deal (GA)
Duncan
Ehlers
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Hastings (WA)
Hayes
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
King (IA)
Kingston
Lamborn
Lewis (KY)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—8

Becerra
Cole (OK)
Cubin
Davis, Jo Ann
Ortiz
Ros-Lehtinen
Sullivan
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

☐ 1244

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably absent for rollcall vote No. 515, on suspending the rules and passing H.R. 2284. Had I been present, I would have voted "yea."

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108-375, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. DEFAZIO, Oregon
Ms. LORETTA SANCHEZ, California
Mr. LAMBORN, Colorado

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 481 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2641.

☐ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. LYNCH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 19, 2007, amendment No. 19 offered by the gentleman from Minnesota (Mr. KLINE) had been disposed of and the bill had been read through page 25, line 6.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. I would like to use my time and recognize the gentleman from South Carolina for a colloquy.

Mr. INGLIS of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, I thank you and the ranking member for your work on this bill.

Two weeks ago the House passed the H-Prize Act of 2007. The H-Prize was overwhelmingly supported here in the House with a vote of 408-8, and last year 416-6. The H-Prize is a nonbureaucratic way for government to achieve its goal of harnessing America's entrepreneurial spirit to tackle our energy challenges. The best part is, if no one wins the government doesn't have to pay.

We need $6 million, Mr. Chairman, to fund the H-Prize at its inception. Of that amount, $1 million would be used to fund a prize for advancements in components or systems related to hydrogen storage, $4 million would be used to fund a prize for development of prototypes of hydrogen-powered vehicles or other hydrogen-based products, and $1 million would be used for administration of the prize competitions.

The Secretary of Energy was granted authorization for creating prizes in the Energy Policy Act of 2005. The H-Prize gives structure to this prize authority in accordance with recommendations from industry, academia, government and venture capitalists.

I would ask the chairman if he would work with Mr. LIPINSKI, the gentleman from Illinois, and me to provide funding for the H-Prize as we move forward in conference with the Senate.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman and Mr. LIPINSKI's request for funding for this very worthwhile program, and certainly look forward to working with him as well as the gentleman from Illinois as we go to conference.

Mr. INGLIS of South Carolina. I thank the gentleman.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $5,000, $304,782,000, to remain available until expended, of which $2,390,000 shall be available for necessary administrative expenses to carry out the loan guarantee program under title XVII of Public Law 109-58, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $161,818,000 in fiscal year 2008 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That fees collected pursuant to section 1702(h) of Public Law 109-58 shall be credited as offsetting collections to this account: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2008, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $142,964,000.

AMENDMENT NO. 4 OFFERED BY MR. SPACE

Mr. SPACE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SPACE:

Page 25, line 14, after the second dollar amount insert "(reduced by $30,000,000)".

Page 37, line 19, after the dollar amount insert "(increase by $30,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Ohio (Mr. SPACE) and a Member opposed each will control 5 minutes.

The chairman recognizes the gentleman from Ohio.

Mr. SPACE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am offering this bipartisan amendment with Congressman ADERHOLT to restore funding for the ARC, Appalachian Regional Commission, to $65 million in this bill. This amendment brings the Commission's funding up so that it's equal to the President's request in the previous year's funding level.

The Appalachian Regional Commission is very important to my district and many other districts from New York to Mississippi. The Appalachian Regional Commission is a model for Federal economic development initiatives, and has been a responsible steward of the Federal funds it has received over the years. For example, in fiscal year 2006, across all investment areas, each dollar of ARC funding was matched by $3.14 in non-ARC public project funding, and each ARC dollar invested leveraged $11.55 in private investment in ARC projects over time. This restoration of funds will be offset by a $30 million reduction to the Department of Energy's administrative account.

I understand that the Appropriations Committee must make difficult decisions this year. However, over the last 10 years, funding for the ARC has remained level, at around $65 million, and the region continues to receive less Federal assistance per capita than the rest of the country. Additionally, the House of Representatives had voted to authorize the ARC at levels much higher than $65 million.

The 410-county region still faces a complex set of economic and social challenges, and will need continued support from Congress. Without basic infrastructure, economic development and improvements in the overall quality of life, the Appalachian region will continue to lag well behind the rest of the Nation.

I ask my colleagues to support this bipartisan amendment to restore funding for the commission to levels equal with the President's request and the current funding level for this program.

Mr. Chairman, I would like to yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in support of Congressman SPACE's amendment, which is of course funding for the ARC, Appalachian Regional Commission, in this year's Energy and Water appropriations bill.

Many Americans may not be aware that this was a program that was established back in 1965. ARC was created to address the persistent poverty and the growing economic despair of the Appalachian region, which is an area that extends from southern New York to northeast Mississippi. At that time in 1965, one out of every three Appalachians lived in poverty. Per capita income was 23 percent lower than the U.S. average, and high unemployment and harsh living conditions had, in the 1950s, forced more than 2 million people in that area to leave their homes and seek work in other regions.

Even today, ongoing changes in declining sectors of the economy, such as manufacturing and textiles, exacerbated by globalization, changes in technology, and the recent downturn in the economy have hit this region very, very hard. It has threatened to reverse a lot of the economic gains that were made in these communities over the past several years. For an area that has suffered economically for so long, we can't allow this to happen.

By funding the ARC at least at last year's level, $65 million, we will ensure that the people and the businesses of Appalachia have the knowledge, have the skills and the access to telecommunications and the technology to compete in a technology-based economy.

As has been mentioned here by Congressman SPACE, this restoration of funds will be offset by $30 million for the Department of Energy's administrative account. ARC has been a responsible steward for the Federal funds that it has received over the past several years. For example, in fiscal year 2006, across all investment areas each dollar of ARC funding was matched by $3.14 in non-ARC public project funding, and each ARC dollar invested leveraged $11.55 in private investment in ARC projects over time.

The 410-county region still faces a complex set of issues. However, this program has made a difference, and we are seeing results.

Over the last 10 years, funding for the ARC has remained level at $65 million. And the region continues to receive less Federal assistance per capita than the rest of the country. Additionally, in the past, the House of Representatives has voted to authorize the ARC levels at the higher level of $65 million.

I would like to thank Congressman SPACE for his assistance in this program, and also Chairman VISCLOSKY for his attention to this matter.

Mr. SPACE. I thank the gentleman from Alabama and would yield 1 additional minute to the Congresswoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank Mr. SPACE for offering his amendment to something that I believe in very much, and that is more funding for the Appalachian Regional Commission.

The ARC encompasses all 55 counties of the State of West Virginia and is an important resource to the lower economic communities across Appalachia. Some of the good news is, since the ARC was created, poverty in the region has dropped from 31 percent to 13 percent, and more adults have high school diplomas. The percentage rate has risen to 70 percent. Over 400 rural primary health care facilities have been built. And in my district, three of the counties of my district have recently been removed from the list of economically distressed counties. We have already seen that ARC is a solid investment for our government by leveraging both private and public dollars.

The Appalachian region still lags behind the Nation in water and wastewater facilities, health care and poverty. And the ARC is a major part of continuing to address these challenges in my district and across the region. Now is not the time to cut ARC funding. This amendment will simply bring ARC funds back up to last year's level and the President's requested level of $65 million.

I look forward to bipartisan support of this amendment.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise to engage in a colloquy with the gentleman, Mr. SPACE, to express my appreciation for the concern he has for his constituency, as well as the gentlelady from West Virginia, and my colleague on the committee, Mr. ADERHOLT, who also raised an amendment in the full committee.

Again, I appreciate their work and their concern for the people in economic development of not only their individual constituencies, but their region, and certainly would pledge to continue to work with them to address their concerns.

Having said that, I would ask my colleague from Ohio to withdraw his amendment.

□ 1300

Mr. SPACE. Mr. Chairman, with that commitment to work for the concerns of those in Appalachia, I would, at this point, withdraw the amendment and continue to work with my colleagues on this important issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 18 OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. FOXX:

Page 25, line 14, after the second dollar amount, insert "(reduced by $27,950,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, my amendment would reduce funding for the Department of Energy Departmental Administration to the fiscal year 2007 level. This amendment would save $28 million, reducing the account from $304.782 million to $276.832 million, the fiscal year 2007 enacted level.

The Energy and Water appropriations bill is already $1.1 billion over the President's request. This amendment would reduce the funding in the Departmental Administration account, putting it at last year's enacted level. The bill provides a 10 percent increase for DOE's Departmental Administration account.

There has been at least $105.5 billion in new Federal spending over the next 5 years authorized by the House Democratic leadership this year. In enacting the largest tax increase in American history, the Democrats' budget allows for $28 billion in spending over that of the President's budget request.

This amendment is designed to save the taxpayers almost $30 million, just a small dent in the unnecessary increases in Federal spending this year, which is being fueled by huge tax increases. We've constantly heard on the floor, around this bill especially, the problem of increased rules and regulations. What happens when you have additional administrators? What you are going to get are more rules and more regulations.

We are constantly adding administrative costs to all of the Federal Government. I think we can make a very small dent, but an important dent, in our deficit spending by cutting these funds. This should not hurt at all the administration of the Department and the administration of programs.

If we were going to put in additional funding anywhere, we ought to put that money in for direct services and not for administration. We hear more and more about too much administration in the education field, but I think we have it all over the Federal Government, State governments, local governments.

We are talking about deficits, not surpluses. If we had a huge surplus in this country, we might be wanting to talk about spending additional money. But we don't need to be doing that. This will benefit the taxpayers all over this country. And what we need to do is to cut spending, not increase spending. That is what we heard all last year from the majority party. I am surprised that we aren't continuing to hear it this year. When they are in charge, they want to spend lots of money.

So, Mr. Chairman, I respectfully ask my colleagues to support this, which would save $28 million and make a small dent in our deficit.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, this amendment would reduce DOE's Office of Administration by over $27 million. The bill provides $304 million, a decreased amount under the President's request.

The Departmental Administration account funds the guts of the Department; the chief financial officer, human resources, the general counsel, the chief information officer, all are integral to the functioning of the $25 billion operation of the Department of Energy.

What I am particularly concerned about relative to the gentlewoman's amendment is that the bill has initiatives that would not be funded as a result of the reductions.

There are funds provided in this bill for additional legal counsel to expedite energy efficiency standards for appliances. There has been a significant accumulation of backlog for this work. We can expedite this work and save energy in this country.

The bill also funds a review by the National Academy of Public Administration for the contracting in human resources process. Mentioned yesterday during debate, the Department of Energy has been on a high-risk list with the GAO for 17 years. The purpose of the subcommittee of having the National Academy of Public Administration come in is to get DOE off so that they stop wasting and mismanaging money. And I would hate to see that function not occur because of the gentlewoman's amendment.

Mr. Chairman, I would urge rejection of it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. And while they say miracles never cease, this is living proof. Despite my frustrations with the leadership of the Department of Energy, and they are great, I am rising to oppose the gentlewoman's motion to cut the DOE's Departmental Administration and make a case for why they need the level requested by the President.

For too long, DOE has been stuck in a quagmire of mismanagement, operating devoid of leadership and vision. But cutting funds that are critical to the successful management of our Nation's energy programs, especially at such a critical time in terms of our energy security, I think is a foolish time to do that. A cut of close to $30 million to this account will cost far more in terms of our Nation's energy needs than the good message it might send.

So don't be misled by the gentlewoman's argument that cutting $28 million in discretionary funds in this account will reduce the deficit. It might. But I think it will do the opposite. It will undermine DOE's efforts to oversee climate change research, improve the use of renewable energy, and provide national scientific leadership.

But DOE, I hope, is listening today and gets the message. They need to get their act together, and I agree with the fact that they don't have their act together. But I don't think this is the way to get their attention at this moment. But if I thought it was, I would agree with the gentlewoman, because I believe the intent here is more than just to cut the deficit. It is to wake them up to get some reasonable management in that quagmire that is over there and just answers to the other body's needs all the time for additional spending. So it is unfortunate, but I do oppose the gentlewoman's amendment.

Mr. VISCLOSKY. Mr. Chairman, I would yield back my time and urge a "no" vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $47,732,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MATHESON

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MATHESON:

Page 26, line 17, after the dollar amount insert "(reduced by $1,000,000) (increased by $1,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, the Department of Energy is currently managing 206 ongoing projects and, unfortunately, the agency has a long record of inadequate management and oversight of contracts. DOE's failure to hold contractors accountable led the GAO to designate DOE contract administration and project management as a high-risk area for waste, fraud, abuse and mismanagement way back in 1990. Although DOE has made some oversight improvements in the intervening years, GAO noted in reports completed this year, 17 years after the 1990 report, that major problems exist in contracting management at the agency.

One quick example: On a project started in 2004 to demonstrate an alternative waste treatment technology at DOE's Hanford site, DOE officials decided to accelerate the project's schedule. As a result, the project was initiated without using key project management tools, such as an independent review of the cost and schedule baseline. After the project experienced significant schedule and technical problems and the estimated cost more than tripled to about $230 million, DOE began requiring that the project be managed consistent with its project management requirements.

Furthermore, on four additional projects, estimated to cost over $100 million each, cost and schedule information was not being reported into DOE's project tracking system, resulting in less senior management oversight.

My amendment would simply require DOE's Inspector General to conduct a root-cause analysis to fully understand the causes of its contract and management problems, as has been recommended by the GAO.

I encourage everyone to support this amendment as a necessary first step in order to better address the contract management challenges faced by the DOE.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I accept the gentleman's amendment. I understand his concern, as I and Mr. HOBSON have grave concerns about the department's record on contracting and project management as well.

This bill requires the department to develop an action plan due to Congress that will get DOE off the GAO high-risk list for their contract management performance as soon as possible, as I indicated in the previous debate, where they have been since 1990; follow its own guidelines in Management Order 413.3 for project management; and contract with the National Academy of Public Administration for a review of the departmental contracting processes, which have been a choke point of getting work done.

Again, I would be pleased to accept the gentleman's amendment and the record that is established for the department to follow through on GAO's recommendation to examine the root causes of poor contract management.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I wish to associate myself with the chairman's comments. I have no objection to the amendment.

Mr. MATHESON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $5,879,137,000 to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,683,646,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $808,219,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $415,879,000, to remain available until expended.

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three passenger motor vehicles for replacement only, $5,766,561,000, to remain available until expended, of which $463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed twelve passenger motor vehicles for replacement only, $604,313,000, to remain available until expended: *Provided*, That of the funds provided under this heading in Public Law 109-103, $4,900,000 are transferred to "Weapons Activities" for planning activities associated with special nuclear material consolidation.

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is there objection to considering the amendment at this point in the reading?

There was no objection

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UDALL of New Mexico:

Page 27, line 4, after the dollar amount, insert "(increased by $192,123,000)".

Page 28, line 2, after the second dollar amount, insert "(reduced by $192,123,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from New Mexico (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

□ 1315

Mr. UDALL of New Mexico. First let me thank the chairman and ranking member for their work on this bill, which provides a bold vision for moving this country forward along a path of clean energy independence and limits spending on new nuclear weapons.

My district has a particular interest in this bill, as I represent the scientists, employees, and community of Los Alamos National Laboratory, also known as LANL. The scientists at LANL are the best in the world and they work with a commitment to both national security and the pursuit of scientific knowledge. In recent years, there have been administrative and managerial difficulties, which we all agree are unacceptable. Nevertheless, the mission of the lab and the workers are the two things that I will always fiercely defend.

Stockpile stewardship, the core mission at LANL, certifies to the President every year that the nuclear stockpile is safe, reliable and accurate. My amendment will help ensure the stability of that mission and thus the rigor of our Nation's security, while also building a bridge to the future.

It will restore funding to the President's request for three specific areas, including upgrades to the Road Runner computer; the readiness and technical base and facilities at LANL; and the scientific campaign. In so doing, I propose to reduce spending in the office of the NNSA Administrator.

The Road Runner computer upgrades will increase LANL's supercomputing capability and keep the lab's ability to conduct computer simulated weapons testing at state-of-the-art. Additionally, the capacity can also be used for advanced non-weapons materials research, and thus broaden the scientific capability of the lab. The amendment restores proposed reductions in Readiness in Technical Base and Facilities at LANL, which would grind to a halt any safety improvements in the lab's infrastructure.

Finally, the science campaign is at the heart of stockpile stewardship. It sustains our Nation's capabilities and understanding of nuclear weapons, which is essential to protecting our Nation. It also allows us to keep our treaty commitments and not perform nuclear testing.

I believe that the cuts in this bill to our Nation's premier national security laboratory hurt the core mission and inhibit the laboratory's ability to transition toward the necessary work on energy independence.

LANL must prepare for the future, which includes diversification of its mission. As Chairman VISCLOSKY has recognized in this legislation, securing our Nation's energy independence is one of the most critical areas of our national security. LANL has an important role to play in this regard.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong opposition to the gentleman's amendment, and would hope that at the end of this debate he consider the withdrawal of his amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I have a great deal of respect for Mr. UDALL and also appreciate the fact that he has made a significant contribution to the full Appropriations Committee and also understand the circumstances that he is presented with.

Contrary to what I think the belief of some Members are, we have made cuts in this bill, but they were thoughtful cuts, given a number of considerations. I would point out that the means by which the gentleman is trying to secure additional weapons money would cut the Administrator's office and potentially terminate most of the Nation's nonproliferation programs.

The nuclear nonproliferation programs are one of the few activities at the Department of Energy that are staffed, managed and run by Federal employees. In the end, Federal employees tend to be generally younger professionals with fewer years of public service and would bear the brunt of any Federal reduction in force.

Secondly, I wish that our national labs, which are treasures and do great work, would also be as adamant and as concerned about their security as they are about their budget line. I would ask to submit additional materials in the RECORD, but would point out we had serious security breaches at Los Alamos in December of 1999, June of 2000, November of 2003, May of 2004, July of 2004, in 2005, in 2006. There was an incident in January of 2007 that made Time Magazine. This has got to stop.

But the breach that causes me and should cause every Member here the most heartburn is what happened to a gentleman by the name of Shawn Carpenter. Mr. Carpenter worked at Los Alamos, Mr. Carpenter was concerned about security at Los Alamos, and Mr. Carpenter went to the Federal Bureau of Investigation to express his concern. He did not go to a local newspaper. He went to the FBI, and he was terminated. There was a trial relative to that wrongful termination. And I would point out that the gentleman who fired Mr. Carpenter, and he subsequently won a judgment of $4.6 million for wrongful termination, got a bonus. He got a bonus after he fired Mr. Carpenter, and Mr. Carpenter went to the FBI to protect the secrets of this Nation as far as our nuclear security.

The third concern I have is some of these moneys would find their way back into the proposal made by the administration that we have eliminated in this bill for a new nuclear weapon. As we have extensively pointed out in the committee report language, since the termination of the Cold War, since regional conflicts such as Kosovo, since 9/11, we have not developed a new nuclear strategy. This is not a time to build a new nuclear weapon.

We have significant cost overruns and time overruns on three buildings we were told were needed for stockpile stewardship. None of them are done. All of them are over budget. Now let's take a turn in the road. I am adamantly opposed.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I rise in strong opposition also to the gentleman's amendment. This is not personal between me and the gentleman, and I hope it wouldn't be when I get over too, because I am really opposed to this amendment, and I am really in support of the chairman on this, because this is something we have worked on for a long period of time.

I know the administration and some Members, those from New Mexico, are not pleased with the cuts to the weapons program. I have heard from the other body, and they may claim these funding reductions somehow threaten our national security.

I also recognize it is politically convenient to move money from a so-called bureaucracy in Washington to what is portrayed as a field-level purpose. Sorry, folks, but I don't buy either of these arguments, and I strongly believe this bill puts our nuclear weapons programs in the proper perspective.

I have been a member of the Energy and Water Subcommittee for the past 5 years, and I have personally visited every single nuclear weapons lab, plant and site in DOE's complex, and I honestly can't tell you how much our national security is protected, whether we fund the nuclear weapons account at $6.5 billion, $6 billion, or even $5.5 billion. And I certainly can't tell you what benefit we will gain by adding $192 million back to the weapons program and devastating NNSA's management office, as the gentleman proposes.

I also sit on the Defense Appropriations Subcommittee, as does my chairman, and we both are all too aware of the funding shortfalls in the conventional defense area to believe that nuclear weapons are somehow a higher security priority.

So after years of looking at this from virtually every angle, I can tell you definitively that what we need is a national strategy for nuclear weapons and a clearly defined set of military requirements that is derived from that strategy. Then, and only then, will NNSA be able to lay out what a modern weapons complex, capability of producing a specified number of reliable replacement warheads will look like.

In the meantime, we have many nuclear nonproliferation priorities that need to be addressed. This will have real security benefits today, not at some weapons design lab tomorrow.

This bill balances our national security needs by making the prudent recommendations on weapons we have discussed and by putting an additional $398 billion above the President's request towards defense nuclear nonproliferation activities. These funds will play down the risk of nuclear smuggling by improving programs such as the elimination of weapons-grade plutonium production; international nuclear materials production and cooperation; second line of defense and cooperation; MegaPorts; MegaAirports;

and global coordination among domestic security agencies, such as DHS and foreign governments.

Furthermore, these additional funds will support the implementation of an International Nuclear Fuel Bank, a priority for security experts ranging from National Security Advisor Steve Hadley to former Senator Sam Nunn to the leadership of the International Atomic Energy Agency.

Getting our national security priorities right is what this bill is about, and it is a rational approach I wholeheartedly support. But let's call it what it is. This amendment isn't really about national security. It is all about jobs at these DOE weapons facilities.

In particular, the Los Alamos National Laboratory is in the gentleman's State of New Mexico. This lab has held a preeminent place at the Federal trough for years, and now fears the loss of jobs because of this bill's recommended funding levels. Los Alamos has the largest number of employees of any DOE field site, with employees who receive the highest level of compensation, and a lab that has the highest overhead rate of any DOE operation. All told, Los Alamos receives close to $2 billion a year from our bill, plus additional reimbursement of work from other agencies. And I cannot tell you what we get in return for that investment.

I do know that Los Alamos has chronic management problems, and I can read a long litany of security failures, safety accidents and costs and schedule overruns brought to you by the 9,000 highly paid folks at Los Alamos. Don't let anyone tell you that these problems are a thing of the past. DOE just informed us this week of yet another security screwup at Los Alamos, and this is after a number of others.

Given this track record, do we really believe adding another $192 million will improve security? I would argue our national security might actually be improved by cutting 1,800 jobs from a facility that can't seem to manage sensitive information. We would have a lot less people to watch.

The bottom line is that gutting the office of the NNSA Administrator by reducing its funding by almost half will undermine any chance of the NNSA actually managing the weapons and nuclear nonproliferation programs. Does the gentleman expect us to believe that jobs in New Mexico are more important than the overall national management of these sensitive national security programs?

So I am, you can tell, opposed to the gentleman's amendment. I believe the priorities are misguided. The weapons program has no clear strategy of a way forward. And this bill report addresses the shortcomings with its prudent funding recommendations and bold direction.

I urge my colleagues to vote against this ill-conceived amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. STUPAK), chairman of the Oversight and Investigations Subcommittee of the Committee of Energy and Commerce.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 1 minute.

Mr. STUPAK. Mr. Chairman, I urge my colleagues to oppose this amendment, which would fund new nuclear weapons development by taking $193 million from the National Nuclear Security Administration nonproliferation account.

NNSA plays a very important role in helping us to secure nuclear weapons, "loose nukes," as we call them in committee, around the world. The program helps secure nuclear material in Russia and elsewhere.

This funding includes $412 million for the installation of radiation portal monitors at over 200 border crossings in Russia, the Baltic States and the Caucasus region, $293 million more than the President's budget.

Rather than commit billions of dollars to manufacturing another generation of nuclear weapons, our existing nuclear arsenal can be sustained using the life extension program managed by NNSA. If we cut $193 million from it, there will be no way we can maintain this life extension program.

The JASON Report, a panel of independent nuclear weapons experts, reported last year that the existing plutonium pit will remain reliable for 100 years, far longer than the 45 or 60 years.

We don't need new weapons. Let's put the money where it will do the most good, to secure "loose nukes" around the world. Support the chairman in this position, and do not support the Udall amendment.

□ 1330

Mr. UDALL of New Mexico. Mr. Chairman, in closing, first of all, the NNSA is the problem, not the scientists. NNSA was put there to bring a better security situation, and security has deteriorated since they are there, and that is why I take the money away from the NNSA Administration.

Secondly, I know we can't legislate on an appropriations bill, but I think it would be very appropriate to take a look at the role that NNSA should play in this whole situation, if not return to the Department of Energy managing the nuclear complex. They did a better job.

The vast majority of scientists at Los Alamos work on a broad variety of subjects, not only weapons activities. They stand ready to conduct the research that is most essential to our Nation. However, we need to make sure that these top scientists can do their jobs and have the support they need to work on other missions.

Mr. PEARCE. Mr. Chairman, I rise today to support this amendment that will restore a portion of the fundmg which is critical to maintaining our commitment to safety and security of our nuclear stewardship responsibilities.

I deeply regret that the Majority has decided to cut these programs and irrevocably harm our nuclear weapon programs and fail to maintain our nuclear stockpile. Our responsibility is to protect the American people and ensure that our weapons programs operate in a responsible and secure manner.

These important programs are our national deterrent against rogue nations who would threaten us with weapons of mass destruction. In addition, these cuts will erode our non-proliferation efforts worldwide, as our allies would have to consider expanding their own nuclear arsenals to make up for our reductions.

The cuts proposed today will cut nearly 40 percent of the funding for our Nuclear weapons programs operated at Los Alamos National Laboratory. I would ask the sponsors of these cuts if they believe that the threats from rogue states and aggressive dictators have reduced by 40 percent? If not, why are we cutting our ability to defend ourselves by 40 percent? These cuts will damage our ability to retain good scientists, preserve the knowledge base of our laboratory, and our preparedness to respond to our future nuclear needs.

In addition, these cuts decimate the nation's Stockpile Stewardship Program. Since we have stopped testing nuclear weapons, our country relies on Los Alamos to ensure that our strategic weapon capabilities are safe, reliable and secure. Failure do so abdicates our responsibility to the protect the American people.

These programs are critical to the mission of Los Alamos and critical to America. We shouldn't just simply fold up our tent and allow these programs to be deeply cut or nearly eliminated and I urge all my colleagues to stand up and support this amendment and furthermore support restoring the full funding to these important programs.

Mr. UDALL of New Mexico. Mr. Chairman, I also want to state what my amendment does not do. It does not provide any funding for the Reliable Replacement Warhead (RRW) program or any new weapon development. It does not take specific funds from non-proliferation activities, activities which I support. And it does not, regardless of the misunderstanding or misstatement of others, in any way make it easier for terrorists to acquire nuclear materials. In fact, my amendment would actually restore funding cuts for security measures that keep our nuclear materials safe at our national laboratories.

I understand that in an amendment that moves this much money there can be great concern, and there should be great concern. Yet, it must be understood exactly what is and is not happening—and the entire purpose, the entire substance, of this amendment is meant to help protect the core missions of the labs. Ultimately, this will accelerate a diversification of their missions in order to better meet the national concerns and priorities that we will continue to face in the future.

Mr. UDALL of New Mexico. Mr. Chairman, today this body debated the Energy and Water

Appropriations bill for the upcoming fiscal year. During debate, I offered an amendment which would have added $192 million for the purpose of supporting and diversifying the core mission of our Nation's laboratories. Although my amendment did not pass, I remain strongly committed to the idea that a diversification of the mission of our labs is essential and must take place now if we are going to continue to face—and solve—the major national security challenges of the future.

The debate of the amendment brought up several misconceptions and misunderstandings, and I want to take this time to reiterate the purpose and substance of the amendment.

First, some said that my amendment would increase "funding for new nuclear weapon development." This is simply not true. My amendment would return spending approximately to current levels—thereby not providing for the funding of new weapons. As I stated in my previous remarks, my amendment would target funding for three programs, all of which support securing and maintaining our Nation's existing weapons and the core mission of the laboratory. In fact, two of the three programs—the Road Runner Supercomputer and the Science Campaign—help ensure our current weapons supply remains safe, reliable and accurate through computer simulations of weapons in the place of real weapons testing. In the past, I have expressed great concern with the Reliable Replacement Warhead (RRW) program, and I continue to believe that numerous important questions regarding this proposal need to be answered before it proceeds. I doubt our need for a new weapon.

Second, some said that my amendment could "terminate most of the Nation's nonproliferation programs" and that opposing the amendment would "stop terrorists from acquiring nuclear materials." This is also not true. According to the committee report, $75 million of the Office of the NNSA Administrator is set aside for the Defense Nuclear Nonproliferation program. My amendment would have set total funding for the Office of the NNSA Administrator at $215 million, more than enough to continue to fund the nonproliferation program. Further, my amendment did not in any way stipulate that the funding would come from the nonproliferation program. It should be noted that current funding for the Office is $340 million. Clearly the $415 million provided in this bill is a substantial increase for all programs. Even if my amendment had been adopted, the agency still could have completed these important tasks.

Third, some said that my amendment indicated that "jobs in New Mexico are more important than the overall national management of these sensitive national security programs." Certainly representing the constituency needs of the Third Congressional District of New Mexico is my primary concern. And, yes, those who would lose their jobs under this bill—technical, academic and support jobs in which many have spent decades—are worried. But let me be absolutely clear about this: Neither I nor a single member of the Los Alamos community would for a moment rather protect these jobs than protect the safety and defense of our national security programs. The men and women who work at Los Alamos take great pride in their mission and service to our Nation. They understand the unique undertaking of the lab, and it is my honor to represent them.

Mr. Chairman, I held a telephone town hall with the community of Los Alamos on this issue. During the town hall an informal poll question asked whether people support a diversification of the lab's mission. Eighty-four percent of the respondents—over half of whom were employees at LANL—supported such a diversification.

I do not believe that we must continue with a status quo mission for our national laboratories. Nor do I believe that creating a national security strategy in a policy vacuum without any regard for the needs of the future is the way to proceed. There is an absolute need, and, in fact, a great opportunity, for our national laboratories to diversify their missions and expand the scientific research being conducted in order to meet the challenges we are facing. From energy independence to health care to climate change modeling, we have the capacity for this diversification. I hope that in the coming months and years I will be joined by others who believe in this cause.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HOBSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Michigan (Mr. ROGERS) for a colloquy.

Mr. ROGERS of Michigan. Mr. Chairman, I thank the gentleman from Ohio (Mr. HOBSON) for yielding me this time.

Mr. Chairman, in the report accompanying H.R. 2641, the subcommittee commends the nuclear physics research community for its efforts to rescope the next generation rare isotope research facility in light of the current fiscal constraints. However, the report contends that "the rare isotope beams will involve modifications to existing accelerators rather than the construction of a new rare isotope accelerator, RIA."

As you know, National Superconducting Cyclotron Laboratory, located at Michigan State University, is the leading rare isotope facility in the United States and needs an upgrade to stay on the leading edge of rare isotope science. Michigan State's upgrade proposal includes the reuse of several major components of the existing NSCL. However, it does not intend to use its existing cyclotron accelerators, as they would not be suitable for the beam strengths contemplated by the new facility. As a result, if one were to interpret this language literally, Michigan State would not be eligible for any potential DOE funded facility since it is not proposing "modifications to existing accelerators."

Mr. Chairman, I am assuming this is a problem created by ambiguous wording and does not represent a substantive shift in the position of the subcommittee. Would you concur with my assumption, sir?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, as a Notre Dame grad, I would like to interject myself into this colloquy. I thank the gentleman from Michigan for his interest in this area.

The gentleman is correct. The subcommittee's objection was to praise the nuclear physics community's adaptiveness in adjusting its facilities plan to our current budgetary realities. It was not meant in any way to define or alter the scope of the proposed facility or limit Michigan State's ability to compete. The subcommittee remains steadfastly committed to ensuring that DOE user facilities are subject to full and open competition and will monitor the process very closely to make sure that all potential competitors are treated fairly by DOE. Again, I appreciate the gentleman for yielding and bringing this matter up.

Mr. HOBSON. I yield to the gentleman from Michigan.

Mr. ROGERS of Michigan. I want to thank the chairman of the subcommittee for his work on this issue. You have given me a whole renewed look at Notre Dame University.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $292,046,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2008, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,463,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, up to $48,413,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $30,442,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including the operation, maintenance, and purchase through transfer, exchange, or sale of one helicopter for replacement only, and official reception and representation expenses in an amount not to exceed $1,500; $201,030,000, to remain available until expended, of which $191,094,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $7,167,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $258,702,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,500,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $255,425,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $255,425,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2008 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a) None of the funds in this or any other appropriations Act for fiscal year 2008 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate requests for proposals for a program if the program has not been funded by Congress.

SEC. 303. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. BONNEVILLE POWER ADMINISTRATION SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) A user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site office for plant or site-directed research and development funding.

SEC. 308. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

SEC. 309. INTERNATIONAL NUCLEAR FUEL BANK.—Of the funds made available in the first paragraph under the heading "Atomic Energy Defense Activities—Other Defense Activities" in chapter 2 of title I of division B of Public Law 105–277, $100,000,000 shall be available until expended, subject to authorization, for the contribution of the United States to create a low-enriched uranium stockpile for an International Nuclear Fuel Bank supply of nuclear fuel for peaceful means under the International Atomic Energy Agency.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding section 14704 of title 40, United States Code, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire passenger motor vehicles, $35,000,000, to remain available until expended.

AMENDMENT NO. 17 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. NEUGEBAUER:

Page 37, strike lines 9 through 19.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, my amendment would strike funding for the Appalachian Regional Commission. This commission is a perfect example of Ronald Reagan's belief that the nearest thing to eternal life we will ever see on this Earth is a government program.

Established more than 40 years ago, this commission has evolved into an inequitable and duplicative Federal program, yet it receives $35 million in next year's budget.

Although most of ARC funding is spent building State roads, the agency also spends tax dollars on water programs, housing projects, business development, and health care.

However, this funding is only available to 13 States. In other words, this is a bracketed bill. The ARC is a redundant layer of bureaucracy. Several other Federal agencies have similar missions as the ARC. For example, an Appalachian community applying for an economic development grant would be eligible to use 20 other programs across five other agencies and receive funding for the exact same purposes. For every ARC program, it is duplicated by another Federal program.

According to the Department of Agriculture's Web site, USDA's Rural Development Agency supports such essential public facilities and services as water and sewer systems, housing, health clinics and promotes economic development. In other words, under the current Department of Agriculture programs, these communities could apply for these grants instead of having a separate bracketed amount of money.

At the Department of Housing and Urban Development, there is a rural housing and economic development program within the Department of Housing and Urban Development.

Departments of Transportation and Commerce, for example, and even the Department of Defense, have programs whose mission is to help rural communities.

Therefore, if we were to eliminate the ARC, applicants could still apply for countless other grants from other agencies that are already providing funding for rural communities.

I represent a rural community, and so I understand the unique challenges facing rural America today. However, as we work to help communities overcome their challenges, we should do it in such a way that we are not wasting taxpayer dollars.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, as I stated earlier, there is a role and a need for the ARC to assist distressed counties in Appalachia with local economic development and to provide infrastructure requirements.

Of the original 223 distressed counties, 74 remain in that category; and clearly the mission of the ARC has not yet been fully realized. The fact is the committee did reduce the administration's request for this account by $30 million and has targeted all of the funds in this bill for those distressed counties. So I would be in opposition to the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I rise in support of the amendment to eliminate funding for the Appalachian Regional Commission. I have been against the Appalachian Regional Commission since I was on the Budget Committee in 1995. But I do appreciate the chairman's cutting the funding back because we always have a problem dealing with the Senate on this issue.

But let me tell you, for all of the heartburn we have had over congressional earmarks and administration earmarks, I would point out that funding for the Appalachian Regional Commission basically provides earmarks designated by the Governors of 13 Appalachian States. If we are cutting our earmarks, then we should be reducing these as well. The one thing we should not do is delegate our decision-making to the authority of these Governors, no matter how well intended the purposes are.

And I have to tell you, we have been throwing this money into these counties for all these years, and they are still at these levels. It doesn't do any good. It just goes down the tube. We should do programs that really help the quality of life in these regions and help them move out, rather than doing these little projects that keep them in the poverty level. So I support the gentleman's amendment.

Mr. NEUGEBAUER. Mr. Chairman, I was going to point out exactly the point that the gentleman made about the earmarks. There is $300,000 for central Pennsylvania's largest kitchen, $20,000 to renovate an abandoned hospital for a possible visual arts center, $7,000 to place 16 poster-size vignettes in culturally significant areas in Connellsville, Pennsylvania.

Mr. Chairman, economic development is important to all America. It is important to rural America; but what is also important to America is fiscal responsibility, keeping taxes lower.

If we keep spending money the way we are spending money now, we are going to have to raise taxes. In fact, the Democratic budget passed what is going to be the largest tax increase in American history. The government doesn't have an income problem; the government has a spending problem. When you look at the revenues over the last few years because we lowered taxes and let the American people keep their money and let the American people invest and let small businesses create jobs all across America, what happened? Well, the economy got better. What happened to tax revenues? Tax revenues are increasing at a fairly substantial rate.

What we have to do is cut spending so spending is growing at a slower rate than the revenues. That is the only way we are ever going to be able to balance our budget. I urge support of my amendment.

Mr. VISCLOSKY. Mr. Chairman, despite the eloquence and persuasiveness of my ranking member and good friend, Mr. HOBSON, I remain opposed and would ask the membership to vote against the amendment.

Mr. SPACE. Mr. Chairman, I rise to oppose this amendment.

For four decades now, the Appalachian Regional Commission has worked to bring Appalachia to economic parity with the rest of the country.

The statistics are devastating. Twenty percent of Appalachian households still do not have access to community water systems. Sixty-two percent of Appalachian counties have a higher unemployment rate than the national average.

I want to make one thing clear. The Commission's programs are NOT duplicative. They complement Federal activities and extend the reach of those programs into the most challenging parts of Appalachia.

The Commission acts as a key financial partner in attracting private and non-profit investment to the region. In Fiscal Year 2006, every dollar of ARC funding leveraged $3.14 in other public funding and $11.55 in private investment.

The modest amount of money we spend on this program is fiscally responsible and enormously beneficial to the taxpayer. The President's own Budget requests that the Commission's funding level continue at $65 million.

I urge my colleagues to oppose this amendment.

Mr. ARCURI. Mr. Chairman, I rise in strong opposition to this amendment. Unfortunately, my colleague from Texas has failed to closely examine the benefits the Appalachian Regional Commission has provided numerous economically distressed counties in the region since its establishment over 40 years ago.

Mr. Chairman, the ARC has enhanced the region's economic progress by improving living conditions, enhancing the employability of the workforce, and strengthening the region's basic infrastructure.

Simply put, the numbers speak for themselves. Since its creation, the ARC has reduced the number of severely distressed counties in the region by more than 65 percent, cut the poverty rate from 31 percent to 15 percent, and created 1.6 million jobs.

Mr. Chairman, my upstate New York district has been plagued with struggling local economies for quite some time. Population exodus, significant job losses in the manufacturing sector and slow economic development have all contributed to the downturn in economic prosperity in the region.

These communities are in dire need of exposure to new innovative technologies—such as alternative energy projects—and attracting private investment to spur economic activity and improve their quality of life. The ARC helps our communities do just that. The ARC provides the framework and the guidance for these communities to begin to move towards sustainable economic growth.

Mr. Chairman, six counties in my upstate New York district have experienced success as members of the ARC. The Village of Sherburne, NY in Chenango County is a great example of how small ARC grants are extremely helpful in leveraging additional funds from State, local, and private sources for economic development initiatives that create jobs. A $200,000 grant from the ARC for the enhancement of aging water infrastructure in Sherburne—a problem that is plaguing many States in the Northeast—was able to leverage close to $4 million in State and local community investment.

Mr. Chairman, for each one dollar of ARC funding invested, it leverages $3.14 in other public funding and $11.55 in private investment. Now that sounds like a responsible and wise investment of taxpayer dollars.

It would be unwise and irresponsible to deny the people in 13 States in the region the funds to help them achieve socioeconomic parity with the Nation. I ask my colleagues on both sides of the aisle to oppose the amendment to zero-out funding for the ARC. Mr. Chairman, I also strongly urge my colleagues to support my freshman colleague from Ohio's amendment to fully restore the President's FY08 budget request of $65 million for the ARC in this bill.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

☐ 1345

The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, $22,499,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $1,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

AMENDMENT NO. 16 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. MUSGRAVE:

Page 38, strike lines 7 through 13.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, my amendment would eliminate funding for the Denali Commission. This amendment would save taxpayers $1.8 million.

In fiscal year 2007, the Denali Commission received $49.5 million. The President's request in this fiscal year for 2008 is $1.8 million and the bill provides that entire amount.

When we look at the State of Alaska, it has a very low tax burden. Alaska has no State income tax. It has the lowest taxes as a percentage of per capita income of any State in the country. Also, Alaska is actually a relatively wealthy State in terms of per capita income.

Mr. VISCLOSKY. Mr. Chairman, will the gentlewoman yield?

Mrs. MUSGRAVE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I would simply indicate that I would be happy to accept the gentlewoman's amendment and if my colleague the ranking member would have an observation, I would invite him to.

Mr. HOBSON. I am also willing to accept the amendment.

Mrs. MUSGRAVE. Reclaiming my time, I thank both the gentlemen and look forward to our efforts to save the American taxpayers $1.8 million.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NUCLEAR REGULATORY COMMISSION

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $21,000), $925,559,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $37,250,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $757,720,000 in fiscal year 2008 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $167,839,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $8,144,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,330,000 in fiscal year 2008 shall be retained and be available for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at not more than $814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,621,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $2,322,000.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

AMENDMENT OFFERED BY MRS. SCHMIDT

Mrs. SCHMIDT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHMIDT:

At the end of the bill, before the short title, insert the following:

SEC. 503. None of the funds made available by this Act may be used for the Global Nuclear Energy Partnership initiative for the transfer or storage of spent nuclear fuel or high-level radioactive waste to any site that is not a site where facilities for reprocessing of that fuel or waste have been constructed or are under construction, or used to retain spent nuclear fuel or high-level radioactive waste for permanent storage at such a site where facilities for reprocessing of fuel or waste have been constructed or are under construction.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from Ohio (Mrs. SCHMIDT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Mrs. SCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

This amendment that I am offering, and plan to withdraw, is based on legislation I have introduced with Congressmen WILSON and SPACE, H.R. 2282, the Nuclear Waste Storage Prohibition Act.

Currently, there are 11 sites around our Nation that are under consideration for hosting one or more facilities related to the Global Nuclear Energy Partnership, called GNEP. It's an initiative that is being studied as we speak. The Portsmouth Gaseous Diffusion Plant located in my district in Piketon, Ohio, is one of the 11 sites. The other sites include locations in Tennessee, South Carolina, Kentucky, New Mexico, Illinois, Washington and Idaho. Everyone representing one of these sites or an area nearby has a strong interest in how this important initiative proceeds.

The point of my amendment is to ensure that none of these GNEP sites that have been under consideration only become a de facto storage site for spent nuclear fuel. My amendment prohibits DOE from using funds to transfer spent nuclear fuel or high-level radioactive waste to any site unless it is a site where the reprocessing facility for this material is either under construction or has been completed.

In addition, my amendment also ensures the final end product after the fuel has been recycled is moved offsite as quickly as possible, either to the next stage in the nuclear fuel recycling process or to Yucca Mountain, which remains our Nation's long-term and permanent storage facility.

DOE has not made any statements to suggest that any of those 11 sites would ever become a de facto waste storage site. On the contrary, DOE and this Congress have made clear over the years that the final end product will be permanently stored at Yucca Mountain. However, based on feedback from my constituents, who generally speaking are very excited by the potential opportunities of this initiative, there are some concerns related to long-term storage. I am sure I am not the only one who has heard these concerns, and Congress must assure these communities that their worst fears will never become a reality. This amendment would help accomplish this goal.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition. I understand the gentlelady's concern and, with the observation that she is going to withdraw her amendment, have a number of points to make but will simply enter those into the RECORD.

Proceeding with construction of nuclear spent fuel recycling facilities at this time is premature.

Geologic capacity exists at Yucca Mountain to accommodate much more high level waste than currently permitted by legislation.

Spent fuel recycling is not economically viable given affordable fresh supplies of uranium fuel.

On-site storage of nuclear spent fuel is safe for 50 to 100 years, so there is no rush, but there could be cost savings from removing spent fuel from the nine decommissioned nuclear reactor sites.

Mr. Chairman, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman from Ohio has 2½ minutes remaining.

Mrs. SCHMIDT. I yield to the ranking member.

Mr. HOBSON. Mr. Chairman, I appreciate the gentlelady's withdrawing of the amendment. At the time this proposal came up, I was the chairman of the committee and we worked together on this with the current chairman. GNEP was a proposal that was put out for people to raise their hand if they were interested in the project. It was never intended that the project be a permanent disposition site. So I think your people should understand that it was only an interim site. I would recommend that the record show that it is only an interim site that is intended if they are successful in receiving a GNEP award.

Mrs. SCHMIDT. I appreciate the ranking member's comments. I would like to continue to work with you so that we can put some language into the record that would assure the folks in the 11 States where GNEP is being pursued that this is indeed an interim storage facility and not a permanent storage facility.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 9 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Thank you, Mr. Chairman.

My amendment would cut one-half of 1 percent spending from the Energy and Water appropriations bill. I am offering this amendment to this bill to make a cut of just one-half percent of the overall funding of the bill.

With the national debt at an all-time high, Mr. Chairman, of $8.8 trillion, Congress is leaving a very sad legacy for the next generation. I believe that we in Congress must take responsibility for this burden by establishing Federal spending priorities and setting spending caps for some programs and eliminating unnecessary spending for others. When you look at this amount of money, when you look at this huge amount that we are spending, I believe that it is very reasonable to ask for this modest cut. We owe it to the taxpayers whose money we are spending to make a serious commitment to fiscal responsibility and we need to exercise fiscal restraint.

The simple truth is that the money we stand here today to spend is not our own. The funds that we are appropriating come from the hard-earned incomes of families across this country. The families in my district in eastern Colorado need money for groceries, to buy gas for their cars, to educate their children, and I think that when we are here on this floor talking about this issue, we ought to think about the families in Colorado and around the Nation that work very hard to make ends meet.

I know that there are worthy programs in this bill and I commend the work of the chairman and the ranking member, but I think we need to realize that this fiscal responsibility is what we should be exercising right now. I urge my colleagues to support my amendment and really to demonstrate to the American public that we remember where this money comes from as we spend it and make our decisions here in this Chamber.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong objection to the gentlelady's amendment and would point out a couple of things. One, as we stated in opening debate, we very carefully looked at all the accounts in this bill and, among other things, made cuts in over 57 programs to make sure that funds were available for positive programs that make a difference in people's lives. One of those areas is in the area of energy and specifically the high cost of gasoline for consumers across the country.

One of the things that we did do is to add money in this legislation, $130 million above the President's request, to provide $503 million for new vehicle technologies and for biofuels. Another area as far as the energy crisis was the change in the overall request relative to climate change and, again, funds were made available for such things as research, development and demonstration of new energy technologies in solar, geothermal, wind, hydropower, fossil and nuclear energy as well as research, development and demonstration of conservation technologies for buildings and industries as well as the deployment of energy conservation through weatherization in Federal buildings.

There are a lot of very positive things that we have done in this legislation to advance a positive energy agenda. The gentlewoman's amendment would be hurtful to those efforts and I am opposed to her amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

□ 1400

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. WILSON of New Mexico:

At the end of the bill (before the short title), insert the following:

SEC.   . Of the funds made available in title III under the heading "Science", $37,000,000 is for the Medical Applications and Measurement Science Program.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. Mr. Chairman, I have offered an amendment, and I will tell my colleagues I intend to withdraw it at the end of my presentation, but there is an issue that has been festering between two agencies that I think Congress needs to go ahead and take action to resolve.

This amendment ensures that the Department of Energy Office of Science and the Office of Biological and Environmental Research spends $37 million on medical isotope research in an account that is known as Medical Applications and Measurement Science. This would restore the funding to FY 2005 levels.

Medical isotopes are used extensively in imaging technology for the diagnosis and treatment of cancer, heart disease, and several neurological disorders. The program that DOE runs funds basic research in new diagnostic and therapeutic applications using nuclear isotopes. This research has identified new metabolic labels and imaging detectors that have helped identify colon cancer, brain tumors, bone cancers and many other cancers.

In addition, this research would fund new radiopharmaceuticals to attach to specific cancer cells and treat them and prevent metastasis.

Congress reduced this program in fiscal year 2006 by $23 million because of pressures on the other part of the DOE budget, but also directed them to transfer the program over to the National Institutes of Health, particularly the National Cancer Institute. The NIH did not pick up this research; and in a recent meeting with scientists who do this research, Dr. Elias Zerhouni, who is the director at NIH, said NIH does not do this type of research; NIH cannot do this type of research. They don't have the expertise in the nuclear materials required, and also that this research must go forward.

The new director of Office of Biological and Environmental Research has said that he understands the need for DOE to conduct this research and has said he could provide the funding within his own budget within this research at the fiscal year 2005 level if directed to do so by Congress. The National Academy of Sciences is currently conducting a review of this program, and I think this program does need to go forward.

The funds in this particular program, in the last year that it was at this level, FY 2005, funded on the basis of competitive grants programs and research projects in 40 different locations, largely universities, some national laboratories, most of them in the State of California, although also at Case Western University in Ohio in New York, and across the country, but it is critical research using radiopharmaceuticals and targets, enriched targets, that really only the Department of Energy works with. For that reason, that's the appropriate place to do this research.

Now, for technical and procedural reasons, I understand that there is a legitimate point of order against this particular amendment that's legitimate, but I did want to at least raise this issue and say we need to sort this out, that the appropriate place for this nuclear research is actually in the Department of Energy rather than at the NIH, and the NIH has said, no, we don't have the expertise to do it.

We need to sort this out to continue this highly successful research. I strongly support it, and I hope that we would be able to work with the Senate in conference to make sure that this program is appropriately funded through the Office of Science.

Mr. Chairman, I yield to the ranking member of the committee.

Mr. HOBSON. I appreciate the gentlewoman's concerns, and we will work to try to address them in conference.

I also appreciate her withdrawing the amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

AMENDMENT OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MURPHY of Connecticut:

At the end of the bill (before the short title), insert the following:

SEC.   None of the funds made available in this Act may be used by the Federal Energy Regulatory Commission to issue a permit or other authorization for any action that may affect land use in any locality if a request has been made to the Commission for a public hearing in the locality concerned and such request has not been granted.

Mr. VISCLOSKY. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, first I would like to thank Chairman VISCLOSKY for all his hard work on this bill.

As a former appropriator in the Connecticut General Assembly, I know how hard this job is, and I am honored to stand next to him today.

Mr. Chairman, my amendment at the desk will bar the Federal Energy Regulatory Commission, or FERC, from using funds to issue permits for projects that have not been the subject of a local public hearing.

This amendment is based on a simple premise. Public policymakers cannot and should not act without the input of citizens who will be affected by the decisions that they make. As legislators, we know that we can't sample public opinion by just sitting here in Washington. We need to go back to our districts and solicit opinion, whether it be in public forums, town fairs, or even at the supermarket or the post office.

A regulatory agency should be held to the same standard. This amendment does nothing to alter or constrain the final decisionmaking authority of FERC. It just assures that the commission hears all sides before making any determination on land-use issues.

Though this amendment would help many communities where FERC has refused to hold a public hearing in an affected locality, and I know Mr. ARCURI from New York, who may not be able to join us, holds this concern as well, I come to this issue with my concern through my constituents who live surrounding the Candlewood Lake area in Connecticut, the largest inland body of water in the State.

My constituents there have been unable to secure a public hearing from FERC to air their concerns regarding a shoreline management plan proposed by the utility that owns the lake. This shoreline management plan will change how they enjoy the land surrounding their homes and the price they will pay for the privilege of living on the lake.

Local feelings on the appropriateness of the plan are mixed. However, whatever residents may think, what is clear is that they should have the opportunity to directly make their case to FERC. FERC has continued to deny requests, both from my office and from constituents to hold a local hearing, and this is unacceptable, I think, to every Member of Congress.

I understand the Appropriations Committee, as well as the Energy and Commerce Committee, may like some more time to look into this issue.

Mr. Chairman, if the chairman of the subcommittee would be willing to work with me on this issue, I would be honored to yield to him at this point.

Mr. VISCLOSKY. I appreciate the gentleman yielding very much and certainly appreciate his passion and concern about the health and safety of his constituents and this important issue to him.

The problem we have incurred on the committee, and this is not the only regulatory issue regarding FERC that has been brought to our attention, is we are not a regulatory body and obviously have jurisdictional issues that are set aside over and above the issues of substance relative to the gentleman's amendment.

But we do appreciate his concern. Certainly we would be happy to stay in touch with him, without making a commitment, that this issue will be resolved through the appropriations process. We do believe that the higher this issue could be raised as far as the public and the regulatory commission, the better off all the citizens of his community are going to be.

Again, I thank the gentleman for raising the issue and appreciate the fact that he apparently will be withdrawing his amendment.

Mr. MURPHY of Connecticut. Mr. Chairman, with the subcommittee chairman's concern on this issue, at this time I would ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of New York:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06-54-000, CP06-55-000, and CP06-56-000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I am joined in offering this amendment by Mr. COURTNEY and Ms. DELAURO of Connecticut.

Mr. Chairman, I yield myself 2 minutes.

Let me start by thanking Chairman VISCLOSKY and Ranking Member HOBSON for their work on this bill. I think it's a first-rate appropriations bill, and I particularly want to thank them for their efforts to fully fund Brookhaven Laboratory in my district.

This amendment is a very straightforward amendment. It would prohibit any funds in this act from being used by FERC to advance the pending application of a floating storage and regasification unit known as Broadwater in the middle of Long Island Sound.

We offer this amendment for several reasons. Let me cite three. The first is that there are serious and debilitating environmental impacts associated with this project. Serious environmental concerns have been raised by the EPA, by the New York State Department of Environmental Conservation, the United States Department of the Interior, the National Marine Fisheries Service, and the Army Corps of Engineers.

The second is that there are significant safety and security concerns associated with this application, and even the Coast Guard, which would be charged with securing this facility, has indicated that a much more full public discussion needs to take place in order to determine who is going to provide that security and who will fund it.

Lastly, this is the only means available to me to represent my constituents. My constituents are overwhelmingly opposed to this application, to this facility, and yet current law vests in the FERC final authority to grant licensing for this project without any input from local government at all.

This is the only means by which I as a Member of Congress can exercise the will of the constituents I represent.

So I urge my colleagues to join me and Mr. COURTNEY and Ms. DELAURO in supporting this amendment.

Mr. Chairman, I yield 1½ minutes to Mr. COURTNEY of Connecticut.

Mr. COURTNEY. Mr. Chairman, I rise in strong support of the Bishop-DeLauro-Courtney amendment.

It's unfortunate that it's necessary for the United States Congress to intercede into a pending matter before the Federal Energy Regulatory Commission. However, despite repeated warnings from independent, scientific, and public safety analysts that this application for a floating liquid natural gas facility in Long Island Sound needs more investigation, FERC has refused every request for more time to study the implications of this facility in one of the most populated areas of the United States.

The need for more time was highlighted again just a few weeks ago with the release of a 43-page report by the Government Accountability Office that looked at the public safety consequences of a terrorist attack on a tanker carrying liquid natural gas. GAO reviewed what would be the effect of a liquid LNG spill and explosion.

The bottom line: more research is needed. Experts disagreed on what would happen if there was a cascading failure of an LNG tanker, and GAO recommended that the Department of Energy study this issue more thoroughly.

GAO's report should settle the question of whether applications such as Broadwater should proceed. If DOE determines from an expert opinion that a cascading failure would cause a hazard beyond 1 mile, then this application is fatally flawed, literally. At some point it is incumbent on the Congress of the United States to act upon the recommendations of the GAO, which is an agency funded and created by us as an independent branch of government.

When GAO says that it is premature to conclude that LNGs are safe in populous areas of our Nation, then we have an obligation to act on that advice. This amendment accomplishes that goal. I strongly urge its passage.

Mr. BISHOP of New York. Mr. Chairman, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment. We have 28 million people living within 50 miles of the Long Island Sound. It contributes more than $5 billion to our economy annually. It provides environmental, recreational, and economic opportunity for our communities.

It is an estuary designated by Congress for its national significance. Our responsibility is to keep major and potentially dangerous industrial product out of our fragile sound. That includes the LNG Broadwater facility. This would install a floating vessel, roughly the size of Queen Mary 2, 10.2 miles off the Connecticut coast, 9 miles off the Long Island coast.

It calls for the installation of a 25-mile pipeline in the middle of prime territory for lobstering and fishing. It creates an exclusionary zone, prohibits any vessels from coming within a certain distance of the facility itself and delivery tankers. It would fall to the Coast Guard to maintain our security.

Their funds are stretched thin. Instead of being able to manage fisheries, conducting lifesaving operations, and dealing with port security, we will be diverting resources to these tankers. It would propose a new security risk.

I commend Mr. BISHOP and my colleague, Mr. COURTNEY. This amendment gives DOE the time to address these concerns.

Mr. BISHOP of New York. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment, but let me first begin my discussion by expressing my sincere respect for the gentleman who has offered the amendment, Mr. BISHOP, as well as the two speakers who have followed him in support of it, particularly my colleague on the Appropriations Committee, the chairwoman, Ms. DELAURO.

□ 1415

I would point out to the body that this is the second FERC issue that has been brought up on a regulatory matter before the subcommittee on the floor. We have had other inquiries from Members that have not reached this level that are very similar in substance in other areas of the country. I would not pretend to deny that there is a problem, but I am not competent to sort through that fact as I am not a regulator myself, to make a determination, and do not believe that this is a venue to make those particular determinations.

The amendment before us undoes the Natural Gas Act for the orderly review and decision making process for energy infrastructure and limits energy development efforts. FERC's consideration of applications to site energy facilities does not imply that the applications will be granted, or if granted, will not require appropriate environmental protection measures. Moreover, all FERC authorizations are subject to judicial review.

I do believe that FERC's application process ought to be able to run its course. And again, I regret that I have to stand in objection to the amendment but trust that my colleagues understand the impetus for that.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Ohio.

Mr. HOBSON. I want to associate my comments with the chairman. I have the utmost regard for all the Members who spoke on this, but I do oppose the amendment and join with the chairman.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in strong opposition to the Bishop/Courtney/DeLauro Amendment.

The amendment would unfairly target a single liquefied natural gas project, "Broadwater," that is mid-way through a very extensive Federal and State regulatory process. Interfering with this regulatory review would undermine the very process that is designed to provide a thorough assessment of environmental, safety, security and energy supply impacts of the project.

I understand the desire of the proponents of this amendment to ensure the ultimate security of their constituents, but I hope this amendment is not simply a red herring to utimately stop further efforts to site LNG terminals across the U.S.

LNG has a record of relative safety for the last 40 years, and no LNG tanker or land-based facility has been attacked by terrorists. Since September 11, 2001, the U.S. LNG industry and federal agencies have put new mesures in place to respond to the possibility of terrorism. Federal initiatives to secure LNG are still evolving, but a variety of industry and agency representatives suggest they are reducing the vulnerability of LNG to terrorism.

Here in America we only have two options to increase our supply of natural gas to meet our energy needs—we can build more LNG import plants and we can produce more gas offshore. There is no alternative to natural gas in many cases.

Unfortunately, the opponents of both options are often the same people—they oppose LNG and they oppose drilling for gas. Without increased exploration or LNG facilities, where will we receive the energy America needs in the immediate future?

Natural gas is the cleanest energy source we have besides solar or wind, and it is a critical fuel for industrial facilities and is a feedstock for the petrochemical industry that makes plastic.

If we cannot produce natural gas here, we are going to have to import gas to heat our homes and import more plastic in bulk or in consumer products. That hurts our balance of trade.

For these reasons, I urge my colleagues to oppose the Bishop-Courtney-DeLauro Amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman the designee of the gentleman from California?

Mr. JORDAN of Ohio. Yes, the Campbell amendment. Number 14.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. 503. Appropriations made in this Act are hereby reduced in the amount of $1,305,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of June 19, 2007, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the Chair, and I also want to thank the chairman of the subcommittee and the ranking member. I have great respect for their work, particularly the ranking member, who is a friend, colleague and actually neighbor of mine. I appreciate his work over the years here in the United States Congress.

This amendment is pretty simple. It takes spending levels in the bill back to the fiscal 2007 year levels; represents a $1.3 billion savings to taxpayers and families across the country.

Mr. Chairman, government spends too much. And I said "government." I didn't say Republicans or Democrats. Both parties need to work on this area when it comes to public policy.

But today the Federal Government spends $23,000 per household. Excessive spending hurts America. Deficits hurt America, and a rising national debt hurts America.

You don't have to take my word for it. Our staff went through and we looked at the Budget Chairman, Mr. SPRATT's committee, some notes from their committee hearings on the budget. And I want to just quote from Dr. Edward Gramlich, former Governor of the Federal Reserve Board. He said this: "Deficits represent negative public saving, which tends to drive down national saving. Lower national savings means a smaller stock of capital for the future, which reduces the productivity and wages of future workers. Budget deficits lead to less economic growth and a lower level of economic activity than would otherwise be the case."

Excessive spending leads to deficits, leads to lower economic growth. Excessive spending leads to tax increases, all bad for our growing economy, all bad for American families.

And it's particularly, I think, important to recognize why this is so crucial that we get a handle on it as we think about the marketplace we find ourselves in today, the changing international market.

Just a couple of numbers. Four weeks ago the Wall Street Journal reported that China's economic growth rate, annual growth rate, is 10.4 percent. Now, think about this: one billion, 300 million people in China with a growth rate of 10.4 percent. That's what we're competing against.

There was a point in the past where elected officials could maybe enact policies that weren't in our best interest or weren't good for our economic growth. But now, because of the fact that the competition is so stiff, it's important that public policymakers get it right. Keep taxes low, keep spending under control.

In the end, Mr. Chairman, it's not just about deficits and the national debt and GDP. It's about people because, in the end, it's people who pay taxes. It's people who have to deal with this debt and the deficits that we're causing by spending at these levels.

I want to also quote from the same document from Chairman SPRATT's committee, from the Comptroller General, Mr. Walker. He said, "Deficits matter for the world we leave our children and our grandchildren." Mr. Walker said this, and I quote, "Today we are failing in one of our most important stewardship responsibilities, our duty to pass on a country better positioned to deal with the challenges of the future than the one we were given." And that's so true.

This amendment is real simple. It's going to allow families and people across this country to keep more of their money to spend on their goals, their dreams. And it's simply taking us back to last year's fiscal level.

There are all kind of families, all kinds of individuals across this country who are living on last year's budget. A simple, across-the-board amendment that says we're going to do what so many American families have to do all the time, and we're going to live within our means.

Mr. Chairman, I yield to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, one of the things that we know is that the Federal Government does spend too much money. We all hear it from our constituents. They are really aggravated with the amount of spending that they see coming out of this town, and there is a good reason for that. It is because it is their money. They earn that money and they send it to Washington, and then there is a lot of aggravation with how we choose to spend their hard-earned dollars.

And the gentleman is so correct in his amendment, moving this back to last year's levels.

Now, Mr. Chairman, one of the things that we know is it would give a $1.3 billion savings for the American taxpayer, and we know that principles like this and operations like this work. When you go through spending reduction, it works.

Our States are great labs for finding ways to find efficiencies in government, and there's a reason for that. It's because many of our States have balanced budget amendments. And many of our States have frozen at previous years' levels, or they've been reduced 1 percent, 2 percent or 5 percent across the board.

And what they have found out is that, in their operations, they can move in and find efficiencies and find ways to seek a savings, and still have the same caliber and quality of program that they have had. But, Mr. Chairman, one of the things that they do find is that many times those programs are more effective.

So I commend Mr. JORDAN for the work that he has done to find a $1.3 billion savings to make certain that the pressure is there on these departments to live within their means, to try to do our best, to avoid what the Democrats are wanting to pass, which is the single largest tax increase in history, and to make certain that we give a message to our constituents that we have heard them and we agree with them. Government spends too much of their hard-earned money.

Mr. JORDAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. VISCLOSKY. I reserve my time at this time, Mr. Chairman.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chairman, I thank my colleague from Ohio for putting up this amendment. It's a very simple amendment that I think does well for us to consider in context with what we have to wrestle with, the consideration coming from the largest tax increase in the history of the United States being offered, $400 billion on the taxpayers. And I take it into context as I looked here with this amendment offering a $1.3 billion cut in spending, going back to last year's levels, and saying let's live within our means.

I come from a Great Lakes State. When we talk about water, I do know about water. I know the impact that it can have, the impact upon all of our way of life.

But I also come from a State that's struggling at this point in time with economic conditions that comes from too large government, too much spending, too much taxation. And in the process of trying to deal with that, going the opposite direction of where they should, they're still frustrating what's going on and producing unemployment rates that rival any in history, and frustrating Michigan from having the same type of impact that we see just last week talked about in the New York Times of a 40-State growth rate that goes on with States that not only, because of tax cuts and spending within their means, have seen the ability not only to increase some of their services, set aside rainy day funds, but also talk about further tax cuts. That's what we need to be doing here; not considering spending more in a time in our history when we ought to be considering what comes with the future.

If we see a $400 billion tax increase go in place, we see a tax that goes on for working, a tax that goes on if you get married, a tax that goes on if you have a child, a tax that will go on, even if you die. Those are issues of great concern.

And so to be fiscally responsible here and use an amendment that simply takes us back to a reasonable standard of expenditures, puts us in a place that we can afford and fund to do the necessary services, we do ourself well.

Mr. JORDAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, we may only have one speaker on our side, so I would still reserve my time.

Mr. JORDAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Ohio for offering this amendment.

We're debating now on a 3.5 percent across-the-board cut to an appropriations bill. It's an amazing thing in Congress; with one vote, we can slash $1.3 billion out of an appropriations bill.

What we're debating here is not simply a small cut. We're debating on whether or not the American taxpayers can depend on the Bush tax cuts from 2001 and 2003. We're trying to determine what kind of economic growth we'll have as a Nation, based on how much the government spends in taxes.

This is more than a debate about spending. This is a debate about the size and scope of government.

Well, let's put the facts on the table. The American Government costs $2.7 trillion a year. That is the largest government on Earth. And further perspective here: It's the largest government in the history of mankind.

Now, to put this further into perspective, there are only two economies outside of the United States that are equal to the size of our Federal spending. That's Germany and Japan. And what is amazing about this, what is absolutely amazing about this, is that we have a Federal Government that's larger than most economies on Earth. In fact, our Federal Government spends more than the whole of China's economy.

Now, that's simply amazing. I think it shows that, while we're debating on extending the Bush tax cuts, the American people understand that we don't have a revenue problem, we have a spending problem here in the United States.

This Congress is addicted to spending. In fact, in just a week's time, they appropriated $100 billion. Now, that's fast work even for Washington, DC.

The American people, Mr. Chairman, understand that we need to tighten our belt. A 3.5 percent across-the-board cut is a good start. That'll save $1.3 billion of the American taxpayers' hard-earned money.

I commend my colleague for offering this amendment, and I urge its adoption.

□ 1430

Mr. JORDAN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I rise in strong support of the gentleman from Ohio's amendment, and I want to thank him for offering it.

Today in this amendment, the gentleman from Ohio is offering American taxpayers a $1.3 billion tax cut on an appropriations bill. And it is important for everyone to understand, Mr. Chairman, that this amendment is a $1.3 billion tax cut for Americans because the Democrat budget that they have produced, which pays for these increases in their appropriations bill, this Democrat budget spends all that new money by raising taxes.

The Democrat budget assumes that the Bush tax cuts are going to all go away. And by eliminating the Bush tax cuts, the effect is the largest tax increase in American history, which the Democrat majority has orchestrated in a way that they can allow it to go away without even having to cast a vote. The budget that the Democrats use to pay for these massive increases in this appropriations bill are paid for by the biggest tax increase in American history. And, therefore, the gentleman's amendment, Congressman JORDAN's amendment, is a $1.3 billion tax cut. And that is a critical point that I think everyone needs to make sure they understand.

When they vote for this amendment, they are voting to cut the taxes of our constituents by $1.3 billion. And it is really just that simple. And I could not thank him enough. It is an extraordinarily important amendment. There are vitally important functions in this Energy and Water appropriations bill that need to be funded, but this increase is not affordable at the time of record debt and deficit, and I applaud the gentleman and urge Members to vote for a $1.3 billion tax cut.

Mr. JORDAN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time, but he shouldn't really yield me all the time that I might consume because I might consume it all. So please inform me when I have used about 4 minutes, and then I might use an additional 1.

Mr. Chairman, each of the people who have already spoken in favor of this piece of legislation, which would take $1.3 billion or $1.8 billion, whichever it is, I don't remember precisely, out of the recommended budget, the budget that has been recommended by the chairman and ranking member with a unanimous vote out of the Appropriations Committee, each of the people who had spoken in favor of this amendment has made the comment that the budget resolution has raised taxes by the largest amount ever in the history of this country. Each of the Members has made that allegation.

Each of the Members knows perfectly well that you cannot raise taxes, you cannot raise taxes by that mechanism; that any raise in taxes has to be passed by the House and the Senate in exactly the same form and then signed by the President of the United States. So it is simply incorrect, and each and every Member knows that it is incorrect that the budget raises taxes, raises the largest tax increase in the history of the country.

The last gentleman who spoke pointed out that the adoption of this amendment, which would reduce this particular bill, recommended by both the chairman and the ranking member, by $1.3 billion, that that would be a $1.3 billion tax reduction. The gentleman who made that comment also knows that no reduction in taxes can occur except by legislation that is passed by both Houses and signed by the President. So, again, it is totally incorrect to make that allegation.

Now, the first speaker, who has offered this amendment, has said that this bill spends too much. Well, I think the measure of whether a bill spends too much is whether we are doing what is necessary for the security of this country and for the well-being of the people of America. And I think what has been done by the chairman and ranking member falls very much in the point of providing for the security of the country and also for the well-being of the American citizens.

I would point out that the chairman and the ranking member and the full subcommittee that brings forward this legislation has reduced by over $800 million the President's request, actually $900 million over the President's request, in programs that have been terminated or reduced, in all of those that have been terminated and reduced. Now, what they have done, after making those reductions from the President's request and in their responsibility to provide for the budget for the country, they have then added moneys. They have added about $400 million in the provisions for renewable energy, which have to deal with solar energy, biofuel energy, nuclear energy and geothermal, wind, and all the other good renewable energy sources which we need desperately for our national security to remove ourselves from the heavy dependence that we have on foreign oil. So that is a place where if this amendment were adopted and we were to go back to the 2007 numbers, then we would lose that increase, that very important increase of $400 billion.

The Acting CHAIRMAN. The gentleman asked to be notified when he has gone past 4 minutes. The gentleman has gone past 4 minutes.

Mr. OLVER. Thank you very much, Mr. Chairman.

We would lose that $400 million of very important investments for the security and well-being of this country.

And I would just also like to point out that there are substantial increases, which the ranking member has pointed out, that deal with the deficits, the deficits in investments in our water infrastructure under the Corps of Engineers and also under the Bureau of Reclamation, those places where we have dams that are in need of investment that has not been done over recent years and investments that should be done in our ports in order to make our commerce go better, a whole series of things which the ranking member had laid out very carefully in his initial remarks in relation to this legislation. All of those things which are increases that are in this legislation, part of that $1.3 billion, which would be removed, then those pieces of investments would thereby become unnecessary.

So I think this legislation is right on target for securing this Nation and for securing the well-being of the people of America. And I hope that the gentleman's amendment will be rejected.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Again, I stand in opposition to the gentleman's amendment and apologize to the gentleman for having his State of origin incorrect, especially because he is from the great State of Ohio. But I would emphasize that this is the Energy and Water Development Appropriations Act for the coming year, and we are in an energy crisis and it transcends the cost of the price of gasoline at the pump. It is a true economic situation and crisis that we face. It is a national security issue that we face. My good friend, the senior Senator from the State of Indiana, Senator LUGAR, has characterized the energy crisis we face as the albatross around our national security neck. It is also an environmental issue as far as a potential catastrophic climate change that will occur if we do not deal with the issue of CO_2.

This bill makes an investment in solving that crisis we face. It will not solve all the problems tomorrow morning, but it will put us on firm footing to do so in the future.

Let's talk about vehicle technology. The bill recommends $93 million for hybrid electric systems, an increase of $13 million over the President's request. Of the increase, $10 million is for energy storage research and development for advanced batteries for electric, hybrid electric, and plug-in hybrid electric vehicles, and $3 million is for independent test and evaluation of all vehicles developed in the upcoming demonstration phase.

This bill also includes $49 million for advanced combustion engine research and development, an increase of $15 million over the President's request to restore funding for heavy truck engine research that was eliminated in the administration's request.

It does include $48 million, $15 million over the budget, for materials technology research, to accelerate the development of cost-effective materials and manufacturing processes that contribute to fuel-efficient passenger and commercial vehicles.

It includes $10 million more than the administration's request for nonpetroleum-based fuels and lubricants evaluation to expand and accelerate research and development for the optimum ethanol fuel.

And we also have an increase for technology integration of $6 million in this bill for vehicle technologies and deployment, formerly the Clean Cities Program. We have moneys in here to advance geothermal technology, to demonstrate cost-share industry that will allow accelerated research into new geothermal technologies.

We have moneys in here for hydropower; for research, development, and demonstration of ocean, tidal, and instream hydropower energy systems. We have made an investment in this bill for electricity supply and delivery research, for applied research on semiconductor material, device and processing issues, technology acceptance and technology evaluation.

We have investment moneys in this bill for solar energy research, and the gentleman from the State of Massachusetts talked about that briefly, to develop cost-neutral designs and technologies to better integrate solar heating and lighting into building designs. We have made an investment in this bill for facilities to research, test, and demonstrate the new renewable technologies.

It would be a mistake to change these funding levels and turn the clock back as far as trying to make progress to solve the energy problems we face in this Nation.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I rise to associate myself with the gentleman's comments.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield the balance of my time to the minority whip from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding.

I am here in support of this amendment. This amendment is one of the things that we have to look at, one of the alternatives, to just stop this spending spree that we see ourselves on.

In just over 6 months the new majority has passed and paved the way for over $100 billion in increased spending. We already enacted $6.1 billion of new spending in the continuing resolution and $17 billion of new spending in the supplemental.

☐ 1445

And these appropriations bills have over $80 billion in new spending. As Everett Dirksen once famously said, "A billion here, a billion there, before you know it you're talking about real money." And here we're talking about $100 billion of new spending.

Mr. CAMPBELL's amendment only proposes that we reduce this spending in this particular bill to the President's level. This bill increases spending by $1.3 billion over last year, 4.3 percent higher than last year. If you add this increase to the increases already proposed and passed by House Democrats last week, we are spending $20.7 billion, or 15.6 percent, more than last year. Where is all this money going to go?

In this bill, $682 million, or a 35 percent increase, for operations and maintenance within the Corps of Engineers; $1 billion, or a 4 percent increase, to the Department of Energy; $108 million, or an increase of 13 percent, for salaries and expenses at the Nuclear Regulatory Commission. These are excessive changes in spending that this bill doesn't justify.

The only thing this amendment does is say let's go back to the President's level. Let's go back to an amount of money that, while it still provides for our immediate advances in energy and water, doesn't do this in a way that American taxpayers can't pay for it. And how does this majority intend to pay for it? The budget that would pay for it has, unarguably, the second biggest tax increase in American history, and arguably, the biggest tax increase in American history. In other words, there is no question that we intend to spend $217 billion more money that has to be raised from new taxes. And it's still an open question as to how close we're going to let that get to $400 billion.

Now, this is the question: Are the American taxpayers going to be asked to provide 217 billion to 400 billion new dollars, or are we going to simply take this bill as the first step back to the President's level?

This is a good amendment. This amendment deserves the approval of our friends. I hope our friends on both sides of the aisle, the conservative Democrats, the Blue Dogs, stand up with most of the Republicans to make this amendment happen.

Mr. VISCLOSKY. Mr. Chairman, I stress my opposition to the amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. WYNN:

At the end of the bill, before the short title, insert the following:

SEC. 503. Of the amount made available for Energy Efficiency and Renewable Energy for the Department of Energy, $213,000,000 shall be made available for hydrogen technologies as authorized by section 974 of the Energy Policy Act of 2005 (42 U.S.C. 16314).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, we have a very simple amendment here today. It would basically restore $18.4 million for hydrogen technology, which would bring the account up to the level that the administration, through the Department of Energy, recommended.

This amendment is supported by the Hydrogen Fuel Cell Caucus. I would note the leadership, particularly Mr. LARSEN, in crafting this amendment, also the work of Mr. INGLIS of South Carolina and Mr. DENT as part of the Caucus.

There are some who would say that hydrogen is too far away. In fact, hydrogen is emissions-free and it is here today. GM has 100,000 vehicles ready to go. Honda has vehicles ready to go. BMW released vehicles last year. There are buses, motorcycles, all of which are being fueled by hydrogen fuel cells. Japan is talking about 50,000 vehicles by 2015. We need to keep pace. We need to put the money into hydrogen technology.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I am willing to accept for the majority the amendment offered by the gentleman from Maryland.

Mr. HOBSON. Mr. Chairman, I am willing to accept the amendment, also.

Mr. WYNN. As an old trial lawyer, I know when to stop. Thank you, gentlemen, for the acceptance.

Mr. TERRY. Mr. Chairman, I rise to speak in support of the Wynn amendment to the Energy & Water Appropriations bill.

Contrary to statements in the Energy & Water Committee Report questioning the level of hydrogen technology research and development, fuel cells technology is much closer than 2050.

Mr. Chairman, our Nation took 60 years from the first Wright Brothers flight to putting a man on the Moon; it will not take us that long to make hydrogen fuel cells mainstream. Hydrogen cars and fueling stations exist; we are almost there. The funding levels in the Fiscal Year 2008 Energy & Water appropriations bill will help provide the final push we need to overcome remaining obstacles and see hydrogen cars and fueling stations become a reality.

Additionally, Mr. Chairman, Hydrogen Fuel Cells are already in use in larger facilities. In my own District, the Henry Doorly Zoo uses fuel cells to generate electricity for its Lied Jungle exhibit, making it more energy efficient.

Additionally, the U.S. Air Force is using fuel cell technology for its Global Observer program.

Mr. Chairman, energy security and independence have to become a reality. Hydrogen is a potentially limitless supply and a renewable, clean resource that deserves to be funded at its current level, if not more.

Mr. WYNN. Mr. Chairman, I relinquish the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. HARMAN:

At the end of the bill (before the short title), insert the following:

SEC. 503. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I hope there is no one opposed. I offer this amendment with Mr. UPTON, Mr. LIPINSKI and Mr. INGLIS of South Carolina in order to help the government set an example for the rest of the country by purchasing energy-efficient light bulbs.

Mr. Chairman, existing law requires Federal agencies to buy products that meet Department of Energy, Energy Star or Federal Energy Management program standards. This amendment adds teeth to that standard, stating that no funds may be used to purchase any light bulb that does not meet it. Identical language has already been adopted in prior appropriations bills. Our intention is to offer this amendment as the Upton-Harman amendment on the next appropriations bill and to continue this until we are through the appropriations cycle.

Our bottom line is: The Federal Government must set the example. This is already the law, but it needs to be the practice as well.

Let me close with the fact that incandescent bulbs, which are used by most Americans, are 10 percent efficient. This sounds like Congress. I think our goal ought to be much greater efficiency here in this body, and much greater efficiency with respect to the lighting that we use. It takes 18 seconds to change a light bulb. It will take more time than that to change Congress. But it is my hope that this amendment will pass attached to every appropriations bill.

I yield the remainder of my time to the gentleman from Michigan.

Mr. UPTON. I thank the gentlelady, and I join in bipartisan spirit to get this amendment adopted as we've done on the other appropriations bills.

I might just note that this shining amendment will save the taxpayers literally $30 for every bulb that is ultimately replaced. It is not going to require that we take existing bulbs that work out when they expire. We will put in energy-efficient Energy Star bulbs. It will save the taxpayers ultimately hundreds of millions of dollars.

This is a bipartisan amendment. We found two additional cosponsors in terms of Mr. LIPINSKI and Mr. INGLIS of South Carolina. We're also in the middle of a markup, so to be more efficient, I think both of us would like to yield back our time.

Ms. HARMAN. Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OLVER. I am certainly not going to use my time in this instance. I, for the majority, am willing to accept the gentlewoman and gentleman's amendment.

Mr. HOBSON. I am also willing to accept the amendment for the minority. I think it's a good amendment.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. BERKLEY:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to administer the "Yucca Mountain Youth Zone" website.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Chairman, I would like to thank Chairman VISCLOSKY for his assistance on this issue and Congressman HOBSON for his agreement to accept this amendment.

My amendment is based on a simple concept—the Department of Energy, or any government entity for that matter, should not be using taxpayer funds to "educate" the children of America about one side of a very complicated and contentious issue. The Department of Energy's Web site includes a section called the "Yucca Mountain Youth Zone," featuring the cartoon character Yucca Mountain Johnny, along with games and activities designed to convince kids that the proposed Yucca Mountain nuclear waste repository is a good idea.

My position on Yucca Mountain should not be a mystery to any member of this body. I have long opposed the plan to bury nuclear waste in the Nevada desert following what I consider to be a process based on politics rather than sound science. But I recognize that reasonable people can disagree about such an important issue. What I do not accept, however, is that the Department of Energy can get away with trivializing a very serious debate by using a Nuclear Joe Camel to promote Yucca Mountain to children.

My amendment would eliminate funding for the Yucca Mountain Youth Zone Web site. Regardless of whether you support Yucca Mountain or oppose it, all members of the House should agree that this Web site is not an appropriate use of taxpayer funds.

If the Department of Energy really wants to remain in the cartoon business, I suggest they come up with a new character that would educate our children on the need for clean and renewable energy—how about Solar Sally or Geothermal George? In any case, I urge my colleagues to join me in dumping Yucca Mountain Johnny.

What I would like to do right now, in accordance with our agreement, is yield to Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I simply want to indicate that I am happy to accept the amendment.

Mr. HOBSON. Mr. Chairman, I will not oppose the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. . It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. VISCLOSKY. Mr. Chairman, I would reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. CONAWAY. Mr. Chairman, during this process of the debate over the last several hours, Member after Member on our side have come to the aisle and proposed amendments that would reduce spending off of this appropriations bill. They do it in good faith but the truth of the matter is, were any of those to pass and should any of those pass subsequent to the actual recorded votes, that money actually stays within the jurisdiction of the committee and gets spent somewhere else.

What my amendment would do is say that if we were able to succeed on one of the amendments that reduces spending or cuts spending, that that money instead of going back into the committee of jurisdiction pool or subcommittee of jurisdiction pool would actually go against the deficit. And should it be an unusual occurrence in the future with a surplus circumstance, that money would simply increase the surplus.

This is straightforward, no tricks, no gimmicks. It is just simply if the cuts are successful, that money actually does not get spent.

Mr. Chairman, I am happy to yield as much time as he may consume to the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I just want to compliment my colleague from Texas on this superb amendment because this has always been a concern. I am proud to be a member of the Appropriations Committee. And the effort that a lot of Members have made to try to eliminate earmarks isn't going to go anywhere and save taxpayers any money unless we're able to actually eliminate the earmark or pass a cut that then shifts money into a deficit reduction account.

My colleague from west Texas is exactly right. I would encourage Mr. FLAKE and others to pay close attention to what Mr. CONAWAY is doing because this is precisely what I and others, Mr. CONAWAY has been working on this for some time, have suggested you need a deficit reduction account. You eliminate the earmark if you're worried about controlling spending. A lot of those earmarks are important and necessary and we all need to post them on our Web sites. I've been doing that for a long, long time. Every earmark I make I'm proud of, it's there on the Web site. The starting answer is "no" for all appropriations requests, but if you earn an earmark, be proud of it. But those earmarks that we want to eliminate, cut them and put them in this deficit reduction account.

Mr. CONAWAY is exactly right. This is a tremendous amendment. I hope all Members will support it because the taxpayers deserve to save this money and have it go towards reducing the deficit.

I thank you very much, Mr. CONAWAY. It's a great amendment. And I will work hard to help you pass it.

Mr. CONAWAY. I thank the gentleman for his support.

I understand there is a valid point of order against this amendment. If there is any possibility whatsoever of working with the other side and trying to accomplish what my colleague on the Appropriations Committee and I would like to do, we would like to work with you.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. ANDREWS). Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHADEGG:

At the end of the bill, before the short title, insert the following:

SEC. 503. LIMITATION ON FUNDS RELATED TO FEDERAL DAMS.

No funds appropriated in or made available by this Act may be used to study or implement any plan to breach, decommission, or remove any Federal dams producing hydropower.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 1500

Mr. SHADEGG. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to begin by complimenting the chairman of the committee, the gentleman from Indiana (Mr. VISCLOSKY), and the ranking member, the gentleman from Ohio (Mr. HOBSON), for showing support for hydropower in the base bill.

Hydropower has long been overlooked as a source for clean energy. I am very pleased that this bill, and the report that goes along with it, support hydropower and encourage its use and its utilization.

My amendment builds off of that effort by simply saying that the existing hydropower that we have should not be decommissioned at this point in time.

As everybody in this body knows, we are very concerned about greenhouse gases, both on the Commerce Committee, where I serve, and on the Select Committee on Global Warming and Energy Independence.

We are looking at the danger posed to this country by greenhouse gases. Indeed, that is a threat to this economy, to this Nation, and to this world. My amendment simply says that hydropower manages to address that issue by producing both clean power and power which has no hydrocarbons whatsoever.

Hydropower is emission-free, and it is also completely renewable; so therefore this amendment simply says that none of the funds in this legislation shall be used to decommission any existing Federal dam which is currently producing hydroelectric power.

Now, I know of no dam that has currently been proposed to be decommissioned that is a Federal dam and is producing electric power. But it seems to me that this is an action item. This is an opportunity for us to say we are serious about greenhouse gas reduction. We are serious about renewable energy. We are serious about a clean environment. We are serious about not doing more damage by simply saying none of these funds shall be used to decommission or remove from current production any existing hydroelectric power dam that is producing electricity for Americans today.

It truly is clean, and it truly is renewable; and I urge my colleagues to join me in supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate, I truly do, the gentleman's concerns regarding the breaching of hydropower dams. Certainly, this country and the government should proceed very carefully before any such decision is made.

I would point out, however, Mr. Chairman, that there are no funds in this bill for that purpose. Indeed, I would remind my colleagues that authorization and direct appropriations for this purpose would also be needed. So I do rise in opposition to the gentleman's amendment. But I would also point out in a positive fashion that there is $95 million in this bill for the rehabilitation of existing hydroelectric facilities on our waterways.

I certainly do think they make a significant, and can make even a greater, contribution to the energy demands of this country. But again, Mr. Chairman, I stand in opposition to the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BILBRAY), the former chairman of the Clean Air Resources Board in California.

Mr. BILBRAY. Mr. Chairman, as a former member of the Clean Air Resources Board in California, as I think a lot of people in this town know, one of the premier air pollution agencies in the world, the one thing that we have got to send a message out there is "do no harm." Even though the chairman may think that there isn't a need to send a message, I think we need to say very clearly that climate change is a threat, something we need to address. We have to be willing to make sure we do the right things now.

This amendment is really a way for us to start off right from the get-go that we are not going to allow a mistake to happen that could cause major impacts on climate emissions and that we just didn't care enough to pass this resolution.

I strongly support the amendment of the gentleman from Arizona (Mr. SHADEGG) because I think we should say right off, our first step at reducing greenhouse gas emissions is to make sure we do not decommission any zero generators from this point forward unless it is part of a comprehensive plan to reduce greenhouse gases. So please, here is a motion at least we can stand up and say, we did no harm; we made sure that a mistake wasn't made.

Mr. VISCLOSKY. Mr. Chairman, I would yield such time as he may consume to my colleague from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment. But I want to tell you I am very sympathetic to the gentleman's concerns. We should preserve hydropower wherever we can. We should advance hydropower. He is correct in those statements.

However, I think the amendment is too broadly written and could lead to unintended negative consequences because there may be certain structures that because of environmental reasons or economic reasons we need to take some action on.

So what I would like to suggest to everyone is that we oppose the amendment, but we work together to see, because I think the chairman shares the concern for hydropower and that we would try to work to see how we can get some language at some point that might address the problem in a more appropriate way. So I do reluctantly oppose the amendment, but I am certainly within the spirit of the amendment.

Mr. VISCLOSKY. Mr. Chairman, I would certainly be happy to cooperate with my colleague and ranking member, Mr. HOBSON, in that regard.

Mr. SHADEGG. Mr. Chairman, I thank both the gentlemen for their comments.

Mr. Chairman, I would yield 1 minute to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I do hope something can be worked out here, because hydropower is the original renewable resource. And there is starting to be a bias in this country against hydropower. There is also starting to be a bias in this country in some quarters in favor of tearing dams down.

I think it is very, very important, and by the way with reference to hydropower, just look at California's greenhouse gas reduction plan. They do not give any credit for power generated by hydropower. I think that is very bad.

I think Mr. SHADEGG is on the right track. We have got to speak up for hydropower. We have got to slow down this effort to tear down dams. I know the chairman and ranking member have the best of intentions. I am glad they are running the committee. I would just like to lend my voice for this very responsible amendment that Mr. SHADEGG has offered. I hope that we can work something out.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank both of the gentlemen. I would be happy to work with them. I simply want to stress, we understand, and I think everyone here does, that hydropower is more efficient than virtually all other energy. Ninety percent of its available energy is converted into electricity by hydropower. By contrast, the best fossil fuel power converts only 50 percent of its energy.

Hydropower produces zero greenhouse gas emissions. And we have avoided some 160 million tons of carbon emissions by the use of hydropower here in the United States in the last year.

The report says hydropower is reliable, it is efficient, it is domestic, and it is emissions-free. Indeed, as I state in my comments, the report is very supportive of hydropower. I think this amendment is an opportunity to take a concrete step both toward renewable energy and toward clean energy that produces no greenhouse gases.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GARRETT of New Jersey:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Thank you, Mr. Chairman.

How many times do we have Members come before us on this floor with an amendment, and they begin their statement by saying, here I have a commonsense amendment to this piece of legislation. Well, in this case, I do believe I have a commonsense amendment to this legislation, and in fact most Members of this House I believe would agree with that statement as well.

Why I say that is because the language of this amendment is similar, or dare I say identical, to language that I have used in previous amendments on appropriation bills in past Congresses, and these amendments, quite fortunately, have passed pretty much by voice vote in those Congresses.

Mr. VISCLOSKY. Mr. Chairman, if the gentleman will yield, I would indicate to the gentleman that I am happy to accept his amendment.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I also am in support of the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, reclaiming my time, I appreciate that. For those who are watching, let me let them know what the amendment does.

What this amendment does, and I appreciate both gentlemen's accepting this, is to say our Federal agencies should use common sense when they go to international conferences.

In the past, there were extravagances. There were cases when over 100 individuals, government employees, would go to these conferences overseas, costing literally millions of taxpayers' dollars to do so. We are saying, let's rein that in a little bit. Let's put a number on that. Some people say this number is too high. This number puts it at 50. So any particular agency going overseas, Africa, Asia, wherever else, let's have them not send more than 50. Some of us would like it to be lower, but we will put it at 50 of their agency employees to that conference. I think just like any business or family, they would have to absolutely exercise priorities and common sense as well. We do so here.

Mr. Chairman, I thank both gentlemen for accepting this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. PRICE of Georgia:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

□ 1515

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the leadership's support in allowing me to bring this amendment forward. I also want to recognize former Congressman Joel Hefley. This has come to be known as the Hefley amendment. So I want to thank former Congressman Hefley for his leadership on fiscal responsibility issues in Congresses past.

There has been a lot of talk about money on this bill, Mr. Chairman, and this is the appropriate time, because it is appropriations time. Most of the programs that we have discussed are indeed worthy programs. But I think it is imperative that we always remember where this money comes from that we are appropriating, that we are spending.

The money isn't Washington's money. The money is the money of the hardworking American taxpayer, and we ought not ever lose sight of that. As such, we ought to bend over backwards to make certain we are being as responsible as possible in its expenditure.

The big picture on this bill is the Energy and Water appropriations. The big picture is that last year this government spent, Washington spent on these programs, $30.2 billion. That is with a "B," Mr. Chairman. This year, the proposal is to spend $31.6 billion; $31.6 billion, an increase of 4.3 percent.

This amendment is very simple. It says simply that we ought to decrease that overall amount by 1 percent, in an effort to save one penny on the dollar, as families all across this Nation have to do when they are having some tight fiscal times.

It would be an increase of 3.3 percent over last year. I know there are those who would like it to be lower. I am one of those. But I think it is important that Congress ought to make a statement that we can indeed be fiscally responsible. This 3.3 percent increase, this amendment would provide for that, and would be a reduction of 1 percent over the amount in the bill.

Mr. Chairman, I wish to thank a number of Members who have offered similar pieces of legislation or amendments, Congresswoman BLACKBURN, Congressman CAMPBELL, Congressman JORDAN, Congressman FEENEY, Congresswoman MUSGRAVE and Congressman HENSARLING, for their leadership on these issues.

I think this a commonsense issue. It is a matter that I believe ought to garner great support in this Congress and demonstrate to all that we indeed have an interest in fiscal responsibility. So I urge my colleagues to support the amendment.

Mr. Chairman, I am pleased to yield 2 minutes to my good friend the gentleman from Virginia (Mr. CANTOR), the chief deputy whip of this conference.

Mr. CANTOR. Mr. Chairman, I thank the gentleman from Georgia for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Georgia. It is a very straightforward amendment. It simply applies an across-the-board cut of 1 percent to this bill to send the signal that this Congress gets it; that we understand what the American people said, both during the election of last year and what they continue to say today.

As the American public continues to watch Congress, as we have now engaged upon and entered upon the spending season, as the spending and appropriations process is in full bloom, I think we owe it to the American people to do what the gentleman from Georgia says, which is to recognize that these dollars don't belong to the government. They are the hard-earned dollars of the taxpayers of this country.

Now, the underlying bill, as the gentleman said, spends considerably more than what this similar bill spent last year and this Congress spent in this bill last year. In fact, the increase in the level of spending is 10 percent in this bill alone. That is triple the rate of inflation and that means $1.3 billion, billion with a B, taxpayer dollars, more on this one bill.

Mr. Chairman, what that means in real terms to me and to my constituents, that means more than 3 years' worth of property taxes for every household and every business in my home County of Henrico in the Richmond area of Virginia. That is an awful lot of money.

So the public expects us to return Washington to fiscal sanity. The message that was sent last November was that the public expected us to operate differently. Frankly, I don't believe that this bill moves us in that direction. But I do know one thing for sure: that the spending in this bill, if we don't adopt this amendment, will further erode the public trust, not only in this body but in government as a whole.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I also rise in opposition. I have been listening to this debate over the past couple of days. It seems like the past couple of years. It has been a lengthy debate.

Our friends on the other side, Mr. Chairman, after running up over $3 trillion in debt, are now going to lecture us about how we should be thrifty. You had 6 years to try to close the annual deficits, and your budget you are submitting again this year will be over $200 billion in deficit.

Now, we are not here to be lectured to. Three trillion dollars. And the Republican House, the Republican Senate and the Republican White House in the past 6 years borrowed more money from foreign interests than all of the previous Presidents and Congresses combined.

So, my colleague from Ohio, Mr. JORDAN, who was up here earlier talking about now we have got to try to compete with China, well, it is very tough to compete with them when the Republican Party, Mr. Chairman, borrows money from them hand over fist like drunken sailors over the past 6 years.

Now we are here to clean up the mess, and our budget that we pass will balance it. What your amendment is going to do is it is going to take away from research that is going to help grow the economy. You are going to cut biomass research. You are going to cut geothermal research. You are going to cut hydro research, where your own party was just up here saying what a great thing it is. You are going to cut solar research. You are going to cut wind research. You are going to cut concentrating solar power research. Solar heating and lighting research will be cut under this. Solar PV ratings will be cut under this. Hybrid electric system. We are getting testimonials from all our constituents in our districts about how they want lower gas prices. You do that by reducing your dependence on foreign oil and investing in alternative energy. That is what we are doing in this bill, and your amendment will cut that.

Advanced combustion engine research will be cut in this, materials technology research will be cut in this, fuels technology will be cut in this, technology integration will be cut under this amendment.

This is a responsible bill that was voted by both Republicans and Democrats out of the Energy and Water Committee. It makes great investments. It turns the page on the past of not balancing your budgets, not making the investments, Mr. Chairman, and I commend you and Mr. HOBSON for putting a great bill together and stand to ask our Members to reject this amendment.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the passion of my good friend from Ohio as he talks about cut after cut after cut, and I would just remind him that this amendment, this amendment, would reduce the overall bill by 1 percent which, Mr. Chairman, as you know, is a 3.3 percent increase over last year. So nobody is talking about cutting anything.

That might be the problem here in Washington. This would be a 1 percent reduction on the remarkable amount of increased money that the majority party has brought with this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Chairman, I thank the gentleman for yielding and for his leadership here. I think many of us miss the presence of our former colleague Mr. Hefley from Colorado, and I am very pleased to see that Mr. PRICE has stepped up to fill that gap, because what we are talking about here is trying to control runaway spending.

We are spending billions and billions of dollars, and this proposal suggests that we try to pare back 1 percent, $316 million in this bill.

Some speakers from the other side have said when the Republicans were in charge, the Republicans spent too much. In fact, the gentleman from Ohio just reminded us of that. He is right. Republicans, when we were in the majority, spent too much.

But the Democrat answer to spend more just doesn't make sense. We are increasing spending here by billions and billions of dollars, and that apparently is backed up by a budget which is reportedly balanced in 5 years by giving us the largest tax increase in American history. That is how you balance the budget in 5 years, with the level of spending that is being proposed here today, billions of dollars too much.

My friend, the great gentleman from Georgia, is proposing a 1 percent, 1 percent across-the-board cut. I commend him for that.

We are spending too much. Let's get this under control. This is a very modest proposal. I commend him for it.

Mr. VISCLOSKY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I just want to clarify something. In 2008, there will not be a tax increase. And no one has to believe me, Mr. Chairman. No one has to believe our friends on the other side. What the American people need to do is keep their tax forms from this year and compare them to their tax forms from next year. There will be zero increase in taxes.

This is a balanced budget, which the other side has not done, and it makes strategic investments so that we can create alternative energy resources here so we reduce our dependence on foreign oil.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER) a member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me time. I will try to cover my points in those 3 minutes.

I just want to remind the members of the committee, of the Congress, of the body, that this bill came from the subcommittee with full support of the subcommittee members, with the ranking member and the chairman in strong support, with a very good and thoughtful look at what energy and water expenditures ought to be.

There are increases in moneys that are investments in flood control, in dam safety, in putting money into dealing with our ports which need dredging, things of that sort. There are substantial increases, that is true, in renewable energy, which is the one place where we can really get at our dependence upon oil that comes from very unstable parts of this world.

There were some wonderful recommendations that in large part are a balance between nuclear nonproliferation, so important, because that is where our real danger is to the security of this country in the future, our major danger, versus some unnecessary expenditures in nuclear weapons development, nuclear weaponry development. That recommendation is here.

We have had about 12 hours now of debate in this committee with 50 amendments, with offers of amendments to cut and reduce, offers of amendments to increase expenditures, to shift expenditures. There are some that have been adopted. Most of them have been refused. But everybody has had a chance. And the basic body of the bill remains as it was, as it was recommended by the chairman and the ranking member of the committee with the support of the subcommittee and the Appropriations Committee.

Here now we have a 1 percent reduction which attempts at this late date, after all those amendments have been dealt with one by one, increases and decreases, and the issues have been discussed, then to reduce by 1 percent, $300-plus million, which then has an effect on all those earlier decisions that have been made by this committee as a whole.

So I would hope that this amendment would not be adopted. I think that this is a basically irresponsible way of going about budgeting. If you can't deal with the issues and then come to a conclusion on the budget that you have adopted in that process, then one should not do what is being proposed here. I hope that the amendment will be resoundingly defeated.

Mr. PRICE of Georgia. Mr. Chairman, if I may inquire of the time remaining on each side.

The Acting CHAIRMAN. The gentleman from Georgia has 8½ minutes remaining. The gentleman from Indiana has 9 minutes remaining.

Mr. PRICE of Georgia. I thank the Chair.

I appreciate again the comments of my good friend from Ohio, who previously talked about there being no tax increase in 2008, and he urged the American people to take a look at their tax bill.

He is right. There won't be, because of Washington shenanigans. Because what we do here is budget in a 5-year window, and in fact the largest tax increase in the history of our Nation will hit the American people, curiously, Mr. Chairman, after the next election.

But you can check the record. It is indeed there, and all the American people have to do is recognize that, and they will. And they will.

Mr. Chairman, I am pleased to yield 2 minutes to my good friend the gentleman from Arizona (Mr. SHADEGG).

□ 1530

Mr. SHADEGG. Mr. Chairman, I think this is a very enlightening debate. Fortunately, I think the American people are smart enough to understand this debate. They understand that, for example, even though there won't be a tax increase before the election in 2008, that policies that get adopted this year will force tax increases in future years. I think they understand that.

I want to comment on the remarks of the committee Chair who just spoke. I think he made a compelling case for leaving the priorities that are in this bill precisely where they are. I think your committee, with the help of the minority, worked diligently to produce a sound product, a product that attempts to allocate the resources amongst the various priorities.

But there will come a time when this Nation wakes up. There will come a time when we will have to be responsible about spending on this floor.

The speaker before the last speaker criticized Republicans and said, "You spent too much on your watch," and he was dead right.

This is the Hefley amendment. I voted for the Hefley amendment every time, trying to get us to cut 1 percent. Let me explain why. Because in 1994 when I was elected to Congress, and in 1995 and in 1996, we went across America, Republicans and Democrats alike, and we asked the American people if they wanted us to continue spending at that pace or if they were willing to see us reduce that pace of spending to reduce the burden on our children and our grandchildren.

One after another of them rose and said, "Don't cut my program"; but one after another of them, every single one of them that I heard, at field hearings in Prescott, Arizona, and in Wyoming and Montana, said that if the cuts are even, if the cuts are evenly spread and fair to everyone, then, yes, you are right. We have to rein in spending to a level we can live with. That is what this amendment does. It is responsible. It is good public policy. I urge my colleagues to adopt it.

Mr. VISCLOSKY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I would like to clarify. The other side is trying to say that if there are tax increases in the future, it all has to do with this bill which we just increased by a few hundred million. It has nothing to do with the $3 trillion debt that was run up in the last 6 years, Mr. Chairman. The 2007 tax returns versus next year's, the American people need to look at them, no increase. Our friends are saying "the largest tax increase in the history of the United States" and it happens 2 years from now. I thought history was in the past. For 2008, check your returns, no tax increases.

Mr. PRICE of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, the American people have listened to Democrats and Republicans blame each other about budget crises. I became a Member in 1995. I left for 5 years. How things change. The parties change names, but it is the same tactics.

The American people want us working together on the budget. This amendment is a minimal effort of just saying to the American people, look, we recognize that even the best operation and the best budget can still be operated on 99 percent of what was projected. It is a minimalist kind of approach to this. If you can't vote for a 1 percent across-the-board cut, go to your town hall meetings, go into your communities and say, well, I really didn't want to do it because of what it symbolized. The fact is that this is the minimum of what we can do to say, look, we are trying to get back in the discipline of doing the right thing by the American taxpayer.

And if you can't vote for a 1 percent, how can you expect in the long run to be able to control the Federal budget, and that is exactly what the constituency wants us to do.

So I just say dump the Republican and Democrat argument. You get back to the fact that you have a motion that says quite clearly: we will make the effort of a 1 percent reduction across the board. That is a very small, little step towards fiscal responsibility and let's get together, Democrats and Republicans, and do the right thing and support the new Hefley amendment as authored by the gentleman from Georgia. If you can't do that, please don't think you can stand up and carry the mantle of self-righteousness when it comes to budget. We all bear the responsibility. Even those of us who weren't here bear the responsibility of doing the right thing and dumping the jargon about being Democrat or Republican and the other guy is at fault. We all bear that responsibility, and the voters and the taxpayers will blame all of us, regardless of our party affiliation, if we can't even make this minimal stance of a 1 percent across-the-board.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time. I have one remaining speaker, and it is my understanding it is my prerogative to close.

Mr. PRICE of Georgia. Mr. Chairman, is it the chairman's prerogative to close?

The Acting CHAIRMAN. Yes, the chairman is defending the bill, and it is his prerogative to close.

Mr. PRICE of Georgia. I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, let me first say I support this 1 percent, just like I did last year and the year before. Just to make sure that the American public understands, this is 1 percent off of the nearly 5 percent increase. So it isn't even a reduction from last year's number of 1 percent. It is simply shaving 1 percent off of the increase.

I came down here because I heard some of the speakers on the other side, or at least one, that was talking about they had to correct the problems of the Republicans spending like drunken sailors, which kind of amazed me considering that the debate on the House floor in the last 2 years on appropriations was how we weren't giving enough money.

When I looked up to see what the Republican bill was last year when we were in the majority, it was a 1.5-percent increase versus the nearly 5 percent this time. So they are up here talking about an increase of about 2½ times, maybe three times what we originally proposed last year. And by the way, I supported the 1 percent when it was only a 1.5-percent increase below the rate of inflation. I think that is the type of drunken spending that the American taxpayers told us in the last election that they did not want. They want that type of fiscal restraint, not two or three times the rate of inflation. They want fiscal responsibility injected back into our reasoning and the bills that we are passing.

So I think a reduction of this 4.5-, 4.7-percent increase is simply the responsible thing to do.

The gentleman from Georgia, I appreciate you bringing this 1 percent. I think that this is something that the voters, strike voters, the American public thinks we should be doing this year. We come off the heels last week of voting for bills with double-digit increases. So this is a time to inject some reasonableness.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself the balance of my time.

I think this has been a helpful debate. I want to recognize the efforts of Congressman Hefley in the past and urge my colleagues to support the former Hefley amendment of a 1-percent reduction in the increase, Mr. Chairman. As I remind our colleagues, the portion appropriated for this area of Federal spending last year was $30.2 billion. This year the request in this bill is for $31.6 billion. This amendment would simply reduce it by 1 percent. It would be a 3.3-percent increase. It would be a symbolic decrease, but it would be a recognition that Washington needs to get its fiscal house in order.

My good friends on the other side of the aisle talk about the importance of reducing spending. But yet we see a significant increase over, as the gentleman from Nebraska (Mr. TERRY) just said, significantly over what we brought last year. Yes, it would be a symbolic decrease, but it would ever so slightly reduce that slope, that increasing slope of Federal spending. I think that is indeed what the American people desire.

Spending in this bill, as in other appropriations bills that are coming before us, will be allocating money, Mr. Chairman, that the Congress doesn't have. The Congress doesn't have it, and it continues to spend more than it takes in. I think it is imperative that we harken back and remember that wonderful Reagan admonition that Washington spends too much, it is not that it doesn't gain enough revenue. There is certainly enough revenue to provide for appropriate services.

And I will be the first to tell my colleagues that there are wonderful programs within this bill. The question is whether or not we are going to demonstrate to the American people that we have the fiscal responsibility, the reasonable standards in terms of what ought to be spent at the Federal level based upon what has been spent in the past and the incredible hardworking American taxpayers who send their money year after year after year. I urge my colleagues to support this commonsense 1-percent reduction.

Mr. VISCLOSKY. Mr. Chairman, it is my pleasure to yield such time as he may consume to a member of the subcommittee, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Chairman, Joel Hefley was a dear friend of mine. We worked together on the Ethics Committee. I have to tell you, Joel and I would talk about his 1 percent across-the-board cuts. While the Republicans were in the majority, they failed. They failed because Republicans and Democrats knew that in this particular bill, Energy and Water, you had the chairman and the vice chairman working in cooperation with Republicans and Democrats looking at the priorities and developing a bill that would invest in the infrastructure of America.

As you know, Mr. Chairman, for many years the investment in infrastructure has either been static, and in many cases has been declining. Hearing after hearing after hearing, we had businessmen, barge owners, operators, grain operators coming to the committee and saying you need to invest more money in the infrastructure of America because it is the commerce that the Mississippi River handles. It is the commerce that comes into our harbors. It is the commerce that is driving America and making it a productive country.

And so when you have the business community, elected officials coming to you and telling you that there is a decline in the investment in infrastructure, it is the Subcommittee on Energy and Water that begins to respond to that need.

As an example, in Brunswick, Georgia, the request came that we need to deepen the harbor so that the harbor can allow more ships to come in and be able to continue that driving engine, commerce.

In Sacramento, California, we have had untold numbers of public officials come to tell us you need to invest in flood control because we are this close to being over our heads in water. Again, an investment in infrastructure.

In Kentucky we had a Congressman in our markup in to ask why is it that my particular flood control project, an investment in infrastructure, is not being considered in an earmark. We are being threatened by not having this flood control structure. Again, an investment in infrastructure to protect our communities.

We had people from New York and New Jersey: we need to deepen the harbor. We have to make sure that the ships coming from overseas not only have secured cargo, but that we have cargo coming in so that the commerce can continue to develop.

Oakland Harbor, Los Angeles Harbor, Long Beach Harbor, Galveston, Corpus Christi, New Orleans.

The New Orleans elected officials came and said we need development of flood control structures in New Orleans in order to protect if there is another hurricane.

But the one that impressed me the most was the people along the Mississippi. They said grain, coal, a number of products go up and down the Mississippi. It is the blood line of commerce for this country. And the problem we have is that our locks are not working properly.

So in this bill we are investing in improving, and in some cases bringing in new locks, so that from the most northern point of this country to the most southern point of this country along the Mississippi River, we can have commerce, so grain can be moved, coal can be moved, so this country can be competitive on a global basis.

□ 1545

So I tell you, Mr. Chairman, this work, the Energy and Water Subcommittee bill that is before us, it deals with infrastructure development. A 1 percent cut would begin to deny many of these improvements that we have, improvements that the American public have asked us to do because they know it is a sound investment. They want to make sure that commerce continues. They want to make sure that they're protected.

And as Joel Hefley would probably tell me, ED, I couldn't do it in the majority, I probably won't do it in the minority, because the American people think that 1 percent is not the proper way to go, because I would like to have that money that belongs to me to be invested in order that we protect our communities and ensure that we have commerce.

Mr. VISCLOSKY. I appreciate the gentleman's comments very much.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. WILSON OF SOUTH CAROLINA

Mr. WILSON of South Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. WILSON of South Carolina:

At the end of the bill (before the short title), insert the following:

SEC. 503. Appropriations made in this Act are hereby reduced in the amount of $1,130,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. WILSON of South Carolina. Thank you, Mr. Chairman, and I want to thank Congressman JOHN CAMPBELL of California who originally was the proponent of this amendment. I am very happy to adopt this amendment because I believe that it truly expresses the concerns of the people of our country.

The Energy and Water appropriations bill, which spends $31.6 billion, is $1.13 billion, or 3.7 percent over the President's request. This amendment would reduce overall funding in the bill to the President's request, thus saving taxpayers $1.13 billion. If this amendment passes, the total amount of spending in the Energy and Water bill will still be $175 million greater than last year.

By enacting the largest tax increase in American history, the Democrat budget allows for $23 billion in spending over that of the President's budget request. This amendment is designed to save the taxpayers $1.13 billion which will reduce some of the unnecessary increases in Federal spending this year which is fueled by the huge tax increases. This is an amendment that is an across-the-board reduction that does not destroy, interrupt or terminate needed projects, many that we just heard about that are very, very worthy. But it does provide for our Federal administrators to reduce expenditures by limiting travel, delaying filling employee vacancies, postponing equipment purchases and other innovative and creative initiatives to save taxpayers' money. Even the reduction of growth is an increase of spending of $175 million.

Prior to being elected to Congress, I served in the State senate of my home State and over and over again we would work toward across-the-board budget cuts and each time that we were able to achieve these, we were able to maintain the programs to benefit the citizens of our State; but, indeed, the programs were not terminated, they were made better. I have faith in government employees that they can accommodate a 3.7 percent reduction without hurting recipients of worthy projects.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota, Congressman JOHN KLINE.

Mr. KLINE of Minnesota. I thank my friend and colleague, Mr. WILSON, for his leadership.

Mr. Chairman, I rise because we have had a debate here about how much money we're spending and how much we're taxing. There seems to be some confusion about that. We on this side of the aisle have been accused of having spent too much money. And, as I said in discussing an earlier amendment, I fully agree. The Republican majority spent too much money. But what we have before us is a proposal to spend even more money while we're getting criticism for having spent too much, and I have a hard time balancing those out.

We need to get spending under control. And we've had my colleagues, colleague after colleague have come to the floor to propose amendments to make modest reductions in what appears to be runaway spending, billions of dollars too much. And then we've had an argument that said, well, we're not taxing too much because we're not going to add to the tax burden in 2008. I suppose that remains to be seen before the process is over, but I think it's undeniable that the Democrats passed a budget which in order to balance in 5 years results in the largest tax increase in American history. And as the spending goes up to make that match in the end, they force all of the tax cuts which we have fought so hard to get into place, that have spurred this economy and caused jobs to be created and rapid growth in the economy, all those tax cuts would go away, taxes would go up, and we would in fact see the largest tax increase in American history. So we have a huge tax increase, huge spending, that's not the way to see this economy grow. Let's take some steps to curb this explosive rate of spending and stop the semantic arguments here. Let's slow down this runaway spending.

Mr. WILSON of South Carolina. Inquiry. Does the chairman have any witnesses at this time or any further testimony?

Mr. VISCLOSKY. I simply have two speakers and would prefer to reserve at this moment.

Mr. WILSON of South Carolina. Mr. Chairman, again what we're talking about with this particular amendment is to reduce the overall expenditures to the President's request, which is a reduction of $1.13 billion. It's a 3.7 percent reduction. But actually because this is the request of the President, there has been an increase of nearly $175 million. We've heard the presentation, very eloquent, a few minutes ago of many of the wonderful programs and projects, and when you think of Energy and Water appropriations, I think of extraordinarily important appropriations, indeed, the infrastructure of our country, it's so important, as to the alternative fuels, promoting the alternative fuels. But, indeed, I have seen firsthand in my experience working in public office since 1984, you can reduce and still provide for the services to be provided.

I know that again in my State experience one time, we had a midyear budget crisis where, in fact, the State budget was reduced by 7½ percent and we had previously proposed that there be a budget reduction of 1 percent. Unfortunately, it was turned down. It was incredible that, indeed, with the 7½ percent across-the-board cut by people of another political party from me, it worked. And the services were still provided. That was, in effect, almost a 15 percent across-the-board cut.

And so what we are proposing today, I believe, is very reasonable and responsible and in the interest of the taxpayers of the United States.

At this time I am happy to yield to the minority leader of the House of Representatives, a person who is so widely respected, the Congressman from Ohio, JOHN BOEHNER.

The Acting CHAIRMAN. The distinguished minority leader is recognized for 1 minute.

Mr. BOEHNER. I appreciate my colleague for yielding and I appreciate the work he is doing bringing this amendment to the floor.

I came to Washington 17 years ago because I thought government was too big, I thought it spent too much and didn't think that it was being held accountable. And the reason I am here this afternoon on this bill is because this amendment offered by Mr. WILSON and Mr. CAMPBELL will reduce the overall spending level in this bill to the President's request.

The President submitted a budget back in January that said we can balance the budget over the next 5 years without raising taxes. But to do that, it's dependent upon us holding the line on spending. Even at the President's level, there is an increase over last year, and I believe that bringing the level of spending down in this bill to what the President requested puts this bill in a position to actually move through the process and become law.

If you looked over the course of this year, our friends on the other side of the aisle have a budget that will balance over the next 5 years, but with the largest tax increase in American history. If we want to review the bidding on spending here in Washington this year, you go back to February with a CR that was some $6 billion over the President's request. And then we can look at the supplemental spending bill for Iraq and Katrina and other things that was $17 billion over the President's request. And now if we look at the appropriations process that we're in the midst of, we have an additional $20 billion over and above where the President is.

At the end of the day, the American people want to keep more of the money that they earn and want to send less of that money here to Washington. And I think to the extent we can hold the line on spending, we're protecting the taxpayers, protecting their wallets.

I think this is a modest amendment that reduces the spending in this bill by some $1.13 billion, it's the right move, and our colleagues ought to support the amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to my good friend and colleague from New York, a member of the subcommittee, Mr. ISRAEL.

Mr. ISRAEL. I thank my distinguished chairman.

Mr. Chairman, I rise in opposition to this amendment. I have listened very carefully to my friends from the other side suggest that this bill is just too expensive, that it needs to be cut. Well, let me tell you what's far more expensive.

Thirty years ago, President Carter told the American people that we were going to declare the moral equivalent of war on foreign oil. And the only thing we've managed to do in the 30 years since then is double our imports of oil from the Middle East and cut investments in renewable research and development by about 80 percent. So we tried it your way. We cut those investments 80 percent in the past 30 years. And what's the result? We've doubled our imports of foreign oil from the Persian Gulf.

You want to know why this is so expensive a problem? It is a military vulnerability. Two years ago, the Department of Defense spent $10.6 billion on basic energy costs because of this dependence on foreign oil. $10.6 billion paid for by the taxpayer. Of that, the Air Force spent half, $4.7 billion, on one thing: buying fuel, which is also paid for by the American taxpayer.

Now, I believe, as many of my friends do, in robust military budgets. I am a very strong supporter of our military and I believe we need to spend what it takes to defend freedom, and my friends would agree. The problem is this: Because of the fact that we tried it their way and our dependence on foreign oil has actually increased, we're in a position right now where we are borrowing money from China to fund our military budgets to buy oil from the Persian Gulf to fuel our military to protect us from China and the Persian Gulf. A $550 billion military budget and we have to borrow the money from our adversaries. And, guess what, our taxpayers have to pay the interest on the money that we're borrowing from our adversaries to fuel our military to protect us from our adversaries. It makes no sense whatsoever. We've tried it their way, Mr. Chairman, and it hasn't worked.

I don't believe any one of my colleagues would suggest that we should cut the Department of Defense budget. We all believe in national security, and I'm with my colleagues on that.

☐ 1600

But as a matter of national security, we should not cut this budget either, because this budget is a national security budget, because it is not acceptable that a Stryker combat vehicle that is ferrying our troops into some very dangerous environments gets between 5 and 10 miles to the gallon, sounds like a 1957 Buick and is a loud, moving target. It is not acceptable that our C–17s burn 3,000 gallons of fuel an hour and that we have to rely on our adversaries to fuel those systems.

I would appeal to my colleagues on the other side that just as they are strong supporters of the Department of Defense and would never think to suggest just a 1 or 2 percent reduction in military budgets, the same should hold true on this.

I would add one other thing, if I may, Mr. Chairman. One of the things that worries all of us, and worries our military planners, is not just the threats that we see in Iran, and we passed a resolution earlier today that I supported that would take a hard line on Iran and its development, attempted development on nuclear weapons, not just those things, but loose nukes. But the fact that there is a tremendous quantity of nuclear materials proliferating around the world that we have to find, identify and secure, because we don't want a rogue nation packing those loose nukes into a suitcase and bringing them across our borders.

Well, this bill contains funding for the Global Threat Reduction Initiative, whose mission is to locate, secure and remove and facilitate disposal of high-risk vulnerable nuclear material and equipment locations. It does increase the President's funding level. I think the American people would want us to find the money to secure those loose nukes. Now, maybe that means there is a little less money to go to Halliburton and no-bid contracts.

My final point is this: the other side continues to say that this is a tax increase. It is not a tax increase. It will not be a tax increase. The other side is not accurately explaining this to the American people, is the most diplomatic way I can put it.

I will say this, it does require different priorities. The other side has no problem allowing big corporations to register themselves in offshore P.O. boxes so that they can avoid paying their fair share of taxes. The other side has no problem funding and bull-dozing money to Halliburton in no-bid contracts. The other side had no problem shoveling tax cuts to the richest oil company executives on Earth.

If the money was there for that, the money is there for this bill. Maybe we need to take the money from those priorities and put them into this priority.

For America's energy security, for a strong future, and to get our troops out of those Stryker combat vehicles that are loud gas guzzlers and put them on something safer. This bill makes those investments. Those investments are, ultimately, in our national security.

Mr. WILSON of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of this amendment to reduce the size of this bill, the cost of this bill.

I have got to tell you I grew up in the late 1970s. I remember pretty distinctly the policies of Jimmy Carter. I remember the high unemployment rates. I remember the high inflation rates.

I recall getting my driver's license and getting that 1970 station wagon to drive and waiting in a line for gas two blocks long; and when you got there, there was one pump yet working and the others had the 11 by 8 piece of paper that said "out of gas" on it. I think those are the policies which some of my friends on the left are advocating today. I just have to openly wonder how well Honda Civics would work in the sand in Iraq if we can't use military vehicles because of their gas mileage.

But let's get back to the real issue of what we're talking about here today, and that's ways of controlling spending. Yes, it is showing a difference between the majority party and the minority party in the sense of spending.

We are here fighting to reduce the size of their bill. We would like to bring it to last year's level where it was only a 1.6 percent increase, and they were yakking about how we needed to spend more, and when they got in control, they were able to do that.

They have a bill here before us today that increases the spending way above the President's request. This amendment just simply brings it down, $1.13 billion to the President's request. So either way we can fight to reduce the size of their bills, and last week's bill. Again, they were both double-digit increases.

I think this type of debate is healthy. It also does show, as one of the previous speakers mentioned, that there are policy differences. There are priority differences between the two parties, and we are showing how we are the party of fiscal responsibility.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, indeed, as I am here, proposing a cut of around 3.7 percent, this is across the board. Actually, it's an affirmation of the significance of the projects that are in the bill.

I am not saying they should be terminated. I am saying that they should be stalled. I am certainly not indicating they should be interrupted or destroyed. My being here is to propose that there be a reduction in spending, except that it's really a reduction to the President's recommendation, which is an increase in spending of $175 million.

But it is a savings to the taxpayers of $1.13 billion. That's, indeed, a key reason that I ran for Congress was to, indeed, protect the taxpayers, look out for the taxpayers, make sure that the government programs that are so worthy are handled well.

At this time, I yield such time as he may consume to the Congressman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from South Carolina.

Mr. Chairman, let's be clear what we are doing here: we are not cutting anything. We are proposing to do less of an increase in this bill than what has been proposed by the majority party.

Just to illustrate, as I have done before, what I will do again, because I keep hearing talk about cuts: one equals one; two is more than one, even if you want three. This bill, what we have proposed is to have two, is to spend more than the one that was spent before, to spend two. There are some people who would like to spend three. We think that's too much.

We think that we have a deficit. We think that we have seen the majority party propose to increase taxes by however much money they happen to spend. We think they should spend less. We think government should spend less so that the taxpayers can keep more of their own money that they earned.

Mr. Chairman, we can get this budget under control. We can get this deficit under control without cutting spending and without raising taxes, if we just control how much we increase the spending by.

Instead of increasing it by 7 or 8 or 9 or 10 percent, 9, over 9 percent, which overall has been proposed in this budget, if, instead, we only increase it by 6, not a bad increase, but just increase it by 6, and we do that year after year, we will eliminate this deficit without digging more into the taxpayers' pockets, because we already dig into their pockets too much.

So that's what this whole debate, that's what the amendment of the gentleman from South Carolina is about, just controlling the growth of spending to something that is reasonable but manageable and will enable people to keep their own money and this government to return to a fiscal responsibility position without deficits.

Mr. WILSON of South Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, we have had a lot of debate and discussion about this legislation over the last 2 days. I certainly have tried to emphasize that it represents an investment in this country. Some of that investment is represented by cuts we made, over 50 cuts in programs we did not feel were commensurate with the value of the monies that the taxpayers have sent to the United States Government.

Many of those other dollars have been invested in programs we believe inure to the benefit of people's health and safety, to the movement of commerce and to the growth of our economy.

I am going to be the last speaker on our side on this amendment and would conclude in another vein, and that is the national security of our country. I think most people, when they look at the Department of Energy, believe that you have a Department that spends all of its money on energy and energy research.

As our colleagues know, this simply is not true. Only $1 out of about every $10 inure to that purpose. Most of it deals with cleaning up nuclear waste. Much of it is keeping our nuclear arsenal secure, as well as making sure that it is safe and reliable.

Our national security is at stake when we consider many of the elements in this bill. We are charged in this subcommittee to try to make wise decisions as to what pertains to people and this country's security and what does not.

I would draw attention to a fundamental issue that affects every one of us, and that is the possibility of the nuclear conflict. There is a proposal pending by the administration to build a new nuclear weapon.

We had to make what I think is a very profound decision on behalf of the people of this country as to what course of action should we take. We decided, in a bipartisan fashion on this subcommittee, to not proceed for a number of reasons. One is essentially what the perspective of our allies and those who do not have our interests at heart internationally would be if we proceed.

In testimony before the subcommittee, former chairman of the Armed Services Committee in the Senate, Sam Nunn, who is only one of two people I have ever met in my 57 years who has been nominated for a Nobel Peace Prize, the other being my senior Senator in Indiana, Senator LUGAR, said that on the RRW itself, the new nuclear weapon, if Congress gives a green light to this in our current world environment, I believe this will be misunderstood by our allies, exploited by our adversaries, complicate our work to prevent the spread and the use of nuclear weapons. I will not fund additional work on RRW at this time.

Another concern we had on the subcommittee is what is our strategy for the use or, hopefully not the use, of those weapons, as well as our strategy as far as eliminating weapons internationally. We have not developed as a Nation and as a government a new strategy subsequent to the end of the Cold War. We have had regional conflicts thereafter in policies like Kosovo. We have had the events of 9/11, and we find ourselves in conflict the most today.

We should have a broad national policy, not the policy of the Bush administration or any administration, but a national policy that stands the test of time through various administrations, as our last one did for half a century, and a strategy that also lasts through Congresses controlled by Republicans, Congresses controlled by Democrats over a generation; and that strategy does not exist.

I am very heartened that the Armed Services Committee, under the leadership, particularly, of Subcommittee Chairman TAUSCHER, as well as her ranking member, Mr. EVERETT, on your side of the aisle, has asked for a commission to study that very issue.

I am also very concerned that in the past, beginning in the late 1990s, the taxpayers of this country have been asked to invest billions of dollars in the so-called Stockpile Stewardship Program that I support. It is to ensure this we do not have to perform nuclear tests, but to ensure the safety and reliability of our nuclear weapons.

But we were also told, by several administrations of both parties and by the Department of Energy for over a decade, that we need the National Ignition Facility built. Well, it's 6 years behind schedule, and it's 226 percent over budget by a factor of $2.428 billion.

We were told by several administrations and the Department of Energy, both parties, that we need the Microsystems Science Engineering and Applications Lab at Sandia National Laboratory. That is currently 29.5 percent over budget.

We were told by administrations of both parties that we need a dual-axis radiographic hydrotest facility. That is now 6 years behind. That is 35 percent over budget. None of them have been completed. None of them are going to come in on time.

□ 1615

I would grant that the Advanced Simulation and Computational Initiative has taken hold and has produced results and has been a valuable investment.

To now, after more than a decade of investment that has not come to total fruition, to make a hard turn in the road and start spending new money on new construction without a strategy would be a mistake. And this subcommittee has made a determination not to waste the American taxpayers' dollars on that project.

We have asked, and it began 2 years ago under the leadership of then-Chairman HOBSON, that we have an arsenal of 10,000 nuclear warheads, we have a Cold War complex. We need to rationalize and, in effect, downsize that to meet the new threats to make sure that we are nimble, that we are safe, and that we save the taxpayers as much money as possible.

The administration has come back in and said, well, let us build a new nuclear weapon by 2012. And you know what? We're going to take care of the rationalization of the complex, and we're going to downsize and we're going to do that in 2030.

My point is, I wish the administration and, in this case particularly, the Department of Energy, had as much aggression and commitment to downsizing the complex as they do on developing a weapon.

And what they also would suggest that we do, before we downsize is, well, let's begin construction of this new nuclear weapon in the existing complex. So now we will have the old and we will have the new. And I think everyone, Mr. Chairman, knows the end of that story. Nothing will ever change.

It's hard to attach an exact dollar and figure on that critical issue of our national security. But many of the dollars we have saved and not spent, and we have cut in this bill, is to make sure that we take the right approach as far as our nuclear strategy and our nuclear safety, and I am very proud of that.

I see the gentleman from Ohio (Mr. HOBSON) on his feet. And if he would want time, I would be happy to yield to him.

Mr. HOBSON. I just wanted to take a moment to comment that I really appreciate the Chairman's very thoughtful comments, especially on all the issues that he talked about, but certainly, when it comes to NNSA and the lack of management of the weapons systems.

The gentleman remarked to me over here, do we have 9,000 weapons, or 10,000 weapons? Well, the number we've been trying to get out for a long time, cause it's a good news story. But we can't tell you here how good news the story is, because it's still secure. And we've tried for a number of years to get out this issue of how many weapons we have and to get this complex sized appropriately.

But we're very disturbed, in a bipartisan way, about the management of the entire Department of Energy. And I want to associate myself with the gentleman's comments and his opposition to the amendment.

Mr. VISCLOSKY. And Mr. Chairman, I want people to truly appreciate Mr. HOBSON's dedication as a member of not only this subcommittee, and as chairman for 4 years, but as a member of the Defense Subcommittee when there was a similar proposal several years ago and he thought it was the incorrect proposal. He stopped what I think was incorrect public policy from taking place. He saved the taxpayers of this country money.

And the only reason today I believe we have even a 20–30 proposition from the administration as far as downsizing the complex, that I find totally unsatisfactory but at least it is a proposal, is because of the work that Mr. HOBSON did. And I thank him for that very much, and do ask my colleagues to oppose this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WILSON of South Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 40, after line 18, insert the following:

SEC. 503. None of the funds made available in this Act may be used by the Secretary of Energy to designate any geographic area as a national interest electric transmission corridor under section 216(a) of the Federal Power Act (as added by section 1221 of the Energy Policy Act of 2005), and none of the funds made available in this Act may be used by the Federal Energy Regulatory Commission to take any action related to the processing or issuance of a permit under section 216(b) of the Federal Power Act.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 19, 2007, the gentleman from New York (Mr. HINCHEY) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, first of all I want to extend my appreciation and gratitude to Chairman VISCLOSKY and Ranking Member HOBSON for putting together a very fine bill.

However, what we want to do is oppose a certain part of this, denying funding for monopolistic corporations to impede upon States rights and people's private personal proper rights. It's an important amendment and I ask everyone to consider it.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, this is going to be the only vote that you're going to have on this issue. When the power lines are coming through your district, and this is coming through your district, how will you explain to your constituents, to your neighbors, your friends, your local elected officials, your farmers, that you had a chance to slow this down and you didn't do it?

How are you going to tell them that you sided with the power companies and not with the citizens?

This is a time out. It will give us a chance to reexamine the process.

These corridors divide communities, neighborhoods. They destroy landscapes. In fact, the current corridor in the Mid-Atlantic includes Antietam, where 20,000 people died in 1 day. We need to make sure that we take time to do it right, and don't bow to the scare tactics and the false Dear Colleague letters.

This is your first and likely your only vote on this issue. Don't let this vote come back to haunt you. Voting against the Hinchey amendment means you don't want to make sure these corridors are sited properly.

I strongly urge the Members to vote aye for the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I urge support of the Hinchey-Wolf amendment to force the DOE to take a time-out from its rush to subject giant stretches of this country to eminent domain for energy interests.

In my State, in my district, the New York Regional Interconnect, for instance, NIRE, is an internationally financed private entity which will receive eminent domain rights to seize private land for private profit. It would remove the State environmental review process and all property rights and States rights from the equation and give that all to FERC. I think this is something that needs much closer examination.

New York City, I would reassure my colleagues from downstate, does not need NIRE to have power, especially not this route. In fact, there are alternate routes that the State could and would look at if it had the time that it would normally have under CCRA.

I urge support for the Hinchey-Wolf amendment in the interest of property rights and States rights.

The Acting CHAIRMAN. Does the gentleman from Massachusetts rise as the designee of the gentleman from Indiana?

Mr. OLVER. Yes, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the distinguished Member from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in strong opposition to the Hinchey-Wolf amendment.

Today, more than ever, America needs a transmission grid that will deliver reliable and affordable electricity to consumers across the Nation. The Energy Information Agency projects that electricity consumption will increase 43 percent by 2030. Other studies project growth and demand to grow by 19 percent over the next 10 years, while power capacity will grow by only 6 percent over that same time. It stands to reason we're going to have to move power where we have excess to where we need it.

Recognizing the fact the Energy Policy Act of 2005, EPACT, allowed for the designation of national interest corridors where congestion in the electricity grid is jeopardizing reliable service and raising the cost to electricity consumers, this designation is not a mandate that a transmission line be built but, instead, an incentive for stakeholders to address the grid capacity issues. FERC is authorized to get involved only if the State is unwilling to or cannot act, then only after exhaustive Federal considerations.

The Hinchey-Wolf amendment, unfortunately, seeks to block funding for the National Electricity Transmission Corridors as contained in the authorizing legislation. Failing to address congestion and transmission infrastructure will do absolutely nothing for electricity consumers who will see their energy bills continue to climb in the future. And more blackouts.

Our constituents deserve a robust energy transmission infrastructure, and EPACT encourages congested States to resolve the problems in a timely manner. And we know the issue of blackouts, particularly in mid-America to the Northeast.

I urge my colleagues to oppose the Hinchey-Wolf amendment because all it will do is raise electric prices because we can't move power where we really need it.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Chairman, I rise in very strong support of this amendment. And I'd like to start off by saying to my colleague that I respect a great deal from Texas, this amendment is not about sharing power. It's not about giving power from one part of the country to another. It's about how do we do it. Do we do it in a thoughtful way? Do we do it in a reasonable way? Or do we do it in a way by using eminent domain, by running high power lines over people's land, by taking people's land? Is that the American way? Is that the way we want to have our energy policy dictated to the States and the localities? I think not.

I think there is a better way to do it. There is a more thoughtful way to do it. We are facing such a plan in New York, and it's ill-conceived and poorly thought out. And that's not the way we should be running our energy policy in this country. It should be in a more thoughtful way.

I strongly support this amendment because we need to stand up to the power companies and not let them take our land and not let them run power lines over people's property.

Mr. VISCLOSKY. Mr. Chairman, I would be happy to yield 2 minutes to a member of the committee, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think this is one of the more important amendments we're going to deal with today.

America needs available power, and especially electric power. We have a system that has not worked. The legislation doesn't give the Federal Government the right to usurp States rights. It only gets involved when multiple States can't get their job done. I was in State government for 19 years, and I wouldn't bet the farm on four PUCs adequately performing on a time basis so we could connect our grid.

Here's what Bill Richardson said in 2001. "The United States has a first-rate economy. We're the Superpower of the world, the best military, a booming technological economy, but we've got a grid that is antiquated, that is Third World, that needs beefing up. We've got very weak power transmission lines to connect our generation capacity."

And here's what Sam Bodman said in 2006, a year ago. "The Nation is currently facing serious near problems in adequately delivering electricity to its customers."

It means we have to fix the grid. And we've been unable to get States to work together collectively. This is a process that only kicks in when the States can't get their job done.

Connecting this country is a national issue. I don't want my State in charge of the national grid. I had a Governor's person come into my office protesting a power line that was proposed. It had been off of the table by the PGM for a year and a half and they didn't even know it. It wasn't even up for consideration. And the three States that were involved in the little piece that was left was not that State.

Folks, there's a lot of disinformation out here. The connectivity of our electric system is vital to our economic future and we need a process. This was put in the energy bill because it wasn't working, because we couldn't upgrade our grid.

And two Secretaries of Energy and leaders across this country, the Edison Institute, all say, don't pass this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

□ 1630

Mr. KUCINICH. Mr. Chairman, it is pretty clear from the record of their activities that the Department of Energy has been in cahoots with the electric utilities and they are running roughshod over Americans everywhere.

My subcommittee, the Subcommittee on Domestic Policy, held a hearing on this exact matter, and we heard about concerns about the law and about the Department of Energy's implementation.

These concerns include whether the Department of Energy would take into account the protection of national parks, State parks, conservation easements, and historical sites like battlefields when determining where an electric transmission corridor should be designated. The answer is they don't.

Whether the Department of Energy is considering the effects of a corridor designation on the private property rights of landowners. They did not.

Whether the Department is considering the environmental impact of corridor designations. The answer is they did not.

Whether the Department of Energy is considering alternatives to constructing new electric transmission lines, like demand-side management, distributed generation, and energy efficiency. They did not.

Whether the Department has adequately considered the actual benefit utility consumers would receive. They did not.

Support the Hinchey amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise to oppose this amendment.

The 2005 energy law required the Department of Energy to identify geographical areas throughout the country where congestion in the electric grid is raising prices and creating reliability concerns.

Ladies and gentlemen, I don't think I have to tell anybody here on the floor that we have an energy crisis in this country, and there are a host of reasons why we have an energy crisis in this country. And I think most of us understand that, frankly, there is not one silver bullet that is going to resolve these issues.

The designation of this 2005 energy law creates interest of corridors, clearly vests States with the primary responsibility for siting transmission lines and considering what local or regional benefits and consequences exist.

I think it is clear that in the 2005 law that we are seeking to amend here that the national designation does not, does not, usurp State authority for siting transmission lines. Yet we have a lot of challenges on a regional basis.

In California we are attempting to try to work with Arizona to the mutual benefit of citizens living in both States to try to allow for the conductivity of that energy back and forth as well as to try to maintain the stability of much-needed electricity for our constituents in the Southwest.

This amendment, I think, would do great harm to that. And that is precisely why I think the 2005 law was designed to address short-sighted and narrow interests blocking the public good.

I ask that you reject this amendment.

Mr. HINCHEY. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would be happy to yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition of this amendment.

As a member of the Energy Committee, I want to debunk a couple of myths that have been perpetrated today in the debate. First of all, that this was done hastily and thoughtlessly. The fact of the matter is the issue of the transmission of electricity has been an issue for many years. Many hearings have been held, much debate. It was part of the Energy Act. What we have to do is resolve the issue how we get energy from generator A to consumer B. In between we have to figure out how to do that.

Myth number two is that this runs roughshod over States' and communities' rights. The reality is that they are involved in the process. They are involved in working with FERC, and FERC has to work with them on the siting issues. And only when there is a conflict do they get to break that conflict by rising above it.

We in this Nation have to figure out how we get electricity from point A to consumer B. Think of this corridor as a transportation highway. And when we think of it as a highway, we understand why we have to do it this way.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Chairman, I rise in support of the Hinchey amendment.

In Arizona, which is one of the fastest-growing States, we, as a growing State, have enough energy and power to meet the power needs of our State. But what has happened is that since California has a moratorium on building generating plants, the tendency is to have power plants be built in Arizona to generate power and then power lines to be taken into California.

Very recently, about 1½ months ago, the Arizona State Corporation Commission, which has the responsibility for siting the power lines, rejected, and it was an issue of local control in that the power lines that were being proposed would have endangered the wildlife. There were problems with the enhancement features of our land.

The issue for me is local control; so that is why I support the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Chairman, again, I rise in very strong opposition to this bill.

This bill does so few things in terms of getting power to where it needs to be. They talk about the fact that the original 1221 was intended to help get power to places that need it to help alleviate congestion. But, in fact, the NYRI proposal in New York State does nothing whatsoever to prevent congestion. Rather, it does more to create congestion than to alleviate it.

I strongly support the Hinchey-Wolf amendment because I believe that using eminent domain to take people's property in order to run power lines over it is the wrong thing. It is not the American way. It is not what we came to Congress for. And I strongly oppose that.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I thank the gentleman for yielding.

I just want to point out, in response to a couple of remarks that were made, this project that Mr. ARCURI, Mr. HINCHEY, and I are concerned with, which could happen anywhere in the country to any of you, is not an interstate project. It occurs entirely within New York State, mysteriously starting in Utica and mysteriously ending in the little town of Campbell Hall. The other shoes have not dropped yet. But in New York State's Environmental Quality Review Act, nothing gets approved in under a year.

The proposal in section 1221 that after a year it kicks up authority to FERC is patently meant to usurp State authority. You can't get a subdivision, a power plant, a landfill, hardly any public project approved that fast. It usually takes a draft environmental impact statement; public comment; a final environmental impact statement; and at long last, approval. But two years is the shortest that I have ever seen. So to have this be one year means to me that the law was written to usurp State authority.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of this amendment barring funding in this bill to be used to designate any area as a "national interest electric transmission corridor," or a NIET. NIET designation and the corresponding authority that has been given to FERC blatantly usurps States rights to designate and site transmission lines in accordance with what is best for its citizenry. There is a well-established successful history of States executing this authority, and there is no real reason to take it away.

I understand there needs to be a holistic approach to our energy policy, but absent clear and definitive reasons to grant this authority to FERC, why are we allowing this Federal entity to circumvent State siting decisions, State comprehensive energy plans, and State efforts to promote energy efficiency and independence? It is clear more analysis and consideration is needed.

This amendment would not strike this provision forever. Rather, it would allow us more time to have debate, oversight, and public comment on the issue. When this provision was passed in the last Congress by the Senate and signed into law, it was a small piece of a broad energy overhaul. It received no debate on this floor and no vote in this body. Now, with the prospect of towering transmission lines running through 214 counties in 11 States across our Nation, and that is just the first chapter, we must take a time out to reexamine this provision.

What will you tell your constituents when these towering lines are denied by your State regulators, but mandated by FERC? You had your vote today and you need to vote for this amendment.

I urge my colleagues to support this amendment. Vote "yes" to allow us to give needed consideration to the broad ramifications of proposed NIET corridors and ensure that the rights of States are not unduly trampled.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Chairman, I rise in strong support of this amendment.

Section 1221 of the Energy Policy Act of 2005 is an abridgement of the rights of State and local governments to influence Federal policy as it pertains to their communities. In fact, section 1221, regarding the siting of overhead electricity transmission lines, permits the FERC to outright ignore State decisions and local considerations.

We are elected to represent a select constituency and our States, to advocate for their needs, and to advance our national interest. In this instance those responsibilities collide.

I recognize that the Federal Government can and should do more to modernize our Nation's aging and congested electric power infrastructure. But the Northeast corridor proposal negatively impacts the environment, decreases property values, poses health risks, and hurts local property tax revenue. What is worse is that it provides State and local regulatory agencies no ability to involve themselves.

By failing to support this amendment, Members of Congress will, in essence, allow unknown bureaucrats in Washington, huddled around a faceless map, to make critical decisions that affect the lives and financial well-being of thousands of American families. Surely that wasn't our Founding Fathers' intent. There has to be a better way than to circumvent a State's decisions and disregard property owners' rights. By supporting this amendment, we create time to find that better way.

Mr. HOBSON. Might I inquire how much time I have left.

The Acting CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. HOBSON. I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

Mr. Chairman, I might say I am doing this out of courtesy to these gentlemen. I happen to oppose the amendment, but I think they have a right to be heard.

Mr. WOLF. I thank the gentleman.

We are not asking for a repeal. We are asking for time.

Again, this section, and it is amazing, was never voted on in the House. The power industry lobbyists have been roaming this Hill. Your constituents are back in their districts expecting you to represent them.

□ 1645

The corridor goes over and includes Gettysburg, where Lincoln gave the Gettysburg Address. Antietam, 20,000 people died. No environmental impact statement. No consideration of energy efficiency technology. No consideration for historic lands. It is an assault on property rights.

In the last Congress, we all got worked up on the Kelo decision. This is, in essence, whereby they can do this. And someone said, well, you go through the State. The power companies won't really try to go through the States. They will pro forma it, knowing that they can go to FERC and FERC will do it.

Here's what the FERC administrator said: "The authority to lawfully deny a permit is critically important to the States for ensuring that the interests of the local communities and the citizens are protected."

What the Commission does today, it's a significant inroad in traditional State transmission citing authority. It gives States two options: Either issue a permit, or we will do it for them. Obviously, there is no choice.

I strongly urge, in the interest of all these things we're talking about, a vote for the Hinchey amendment.

Mr. VISCLOSKY. Mr. Chairman, I have 3½ minutes left and understand I have the right to close. What I would like to do is to yield that 3½ minutes to the gentleman from New York before he seeks recognition, and would simply emphasize to the membership that I am doing this as a courtesy. I am in opposition to the gentleman's amendment. But I would yield my remaining time to the gentleman from New York.

Mr. HINCHEY. I want to express my deep appreciation to Chairman VISCLOSKY, not just for his excellent work in putting this appropriations bill together, but also for yielding me this time.

It's important for every Member of this House to focus their attention on what is happening here and what we are trying to do.

What we are dealing with here in the context of this appropriations bill, which, if this amendment is successful, will function out there for only 1 year, what we are attempting to deal with is an obscure provision in the 2005 Energy Policy Act, which hardly any Member of this House, I bet, understood when that bill was passed because of the obscurity of this provision.

What does this provision do? This provision tramples on States rights. It says if any State, any State in the Nation is unable to agree to a location for a high-tension transmission line, or if they stipulate that certain corrections have to be made, if that takes more than 1 year, which it would in almost every case, then the Federal Energy Agency steps in and they designate where the corridor will go, overriding States rights. I believe that this provision is contrary to a very significant provision in the United States Constitution, and this provision overrides States rights. That alone is good reason to vote for this amendment.

But beyond that, that provision in the Energy Policy Act of 2005, which this amendment would stop in its tracks for just 1 year so that we could give it further consideration, that provision stipulates that the Federal Energy Regulatory Commission can exercise eminent domain on people's private personal property. That means that FERC can condemn anyone's private personal property in order to establish one of these high-tension transmission corridors. That in itself is bad enough.

But that provision in the Energy Policy Act of 2005 goes even further. It says that FERC, the Federal Energy Regulatory Commission, can grant that power of condemnation of individual citizens' private personal property rights to a private corporation so that the private corporation can now go in and declare eminent domain and condemn people's private personal property.

This provision in this Energy Policy Act overrides States rights and the individual rights of private American citizens. It was put in there inappropriately. Hardly anybody was aware of it when that bill passed. Many of us voted against it nevertheless. Still, it is part of the law.

What we are saying here in this amendment to this appropriations bill is give us another year to look at this issue. Let this issue be considered more carefully. We should not have this kind of impediment against States rights and people's private personal property rights.

I ask you, on behalf of all of your constituents, please join us in support of this amendment.

Ms. HARMAN. Mr. Chairman, those of us who lived through the brown-outs and rolling black-outs during the California energy crisis remember well how difficult the Federal Energy Regulatory Commission was to deal with, and it pains me to vote for a national policy that I hope will not need to be used.

However, after carefully reviewing the issue, I do not see a better alternative. My vote is a vote to keep the lights on in Southern California.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Hinchey-Wolf amendment and thank the authors for highlighting Section 1221 of the Energy Policy Act of 2005, which could allow DOE to designate large transmission corridors across the country and override States' decisions about transmission line placement.

Mr. Chairman, we all recognize that the energy requirements of our growing economy will place increasing demands on existing transmission facilities. In this regard, modernization is an important goal.

But we want to make certain that our State, county and local communities are fully engaged in the process to determine where transmission lines are located. Local leaders and property-owners have the clearest view of how these lines will affect their communities.

The goal of this amendment is to allow additional time for consideration of DOE and FERC's implementation process, so that there will be more complete deliberation and consideration of this potential regulation.

Municipal, county, and State officials want and need to be full partners in the process that leads to the siting of new transmission lines.

I urge support of the Hinchey-Wolf amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the Hinchey-Wolf amendment. My constituents need electricity in their homes, their businesses and their communities. This amendment will deprive my constituents and the people of Pennsylvania of low-cost energy.

In 2005, the Republican-led Congress passed the bipartisan Energy Policy Act, 275–156. In section 1221 of the Energy Policy Act, the Department of Energy was required to identify and report a National Transmission Congestion and Constraint Study.

The study identified two areas as inadequate: the Mid-Atlantic region, which encompasses my district, and the southwest-southern California region. With no coincidence, in 2002 these same areas were identified as problem areas. They were identified in two separate studies, 5 years apart, because there is an overwhelming need to build the infrastructure to supply the increasing demand for energy. The lack of necessary infrastructure in these areas imposes billions of dollars on consumers annually and leaves the citizens of the country vulnerable to rolling blackouts.

On April 26, 2007, the Department of Energy issued two draft versions for transmission corridors, one traversing my home State and its neighboring regions and the other in southern California. The public comment period remains open for written submissions until July 6. In addition, the Energy Policy Act requires studies every 3 years.

This amendment would require a needless, burdensome study, which in effect, would study two previous and congruent studies. At best, with this amendment, we are questioning whether or not to repeal sections of a successful, bipartisan bill, extensively debated and enacted less than 2 years ago, when the process so clearly works, the need is clearly there and the effects of inaction are so clearly dire. Let's allow the process to work. Let us have faith in our positive work in the Energy Policy Act.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Hinchey-Wolf amendment, which would prohibit funds in this bill from being used to designate any area as a National Interest Electric Transmission Corridor (NIETC).

By providing a 1-year time out in the designation of NIETCs, the amendment will force the Department of Energy, the Federal Energy Regulatory Commission, Congress, States and the public to reexamine the process for designating these areas to ensure that States' rights are upheld and people's personal property rights are protected.

Specifically, this amendment will postpone a flawed plan by the Department of Energy to designate two vast swaths of the country as NIETCs. Far from narrow "corridors," these massive areas encompass 214 counties and 9 cities in 11 states, including large areas in my home State of New York.

The way these areas have been designated has come under intense scrutiny, and for good reason. In a hearing in the Oversight and Government Reform Subcommittee on Domestic Policy earlier this year, it was made clear that the DOE did not adequately consult with the States on this issue and that the designations would actually hinder the States' efforts to address climate change. In addition, the congestion study which the proposed corridor designations are based on was fundamentally flawed. Last, the DOE simply failed to consider the appropriate alternatives to corridor designation.

At that hearing Paul D. Tonko, Chairman, Committee on Energy, New York State Assembly said, "There is little confidence, at this moment, that federal government officials—who are far removed from the physical and socio-economic location of local proposals—will be able to fully appreciate the environmental, economic and social impacts of long-range, high-voltage transmission lines in local communities."

I also want to note that Governor Eliot Spitzer of New York strongly supports the Hinchey amendment. He has made clear that the NIETC designation in New York is not only unnecessary, it would actually be counter-productive because if it is finalized, the FERC would be able to preempt parts of New York's long-established and efficient process for siting transmission lines.

Most appallingly, if we do not pass the Hinchey amendment, the FERC could eventually have the ability to give energy companies the power of Federal eminent domain to force private landowners to sell parts of their property. We just cannot allow States' rights to be trampled and private property rights to be taken away.

Yes, we absolutely need to make sure that there is an efficient process in place to meet the critical energy needs of my constituents in New York City and in other large urban areas. However, that process must also be fair. It must protect the rights of private property owners, take into account environmental and historic preservation concerns, and not unnecessarily usurp States' rights. That's why I will cast my vote in favor of the Hinchey amendment.

Mr. BLUMENAUER. Mr. Chairman, I supported the Hinchey-Wolf amendment to the FY 2008 Energy and Water Development Appropriations Bill. This amendment would have established a one-year spending limitation with regard to the designation of National Interest Electric Transmission Corridors under section 1221 of the Energy Policy Act of 2005. I supported this limitation amendment because section 1221 is a flawed provision of federal law, and the Department of Energy's implementation of the provision has enhanced concerns about the law rather than addressed them.

Section 1221 of the Energy Policy Act grants the Department of Energy unprecedented siting and construction authority for transmission lines. While I strongly support the upgrade of our nation's transmission infrastructure and believe that states and the federal government need tools to make this happen, section 1221 goes too far. The provision invites only illusory participation from the states—one year is much too short a timeframe for states to make any decision about transmission siting, much less the right one.

I look forward to working with my colleagues to provide a realistic backstop for the federal government that gives the states time and flexibility to suggest alternatives. I hope that this Congress can advance a more balanced approach.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Chairman, I rise to comment on the last speaker from New York about States rights and private property rights.

The taking of land is dear to me. And this Congress took 147 million acres of land in 1980 and made it into wilderness, parks and refuges. I bring that up because, of that 147, 27 of them were picked by the State. But we did it. That was private property.

But I am, Mr. Chairman, dismayed by this Congress, including Members of my own party, who voted today to eliminate funding for the Denali Commission and cripple the economic life to hundreds of small and impoverished communities throughout rural Alaska.

I am standing here today in the well defending the funding for the Denali Commission because the Federal Government has, time and time again, as I mentioned, limited the ability of Alaskans to provide for themselves. We have trillions of dollars' worth of resources in our State; we haven't been able to produce them. This Congress has said no to ANWR. Many of the speakers who just spoke voted no on ANWR, no to any new mining, no to more Alaskan oil and natural gas. Not letting Alaskans provide for themselves is economic terrorism by this body.

We sent over 15.5 billion barrels of oil through the pipeline. At today's prices, that's equivalent to $1.1 trillion. We have trillions of dollars' worth more of energy. If the State were allowed to manage its own resources, we wouldn't need the commission. And we wouldn't be sending trillions of American dollars overseas, to countries that hate us, for the energy Americans could be producing at home.

Unfortunately, energy ignorance in this body is increasing almost as fast as our dependence on foreign oil. Until Alaska is permitted to produce its own resources for themselves and for America, Alaskans will need the Denali Commission.

In 1998, Congress passed the Denali Commission Act. It provides job training and other economic development services for rural communities, chiefly in troubled communities, where unemployment exceeds 50 percent. It promotes rural development by providing power generation and transmission facilities, modern communication systems, water and sewer systems, and other infrastructure needs.

To give you an idea, my State of Alaska is 656,425 square miles, more than twice the size of Texas. Individual Alaskans own less than 1 percent of their land. The Federal Government owns over 60 percent. Flush toilets are just a luxury, and the Denali Commission tries to provide good sanitation to all Alaskans that do not have the ability to have potable water or remove the sewage they create. The fact is, I doubt if any of you have ever heard of a honey bucket.

How many of my colleagues have communities in their districts with no water and sewer? Well, Mr. Chairman, I have several. The Denali Commission has brought these systems to many of my rural communities, but there are still over 150 areas that suffer from poor sanitation and a lack of safe drinking water.

There are rural communities that are completely isolated, and my Alaskans can only get to and from their homes by boat or by small plane. There are no roads connecting these communities outside of Anchorage and Fairbanks.

The Commission also works carefully to ensure these communities have telephones, a reliable supply of electricity, and in some cases, Internet access.

Mr. Chairman, these are all things we in the Lower 48 take for granted, but for thousands of Alaskans they are luxuries.

In 2006, the Denali Commission leveraged its funding to develop basic infrastructure in over 100 Alaska communities. It invested money towards replacing aging fuel tanks and upgrading rural power plants, while at the same time pushing for wind generation, hydro, geothermal and biomass energy projects.

In addition to constructing several essential village primary care clinics, the Denali Commission funded major design initiatives for needed replacement hospitals in Nome and Barrow. It has now completed clinics in over 65 of these remote communities.

The Commission also provided funding to construct housing for teachers in nine frontier communities, which is essential for recruiting and retaining teachers to the remote areas of my State. The Commission worked tirelessly each year to make sure that my Alaskans are not treated like second-class citizens. The amendment will cripple the Denali Commission's ability to provide these basic resources and cripple many rural communities that are already on crutches.

Mr. Chairman, I can say this respectfully for one thing. We talk a lot about the economics of this Nation and energy. This Congress has lacked in a positive way. I am deeply disturbed that this amendment was adopted by my own party and by the opposite party. I hope you reconsider this when we go to conference.

ANNOUNCEMENT BY THE ACTING CHAIRMAN.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. PORTER of Nevada.

Amendment No. 18 by Ms. FOXX of North Carolina.

An amendment by Mr. UDALL of New Mexico.

Amendment No. 17 by Mr. NEUGEBAUER of Texas.

Amendment No. 9 by Mrs. MUSGRAVE of Colorado.

Amendment No. 1 by Mr. BISHOP of New York.

Amendment No. 14 by Mr. JORDAN of Ohio.

An amendment by Mr. SHADEGG of Arizona.

Amendment No. 12 by Mr. PRICE of Georgia.

Amendment No. 15 by Mr. WILSON of South Carolina.

An amendment by Mr. HINCHEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PORTER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. PORTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER:

Page 21, strike line 22 and all that follows through page 24, line 9.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 80, noes 351, not voting 6, as follows:

[Roll No. 516]

AYES—80

Abercrombie
Ackerman
Alexander
Berkley
Berman
Bishop (UT)
Blumenauer
Campbell (CA)
Cannon
Capps
Chandler
Christensen
Cohen
Conyers
Crowley
Davis (CA)
DeFazio
DeLauro
Doggett
Engel
Eshoo
Farr
Filner
Gallegly
Giffords
Gillibrand
Gohmert
Grijalva
Hall (NY)
Harman
Heller
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lantos
Lee
Lewis (GA)
Lofgren, Zoe
Markey
Matheson
McCotter
McDermott
McGovern
McKeon
Meehan
Miller, George
Nadler
Pallone
Paul
Payne
Pearce
Porter
Rodriguez
Rogers (AL)
Rothman
Salazar
Sanchez, Loretta
Schakowsky
Schiff
Shea-Porter
Sherman
Sires
Souder
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Yarmuth
Young (AK)

NOES—351

Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pascrell
Pastor
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—6

Bean
Becerra
Davis, Jo Ann
Diaz-Balart, M.
Ortiz
Sullivan

☐ 1724

Ms. ROYBALL-ALLARD, Ms. WASSERMAN SCHULTZ and Mrs. CAPITO and Messrs. LARSON of Connecticut, REYNOLDS, BROWN of South Carolina, KILDEE, RUPPERSBERGER, SHULER, WALDEN of Oregon, TOWNS, TOM DAVIS of Virginia and ELLISON changed their vote from "aye" to "no."

Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Ms. ESHOO, Ms. LEE, Mrs. JONES of Ohio and Mrs. CHRISTENSEN and Messrs. THOMPSON of California, PALLONE, ALEXANDER, BERMAN, RODRIGUEZ, GRIJALVA, ENGEL, SIRES, McDERMOTT, JACKSON of Illinois, WEINER, MEEHAN, CONYERS, COHEN, LANTOS and CAMPBELL of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 293, not voting 10, as follows:

[Roll No. 517]

AYES—134

Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ellsworth
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Tancredo
Terry
Tiahrt
Upton
Walberg
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOES—293

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Becerra
Blunt
Davis, Jo Ann
Obey
Ortiz
Payne
Radanovich
Ros-Lehtinen
Shuster
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1727

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 312, not voting 4, as follows:

[Roll No. 518]

AYES—121

Aderholt
Akin
Alexander
Andrews
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Berkley
Bilirakis
Bishop (UT)
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Castle
Chabot
Chandler
Cole (OK)
Cubin
Davis, David
Davis, Lincoln
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Fallin
Feeney
Filner
Flake
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Jindal
Jordan
Kind
King (NY)
Kline (MN)
Lamborn
LaTourette
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Pearce
Pence
Peterson (MN)
Pickering
Pitts
Poe
Price (GA)
Rahall
Ramstad
Rogers (MI)
Roskam
Royce
Ryan (WI)
Salazar
Scott (VA)
Sessions
Shadegg
Shays
Shimkus
Souder
Space

Stearns
Tancredo
Thompson (CA)
Towns
Udall (CO)
Udall (NM)
Walberg
Walden (OR)
Weller
Westmoreland
Wilson (NM)

NOES—312

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barton (TX)
Bean
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Becerra
Davis, Jo Ann
Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1734

Messrs. CROWLEY, MOORE of Kansas, THOMPSON of Mississippi, TOM DAVIS of Virginia and Ms. JACKSON-LEE of Texas changed their vote from "aye" to "no."

Messrs. BOOZMAN, MARIO DIAZ-BALART of Florida and MORAN of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 133, noes 298, not voting 6, as follows:

[Roll No. 519]

AYES—133

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Cooper
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Dreier
Fallin
Feeney
Flake
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wolf
Young (FL)

NOES—298

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick

Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Price (GA)
Price (NC)
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Becerra
Davis, Jo Ann
Gutierrez
Larsen (WA)
Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

□ 1738

Mr. PICKERING changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 267, not voting 4, as follows:

[Roll No. 520]

AYES—166

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kagen
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)
Wolf
Young (FL)

NOES—267

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—4

Becerra
Davis, Jo Ann
Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

□ 1743

Mr. SALI and Mr. HUNTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 285, answered "present" 1, not voting 5, as follows:

[Roll No. 521]

AYES—146

Abercrombie
Ackerman
Arcuri
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Boswell

Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Courtney
Davis (CA)
DeFazio
DeLauro
Doggett
Donnelly
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Gillibrand
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Kagen
Kennedy
Kind
Kingston
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Myrick
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Sensenbrenner
Sestak
Shays
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Stark
Stupak
Sutton
Taylor
Thompson (CA)
Tierney
Towns
Udall (CO)
Velázquez
Walz (MN)
Wasserman Schultz
Watson
Waxman
Welch (VT)
Wexler
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (FL)

NOES—285

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carson
Carter
Castle
Chabot
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutierrez
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Neugebauer
Norton
Nunes
Oberstar
Obey
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Scott (GA)
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Tancredo
Tanner
Tauscher
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wynn
Young (AK)

ANSWERED "PRESENT"—1

McCarthy (NY)

NOT VOTING—5

Becerra
Davis, Jo Ann
Ortiz
Paul
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

□ 1749

Mr. GRAVES changed his vote from "aye" to "no."

Ms. ZOE LOFGREN of California changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 301, not voting 7, as follows:

[Roll No. 522]

AYES—129

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kagen
Keller
King (IA)
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—301

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley

Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Becerra
Davis, Jo Ann
Flake
McCrery
Ortiz
Paul
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1752

Mr. MARCHANT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHADEGG

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 274, not voting 6, as follows:

[Roll No. 523]

AYES—157

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Fallin
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Towns
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—6

Becerra
Davis, Jo Ann
Feeney
Ortiz
Paul
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains on this vote.

☐ 1757

Mrs. MYRICK changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 275, not voting 4, as follows:

[Roll No. 524]

AYES—158

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kagen
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOES—275

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—4

Becerra
Davis, Jo Ann
Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 295, not voting 4, as follows:

[Roll No. 525]

AYES—138

Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kagen
Keller
King (IA)
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—295

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt

DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston

Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)

Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Becerra
Davis, Jo Ann

Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

☐ 1806

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 257, not voting 6, as follows:

[Roll No. 526]

AYES—174

Ackerman
Allen
Andrews
Arcuri
Baird
Baldwin
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Capito
Capps
Capuano
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Conyers
Courtney
Cummings
Davis (CA)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Drake
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)

Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kind
Kirk
Kucinich
Kuhl (NY)
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Petri
Pitts
Platts
Porter
Price (NC)
Ramstad
Reichert
Rodriguez
Rothman
Sarbanes
Saxton
Schakowsky
Schwartz
Scott (VA)
Sestak
Shays
Shea-Porter
Shuler
Sires
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Walsh (NY)
Wasserman Schultz
Waters
Waxman
Welch (VT)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—257

Abercrombie
Aderholt
Akin
Alexander

Altmire
Baca
Bachmann
Bachus

Baker
Barrett (SC)
Barrow
Bartlett (MD)

Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Cardoza
Carnahan
Carter
Chabot
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Faleomavaega
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly

Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Honda
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Keller
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Norton
Nunes
Pearce

Pence
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Sutton
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—6

Becerra
Davis, Jo Ann

Diaz-Balart, L.
Jones (OH)

Ortiz
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

☐ 1810

Mr. GUTIERREZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in strong support of H.R. 2641, the "Energy and Water Appropriations Act of 2007." I also rise to express my sincere appreciation to Mr. VISCLOSKY, the chairman of the Energy and Water Subcommittee and his Ranking Member, Mr. HOBSON of Ohio, for working together in a constructive effort to renew America's dependence on foreign oil and cutting greenhouse gas emissions.

Moreover, this bill merits our support because it increases the Nation's commitment to long-term basic research by increasing the Federal investment that is so critical to developing the next generation of scientific breakthroughs. Federal funding for research and development has declined steadily over the last decade, and sound science has been compromised by political interference. This legislation takes a giant step toward reversing this disturbing trend.

Mr. Chairman, in the 1970s, our Nation faced an energy crisis unlike any we had ever experienced before. The OPEC oil embargo of 1973 led to skyrocketing prices, long gas lines, gas sales only every other day, and shortages where gas was simply unavailable. We experienced another oil shock in the late 1970s and under the leadership of President Jimmy Carter, America responded with unprecedented initiatives for energy research. But over the years, gas prices came down, incentive was lost, and these efforts fell by the wayside.

Today, we again face an energy crisis, only this time it is coupled with the enormous challenge of addressing the reality of global climate change. H.R. 2641 attempts to face these twin crises with over three billion dollars to address global climate change—researching its effects and working on technologies to slow it down—and investment in renewable energy programs that both reduce greenhouse gases and help our Nation meet its energy needs.

The bill cuts funding for poorly thought-out plans for nuclear weapons recognizing that because of the enormous cost and the importance to our national security they require smart strategies not blank checks. Instead it works to keep Americans safe with a 75 percent increase in funding for nuclear non-proliferation efforts. It also funds the Army Corps of Engineers, strengthening our Nation's navigation infrastructure and improving flood control programs.

Before I highlight some of the more attractive provisions of this legislation, which by the way contains no earmarks, let me explain briefly why this energy and water legislation is so near and dear to the people I represent in the 18th Congressional District of Texas.

In the past 2 years, Houston, the center of my district, has experienced some of the most devastating acts of nature in its history.

Six years ago this month, in June 2001, Tropical Storm Allison hit Southeast Texas. Until Hurricane Katrina, this storm would become the costliest tropical storm in U.S. history. Flash flooding initiated quite rapidly during Houston's rush hour late Friday afternoon and on into the evening hours. Widespread street flooding was the initial threat, but the high rainfall amounts forced almost all the major Houston area bayou systems into severe flooding, with some to record levels. All major freeways in the Houston area were severely flooded at at least one location during this event. During this single event alone, rainfall in Harris County ranged from just 2 inches in the extreme west to in excess of 20 inches over Green's Bayou in the east. Countywide, the average rainfall was 8 inches with over two-thirds of the county receiving over 10 inches.

The total damage across Southeast Texas approached $5 billion ($4.88 billion in Harris County alone). Twenty-two deaths were caused by Allison, with each of these fatalities occurred in Harris County. At this time, thunderstorms began to train and merge across the Houston metro area, and the system evolved into a powerful complex right over the most populated portion of our CWA that evening. This complex progressed south and east into the early morning hours of Saturday, June 9. Very heavy rainfall was observed for up to 10 hours in some locations, and rainfall rates of 4 inches or more per hour were observed throughout the night. A station in northeast Houston recorded over 26 inches of rain in almost 10 hours.

In response, the Tropical Storm Allison Recovery Project was launched. TSARP is a joint study effort by the Federal Emergency Management Agency, FEMA, and the Harris County Flood Control District, the District. The purpose of the TSARP project is to develop technical products that will assist the local community in recovery from the devastating flooding, and provide the community with a greater understanding of flooding and flood risks. The end product of the study is new Flood Insurance Rate Maps.

TSARP mission statement is: To assist residents of Harris County in recovery from Tropical Storm Allison and minimize damages from future floods by investigating the flood event and by developing current, accurate, and timely flood hazard information.

TSARP used state-of-the-art technology. TSARP has yielded many products that will help us better understand our flood risk. These products will assist citizens in making important decisions, and will assist public agencies in infrastructure planning. The hoped for end result of TSARP is a more informed and disaster resistant community and one that is better prepared.

Purchasing flood insurance before June 18 allowed people to "grandfather" their existing floodplain status and pay lower premiums for flood insurance. Once the maps became official on June 18, residents and business owners whose properties are categorized in higher-risk flood zones on the new maps may pay higher rates.

According to FEMA, a "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations, BFEs, but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

FEMA regulations say "Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations." The City of Houston interprets that as no development within the floodway. This is not necessarily correct. Construction can take place but it cannot obstruct the water. Elevating the structure gets the same effect but the city denies this as they said (debris may collect under the structure). They will only allow a remodeling permit if the improvements do not exceed 50 percent of the structures value.

There is one neighborhood along White Oak Bayou that is greatly affected. The homes are of higher value than most of the district. Alternatives to resolve their issue includes widening the bayou or diverting floodwater.

The Harris County Flood District is now investigating these alternatives. Otherwise, the only solution would be a change in the city's ordinance allowing construction in the floodway.

I am looking forward to working with colleagues on the Energy and Water Appropriations Subcommittee to explore ways and means of resolving this problem so that Houstonians will not be forced out of their homes and unable to afford flood insurance.

Mr. Chairman, let me provide this partial listing of some of the many good provisions in this legislation. First, H.R. 2641 will improve U.S. waterways and flood protection by increasing funding for the Army Corps of Engineers by $713.4 million above the President's request to address a $1 billion backlog of operations and needed maintenance. This backlog needs to be addressed to sustain the coastal and inland navigation infrastructure critical to the U.S. economy, and the gaps in flood protection highlighted in Hurricane Katrina.

Second, the legislation will help reduce dependence on foreign oil and cut greenhouse gas emissions. Renewable energy and energy efficiency programs are funded at $1.9 billion—a 50 percent increase in energy efficiency and renewable energy programs. This is in addition to the additional $300 million added in the FY 2007 joint resolution. In contrast, the President's FY 2008 request for renewable energy and energy efficiency research is the same as it was in 2001 in real terms.

Funding for research and development of alternative fuels such as corn based and cellulosic ethanol and biodiesel is increased by 40 percent above the President's request. Solar Energy demonstration projects receive a 34 percent increase above the President's request. There is also $22 million to research new ways of generating power from water flow, and $44.3 million for geothermal energy, neither of which were funded in the President's request. (This is on top of the $95 million for upgrades to existing hydropower dams funded under the Army Corps.)

I could go on and on. This thoughtful legislation provides funding to invest in new vehicle technology; energy efficient buildings; weatherization; carbon capture and sequestration; and climate change science. And it cuts wasteful spending as well.

For example, H.R. 2641 directs the Energy Department to develop a concrete plan to improve its contract management. The Energy Department has been on the GAO list of programs that are at high-risk for waste, fraud, abuse and mismanagement for seventeen years in a row.

The bill also cuts Global Nuclear Energy Partnership, GNEP, funding by $285 million below the President's request and $47.5 million below 2007 for this initiative to reprocess spent nuclear fuel and burn long-lived radioactive materials. There are concerns that this project is unsafe, will cost tens of billions of dollars, and could make it far easier for terrorists to obtain plutonium to make nuclear weapons.

The bill also secures substantial savings by cutting wasteful and unnecessary nuclear weapons programs by $5.9 billion, $632 million below the President's request and $396 million below 2007. It cuts to 37 specific weapons program accounts, including the Reliable Replacement Warhead program. The existing stockpile will continue to provide the Nation's nuclear deterrent for the next two decades, and certainly until the President develops a strategic nuclear weapons plan to transform the nuclear weapons complex away from its expensive Cold War configuration to a more affordable, sustainable structure.

Mr. Chairman, I strongly support H.R. 2641 and urge my colleagues to join me. I thank Chairman Visclosky for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Ms. CASTOR. Mr. Chairman, the Energy and Water Appropriations bill charts an important new direction for improved public health and a cleaner environment throughout America. The bill also makes important new investments in renewable energy as we must reduce our dependence on foreign oil and cut greenhouse gas emissions. We must rapidly expand the production of clean, alternative fuels and increase energy efficiency. Our country has lost momentum due to the Bush-Cheney White House's inaction on global warming and energy independence. The new Congress will change course today.

A healthy and clean environment and renewable energy solutions are vital to the State of Florida and the Tampa Bay area. In my Tampa Bay area district, we are working to increase energy efficiency through organizations like the Clean Energy Research Center at the University of South Florida. My recent Tampa energy forum "Turning Green for the Red, White and Blue" drew great community interest. Our neighbors now are focusing on commonsense conservation initiatives. Nevertheless, leadership at the Federal level is vital.

The Energy and Water Appropriations bill invests $3 billion in global climate change science and in renewable energy technologies that both reduce greenhouse gases and help our Nation meet its energy needs. Additionally, this bill will provide a 50 percent increase into research on energy efficiency and renewable energy, including solar, biofuels, hydropower, and geothermal, as well as new vehicle technology and energy efficient buildings and homes. Solar energy holds great promise for Floridians and I strongly support the new investment of $200 million for research, development and demonstration projects to make solar energy more affordable.

On the first day of the new Congress, the House passed legislation to repeal $14 billion in taxpayer subsidies given to Big Oil companies that are earning record profits while we pay record profits at the pump. Those monies now will be channeled into clean alternative energy technologies and energy efficiency. Doing so enhances our national security as our country will lessen its foreign entanglements with questionable, petrocentric nations.

Climate change is potentially the greatest threat to our national security and prosperity. Energy independence is vital to our future. I urge the Congress to act swiftly for the sake of my community and all Americans.

Mr. HOLT. Mr. Chairman, I rise today in strong support of H.R. 2641, the Energy and Water and Related Agencies Appropriations Bill for Fiscal Year 2008. I would like to thank Chairman Visclosky and the Energy and Water Subcommittee for drafting a bill that clearly defines what our Nation's priorities should be in promoting and developing sustainable energy sources as well as taking a firm approach to dealing with our Nation's nuclear weapons complex.

This Energy and Water Appropriations bill is making two very important statements. The first relates to our Nation's energy path and climate change. I believe this bill starts to direct us to where we should be—which is on a sustainable energy course. By increasing the investment we are making to sustainable energy sources, we are making a commitment to developing an energy plan that promotes renewable energy, promotes efficiency and promotes conservation.

Last year, I criticized the Energy and Water bill for continuing the status quo and for not putting us on a path for a sustainable energy future. Today, the bill we are considering is vastly different. We have increased by 52 percent over the President's budget for energy efficiency and renewable energy programs. This funding is used for energy efficiency programs such as technologies to make buildings more efficient and programs like EnergyStar. This bill also provides significant funding for alternative energy sources such as biomass, solar, and hydropower. These are the technologies of the near future and we must make the investment now.

Equally important is the public policy statement that this bill makes about nuclear nonproliferation and how we as a Nation bring rationality to our own nuclear weapons complex. Last year Congress approved a nuclear cooperation agreement with India. That deal, I believe, created a more dangerous and unstable world. We spoke at great length about the details of this cooperative agreement. We spoke at great length about how good a friend India is to us. We talked about the so-called reality of an imperfect ability to control the militarization of nuclear reactions. I said last year during that debate, that if we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, then we should be holding on to every tool we can find to prevent that threat.

That is why I am pleased that this bill sends a clear message about how we view our nuclear weapons complex. I believe that instead of wasting billions of additional dollars on a nuclear weapons program we don't need and that would only undermine our global nonproliferation efforts, our country should be dismantling its excess nuclear weapons and working to get other nuclear powers to join us in the effort to create a world free of nuclear weapons. Equally important, our country should be expanding its effort to secure loose or inadequately safeguarded nuclear materials in the former Soviet states. Securing these materials is our best insurance policy against terrorists getting their hands on such material and using it against us or our allies. For these reasons, I am pleased that the Energy and Water bill cuts the Department of Energy's portion of the RRW program. We must set a global example, and this is a start on moving us towards global nonproliferation.

Also, by way of my background as a scientist and researcher at the Princeton Plasma Physics Lab, I understand how essential it is to fully invest in programs like the Fusion Energy Sciences Program. I applaud the $427.9 million investment in this program. Never has a national commitment to fusion energy research been more timely or important to our Nation's energy future than it is right now. Fusion energy is the power of the sun and the stars, and holds the promise to become an economical, safe and clean domestic energy source. Fusion is an energy source that has the potential to increase our national energy security, while also decreasing overall world carbon dioxide emissions. I am glad to see that the Committee has decided to honor our Nation's commitment to ITER, which is a seven nation fusion program being developed currently in Cadarache, France, by allocating $160 million in funding. The remaining $267.9 million will allow the United States to be competitive in the development and deployment of fusion energy and to train and retrain the next generation of young fusion researchers who will be expected to work on ITER and in the field of fusion energy research beyond ITER.

This is a good start for an energy appropriations bill. I thank the Chairman for his cooperation and leadership on this bill and I urge my colleagues to support it.

Mr. CAMP of Michigan. Mr. Chairman, I rise today in support of a project that deserves the support of every member of this House. The Great Lakes Energy Research Park, which is to be located in the heart of the district I represent, will be the first Integrated Gasification Combined-Cycle facility in the world to co-produce (1) over 728 Mw of electric power and (2) permanently sequester over 3.8 million tons per year of carbon dioxide which will ultimately recover over 180 million barrels of stranded oil. Let me repeat that—180 million barrels of stranded oil. I'm not talking about new drilling in environmentally sensitive areas and I'm not talking about opening up new wells. I am talking about finally tapping much needed resources that yesterday's technology simply could not drive out of the ground. Additionally, it is important to note that this bed of oil reserves is located in the geographic center of Michigan—not in the Great Lakes, and far from Hurricane Alley, where most of our crude wells lie. As we learned from Katrina, geographic diversity is as an important topic in the energy debate as is alternative energies. So, as we discuss utilizing new technologies, clean technologies to solve our dependence on foreign crude, we would be foolish to ignore the types of technology being put in place in Alma, Michigan.

This project, however, is about much more than recovering stranded oil. This facility is designed in such a way to virtually utilize every byproduct of energy production. With this type of forward thinking it is no wonder that the project has received support from a wide variety of local community groups, institutions, citizens and organizations. Included among the list of proponents are the City of Alma, Michigan, Firstbank of Alma, Michigan, the Gratiot Medical Center, Alma College, the Gratiot County Board of Commissioners and the Gratiot Area Chamber of Commerce.

Mr. Chairman, as American families and businesses grapple with rising energy costs, the Great Lakes Energy Research Park can be a part of the solution. I urge my colleagues to join me in supporting this unique effort to produce more energy here in America.

Mr. VISCLOSKY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. ANDREWS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

The SPEAKER pro tempore. Without objection, the title to H.R. 923 is amended so as to read: "A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.".

There was no objection.

GENERAL LEAVE

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2764, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 498 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2764.

□ 1814

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Mrs. LOWEY) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I'm pleased to present to the House H.R. 2764, the fiscal year 2008 appropriations bill for the Department of State, foreign operations and related programs.

I'm particularly pleased that the appropriations bill that I bring to the floor as chairwoman of the State Foreign Operations Subcommittee reflects a bipartisan process, and that the ranking member, FRANK WOLF, was instrumental in pulling this bill together, as well as a very talented and engaged subcommittee.

I'm very proud of our product. The bill before you totals $34.243 billion in new discretionary budget authority, $2.9 billion above fiscal year 2007, not counting supplemental appropriations, and $700 million below the President's request. This is the largest increase over the prior year enacted level that this subcommittee has received in over a decade. I appreciate Chairman OBEY's recognition of the importance of this bill and the programs it funds.

The bill includes over $7 billion to address our strategic priorities and national security interests, as well as increases for programs that promote development and reduce low global poverty, meet humanitarian needs, and respond to urgent health crises, priorities at the core of our interests abroad.

For the war on terror, this bill includes $2.656 billion in economic assistance for our strategic partners and $4.509 billion in military assistance. While the bill includes $1.057 billion for Afghanistan, there are no additional funds for Iraq. In light of the $2.86 billion provided for Iraq reconstruction in the recently passed supplemental appropriations bill, and the $2.89 billion requested by the administration in the 2008 supplemental, I feel extremely strongly that there is no need at this time for additional funds for the same purposes in this bill, given the extraordinary needs to be met around the world.

The bill includes over $4.7 billion to support State Department operations, both in the United States and abroad. The recommendation fully funds the President's request for worldwide security upgrades, and provides $364 million for public diplomacy efforts at the State Department, as well as $501 million for educational and cultural exchanges.

The bill also provides $6.517 billion for global health. Addressing tuberculosis, avian flu, HIV/AIDS and other health threats is one of the best preventive measures to protect the health of the United States. We provide $5.082 billion for international HIV/AIDS efforts, which, in addition to appropriations in other bills, brings the total for international HIV/AIDS to $5.876 billion. This is $550 million above the President's fiscal year 2008 budget request, and includes $850 million for the global fund to fight AIDS, tuberculosis and malaria.

The bill also includes $1.73 billion for development programs managed by the U.S. Agency for International Development, an increase of $225 million above the fiscal year 2007 enacted level. The increased resources will fund an initiative on basic education for developing countries, as well as an expansion of safe water and environment programs.

As many of you know, basic education has been one of my top priorities for years and, I'm pleased to say, a top priority of the members of this committee. I'm convinced that access to quality primary education not only improves an individual's chances for a better, more productive life, it creates a more tolerant and informed citizenry. I've provided a total of $750 million for basic education in the bill, an increase of $200 million from the fiscal year 2007 House-passed bill.

This bill also provides $501 million for the environment and clean energy programs, including $106 million for the global environmental facility, and $175 million for biodiversity programs at USAID. We've also included a provision that encourages the Export-Import Bank to support projects in renewable energy and other environmentally beneficial products. This initiative could result in an estimated $1 billion in additional green exports in 2008.

There is $1.8 billion for the Millennium Challenge Account. This is a $1.2

billion reduction from the request, but $48 million above the fiscal year 2007 enacted level. I'm supportive of the MCA. I want to make this very clear. And while I believe the MCA is under the strong and capable management of Ambassador Danilovich, I would like to see more results on the ground from the $6 billion that has already been appropriated, $2.1 billion of which is not yet even obligated, before we significantly scale-up the MCA. The reduction to MCA helps us address the shortfalls for development assistance and health accounts. We have also funded a basic education initiative as well as expansion of safe water and environmental programs.

With an investment of over $5 billion in the 6 years that Plan Colombia has been in effect, the numbers of hectares involved in coca production has increased by 42 percent. Because our efforts to combat narcotics in Colombia have been ineffective for some time, this bill restructures assistance for Colombia. We cut overall funding by 10 percent, or $59 million, and shift greater resources to the development, interdiction, rule of law and justice programs. It is time for the Colombians to take ownership over their eradication and military assistance programs, and this cut reflects that position.

The bill provides over $5.4 billion for Africa, including a total of $949.3 million for Sudan, $210.5 million of which is for Darfur, $104 million above the request. We have provided $100 million in increased funding for the African Union Force in Darfur.

This bill allows us to fully meet the President's request for Israel and Egypt. And I want to make it clear that Egypt is a friend, an important ally in the war on terror and a partner for peace in the Middle East. However, there are growing concerns about the independence of its judiciary, police abuses, and the smuggling operation from Egypt into Gaza. As a result, this bill requires the Secretary of State to certify that steps are being taken to address these issues before a portion of the military aid to Egypt can be released.

Lastly, as you know, U.S. Government assistance for family planning is prohibited for groups that provide, promote, refer or counsel on abortions. Groups that merely exercise their legal rights to advocate for policies such as the legalization of abortion are denied U.S. assistance. This bill provides an exemption to those restrictions simply for the provision of contraceptive commodities. Foreign family planning organizations, which have been denied USAID family planning funds, could receive contraceptives from USAID to help reduce unintended and high-risk pregnancies, abortions and the spread of HIV, as well as save the lives of mothers and infants.

This provision does not amend any of the provisions in existing law that prohibit assistance for abortions or otherwise restrict family planning funds. They're all there; 10 of them are all there; and 5 for restricting family planning; 10 to be sure that there's no money for abortion, and 5 to restrict family planning. All there.

Mr. Chairman, this package of foreign assistance before you preserves our Nation's interests, reflects the values and priorities of the American people, and most importantly, helps to protect the security of Americans at home and abroad. It was developed in a bipartisan manner, and I expect it to have wide support as it passes the House.

In closing, let me say again that it has been a pleasure working with Ranking Member WOLF and the minority staff, Christine Kojac, Rob Blair, Mike Ringler, Alice Hogans and Molly Miller. I would like to thank my vice chair, JESSE JACKSON, Jr. for his hard work on this bill. I greatly appreciate the outstanding work and support of Nisha Desai, Lucy Heenan, Craig Higgins, Steve Marchese, Michele Sumilas, Mark Lopes and Celia Alvarado. They're all competent, professional and really a joy to work with. The work we have accomplished together in this bill will help make America more secure and will improve the lives of millions throughout the world.

Mr. Chairman, I am pleased to submit this bill, and urge your favorable consideration.

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,656,564	3,977,940	3,820,018	+163,454	-157,922
(Transfer out)	(-3,949)	---	---	(+3,949)	---
Worldwide security upgrades	681,949	964,760	964,760	+282,811	---
Emergency appropriations (P.L. 110-28)	870,658	---	---	-870,658	---
Emergency appropriations (P.L. 110-28) (Transfer out)	(-20,000)	---	---	(+20,000)	---
Total, Diplomatic and consular programs	5,209,171	4,942,700	4,784,778	-424,393	-157,922
Emergency appropriations	870,658	---	---	-870,658	---
Capital investment fund	58,143	70,743	59,062	+919	-11,681
Office of Inspector General	29,914	32,508	32,508	+2,594	---
Emergency appropriations (P.L. 110-28)	36,500	---	---	-36,500	---
Emergency appropriations (P.L. 110-28) Special IG for Iraq reconstruction (By transfer)	(35,000)	---	---	(-35,000)	---
Educational and cultural exchange programs	445,671	486,400	501,400	+55,729	+15,000
(Transfer out)	---	---	(-6,000)	(-6,000)	(-6,000)
Emergency appropriations (P.L. 110-28)	20,000	---	---	-20,000	---
Representation allowances	8,175	8,175	8,175	---	---
Protection of foreign missions and officials	9,270	18,000	28,000	+18,730	+10,000
Embassy security, construction, and maintenance	592,277	792,534	729,898	+137,621	-62,636
Worldwide security upgrades	898,575	806,900	806,900	-91,675	---
Emergencies in the diplomatic and consular service	4,940	19,000	14,000	+9,060	-5,000
Emergency appropriations (P.L. 110-28) (By transfer	(20,000)	---	---	(-20,000)	---
Repatriation Loans Program Account:					
Direct loans subsidy	703	678	678	-25	---
Administrative expenses	599	607	607	+8	---
Total, Repatriation loans program account	1,302	1,285	1,285	-17	---
Payment to the American Institute in Taiwan	15,826	16,351	16,351	+525	---
Payment to the Foreign Service Retirement and Disability Fund	125,000	122,500	158,900	+33,900	+36,400
Total, Administration of Foreign Affairs	7,454,764	7,317,096	7,141,257	-313,507	-175,839
International Organizations					
Contributions to international organizations, current year assessment	1,151,318	1,354,400	1,354,400	+203,082	---
Emergency appropriations (P.L. 110-28)	50,000	---	---	-50,000	---
Contributions for international peacekeeping activities, current year	1,135,275	1,107,000	1,302,000	+166,725	+195,000
Emergency appropriations (P.L. 110-28)	283,000	---	---	-283,000	---
Total, International Organizations	2,619,593	2,461,400	2,656,400	+36,807	+195,000
Emergency appropriations	333,000	---	---	-333,000	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	27,718	30,430	30,430	+2,712	---
Construction	5,232	71,725	15,725	+10,493	-56,000
American sections, international commissions	9,962	10,395	10,630	+668	+235
International fisheries commissions	23,694	21,000	26,000	+2,306	+5,000
Total, International commissions	66,606	133,550	82,785	+16,179	-50,765

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other					
Payment to the Asia Foundation	13,821	10,000	15,000	+1,179	+5,000
Center for Middle Eastern-Western dialogue	750	875	875	+125	---
Eisenhower Exchange Fellowship program	494	500	500	+6	---
Israeli Arab scholarship program	370	375	375	+5	---
East-West Center	18,994	10,000	---	-18,994	-10,000
National Endowment for Democracy	74,042	80,000	80,000	+5,958	---
Total, Department of State	10,249,434	10,013,796	9,977,192	-272,242	-36,604
Emergency appropriations	1,260,158	---	---	-1,260,158	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	493	499	499	+6	---
Commission on International Religious Freedom					
Salaries and expenses	3,000	3,300	3,400	+400	+100
Emergency appropriations (P.L. 110-28) (By transfer)	(258)	---	---	(-258)	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	2,004	2,037	2,037	+33	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,876	2,000	2,000	+124	---
United States - China Economic and Security Review Commission					
Salaries and expenses	2,962	4,000	4,000	+1,038	---
United States Senate-China United States Senate Interparliamentary Groups					
Salaries and expenses	149	---	---	-149	---
United States Institute of Peace					
Operating expenses	22,064	30,000	25,000	+2,936	-5,000
RELATED AGENCIES					
Broadcasting Board of Governors					
International Broadcasting Operations	639,126	618,777	671,632	+32,506	+52,855
Emergency appropriations (P.L. 110-28)	10,000	---	---	-10,000	---
Broadcasting to Cuba	---	38,700	---	---	-38,700
Broadcasting capital improvements	7,624	10,748	10,748	+3,124	---
Total, Broadcasting Board of Governors	656,750	668,225	682,380	+25,630	+14,155
Total, title I, Department of State and Related Agencies	10,938,732	10,723,857	10,696,508	-242,224	-27,349
Appropriations	(9,668,574)	(10,723,857)	(10,696,508)	(+1,027,934)	(-27,349)
Emergency appropriations	1,270,158	---	---	-1,270,158	---
(Transfer out)	(-3,949)	---	(-6,000)	(-2,051)	(-6,000)

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Subsidy appropriation	26,382	68,000	68,000	+41,618	---
Administrative expenses	72,468	78,000	78,000	+5,532	---
Inspector General	990	1,000	1,000	+10	---
Negative subsidy	-45,000	---	---	+45,000	---
Offsetting collections	---	-146,000	-146,000	-146,000	---
Total, Export-Import Bank of the United States	54,840	1,000	1,000	-53,840	---
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	41,851	47,500	47,500	+5,649	---
Insurance fees and other offsetting collections	-258,000	-236,000	-237,000	+21,000	-1,000
Subsidy appropriation	20,073	29,000	20,000	-73	-9,000
Total, Overseas Private Investment Corporation	-196,076	-159,500	-169,500	+26,576	-10,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and development agency	50,391	50,400	50,400	+9	---
Total, title II Export and investment assistance	-90,845	-108,100	-118,100	-27,255	-10,000
TITLE III - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Child survival and health programs fund	1,718,150	1,564,279	1,955,150	+237,000	+390,871
Global fund contribution	(247,500)	---	(250,000)	(+2,500)	(+250,000)
(Transfer out)	(-5,940)	---	(-6,000)	(-60)	(-6,000)
Emergency appropriations (P.L. 110-28)	161,000	---	---	-161,000	---
Development assistance	1,508,760	1,041,248	1,733,760	+225,000	+692.512
(Transfer out)	(-20,790)	(-21,000)	(-21,000)	(-210)	---
International disaster assistance	361,350	297,300	322,350	-39,000	+25,050
Emergency appropriations (P.L. 110-28)	165,000	---	---	-165,000	---
Transition Initiatives	39,600	37,200	40,000	+400	+2,800
Development Credit Authority:					
(By transfer)	(20,790)	(21,000)	(21,000)	(+210)	---
Administrative expenses	7,920	7,400	7,400	-520	---
Subtotal, Development assistance	3,961,780	2,947,427	4,058,660	+96,880	+1,111,233
Payment to the Foreign Service Retirement and Disability Fund	38,700	36,400	---	-38,700	-36,400
Operating expenses of the U.S. Agency for International Development	626,832	609,000	625,700	-1,132	+16,700
(By transfer)	(5,940)	(6,000)	(6,000)	(+60)	---
Emergency appropriations (P.L. 110-28)	8,700	---	---	-8,700	---
Capital Investment Fund	69,300	126,000	87,300	+18,000	-38,700
Operating expenses of the U.S. Agency for International Development Office of Inspector General	35,640	38,000	38,000	+2,360	---
Emergency appropriations (P.L. 110-28)	3,500	---	---	-3,500	---
Total, USAID	4,744,452	3,756,827	4,809,660	+65,208	+1,052,833
Emergency appropriations	338,200	---	---	-338,200	---

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other Bilateral Economic Assistance					
Economic support fund:					
Israel	120,000	---	---	-120,000	---
Egypt	455,000	415,000	415,000	-40,000	---
Other	1,880,010	2,904,567	2,241,506	+361,496	-663,061
Emergency appropriations (P.L. 110-28)	2,624,300	---	---	-2,624,300	---
Emergency appropriations (P.L. 110-28) (By transfer) Dept. of Defense	(110,000)	---	---	(-110,000)	---
Subtotal, Economic support fund	5,079,310	3,319,567	2,656,506	-2,422,804	-663,061
International Fund for Ireland	13,365	---	15,000	+1,635	+15,000
Assistance for Eastern Europe and the Baltic States	273,900	289,322	297,332	+23,432	+8,010
Emergency appropriations (P.L. 110-28)	214,000	---	---	-214,000	---
Assistance for the Independent States of the former Soviet Union	452,000	351,585	397,585	-54,415	+46,000
Total, Other Bilateral Economic Assistance	6,032,575	3,960,474	3,366,423	-2,666,152	-594,051
Emergency appropriations	2,838,300	---	---	-2,838,300	---
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriation	19,305	19,000	19,000	-305	---
African Development Foundation					
Appropriation	22,770	30,000	30,000	+7,230	---
Peace Corps					
Appropriation	319,640	333,500	333,500	+13,860	---
Millenium Challenge Corporation					
Appropriation	1,752,300	3,000,000	1,800,000	+47,700	-1,200,000
Department of State					
Global HIV/AIDS initiative	3,246,520	4,150,000	4,450,000	+1,203,480	+300,000
Global fund contribution	(377,500)	---	(300,000)	(-77,500)	(+300,000)
Democracy Fund	94,050	---	---	-94,050	---
Emergency appropriations (P.L. 110-28)	260,000	---	---	-260,000	---
International narcotics control and law enforcement	472,616	634,600	568,475	+95,859	-66,125
Emergency appropriations (P.L. 110-28)	252,000	---	---	-252,000	---
Emergency appropriations (P.L. 110-28) (Rescission)	-13,000	---	---	+13,000	---
Andean Counterdrug Initiative	721,500	442,812	312,460	-409,040	-130,352
Migration and refugee assistance	833,033	773,500	829,900	-3,133	+56,400
Emergency appropriations (P.L. 110-28)	130,500	---	---	-130,500	---
United States Emergency Refugee and Migration Assistance Fund	55,000	55,000	45,000	-10,000	-10,000
Emergency appropriations (P.L. 110-28)	55,000	---	---	-55,000	---
Nonproliferation, anti-terrorism, demining and related programs	405,999	464,000	467,000	+61,001	+3,000
Emergency appropriations (P.L. 110-28)	57,500	---	---	-57,500	---
Subtotal, Department of State	6,570,718	6,519,912	6,672,835	+102,117	+152,923
Emergency appropriations	755,000	---	---	-755,000	---

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of the Treasury					
International Affairs Technical Assistance	19,800	24,800	18,000	-1,800	-6,800
Emergency appropriations (P.L. 110-28)	2,750	---	---	-2,750	---
Debt restructuring	64,350	207,300	200,300	+135,950	-7,000
Subtotal, Department of the Treasury	86,900	232,100	218,300	+131,400	-13,800
Total, title III, Bilateral economic assistance	19,548,660	17,851,813	17,249,718	-2,298,942	-602,095
Appropriations	(15,627,410)	(17,851,813)	(17,249,718)	(+1,622,308)	(-602,095)
Emergency appropriations	(3,921,250)	---	---	(-3,921,250)	---
(By transfer)	(26,730)	(27,000)	(27,000)	(+270)	---
(Transfer out)	(-26,730)	(-21,000)	(-27,000)	(-270)	(-6,000)
TITLE IV - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	85,877	89,500	85,076	-801	-4,424
Foreign Military Financing Program:					
Grants:					
Israel	2,340,000	2,400,000	2,400,000	+60,000	---
Egypt	1,300,000	1,300,000	1,300,000	---	---
Other	910,800	836,000	809,236	-101,564	-26,764
Subtotal, Grants	4,550,800	4,536,000	4,509,236	-41,564	-26,764
(Limitation on administrative expenses)	(41,600)	(41,900)	(41,900)	(+300)	---
(by transfer)	---	---	---	---	---
Emergency appropriations (P.L. 110-28)	265,000	---	---	-265,000	---
Total, Foreign Military Financing	4,815,800	4,536,000	4,509,236	-306,564	-26,764
Peacekeeping operations	223,250	221,200	293,200	+69,950	+72,000
Emergency appropriations (P.L. 110-28)	230,000	---	---	-230,000	---
Subtotal, Peacekeeping operations	453,250	221,200	293,200	-160,050	+72,000
Total, title IV, Military assistance	5,354,927	4,846,700	4,887,512	-467,415	+40,812
Appropriations	(4,859,927)	(4,846,700)	(4,887,512)	(+27,585)	(+40,812)
Emergency appropriations	(495,000)	---	---	(-495,000)	---
(Limitation on administrative expenses)	(41,600)	(41,900)	(41,900)	(+300)	---
TITLE V - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Global Environment Facility	79,200	106,763	106,763	+27,563	---
Contribution to the International Development Association	940,500	1,060,000	950,000	+9,500	-110,000
Contribution to Multilateral Investment Guarantee Agency	---	1,082	---	---	-1,082
(Limitation on callable capital subscriptions)	(8,127)	(7,300)	(7,300)	(-827)	---
Total, World Bank Group	1,019,700	1,167,845	1,056,763	+37,063	-111,082

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Contribution to the Inter-American Development Bank:					
Contribution to the Enterprise for the Americas Multilateral Investment Fund	1,725	29,232	25,000	+23,275	-4,232
Inter-American Investment Corporation	---	7,264	---	---	-7,264
Total, Inter-American Development Bank	1,725	36,496	25,000	+23,275	-11,496
Contribution to the Asian Development Fund	99,000	133,906	115,306	+16,306	-18,600
Contribution to the African Development Bank:					
Paid-in capital	3,602	2,037	2,037	-1,565	---
(Limitation on callable capital subscriptions)	(88,334)	(31,919)	(31,919)	(-56,415)	---
Contribution to the African Development Fund	134,343	140,584	135,684	+1,341	-4,900
Total, African Development Bank	137,945	142,621	137,721	-224	-4,900
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	---	10	---	---	-10
(Limitation on callable capital subscriptions)	(2,250)	---	---	(-2,250)	---
Contribution to the International Fund for Agricultural Development	14,850	18,072	18,072	+3,222	---
Total, International Financial Institutions	1,273,220	1,498,950	1,352,862	+79,642	-146,088
International Organizations and Programs					
Appropriation	326,163	289,400	333,400	+7,237	+44,000
Total, title V, Multilateral economic assistance	1,599,383	1,788,350	1,686,262	+86,879	-102,088
(Limitation on callable capital subscript)	(98,711)	(39,219)	(39,219)	(-59,492)	---
TITLE VI - GENERAL PROVISIONS					
Expenditure transfer (Sec. 540)	---	---	---	---	---
Sec. 6084 Security in Asia	9,900	---	---	-9,900	---
Rescission	-231,350	---	---	+231,350	---
ATB pay raise (Sec. 111 of HJ Res. 20)	-1,746	---	---	+1,746	---
Total, title VI, General Provisions	-223,196	---	---	+223,196	---
Appropriations	(8,154)	---	---	(-8,154)	---
Grand total	37,127,661	35,102,620	34,401,900	-2,725,761	-700,720
Appropriations	(31,672,603)	(35,102,620)	(34,401,900)	(+2,729,297)	(-700,720)
Emergency appropriations	(5,686,408)	---	---	(-5,686,408)	---
Rescissions	(-231,350)	---	---	(+231,350)	---
(By transfer)	(26,730)	(27,000)	(27,000)	(+270)	---
(Transfer out)	(-30,679)	(-21,000)	(-33,000)	(-2,321)	(-12,000)
(Limitation on administrative expenses)	(41,600)	(41,900)	(41,900)	(+300)	---
(Limitation on callable capital subscript)	(98,711)	(39,219)	(39,219)	(-59,492)	---

State - Foreign Operations - and Related Programs Appropriations Act - FY 2008 (H.R. 2764)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Undistributed FY08 Emergency appropriations	---	3,302,000	---	---	-3,302,000
Emergency appropriations	-5,689,908	-3,302,000	---	+5,689,908	+3,302,000
Diplomatic and consular fee proposal	---	---	---	---	---
ATB adjustment	---	---	---	---	---
Emergency appropriations (P.L. 110-28) International Affairs function	110,000	---	---	-110,000	---
Total, adjustments	-5,579,908	---	---	+5,579,908	---
Total (including adjustments)	31,547,753	35,102,620	34,401,900	+2,854,147	-700,720
Amounts in this bill	(37,127,661)	(35,102,620)	(34,401,900)	(-2,725,761)	(-700,720)
Scorekeeping adjustments	(-5,579,908)	---	---	(+5,579,908)	---
Prior year outlays	---	---	---	---	---
Total mandatory and discretionary	31,547,753	35,102,620	34,401,900	+2,854,147	-700,720
Mandatory	(163,700)	(158,900)	(158,900)	(-4,800)	---
Discretionary	(31,384,053)	(34,943,720)	(34,243,000)	(+2,858,947)	(-700,720)
RECAP BY FUNCTION					
Mandatory	163,700	158,900	158,900	-4,800	---
Prior year outlays	---	---	---	---	---
Total, Mandatory	163,700	158,900	158,900	-4,800	---
Discretionary	31,384,053	34,943,720	34,243,000	+2,858,947	-700,720
Prior year outlays	---	---	---	---	---
Total, Discretionary	31,384,053	34,943,720	34,243,000	+2,858,947	-700,720
Grand total, Mandatory and Discretionary	31,547,753	35,102,620	34,401,900	+2,854,147	-700,720
DISCRETIONARY 302(b) ALLOCATION					
302(b) allocation	---	---	34,243,000	+34,243,000	+34,243,000
Over/under allocation	31,384,053	34,943,720	---	-31,384,053	-34,943,720

I reserve the balance of my time.

□ 1830

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Let me start by commending the chairwoman on putting together a thoughtful bill, her first as the chairwoman of this new and important subcommittee. I must also recognize the chairwoman's continuation of this subcommittee's bipartisan tradition, as well as stating how much I appreciate the chairwoman's willingness to listen to our concerns and accommodate them as much as possible.

Overall, I think it is a very good bill, but I do have some concerns.

First and foremost, I believe this bill sends a terrible message to the State Department's officers and foreign service nationals and our military fighting in Iraq. The report accompanying the bill clearly states that there is no funding provided for Iraq. I intend to offer an amendment to restore $158 million of the $391 million that the President requested. I believe that not providing the requested funding for counterterrorism and de-mining activities is shortsighted and potentially dangerous. This program has trained more than 1,000 Iraqis in explosive detection and removal, therefore helping to protect the lives of our military and also improving public safety to reduce insurgent access to deadly munitions.

No funds are provided to develop effective civilian law enforcement and anti-terrorism programs in Iraq, specifically to focus on strengthening terrorist financing and money laundering.

No funds are provided to continue English language training and professional training for military officers in the United States. This training focuses on international human rights, fostering respect for civilian control of the military and the rule of law. Such funding is crucial if public statements by Members about wanting Iraqis to be able to defend themselves are, in fact, accurate and not purely rhetorical.

Also, this fits into the recommendations made by the Iraq Study Group, and when the resolution came up a while back that the other side had, I think 220-some Members said they supported the Iraq Study Group.

Well, no funding is provided to help Iraq manage their national budget, a crucial step towards Iraq self-reliance. No funding is included to enable Iraq to stimulate local economies to counter the impact of the insurgents. Assistance was requested and denied that would help Iraq create jobs in the agriculture sector and create food production, thereby stimulating Iraq's second largest economic sector after the oil area. These funds would directly weaken the insurgent base in rural areas, which we all on both sides want to do.

Finally, no funding is included to help national reconciliation, political reform, and fair provincial elections in 2008 and fair national elections in 2009. Additional funding was requested to develop the Iraqi criminal justice system. These necessary funds would allow the Iraqi government to identify, bring to justice, and incarcerate insurgents and terrorists who are trying to destabilize the country. So, hopefully, we can adopt that amendment.

The second issue of concern for me is there are new provisions regarding funding for family planning programs overseas. The President clearly stated in a May 3, 2007, letter to the Speaker of the House that he would veto any legislation that weakens current Federal policies and laws on abortion. As a result of these language changes alone, I believe the bill will now be vetoed, which is unfortunate because there are so many good things in the bill.

Thirdly, the bill does not include any funding to support the recommendations by Commission for Assistance to a Free Cuba. The Castro regime is the only nondemocratically elected government in the Western Hemisphere. So now is the time to demonstrate a commitment to the future of freedom for Cuba and to fund the programs that will facilitate peaceful democratic transition. And, again, this has nothing to do with the whole trade issue that this place talks about or the whole travel issue. This is to help the democratic movement in Cuba.

In conclusion, I believe this bill has the potential to do a lot of good, and I want to say that this bill will help save a lot of lives not only here but around the world. This is the work of the Lord. And I know Members are going to come down and are going to be against the bill. And I hope that we can change some of these things to prevent a veto, but this bill, eventually when it passes, assuming it will be vetoed, is really to feed the poor, the hungry, the naked, the sick. Almost a better title would be a Matthew 25 bill. So it has the potential to do a lot of good, and I hope to work with Chairwoman LOWEY to ensure the State Department has what it needs to do these things, the war on terror, to provide humanitarian assistance to the most needy, and to improve human rights around the world.

And Members on our side are offering amendments with regard to cutting. This is actually under the allocation with regard to the administration.

I look forward to working with the chairwoman to resolve the differences.

I also want to thank Nisha Desai, Craig Higgins, Steve Markes, Michel Sumilas, Celia, Rob, and also Christine, who were too embarrassed to put their names down. I wanted to put them down too. And I also want to thank the full committee staff on both sides, who have been very helpful.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 3 minutes to our distinguished vice chairman, a very hardworking member of our subcommittee, my partner in this effort, Mr. JACKSON of Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentlewoman for yielding.

I rise to voice my strong support for H.R. 2764, The State, Foreign Operations and Related Programs Appropriations bill. I can think of few things we do on an annual basis that are more important and crucial to the success of U.S. foreign policy than passing this bill.

I would be remiss if I did not begin my comments by thanking the chairwoman, Congresswoman NITA LOWEY, the first woman to chair this subcommittee and, in a very short time already, its most extraordinary chairman. I also want to thank Ranking Member WOLF and the majority and minority subcommittee staff for helping to produce a great bill.

Despite the fact that the allocation for this bill is $700 million below the President's request, this is a well-written, well-measured bill, taking into account the concerns of both the majority and the minority. However, I am worried about the amendments I have seen that want to cut some of the vital programs in this bill in the name of fiscal discipline.

I am worried, Mr. Chairman, because yesterday around the world nearly 15,000 to 20,000 people died of extreme poverty. Today around the world 15,000 to 20,000 people will die of extreme poverty. Tomorrow around the world 15,000 to 20,000 people will die of extreme poverty. Extreme poverty like malnutrition and disease are claiming tens of thousands of lives every day.

This bill has a real opportunity to reverse these facts. Look at what has been done to date with our foreign aid bill. Smallpox eradication began in the 1960s; control of river blindness in the 1970s; increased child immunizations in the 1980s; initiatives to fight Guinea worm, trachoma, and leprosy in the 1990s; and the effort to end polio in this decade. Measurable results produced with the dollars in this bill.

Mr. Chairman, let me point out some of the highlights of this measure. This bill before us today makes significant improvements in our aid package to Colombia, especially for Afro-Colombians, by emphasizing alternative development and rule of law, programs that work.

This bill, Mr. Chairman, provides increases for both our multilateral and bilateral peacekeeping obligations. These funds will provide security for trouble spots like the Darfur region of Sudan and the Democratic Republic of the Congo.

This bill provides increases for global health programs that fight the scourge of HIV, TB, and malaria. This bill provides increases for development assistance programs. Some of these funds are educating children and providing clean drinking water and sanitation around the world.

The increases in this bill are the least we can do. I don't understand why some Members plan to offer amendments that cut some of the increases in key development programs, tearing apart the majority party as tax and spenders. Our former colleague from Illinois, my friend John Porter, used the term "noblesse oblige," the belief that the wealthy and the privileged are obliged to help those who are less fortunate. In Luke chapter 12, verse 48, Jesus simply says, "To whom much is given, much is expected." In Matthew chapter 6, verse 21, Jesus said, "For where your treasure is, there will your heart be also." If this verse is true, what does it say about these amendments that want to cut these crucial programs that are improving millions of lives around the world? I have a master's degree in theology from the Chicago Theological Seminary, and I have read my Bible from cover to cover. And nowhere does it say, "only clothe the naked and feed the poor after you have cut taxes for very wealthy people."

In 1984, referring to Marxist-ruled Ethiopia, President Ronald Reagan said, "A hungry child knows no politics." All he knows is that he is hungry.

I urge my colleagues to vote for H.R. 2764, the State, Foreign Operations Appropriations bill. I hope that Democrats and Republicans will rally behind an extraordinary product created by the chairman of this committee, the ranking member of this committee, and the extraordinary Foreign Operations staff.

Mr. WOLF. Before I yield to Mr. LEWIS, I want to comment on the gentleman's remarks. I wouldn't question what his interpretation is, but in Luke it says "To whom much is given, much is required." Some versions say "expected," but it is actually a requirement, and we know a requirement in college, you have to do it to pass. So I think the authentic version says "To whom much is given, much is required." But I see it makes the gentleman's statement much more powerful, and I appreciate the reference.

Mr. Chairman, I yield such time as he may consume to the former chairman and the ranking member, who has been very generous and very interested in this subcommittee's work, Mr. LEWIS.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. WOLF and Madam Chairman, I can't tell you how much I respect the work that the two of you have done together, and to join on the floor with my friend JESSIE JACKSON in expressing support for this bill, indeed, is a privilege.

Mr. Chairman, I am pleased to rise today to support H.R. 2764, the State, Foreign Operations and Related Programs Appropriations bill for the fiscal year 2008.

I want to express my appreciation for the work of Mrs. LOWEY as well as Mr. WOLF. They are a demonstration project of what we can do when we set partisanship aside and work together on behalf of really our responsibility to lead in this world.

This bill is the primary legislative vehicle through which Congress reviews the U.S. international affairs budget and influences our foreign policy. It provides a total of $34.243 billion including $10.76 billion for State Department operations, international broadcasting, and related agencies, and $23.62 billion for foreign assistance programs. The total is $2.95 billion over last year's level and $700 million less than the President's request.

This bill addresses critical issues such as the AIDS pandemic, Child Survival and Health programs, anti-narcotics programs, and our efforts in the global war on terror.

Mr. Chairman, it is important that we realize what a critical role this bill plays in the well-being of the world and the security of our Nation. The United States is the last remaining superpower and the sole voice of freedom and democracy around the world. What we do in this bill saves the lives of countless numbers of people in nations that are less fortunate than ours. These funds stabilize fragile democracies around the globe and help our allies in the global war on terror.

Now, I know most Members feel they weren't elected to support international assistance programs. In fact, Mr. Chairman, I am sure there are many Members who feel that the United States should dramatically reduce the amount of money we spend around the world and focus our resources on domestic priorities. This sort of isolationist point of view has no place in today's shrinking world. One needs only to look to Europe as an example of a once powerful and influential nation withdrew its resources from around the world and focused inward. What has since been termed as the "French model" resulted in massive inflation, high unemployment rates within the country, and severe internal crises. The United States should not follow the "French model," a misguided path that essentially has caused the French to disappear as a powerful force in the world.

□ 1845

I remember as a young man attending UCLA I was fortunate to participate in a program that preceded the Peace Corps called Project India. As I joined other young students in traveling to villages around a country where poverty and ever-present caste systems were always visible, I was struck by the importance that personal freedom and opportunity have on the human condition, especially if you had the good fortune of being born in the United States of America.

Today, India has outlawed the caste system and is the largest democracy in the world, as well as our strong ally in the global war on terror. I am particularly pleased that in any congressional district there are large numbers of my constituents who are actively involved, advocating for increases in our international assistance program.

In recent meetings with the Results Group, with CARE, Bread for the World and others, I have noticed that more and more people are beginning to understand that they, too, have a role in our role for leadership in the world. Theirs are the voices from the grass roots, a perspective that we need as Americans to recognize that we must continue to lead in the world, for indeed, without our leadership, the poor of the world will suffer most.

Mr. Chairman, I am pleased to support this fabulous demonstration of work on both sides of the aisle together.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California, a valuable member of our subcommittee, who has focused his intellect on nuclear nonproliferation, on counterterrorism and on demining and I look forward to working together for many years on this committee (Mr. SCHIFF).

Mr. SCHIFF. I want to begin by commending Chairwoman LOWEY for her extraordinary work on this bill and the really exemplary way that she has chaired this committee. I also want to commend our ranking member, Mr. WOLF.

Our Chair and ranking member have crafted a bill that I think reflects the bipartisan approach to America's engagement in the world that we should have. It supports a view that I share that a healthier, better educated and more secure developing world means a safer world for America.

After several years where diplomacy was marginalized and the men and women of the State Department were relegated to junior-partner status in the national security policymaking apparatus, this committee is moving our policy towards a new primacy for diplomacy.

This bill is important to our efforts to fight terrorism, foster peaceful diplomacy, and improve the quality of life for millions of the world's most vulnerable citizens.

The bill recognizes the inextricable ties between development and security. It is mindful of the fact that we are ultimately locked in a struggle for hearts and minds and that an excessive reliance on military force as the primary lever of American policy can be counterproductive, and that terrorists often seek to draw an American military response and may be strengthened by it.

I also want to point to two provisions that I think have broad implications for the global environment and the quest to stem the proliferation of small arms and light weapons.

The bill supports innovative new approaches to fostering renewable energy that STEVE ISRAEL and I have advocated by including a provision to encourage the Export-Import Bank to seek out investments in renewable energy and other environmentally beneficial products. This initiative could result in an estimated $1 billion in additional green exports in 2008 and will encourage the use of renewable energy worldwide while helping the U.S. producers of renewable energy and green products. This is a step forward in our competitiveness and a step forward for the environment.

The bill also includes language that supports the Small Arms/Light Weapons destruction program, a State Department initiative to destroy grenades, guns and man-portable air defense systems that might otherwise fall into hostile hands. By funding this important program, we have increased our commitment to countering the proliferation of small arms and light weapons, weapons that could end up in the hands of terrorists, criminals and human rights-abusing governments around the world.

I thank the chair and ranking member for their extraordinary efforts.

Mr. WOLF. I recognize the gentleman from Michigan (Mr. KNOLLENBERG) for 5 minutes.

Mr. KNOLLENBERG. I thank the gentleman from Virginia for yielding. I appreciate the opportunity to speak this evening.

Mr. Chairman, I rise to speak to the importance of this bill and the many issues associated with U.S. foreign policy.

As a member of the Foreign Operations Subcommittee for over 12 years, I commend first the new chairwoman, Mrs. LOWEY, as well as the new ranking member, Mr. WOLF, for putting together a good bill with the allocations that they received. But let me be clear. The chairwoman and the ranking member have done a commendable job crafting our foreign assistance policies, and I support most of this bill. However, there are a few provisions that are in strong contrast to my views.

First let me highlight the provisions I strongly support. The bill fully funds the administration's request for Israel and Egypt. Ten years ago, the U.S. entered into a proportional agreement with the two countries. This bill marks the last year of this agreement. I am pleased that Congress has met its obligations to these two important allies in the Middle East.

The committee has also fully funded the Refugee Resettlement Program in Israel at $40 million. And further, this legislation almost doubles the President's request for Armenia. This funding is absolutely crucial as Armenia is still dealing with an illegal blockade by its neighbors, Turkey and Azerbaijan. Armenia's economy has suffered, but U.S. assistance has helped stymie the economic detriment of these blockades.

The administration continues to deny Armenia adequate economic support in their request, and I commend the chairwoman again for seeing the importance of our ally, Armenia, and increasing economic funding for the country. Chairwoman LOWEY has also continued military parity between Armenia and Azerbaijan, which sends a strong signal that the United States does not condone Azerbaijan's military threats towards Armenia.

Now, there are also a number of provisions and funding levels within this bill that trouble me. First among them is funding for the Millenium Challenge Account.

In 2004, Congress authorized a new and innovative program which fundamentally changed the way we view foreign assistance. The MCA provides assistance to developing nations that are pursuing political and economic reforms. Their motto, "reducing poverty through growth" speaks to the validity of the program. The MCA specifically awards compacts to countries that have shown improvement in eliminating corruption and investing in people and ruling justly, and fostering enterprise and entrepreneurship.

Before entering into a compact, the MCA and the eligible country work together to draft the parameters of the compact. Each compact is different because the needs of individual countries are different. For instance, the MCA and Armenia signed a compact that focuses on rural development and Armenia's agricultural industry.

What this program also does is to ensure that U.S. taxpayer dollars are not wasted. Eligible countries are held accountable for how the money is spent as well as how their government is performing. I strongly believe that this program is the future of U.S. foreign assistance, where accountability and results are the top priorities.

This bill, however, underfunds the MCA by $1.2 billion. While I understand the subcommittee made every effort to accommodate funding given its allocation, funding the MCA at only $1.8 billion for fiscal year 2008 will stop the program in its tracks and slow the process of signing compacts with eligible countries.

Last year during the debate on the fiscal year 2007 Foreign Operations bill, the House approved $2 billion for the MCA. Now, a year later, the new majority has cut the MCA below the President's request and below the House-passed level for fiscal year 2007. This is no way to grow a program.

Mr. Chairman, during the full committee markup of the bill, the chairwoman expressed her support for the MCA and her willingness to work with me to find more funding for the MCA through the process. I very much appreciate her support and look forward to continuing to work with her on what I believe is a very, very important issue.

Lastly, Mr. Chairman, there are provisions within this bill that go against the fundamental value of life. The United States has a long history of supporting nongovernmental organizations and other groups that support abstinence and prevention but do not promote abortion. Current policy is fair and balanced and has worked for years. However, this bill, I believe, goes against the will of the U.S. citizens and allows NGOs that promote abortion to receive U.S. Federal assistance. I understand there are going to be amendments to strike these provisions within this bill, and I intend to support these amendments. And although there are many things I support in this bill, if those amendments fail, I cannot support final passage.

I would hope the majority would work with the President and the minority to ensure that core American values are upheld as the bill moves forward.

Mrs. LOWEY. I am very pleased to yield 2 minutes to a new member of the committee, a valuable addition, an expert on Africa and HIV/AIDS, Ms. LEE of California.

Ms. LEE. I thank the gentlelady for yielding. But also let me just commend you, Chairman LOWEY, for your brilliance, your leadership and your hard work in crafting this very good bipartisan bill. It is an honor to serve with you and our ranking member (Mr. WOLF) on the committee because I see how you two work together to make this a bill that we can all support.

Let me just highlight three provisions of this bill. First, I'm pleased that it includes $949 million for humanitarian assistance in the Sudan. Of this, $210 million is specifically designed to help the victims of the genocide in Darfur. Having traveled there three times, I have seen the plight of the Darfurian people firsthand. This bill will help the United Nations and the African Union to bring food, clean water, security, and other basic humanitarian assistance. It also urges our good friend and ally, Egypt, to do more to help the genocide.

Secondly, I am pleased that this bill includes nearly $5.1 billion to fight the global AIDS pandemic, including $550 million for the Global Fund to Fight AIDS, TB and Malaria.

In 25 years, HIV and AIDS has infected nearly 70 million people throughout the world and has killed more than 25 million. We have made significant steps in the last few years, and this increase reaffirms our commitment to stop the spread of this dreadful disease.

As the bill moves ahead, however, I hope we can go even further. As the New York Times pointed out in a recent editorial on Monday, we must try to provide $1.3 billion to the global fund this year and help put the world on course to universal access to AIDS treatment by 2010.

Mr. Chairman, I would like to insert the New York Times editorial into the RECORD.

[From the New York Times, June 18, 2007]

TWO CHEERS ON GLOBAL AIDS

Now that the Group of 8 industrialized nations has pledged to commit $60 billion to combat AIDS and other diseases around the world in coming years—a substantial sum by any reckoning—Congress and other national legislatures ought to look hard for additional funds to close a looming gap between the funds committed and the needs of desperate patients.

The advanced nations—both the G–8 countries and other donor nations—have greatly increased their funding for AIDS programs in recent years in belated recognition that the epidemic threatens to destroy not just its victims, but also the social and economic fabric of many countries in sub-Saharan Africa. We are pleased that President Bush has proposed spending some $30 billion to combat AIDS abroad over a five-year period, from 2009 to 2013, but in truth that represents only a modest increase from the spending trajectory we were already on. At its recent summit meeting, the Group of 8 pledged to commit $60 billion to fight AIDS, tuberculosis and malaria "over the coming years," including the American contribution.

Yet even these pledges will not be enough to keep up with the devastating epidemics. Tens of billions of dollars more will be needed to provide treatment, care and preventive services for AIDS alone over the next five years.

Although the Group of 8 pledges are welcome, they actually represent a retreat from previous goals. In 2005, at its meeting in Gleneagles, Scotland, the group pledged to provide "as close as possible to universal access to treatment" for all people suffering from AIDS by 2010. That should mean at least 10 million people in treatment by then, judging from estimates by United Nations AIDS experts. Yet at the recent meeting, the G–8 said it was aiming to treat only some five million patients in Africa by an unspecified date. That sounds like consigning millions of untreated people to death and disability.

To its credit, the United States has been by far the largest AIDS donor in recent years, providing almost half of the funding commitments made by donor governments. But when measured against the size of the national economy, the American donations rank only fifth. There is room to do more.

As Congress wrestles with the fiscal 2008 appropriations bills this year, it ought to provide the full $1.3 billion being sought by Congressional health advocates as the American contribution to a global fund to combat the three diseases—not just $300 million as proposed by the administration or the $850 million approved by the House Appropriations Committee. Congress should also set the nation—and by its example, the world—on course toward universal access to AIDS treatment by 2010.

This bill, Mr. Chairman, also takes steps to recognize the importance of our Caribbean neighbors by urging the State Department to promote professional and scholastic exchanges within the region. This is a significant way to welcome the heads of the Caribbean countries, CARICOM, as they convene in Washington, D.C. this week to consider our common future as neighbors. This is a region which has been, for the most part, neglected and ignored.

In closing, Mr. Chairman, let me just say that this bill provides the correct path to global peace and security, and does take care of and address the least of these. However, I only wish the amount in this bill was more than just the 1 percent of the Federal budget, which is what this is. This is a $34 billion bill, but I wish, Mr. Chairman, that it was $340 billion.

Mr. WOLF. Mr. Chairman, I recognize the gentleman from Illinois (Mr. KIRK) for 5 minutes.

Mr. KIRK. I want to thank Mr. WOLF and our chairwoman for building a bipartisan bill that I think we all should support.

This legislation funds critical programs that advance our values overseas, it supports key allies of the United States, and it meets many of the humanitarian aspirations of the American people to do our part to relieve human suffering.

As a staffer, I helped found the global program on AIDS in 1985, and in this bill we have record funding to accomplish a great humanitarian mission of fighting the HIV/AIDS pandemic.

In this legislation, we support our best ally in the Middle East, Israel, now caught between two satellites of Iran: Hezbollah in Lebanon and Hamas in Gaza. In this bill, I helped sponsor language that increased the audit responsibilities over UNRWA programs in the West Bank and Gaza, a $2 million audit especially to look at incidents in which an al Qaeda cell was allowed to form in a UNRWA camp now bedeviling the Government of Lebanon, and where we saw Gaza Islamic University, a U.S.-funded foreign assistance recipient who is running in its chemistry lab a cell of Iranian military officers training students in the chemistry of making suicide bombs.

In this bill, I also helped fund increasing assistance in the Frontier Autonomous Tribal area of Pakistan. This is a program of almost theologic importance to the people of the United States because it is in north and south Waziristan and surrounding areas, that we think the world's most wanted man, Osama bin Laden, is hiding. And with this $20 million assistance package, we will bring new links and new friends in this region to help complete the arrest and bringing to justice of Ayman Al-Zawahiri and Osama bin Laden for the murder of 3,000 Americans.

In this bill we also preserved new funding in fiscal year 2007 to help Christian communities in Iraq. There are still 600,000 Christians in Iraq, now concentrating in the Nineveh plain.

□ 1900

The $10 million designation we do there is a great help to these communities.

This bill makes a major forward step also in supporting a new democracy program for Syria, that one day that murderous and pernicious dictatorship may one day be replaced; and also backing women's rights programs in Iran, another country in need of a serious democracy make-over.

Lastly, this bill continues funding for Radio Free Asia and a voice supporting Western values, democracy, and human rights in a critical part of the world.

Before I was elected to Congress, I was a staff member with this subcommittee. I want to thank Christine Kojac and Rob Blair, Mike Ringler and Nisha Desai, Clelia Alvarado, Steve Marchese, Craig Higgins and Michele Sumilas, Mark Lopes, Lucy Heenan, Molly Miller, and my staff member, Richard Goldberg, for their work on this legislation.

In sum, this appropriations bill is bipartisan. It is supporting the interests of the United States, and it is strongly backed by our allies. It makes peace more likely and achieves important humanitarian goals of the United States.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 3 minutes to my good friend and colleague from New York, another new member of the subcommittee, who has had a particular interest and has great knowledge in the environment and made a major contribution to this bill in encouraging Ex-Im to focus on supporting projects that will contribute to the environment.

Mr. ISRAEL. Mr. Chairman, I thank my distinguished chairwoman and my wonderful partner in the New York delegation for her wonderful leadership. I want to thank the ranking member, Mr. WOLF, for producing a bill that says to adversaries and allies alike that politics can stop at the water's edge here in the United States Congress, that when it comes to foreign policy, Republicans and Democrats work together and strive to work together because we understand that a strong, muscular, fair foreign policy is in the best national security interests of our country, that where we can produce and facilitate stability and the conditions of peace, that we won't have to exert military force.

I want to thank the chairwoman and the ranking member for supporting three very specific provisions that I sought. One the chairwoman had mentioned, and that is asking the Export-Import Bank to dedicate part of their export authority to green exports, to renewable energy investments.

The Ex-Im Bank has supported $400 billion of U.S. exports in the past 70 years. That is job creation here in the United States. It is the formation of capital that supports businesses right here. I support the Ex-Im Bank. But we are hoping that they will focus on new efforts to create green jobs, green manufacturing jobs to reduce global warming, which is a national security issue. And the provision that Congressman SCHIFF and I requested would require the Ex-Im Bank to dedicate some of its export authority to those green technologies and could result in an estimated $1 billion in additional exports in 2008, encouraging the use of renewable energy worldwide.

The second provision that I am very proud of concerns Libya and the bombing of Pan Am Flight 103. It is a matter of fact that in 1988 Libyan-backed terrorists killed 270 people, including 189 Americans, by bombing Pan Am Flight 103. They made an agreement. They agreed to a settlement that would provide payment to those families. That settlement, those promises have not been kept. I am very proud of language that we added that says that the government of Libya, if it wants to be part of the international community, if Libya wants to be part of the community of nations, they need to keep their promises, and funds for diplomatic relations to Libya will not be expended unless those promises are kept.

Kara Weipz, as the President of Victims of Pan Am Fight 103, said that they are deeply encouraged by this important step by Congress to hold Libya accountable before it is rewarded with diplomatic relations, and that this settlement represents a promise to the families, an acknowledgement of the victims, and some form of punishment to the perpetrators.

Finally, Mr. Chairman, I want to thank the chairwoman and ranking member for their steadfast support against the genocide in Darfur. As we debate this bill tonight and tomorrow, a genocide is being perpetrated in our midst. We have said to other genocides, never again. This bill turns that statement into action.

I want to thank the gentlewoman and the gentleman for their commitment to make sure that never again means never again.

Mr. WOLF. I yield 5 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend Chairwoman LOWEY for working diligently on this bill. She has produced a fairly good product here, and I want to commend her more for working with Mr. WOLF and myself to address many of our concerns.

She has produced a bill that is good in many respects. I appreciate the efforts as well of the staff that have worked very hard on this bill. A great example of working together is what my colleague from New York, Mr. ISRAEL, was talking about in dealing with Darfur. I want to commend Mr. WOLF for his passion on that issue and his passion for the issue of human rights throughout the globe. I also want to commend Ranking Member WOLF and Chairwoman LOWEY for their work on Colombia, and I am very pleased with the final product that they have there.

I am also very pleased that we have included language dealing with better accountability for the Global Fund to provide greater transparency. I commend Chairwoman LOWEY for including the language that I introduced, the amendment, to get a better understanding of why the participation of faith-based organizations in the Global Fund appears to be significantly underrepresented. Numerous faith-based groups have been on the ground providing health care in many of those these countries for decades. In recent decades they have been on the frontlines in fighting against the spread of AIDS.

I saw the critical role that many of those faith-based groups provided firsthand when I visited Africa twice in recent years. I can tell you what part of the problem is, and it is really spelled out very nicely, and I will include for the RECORD this brief 3-page article from Catholic News Services, "African Churches Find Global Fund Money Fairly Inaccessible."

Basically, what I feel is going on here with those faith-based groups is relatively simple. They are small. They are out there. They are going into these villages on foot and on mopeds. They don't have the ability to apply for grants with multi-billion dollar organizations in Geneva. It is going to require the Global Fund to reach into these countries, identify the groups, the church groups, the faith-based groups, that are doing the work. Frequently, they are on the pointy end of the spear. So I commend the gentlewoman for that language.

I know there are a few issues that we disagree on. The Mexico City policy language, we will have amendments to address that. Certainly, I understand that the gentlewoman has tried to reach out on this issue.

For me personally, the issue is an organization that is not only maybe providing abortion but as well is actually actively lobbying to overturn pro-life laws in many of those countries. We should not be supporting them even indirectly.

Finally, let me just close on the PEPFAR language. I played a role in getting the President's plan through the Congress, the authorizing language and the appropriations language. To me one of the most important things was the requirement that a portion, actually a small portion, I think it is 20, 25 percent of the preventive dollars go to abstinence education and abstinence training.

I want to make it very clear to my colleagues the reason why I felt so strongly about that and why I feel that we should continue the requirement that abstinence education be included in the preventive dollars is my experience in going into Uganda. Uganda lowered its AIDS incidence from 18 percent to 6 percent, a two-thirds reduction in AIDS.

The Global Fund didn't exist. PEPFAR did not exist when they did this. They did not do this through distributing condoms and comprehensive sex education. They did it through what they called ABC, abstinence before marriage, be faithful in marriage. We all know, you can't expect everybody to comply. But what is amazing to me is when you educate people on this thousands of people comply.

I just want to share with my colleagues that I had a meeting just 2 weeks ago with a Parliamentarian from Uganda who was an epidemiologist and a physician who was there from the ground up, and he verified just what I said, that people responded to the message.

Let me just finish up on that. Last July, southern African AIDS experts met and they officially listed "reducing multiple and concurrent partnerships" as their number one priority for the prevention of spreading HIV. It was not distributing condoms and comprehensive sex education, it was reducing concurrent and multiple partnerships. That is what this is really all about.

Let me just close and again commend the gentlewoman for a bill that has a lot of good in it. I am focusing on some of the things I disagree with. But for everything I disagree with, there are 10 to 20 different things that are good in it.

The spending level. I am very concerned that the President may veto this bill. I know there are a lot of worthwhile programs covered in the spending. I certainly would like to see us get a bill enacted into law. I think that would be to the credit of the chairwoman and the ranking member, the good gentleman from Virginia.

[From the Catholic News Service]

AFRICAN CHURCHES FIND GLOBAL FUND MONEY FAIRLY INACCESSIBLE

(By Michael Swan)

NAIROBI, KENYA (CNS)—In Kenya churches provide about 40 percent of all health care in remote and impoverished areas with no government services, but for their AIDS programs, churches receive no money from The Global Fund to Fight AIDS, Tuberculosis and Malaria.

"Since the inception of the Global Fund, the Kenyan bishops' conference has not accessed any direct funding from the Global Fund, even after applying to all the rounds," said Titus Munene, an HIV/AIDS program coordinator for the Kenyan bishops' conference.

"It isn't rocket science to say if 40 percent of the health care is in the church system in

Kenya, you would think a good portion of (Global Fund money) is going to go to our operational system. But unfortunately, it isn't that way," said Maryknoll Father Ed Phillips, who runs seven community-based health care clinics.

The Geneva-based Global Fund, established in 2002, is a partnership among governments, civil society, the private sector and affected communities.

The Catholic Church alone provides more than 25 percent of all AIDS care in the world, according to Caritas Internationalis, the Catholic aid network. All faith-based organizations combined have received just 6 percent of the Global Fund's money since the first disbursements in 2002.

The Southern African Catholic Bishops' Conference, which represents South Africa, Botswana and Swaziland, has almost stopped applying for Global Fund money.

More than 18 percent of adult South Africans are HIV-positive, and the church is the largest health care provider after the government. But church bodies have been unable to access Global Fund money either directly or through the South African National AIDS Council, which coordinates South African applications to the Global Fund.

"I have sat on SANAC, the South African National AIDS Council, which is also the CCM (country coordinating mechanism) for the Global Fund. It has not been a helpful process," Dominican Sister Alison Munro said in an e-mail from Pretoria, South Africa.

"The Global Fund process is too large and too cumbersome for the churches," said Sister Alison. "If they (the churches) could apply directly to the Global Fund, some would. They can't because of the procedures. . . . The work involved is too much for any church group other than a national structure or a group with lots of capacity."

While many nongovernmental organizations employ grant application experts, church-based agencies have tended to regard such functions as wasteful of donor money.

Munene said when the churches do not get Global Fund money it weakens the fight against AIDS among some of the poorest Africans. A lack of international and Kenyan-government funding has forced mission hospitals, clinics and dispensaries to charge some of the poorest people in Kenya for AIDS treatment and services, while relatively well-off people in the cities are accessing free services.

Munene said when church agencies charge for health care it "means some of the poor cannot access services, since there are no government facilities in those rural areas."

The 6 percent of Global Fund money going to faith-based organizations translates into $325 million spread over five years in dozens of countries. The Global Fund recognizes the number is too low, said spokesman Oliver Sabot.

"Given the essential role that they play in health care in many countries, particularly in Africa, we would like to see the amount of funding to FBOs (faith-based organizations) increase," Sabot said.

Part of the problem has been that churches have not done enough to fulfill conditions that might be expected from major international funders, such as making detailed applications for funding and monitoring expenditures to the satisfaction of donors, said Father Robert Vitillo of Caritas Internationalis, the Vatican's most prominent adviser on HIV/AIDS policy.

"Each of these funding mechanisms comes with its own set of challenges for (faith-based organizations), which are more expert in providing support, care, treatment and prevention education than in completing such complicated funding applications and then in monitoring and reporting on the funds received," said Father Vitillo.

Even if it is a lot of red tape, church organizations have to be willing to fight through it in order to continue delivering effective AIDS prevention and care, said Father Phillips. But the Global Fund also has a responsibility to help churches through the red tape, he said.

"The churches have to get more proactive," said Father Phillips. Sabot said the Global Fund has taken steps to ensure that faith-based organizations are able to apply for money. But by relying on countries' coordinating agencies or mechanisms, the Global Fund has become subject to the politics of Africa.

"This hands-off approach does mean that bias at the country level is sometimes reflected," said Sabot. He said sometimes faith-based groups are excluded from country proposals "either because of deliberate efforts by the government or other groups, or simply because they are less experienced with applying for international aid funding, and not enough outreach and support was provided to them" by country coordinating agencies.

"We have taken steps to help correct both these problems, but there is still more to be done," Sabot said.

Father Phillips said more than bureaucratic bias is involved in shutting churches out of national applications to the Global Fund.

"The church was considered in some of these countries to be the opposition to the government," he said. "Naturally, if they are considered to be opposition, well, they're (government mechanisms) going to make sure they're not going to target a lot of money" for the church.

Father Phillips said African bishops must get tough and vocal about demanding that they be represented fairly in national applications to the Global Fund, but Munene said the churches may be talking to a brick wall when they demand fair representation.

"The Kenyan bishops have made frantic efforts to meet the minister of health on several occasions, and even his excellency, the president. And promises were given, but to date the pledges have not been fulfilled," Munene said.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FARR), a valuable member of the full committee, an alumnus of the Peace Corps and an advocate for so many parts of this bill. He was a real partner in helping us craft this great bill.

Mr. FARR. Thank you, Madam Chairman, for yielding.

Mr. Chairman, I rise in strong support and with a congratulatory note to Chairwoman NITA LOWEY for her bold leadership on this bill, and also to the ranking member, FRANK WOLF.

I am particularly proud of the fact that the committee, for the first time in many, many years, fully funded the Peace Corps. As a returned Peace Corps volunteer, a volunteer that served in Colombia, I am also a strong supporter of that country and the programs we are doing there. I want to thank the committee for rebalancing the United States-Colombia policy in the Andean Initiative.

I believe Colombia is a country of enormous potential. But Colombia's full potential as a democratic nation is not being realized because of its coca production. The Colombia that I know and loved as a Peace Corps volunteer is often not seen through the debate of the coca problems.

Eighty percent of the U.S. assistance has been allocated on military assistance and aerial fumigation, yet 80 percent of rural Colombians still live below the poverty line. Let me say that again. Eighty percent of the rural Colombians still live below the poverty line.

Tragically, after 7 years and $4 billion-plus in U.S. assistance, it is overwhelmingly apparent that we must change our course in this country. Imagine if 80 percent of rural Americans lived below the poverty line. There would be riots in the streets, and every farmer would be growing coca in their backyards to feed their families.

Folks, we need to wake up and smell the coffee, preferably Colombian coffee. It is the poverty in Colombia that breeds the problems. Coca is a symptom.

The bill realigns Colombia-U.S. assistance so that 45 percent is allocated to economic and alternative development, which enables campesinos to grow crops like coffee, tropical fruits and chocolate that command better market prices so they can feed their families.

Why does this matter to you? Because stemming Colombia coca production stops the flow of drugs to Main Street USA.

Yesterday in El Tiempo, a Colombian newspaper equivalent to the New York Times, in an editorial stated "Alternative development should stop being a little sister charity case to the anti-drug strategy, and a substantial part of the assistance should go to rural development." This committee does that, and I commend them.

I hope soon that the State Department will comply with U.S. policy and force contractors to reach benchmarks when they must transfer their counter-narcotic programs to Colombians to run.

I must urge my colleagues to support the Foreign Operations bill. Help Colombia realize its potential to eliminate the root causes of the culture of poverty. Support these increased funds for economic and alternative development.

□ 1915

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

Mrs. LOWEY. Mr. Chairman, I want to thank Mr. WOLF, my ranking member, again. I do believe that we have created a good, strong bipartisan bill. I appreciated the comments on both sides of the aisle. Although there may be some differences, I know that when the amendments are presented, these differences will be apparent.

I do hope in the final analysis, as a result again of both Republican and Democratic members of the committee, this bill passes. This is a good, strong bill, and it is so needed by the people of this world. I know that both my ranking member and all the members of the committee and myself understand the important responsibility we have in this committee, and I look forward to passing this bill tomorrow with a good, strong vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mrs. LOWEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CLARKE) having assumed the chair, Mr. CAPUANO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2771, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–201) on the resolution (H. Res. 502) providing for consideration of the bill (H.R. 2771) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, as of today, H.R. 346, my legislation to redesignate the Department of the Navy as the Department of the Navy and Marine Corps has 60 cosponsors. Although the language of this bill has already been passed by the full House last month as part of the Defense authorization bill, I want to encourage my colleagues on the floor of the House to join in cosponsoring this legislation. When the 2008 National Defense Authorization Act goes to conference in the fall, a large number of cosponsors of H.R. 346 will show the Senate the House strongly supports this change in name.

This is the sixth year in a row that the House has voted to support this change. This year, I hope the Senate will support the House position and join in bringing the proper respect to the fighting team of the Navy and Marine Corps. I am thankful to the Senate Armed Services Committee chairman, CARL LEVIN, who has said publicly that he will "keep an open mind" on this issue.

Changing the name of the Department of the Navy to the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team. This change is about recognizing the true meaning of the department. The Marines do not serve beneath the Navy. They are co-equal partners.

Madam Speaker, there is no cost to this change. It is the right thing to do for the Marine Corps and the Navy. This legislation has received the support of numerous military leaders in both the Navy and the Marine Corps.

Madam Speaker, let me quote the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs during the years of 1993 and 1998, who voiced his support for the change. I quote the Honorable Wade Sanders: "As a combat veteran and formal Naval officer, I understand the importance of the team dynamic and the importance of recognizing the contributions of team components. The Navy and Marine Corps team is just that, a dynamic partnership, and it is important to symbolically recognize the balance of that partnership."

I further would like to quote General Carl Mundy, the 30th Commandant of the Marine Corps. He stated, "I believe the changes you propose will do much to clarify the relationship, responsibility and functions of the appointed civilian authority over the United States naval services. I believe that any Secretary, present, past, or future, will be proud to bear the title 'Marine,' as well as 'Navy.' "

Madam Speaker, I have beside me, and I would read very carefully, "The President of the United States takes pleasure in presenting this Silver Star posthumously to Sergeant Michael Bitz, United States Marine Corps."

Madam Speaker, the reason this is important, this Marine gave his life for his country. He left a wife and three children, twins hat he never saw that were born after he was deployed to Iraq. And yet, as you can see in these orders for the Silver Star, there is the Secretary of the Navy, Washington, D.C., and the zip code and Navy flag. There is nothing in the heading that says "Marine."

Madam Speaker, what this bill will do, if the President should sign it, is to say that this Marine who died for this country, that the orders for the Silver Star clearly state the team's name. The name of the team is the Department of the Navy and Marine Corps.

But what the heading would say in this order for the Silver Star is the Secretary of the Navy and Marine Corps, Washington, DC, with the flag of the Marine Corps and the flag of the Navy.

Madam Speaker, I hope that my colleagues in the House this year will join me, and let's get over 150, maybe 200 of my colleagues in both parties, to sign this legislation so we can say to the Senate in the fall of this year, it is time that the Marine Corps be recognized as an equal to the Navy. They both are equal in the services, and it is time that the Department of the Navy carry the name Marine Corps.

Madam Speaker, I ask God to please bless our men and women in uniform, and may God continue to bless America.

A TRIBUTE TO W. HORACE CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCINTYRE) is recognized for 5 minutes.

Mr. MCINTYRE. Madam Speaker, on April 15, 1947, Jackie Robinson took the field as a member of the Brooklyn Dodgers baseball team and broke the color barrier as the first African American to play in the major leagues. His courage, determination and integrity have served as an inspiration to generations, and opened the door to thousands to play our national pastime. Rightly, our Nation stopped recently to celebrate the 60th anniversary of this historic milestone.

However, as many of us know, the practice of discrimination and racism continued for many years, unfortunately, even after Mr. Robinson's historic first game. Indeed, there were other courageous individuals who joined in the fight for equality and justice for all.

One such man was W. Horace Carter of Tabor City, North Carolina. On a July night in 1950, thick with the heat and humidity of the deep south, Horace Carter watched as Ku Klux Klansmen made their violent way through his hometown of Tabor City, North Carolina. One hundred Klansmen in 29 cars robbed and terrorized this small community of farmers and merchants with threats and racism.

Although just 29 years old at the time and the new publisher, editor and newsman for the Tabor City Tribune, Mr. Carter knew this was his moment of decision. He wrote, "I searched my soul that evening and on into the next week. Was it worth sacrificing our happiness, shattering the tranquil life of running a little newspaper in a small town, taking part in Red Cross drives, church covered-dish suppers and annual yam festival promotion, just because I believed in a principle? Was it worth the risk that the print shop might be burned, our home dynamited? I could be dragged from our house with the frantic screams of my family ringing in my ears. I might suffer a brutal lashing by a band of masked hoodlums or even death if I dared to oppose them. Is it the time to stand up for principles, even before I am fully aware of what this Klan proposes," he wrote.

"I didn't want to sound pious or self-righteous," he said, "but I reasoned that if I were ever to campaign against this Klan reorganization, I should do it from its inception. That was now. I sat down at my used $15 Royal typewriter with my experienced hunt-and-peck typing skill and I wrote an editorial."

Thus began a 3-year crusade Horace Carter took against the Klan in the editorial pages of this small, southeastern North Carolina newspaper. Mr. Carter's courage, determination and words helped in the convictions and prison time for Ku Klux Klansmen. From his doing the right thing, Mr. Carter catapulted the Tabor City Tribune into national prominence, which received the Pulitzer Prize for Meritorious Community Service, the most prestigious of the Pulitzers.

Madam Speaker, Jackie Robinson once said, "A life is not important except in the impact it has on others' lives."

Well, Mr. Carter's life has continued to be one of honor, leadership and service. And although Mr. Robinson didn't know W. Horace Carter, there is no doubt that his words were about persons just like him.

Mr. Carter was elected mayor of Tabor City in 1954 and was a judge in the weekly city court. He served as president of the Tabor City Chamber of Commerce, the Tabor City Rotary Club, the Columbus County Economic Development Commission, the County Library Board, Tabor Industrial Development, Inc., Tabor City Recreation Commission and a Sunday school teacher in the Baptist Church.

A graduate of the University of North Carolina at Chapel Hill and a World War II Navy veteran, Mr. Carter and his wife Lucille have three children: Rusty Carter, Linda Carter Metzger and Velda Carter Hughes.

May God's blessings continue to shine upon this most special man and his enduring legacy, a man who stood for equality, a man who stood for justice.

□ 1930

CONGRATULATING MARIA CONTRERAS ON BECOMING A UNITED STATES CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, as we begin our debate here in this country on the issue of immigration, I think it is important that we remind ourselves of the literally hundreds and hundreds of thousands of immigrants who obeyed the law and who entered this country the right way.

I rise today to speak of one such individual who is illustrative of the many immigrants that we openly welcome into this country. I wish to speak about one of my newest constituents, one of the newest citizens in this country, Maria Contreras.

Maria was born in Michoacan, Mexico, and entered this country legally 14 years ago. Three years after that she met and married her husband, also a legal immigrant, and to this union has been blessed two beautiful daughters, one 11, one a year and a half. About 4 years into the marriage, Maria's husband became a citizen of the United States. It was he that insisted and encouraged Maria to go on that same path.

A couple of years ago this couple bought a home on a quiet street in a northern Utah city, Brigham City. They went to work on the yard, planting flowers, trimming the trees in the back. They worked on the home doing some painting, repairing the roof. Both of them did this work after putting in a full day at their regular occupation. They even brought back souvenirs for their neighbors from their family trips. I know their neighbors in Brigham City found this family to be a pleasure and a welcomed addition to the neighborhood, and I can say this because the Contreras family is my next door neighbors. We share the same driveway.

It was a thrill for me one day while working in the yard to have Maria and her daughter come over and ask me some questions about government as she was now studying for her citizenship test.

On January 27 of this year, this test was administered to her in her second language of English. I am proud to say she passed it perfectly, getting 100 percent correct on this particular test. Many of my students I taught in high school, taking that same test in their native language, would be hard-pressed to have that same kind of score. In fact, it is probably wise that Members of Congress are not administered that same particular test as well.

On March 21, 2007, a great day for the Contreras family. Maria was sworn in as a new citizen of the United States. Maria did it the legal way, and as we talk about ways of limiting illegal entrance into this country, it is important also to remember that we should be mindful of ways of making it easier for people to legally enter into this country as well.

The Contreras people have the kind of entrepreneurial spirit that we want to welcome into this country, that builds this country and makes it better for all of us. As Maria said, It is great to be here. I love it here. It is a better life with more opportunities.

So I am very pleased today, Madam Speaker, to welcome a great neighbor, a new American, hopefully I can convince her to be a voter, because I am very proud of the price she paid to do things the right way, to become a new citizen in this new land. I congratulate Maria Contreras and the entire family as they enter into this new situation and for what they have done and the commitments that they have made. I am very proud of them all.

CONGRATULATING TOM AND LOIS MILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise to extend congratulations to two of the citizens of my community, two of my constituents who have made invaluable contributions to the lives of people in the neighborhoods where they live, as well as people throughout America.

Madam Speaker, Tom and Lois Miller became and still are pillars of their community. They raised four daughters, have four grandchildren and two great-grandchildren. Ever since their marriage, they have been rocks of the Greater Zion Missionary Baptist Church. They are founding members of the 4500 West Congress Block Club in Chicago, and have been active in many other civic and social endeavors. For the past 10 years, they have lived in the village of West Chester, Illinois, where they have immersed themselves in community life.

Madam Speaker, 50 years is a long time and when you can spend those 50 years in a state of peace, happiness and productive engagement, you have been truly blessed, just as you have been able to bless others. I have been told that "to those to whom much is given, much is expected in return."

The Millers have been fortunate to have a great family, great children, grandchildren, friends and relatives. They have given much to those who have known them, and have received much in return.

Mr. Miller has retired after having worked at Alcola Company for more than 30 years, a productive career. Mrs. Miller established her own business, a beauty shop. that has been in operation now for more than 47 years. And so I simply pause, take this opportunity to commend them for their tremendous civic and religious involvement, wish them well as they celebrate their 50 years of marriage, and trust that they will have many more productive, happy and beneficial years.

U.S. ATTORNEY GONE WILD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, before I came to Congress, I had a career in public service in Texas, first as a prosecutor for 8 years. I was a chief felony prosecutor and tried felony cases in Houston, Texas. And then I assumed the bench for 22 years and tried felony criminal cases and heard over 25,000 felony cases.

And I say that to say during that time, both as a prosecutor and as a judge, I heard cases where peace officers were the victims of crime and I heard cases where peace officers were accused of criminal conduct against other individuals, people they had arrested. And I want to talk about a situation that has occurred down to the Texas-Mexico border involving a Border Patrol agent by the name of David Sipes. David Sipes was a Border Patrol agent patrolling the south Texas area, and he came in contact with a coyote. A coyote is a phrase we use in the vernacular for a person who is a smuggler of human beings into the United States. He makes money off of the plight of people who want to be in the United States for economic reasons.

David Sipes arrested a coyote by the name of Jose Guevara, who resisted arrest. There was a fight that ensued and David Sipes hit Jose Guevara in the back of the head when he resisted arrest and he was charged with smuggling people into the United States.

But what happened was, the U.S. Attorney's Office, rather than prosecute the human smuggler, they decided to prosecute the Border Patrol agent for using too much force in arresting the coyote and charged him with civil rights violations against the illegal in this country smuggling other human beings.

David Sipes was tried for that offense. This all occurred back in April 2000. He was tried for that offense, civil rights violations, and the U.S. Attorney's Office vigorously and relentlessly prosecuted him for this so-called offense. But after the trial it turned out, after he was convicted of the civil rights violation, that the U.S. Attorney's Office hid evidence from David Sipes and his lawyer.

So the district judge ordered a new trial because the U.S. Attorney's Office cannot hide evidence in a criminal case, but they did so against this Border Patrol agent. Why? We don't know, but they did. So the district judge ordered the case to be retried. But before it could be retried, the U.S. Attorney's Office appealed the judge's decision, and the Fifth Circuit agreed with the trial judge that David Sipes was entitled to a new trial and the Federal Government's appeal was thrown out and this year David Sipes was retried.

The jury heard all of the evidence, evidence that the U.S. Attorney's Office hid from the jury when it was first tried, and in less than an hour David Sipes was found not guilty, and properly so.

The evidence that the U.S. Attorney's Office hid from the jury, well, first of all they never told the jury that the U.S. Attorney's Office gave this drug smuggler travel expenses so he could go back and forth to Mexico, that they gave him witness fees, that they gave him free telephone access, that they gave him a border crossing permit, that they gave him a U.S. Social Security card, and they even gave him a Texas driver's license. But the biggest thing that the jury never heard about, besides all these benefits, back room deals he was given, it turns out that this human smuggler brought in another load of humans into the United States and the jury never heard about the second situation.

Why does our U.S. Attorney's Office hide this type of evidence from a jury? We are going to find out why, Madam Speaker. Not only that, but Guevara was given $80,000 by our United States Government when he threatened to sue our government for his so-called illegal arrest, and reports are that he has gone back to Mexico and bought himself a ranch down there with American taxpayer money.

Madam Speaker, just last week David Sipes asked to receive back pay. Of course, our Federal Government fought that, too, but he received back pay for the 6 or 7 years that he was out of service with the Border Patrol. But his life was destroyed. His wife divorced him because of this. He went bankrupt. He is destitute and he lives with his original trial lawyer. All of this because our Federal Government fought every inch of the way to prosecute a Border Patrol agent for arresting a criminal on our border smuggling human beings instead of prosecuting a human smuggler, a coyote.

Our government had the choice, prosecute border agent or prosecute human smuggler, and our government chose poorly, and they prosecuted a Border Patrol agent.

Of course we all know this isn't the end of the story because with agents Ramos and Compean the same situation has occurred. But, Madam Speaker, justice is the one thing we should always find. And finally, after 7 years, a jury heard all of the evidence in this particular case and David Sipes was vindicated and our government chose the wrong side. We are going to follow this case and other cases and see why the government has gone wild about prosecuting Border Patrol agents.

And that's just the way it is.

□ 1945

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, I want to thank the leadership for allowing me to come to the floor this evening and spend a few moments and talk about some of the activity that has gone on here in the House over the past couple of weeks. This is an edition of the Truth Squad that I am pleased to be able to host.

The Truth Squad is a group of individuals who endeavor to come to the floor of the House and try to shed a little light, a little truth, a little honesty on the matters that are discussed here on the House floor. It is my privilege to come to the floor of the House tonight and talk about the work that is being done here in the House right now and in Congress.

On the House side, we are in the appropriations process, the time when we determine as a Congress, as a House of Representatives, how to prioritize, how to spend hard earned American taxpayer money. It has been an interesting process, Madam Speaker, as you well know.

Last week we had a fascinating time that really brought light to one of our favorite quotes and that is this quote here from Senator Patrick Moynihan.

Senator Moynihan said that everyone's entitled to their own opinion but no one's entitled to their own facts.

And so last week we had one of the appropriations bills come to the floor of the House and the majority party had determined that they were intent upon making certain that earmarks, or special projects, were never seen by not just the American people during the process of the debate but by Members of Congress. The appropriations process was such that the majority party had determined that these special programs or special projects in individuals' districts, what have come to be known as earmarks, some people know them as pork, that these special projects would not be seen by Members of Congress until the very end of the process, until the conference committee occurred, and then they would be put into the bill. The reason that that is important is that there would be no way from a procedural standpoint or parliamentary standpoint, no way to be able to have a Member of this House of Representatives stand up and say, I think that we ought to have a separate vote on spending X amount of dollars for this project. And that's just wrong, Madam Speaker.

And so what we did on our side was to say, that's not what the American people want. That's not democracy. That's not what we're here for. That's not a process that gives honor to the House of Representatives. That's not a process that says that, yes, we are interested in being responsible with hard-earned American taxpayer money. So we spent a lot of time last week trying to make certain that that point was brought to the floor, that that point was brought to the American people. In so doing, we got some attention. We got some attention, because I think for a small moment that many people across this Nation appreciated that there were people fighting as hard as they could here in this Congress to make certain that there was some fiscal responsibility, that there were individuals who were doing their dead level best to make certain that if this Congress was going to spend as much money as the majority appears to desire to spend, if we were going to do that, that we were going to make certain that every dollar was held accountable.

We got a lot of individuals, a lot of newspapers, a lot of press across this Nation who agreed with us, who said, that's absolutely right. How on earth can you have a process that hides money, that hides money until the very last moment? That's not the way it ought to be done. I have here a number of pages, a number of editorials that were written all across this Nation agreeing with our perspective: Roll call, the Wall Street Journal, The Washington Post, the Hill, the Washington Times, on and on and on, around the Nation far and wide, really remarkable, Chicago Tribune, papers all across this Nation agreed.

What they said was that they were proud of Republicans, proud of conservative Members finally standing up and saying, no, we're not going to have that kind of process here.

And so the majority party relented. They said, okay, we agree. We ought not do what we said we were going to do, we're going to work to make certain that those projects are transparent, that there is accountability, that individuals when they present and desire to have special projects in their district that they have their name attached to it, something we've been fighting for for a long time. It was proof that democracy works. It was proof that hard work and diligence and that when you fight in that way for the American people, for the American taxpayer, that yes, there are times when you can be victorious. I was proud to work with my colleagues in the Republican Conference and on the Republican side of the aisle and some of our friends on the other side who joined us and said that you've just got to change that.

It has been a curious situation here these past couple of weeks as the majority party has brought appropriations bills to the floor. I am reminded in this process as we bring up some of the remarkable irresponsible spending that continues to go on here in Washington, Madam Speaker, of some experience that I had back at the State level. I represent a district in Georgia on the northern side of Atlanta, the northern suburban Atlanta area. I served four terms in the State senate before coming to the House of Representatives. In that process, there were also individuals there who were interested in spending what many of us believed was too much of hardworking American taxpayer money, and so we came up with an award that we entitled the "stuck pig award." I was reminded of it this week, because when we have pointed out the amount of spending, increased spending, irresponsible in many instances spending, on the part of the majority party, you hear them squawk and squeal. And so we came up with, at the State level, what we called the stuck pig award and we would award it to somebody who defended the most ridiculous kind of spending. It may be, Madam Speaker, that we need to come up with the same kind of award here in Washington, because there would certainly be a number of candidates for the stuck pig award. But maybe we'll leave that for another day.

I want to highlight a number of things that happened on the floor just today. Today we had, Madam Speaker, as you remember, the Energy and Water appropriations bill, a bill that is very important for our Nation, an area that sets priorities in terms of spending for our Nation and the amount of money that ought to be spent on projects all across this Nation that in many areas are needed desperately. Last year, Madam Speaker, in that area of appropriations, we spent, this Nation spent, $30.2 billion. The administration's request in the areas where they felt appropriate to fund for this year, for fiscal year 2008, was $30.4 billion, an increase of about 0.6 percent, under 1 percent and certainly under the rate of inflation, which is what we attempted to do when we were in the majority, was to keep these levels increasing at a rate less than inflation. Many of us believe that we ought to have actual decreases, but keeping it less than inflation is certainly a step in the right direction.

But what happened this year is that the majority party brought this bill to the floor, the appropriations bill for Energy and Water, at a rate of spending of $31.6 billion. That's a 4.3 percent increase, which is about three times the rate of increase that we had when we brought the bill to the floor last year.

Now, many of us believe that that's simply too much money, that that doesn't prioritize the Federal budget in the way that Americans across this Nation have to prioritize their family budget. And so we offered a number of amendments, which is really the only way that you can kind of get to who is interested in being fiscally responsible and who isn't. Because, Madam Speaker, as you know, people can stand up and give speeches about anything they want and they can say anything they want, but as Senator Moynihan said, everyone's entitled to their own opinion but not their own facts.

We learned some facts today on the floor of the House, Madam Speaker, about who is interested truly in fiscal responsibility. A number of us offered amendments that would have resulted in some decrease in the amount of spending. These amendments covered various levels. One of the amendments offered by the gentleman from California (Mr. CAMPBELL) said that we ought to keep the spending in this area of the appropriations, in this area of our budgetary process, to exactly what it was last year, to have no actual percentage increase, which results in a functional decrease because of the rate of inflation, something that many people believe to be responsible at a time when the Federal Government spends more than it takes in, which the Federal Government currently does. So Mr. CAMPBELL offered an amendment that said you ought to keep it at last year's level, which is about a $1.3 billion savings.

Mr. JORDAN, the gentleman from Ohio, said that may be appropriate, but if our friends on the other side of the aisle or in this Chamber don't think that that's a little too much to save, then I'll offer an amendment that says we ought to keep it at the President's level, the 0.6 percent increase. What that would do would save about $1.1 billion.

I offered an amendment that said, well, there may be some people who believe that keeping it at last year's level is not an appropriate level, that keeping it at the level that the President and the administration requested is not an appropriate level, that, well, then maybe we just ought to decrease it or reduce it by 1 percent. Now, Madam Speaker, this isn't a 1 percent cut. This would be a 1 percent reduction in the increase. The increase is about 4.3 percent. This would be a 1 percent reduction, increasing it about 3.3 percent. So if you didn't believe that we ought to keep it at last year's number, if you didn't believe that we ought to put it at the number that the President requested, then you might believe that we ought to just reduce spending by 1 percent, decrease it by 1 percent in the reduction of the increase. And so we offered that amendment.

And then a final amendment, overall amendment, was offered by Mrs. MUSGRAVE, the gentlelady from Colorado. She said, in essence, well, you may not believe that we ought to keep it at last year's amount, you may not believe that we ought to go to the President's amount, you may not believe that you ought to cut 1 percent, that may seem to be too much, but you ought to believe that you could cut a half a percent. You ought to believe that you could cut a half a percent, so 50 cents out of every $100, that you ought to be able to cut that amount.

Those four amendments were offered on the floor of the House today. The fact is, Madam Speaker, that each and every one of those amendments failed, that the vast majority of the Members of the majority party, the Democrat Party, voted against those to carry the day. So that they believe that, no, you ought not keep the spending level, as a matter of fact, you ought not keep the spending level in this area of the budget to last year. You ought not save $1.3 billion.

And they voted that you ought not have the amount of spending be at the level that the administration, that the President requested. This is the executive branch, the branch that is responsible for carrying out the laws and the bills and the priorities that we pass here in Congress, you ought not keep it at that level. You aren't interested in saving $1.1 billion. Again, a fact.

They also said, as a matter of fact, Madam Speaker, that you don't want to cut it 1 percent. You don't want to have a reduction of 1 percent. Remember, a reduction in the increase. Not a reduction in real numbers but a reduction in the increase. None of these amendments would have reduced in real dollars. All of them were a percentage reduction in the increase.

The majority party, in fact as a majority said, no, we don't as a matter of fact want to reduce the increase by 1 percent. Also, as a matter of fact, Madam Speaker, they said that they didn't want to reduce it by one-half of 1 percent. They didn't want to realize savings that would result in a 50 cent savings out of every $100 spent by the Federal Government in the area of Energy and Water appropriations.

Now, Madam Speaker, I don't know about you, but when times are tight in our household, when times are tight in the household of my constituents, when times are tight in households all across this Nation, when American families have times when they are spending more or budgeting more than is coming in, what they do is they look at their budget, they look at their family budget and say, Where can we save some money? Sometimes they say, Well, we'll just cut everything a little bit. We'll spend a little less on everything. That's the similar story. That's the analogy to the family budget.

But what this Congress said, what this majority party said is that, no, we don't believe that we're not spending enough. In fact, we believe that we ought to spend more. We ought to spend more than the increase last year, we ought to spend more than was requested by the administration, we just ought to spend more. And so it rings on deaf ears, Madam Speaker, when the majority party says, and had said before the election in November, we will rein in Federal spending.

Well, this is a clear example, once again, of what I have dubbed Orwellian democracy, after George Orwell, the famous author, who famously in his books demonstrated that policies of governments oftentimes say one thing and do exactly the opposite.

□ 2000

That's what we find now in, I believe, this majority party, is that they say one thing and do exactly the opposite. So they say, with a straight face, that we are reining in government spending, that we are reining in Federal spending.

But, in fact, what's happening is a significant increase in Federal spending and an increase of greater than the amount that they railed against last year, which strikes me as being somewhat disingenuous and also misleading to the American people. The American people go to the polls every 2 years, and they vote based upon what people are going to tell them what they are going to do. I believe before that our side of the aisle had gotten a little wayward in terms of spending. So the message of reining in Federal spending fell on receptive ears.

The problem is that it hasn't been followed up by action. So it's a leadership that continues to say one thing and to do another, truly, truly remarkable.

Now, I want to talk a little bit about the issue of taxes and the tax increases that will be required to cover the amount of spending that the new majority has begun to march down a path to spend. The appropriations bill last week was an example of that, the appropriations bill today was an example of that, and most of them, as they come up through the 12 bills of the appropriations process will, indeed, demonstrate the lack of fiscal responsibility.

So what the other side is going to have to do is to find revenue. Instead of doing what our party did, and this President did, and President Reagan did, and, in fact, President Kennedy did in order to gain increased economic activity and in order to increase revenue to the Federal Government, those three individuals, President Bush, President Reagan and President Kennedy, all decreased taxes in a somewhat nonintuitive kind of activity, increased revenue to the Federal Government.

Because when you decrease taxes, what you do is you allow people to keep more of their money, you allow them to keep more of their money in their back pocket and in their pocketbook. Hence, they are able to decide for themselves when to save or when to spend or when to invest. When they spend, because they have more money, what results is increased economic activity.

Well, the current majority party demonstrates clear differences between a conservative Republican philosophy and a liberal Democrat philosophy. The difference is that we believe taxes ought to be reduced in order to increase economic activity. The other side clearly believes that the taxes ought to be increased, with the peculiar notion that if you just increase taxes enough, you will gain enough revenue to the Federal Government to equal the appetite for spending.

So they passed a budget, and their budget would increase taxes for every single American that pays taxes, every single American that pays taxes. The largest tax increase in the history of our Nation was passed by this majority just a few short months ago.

When you ask, well, what would that cover, what happens is that all of the tax, the appropriate tax reductions of earlier in this decade, 2001 and 2003, if the budget that was adopted by this majority is allowed to proceed over the next number of years, all of those tax reductions go away. All of the tax increases come back.

What happens on December 31, 2010, which isn't too far away, what happens is that the tax rates on ordinary income go from 35 percent overnight to 39.6 percent. The capital gains tax goes from 15 percent to 20 percent overnight. Dividends tax goes from 15 percent to 39.6, overnight. Estate tax, this is the death tax, this is what individuals, individuals' families, their estate has to pay when they die. It would be 0 percent on December 31, 2010, under the majority party's budget, and under the budget that they adopted. Again, this is the largest tax increase in the history of our Nation. It will jump to 55 percent overnight in 1 second.

Child tax credit, which would rest at $1,000 in 2010, would decrease in half. It would be cut in half, decrease child tax credits by 50 percent down to $500. The lowest tax bracket, those at the lower end of the economic spectrum who currently pay 10 percent would pay 15 percent, a significant increase in their taxes, nearly about half of what they would currently pay.

Now, it just doesn't make any sense to have that kind of tax policy in place when, in fact, what they have said before is that they would responsibly spend American hard-earned taxpayer money and be fiscally responsible. Instead, what they have done is gone back to a tried and true method of tax and spend. So everybody's taxes, nearly $400 billion, will shoot up virtually overnight.

Now, in their budgetary process, and that might be all right for some people, that whole tax increase and gaining, supposedly gaining new revenue for the Federal Government. Some people will say that's fine, if you are really solving problems, if you are truly solving problems, then it may be appropriate for us to do that.

As you well know, the largest problem that we have in our Nation from a fiscal standpoint is the issue of entitlement spending, automatic spending that occurs in our Federal Government programs, primarily three programs, Social Security, Medicare and Medicaid.

This chart here outlines the percentage of the Federal budget that goes for those programs. These are the programs that are on automatic pilot. They just kind of continued to increase because of the demographics of our society, aging population. The monies for these programs continue to increase year after year unless there is particular reform.

So, in 1995, those three programs that are in this yellow portion of this pie chart here were about 48.7 percent of the Federal budget. In 2005, they measured 53 percent. They are a little over 54 percent now. In 2017, they will be 62.2 percent with no changes, and within another, oh, 10 to 15 years beyond that, they will consume the entire Federal budget, if the budget remains at its current level, which is its historic rate.

Now, many of my constituents might say if you are going to increase taxes like the majority party has done by adopting the largest tax increase in the history of our Nation, nearly a $400 billion tax increase, if you are going to do that, that might be okay if you are going to solve real problems, if you are going to solve real problems. But the fact of the matter is that the budget didn't solve any of the problems, none, zero.

When we look at this graph, this graph is evidence of the absolute emptiness of the promise that the majority party had to reform entitlement spending, to reform automatic spending, mandatory spending. In our budget, in 1997, we had 125, $130 billion in appropriate reform and reductions. The Deficit Reduction Act, in 2005, had about $43 billion in appropriate reductions.

The budget just adopted for the coming years, by the new majority party, had zero, zero, no money at all for appropriate fiscal reform, responsible reform in the area of Medicare, Medicaid, Social Security.

Those programs are social compacts with the American people, but they are programs that left on their current course will not be able to survive. They will not be able to survive. So every day that we wait, the problems get greater, the solution gets more elusive for each of those programs. So it is imperative, it is imperative that we move forward.

I would challenge my friends on the other side of the aisle to join together with those of us who are interested in true fiscal responsibility and true entitlement reform, and let's get it done. Let's get it done on behalf of the American people, because, frankly, that's what they sent us here to Washington to do, to solve big problems.

This graph demonstrates that we are not solving big problems here. As I say, if you were going to increase significantly the amount of taxes that the American people are paying, then many of them may say, I think there is a better way to do it, as I mentioned. Because I think tax reductions increase revenue to a greater degree to the Federal Government.

But many people across this Nation might say, well, I am all right paying a little more taxes if we are solving real problems, but not if we're on a spending spree that appears to be what is occurring with this new majority. This graph demonstrates the commitment to entitlement reform, which apparently in this new majority is zero. So I urge my colleagues to rethink the process and the policies that they put in place that will result in no significant entitlement reform.

As they are looking, once again, at their budget and at their policies, I would urge them also to look back into history. The next graph demonstrates clearly what kind of economic policy does work. This graph could be a number of things that show, that demonstrate negative growth or negative activity in the economy to positive activity in the economy over the years of this decade.

This graph, as a matter of fact, is the graph about job creation. How many new jobs have been created in our Nation since the beginning of 2001? As you can see, what we have here for month after month after month after month, between 2001 and 2003, virtually negative job growth during that period of time, no new jobs, in fact, losing jobs in the economy. For every single quarter, with the exception of four during that 4-year period.

Something happened, miraculously, in the beginning of 2003, the early months of 2003, in this vertical line here that marks the beginning of moving toward quarter after quarter after quarter after quarter of increased job growth, over 7 million new jobs since the summer of 2003.

What happened at that time is, as you know, this is when the final appropriate tax reductions were adopted by the Republican majority with this administration and this Congress. What that has resulted in is remarkable increase in job growth across our Nation. Virtually every single State, virtually every single State has seen increase in job growth over that period of time, average job gain of 168,000 new jobs per month on average.

So one would think that if you were charged with coming up with economic policy for our Nation that you would look back and say, well, this looks to be a pretty good program here that has resulted in significant job growth.

As I said before, this could be economic development, you could see a significant decrease in unemployment. All sorts of things could go on these axis, and you would see positive activity during this same period of time.

So if you were charged with coming up with economic policy for our Nation, one would think that you would look at this and say what happened, what happened at that point that made the resulting number of quarters to the current time, made it so productive? How did we become so productive as a Nation compared to where we were earlier in this decade?

Well, as I said, what happened during that time was appropriate tax reductions, making it so that individuals paid less of their hard-earned taxpayer money, that they are allowed to keep more of their money so that they decide when they spend, or they save or they invest. It's those kinds of policies that have resulted in can significant economic growth and economic activity.

I would urge my colleagues on the other side of the aisle, as they are working through their process, as they are trying to figure out how to make certain that we stay a global, world competitive economic engine, that what they ought to do is look into history. Just a few short years ago there was a policy that was adopted by this Congress that resulted in remarkable, remarkable economic activity. So that we have the most economically productive Nation in the world, the industrialized world.

We continue to perform month after month after month. One of the main reasons for that is, indeed, the decrease, the appropriate reductions in taxes all across the Nation so that anybody who has paid taxes pays fewer taxes, less taxes today from a percentage standpoint than they did prior to that early point in 2003.

That's what results in increasing economic activity. It's not something that is unique to these tax reductions in 2003. In fact, that's what we saw when President Reagan decreased taxes in the 1980s, decreased taxes for the American people. Many folks said, oh, you can't do that, you won't be able to fund the programs in the Federal Government.

But what happened is that, as happened here, it increased revenue to the

Federal Government because you decreased taxes because you cut taxes and because you allow the American people to keep more of their hard-earned money.

□ 2015

And that's what results in increasing economic activity. And it hasn't only been on the Republican side of the aisle. Democrats, indeed, have shown this same kind of discipline in the past. When President Kennedy, in the early 1960s, in fact, cut taxes, decreased taxes, appropriate tax reductions for the American people, because he knew that if you decrease taxes to the American people, what happens is that they will determine for themselves responsibly when to save or to spend or invest and, in fact, that increases economic activity for our Nation.

It points out, Mr. Speaker, one of the fundamental differences that I talked about between a conservative Republican philosophy and a liberal Democrat philosophy, and that is that we believe that the American people know best how to spend their money, not Washington. There are very few times when Washington knows better how to spend someone's money than themselves. And it just makes common sense, because only an individual, only people know their priorities.

Now, there are certain things that we have to spend common money on, without a doubt, and we talked about one of those that we dealt with earlier today. But there's a responsible way to do it, and that responsible way to do it, Mr. Speaker, is to identify, clearly identify those programs that ought to be absolute priorities.

And I would suggest, Mr. Speaker, that that is so many fewer programs than this Federal Government is currently undertaking. But the Democrat liberal majority has a mentality that tends to come from San Francisco, I guess, which means that you just ought to spend just as much as you can get. You just ought to spend as much as you can get.

And so I'm pleased to join with my colleagues and point out that the economic policies that have been successful in the past and will continue to be successful if they're adopted, are those policies that will result in more hard-earned taxpayer money being able to be kept by hard-earned American taxpayers.

I just want to highlight once more a chart that demonstrates exactly that. And that is that when you reduce taxes to the American people, when you reduce, appropriately, taxes so that the American people can keep more of their hard-earned money, which is what occurred here in the early part of 2003, tax revenues were going down and down and down, 3 straight years of decreases between 2000 and 2003, tax reductions occurred with the Tax Relief Act being passed, and then the revenues increased significantly so that greater revenues than ever seen by the Federal Government because of tax reductions. And that's the kind of responsible economic policy that we believe, that I believe, ought to be put in place and kept in place, so that you decrease the tax burden on the American people, you allow them to determine when they save or they spend or they invest their own money. And then what happens is that the economy flourishes because there's more money available to drive the economy, more jobs created, more economic activity, more independence, and more liberty, more liberty and more freedom, because when people are able to keep their own money, they're freer, they're freer to make decisions about how they indeed spend or save or invest their own money.

So we're talking some economic policy tonight, Mr. Speaker, and hopefully, we'll be able to encourage our friends on the other side of the aisle to adopt some of these commonsense reforms.

I'm pleased to be joined by my good friend from Texas (Mr. GOHMERT) who's going to talk a little bit also about some economic activity that's been going on here in Washington, and I'm pleased to yield to my friend.

Mr. GOHMERT. And I appreciate the gentleman from Georgia yielding, and appreciate the work he's been doing and pointing out some real economic truths. Some of these things are just so basic. As we've talked about before, you mentioned before, Ronald Reagan said we don't have a taxing problem, we've got a spending problem. And he was so right.

But over the last 2½ years, Mr. Speaker, that my friend from Georgia and I have been here together, we've seen lots of indications, lots of signs out in front of offices talking about the national debt, and your share is so much. And I just think those are so good and so helpful.

As we see here, Blue Dog Coalition, today the U.S. national debt is $8,809,000,000, and your share is $29,000. I mean, that's just staggering. And frankly, you know, I've begun to think I want one of those signs, because we know who's in control. And there are those of us for the last 2½ years, or the last 2 years that we've actually been here, that have been trying to push this body into having more economic responsibility. And we did see, last year, great strides made in the first time that discretionary spending wasn't just held even, it actually was cut. So we were making some real progress.

We saw the Federal revenues come streaming up, as the gentleman from Georgia points out, that real progress is being made. And so I just want to applaud what has been done because really it's consistent with the efforts that so many of us have made, like earmark reform. We were trying to get earmark reform. And it only took a few dozen conservative Republicans to band together and not vote for key legislation unless we got some earmark reform.

□ 2030

And that is when we finally got some earmark reform. Of course, you wouldn't know it to listen to me. They never talked about what we got accomplished, but being able to object, make a point of order on earmark reform. But I think this is a good idea to keep reminding everybody of how high the debt is, how much everybody's responsibility is. And, frankly, I want one of these signs. I may have to change the name to the "Blue Hound Dog Coalition" or something, but I would like to see everybody encouraging this Congress to move as we were able to push the Congress in doing in the last year or so, and hopefully there are people on the other side of the aisle that will be able to push the Democratic majority away from this just uncontrolled spending. Not only is the President's request up in most every area, but the proposals for appropriations from the Democratic majority just skyrocket above that in so many areas.

So I don't know what the gentleman from Georgia intends to do. But I tell you, I like reminding the majority it is time to do something. We made some real progress the last 2 years, and I am hoping that folks are not going to let that die. Even though there is a major effort to try to get that killed, I think we should keep pushing, keep pushing. I just encourage all Republicans get a sign outside your door. Let's remind folks, not just the 36 that pushed for earmark reform. Let's get everybody out there reminding the majority.

I appreciate the gentleman from Georgia's yielding, and I would just encourage you in all your efforts, let's get this done.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for his comments, and I appreciate his bringing that sign because it highlights the Orwellian nature of this majority. You say you have got folks who are members of the Blue Dog coalition and what they say is that they are opposed to increasing that number. But, Mr. Speaker, what happened earlier this year is that the 8 trillion plus dollars of debt that have increased over multiple administrations have been increased to over $9 trillion now. The debt ceiling was increased by the Democrat majority, along with the Blue Dogs, to over $9 trillion. By this majority. By this majority, Mr. Speaker. Something they said they would never do. But, in fact, that is exactly what they did do. And in so doing, they adopted the second largest debt increase in our history.

So it is important for the American people to be listening and watching. It is important for them to appreciate what happens when you decrease taxes, that Federal revenues increase. It is important for them to appreciate, as this chart demonstrates, what track we are on for spending with this new majority.

This green line here, Mr. Speaker, that is moving along demonstrates the significant increase in spending. And much of that is driven by the entitlements that we talked about earlier, the mandatory spending, Medicare, Medicaid, Social Security, and demands reform. Demands reform. But that is not what has been enacted by this majority. The problem is that this majority is adopting policies in their current appropriations bills that will not decrease that line; it will increase. It will further increase that slope. And that is not the kind of leadership that America needs or deserves or desires or, Mr. Speaker, I believe, not the kind of leadership that they voted for in November.

One of the things that they did do in November was send us a good new Member on our side of the aisle, Mr. LAMBORN, and I am pleased to see him join us this evening and I look forward to his comments on economic policy.

Mr. LAMBORN. Mr. Speaker, will the gentleman from Georgia yield for purposes of a colloquy?

Mr. PRICE of Georgia. I would be happy to yield to you.

Mr. LAMBORN. To the gentleman from Georgia, you have been in Congress for about 3 years now; I believe, if I am not mistaken, and you came from the Georgia legislature. Like you, I came from the Colorado legislature. And one thing that the great State of Georgia and the great State of Colorado share, as do all 48 other States, is that they have a balanced budget amendment. It is written into the State Constitution of both Georgia and Colorado that every year we have to balance the budget.

Now, unfortunately, I think the biggest glaring problem with our national budget is we don't have such a balanced budget requirement every year, and it is so easy to go into debt. If we had strong willpower, we could hold the line, and that is what we are going to talk about here, and I have some questions for you. But in the absence of that strong fiscal strength of character, moral fiber, whatever you want to call it, it is so easy to want to please everybody, spend for the projects, not prioritize, and we run up massive deficits. And I know that in the past deficits have been run up under all kinds of administrations of both parties.

But to the gentleman from Georgia, what would be the difference here if we had some kind of balanced budget amendment? I mean until we have that and if it takes a constitutional amendment, which I would favor but that is going to take two-thirds of the House and Senate and three-quarters, or 38 of the 50 States, to ratify that, and until that day comes, we just have to have the strength of will and the commitment to the American people and the taxpayer that we will balance the budget.

Could you respond to that?

Mr. PRICE of Georgia. I appreciate the gentleman's comments, Mr. Speaker. And I am so pleased that he brought that up because oftentimes when we have these discussions, you hear people never provide any solutions, and you have put a solution on the table that I think is very important.

As you mentioned, I have been here just 3 years. This is my third year in Congress. And I came from the State level, where you have to balance the budget, and the reason you have to balance the budget is because you can't print money. States can't print money and Washington can, and that may be the crux of the problem right there. But I recognized early on that all of the inertia, and we see it during this appropriations season, all of the inertia here in Washington is to spend money, to spend more money. There are very few institutional, if any institutional, parameters in place that force you to hold the line on spending, which is why a balanced budget amendment is so incredibly important. And it is one of the reasons that many of us have supported a taxpayer bill of rights at the Federal level. We certainly did at the State level. I know I did. I suspect you did as well at the State level.

But we believe and we have introduced legislation for a Federal taxpayer bill of rights because we believe taxpayers have a right to know that the Federal Government doesn't grow beyond their means; that they have a right to receive back every single dollar that they put into their retirement program, into the Social Security program. We believe that taxpayers have a right to a balanced budget amendment without raising taxes, which is one of the issues that you stated. And it is so important, and the reason it is important is because of the programs and the policies and the traditions, if you will, of Washington. And the American people understand this clearly. The traditions are to continue programs that are already in place and then add some more on. It is just the natural tendency, and that is simply not what the American people want or desire, I believe.

I am happy to yield to my friend.

Mr. LAMBORN. Thank you. And it is probably a concern to you, as it is to me, that the current appropriations bills, about 12 of them, that are going through the House have an excess of $23 billion over what the President has requested. And if it was me in the President's place, I might have even had that lower. But let's go with that as a base amount to start with. We are going $23 billion over that. And he has said that, with the exception of the military construction bill, he is ready to veto bills that go over his spending requests. So let's say eight or nine of those get vetoed. Doesn't that mean we are going to have to come back? You have been through this process a full cycle, and I have not. Doesn't that mean we are going to have to come back later this summer, go through these bills all over again, and start from scratch?

Mr. PRICE of Georgia. I thank my friend for his comment.

I am hopeful that the President will follow through on his admonition to Congress to toe the line on spending, and I am hopeful that he will indeed veto a bill that gets to his desk that has an increase in spending.

Remember, the amount that the administration requested is the amount that the departments believe is the appropriate level of spending to carry out the needs of the American people.

Now, it is perfectly appropriate I believe for Congress to reprioritize within that basket, to say we think we ought to be spending, as a Nation, more here as opposed to here. I am one of those who believe we ought to be spending less as a Nation; so I would hope we would reprioritize and say this program is a priority of the Federal Government and, in fact, this one is best done elsewhere, maybe even the private sector and consequently doesn't need to be funded.

But what will happen, I trust, is that the President will be good to his word and veto legislation that spends more than the departments asked for and then it comes back to the Congress in order to rewrite a bill that will provide and allow for the President to sign. And as I say, I am hopeful that that kind of fiscally responsible activity occurs as we move through this process.

And I am pleased to yield again to my friend.

Mr. LAMBORN. Thank you for that answer.

And as a follow-up to that, I would have to say that in the absence of a balanced budget amendment, at least we have the possibility of sticking to the numbers that the President has given us. Those numbers are still in excess of the rate of inflation. He is asking some departments for a 6 or 8, 9 percent increase as opposed to 2 or 3 percent, which would be the inflationary rate. So his numbers are very generous just right there. But when our colleagues across the aisle are going $23 billion on top of that, I just see a chance for a little bit of fiscal restraint if they would back off $23 billion and say let's stick within what the President has recommended. There are still many things that can be done that are worthy projects within that amount. And I just see that we are missing a golden opportunity here, and I just think that until we have a balanced budget amendment, we have to do it by our own sense of fiscal discipline.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate my friend's comments. And I will point out that our side of the aisle, when we had responsibility for these budgets over the past at least 2 years that I have been here, we kept the rate of increase in the discretionary programs to less than the rate of inflation. And that was something that I and many others here thought was important.

I think it is important to put on the table solutions because the American people want solutions. They want us to work together in a positive way and provide solutions. And the Taxpayer Bill of Rights is indeed a program of solutions, making certain that we don't grow beyond our means, that the Federal Government budget doesn't grow faster than the rate of inflation and the increase in population. Perfectly appropriate. Making certain that the Social Security Trust Fund money is spent on Social Security.

We heard a lot about that from our friends before the election, that that is exactly what they would do. In fact, they have had an opportunity to put that in place and have not done so.

A balanced budget amendment without raising taxes, it is clearly possible from historical precedent and from economic policy that has been written before that it is easily done to balance this budget without raising taxes. You will hear our friends on the other side say, no, you have got to raise taxes in order to balance the budget.

I am happy to yield to my friend.

Mr. LAMBORN. Thank you. And I have another question from the gentleman from Georgia.

You were here over the last 2 years before January, when I was sworn in and I came on, although I am new since then. Isn't it true that we had a rule that the Republicans initiated that said it took 60 percent to raise taxes, not in statute but in rules, and that that was one of the first things that went out the window when we turned control over to the Democrats?

Mr. PRICE of Georgia. I thank my friend for asking it because it is one of the things that resulted in a 12-year history in this Congress of no increase in taxes. And one of the reasons for that was we required in our rules a super majority to raise taxes. And you are absolutely correct. On that first day there were a lot of rules that changed that determined how the House works. One of the rules that was changed said, no, you don't need a super majority; all you need is a simple majority, which, as you know and as the American people know, means that the majority party can do anything they want in terms of taxes, which was how they were able to pass a budget that includes the largest tax increase in the history of our Nation, nearly $400 billion in the future.

So I appreciate my good friend's comments and would yield to him if he has another question or comment.

Mr. LAMBORN. Yes. And then I will turn it back over to you.

But you remember the year 2001 in the Georgia legislature. I remember that very well in Colorado. When 9/11 happened, the tragedy involved with that, and then on top of that the subsequent horrendous economic problems that our country had, and each State suffered losses of revenues. We had to look at cutting programs or doing with less. But at the same time, the American public and families had to do with less also.

□ 2045

But then when times were better, we had more, and we can spend more, if necessary.

So I just think that it's unfortunate that we don't have such a balanced budget amendment. But it's good that we had rules, at least up until January, where we took a supermajority before we had a tax increase, and even now we have an opportunity, if we will all only seize upon it, to say, okay, we'll stick with the President's numbers. I think we can do even better than that in terms of saving money for the taxpayers. But let's say we stick with the President's numbers, that would still be a $23 billion savings over what our friends across the aisle are proposing in these various appropriations bills. And that we would, by going to the President's numbers, we would still be over the rate of inflation in most of the different agencies.

So, I just think it's a tragedy that we're not seizing upon this opportunity. I just expected better when I got sworn into Congress because I had heard talk during the campaign that if the majority party would take power, that they would be more fiscally responsible in different ways. And unfortunately, I haven't seen that fully carried out, and I've been very disappointed.

At this point, I'm going to yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank my friend from Colorado for coming down this evening and sharing his comments and his perspective. It's similar to mine. And the disappointment is shared as well because the American people did expect more. And I think that the numbers that we've seen, Mr. Speaker, and the polls that are out now that demonstrate the impression of the American people of Congress is at its lowest point in decades, that that's reflective of the disappointment that they have in this new majority. So I appreciate your comments.

I do just want to end, Mr. Speaker, by highlighting once again what we believe the solutions are. And there are solutions, and they're positive solutions. And they are solutions that we can embrace together, Republicans and Democrats, who truly desire to be fiscally responsible. And they are incorporated in the Taxpayer Bill of Rights at the Federal level. Again, it means that the Federal Government ought not grow faster than the rate of inflation and the increase in population; that every single dollar that goes into the Social Security trust fund ought to be spent on Social Security; that that money ought to be preserved for individuals who send that money to the Federal Government; that a balanced budget occurs without raising taxes. It's very doable. We have demonstrated it time and time again, that you increase revenue to the Federal Government when you decrease taxes. So, a balanced budget amendment without raising taxes.

And fundamental and fair tax reform. Our tax system is woefully flawed, and it is a system that is crying out for reform, crying out for repair. It's unfair for people all across the spectrum, and demands, indeed demands, fundamental reform.

And finally, a supermajority required for any tax increase, as my friend from Colorado highlighted. We had no tax increase over the 12 years when my party was in charge. And one of the reasons for that was that it required a supermajority to pass a tax increase. And that just makes common sense. If you are going to take more of the hard-earned American taxpayer money, then you ought to do it with significant majorities. Thomas Jefferson, I believe, said that "You ought not make major changes with minor majorities." It's something that I think this majority ought to adhere to.

Mr. Speaker, let me just close by saying that we live in a wonderful and glorious Nation, a Nation that allows us to be elected and to come and represent the finest people on the face of the Earth. I challenge my colleagues on both sides of the aisle to endeavor to do that in a way that's responsible, that respects the hard work that they do day in and day out, that respects the importance in the correlation between liberty and freedom, and allowing the American people to keep more of their money. When they're able to keep more money, they're more free, they have greater independence and greater liberty. And by so doing, we adhere to fundamental principles that are uniquely American.

I yield back the balance of my time.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Mrs. LOWEY (during Special Order of Mr. PRICE of Georgia). Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2764 in the Committee of the Whole pursuant to House Resolution 498, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. LINCOLN DIAZ-BALART of Florida or Mr. SIRES regarding funding for Cuba Democracy assistance programs, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF regarding funding for certain assistance programs for Iraq, which shall be debatable for 20 minutes;

An amendment by Mr. SHAYS regarding funding for Iraq Study Group;

An amendment by Mr. GARRETT of New Jersey regarding funding for antiterrorism programs;

An amendment by Mr. MCCAUL of Texas regarding funding for international narcotics control and law enforcement programs;

An amendment by Mr. GARRETT of New Jersey regarding certain reporting requirements related to U.N. employees participating in U.N. peacekeeping missions;

An amendment by Mr. MACK regarding funding for broadcasting to Venezuela;

An amendment by Mr. SHADEGG to strike language designating funds for renewable energy;

An amendment by Mr. SHERMAN regarding funding for the International Development Association;

An amendment by Mr. PAYNE regarding funding for tuberculosis through Child Survival and Health;

An amendment by Ms. JACKSON-LEE of Texas regarding funding for Liberia;

An amendment by Mr. BLUMENAUER regarding funding for Pakistan;

An amendment by Mr. CULBERSON regarding funding for rural water and sanitation projects in East Africa;

An amendment by Mr. SHAYS regarding funding for community assistance programs in Iraq;

An amendment by Mr. FORBES regarding ESF funding for Ethiopia;

An amendment by Mr. KNOLLENBERG regarding funding for the Millennium Challenge Corporation;

An amendment by Mr. PITTS regarding funding for HIV/AIDS abstinence prevention programs, which shall be debatable for 30 minutes;

An amendment by Mr. PRICE of Georgia regarding funding for Israel;

An amendment by Ms. ROS-LEHTINEN regarding funding for the U.N. Development Program;

An amendment by Ms. MOORE of Wisconsin regarding notification requirements on Liberia;

An amendment by Mr. SKELTON regarding oversight of Iraq reconstruction;

An amendment by Mr. WEINER regarding military assistance for Egypt;

An amendment by Mr. SMITH of New Jersey or Mr. STUPAK regarding the Mexico City policy on family planning assistance, which shall be debatable for 45 minutes and shall remain in order even if proposing to strike language inserted by amendment;

An amendment by Mrs. LOWEY making changes to section 622, which shall be debatable for 45 minutes;

An amendment by Mr. LAMBORN regarding a prohibition on funds for certain individuals and entities for West Bank and Gaza programs;

An amendment by Mr. KING of Iowa regarding basing rights in Iraq;

An amendment by Mr. BOUSTANY to strike section 699;

An amendment by Mr. FORTENBERRY regarding foreign military financing funds for Egypt for certain border security efforts;

An amendment by Mr. MCGOVERN limiting assistance for Western Hemisphere Institute for Security Cooperation, which shall be debatable for 30 minutes;

An amendment by Mr. WEINER limiting funding for Saudi Arabia;

An amendment by Mr. UPTON or Ms. HARMAN regarding use of Energy Star certified light bulbs;

An amendment by Mr. TIERNEY regarding funding for Pakistan;

An amendment by Ms. JACKSON-LEE of Texas regarding health infrastructure in Africa;

An amendment by Mr. GINGREY regarding a prohibition on funds for negotiations related to the visa waiver program;

An amendment by Mr. PENCE regarding a limitation on the use of liquidated assets from an enterprise fund to establish a new foundation or entity;

An amendment by Mr. GARRETT of New Jersey limiting the use of funds for international conferences;

An amendment by Ms. ROS-LEHTINEN regarding a prohibition on the use of funds for contributions to the U.N. for the United Nations Human Rights Council;

An amendment by Mr. PRICE of Georgia regarding an across-the-board reduction in funding, which shall be debatable for 20 minutes;

An amendment by Mr. POE regarding a prohibition on funds to issue visas to citizens of certain countries based on certain extradition policies;

An amendment by Mr. POE or Mr. TANCREDO regarding a prohibition on the use of funds in contravention of 8 U.S.C. 1253;

An amendment by Mr. FLAKE limiting the use of funds to certain nongovernmental organizations other than through the competitive bidding process;

An amendment by Mr. KING of Iowa limiting the use of funds for travel by certain House officials to certain countries;

An amendment by Mr. GOODLATTE or Ms. HERSETH SANDLIN regarding a prohibition on the use of funds for the diversity visa program;

An amendment by Mr. PENCE limiting the use of funds for the Palestinian Authority;

An amendment by Mr. PENCE regarding a prohibition on funds for U.S. contributions to the United Nations Relief and Works Agency for Gaza;

An amendment by Mrs. MUSGRAVE regarding an across-the-board reduction in funding, which shall be debatable for 20 minutes;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill, which shall be debatable for 20 minutes;

An amendment by Mr. CONAWAY regarding use of reductions made through amendments for deficit reduction;

An amendment by Mr. HENSARLING reducing funds in the bill;

An amendment by Mr. TANCREDO prohibiting funds to enforce certain guidelines regarding relations with Taiwan;

An amendment by Mr. BLUNT prohibiting funds for the International Seabed Authority;

An amendment by Mr. SHADEGG prohibiting funds for countries providing assistance to Iran related to nuclear and missile programs;

An amendment by Mr. SHADEGG prohibiting funds for countries providing refined petroleum to Iran;

An amendment by Mr. OBEY regarding earmarks; and

An amendment or amendments by Mrs. LOWEY regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on State, Foreign Operations, and Related Programs each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

HIGHEST DEBT IN HISTORY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, it's an honor to be on the House floor. And I must say that free speech is a beautiful thing in the United States of America. Our friends on the other side can pretty much say anything they want in this wonderful Chamber in this country, with absolutely no ramifications or connection to the truth at all. And I want to just share with the American people and I want to share with other Members of Congress, Mr. Speaker, and my good friend here from Connecticut, some facts that have been absent over the last hour and really over the last couple of days.

I think it is important to just go back and piece the history together. Over the past 6 years there has been a Republican House, a Republican Senate, and a Republican White House. The gentlemen on the other side, fine men from fine families who have been speaking here, have completely forgotten about the last 6 years. They think that they ran up a high bar tab and that it can be fixed rather easily. The fact of the matter is they ran up, the Republican House, Republican Senate, Republican White House, $3 trillion in debt, $3 trillion over the last 6 years.

They just got out of office in January, and here it is June, and they're acting like this is ancient history. Three trillion dollars. They had the debt limit raised five or six times, which means they had to pass legislation out of here that would allow the Department of Treasury to borrow more money. And then 5 months after they're out of office, they come here, Mr. Speaker, and they talk like they've had nothing to do with this.

Now, we saw our friend from Texas earlier hold up the Blue Dog Coalition debt limit sign, over $8 trillion, almost to $9 trillion in debt and act like they had nothing to do with it. But the American people recognized in November and asked for a change in government, and they got it.

Let me clear up another fact that has been misrepresented here today and yesterday and over the past couple of weeks. This is their quote, "The Democrats are somehow going to raise taxes. It is the largest tax increase in the history of the United States of America." Not accurate. Not true. I ask the American people, and as I speak and it is written into the CONGRESSIONAL RECORD, we need to ask all Americans to keep their tax forms from this year and hold on to them and match them to next year's tax forms. There will be no increase in taxes from the Democrats. None. And take the statements that have been said here, take your tax forms. Don't believe me. Don't believe Mr. MURPHY or Mr. MEEK or any of our other 30-Something friends who are going to come here, keep your own forms.

Now the bottom line is this; we know how to govern. Our friends on the other side have had their chance. They got the keys to the car in 2000 when President Bush won and they controlled all levers of government and failed miserably; $3 trillion in debt, a foreign policy that's a complete disaster, a FEMA organization agency that can't even respond to natural disasters in the United States of America. They can't even get the American citizens their passports. So save the lectures for somebody who wants to listen to them, because quite frankly, we don't, and the American people do not want to listen to them. That's the bottom line. When you can get the American people their passports on time, then come talk to us about worrying about environment and creating jobs and the economy and foreign policy. Enough is enough.

My friends, Mr. Speaker, on the other side are putting all of their trust in Mr. Bush, our President, because he says he's going to veto all our bills. Well, let's just look at what the Republican Congress did. President Bush, Mr. Speaker, said that he's going to veto all our bills if they come in one dollar above what his submission was to the Congress. Let's look at what happened in 2005.

This is the defense bill in 2005. The Congress spent, Republican Congress, $45 billion more than President Bush requested. President Bush signed the bill on December 30, 2005. Transportation appropriations bill, Republican Congress spent $7.2 billion more than President Bush requested. President Bush signed the bill on November 30, 2005. Labor, Health and Education. Republican Congress spent $5 billion more than President Bush. President Bush signed that bill into law on December 30th. On and on and on. And I can go through agriculture, military, I will submit this for the record so that all of America can go and check this out. Three trillion dollars in debt. Some of the highest deficits in the history of our country were run up by the Republican House, Republican Senate, Republican White House.

Here we go. Exploding national debt under the Bush, now Mr. Nussle, who is joining the team, projected 10-year budget surplus of $5.6 trillion turned into a projected 10-year deficit of $3 trillion. The surpluses were gone. In the largest budget deficits in American history, Mr. Speaker, $378 billion in 2003, $412 billion in 2004, $318 billion in 2005.

Now, you look at the Democratic budget, Mr. MURPHY, and you will see that we balance the budget. Keep your 2008 forms. We do not raise your taxes. Just to prove what the other side is saying to us, keep them. We don't raise your taxes and we balance the budget. And I can't even wait until all of these pass and we can go all around the country, Mr. MURPHY, and talk about what we have done. The largest increase, and I will be happy to yield to you in a second, my friend, the largest increase in veterans spending in the history of the VA. So all of the problems that our veterans have been having, backlogs, they don't have enough workers in the VA system to process the claims, all of that is going to be taken care of. All of our kids that are coming back and our adults and our soldiers coming back, there is $500 million in this bill for post-traumatic stress. There is money in here for amputees. There is money in here for prosthetics. There is money in here for brain injuries. There is money in here to make sure the veterans don't have a huge increase in their copay and user fees, as the Republican Congress and President Bush nickeled and dimed their veterans to death. And this budget that we prepared for the veterans was approved by Disabled Vets, Paralyzed Vets. Everyone has approved and said this is a monumental step.

So we can get into energy, and I'm sure we will tonight; we can get into Homeland Security, which I'm sure we will tonight; we can get into Labor, Health and Education, which I'm sure we will tonight, and basically say, Mr. Speaker, that we have delivered for the American people exactly what they want.

I understand what the polls say right now, but our budget has not been implemented yet. And when people go next year and they apply for a Pell Grant and they're allowed to get $700 more so they can send their kid to college, and their student loans rates are cut in half and they get the minimum wage in July, and there are community health centers being built all over our country so that middle-class families who can't afford health care can go to a clinic at least and get their kids care. When you have a million more kids on SCHIP. Next year this is all going to happen, and some will happen before that, the American people will recognize that it was the Democratic Congress that pushed this agenda. And let the President veto it, let him.

I yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. Thank you very much, Mr. RYAN.

I think what happened here over the last 12 years, and I was watching it all from the outside, is that the Republicans, for a very long time, vastly overestimated the gullibility of the American people. They thought they could stand up here and say over and over again that the Republicans are being fiscally responsible, and that the American people wouldn't notice that they were racking up record amounts of debt, $3 trillion, up to $9 trillion now is the amount of Federal debt that this government has racked up. The fact that they wouldn't notice that every single dime for this war in Iraq and Afghanistan has been borrowed money. I think you give them too much credit, Mr. RYAN. You said they were spending like a bunch of drunken sailors. Well, drunken sailors spend their own money at least, they probably don't spend it very wisely, but their own money. These are like a bunch of thieving drunken sailors. They were spending other people's money, my money, my parents' money, my neighbor's money, all the while kind of pretending that we weren't ever going to have to pay it back.

So what we've seen here tonight and what we've seen over the last few days is a Republican minority now that continues to vastly overestimate the gullibility of the American people. They think they can stand here, try to make disappear everything that happened over the last 12 years, and that once again they can stand here and talk about being fiscally responsible, while the very mess that we're here cleaning up is all theirs in the making.

□ 2100

Mr. MURPHY of Connecticut. Now, Mr. Speaker, here is what we are doing. You mentioned that we have a balanced budget, in 5 years we are going to balance this budget. But on top of that, we are starting to fix some of the biggest messes they left this Democratic Congress.

Take for example the Alternative Minimum Tax. Now, not a lot of people know what this thing is. You know it if you are paying it, and you are going to start paying it year after year. More people will start paying more and more. This is the biggest middle-class tax increase potentially in the history of this country, imposed by a Republican Congress. And, guess what? We are going to fix it. We are going to take it on.

For the first time, legislation that comes before this House actually has to be paid for as we go along; the pay-as-you-go rule. Every spending increase that this Congress proposed has to be accompanied by either a revenue offset or a spending offset. That's real fiscal responsibility; rules passed by the Democratic majority here that are going to finally impose some fiscal discipline on this place.

So the Republicans and the minority can say over and over again whatever they want. They can hope that if they say it often enough that they will believe it and maybe a few people out there will believe it.

But what is going to happen here over the next few months is results, Mr. RYAN. It is going to be rhetoric matched with results: Fixing the AMT, balancing the Federal budget over 5 years, making sure that every bill that comes before this House is paid for as we go along, record increases for veterans programs, for education programs, for the things that people want to have funded in their communities.

There are finally going to be some words that are matched with actions here. As much as the other side of the aisle may try to make this disappear, they are going to find an American people that isn't as gullible as they used to think they were.

Mr. RYAN of Ohio. I would be happy to yield to my good friend, the Cardinal from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I would like to thank Mr. RYAN and Mr. MURPHY.

Mr. Speaker, I am really pleased to be here with my colleagues from the 30-Something Working Group once again.

Just to jump off what our good friend Mr. MURPHY was talking about, we are in the midst of the "New Direction Congress." Mr. RYAN, Mr. MEEK and I spent the last several years on this floor railing about the "culture of corruption," railing against our good friends on the other side of the aisle, whose only interest when they spoke about tax cuts was providing those tax cuts to the wealthiest few in this country.

Now, what is amazing about our ability to move this country in a new direction is that we can really focus on those targeted tax cuts that will help the average working family, the regular folks, the people who don't have the ability to just kick back, put their feet up on the desk and live on Easy Street day in and day out.

We are talking about people who live paycheck to paycheck. Not poor people who live paycheck to paycheck, but people in middle America, who make sure that all their bills are paid, just like we are trying to do here with our PAYGO provision, but make sure all their bills are paid. But it takes every dollar they have to do it.

Then you add to their budget the increased price of gas, which increases the price of food, which impacts everything that regular, everyday working families have to deal with. And we hit them under the Republican-led Congress with an Alternative Minimum Tax, that was never supposed to be directed at them, but ultimately scooped up so many of those hardworking taxpayers. And you know we listened to the garbage rhetoric that is so tired on the other side.

Mr. RYAN of Ohio. Mr. Speaker, it is like the 1992–1993 talking points have been taken off the shelf somewhere in the cloakroom and dusted off.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am glad the gentleman jumped in. It is like either they have a tape recorder that is stuck on rewind, or maybe we are trapped in "Groundhog Day" and we don't know it, or maybe they are just tired.

We used to be in meetings, and I have sat in many meetings where I have had colleagues and supporters express frustration because they marvel at our Republican friends' ability to come up with these pithy, cute, packaged messages and that ours aren't as cute and pithy and succinct.

Well, do you know what? That is because we don't have purely simplistic solutions to complex problems. The American people saw right through the pithy, cute, succinct, tired slogans that the Republicans have been throwing at them year after year and don't believe them anymore. They reached the point where they won't just take what they say when they repeat it over and over again at face value.

Mr. RYAN of Ohio. Mr. Speaker, let's look at what happened here in the last couple of days. Right here, about 20 minutes ago, we heard two of our friends on the other side, Mr. Speaker, talk about a balanced budget amendment. They just ran up $3 trillion in debt, raised the debt limit five times, and it is like it never happened. Let's put on a balanced budget amendment, the constitutional amendment.

It is unbelievable.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, they also talked about earmark reform. They were railing on and on about earmark reform.

Who brought earmark reform to Congress? We did. Who brought about the beginning of the end of the war in Iraq, hopelessly mired in a chaotic conflict in another country? If you rewind back to pre-November 7, what was their cute, pithy, succinct little saying? Stay the course. We can't pull out. We can't cut and run.

Who is scrambling to make sure they can protect their own political hides now and be supportive of making sure that we can withdraw, but in a responsible fashion? Well, it is they that spend plenty of time talking about that. We are the ones that are bringing about the beginning of the end of this war by putting those votes up on that board and bringing those bills to this floor that they refused to yield on.

Mr. RYAN of Ohio. Mr. Speaker, the beautiful thing about this is that for how many years they talked about the protecting the homeland, about homeland security, that it make us safer fighting there so we don't have to fight here, all their rhetoric hasn't delivered.

So here we come, right? We come with an increase in funding so we can fund the "loose nukes" program, the Nunn-Lugar program, so we have more people out with more money buying more loose nuclear weapons that are getting spread around the world, we put hundreds of millions of dollars more into this program, which is going to keep us safe.

Mr. Speaker, last week, the mother of all rhetorical contortions, we are passing a Homeland Security bill here, or trying to pass, where 3,000 Border Patrol agents will be funded; technology for all our ports to monitor chemical and biological weapons coming in; grants for first responders, police, fire. We also passed 50,000 new cops for the country for communities who can't afford them, a lot like mine. And they held up the bill. They held up the bill.

Mr. Speaker, we are trying to pass funding for 3,000 Border Patrol agents, and they are trying to hold up the bill. Now, who is for homeland security now? And on and on and on.

But what we have shown, and this is what I love about it, is that when these bills pass, those men and women who get hired to be Border Patrol agents will know it was the Democrats. When the minimum wage goes in this summer, they will know it was the Democrats. When you go to get a Pell grant, they will know it was the Democrats.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, when we bring an energy package the week before we leave for the July 4 recess that really begins to make sure that we end our addiction to foreign oil, they will know it was the Democrats. When we make sure we bring about an end to this war in Iraq, they will know it was the Democrats. And they will say repeatedly, "they" being the smart American citizens, American voters, they will say to our good friends on the other side of the aisle exactly what they said to them on November 7, after listening over and over to the same tired slogans, "Talk to the hand. We don't want to hear it anymore. We see through your garbage. And we are voting to make sure we can move this country in a new direction."

Mr. MURPHY of Connecticut. Mr. Speaker, let me tell you what happened in my district, because it happened in 40 other districts around the country last fall.

All the people who are fiscal conservatives, people who were concerned about fiscal responsibility frankly probably voted Republican for a long time because they did believe that the words were backed up by the actions, finally saw through all that rhetoric. And all those true fiscal conservatives came out and voted Democrat.

My district hadn't been Democrat for 24 years. And, guess what? It wasn't just the social progressives and the anti-war activists who came out and said we want change. It was the fiscal conservatives, the people who were concerned about the absolute and utter incompetency in this Government that came out and decided to change this place.

And, guess what? They are seeing results here. They are seeing results because what they did was they saw a party that over the years started out as a collection of ideas that ended up just being a collection of special interests.

Mr. Speaker, the words they used were still the same. Their allegiances changed over time. Their allegiances didn't happen to sit with the ideas that they held. Their allegiances sat with the lobbyists and the special interests and the folks that they were protecting every single day on this House floor. Those voters who came out and voted Democrat based on fiscally sound and fiscally responsible principles last year are going to do the same thing 2 years from now because they are going to see that balanced budget. They are going to see the Alternative Minimum Tax. They are going to see the pay-as-you-go rules. Those are all results. Those are going to be voters that will be sticking with the Democratic Party.

□ 2115

Mr. RYAN of Ohio. They are not going to see a tax increase. Again, keep your tax forms from this year, compare them to what you fill out next year. There will be no tax increase. Period, dot, Mr. Speaker. When you wonder why the fiscal conservatives gave the Democrats a chance and why we are passing balanced budgets, why we passed a rule in the House called PAYGO which says if you spend money, you got to pay for it. You got to find a cut somewhere to cut it out.

Here is why they voted for us: This President and the Republican Congress, as we have stated ad nauseam on this floor, have borrowed more money from foreign interests in the last 6 years than any other President and Congress before them combined. Combined. From foreign interests.

Now, look here: Japan; China; UK; Caribbean; OPEC countries, $67 billion of our debt; Japan; China, $349 billion.

Now, we are trying to compete with China. And one of our friends was up here earlier today with an amendment. We have to compete against China. No kidding. Well, then why did you, he wasn't here, but why did his predecessors before him borrow over $600 billion from China, and then turn around and say, hey, aren't we competing with the bank we are borrowing from? How are we going to work this out?

Mr. MURPHY of Connecticut. Mr. RYAN, one of the most perplexing bars on that graph is the amount of money that we have borrowed from OPEC nations. You want to talk about why we can't stand across the table from the countries that are pillaging American consumers with these ridiculously, monstrously high gas prices?

Guess what? We can't sit across and be an honest broker from them because they hold the mortgage to this country. The same can be said of the Chinese and the same can be said of European nations. We have lost so much of our ability to sit and be an honest broker in negotiations over energy policy and foreign policy, because they own our currency. They hold all of our debt.

So beyond how terrible this is for the American taxpayers, it is also terrible for the American foreign relations. It has to stop.

Ms. WASSERMAN SCHULTZ. You stand here and scratch your head and wonder how it is they could allow it to get to this point. There is no logical, rational explanation. The only thing I could come up with is, A, they think we are dealing with Monopoly money here and it is not real money and it is not real debt; or, B, it is not really my personal debt, so it doesn't affect my personal bottom line, so it doesn't matter; or, C, which is the worst, they just didn't care.

It just didn't matter. Their rhetoric was of the utmost importance to them. Making sure they could continue to pass tax cuts that benefited the wealthiest 1 percent of Americans, the debt be damned, the deficit be damned, none of that mattered to them, as long as they could keep their contributors happy.

Mr. MURPHY of Connecticut. Even when they did spend money, they spent it in such a ludicrous way as to waste the taxpayers' money on essential programs like the prescription drug benefit. Even when they chose to roll out a brand new and expensive new domestic program, they overspent to the tune of potentially $50 billion a year by cutting a deal with the drug companies so as to prohibit the Federal Government from using its bulk purchasing power.

Ms. WASSERMAN SCHULTZ. Mr. MURPHY, to add insult to injury, the administration, now that they are not in power here, the administration is using its ability through their agencies to try to cram new formulas down the throats of our hospitals so their reimbursement rate is dramatically impacted, dramatically cut, so that they aren't able to serve the people who need the most help.

So not only are our seniors getting nailed by not being able to make sure that they have truly the lowest possible prices that they can pay, that we could negotiate on their behalf for prescription drugs, but our hospitals are facing major cuts at the hands of the administration without any input from elected officials, just bureaucrats in the Bush White House's administration.

They actually have one proposed formula change that would presume that hospitals are just going to game the system, so they are cutting money out of their budgets, just because. Pretty much just because they think they are going to play with their numbers. Because they are going to make that assumption, they are going to take the money away, rather than prove that they do that and then take the money away.

That is accountability? That is like what is that game that you play on the street, Three Card Monte. They are playing Three Card Monte with people's health care. I don't know. Maybe it is because most of the people who run this country in the Bush administration can afford to pay their own medical bills, so maybe it is just they have hired too many people who don't understand what it is like to try to pay the bills every month. Really, it is just beyond baffling.

Mr. MURPHY of Connecticut. I think it was a pretty simple formula. It was that we were going to squeeze and squeeze the people who have the least in this society, and that is the hospitals that care for the sick and the uninsured, it is the families that have the courage to send their loved ones off to war, it is middle-class families who can't afford to pay another dime. Those are the people that are going to get soaked in order to fund these giant tax cuts for the people.

Ms. WASSERMAN SCHULTZ. It is people who need to be able tomorrow pay for their gas in their car and who are running businesses who need to pay for the vehicles their employees are operating so they can make sure they can serve their customers so they can stay in business and pay their employees. Those are the people they are not thinking about.

I had a press conference a couple of weeks ago with Congressman KLEIN who also replaced a Member in a district that had not been represented by a Democrat for 26 years. We were out there with some of our small business owners who talked about the impact of gas prices on their bottom line.

I have a constituent in Southwest Ranches who runs a repair business. He literally last year employed 24 people, Mr. RYAN, and now employs 14. He directly attributes this to the fact that he can't afford the gas that he needs to be able to run his trucks around to the businesses that want to hire him to do the repair work. That is just unbelievable.

Mr. RYAN of Ohio. I think it is important for us to say, we know that the government can't do everything. We know that we can't solve every problem. We have got some basic responsibilities though, defense and what not.

One of the things we are doing here when it comes to gas and oil in the bill that we were on the floor today with, the Energy appropriations bill, is to invest into alternative energy sources. It is very important for us to recognize and for the American people to recognize what we are doing with our budget, because we had a lot of amendments and "cut this" and "cut that."

This bill passed out as a bipartisan bill on the House Energy and Water Subcommittee, led by Mr. HOBSON from Ohio, who is a great ranking member and was a great chair of this committee. But, finally, over the hurdles of many Republicans, over the hurdles of the President, we are now investing into renewable energy and energy efficiency procedures here $1.9 billion, a 50 percent increase in energy efficiency and renewable energy technology. An additional $300 million was added from the joint resolution 2007 resolution we passed.

We are investing in biofuels. Solar energy, hydropower, geothermal, new vehicle technology, new materials technology so we can have lighter vehicles that don't use as much fossil fuel, weatherization grants, carbon capture and sequestration, climate change science research.

You want to talk about moving the country forward? This bill funds 3,500 scientists.

Ms. WASSERMAN SCHULTZ. Could I ask you a question, Mr. RYAN? We are both on the Appropriations Committee and the committee is working very hard in a bipartisan way, I might add, to produce a product that we can really have the American people be proud of.

Is the President talking about signing this bill into law?

Mr. RYAN of Ohio. The President is talking about vetoing this bill, my good friend.

Ms. WASSERMAN SCHULTZ. Vetoing this bill. Isn't this the same President that talked, again more words, no action, talked about the need for America to end our addiction to foreign oil in his State of the Union that we sat right in this Chamber and heard him say?

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, I think in four or five or six State of the Union speeches in a row. Not just the last one.

Mr. RYAN of Ohio. Here we have a budget that actually funds scientists, funds research. There is a great report that has come out called Rising Above the Coming Storm, something along those lines, a beautiful panel of experts led by the former CEO of Lockheed Martin, probably not a Democrat, if I had to guess, but a very detailed report on what we need to do.

One of the key components was focus on basic research in the physical sciences. That is what this bill does. Our friend, when I mentioned this the other day, I said, this is a jobs bill. This is the next generation of people that are going to benefit from the research money. They are going to get into research. They are going to partner with businesses and spring out in more research and development and manufacturing and everything else.

He said, well, this is not a jobs bill. I take issue with what the Member from Ohio is saying.

Well, I am sorry. If we figured out a way to do research and create jobs from it and create new industries, isn't that a good thing? That we were able to get a real good bang for our buck in the investments that we have made?

I just think, Mr. Speaker, that illustrates the difference in philosophy. We have one party in this country who comes to the floor and says they can solve every complex issue with two words: Smaller government, lesser taxes, this and that.

We have a bill that doesn't raise taxes and we are able, because we peeled off $14 billion in corporate welfare that we were giving to the oil companies last year and we put it in alternative energy research, we were able to make that investment without raising taxes. Don't be mad at us. Don't be a hater.

Mr. MURPHY of Connecticut. I am not a hater. As a new Member, I am loving every minute of this, Mr. RYAN.

Listen to me: From every standpoint it makes sense. You talk about the jobs that an investment in alternative energy is going to bring. Undoubtedly it is going to make our air cleaner. It is going to reduce our contribution to global warming. We know in the long run it is going to bring prices down. It is going to be the thing that finally breaks our dependence on the high prices of foreign oil.

Also it is about national security. It is about finally breaking us free of dependency on the countries that produce that oil, that compromise a lot of our conversations in places in the world like the Middle East, compromised additionally by the amount of debt those OPEC nations hold. So, it is kind of a win-win-win-win-win-win scenario.

So the question is why didn't it happen? Well, it didn't happen because the agenda here wasn't about the economy. The agenda wasn't about cleaning up the air. The agenda wasn't about lowering gas prices. The agenda was about helping a bunch of people in the oil industry.

This is what happens when you break this place free of special interests. Good policy starts to happen. You get wins for everybody when you start making this about Main Street, right, instead of about the few people that get in the room and write the legislation based on how much money they have given to campaigns and how much influence they have inside the Beltway.

Ms. WASSERMAN SCHULTZ. You know, Mr. MURPHY, what you and Mr. RYAN just outlined is what Speaker PELOSI always talks about when we are in our Caucus meetings and when I have heard her talk about the direction that she is helping us lead this country, and that is the budget, and by extension the appropriations bills, are an expression of our values.

Mr. RYAN, you talked about our colleague on the other side, and I was in the Chamber when you stood up and talked about that. It really is an expression of our values and a stark contrast in the difference between ours and theirs. Their values were expressed in the energy bills that they passed in the 109th Congress, which gave away $14 billion in subsidies to the oil industry, which when we came into the majority we included in our first 100-hour agenda. The first six bills we passed, one of those was repealing those $14 billion in subsidies so we could responsibly use that money to expand alternative energy research. We earmarked that money appropriately and are holding it so that we can make sure we spend it on really ending our addiction to foreign oil.

So if you look at the Homeland Security bill, the Military Construction bill, the Energy and Water bill, all of the appropriations bills that we are going through right now, they are an expression of our values. They show these stark and clear differences between the way we choose to take this country, in the direction we choose to take this country, versus the direction that they had us on, which was careening into oblivion.

Mr. MURPHY of Connecticut. I think I work pretty hard. I get back to the district every minute I can. I see as many people as I am able to. But you don't have to work that hard to hear what the values of the American people are. I mean, you don't have to be everywhere at all times in your district to understand that when people were crying out for energy reform, energy reform wasn't giving more tax giveaways to big oil.

Ms. WASSERMAN SCHULTZ. No, but you do have to be listening. It is very easy to stand as a Member of Congress in front of a group of people, have a town hall meeting, be in a room sitting on your couch in your office, and you are there but you are not listening.

Mr. MURPHY of Connecticut. All I mean by that is it makes it even more inexcusable that all you had to do was go out and listen a little bit to hear the cries from people.

There are these sort of "are you kidding me" moments that happen out there. They happened in my district, when people are asking, listen, do something about energy policy. And the "do something" was let's just empower the oil companies even more.

People are crying out for change in our policy towards Iraq, and the answer was we are going to commit ourselves to even more troops and even more money and an even greater failed policy.

People stand there and say, are you kidding me? Did you hear anything I said? And for 12 years, the answer increasingly was no. We didn't hear anything you said. We didn't try, and in fact our ears were attuned to a very different set of people.

So now, this revolution that happened here isn't terribly revolutionary. We are finally starting to listen to people again, and that means investing in alternative energy, that means setting a new course in Iraq, that means making it easier for kids to go to college.

These aren't new ideas. These are ideas that people have been talking about in bars and in diners and pancake breakfasts and pasta dinners for years.

Mr. RYAN of Ohio. I don't want to say it is fun, because there are a lot of people that are still struggling, but it is so much better now to go back to your district and people ask you, what are you doing about gas prices? And we have got a great budget, and it is not immediate. That is the painful thing that you have to realize. People are struggling and people who are driving from lab to lab, they somehow have to use a lot of transportation, it is hard.

But we have something here that we are passing from the House that is going to significantly over time reduce our dependence on foreign oil, and it is going to benefit the average American consumer.

So, let's look at this in the broad sense. Of all the promises, the Democrats made promises, they got in, we gave them a shot. We are taking advantage of this shot. One, we didn't raise taxes, first of all.

But look at what we did. If you are the average person sitting out there, you now in July will have an increase in the minimum wage to over $7 an hour. So anyone who is associated with that will get an increase. Those people slightly above will also get an increase. Included in that was a tax cut for small businesses, so that those people who are bearing the brunt of this will benefit as well.

Then you are getting $700 more in your Pell Grant. So if you have got kids in school, you are going to get an extra $700 a year grant money. If you are in Ohio, Governor Strickland's budget, a former Democratic Member of Congress who is now Governor, passed a budget where there is a zero percent increase in tuition in Ohio next year, zero percent the following year, which traditionally has been almost a 9 percent increase over the past 5 or 6 years.

So if you are a student in Ohio, you are getting a 9 percent cut in your tuition from an increase that would have happened to zero, and you are getting an extra $700 Pell Grant. You are talking about an almost $2,000 tax cut for average families in Ohio if you go to school.

So you got the minimum wage, you got the Pell Grant, you have community health clinics, about $400 million increase between the supplemental and what we are doing in this year's bill. There will be hundreds of more health clinics around the country this year. People can get their healthcare. We are investing in research, 3,500 scientists will be funded through this bill in all of these different areas for alternative energy research. Increased funding in Head Start, Even Start, after school programs. This is a bill for the people.

Ms. WASSERMAN SCHULTZ. These are bills, because it is plural, that truly think about what the needs are of the average person, the person that we have been talking about for this whole hour that has a paycheck come in and has to figure out how they are going to pay all the bills with the money that comes in.

The help that we need to give them to do is to make sure not that we put money in their pocket, because like you said, Mr. RYAN, government can't do everything. Government is here to provide assistance when it is needed, when the person doesn't have the ability to deal with the issue on their own.

□ 2130

Like the cost of a student loan, like making sure that they earn a minimal amount of money so they can pay their bills and making sure that the government ensures that the domestic homeland security needs are taken care of, that we have an appropriate number of Border Patrol which has been woefully and inadequately funded under the Bush administration.

They spend a whole lot of time beating on their chest and saying how important it is that we have a strong Border Patrol. The Bush administration did not fund as many or even ask for as many Border Patrol agents as the Clinton administration did. It is just rampant hypocrisy. That is all I have seen in the 2½ years that I have been here. It is blah, blah, blah. All they do is talk, and it is hollow and empty behind the words.

They have the wrong kind of transparency on their side of the aisle, and folks see through it. That is why they are counting on us to make sure that we take care of these things.

Mr. MURPHY of Connecticut. One of the miracles of what is happening here, we are starting to change those priorities without spending more money in order to do that. You can tack onto your list of help to kids and families the fact that we passed legislation that could bring on average $4,000 in relief to students by lowering the interest rate on student loans. That is $4,000 back in the pocket of a young man or woman graduating from college, that is going to be looking to pile on a mortgage on top of their debt. And we did it at no additional expense to the taxpayers. We changed in a small way the amount of money that we guarantee to banks, and the banks are doing pretty well out there already, and we got $4,000 back in the pockets of American students and graduates without costing anybody else a dime. Same thing on the energy policy.

Mr. RYAN of Ohio. When you look at why are we doing this, because we are competing against 1.3 billion people in

China. We are competing with 1.2 citizens in India. Not only do we have to do that, but we have to put the pedal to the metal and increase the speed of what we are doing here. This is just the beginning of what we need to do to be competitive, to make sure that we have enough engineers and scientists doing the kind of research that we are passing bills on now, starting to lay the groundwork for, so more kids can afford college.

And we have to ask all of the citizens of this country to step up to bat and really make sure that you are developing your skills and talents to the best of your ability because we can't do it for you. We are going to help with funding and after school. We are going to make sure that kids get the kind of support that they need, but we need Americans to step up to bat and develop the kids so we can compete.

We only have 300 million people in the country. We are competing against 1.3 billion in China and 1.2 billion in India. We need everybody to develop to their fullest extent.

One final point, we are creating through these bills new industries that will pay dividends for our country. The alternative energy is one. With all of the funding in research, it is going to create things and scientists are going to develop things and partner with the private sector. Ten years from now, we can't even imagine what will come with this investment just this year.

In committee we had testimony that there was a blip in energy research, an increase in the late seventies when President Carter was here, and then it went right back down. In those 2 years, solar panels were developed. In those 2 years of that increase in funding.

Give these bright people the resources they need. And also, we have been able to move stem cell research which the President has vetoed. We can't even imagine the health care advances that will come from that research.

So we are creating new areas for young people to grow into and to create jobs for American people.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, you try to come up with what you can compare this to as far as the situation we are in and who we are dealing with here. It is like we are in the 21st century and we are negotiating with the Cro-Magnon man, people who are stuck in the Paleozoic era. How do you even begin a conversation?

If it is not their values, maybe it is that they are literally—maybe the tape recorder is broken. Maybe they are stuck in the age of dinosaurs. You can watch TV and see there are commercials on with Cro-Magnon man. Maybe they have infiltrated the United States Congress.

Mr. RYAN of Ohio. I see a commercial here. They are going to be mad at you. Why are you making fun of the caveman?

Ms. WASSERMAN SCHULTZ. I know, I know, I am going to offend the cavemen. But we work with a lot of them. People who think like cavemen. That is not a constituency I have to worry about too much right now. Really, that is what we have to deal with.

Can you imagine sitting around the negotiating table with a caveman. How easy would be it to move the caveman off their view. Not very easy. We need the American people to help continue to communicate with our colleagues and tug them into the 21st century where we are dwelling.

Mr. MURPHY of Connecticut. I am excited that we almost got to the end of the hour without a five syllable word until Paleozoic. That is in part why I joined the 30-Something Working Group, to get that kind of vocabulary help.

There is a lot of anger coming from the minority side right now, and I think there is probably reason for them to be angry. When 1 or 2 percent of the population gets the run of the place for 12 years.

Ms. WASSERMAN SCHULTZ. They brought it on themselves. They have only themselves to blame.

Mr. MURPHY of Connecticut. When the other 98 percent get their government back, I would be angry myself if all of a sudden my day was over.

But let's not overstate the partisan differences here because when we have put on the House floor good legislation for the American people, that student loan cut that we talked about, investment in alternative energy, stem cell research, when we put that before the House a lot of Republicans came over and supported it.

So there is a group of leadership, that is frankly the ones that come down the House floor and do most of talking, but there are a bunch of Republicans when Democrats finally put an agenda that is sticking up for regular people, they are going to support us on that. The newspapers and the TV talk shows are filled with the Republican leadership who, frankly, it seems to me, after 6 months on the job, don't speak for a lot of people on that side of the aisle.

I think what we are doing here over time is when you get past a lot of the rhetoric, a lot of the votes end up being pretty bipartisan because when you get beyond the leadership, you have Republicans who are appreciative of the fact that Democrats have finally returned this place to the American people.

Mr. RYAN of Ohio. It is going to be interesting to watch the contortions with our friends on the other side of the aisle, you can see their strategy is to blame the $3 trillion that they ran up somehow on us when we weren't in charge of anything, and then they are going to start taking credit for things like the earmark transparency that we, we are in charge here, so if it passes, we have done it. What we have done they are going to try to take credit for.

But it will be so much nicer, I think, next year when all of this is passed and the American people recognize it is the Democrats that has done this. And if the President vetoes it, let's go out and campaign, take that one to the American people and let the President defend not hiring 3,500 scientists in DOE to do alternative energy research. Let him say he is going to veto the Pell Grants. It will be easier because we won't have to come to the floor as much, occasionally just to remind the American people what we are doing instead of trying to push what we are doing now. I think that will be a good time for us.

So we are happy that we do get some support. As I stated earlier, the gentleman from Ohio (Mr. HOBSON) has been a tremendous advocate for putting this budget together through the Energy Department, but the extremists in their party which have been governing their party for the last 6 years, are still coming kicking and screaming into the high-tech research and development economy that we are in now, and somehow think if they cut taxes for a millionaire and that millionaire invests that money in a plant in China, that somehow is benefiting average Americans. Wages have been stagnant for 30 years. So we are trying to create new economies, new sectors of the economy that will grow and provide opportunity for most people.

I just saw a poll yesterday, 7 in 10 Americans think the economy is getting worse for them. That is obviously not shared prosperity, and our friends come to the floor and say the stock market is doing great. Well, that is great if you have stocks. And even if you do, I don't know if it makes up for the stagnant wages and the 20 percent increase in health care costs.

Ms. WASSERMAN SCHULTZ. We need some more bipartisanship. And the Six in 06 agenda, the Medicare legislation to ensure that we can negotiate for lower drug prices, the repeal of the $14 billion in subsidies, the passage of the 9/11 Commission recommendations, the minimum wage, those bills had an average of 65 Republican votes. We are glad to have the rank and file Members who clearly were stymied and strangled by their leadership in the majority who are willing to do the right thing and come along with us.

I wish we could see more of that bipartisanship and wide open eyes on the war in Iraq because we still have a bunch of lemmings who continue to just be willing to walk off the plank and not ask any questions and continue the same mantra. It is really startling.

The bills that we put out on this floor to establish a timeline and to establish benchmarks and to ensure that we can begin to turn this conflict over to the Iraq government, maybe we got two Republican votes on those bills. And one we got one Republican vote on it.

You know, over the weekend, because we have been waiting, and they all say wait until September. There are 14 who went to the White House and said to the President, you have until September. We are going to hang with you, but in September we better see some results or else.

Over the weekend, in my papers we saw commentary from General Petraeus who said, you know, it is not looking like we are going to be able to do any significant draw down or any draw down of troops in September. In fact, we may need to be in Iraq for 10 years. Ten years.

Mr. Speaker, my children will be adults in 10 years. My oldest kids are 8. That means we will have spent virtually because what we are going on, 6 years in Iraq now, that means we will have spent my children's entire life in Iraq. Can you imagine. Their entire childhood twisted and mired in another country's conflict that we created for no good reason or at least for a reason that wasn't accurate with an administration who can't admit when they are wrong. There is no bipartisanship there, and let's just make that clear.

When, God forbid, when we are still twisted in this war in Iraq next year, we will do our best that we vote to bring those troops home and establish those benchmarks and some accountability. But if we don't have the votes to override a veto with our Republican colleagues, we will still be there next year, and that is what is going to decide the 2008 election.

It is not that I hope that happens because I don't. I want to make sure that the troops come home and are reunited with their family, but we will have a Democratic President at that point because the American people are done. Stick a fork in them, done.

Mr. MURPHY of Connecticut. Mr. Speaker, for all those people out there who came out to the polls and voted on national security or fiscal responsibility or competence in government, no matter what you hear late at night here or on the talk radio shows from the Republicans, pay attention to what happens here in the House of Representatives over the coming weeks and months.

Pay attention to the Democratic majority's plan to balance this budget, to pass on tax relief to people that need it, to start restoring order in this world so we are fighting the right fight at the right time. Pay attention to what happens here.

□ 2145

As we have said over and over again, for the first time in over a decade, words are going to be matched with actions. From one side of this Chamber, from the Republican side, you're going to see words. From the Democratic side, you're going to see words and action to follow. As a new Member of the 30-somethings and as a new Member of this Congress, that's what makes me proud to be here, is that we're saying the right things and then we're doing the right things behind it. All those people who came out and cast their votes based on those ideas are going to find those ideas put into action here.

Mr. RYAN of Ohio. Let's reassure those soldiers and their families who are serving that this will not be another Vietnam when these kids come home. I think we've already seen that. In the VA budget, $1.7 billion above the President's request for medical services. We have major construction, $3.6 billion, $193 million over the President's request. For medical administration, these vets have been backlogged for years, mental health and substance abuse, increase $100 million over the 07 request. Assistance for homeless vets, health care sharing incentive fund. A lot of money that's going to take care of them.

Ms. WASSERMAN SCHULTZ. Two things I just wanted to add on that. For veterans, it means the largest single increase in the 77-year history for veterans health care in the Veterans Administration. What that means is that the people that I serve and that you serve that are veterans who are waiting 7 and 8 months to get their health care taken care of at their local VA hospitals, they're going to get taken care of. Actions to match words, just like the gentleman from Connecticut said.

Mr. RYAN of Ohio. Let's just remember that we're doing all this without raising taxes. Check your form this year, compare it to next year, there will be no tax increase. We're reducing the budget. We balance it in 5 years, unlike what has happened over the past 6 years with a Republican House, a Republican Senate and a Republican White House.

Mr. Speaker, I think it's important to remind the American people of this, that they borrowed billions and billions. $644 billion from Japan, $349 billion from China, $100 billion in 06 from OPEC countries in order to begin the largest debt, $3 trillion. Our friends on the other side have raised the debt limit while they were in charge five times so they can borrow more money from Japan and China and put our national security at risk here and, quite frankly, not account for the budget in the United States like they should.

It was an honor to be here with our friend from Florida.

Ms. WASSERMAN SCHULTZ. Same here.

Mr. RYAN of Ohio. Our friend from Connecticut.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN.

It's a privilege to be a part of the 30-Somethings, Speaker PELOSI's working group. You can e-mail us at 30somethingdems@mail.house.gov. You can visit us on the Speaker's Web page, www.speaker.gov and there's a link there to the 30-something's page.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

CELEBRATING THE 100TH ANNIVERSARY OF THE TOWN OF RONDA

The SPEAKER pro tempore (Mr. ALTMIRE). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in recognition of the centennial of the town of Ronda, North Carolina. This week, Ronda celebrates the 100th anniversary of its 1907 incorporation.

Ronda, a thriving community in Wilkes County, North Carolina, is home to a rich heritage of hardworking families, and I am very proud to represent them.

The town traces its roots all the way back to 1779, when the surrounding area was deeded to Benjamin Cleveland in what would become the eastern part of Wilkes County.

Cleveland established a farming operation which became known as Roundabout Farm, named for the way the Yadkin River cut through the land around the farm. As these things usually turn out, the term Roundabout was shortened and the name Ronda was born.

Manufacturing operations and agriculture have played a large role in the town's 100-year history, making Ronda one of the economic epicenters of Wilkes County during the past century. While the town of Ronda has certainly seen its share of economic storms, it remains a strong and united American community today.

I wish to honor this fine North Carolina community for its steadfast commitment to the small town values that help make this Nation great. Happy centennial, Ronda. Here's to 100 more years of small town living.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today and the balance of the week on account of personal health reasons.

Mr. MCCOTTER (at the request of Mr. BOEHNER) for June 18.

Mr. SULLIVAN (at the request of Mr. BOEHNER) for today and June 19.

Mr. WALDEN of Oregon (at the request of Mr. BOEHNER) for June 19.

SPECIAL ORDERS GRANTED.

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPUANO) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. MCINTYRE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 27.

Mr. JONES of North Carolina, for 5 minutes, June 27.

Mr. BISHOP of Utah, for 5 minutes, today and June 21.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes to the Committee on Natural Resources.

ADJOURNMENT

Mr. DONNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, June 21, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2270. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; California Route 12 Drawbridge, near Isleton, CA [CGD11-07-011] (RIN: 1625-AA09) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2271. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Illinois Waterway, Beardstown, IL [CGD08-07-012] received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2272. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Burns Cutoff, Stockton, CA [CGD11-07-010] (RIN: 1625-AA09) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2273. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Large Passenger Vessel Crew Requirements [USCG-2007-27761] (RIN: 1625-AB16) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2274. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2006-25150] (RIN: 1625-ZA08) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2275. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance to clarify the treatment of certain distributions under Internal Revenue Code section 897(h)(1) [Notice 2007-55] received June 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2276. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters (Also, Part 1, 401; 1.401(b)-1.) (Rev. Proc. 2007-44) received June 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 502. Resolution providing for consideration of the bill (H.R. 2771) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-201). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETERSON of Pennsylvania (for himself, Mr. ABERCROMBIE, Mrs. DRAKE, Mr. NUNES, Mr. EDWARDS, and Mr. MELANCON):

H.R. 2784. A bill to greatly enhance the Nation's environmental, energy, economic, and national security by terminating long-standing Federal prohibitions on the domestic production of abundant offshore supplies of natural gas, to dedicate fixed percentages of the resultant royalties for environmental restoration projects, renewable energy and carbon sequestration research, and weatherization and energy assistance for those in need, and to share a portion of such royalties with producing States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont:

H.R. 2785. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. PEARCE, Ms. WATERS, Mr. BOREN, Mr. RENZI, Mr. COLE of Oklahoma, and Mr. FRANK of Massachusetts):

H.R. 2786. A bill to reauthorize the programs for housing assistance for Native Americans; to the Committee on Financial Services.

By Mr. ELLSWORTH (for himself, Ms. GRANGER, and Mr. MOORE of Kansas):

H.R. 2787. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Financial Services.

By Mr. FLAKE:

H.R. 2788. A bill to require each piece included in a mass mailing sent by a Member of the House of Representatives as franked mail to include a statement of the costs of producing and mailing the mass mailing, and for other purposes; to the Committee on House Administration.

By Mr. FORTUÑO (for himself, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. WELLER, Ms. NORTON, and Mr. SERRANO):

H.R. 2789. A bill to amend title XVIII of the Social Security Act to apply automatic "deemed" enrollment under part B of the Medicare Program to residents of Puerto Rico; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself and Mr. MORAN of Kansas):

H.R. 2790. A bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; to the Committee on Veterans' Affairs.

By Ms. HOOLEY (for herself and Mr. DOYLE):

H.R. 2791. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for establishment of a unique device identification system for medical devices; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York:

H.R. 2792. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Education and Labor, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 2793. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Commerce.

By Mr. PASTOR:

H.R. 2794. A bill to amend the Public Health Service Act to authorize grants to increase the number of qualified nursing faculty, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PEARCE:

H.R. 2795. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to set the rate of reimbursement under the beneficiary travel program of the Department of Veterans Affairs at $0.21 per mile; to the Committee on Veterans' Affairs.

By Mr. RYAN of Wisconsin (for himself, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 2796. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself, Mr. FORBES, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 2797. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to establish a National White Collar Crime Center grants program for purposes of improving the identification, investigation, and prosecution of certain criminal conspiracies and activities and terrorist conspiracies and activities; to the Committee on the Judiciary.

By Mr. SHERMAN:

H.R. 2798. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THORNBERRY:

H.R. 2799. A bill to require a quadrennial review of the diplomatic strategy and structure of the Department of State and its related agencies to determine how the Department can best fulfill its mission in the 21st century and meet the challenges of a changing world; to the Committee on Foreign Affairs.

By Mr. THORNBERRY:

H.R. 2800. A bill to improve the conduct of strategic communication by the Federal Government; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 2801. A bill to provide for the inclusion of certain non-Federal land in the Izembek and Alaska Peninsula Wildlife Refuges and Wilderness in the State of Alaska and for the granting of a right-of-way for safe and reliable access for the Native Village of King Cove, Alaska, and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO:

H. Con. Res. 171. Concurrent resolution expressing the sense of Congress with respect to relocating the United States Embassy in Israel to Jerusalem; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. MANZULLO, Mr. LANTOS, Mr. MACK, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FORTUÑO, Mr. ROYCE, and Mr. INGLIS of South Carolina):

H. Res. 500. A resolution expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure; to the Committee on Foreign Affairs.

By Mr. BRADY of Texas (for himself, Mr. PAUL, Mr. POE, Mr. HINOJOSA, Mr. CULBERSON, Mr. BARTON of Texas, Mr. CUELLAR, Mr. CARTER, Mr. ORTIZ, Mr. MCCAUL of Texas, Mr. BURGESS, Mr. STUPAK, Mr. SESSIONS, Mr. KINGSTON, Mr. SERRANO, and Mr. SHUSTER):

H. Res. 501. A resolution commending Craig Biggio of the Houston Astros for reaching 3,000 base hits as a Major League Baseball player and for his outstanding service to baseball and the Houston, Texas, region; to the Committee on Oversight and Government Reform.

By Mr. BAIRD (for himself and Mr. SHAYS):

H. Res. 503. A resolution commending the Middle East Investment Initiative; to the Committee on Foreign Affairs.

By Mr. BAIRD (for himself, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Mr. MOORE of Kansas, Mr. CLEAVER, Mr. JONES of North Carolina, and Mr. JOHNSON of Illinois):

H. Res. 504. A resolution amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes; to the Committee on Rules.

By Mr. KLEIN of Florida (for himself, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Mr. COBLE, Mr. LOBIONDO, Mr. RADANOVICH, Mr. TAYLOR, and Mrs. MILLER of Michigan):

H. Res. 505. A resolution recognizing the innumerable contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California (for herself, Mr. WOLF, Ms. LORETTA SANCHEZ of California, Mr. TOM DAVIS of Virginia, and Mr. SMITH of New Jersey):

H. Res. 506. A resolution condemning ongoing human rights abuses in Vietnam, and expressing the sense of the House of Representatives that the United States should remove permanent normal trade relations status with Vietnam unless all political and religious prisoners are released and significant and immediate human rights reforms are made by the Government of Vietnam; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 507. A resolution supporting the goals and ideals of National Save for Retirement Week; to the Committee on Financial Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

84. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 25 opposing any effort to implement a trinational political, governmental entity amoung the United States, Canada, and Mexico; jointly to the Committees on Foreign Affairs and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BISHOP of New York, Mr. FOSSELLA, Mr. DAVIS of Illinois, Mr. ORTIZ, Mr. ISSA, and Mr. UDALL of New Mexico.

H.R. 77: Mr. STEARNS.

H.R. 98: Mr. KING of New York.

H.R. 171: Mrs. CAPPS.

H.R. 176: Mr. BUTTERFIELD, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, and Mr. SCOTT of Georgia.

H.R. 180: Mrs. JONES of Ohio and Mr. REICHERT.

H.R. 181: Mr. BRADY of Pennsylvania.

H.R. 364: Mr. TOM DAVIS of Virginia, Mr. INGLIS of South Carolina, Ms. SHEA-PORTER, Mr. HONDA, and Ms. WOOLSEY.

H.R. 369: Mr. STARK.

H.R. 371: Ms. WOOLSEY and Mr. CUELLAR.

H.R. 402: Mr. BRALEY of Iowa.

H.R. 480: Mr. CARTER, Mr. SHADEGG, Mr. WAMP, Mrs. BLACKBURN, Mr. CULBERSON, Mr. CAMPBELL of California, Mr. BUCHANAN, Mr. LUCAS, Mr. MARCHANT, Mr. AKIN, Mr. WALBERG, and Mr. KLINE of Minnesota.

H.R. 503: Mr. CRENSHAW, Mr. SARBANES, and Ms. BALDWIN.

H.R. 513: Mr. MURTHA, Mr. JEFFERSON, Mr. ORTIZ, Mr. FATTAH, and Mr. DAVIS of Illinois.

H.R. 662: Mr. GONZALEZ.

H.R. 690: Mr. FRANKS of Arizona, Mr. CUELLAR, and Mr. MCCAUL of Texas.

H.R. 711: Mr. BAIRD and Mr. MELANCON.

H.R. 757: Mr. RANGEL.

H.R. 760: Ms. ZOE LOFGREN of California.

H.R. 767: Mr. WALZ of Minnesota.

H.R. 819: Mr. BRADY of Pennsylvania.

H.R. 821: Mrs. BOYDA of Kansas.

H.R. 864: Ms. SCHAKOWSKY.

H.R. 900: Mr. UDALL of Colorado and Mr. MCCARTHY of California.

H.R. 946: Ms. LEE.

H.R. 962: Ms. MCCOLLUM of Minnesota and Ms. ESHOO.

H.R. 971: Mr. COHEN.

H.R. 980: Mrs. JONES of Ohio and Mr. KLEIN of Florida.

H.R. 1073: Mr. CLAY and Mr. STUPAK.

H.R. 1120: Mr. EHLERS, Mr. PORTER, Mr. REYNOLDS, Mr. BROWN of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, Mr. POE, Mr. GOHMERT, Mr. CASTLE, Mr. KELLER, Mr. HOEKSTRA, Mr. BARTON of Texas, Mr. HENSARLING, and Mr. CULBERSON.

H.R. 1125: Mr. ALLEN, Mr. ISSA, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. ROHRABACHER, Mr. RUSH, Mr. DELAHUNT, Mr. CULBERSON, Mr. BOYD of Florida, Mr. CLEAVER, and Mrs. MCCARTHY of New York.

H.R. 1134: Mr. PERLMUTTER and Mr. ELLISON.

H.R. 1142: Mr. SHERMAN, Mr. PAYNE, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. FARR, and Mr. MEEK of Florida.

H.R. 1239: Mr. SESTAK, Mr. ELLISON, and Ms. NORTON.

H.R. 1259: Mr. COHEN and Mr. BERRY.

H.R. 1273: Mr. CROWLEY.

H.R. 1275: Ms. ESHOO, Ms. MOORE of Wisconsin, Mr. SARBANES, and Mr. HONDA.

H.R. 1293: Mr. UDALL of New Mexico, Ms. DEGETTE, Mr. JEFFERSON, Ms. SHEA-PORTER, and Mr. BOYD of Florida.

H.R. 1320: Mr. GUTIERREZ.

H.R. 1384: Mr. DREIER and Mr. ROYCE.

H.R. 1385: Mr. SAM JOHNSON of Texas and Mr. LEWIS of Georgia.

H.R. 1386: Mr. OBERSTAR and Ms. HIRONO.

H.R. 1420: Mr. MEEHAN.

H.R. 1428: Mr. DAVID DAVIS of Tennessee and Mr. PLATTS.

H.R. 1456: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1459: Mr. MORAN of Kansas.

H.R. 1474: Mr. JOHNSON of Illinois, Mr. FILNER, and Mr. HUNTER.

H.R. 1479: Mr. MORAN of Virginia.

H.R. 1518: Mr. BOYD of Florida.

H.R. 1551: Mr. NADLER.

H.R. 1567: Mr. BURTON of Indiana, Mr. SCOTT of Georgia, Ms. WOOLSEY, and Mr. BLUMENAUER.

H.R. 1589: Mr. BOUCHER and Ms. MCCOLLUM of Minnesota.

H.R. 1653: Mrs. LOWEY and Mr. MEEHAN.

H.R. 1655: Mr. KING of New York, Ms. NORTON, and Mr. TOWNS.

H.R. 1671: Ms. BALDWIN, Mr. CONYERS, Mr. DELAHUNT, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. RAHALL, Mr. MEEKS of New York, Mr. ENGEL, Mr. DEFAZIO, Mr. LANTOS, Mr. RUPPERSBERGER, Mr. BRALEY of Iowa, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. PERLMUTTER, and Ms. ESHOO.

H.R. 1693: Mr. GRIJALVA.

H.R. 1705: Ms. HARMAN and Ms. BERKLEY.

H.R. 1707: Ms. HOOLEY and Mrs. GILLIBRAND.

H.R. 1713: Mr. SCHIFF.

H.R. 1742: Mr. ANDREWS.

H.R. 1746: Ms. JACKSON-LEE of Texas and Mr. LANTOS.

H.R. 1755: Ms. BALDWIN.

H.R. 1759: Mr. COBLE, Mr. CHABOT, Mr. GOHMERT, Mr. CONAWAY, Mr. BISHOP of New York, Mr. WEINER, Mr. DELAHUNT, Mr. HUNTER, and Ms. WASSERMAN SCHULTZ.

H.R. 1761: Mr. KELLER.

H.R. 1821: Mr. MCCAUL of Texas.

H.R. 1851: Mr. DAVIS of Illinois.

H.R. 1909: Mr. HINOJOSA.

H.R. 1940: Mr. BARRETT of South Carolina and Mr. BACHUS.

H.R. 1945: Ms. BERKLEY and Mr. COHEN.

H.R. 1959: Mr. BARTLETT of Maryland.

H.R. 2003: Mr. CAPUANO, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, Mr. BLUMENAUER, and Mr. LANTOS.

H.R. 2005: Mr. BOUSTANY and Mr. GRIJALVA.

H.R. 2017: Ms. MCCOLLUM of Minnesota.

H.R. 2064: Ms. HIRONO, Mr. GONZALEZ, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. CARNAHAN.

H.R. 2079: Mr. MCCOTTER.

H.R. 2123: Mr. MEEKS of New York.

H.R. 2125: Mr. PAUL and Mr. INGLIS of South Carolina.

H.R. 2164: Mr. DAVID DAVIS of Tennessee.

H.R. 2165: Mr. MEEKS of New York and Mr. WYNN.

H.R. 2183: Mr. ROSS, Mr. COOPER, Mr. MOORE of Kansas, and Mr. BARROW.

H.R. 2185: Mr. CALVERT.

H.R. 2211: Mr. PASTOR.

H.R. 2216: Mr. AL GREEN of Texas.

H.R. 2217: Mr. AL GREEN of Texas and Ms. NORTON.

H.R. 2226: Mr. KAGEN.

H.R. 2233: Ms. CORRINE BROWN of Florida.

H.R. 2265: Mr. HONDA.

H.R. 2286: Ms. CORRINE BROWN of Florida.

H.R. 2287: Mr. BRADY of Pennsylvania and Mr. DAVIS of Illinois.

H.R. 2295: Mr. RADANOVICH and Mr. BISHOP of Utah.

H.R. 2353: Mr. BOUCHER.

H.R. 2371: Mr. BRADY of Pennsylvania and Ms. WOOLSEY.

H.R. 2405: Ms. SOLIS, Mr. STARK, Mr. HINCHEY, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, Mr. CARDOZA, Mr. CROWLEY, Mr. MCNERNEY, Ms. WATSON, Ms. ROYBAL-ALLARD, Mr. COSTA, Mr. BERMAN, Mr. COHEN, and Ms. HIRONO.

H.R. 2417: Mr. CUELLAR.

H.R. 2485: Mr. GONZALEZ.

H.R. 2508: Mr. HUNTER and Mrs. BLACKBURN.

H.R. 2567: Mr. RYAN of Ohio, Ms. SCHWARTZ, and Mr. MITCHELL.

H.R. 2572: Mrs. CHRISTENSEN and Mr. PASTOR.

H.R. 2596: Mr. ABERCROMBIE and Ms. ESHOO.

H.R. 2608: Mr. DAVIS of Illinois and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2619: Mr. TOWNS.

H.R. 2654: Ms. WOOLSEY.

H.R. 2669: Mr. BISHOP of New York, Mr. YARMUTH, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. TIERNEY, Ms. ZOE LOFGREN of California, and Mr. WU.

H.R. 2702: Mrs. MALONEY of New York, Ms. CARSON, and Mr. DAVIS of Illinois.

H.R. 2715: Mr. MORAN of Virginia and Mr. GEORGE MILLER of California.

H.R. 2736: Mr. GUTIERREZ.

H.R. 2738: Mr. DAVIS of Illinois.

H.R. 2740: Mr. DEFAZIO, Mr. FILNER, and Ms. WOOLSEY.

H.R. 2744: Mr. DAVIS of Illinois and Mrs. CAPPS.

H.R. 2765: Mr. PETERSON of Pennsylvania and Mr. FATTAH.

H.R. 2779: Ms. CORRINE BROWN of Florida.

H. Con. Res. 40: Mr. HELLER.

H. Con. Res. 75: Mr. GONZALEZ.

H. Con. Res. 102: Mr. MEEKS of New York.

H. Con. Res. 113: Mr. SMITH of Texas.

H. Con. Res. 138: Mr. MCCOTTER, Mr. KING of New York, Mr. DEAL of Georgia, Mr. SMITH of New Jersey, and Mr. BOSWELL.

H. Con. Res. 162: Mr. GONZALEZ and Mr. JOHNSON of Georgia.

H. Res. 18: Mr. DEFAZIO.

H. Res. 106: Ms. HIRONO, Mr. KUHL of New York, Mr. THOMPSON of Mississippi, and Mr. BARROW.

H. Res. 143: Mr. FARR, Mr. MARKEY, and Mr. JOHNSON of Georgia.

H. Res. 169: Mr. BARTLETT of Maryland.

H. Res. 194: Mr. MCNULTY and Mr. LOEBSACK.

H. Res. 282: Ms. KILPATRICK and Mr. ENGEL.

H. Res. 294: Ms. LORETTA SANCHEZ of California, Mr. HINCHEY, Mr. ALLEN, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Mrs. CAPPS, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mrs. DAVIS of California, Ms. BEAN, Mr. CLYBURN, Mr. WELCH of Vermont, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. ROTHMAN, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. CARNEY, Mr. KLEIN of Florida, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Ms. LEE, Mr. PERLMUTTER, Ms. SCHWARTZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. CUELLAR.

H. Res. 353: Mr. CLAY, Mr. JEFFERSON, Ms. CARSON, Mr. GILCHREST, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 356: Mr. DUNCAN, Mr. ROSKAM, Mr. MEEHAN, and Mr. TIERNEY.

H. Res. 389: Ms. MCCOLLUM of Minnesota, Ms. MOORE of Wisconsin, and Mr. HONDA.

H. Res. 426: Mr. DELAHUNT, Mr. GONZALEZ, and Mr. FALEOMAVAEGA.

H. Res. 444: Mr. GONZALEZ.

H. Res. 447: Mr. SCHIFF.

H. Res. 457: Mr. FORTUÑO and Mr. TIBERI.

H. Res. 467: Mr. FRELINGHUYSEN and Mr. GERLACH.

H. Res. 490: Mr. LUCAS, Mr. MANZULLO, Mr. WATT, Mr. COBLE, Mr. YOUNG of Alaska, Mr. BARTON of Texas, Ms. BALDWIN, Mr. HAYES, Mr. GALLEGLY, Mr. GOHMERT, Mr. CARTER, Mr. NEUGEBAUER, Mr. BILBRAY, Mr. BRADY of Texas, Ms. GRANGER, Mr. THORNBERRY, Mr. BACHUS, Mr. HENSARLING, Mr. SESSIONS, Mrs. BONO, Mr. ISSA, Mr. LEWIS of California, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. WICKER, Mr. HINOJOSA, Mr. CULBERSON, Mr. ORTIZ, Mr. MARCHANT, Mr. POE, Mr. JOHNSON of Georgia, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. STUPAK, Mr. CARNEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. BURGESS, Mr. KANJORSKI, Mr. ENGLISH of Pennsylvania, Mr. MICHAUD, Mr. MOLLOHAN, Mr. BACA, Mr. SHERMAN, Ms. VELÁZQUEZ, Mr. GRIJALVA, Mr. WALDEN of Oregon, Ms. CLARKE, Mr. PERLMUTTER, and Mr. HALL of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

70. The SPEAKER presented a petition of the Board of County Commissioner of Miami-Dade County, Florida, relative to Resolution No. R-470-07 urging the Florida Legislature increase funding for Florida's voluntary pre-kindergarten education program; to the Committee on Education and Labor.

71. Also, a petition of the Legislature of Tompkins County, New York, relative to Resolution No. 55 supporting the Federal recognition and funding for the National 2-1-1 initiative; to the Committee on Energy and Commerce.

72. Also, a petition of the National Sorority of Phi Delta Kappa, Inc., relative to a petition supporting the actions taken by CBS Radio and MSNBC in terminating the services of Don Imus; to the Committee on Oversight and Government Reform.

73. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-472-07 urging the Florida Legislature to defeat legislation that would preempt local regulation of limerock mining; to the Committee on Natural Resources.

74. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 215 requesting that the Congress of the United States pass S. 431 and H.R. 719, the Keeping the Internet Devoid of Sexual Predators Act of 2207 or the Kids Act of 2007; to the Committee on the Judiciary.

75. Also, a petition of the Town of Lanesborough, Massachusetts, relative to a Resolution to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

76. Also, a petition of the City Council of Oberlin, Ohio, relative to Resolution No. R07-06 petitioning the Congress of the United States initiate impeachment proceedings of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

77. Also, a petition of the Town of Whately, Massachusetts, relative to a Resolution to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

78. Also, a petition of the Board of Supervisors of Seneca County, New York, relative

to Resolution No. 140-07 requesting continued support for an immigration reform bill; to the Committee on the Judiciary.

79. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-473-07 urging the Florida Legislature to not pass legislation related to the South Florida Regional Transportation Authority that increases the statutorily-mandated local funding requirements unless it includes a dedicated funding source; to the Committee on Transportation and Infrastructure.

80. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-471-07 urging the Florida Legislature to defeat legislation that would preempt local regulation of wetlands; to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2764

OFFERED BY: MR. LINCOLN DIAZ-BALART OF FLORIDA

AMENDMENT NO. 28: Page 2, line 22, after the dollar amount, insert "(reduced by $36,700,000)".

Page 40, line 26, after the dollar amount, insert "(increased by $36,700,000)".

H.R. 2764

OFFERED BY: MR. FLAKE

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to fund nongovernmental organizations, specifically named in the report accompanying the Act, outside of a competitive bidding process.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 30: Page 49, line 23, after the dollar amount, insert "(reduced by $13,860,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 31: Page 50, line 8, after the dollar amount, insert "(reduced by $47,700,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 32: Page 51, line 17, after the dollar amount, insert "(reduced by $1,203,480,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 33: Page 70, line 7, after the dollar amount, insert "(reduced by $27,563,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 34: Page 70, strike line 11 and all that follows through line 15.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in title V of this Act are hereby reduced in the amount of $79,642,000.

H.R. 2764

OFFERED BY: HENSARLING

AMENDMENT NO. 36: At the end of the bill (before the short title), insert the following:

None of the funds in this act may be used by the South Dakota School of Mines and Technology.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 37: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made under the heading "Funds Appropriated to the President" in title III of this Act are hereby reduced in the amount of $1,052,833,000.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following:

SEC. . Appropriations made under the heading "Funds Appropriated to the President" in title III of this Act are hereby reduced in the amount of $65,208,000.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 39: Page 5, line 26, after the dollar amount, insert "(reduced by $55,729,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 40: Page 8, line 18, after the dollar amount, insert "(reduced by $203,082,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 41: Page 9, line 23, after the dollar amount, insert "(reduced by $195,000,000)".

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 42: Page 12, strike line 13 and all that follows through line 17.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 43: Page 23, strike line 17 and all that follows through line 8 on page 26.

H.R. 2764

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 44: Page 28, strike line 7 and all that follows through line 11.

H.R. 2764

OFFERED BY: MR. ISSA

AMENDMENT NO. 45: Page 2, line 22, after the dollar amount, insert "(increased by $25,000,000)".

Page 4, line 18, insert at the end before the period the following: ": *Provided further*, That of the amount made available under this heading, $232,244,000 shall be available for the Bureau of Consular Affairs' Passport Operations".

Page 46, line 1, after the dollar amount, insert "(reduced by $25,000,000)".

H.R. 2764

OFFERED BY: MR. LAMBORN

AMENDEMNT NO. 46: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act for assistance under the West Bank and Gaza program may be made available to or through any individual, private or government entity, or educational institution that does not expressly recognize the right of the State of Israel to exist.

H.R. 2764

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 47: Page 9, line 23, after the dollar amount, insert "(reduced by $30,000,000)".

Page 52, line 13, after the dollar amount, insert "(increased by $30,000,000)".

H.R. 2764

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 48: At the end of the bill (before the short title), insert the following new section:

SEC. 699D. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2764

OFFERED BY: MR. PENCE

AMENDMENT NO. 49: At the end of the bill (before the short title), insert the following new section:

LIMITATION ON FUNDS FOR DISTRIBUTION OF ASSETS FROM LIQUIDATION OR DISSOLUTION OF ENTERPRISE FUNDS

SEC. 6xx. None of the funds appropriated or otherwise made available under titles II through V of this Act may be used to provide for the distribution of any assets from any liquidation or dissolution of an Enterprise Fund, in whole or in part, to an entity other than the United States Treasury.

H.R. 2764

OFFERED BY: MR. PENCE

AMENDMENT NO. 50: At the end of the bill (before the short title), insert the following new section:

LIMITATION ON FUNDS FOR DISTRIBUTION OF ASSETS FROM LIQUIDATION OR DISSOLUTION OF ENTERPRISE FUNDS

SEC. 6xx. None of the funds appropriated or otherwise made available under titles II through V of this Act may be used to provide for the distribution of more than 50 percent of any assets from any liquidation or dissolution of an Enterprise Fund, in whole or in part, to an entity other than the United States Treasury.

H.R. 2764

OFFERED BY: MR. POE

AMENDMENT NO. 51: At the end of the bill, before the short title, insert the following new section:

SEC. 6 . None of the funds made available in this Act may be used to provide an immigrant or non-immigrant visa to a national or citizen of a country the central government of which has notified the Secretary of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request.

H.R. 2764

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 52: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $342,430,000.

H.R. 2764

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 53: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used by the Department of State as a contribution for the United Nations Human Rights Council.

H.R. 2764

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 54: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used by the Department of State as a contribution for the United Nations Human Rights Council.

H.R. 2764

Offered By: Mrs. Musgrave

Amendment No. 55: Page 51, line 18, after the dollar amount, insert "(reduced by $175,000)".

H.R. 2764

Offered By: Mr. Porter

Amendment No. 56: Page 183, line 16, after "low-income women" insert ", including women who are victims of trafficking in persons,".

H.R. 2764

Offered By: Mr. Shays

Amendment No. 57: Page 2, line 22, after the dollar amount insert "(reduced by $1,000,000)".

Page 17, line 19, after the dollar amount insert "(increased by $1,000,000)".

H.R. 2764

Offered By: Mr. Shays

Amendment No. 58: Page 40, line 26, after the dollar amount, insert "(increased by $50,000,000) (reduced by $50,000,000)".

H.R. 2764

Offered By: Mr. Shays

Amendment No. 59: Page 2, line 22, after the dollar amount, insert "(reduced by $35,000,000)".

Page 58, line 13, after the dollar amount, insert "(increased by $35,000,000)".

H.R. 2764

Offered By: Mr. Sherman

Amendment No. 60: Page 29, line 1, after the dollar amount, insert "(increased by $65,000,000)".

Page 30, line 1, after the dollar amount, insert "(increased by $65,000,000)".

Page 70, line 14, after the dollar amount, insert "(reduced by $65,000,000)".

SENATE—*Wednesday, June 20, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, Your great Name keeps us from harm. We remember all Your gifts and praise You for Your mercies. Today, guide our Senators. Make their plans succeed as they find wisdom by following Your directions. When they don't know what to do, teach them to be still until You make Your will clear. When they feel alone and anxious, remind them that You will never abandon them no matter how difficult the challenge. Keep them from elevating the empty and hollow while neglecting the truly valuable. Help them to focus on the things that are excellent, commendable, true, honorable, right, pure, lovely, and admirable. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 20, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following any remarks that I make and the Republican leader does, if he chooses to do so, we will begin consideration of H.R. 6, the Energy bill, with 30 minutes of debate on the DeMint amendment No. 1546. A vote in relation to that amendment is expected to occur at 10:10 or 10:15 this morning. Last night cloture was filed on the Baucus-Grassley amendment, and cloture was filed to the substitute amendment and the Energy bill itself.

Last night I stated the obvious. Every step of the way for 6 months we have had to procedurally jump through every hoop the complicated Senate rules allow. That is unfortunate. We, as Democrats, have been in the minority, and we never did anything similar to this. There were times when it was necessary, because of what we did not allow, that cloture was filed. But this is untoward, what is happening now.

I hope the Republican leadership would look at this. Is it necessary, if we get cloture on the substitute, to have to go forward on a cloture vote on the bill itself? I hope not.

Germane first-degree amendments to the substitute and the bill need to be filed at the desk by 1 p.m. today. There will be votes today and into the evening.

STEM CELL RESEARCH

Mr. REID. Mr. President, yesterday, a few feet out of this Chamber, I had the opportunity to meet with three young ladies from Nevada. Megan Christensen is 14 years old; Anna Ressel, from Sparks, 13 years old; and Jordan Exber, a 14-year-old from Las Vegas.

These girls were here to present me with a little award as a result of work I have done on juvenile diabetes. I was representative of many people who have worked on the issue. But the reason I mention this is not any award that was given to me or any of the other Senators but the plight of these young ladies.

One of the girls was determined to have diabetes 3 months ago—a beautiful child, Jordan, from Las Vegas. They prepared a book for me: "2007, Children's Congress."

Among other things, one of the pictures in this is a bunch of syringes. Look at this. I can't count them. This is 1 week's picking and poking at this young lady's body that she has to go through because of diabetes.

Type 1 juvenile diabetes is a chronic disease and for the child with type 1 diabetes, the pancreas does not produce insulin, a hormone necessary to sustain life. Without insulin the sugar in the blood can't be used. It builds up in the bloodstream, even though the body is starved for energy. A person with type 1 diabetes must take one or more injections of insulin daily to stay alive.

She has written here: "I take 42 shots, at least, every week. This does not count the testing," to find out what her blood sugar levels are; 42 a week.

The reason I mention this is these young and beautiful children were here to talk about something the President is going to do today—veto stem cell research legislation. What a shame. Last year, the Republican-controlled House and Senate overwhelmingly passed a bill to open up hope for these young ladies.

To indicate this is not just something that is important for Nevada, they had there a girl from Australia. A teenager from Australia was here to indicate this is an international problem. We in America, with the genius we have here—out of the top 142 universities in the world, we have 129 of them in America. One of the best, of course, is in the State of the Presiding Officer—Johns Hopkins. Research is going on there. Stem cell research should be going on there, and it is not.

It was a happy day for all of us when the bill passed the House and the Senate. It was a day Democrats and Republicans put politics and partisanship aside to do the right thing for the American people. Yet when we sent this historic bill to the President's desk, he vetoed it. It was his first veto of his Presidency.

With the health and hope of literally millions of Americans hanging in the balance, he vetoed the bill. It was the first veto, I repeat, of his administration.

A year passed. The best scientists continued to work with one hand tied behind their backs. I indicated 129 great universities in America, the best universities in the world, are not allowed to do this. Countless millions of Americans have been diagnosed with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

dread diseases, thousands and thousands, with Parkinson's, spinal cord injuries, heart disease. A year has passed, but today we are told the President plans to veto the stem cell bill again.

These children suffer from diabetes. They were here to help get this bill passed.

When we sent the bill to the President 2 weeks ago, Speaker PELOSI and I were joined by 10-year-old Toni Bethea, who lives in the District of Columbia and suffers from diabetes, and Allison Howard, who suffers from Rett Syndrome—beautiful children, one of them extremely ill. They deserve hope, just like these girls from Las Vegas, Sparks, Reno, from Australia.

President Bush has indicated that he would not give them any hope. He is going to veto the bill, we are told. He would not listen to the more than 500 leading organizations who support this bill, the American Association of Retired Persons, AARP, the American Medical Association, the American Diabetes Association, more than 500 organizations. He would not listen to 80 Nobel laureates who have said this is essential. He would not listen to his own Director—I am talking about President Bush—his own Director of the National Institutes of Health, who supports embryonic stem cell research. He is not listening to the majority of the American people. This proposal is supported by more than 80 percent of the American public. They call for stem cell research.

This narrow ideology that has guided this administration, that has us in this intractable war in Iraq, that has us losing standing in the world community, having 47 million Americans with no health care and no plan coming from the White House to improve that—a program that is lacking in keeping our children in school. On the environment, global warming is taking place. It is being ignored by this White House. This, a hope for millions—stem cell research—indicates this narrow ideology is wrong, and it is preventing the curing of diseases, the prevention of diseases. We deserve better. We are a nation of endless compassion and unlimited ingenuity. Megan, Anna, Jordan, Toni, and Allison deserve to know we are a better country than this narrow ideology.

President Bush's veto is a setback, but we are going to continue to give hope to these children and the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Kohl (for DeMint) amendment No. 1546 (to amendment No. 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Corker amendment No. 1608 (to amendment No. 1502), to allow clean fuels to meet the renewable fuel standard.

Cardin modified amendment No. 1520 (to amendment No. 1502), to promote the energy independence of the United States.

Collins amendment No. 1615 (to amendment No. 1502), to provide for the development and coordination of a comprehensive and integrated U.S. research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change.

Baucus amendment No. 1704 (to amendment No. 1502), to amend the Internal Revenue Code of 1986 to provide for energy advancement and investment.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate on amendment No. 1546, offered by the Senator from South Carolina, Mr. DEMINT, with the time equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and Mr. DEMINT.

Who yields time? The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 5 minutes and that it count against my allocated 15 minutes on my amendment and that it appear in a separate place in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DEMINT are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 1546

Mr. DEMINT. Mr. President, I wish to take a few minutes to speak about my amendment which the Senate will be voting on a few minutes after 10 this morning. This amendment would create a 60-vote point of order against bills or amendments in the future that would raise the price of gasoline.

This amendment is very straightforward. It would require the Congressional Budget Office to score legislation to determine if it would increase the cost of gasoline. If the legislation would increase the cost of gasoline, a 60-vote point of order would lie against the bill.

This applies the same principle we use in the Congressional budget process to our energy policy. The traveling public is coping with the high price of gasoline every day. While there are many factors out of our control forcing up the price of gas, we can control what we do here in the Senate.

For all the time that has been spent over the last few weeks railing against big oil or the high cost of gasoline, little time has been spent to examine one of the leading causes of high prices of gasoline, which is the Congress. Too often the idea of a rational energy policy here in Congress is to create burdensome regulations, onerous mandates, and higher taxes, all of which directly translate into higher prices at the pump for American families. My amendment proposes to hold Congress in check by instituting a safeguard that encourages the Senate to take a "do not harm" approach when considering legislation affecting gas prices.

My amendment, again, is very straightforward and very simple. If the Senate wants to pass legislation that will make it more expensive for American families to fill up their tank, we will be required to get 60 votes instead of 51 to pass the legislation. While this amendment is relatively simple, it is also vitally important, because, while many of the Democrats in this body like to tell the American people they are working to "stick it to big oil" and lower the price of gasoline, their legislative record shows something quite different.

The current bill is a perfect example. According to a study completed this week by the Heritage Foundation, the Energy bill we are currently debating could result in significantly higher prices for gasoline to consumers. A review of the legislation, including the new amendment dealing with tax changes, revealed the bill could increase the price of regular unleaded gasoline from $3.15 per gallon, which is the May average right now, to $6.40 a gallon by 2016.

That is an increase of over 100 percent. The point of order my amendment proposes could not be used against this bill because it cannot take effect until the bill is enacted. But my amendment could be used to stop similar legislation in the future. If this

Congress is willing to consider legislation that would raise the price of gasoline by over 100 percent, as this bill may do, we need to put some commonsense safeguards in place.

I know some of my colleagues may in the future support policies that would raise the price of gasoline. That would cause the point of order I am proposing to lie against the bill. But I would encourage even those to support this amendment. If their policy goal is so important, then we can overcome the point of order and we can get 60 votes to pass their legislation.

We should adopt this commonsense proposal that ensures that at the very least the Senate is less likely to increase the cost of gasoline. After all the concerns we have heard from my Democratic colleagues about the price of gasoline, this seems the least we can do.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the DeMint amendment as described by Senator DEMINT creates a 60-vote point of order in the Senate on any legislation or part of legislation that would "result in an increase in the national average fuel price for automobiles."

By legislation, that is usually interpreted to mean a bill, a joint resolution, an amendment, a motion, or a conference report. The determination of whether any of those enumerated items would result in an increase in the national average fuel price for automobiles would be made by CBO in consultation with the Energy Information Administration.

This is another piece of "feel good" legislation that would have the probable effect of making a great deal of what we do here in the Senate subject to a 60-vote point of order. Frankly, world oil prices and domestic fuel prices are swayed by all sorts of influences and psychological factors in the market. To think the Congressional Budget Office would be able to analyze price effects of legislative proposals might play in this complex stew of what traders and producers and major refiners think will happen is not realistic. This point of order would give a tremendous amount of influence to the petroleum industry. Most anything we do up here causes them to complain we are likely to raise gasoline prices as a result.

For example, they are saying that right now about the antimanipulation and consumer protection provisions in the bill that were voted out of the Commerce Committee. If there were a 60-vote point of order their complaint could trigger, they would certainly be in constant contact with Member offices and with the Congressional Budget Office trying to boost the minimum votes necessary for these proposals to 60 votes.

Let me give you a few examples of amendments to the bill Members want to offer that might be caught up in this kind of a point of order. Senator COCHRAN has an amendment he wants to offer to increase the size of the Strategic Petroleum Reserve. Any purchase of oil for the SPR would take that oil off the market and potentially raise fuel prices. That would trigger the DeMint point of order.

Another example is the provision in the amendment that was adopted in the Senate by over 60 votes yesterday that is referred to generally as NOPEC, which essentially says U.S. courts will be open and available and have jurisdiction to consider antitrust claims against foreign governments that are getting together and trying to conspire to set oil policies. That legislation could clearly affect the price of oil and thereby the price of gasoline at the pump. We have an interest in creating reserves of products for refined gasoline. We already have a heating oil reserve. Legislation to establish new product reserves or to increase the size of the heating oil reserve would likely trigger this point of order my friend is suggesting we ought to put into our procedural law.

Our military posture in the Persian Gulf has a great deal to do with the world price of oil. We might find that amendments or other legislative proposals dealing with sensitive military or diplomatic issues in that region would have an effect on automobile fuel prices under this amendment and could thus trigger the point of order. We might see the whole Defense bill annually subjected to the DeMint point of order on the claim that what we are proposing to do in the Defense bill could increase the price of gasoline at the pump.

It is worth focusing on the fact that the point of order is triggered by "an increase" found by the Congressional Budget Office. That increase could be less than a penny a gallon and still the 60-vote point of order would be triggered as the amendment is drawn.

Another example would be any legislation that might be considered on the Senate floor related to Nigeria and our relations with Nigeria. Clearly, we are heavily dependent upon oil from Nigeria to meet our energy needs. Any instability in that relationship could affect the price of oil or the price of gasoline as a result of increases in the price of oil.

People are always complaining it is hard to get things done here in the Congress. We have too many procedural wrangles here in the Congress. There is an abundance already of procedural hurdles that any legislative proposal has to surmount in order to get passed.

We have been pleading with various Senate Members in connection with this exact bill to try to get permission to bring up different amendments, even agreeing that we would be bound by a 60-vote point of order or a 60-vote requirement to do that. So we already have procedural hurdles in place in abundance. We should not be inserting into Senate procedures a requirement that will come back to haunt both Republicans and Democrats in completely unforeseen and unforeseeable ways just in order to say we did something about high gas prices.

I strongly urge that we not agree to the DeMint amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 7½ minutes.

Mr. DEMINT. Mr. President, I very much appreciate the Senator's remarks. I think the remarks were very instructive. It is clear that many of things we do in the Senate actually do result in increased gas prices.

Most of the discussion and a lot of the initiative and motivation of the bill we are working on is to lower gas prices. The fact is, in the past, though, we have not been honest and transparent with the American people. Many times we are talking about our good intentions, things we are going to do here, and we do not expose the fact that what we are doing is going to increase the cost of gasoline. I think that is a fair part of the debate. If we want to increase our national reserves of oil, then it is fair in that debate to make it clear to the American people that if we do it, it may increase the cost of gasoline to them at home, so all of us who are considering the issue can balance it.

If some aid program to Nigeria is going to increase the cost of gasoline here at home, the American people should know that, so we cannot claim to be doing something for people without them realizing it is costing them more and more money.

I understand the objections to procedural hurdles here. Actually, that is the way the Senate was designed so that we do not do things in a knee-jerk fashion, without openness and debate, so we actually do figure out the consequences of what we do in advance of passing legislation.

We have not done that in the past. Many of our rules have created different boutique, different fuel requirements in many States, a lot of environmental concerns—a lot of things that are good actually increased the cost of gasoline a significant degree.

It is important that we include that in our debate. While we may be resistant to procedural hurdles, much of the bill we are debating creates multiple procedural hurdles to increase new gas supplies, oil, natural gas. It creates new mandates, new taxes. We create a lot of hurdles for the energy business to create more supply so we can lower the price of gasoline. This amendment exposes us for what we are and what we are doing. If we are going to propose things in the Senate related to energy, the Congressional Budget Office, as my amendment says, in consultation with the Energy Information Administration and other appropriate Government agencies, can help make a determination if what we are doing is going to raise the price of gasoline. That is a fair part of an honest debate.

To snuff this out and to come down to the Senate floor and make great claims about what we are going to do to help the American people while all the time hiding from them that we are the ones raising their gas prices—it is not big oil, it is not necessarily even OPEC, it is us. We add lots of costs to gasoline every time we pass an energy bill. This Energy bill is no exception.

While my amendment doesn't affect this bill, it does create a point of order in the future. You can call this a hurdle, but if 60 people in the Senate cannot decide that it is more important to increase the size of our national reserve, even though it might increase the cost of gasoline, if 60 of us are not for that, then perhaps we should hesitate before we increase the cost of gasoline again to the consumers.

This is one of the rare simple bills that come to the Senate. It is just a couple of pages. All it does is say that when we introduce a bill that increases the cost of gasoline for American consumers, we have to get 60 votes instead of 51 to pass it. It is a reasonable proposal. If we are willing to come here and talk every day about what we are doing to help the consumer and at the same time we want to hide from them that the things we are doing are actually increasing the cost of gasoline, then shame on us.

This amendment is simple. It is about transparency, openness, and honesty to the people. That is exactly what they deserve.

I urge all of my colleagues to vote for this amendment.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DeMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DeMINT. Mr. President, it has been brought to my attention that the majority will seek to defeat my amendment by raising another point of order against it. This demonstrates exactly how much the Democrats dislike this amendment. It proves that they have additional plans in the works to raise gasoline prices on the American people. Why else would they be fighting it so hard? I also believe this effort to deny the Senate a clean up-or-down vote on this amendment shows that some in this body are more interested in defending the jurisdiction and rights of a Senate committee than they are in defending American consumers. If the other side raises a point of order against my amendment, I encourage my colleagues to ask themselves which is more important: protecting Americans from high gas prices or protecting the jurisdiction of the Budget Committee?

I urge my colleagues to vote to waive the Budget Act. If the other side tries to kill my amendment and stick it to the American people at the pump, I encourage Members to vote against such an effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DeMINT. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, part of our debate has involved the question of whether we have too many procedural hurdles already impeding the work of the Senate and keeping us from conducting up-or-down votes on things. I strongly believe we do have too many procedural hurdles. Obviously, the purpose of the DeMint amendment would be to put more procedural hurdles in place so that a 60-vote point of order would be required in many circumstances in the future where it is not required today for the Senate to act.

I am informed that one of the procedural hurdles already in law is under the Budget Act and that the pending amendment deals with matter within the Budget Committee's jurisdiction in that the DeMint amendment would direct CBO to take a variety of actions. That is exclusively within the jurisdiction of the Budget Committee.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

I yield back the remainder of my time.

Mr. DeMINT. Mr. President, I move to waive the budget point of order.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1546.

Mr. BINGAMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 55, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—37

Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Sununu
Thune
Vitter

NAYS—55

Akaka
Alexander
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Bayh
Biden
Brownback
Coburn
Johnson
McCain
Obama

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand the Senator from New Hampshire has an amendment he wishes to offer at this time. He has agreed to a time limit wherein we would have 40 minutes equally divided, half to be controlled by Senator GREGG, the other half to be controlled by Senator GRASSLEY, or their designees. It would be 40 minutes prior to any vote in relation to the amendment.

Mr. GREGG. Mr. President, reserving the right to object, for clarification, we are going to have 40 minutes of debate and then at some point we will have the vote, right?

Mr. BINGAMAN. We will have 40 minutes of debate and then at some point we will have a vote. We may not have it immediately at the end of that 40 minutes.

Mr. GREGG. But we will have 40 minutes of debate now equally divided between myself and Senator GRASSLEY, and then when we get to a vote on it, we will have 2 minutes equally divided.

Mr. BINGAMAN. I am suggesting we go ahead and vote at the end of 40 minutes. So we will have 40 minutes of debate equally divided and then we will have a vote.

Mr. GREGG. If that is agreeable with the managers, that is fine with me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1718 TO AMENDMENT NO. 1704

Mr. GREGG. Mr. President, I send an amendment to the desk.

Is there an amendment pending? This is a second-degree amendment to the Baucus amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1718 to amendment No. 1704.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision extending the additional duty on ethanol and for other purposes)

Strike section 831 and insert the following:

SEC. 831. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting "Free"; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting "Free".

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	".

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting "(not provided for in subheading 2207.20.20)" after "strength".

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Mr. GREGG. Mr. President, this amendment is an attempt to remedy what is an unfortunate situation, which is that people who cannot buy ethanol from the Midwest and have to buy it from other sources, especially outside the United States, end up being taxed at 54 cents a gallon.

So people from the east coast and, to some degree, from the west coast are paying an excessive amount to use product which significantly improves the environment and which also obviously reduces our dependence on oil.

The argument at the time this tariff was originally initiated was we needed to protect the ethanol production capability of the Midwest, the corn producers. That may have had some resonance a few years ago, but it certainly does not have any resonance any longer. It does not have any credibility any longer.

Today, there are about 7.5 billion gallons of ethanol produced in this country. Under this bill it is required that go up to 36 billion gallons. Most of that will come from the production of corn, most likely in the Midwest. So there is already a huge demand for corn, and corn prices are high. In fact, they are so high as a result of the use of corn for ethanol that many people who use corn as feedstock are complaining vociferously. So there is no need to protect production in the Midwest with a tariff that impacts people on the east coast disproportionately.

The second reason there is no need for this tax is that people from the east coast cannot get ethanol from the Midwest because it cannot be shipped efficiently. That is because ethanol cannot be shipped through pipelines because of its volatility. Therefore, our only option on the east coast is to buy ethanol that comes from outside the country, the Caribbean Basin and Brazil. Therefore, it makes no sense to penalize the east coast to try to encourage production in the center of the country for corn and ethanol when the corn is already being significantly subsidized to the tune of $3 billion annually just through agricultural subsidies. But, in addition, its production is being encouraged by the requirement that we produce so much ethanol in this country that corn is essentially the feedstock for it, and that we therefore are having a dramatic expansion in the production of corn and the utilization of corn.

This is not as if in any way this is going to affect that production capability. What it does do, however, is put us in the right place environmentally, and in the right place from a standpoint of utilization of energy sources because we should be using ethanol, obviously, and on the east coast we want to use ethanol. We just want to pay a fair price for it.

When we have this 54-cent-a-gallon tax on the consumers in the Northeast and the East, it is not a fair price. If we take this tax off, we will actually expand ethanol consumption in the East, and so, hopefully, at some point they will figure out a way to ship ethanol through pipelines and that will create a greater demand for ethanol generally in this Nation since so many people live on the east coast. And that will, again, help the production in the Midwest once we figure out how to ship it efficiently to the East because the demand will have been created.

Secondly, we have a choice. We can either heat with oil and we can run our cars on oil and gas or we can run in part on ethanol. The simple fact is, however, I would rather buy ethanol from Brazil than oil from Venezuela. It makes a lot more sense geopolitically as to how we protect ourselves. It is a cleaner burning energy, it is a better form of energy, and it is an energy which should be burned and is an energy that I think is a national policy we would rather buy than underwriting the present Venezuelan Government by having to buy oil there.

So the concept of having this tariff, which is essentially a 54-cent-a-gallon tax on everybody who lives on the east coast, is no longer viable. It is not viable because corn production is up dramatically, the price of corn is up dramatically, and it will continue to go up especially under this bill since we are going to require a dramatic increase in the number of gallons which are ethanol based.

So the ethanol industry, to the extent it is corn based, is going to continue to grow and be viable, and they do not need this tariff production, which is its only purpose. It is not viable because it is not an efficient way for us to purchase energy, to have us pay this much extra money in tariffs so we basically undermine the use of ethanol on the east coast. It is not a good policy because it encourages the use of Venezuelan or other types of oil imports over ethanol because of the pricing situation. And it is not a good idea because it is simply bad policy to have in place this type of tariff.

This is not the mercantile period of the 19th century when we basically arbitrarily threw tariffs on products in order to create an inefficient marketplace, which was something we thought was going to help some producer here or there. It makes much more sense to have a situation where consumers can purchase ethanol-based products at reasonable prices so we can get more utilization of ethanol.

This amendment would eliminate the 54-cent-a-gallon tax which is targeted on a majority, quite honestly, of the American population and which the majority of Americans should not have to pay.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I hope Senator THUNE is here. I was going to yield time to him first.

I yield myself a couple minutes while we are waiting for Senator THUNE.

Mr. President, first of all, to change direction from where Senator GREGG was, today corn is $3.50 in central Iowa, and it is down 25 cents from yesterday because it rained in Illinois in the last 48 hours. So weather is affecting the price of grain quite a bit. If city slickers are worried about the price of corn flakes going up, just remember that a farmer only gets a nickel out of every box of corn flakes that is half filled with air anyway. There are events that are affecting the price of corn a lot different from just ethanol. But the impression one gets around here when reading the papers is that there is so much corn going into ethanol that it is driving up the price of food for city people around this country.

The other issue is that the Senator from New Hampshire said corn is being subsidized $3 billion. When corn is above roughly $2 in the Midwest, there is no loan deficiency payment being paid out for that corn. So at the price corn is today, there is no subsidy for corn.

Another issue we ought to think about is, whether we are importing ethanol or importing oil—don't forget, a few years ago, we started a program of tax incentives for ethanol and other renewables so we would be energy independent. Do we want to be dependent on imported ethanol as we are dependent on imported oil?

What is involved is an infant industry that is just now being able to come to a peak with great advancement in the future but still infant from the standpoint that the next step in ethanol production is cellulosic ethanol, to get ethanol not from grain corn but from wood chips, from switchgrass, or from corn stover. It will be 3 to 5 years before the scientific process of enzymes is efficient enough for that production to come about.

Even though we are now having a massive production of ethanol from grain corn, we cannot sustain this beyond 15 billion gallons of ethanol coming from grain corn or corn getting above that figure. And the underlying bill from the Senate Energy Committee recognizes that point because they have a 15-billion-gallon limit of grain corn producing ethanol. Beyond that, it is going to have to come from wood chips, switchgrass, corn stover—anything that has cellulose in it from which they can make ethanol.

Just because all of a sudden we have a burgeoning production of ethanol from grain corn doesn't mean this industry is mature to a point where we are going to be as energy efficient as we should be, as energy independent as we should be, and that is why it is still necessary to keep the tax incentives. That is why it is still necessary to have this import duty.

I am going to continue to yield time to myself until Senator THUNE arrives. I wish to make a statement in opposition to the amendment offered by the distinguished Senator from New Hampshire.

With today's gas prices, many in Congress are looking for solutions and for someone to blame. Unfortunately, some have chosen to pinpoint ethanol as the culprit. Because of new demand for ethanol, some of my colleagues have begun to argue that there is a shortage and that it is responsible for the rising cost of gasoline. They look to increased imports of ethanol and the lifting of the import tariff as a solution, and that is the substance of the amendment that is before us. But increased imports would have little impact on the price of gasoline. Let me emphasize because that is the basis of the amendment and I am saying the amendment is not going to accomplish its goal. Increased imports will not reduce the price of gasoline. This is the case because ethanol is such a tiny fraction of the cost of gasoline. In fact, in Iowa, you can buy a gallon of ethanol gasoline mixture—90 percent gasoline, 10 percent ethanol—for 8 to 10 cents under what the price of 100 percent of ethanol costs.

In regard to not changing the price of gasoline, I quote Guy Caruso, Administrator of the Energy Information Administration of the Department of Energy, last year saying that the 10-percent blend of ethanol is affecting price by "just a few pennies." Ethanol's role in gasoline prices is a tiny fraction of the overall increase.

In addition, it is important to point out that the United States already provides significant opportunities for countries to ship ethanol into our market duty free. Numerous countries do not pay the U.S. ethanol tariff at all. Through our free-trade agreements and trade preference programs, some 73 countries currently have duty-free access to U.S. markets for ethanol fully produced in those countries. For all other countries, including Brazil, the world's major exporter of ethanol, the United States provides duty-free access through a carve-out in the Caribbean Basin Initiative.

Get it right: Brazilian ethanol exporters don't have to pay the U.S. tariff today. Under this CBI, ethanol produced in Brazil and other countries that is merely dehydrated in a Caribbean country can enter the United States duty free up to 7 percent of the U.S. ethanol market, a very generous access, and it has been on the books for 20 years. Yet Brazil and other countries have never come close to hitting this 7-percent cap of ethanol that can come into our country duty free already. In fact, we are almost halfway through 2007, and this duty-free cap has been filled only 23 percent for this year.

Moreover, this cap grows every year because this 7 percent is 7 percent of a higher figure because of higher production of domestic ethanol every year. And it isn't that the Caribbean countries don't have the capacity to dehydrate more ethanol. They do have that capacity.

So we are already providing duty-free access for Brazilian ethanol that is shipped through the Caribbean countries. Much of this duty-free ethanol is being exported to the East Coast, the part of the country that Senator GREGG contends would benefit from the complete lifting of the U.S. tariff on ethanol.

The fact of the matter is that Brazil isn't taking full advantage of duty-free treatment currently available to them. I don't know why we should bend over backward to provide more duty-free access for Brazil. In fact, I would offer to the authors of this amendment that when this 7 percent loophole gets filled and that much ethanol has come into the country, I would be glad to sit down and see if there is a need to lift the cap totally.

I especially don't know why we should do this, given Brazil's stance in the Doha Round negotiations of the World Trade Organization. Brazil is the leader of the G20 negotiating group in the WTO negotiations, a group that is resisting our efforts to obtain improved market access for U.S. products, both manufactured and agricultural, throughout the entire world.

In addition, the Brazilian Government intervenes extensively in the price and supply of ethanol in that country. But the U.S. tariff on ethanol operates as an offset to a U.S. excise tax credit that applies to both domestically produced as well as imported ethanol. So by lifting the tariff, we would, in effect, be giving the benefits of this tax credit to subsidize the Brazilian production of ethanol.

Providing yet more duty-free treatment for subsidized Brazilian ethanol would send the wrong signal to those Americans who are devoting their careers to helping America become more energy independent. The U.S. ethanol industry is working every day to lessen our dependence upon foreign oil. This is a virtue that President Bush has touted again and again. Last year, the President restated his goal to replace oil around the world by expanding the production of ethanol.

The President stated:

> The Federal Government has got a role to play to encourage new industries that will help this Nation diversify away from oil. And so we are strongly committed to corn-based ethanol produced in America.

And today the President would add to that we are committed to doing more in cellulosic production of ethanol as well.

The President clearly understands the need to assist our infant domestic ethanol industry so we can get a foothold and we can succeed. Why would the United States now want to send a signal that we are backing away from our efforts to seek energy independence? We are already dependent upon foreign oil. Surely we don't want our country to go down the path of eventually becoming dependent upon foreign ethanol as well.

Providing yet more duty-free treatment would be a step in the wrong direction, discouraging the advancement of investment in biorefineries for ethanol and biodiesel. It would be bad for energy independence and, obviously, bad for our national security. So I hope my colleagues will oppose the Gregg amendment.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. DOMENICI. Does the Senator have a minute left for the Senator from New Mexico?

Mr. GRASSLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. GRASSLEY. Mr. President, I yield 1 minute to the Senator from New Mexico and then 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to congratulate the Senator on his remarks and say I concur with them. I would say this is the wrong time, while we are trying to enhance the investment in cellulosic ethanol and everything that goes with that, to come along with this idea. This would weaken the investment potential and the credibility of investment right when it is ripening and really generating interest.

This requires billions of dollars to be invested in cellulosic ethanol as we move to the next generation, and to have weakening that comes from this issue as to what is going to happen with this export-import issue is the wrong thing. I encourage colleagues to follow the lead of Senator BINGAMAN and Senator GRASSLEY.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to Senator THUNE.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to join my colleague from Iowa in opposing this amendment. In 2006, America's ethanol industry contributed over $41 billion to the national economy. Operation and construction of domestic biorefineries created 163,034 jobs in all sectors of the economy last year alone.

The bill before the Senate builds upon this success by boosting the renewable fuel standard to 36 billion gallons by the year 2022 and establishing other valuable incentives for renewable energy production. The amendment proposed by Senator GREGG, our colleague from New Hampshire, would send mixed signals to our ethanol producers, their investors, and the farmers who sell their products to ethanol plants.

In effect, what Congress would be doing is telling the ethanol industry: We are demanding more of your product, but at the same time we are going to open the back door and begin subsidizing foreign sources of ethanol. If this amendment is adopted, our marketplace would be flooded with heavily subsidized ethanol from foreign countries.

In 2006, Brazil exported 433 million gallons into the United States, which is an increase of 400 million gallons over the year 2005. That same year, Brazil paid over $220 million in duties to import this amount of ethanol. They were already importing ethanol into this country through the Caribbean Basin Initiative. They have not reached that cap, but I think it is fair to expect they are going to continue to flood the U.S. market every opportunity they get with ethanol that is produced in Brazil.

The tax credit that currently is in place for domestic ethanol is critical to the success of our industry, and it does not discriminate between domestic or foreign sources of ethanol. So what happens is, as soon as the Brazilian ethanol is blended with gasoline in the United States, taxpayers begin paying 51 cents for each gallon of foreign ethanol. If Senator GREGG's amendment is accepted, American taxpayers will immediately begin subsidizing hundreds of millions of gallons of foreign-made ethanol each year with no offsetting duty. Simply put, by eliminating this tariff, we would trade our dependence upon foreign sources of oil for a new and growing dependence upon foreign ethanol.

I would add the critics of this tariff have argued that it inflates the cost of gasoline in this country. In fact, gasoline prices, as my colleague from Iowa has noted, would not be affected by removing the tariff on imported ethanol. Ethanol itself represents less than 5 percent of U.S. motor fuel supplies, and imported ethanol represents a small fraction of that percentage.

The factors truly driving the price of gasoline higher have nothing to do with ethanol supplies. Record crude oil prices, tight refining capacity, lower gasoline production, and limited expansion of domestic refining expansion all play a much greater role than the supply of ethanol in today's higher gasoline prices.

Critics of the tariff also claim we will need ethanol imports to meet the growing demand for ethanol and to comply with the strengthened renewable fuel standard. Again, the facts tell a very different story. Our Nation's current domestic production capacity is 6.2 billion gallons of ethanol. According to industry experts, an additional 6.4 billion gallons of capacity are currently under construction and will soon be refining ethanol. That is a total of 12.8 billion gallons in current planned production, which is more than enough—more than enough—to meet the heightened renewable fuel standards in the near term.

Additionally, we have to keep in mind the limitations placed on ethanol demand due to blend restrictions. Right now, only E10, 10 percent ethanol and 90 percent gasoline, is approved for use in nonflex-fuel vehicles. There is a point at which we are going to hit the E10 wall. Domestic production, as you can see if you look at this chart of ethanol production in this country, is more than adequate to meet the full market potential for E10. Some industry analysts predict we will very soon have excess ethanol production capacity when we hit the E10 wall.

That is why it is so important we expand ethanol and allow for higher blends—E15, E20—which in my view is something long overdue. The E10 wall is the point at which the market for E10 ethanol is saturated if ethanol production continues to grow at a record pace. While some in the industry disagree on when we will hit the E10 wall, it is clear it would have a harmful effect on the overall ethanol industry if Congress fails to act. Lifting the tariff on ethanol imports would only flood the marketplace with foreign ethanol, further magnifying the impact of the E10 wall.

Clearly, there are several reasons why my colleagues in the Senate should oppose this amendment, which undermines our national energy policy of greater energy independence. So I ask my colleagues to oppose the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, the Baucus amendment from the Finance Committee would extend the tariff on imported ethanol for 2 more years. The Gregg amendment properly repeals the tariff.

Now, why do I say properly? Because the ethanol tariff acts as a tax on U.S. consumers at the gasoline pump. It increases the cost of gasoline because the cost of ethanol is increased due to the tariff. If Americans want anything out of this Energy bill, it is a reduction in gasoline prices.

In fact, in a recent Associated Press poll, 60 percent of the respondents said that gas prices—which, by the way, are currently around $3 a gallon—are causing them hardships. Now, it is one thing to maybe have to pull back a little on your family vacation this summer, but an awful lot of people have to drive to get to work and have to drive as part of work. Clearly, when over half of Americans are caused hardships by the current high level of gasoline prices, Congress has the responsibility to do something about that.

We should act. One of the few ways in which we can directly impact the price of gasoline at the pump is to eliminate the tariff of 54 cents per gallon on ethanol that is brought into the United States. Nothing else in this bill will directly bring down gasoline prices. In fact, there are several provisions that will actually have the effect of increasing gasoline prices. Promoting a competitive market for ethanol will help bring down gasoline prices because it increases the supply that is available and provides, therefore, access to lower cost ethanol.

The bottom line is this: When there is a supply of potential fuel out there and our companies are trying to find that supply so they can bring it into the United States to meet the demand of consumers, but they have to pay 54 cents a gallon on part of that supply, they are either going to buy the supply at 54 cents a gallon and pass the cost on to the consumer or they are not going to be able to do that, thereby reducing the supply of gasoline available. What happens when you have more demand and less supply? The cost goes up anyway. Either way, having this tariff in place causes an escalating cost of the price of gasoline because it reduces available supply to the American consumer.

We have a mandate now to use ethanol. That is required. That mandate means the companies that provide the gasoline to consumers have no choice but to acquire ethanol. If much of that ethanol is abroad, and we are charging 54 cents a gallon for it, obviously, you can see it is going to increase the cost of gasoline for the American consumer. Americans are a competitive people who know how the free market works.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I yield 1 more minute to the Senator from Arizona.

Mr. KYL. I need an additional 30 seconds, Mr. President.

One way we know the free market can work better is if we don't have artificial prices on a product which the American consumer needs in order to work. That means we can reduce the cost of gasoline by eliminating this costly ethanol tariff.

Mr. GREGG. Mr. President, could the Chair advise us as to the time situation?

The PRESIDING OFFICER. Ten minutes.

Mr. GREGG. Senator GRASSLEY has how much time?

The PRESIDING OFFICER. One minute.

Mr. GREGG. Mr. President, I ask unanimous consent to add as cosponsors Senators FEINSTEIN, SUNUNU, KYL, and ENSIGN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I think there is some inconsistency coming from the argument of the other side on this issue. There is the argument, well, reducing the 54-cent-a-gallon tax would not reduce the price of gasoline. That is very hard to sustain on its face; it is counterintuitive, for obvious reasons. If you cut the cost of gasoline 54 cents a gallon, or if you cut the cost of ethanol 54 cents a gallon, obviously, the price of gasoline is going to go down.

It is equally hard to defend that position when, within two sentences of that argument, you make the argument that the country is going to be flooded with low-cost ethanol.

You can't have it both ways. As a practical matter, yes, this will reduce the price of gasoline. But that is because the ethanol blend will be more affordable in pricing gasoline, and that should be our goal, obviously, for the American consumer—to produce a more environmentally positive form of energy at a lower price.

The second major argument made here is, we can't do this because it will assist the foreign producers over domestic producers, which is totally inconsistent with the bill itself. The bill requires that 36 billion gallons of ethanol be produced by 2022. There is no way that does not mean our domestic production is going to expand dramatically to meet that obligation, so the bill already has in it the built-in obligation and requirements to expand domestic production, coupled with the fact there is a $3 billion subsidy already paid independent of the ethanol benefit, which is accruing to the corn-producing segment of our economy. A $3 billion subsidy for corn producers is paid directly, coupled with the fact that Midwestern-produced ethanol cannot be shipped to the east coast, so it is not a competition. We have to buy the ethanol off-coast because that is the only way we can get the ethanol efficiently and safely because ethanol cannot be shipped through pipelines.

As a practical matter, this tariff is a holdover from a day when, yes, there may have been a fledgling industry in the ethanol community. Maybe there was some viability to it 5 years ago. But that is no longer the case. We have seen a significant increase in corn prices as a result of the expansion of ethanol use. We are going to continue to see a significant increase in corn production, in corn prices, because of continued ethanol use. The simple fact is, as other types of ethanol sources are brought on line, they are going to be brought on line at a competitive price. In fact, they may even be more competitive than corn. And that competitive price, and hopefully a way to ship it, will then be taken advantage of in the East and obviously be a benefit to the entire community of ethanol producers.

The arguments being put forth are classic protectionist arguments, but they have no feet underneath them. They have no basis underneath them. Protectionism, to begin with, is a lousy idea, but it is especially a lousy idea when it is basically not accomplishing its goal.

On the face of it, we know it is not accomplishing its goal. Again, the argument of the Senator from Iowa made this point for us when he said the 7 percent was being allowed in the country, and he had no problem with that. If he has no problem with 7 percent, then why not more, as a practical matter? As a practical matter, we are not competing with the Midwest, we are just trying to get a reasonable price for ethanol in the East.

This tax—and that is what it is—on American consumers, on a product that we should be using, is totally inappropriate and cannot be justified on the basis of protecting a domestic industry, specifically corn production, in light of the economics of corn production in today's market—which is doing extraordinarily well. It is seeing a massive expansion. Its prices are at their highest level in recent memory. They are going to continue to expand because this bill requires that expansion with the requirement that we use 36 billion gallons of ethanol by 2022, which is almost a quadrupling of the amount of ethanol required today.

I hope Members of the Senate would join me in voting to eliminate this unfair tax, this inappropriate tax. Down the road there is going to be an amendment to eliminate the blenders credit which would offset any of the revenues this would incur.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the 1 minute I have left.

First of all, there is no $3 billion to corn farmers, when corn is $4 a bushel or $3.50 a bushel.

Second, as to the point made by Senator KYL, as well as Senator GREGG, that consumers want lower prices and somehow ethanol is driving up that price, let me tell you that ethanol today, this very day, if you check the market, is cheaper in the Northeast and the east coast than gasoline is. The spot market price for ethanol is $2.10 compared to the spot price for gasoline at $2.21 at the New York Harbor. There is no shortage of ethanol. There are no gasoline marketers unable to get ethanol supplies in the Northeast or the east coast. Ethanol is blended today in the RFT area, along the east coast, including Boston, New York, Philadelphia, Baltimore, and Washington. There is imported ethanol shipped into New York and Baltimore Harbor today.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from seven agricultural groups, including the American Farm Bureau Federation and the National Farmers Union, in opposition to the Gregg amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: Senator Judd Gregg (R–NH) is proposing an amendment to the energy bill that would eliminate the current tariff on imported ethanol. Such a change is not only unfair, but also inconsistent with efforts by the Administration and Congress to promote the growth of domestically produced renewable fuels.

Current U.S. policy provides refiners and gasoline marketers a 51¢ per gallon tax credit for every gallon of ethanol blended into gasoline. This tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.

Clearly, companies in countries—like Brazil—that subsidize their own ethanol industry should not have an unfair advantage over U.S. companies. The tax credit offset results in a level playing field and allows a system of fair trade to operate.

The tax credit offset on imported ethanol is not a barrier to entry. In 2006, for example, the U.S. imported of 650 million gallons of which more than 430 million gallons came from Brazil. Clearly, Brazilian imports compete quite effectively when needed.

Simply put, the credit offset merely asks Brazilian and other foreign ethanol producers to pay back the tax incentive for which their product is eligible. Congress correctly put this offset in place to prevent foreign ethanol industries access to American taxpayer dollars while not preventing access to the U.S. market.

At a time when America's domestic ethanol industry is seeking to expand, to invest in new technologies, and to attract investment in cellulosic ethanol production capacity, it makes little sense to undercut those efforts by eliminating the tax credit offset on ethanol. We strongly urge a "NO" vote on the Gregg amendment to subsidize foreign produced ethanol.

Sincerely,
American Coalition for Ethanol.
American Farm Bureau Federation.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Farmers Union.
National Sorghum Producers.
Renewable Fuels Association.

Mr. GREGG. Mr. President, before we go to the vote, I want to clarify two things. First, there was an implication that the administration might not support this amendment. In fact, the administration supports the repeal of this tariff, and they openly supported it. They were on record as supporting it when they were negotiating with Brazil. They do support the repeal of this tariff.

Mr. GRASSLEY. Will you yield on this point, please, not to make a statement?

Mr. GREGG. Yes, to ask a question.

Mr. GRASSLEY. Mr. President, I do ask this question: Does the Senator from New Hampshire know that the President of the United States, when he was in Brazil, was quoted in the paper as telling President Lulu that the ethanol export—the import credit would not be repealed while he is President of the United States?

Mr. GREGG. Reclaiming my time——

Mr. GRASSLEY. I asked you a question.

Mr. GREGG. I am happy to say that I did not understand the question. If I did understand the question, I believe it was that the President said he would not repeal the ethanol credit during his time in office, which I don't happen to think is the administration's position, which was that they publicly do not support this tariff. They do not support this excessive tariff; they do not support this tax. This administration has a strong record on opposition to taxes and tariffs, and they have been publicly in opposition to this for a while.

I also ask unanimous consent to add KAY BAILEY HUTCHISON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to have a statement from the Taxpayers for Common Sense in support of the amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAXPAYERS FOR COMMON SENSE ACTION,
Washington, DC, June 19, 2007.

DEAR SENATOR: Taxpayers for Common Sense Action urges you to support Senator Judd Gregg's (R–NH) second degree amendment to the Senate Finance Committee's amendment on H.R. 6. This amendment would eliminate the 54 cent per gallon tariff on imported ethanol, and it is an important first step in righting our flawed ethanol policies.

The combination of ethanol tariffs and a domestic tax credit for blenders of ethanol wildly distorts the marketplace, artificially propping up a narrow sector of the farm economy and stiffing consumers in the process.

The Gregg amendment opens U.S. markets to additional sources of ethanol that would lower domestic prices. Two Iowa State University economists estimate that removing the existing ethanol duties would reduce the domestic price of ethanol by 13.6 percent. Taken one step further, if the blender's tax credit were also repealed, the domestic price of ethanol would drop by a total of 18.4 percent, according to their estimations.

Taxpayers for Common Sense Action urges you to vote for Senator Gregg's amendment to the Senate Finance Committee amendment that is expected to be attached to H.R. 6.

Sincerely,
RYAN ALEXANDER,
President.

Mr. GREGG. I yield the remainder of my time and suggest we go to the vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. GREGG. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution, for consideration of H.R. 6.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Rhode Island (Mr. WHITEHOUSE), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. WHITEHOUSE) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—36

Alexander
Allard
Bennett
Boxer
Bunning
Burr
Cantwell
Collins
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Feinstein
Graham
Gregg
Hutchison
Inhofe
Kennedy
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Martinez
Menendez
Nelson (FL)
Reed
Schumer
Shelby
Snowe
Sununu
Warner
Webb

NAYS—56

Akaka
Baucus
Bayh
Bingaman
Bond
Brown
Byrd
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Conrad
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Grassley
Hagel
Harkin
Hatch
Inouye
Isakson
Kerry
Klobuchar
Kohl
Landrieu
Levin
Lincoln
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Smith
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Wyden

NOT VOTING—7

Biden
Brownback
Coburn
Johnson
McCain
Obama
Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from New Mexico.

AMENDMENTS NOS. 1528, 1529, 1533, AND 1551, AS MODIFIED, EN BLOC

Mr. BINGAMAN. Mr. President, Senator DOMENICI and I have been working to get some amendments cleared. There are four that are now cleared.

I ask unanimous consent that it be in order to consider en bloc the following amendments, that they be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc: Bingaman-Domenici No. 1528; Bingaman-Domenici No. 1529; Menendez No. 1533; and Cantwell No. 1551, as modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1528

(Purpose: To improve the section relating to energy storage competitiveness)

On page 126, line 12, strike "and".

On page 126, line 13, strike the period and insert "; and".

On page 126, between lines 13 and 14, insert the following:

(vi) thermal behavior and life degradation mechanisms.

On page 126, strike lines 14 through 21, and insert the following:

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

On page 127, line 5, insert "and battery systems" after "batteries".

On page 127, line 7, strike "and".

On page 127, line 9, strike the period and insert "; and".

On page 127, between lines 9 and 10, insert the following:

(G) thermal management systems.

On page 127, line 12, insert "not more than" before "4".

On page 127, lines 21 and 22, strike "and the Under Secretary of Energy".

Beginning on page 128, strike line 22, and all that follows through page 129, line 2 and insert the following:

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

On page 129, line 3, strike "(7)" and insert "(9)".

On page 129, line 4, strike "5 years" and insert "3 years".

On page 129, line 8, strike "in making" and all that follows through the end of the paragraph and insert "in carrying out this section.".

On page 129, line 12, strike "(8)" and insert "(10)".

AMENDMENT NO. 1529

(Purpose: To require the Administrator of General Services to submit an annual report to the Energy Information Agency)

On page 73, between lines 4 and 5, insert the following:

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

On page 73, line 5, strike "(h)" and insert "(i)".

On page 73, line 16, strike "(i)" and insert "(j)".

AMENDMENT NO. 1533

(Purpose: To make the Commonwealth of Puerto Rico eligible for the Federal weatherization program)

At the end of subtitle F of title II, insert the following:

SEC. 2 . DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

"(8) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.".

AMENDMENT NO. 1551, AS MODIFIED

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL STANDBY POWER STANDARD.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term "Agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term "Agency" includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term "eligible product" means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

Mr. MENENDEZ. Mr. President, I rise in support of including Puerto Rico in the Federal Weatherization Assistance Program. I want to thank Chairman JEFF BINGAMAN and Ranking Member PETE DOMENICI for accepting this amendment as part of the CLEAN Energy Act of 2007. This is simply a matter of fairness and of equity.

Puerto Rico is currently ineligible for Weatherization Assistance, and only receives a small set aside from the LIHEAP program. To include Puerto Rico in the weatherization program would cost less than 1 percent of the program's funds but would make a huge impact.

Though Puerto Rico is blessed with warm weather, the Weatherization Assistance Program is desperately needed there. Because it is an island that must import the fuels it needs, energy costs are extraordinarily high. The average cost of electricity in the U.S. is under 10 cents a kilowatt-hour, but in Puerto Rico, electricity costs almost twice that at 18 cents per kilowatt-hour.

And these high energy costs have a devastating impact on the Commonwealth's low-income population. Approximately 45 percent of the population is under the U.S. poverty line.

Many homes rely on old, inefficient air conditioners to cool their homes and much of the low-income housing has not been built or maintained with energy efficiency in mind.

Puerto Rico already has an active program to educate people about the importance of energy efficiency and to increase the energy efficiency of government buildings. But the weatherization program would help Puerto Rico offer weatherization assistance to low-income households and incentives for energy efficient appliance purchases, solar water heaters, lighting replacement, and other energy-saving measures.

The CLEAN Energy Act of 2007 expands authorization for the Weatherization Program from $700 million per year to $750 million per year. This vital program helps thousands of low-income families keep their energy costs down and also helps the environment by making energy consumption more efficient. It is time we help the low-income families of Puerto Rico gain access to this vital program.

I again thank Chairman JEFF BINGAMAN and Ranking Member PETE DOMENICI for their leadership in accepting this critical amendment.

Mr. BINGAMAN. Mr. President, I believe the order now is for the Senator from New York who wishes to offer an amendment. I yield to my colleague to see if he is in agreement with that course of action.

Mr. DOMENICI. I am. I say to Senator SCHUMER, we had no objection to your amendment. It took an extra amount of time because of matching up one versus one side and the other. It was nothing fundamental. It was just that.

Mr. SCHUMER. Mr. President, if my colleague will yield, I thank him for that. If we can accept the amendment, I don't have to debate it. Are we able to do that or are we still able to match up?

Mr. BINGAMAN. Mr. President, I think the better course is for the Senator from New York to go ahead and explain the amendment, offer the amendment. Then during the course of his debate, we will see how persuaded we are and whether a voice vote is adequate or whether a rollcall vote is required.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank both my colleagues from New Mexico. They put a big burden on me to make a good explanation. I will do my best.

I ask unanimous consent that the pending amendment be set aside so I may call up my amendment which would then be set aside when I am through.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have to object to your bringing up the amendment.

Mr. SCHUMER. Then I withdraw the request, and I will speak about the amendment without bringing it up.

The amendment we are speaking about here would raise the level of building standards so that our buildings across America would be more green. There has been tremendous focus on automobiles—of course, there should be—in raising their mileage standards. But what is forgotten is that a huge percentage of energy consumption and greenhouse gases come from buildings and, more importantly, the heating and cooling of our structures, both residential and commercial. The bottom line is, if everybody in America were to adopt green building standards, we could greatly reduce—and these are prospective, not retrospective—the amount of greenhouse gases and energy consumption.

For instance, according to the Alliance to Save Energy, the amendment I wish to offer could save our country 5 percent of its total energy use, save consumers $50 billion a year, and—listen to this, this is an amazing statistic—reduce greenhouse gas emissions by an amount equivalent to taking 70 million cars off the road.

You say: Can this work? Yes, because a good number of States have started doing this already. California has taken the lead. California increased its energy efficiency in buildings in the late 1970s, and now they, in terms of greenhouse gases, are at the level of some European countries, even though California is a car culture. There are lists of States that have already moved forward in this regard. They are California, Colorado, Connecticut, Hawaii, Minnesota, Nevada, Pennsylvania, Texas, Vermont, Virginia, and Washington, and other States are on the road to doing so. The bottom line is, by making our buildings more efficient, we can reduce gases.

Let me tell you what the amendment does. The organizations that draft commercial and residential building codes will be required to meet specific energy use targets. We don't tell them how. Obviously, it is different in Minnesota than it would be in Florida or Arizona. They will be required to meet specific energy use targets. They must be more efficient by 30 percent than the 2006 codes by 2015 and 50 percent more efficient by 2022. Because this affects new buildings, obviously people are given a timeline. You can't start this next year. But, again, California did this in the 1970s, and they are reaping the benefits now.

Since energy independence and since global warming are long-term issues—we all know we are not going to solve them in a year—acting now is important. We give the States time to change their building codes in the way they wish, and we would greatly reduce the amount of greenhouse gases.

My mayor is in the news today but for other matters. The mayor of New York City, for instance, has proposed that the city do this on its own. We give credit to specific cities that would do this as well. They would have the same benefits and responsibilities under the bill as States would, when States did it. If your State didn't but your city did, you would still be able to get the benefits and meet the requirements of the legislation. But it is estimated that it will reduce the amount of energy consumption in New York City by 40 percent. Is that incredible?

We have a lot of debate, as we should, on automobiles, on renewables, on coal to gas, but there is a quiet little secret out there that this amendment sort of makes public. That is that conservation—conservation of things that are much easier and much less controversial than, say, automobiles—is where the real bang for the buck is in terms of energy independence, reducing greenhouse gases, and in terms of lowering the cost to the average consumer of electricity and gasoline, because when we are more efficient in terms of our buildings, petroleum is used for other purposes, and supply and demand would even reduce the price for gasoline.

One of the environmentalists I know put it well. He said: Alternative fuels are the sizzle and conservation is the steak. They are both important. When you barbecue, you like to have the sizzle. It is fun. But you also like to eat the steak.

I have two other amendments, one that does the same on appliances. The bill has good provisions on appliances, but we move them further in terms of California, although I am not talking about that one here right now.

If we were to do it for utilities, where we would require them to be more efficient—and they could choose the way—we could do dramatic things in this bill just on its own. The cost for most energy conservation, the cost for reducing the consumption of petroleum, for reducing greenhouse gas emissions, is about one-quarter what it is for producing new alternative fuels.

I hope my colleagues will support this amendment. It is not controversial, I do not think. It does not have universal support, but it has great support. The Department of Energy has looked favorably upon it. I do not know if they are officially in favor of it, but we talked to them, and they know we have to move in this direction.

I hope the amendment can be adopted. I hope I have convinced my colleague from New Mexico, if not with eloquence—which I am sure I do not have—at least with the facts and the structure of this amendment.

Mr. President, I am happy to yield back the floor, unless my colleague wishes me to go on further about this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from New York. He has persuaded me of the merit of his amendment, but I am not in a position to procedurally move to actual disposition of the amendment at this time.

So if the Senator has completed his statement, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1704

Mr. BINGAMAN. Mr. President, since we seem to be unable to move ahead and actually dispose of amendments for a few minutes, while we get the procedural circumstance untangled, let me speak briefly about the tax package that has been reported from the Finance Committee.

The energy tax package that is now a pending amendment to this bill represents a dramatic shift in the direction of our national energy policy from fossil fuel dependence to one that promotes diversified domestic sources of clean energy.

The package the Senate will consider as part of this tax package contains three times the incentives for energy efficiency and renewables and other clean energy than we were able to enact in the 2005 Energy bill—three times more clean energy.

The energy tax provisions are intended to complement and augment the authorizing legislation. These vitally important energy measures include:

First, a 5-year extension of the section 45 tax credit for producing electricity from wind, geothermal, biomass, and other green resources; an extension of the section 48 investment tax credit for business investments in solar, fuel cells, and microturbines for a total of 8 years in the package that has now been reported to the Senate; extending the newly proposed residential wind credit; extending several residential and commercial energy efficiency tax incentives; expanding the section 48 A and B investment tax credits to fund the development of clean coal facilities, with a particular requirement that CO_2 be captured and sequestered; expanding the program for clean renewable energy bonds by up to $3.6 billion; adding $3 billion to a newly established program for clean coal bonds; extending the advanced vehicle consumer credits and adding a category for plug-in hybrids and electric vehicles; and an important new incentive to encourage the production of cellulosic ethanol.

These are important provisions individually, but combined I think they will play a major role in moving our country along toward a path of forward-looking energy policy.

The Finance Committee amendment also contains a severance tax on all oil and gas production from the Federal Outer Continental Shelf in the Gulf of Mexico. This severance tax proposal needs to be viewed in the context of the larger energy tax title in the Energy bill that is before the Senate. By including this OCS severance tax in the Energy tax bill, we are able to secure the revenue that is vitally needed for these energy measures I have detailed.

This OCS severance tax has been carefully crafted to raise revenues while doing the least possible to discourage production. First of all, it applies to oil and gas production on the OCS in the Gulf of Mexico only. We carefully considered where the tax should apply. The Alaska OCS is an important frontier area, and additional costs on those operations could truly impact leasing and development activity. The only other area with production in the OCS is California, where production is minimal and no new leasing is occurring.

However, the industry in the Gulf of Mexico is robust—particularly with the price of oil where it is today—and the lessees and operators there tend to be large: either the major oil companies or large independent producers. This is in contrast to the Rocky Mountain region, where many small independents operate. Additional taxes or fees in that region could make the difference between production occurring or not occurring. Thus, this tax would only apply to oil and gas from the Gulf of Mexico Outer Continental Shelf.

In addition, the tax is designed to ensure that it is not overly burdensome. The tax would be levied at a rate of 13 percent of the value of production with a credit against the tax for royalties paid on each lease. The Government Accountability Office recently completed a study comparing the combined tax and royalty costs imposed on the oil and gas industry in the United States versus elsewhere in the world.

I note the GAO found the climate for doing business in the U.S. is very favorable, with the U.S. having one of the lowest combined "government takes" in the world. Using this construct of considering the combined tax and royalty costs, we designed the severance tax with a credit for royalties paid to ensure no lessee would be required to pay more than 13 percent of the value of their production in combined severance taxes and royalties.

Of course, any lessee who is paying a 16⅔-percent royalty—that the President has now established as the appropriate royalty on Federal leases going forward—any lessee that is subject to that royalty will pay no tax. Any lessee paying a 12.5-percent royalty will pay an effective rate of 0.5 percent for the severance tax, and lessees paying less than a 12.5-percent royalty rate will pay the tax at an effective rate of the difference between the 13 percent and the royalty rate being paid.

Furthermore, I believe the 13-percent tax rate is extremely reasonable. Earlier this year, the White House did announce the royalty rate for all new leases in the Gulf of Mexico would contain terms requiring that royalties be paid at a rate of 16⅔ percent. This was met with little, if any, opposition from the industry.

Again, I commend Senators GRASSLEY and BAUCUS. Senator BAUCUS has been our leader on this issue from the beginning of putting this entire package together. He and his staff have done yeoman's work. I also have been proud of the work my staff has done on this important issue as well.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. CASEY. Mr. President, I rise to talk about a matter that is before the Senate, the Employee Free Choice Act. In summary, what this act will do is—and I have three brief points about the act itself—it will enable workers to form unions when a majority sign union authorization cards. Second, it will establish mediation and binding arbitration when the employer and workers cannot agree on a first contract. Third, it will strengthen penalties for companies that coerce or intimidate workers.

We know today what we are facing in our economy. We have rising levels of productivity, thank goodness, but at the same time productivity has been up and our workers have been more productive than ever, our wages have not kept pace. Salaries and wages have not grown the way productivity has.

We know that so many more of our working families have had to suffer that disparity, that gap between productivity and wages and benefits.

I think a lot of Americans believe the freedom to choose a union is vital to restoring the American dream, especially for the most vulnerable Americans. Unfortunately, vulnerable Americans now include working families.

Unions help American workers get their fair share, as you well know, Mr. President, in your State, as well as in my State of Pennsylvania. Union wages are almost 30 percent higher than wages in nonunion fields. Unions are also a cure for rising inequality because they raise wages for more low- and middle-income wage earners, more so than for higher wage workers.

For example, if we talk about some lower wage occupations, cashiers, for example, earn 46 percent more than nonunion cashiers and those covered by unions, 46 percent more.

Union food preparation workers earn nearly 50 percent more than nonunion food preparation workers.

I will share a couple of demographic categories. Women, for example, who are represented by a union earn 31 percent more than women workers who do not have the benefit of a union. African-American union workers earn 36 percent more than their nonunion counterparts. Latino workers earn 46 percent more than those Latinos who are not represented by a union. Finally, union workers are almost twice as likely to have employer-sponsored health benefits and pensions at work—twice as likely—than their counterparts who do not have union protection. They are more than four times likely to have a secure and defined pension benefit plan than nonunion workers.

Protecting the freedom to choose a union benefits all Americans, and I believe this in my bones, as we all do who support this act. Whether someone has a union I think raises and lifts all boats. In industries and occupations where many workplaces are unionized, nonunion employers will frequently meet union standards, lift their sights, so to speak, and otherwise improve compensation. A high school graduate in a nonunion workplace whose industry is 25 percent unionized gets paid 5 percent more than similar workers in less unionized industries.

We know what this act can mean for workers and their families to raise their standard of living, in wages and benefits and other parts of their compensation, but also I believe this act is about America. We know the unions, the right to organize and selectively bargain, helped build the American middle class over decades, when those who said at the beginning of those fights this is not a good idea.

What we will do by passing this legislation that is before the Senate is to move to a new chapter where more and more of our families can have the benefit of union protection so they can live in a country where their work, their labor, and the fruits of their labor is recognized.

I ask all of my colleagues respectfully, as they consider this legislation, to think not only of what this will do for our unions and families who are covered by those unions but what it does for all America, for all our collective interests in a stronger economy. I ask their consideration of this bill.

I know, Mr. President, you and so many others have been leading the fight on this effort, and we are grateful for that leadership, for our families, and for our country.

I am proud to be an original cosponsor of the bill, and think that it is a vital part of an agenda aimed at restoring a balance to our Nation's labor policies and alleviating the insecurity felt by so many American families.

The bill, if passed, would enable workers to form unions when a majority sign union authorization cards, establish mediation and binding arbitration when the employer and workers cannot agree on a first contract, and strengthen penalties for companies that coerce or intimidate workers.

These changes to our labor laws are quite frankly vital to the preservation of the American middle class, because unions, which were a driving force in the creation of that middle class, are also one of the best tools we have to protect it.

We live in a remarkable time, when corporate profits are rising, largely because of the rising productivity of the American worker. At the same time, corporations in America are receiving unprecedented access to foreign markets because of our nation's trade policies. But while we are working to give corporations that access, we must work to ensure that workers have rights and protections, and opportunities in the new global economy that is emerging. After all, families are made up of workers, not corporations.

Unfortunately, workers are being left behind in large part because we have stripped them of rights and protections and made it ever harder for them to organize in a union if they wish to do so. The effects of this are dramatic, and are changing the economic landscape of America. At a time when productivity has been rising and companies are making huge profits on the backs of their workers, workers' salaries are not increasing.

Corporate profits are up by more than 83 percent since 2001. Yet the share of national income going to wages and salaries in 2006 was at its lowest level on record. The share of national income captured by corporate profits, in contrast, was at its highest level on record. Some 51.6 percent of total national income went to wages and salaries in 2006.

Today, more than 40 percent of total income is going to the wealthiest 10 percent of Americans—the biggest gap in more than 65 years. The share of pretax income in the Nation that goes to the top 1 percent of households increased from 17.8 percent in 2004 to 19.3 percent in 2005.

Between 2004 and 2005, the average income of the top 1 percent of households increased by $102,000, after adjusting for inflation. The average income of the bottom 90 percent of households increased by $250.

It is bad enough that wages aren't rising for the vast majority of Americans, but to make matters worse, the costs they face in their daily lives are rising, sometimes with life and death consequences. Six million Americans have lost their health insurance, and their retirement security is fading as well. It doesn't make sense that at a time when corporate balance sheets are so healthy, Americans are being forced to go without basic health care. In fact, we all know that that will have the effect of reducing our productivity, and profits, if we don't address it.

That is why I support the Employee Free Choice Act. The freedom to choose a union is vital to restoring the American Dream, especially for the most vulnerable Americans. Union workers are far more likely to have health care benefits, and pensions that will actually provide for them in retirement.

Unions help American workers get their fair share—union wages are almost 30 percent higher than nonunion wages. Unions are also a cure for rising inequality because they raise wages more for low- and middle-wage workers than for higher wage workers. Unions can also help the American worker weather the storm of globalization, and the displacement and insecurity that it has brought to some many families.

Just this week, the OECD, which is known for its unapologetic promotion of free trade, released a report that highlighted the fact that countries should focus on improving labor regulations, for workers, not just companies, and social protection systems to help people adapt to changing job markets.

The report also found that offshoring may have reduced the bargaining power of workers, especially low-skilled ones and that the prospect of offshoring may be increasing the vulnerability of jobs and wages in developed countries. That is an amazing finding from an organization devoted to promoting free trade.

The OECD also found that in 18 of the 20 OECD countries where data exist, the gap between top earners and those at the bottom has risen since the early 1990s. The inequality in the United States was higher than all of those countries by a large margin, save one, Hungary.

The Commonwealth of Pennsylvania, which I represent here, was built on stable union jobs, and the industries that employed those union workers helped to build America as we know it today. Pennsylvania steel can be found in every corner of the country, but unfortunately most of the plants that made that steel are now closed, and most of the union jobs that were the engine of those plants are gone.

But that is what makes this legislation so important here and now. We need to act quickly to give American workers a leg up in this global economy, and create jobs that add value to workers' lives, to their communities, and to the American economy. We can't do that if we only reward capital. Capital can now flow over borders and across the world like never before. But our workers and families remain, and so we must stand with them and give them the tools they need to continue to be productive and competitive in this global economy. Workers from Pennsylvania can compete, but only if we give them a level playing field and the proper tools. This legislation takes one step to do just that, and that is why I support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to speak in opposition to the tax part of this energy bill. I think it is common sense that if you tax something, the price will probably go up because the higher business costs are passed on to the consumer at some point.

This is a tax bill that is $29 billion of new taxes. How could anything make less sense when we are trying to pass an energy bill that will do two things: make America less dependent on foreign oil for our energy needs, and bring the price of gasoline down at the pump. This bill, with the tax part, is not going to do either of those things.

In the past 2½ years, the average price of a gallon of gas has risen about 68 percent due to increased demand in America and around the world. The price increase has harmed American families, and businesses, especially small businesses, and higher taxes are going to mean a higher price at the pump.

Mr. President, I am going to suggest the absence of a quorum for just one moment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we must address the tax issue. There are some good parts in this energy package. This energy package could increase conservation. It could increase the supply of renewable energy sources. I have an amendment that I think is very positive which would provide for more research into new sources of energy, and there are all kinds of renewable, environmentally safe energy possibilities. Yet we have now put a tax bill in this bill which has just gone through committee. It came out yesterday, and we are going to, I am afraid, make the mistake that Congress has made before.

In 1980, Congress passed a windfall profits tax. The consequences to the domestic oil industry, to consumers, and to our national security were devastating. In the 6 years that followed that action, domestic oil production dropped by 1.26 billion barrels, and imports of foreign oil rose 13 percent. Today, 60 percent of our oil comes from foreign countries. The collapse of the domestic oil and gas industry had a ripple effect on other sectors of the economy, especially banking and real estate.

The windfall profits tax was terrible for this country, and it was repealed. Now we have a tax bill that will have the same effect, with $29 billion in taxes on energy production.

Let's go through those. A repeal of the manufacturer's deduction for refineries: everyone who has looked at the energy crisis knows it is the lack of refinery capacity that has driven up the demand while we have not driven up the supply. We are making it harder to invest in refineries. No one is doing it, and we need more refineries. So taking away any deductions for refineries is counterintuitive.

We would establish an excise tax of 13 percent on crude oil and natural gas produced in the Gulf of Mexico. That is the biggest source of oil and natural gas production in our country that we are able to produce and explore. ANWR would be larger, but we have not been able to tap into ANWR. So the Gulf of Mexico is our best source.

Other States are now looking at exploring and then possibly drilling off their shores because there is now an opportunity for States to get revenue, and it can be done environmentally safely. So now we are talking about increasing the tax, which is going to have the effect of lessening the exploration and drilling and will also go back on a contract that was made earlier to induce people to drill in the Gulf of Mexico because it is more expensive—the deep drilling is much more expensive.

The bill would also impose a tax on finished gasoline—$824 million over 10 years. It would seem that is going to increase the price of gasoline at the pump. It would eliminate tax credits for foreign oil production, exposing them to double taxation.

So what do you think that is going to do? We are in a situation already where we are seeing more and more new formations of public companies going overseas because of Sarbanes-Oxley, with CEOs saying it is the instability of our regulatory process and the taxes and the litigation in our country that has caused more and more companies to decide to move their corporate headquarters to London or other exchanges. Furthermore, the jobs are going with them. So here we are trying to address this issue in a responsible way, and what are we doing to our oil companies? Why wouldn't they just go and register on the London stock exchange and make that their headquarters? That is what many American companies are doing now.

If we decide we are going to double-tax this segment of industry in our country, we are just saying we don't want American oil companies. I can see why they would not only incorporate overseas but move more and more of their production overseas as well.

I hope we will not pass this tax bill. A recent review by the Heritage Foundation estimated this tax package, combined with other policies in this bill, could increase the price of regular unleaded gas to $6.40 by the year 2016. That is ridiculous. Why would we pass an energy plan that would have the potential effect of doing that?

No, what we should be doing is encouraging more refineries, encouraging nuclear power plants that are environmentally safe, encouraging drilling and exploration of our own natural resources, and we should be looking for renewable sources of energy—cellulosic ethanol, corn-based ethanol biodiesel, wind, solar. We have so many sources. My amendment would also create the ability to start research on wave and current energy resources, which they are doing in a limited way in Europe right now, using the Gulf of Mexico and our oceans for their energy potential.

There is so much we can do that would be positive that we could agree on in a bipartisan way. This tax bill is a poison pill. The tax portion is unnecessary, it is counterintuitive, it will have the effect of increasing gasoline prices at the pump, it will ship jobs that are in America overseas, and I think we are going to lose major corporate business.

That is unnecessary and I hope my colleagues will not pass this tax package, and I certainly hope we can take this part out of the equation, work on the bill that is before us—which has some very good points—and then we will be doing something to try to help with the rising cost of gasoline at the pump in our country.

I hope we can help relieve the high price of corn which has resulted from our emphasis on ethanol. That is causing a rise in livestock prices, because the feedstock for livestock that is being raised has increased the cost. So all the meat we eat in this country is going to be at a higher price because ethanol is taking from the corn market and the feedstock market is suffering.

We need to address these things. I certainly hope we will, in a responsible way, bring the costs of energy down and not have side effects such as the increased costs to livestock producers.

I urge a "no" vote on this tax portion so we can get down to the business of doing what the purpose of this energy bill was, and that is to increase supply so we can be less dependent on foreign sources and lower the price of energy in our country.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the bill on the floor of the Senate deals with energy. While there are many important things we discuss in Congress these days, energy ranks right near the top, in my judgment. I have indicated previously that most of us take energy for granted. We get up in the morning and turn on the hot water, and that comes from energy. We flick a light switch, and that comes from energy. We get in the car and turn the ignition key, and that comes from energy.

I told a story a while back about John Glenn and energy. I was on a trip with John Glenn, the former astronaut and former Senator. I was a young boy when John Glenn orbited the Earth in Friendship 7.

Late one evening on what was the old Air Force One, a group of us were flying to Asia, and John Glenn was with the group. We were meeting with heads of state in several governments, Vietnam and China and so on. We were flying over the Pacific late at night in this little cabin in this Air Force 707. I leaned forward and began to ask John Glenn about his first space flight. I pumped him with a lot of questions. One of the questions I asked him about was whether he actually saw Perth, Australia. The history that has been written about this, and I recalled as a kid, was when John Glenn, up there alone in this tiny little capsule orbiting the Earth in Friendship 7, was orbiting the Earth and went to the dark side of the Earth, the town of Perth, Australia, decided they would all turn on their lights. All the lights in Perth, Australia were to be turned on to greet this astronaut flying alone, orbiting the Earth. I asked him if he saw the lights of Perth, Australia, and he said he did. On the dark side of the Earth in this little capsule orbiting the Earth all alone, John Glenn looked down and the sign of human existence on Earth was the product of energy, the product of lights, radiating that beam to that astronaut, saying a hello—greetings.

It comes from energy. It is what we do to produce energy and use energy to make our lives better. They are better in many ways.

One part of this energy issue we are debating in the Energy bill deals with oil. Oil is an interesting debate because on this little planet of ours that circles the Sun, there are about 6.4 billion of us. We have a lot of neighbors who are in tougher shape. About half of this planet's population lives on less than $2 a day. Half of them have never made a telephone call. On this planet there is a little spot called the United States of America and we are blessed through divine providence to be here, to live here. But it is interesting that while we have created a standard of living that expands the middle class and creates an increased standard of living, we do not have the quantity of oil that exists elsewhere on Earth. We use 25 percent of the oil that is needed every single day; 25 percent of all the oil used on this Earth is used in this country. Yet most of the oil is produced elsewhere—Saudi Arabia, Kuwait, Iraq, Venezuela, and other countries. Over 60 percent of the oil we use comes from outside of our country. God forbid something should happen that would interrupt that, because if it did, this country would be flat on its back with respect to its economy. It would dramatically impact the way we live.

Over 60 percent of our oil comes from other countries, much of it from troubled parts of the world, particularly in the Middle East. Many of us believe we need to be less dependent on foreign sources of oil. We are dangerously dependent on foreign sources of oil and we need to become less dependent. How do we do that?

One point is this. Seventy percent of all the oil we use in America is used in vehicles, where we run it through the carburetors and fuel injectors in the form of gasoline. Seventy percent of the oil is used through vehicles.

So we have to find a way to make vehicles more efficient. That brings me to the debate about what are called the CAFE standards or the standards that require greater efficiency for automobiles.

Now I serve on the Commerce Committee. I and Senator FEINSTEIN, Senator INOUYE and others included from the Commerce Committee a provision that requires vehicles to be more efficient.

I know the auto industry is very aggressive in trying to see if they can jettison that provision in the underlying Energy bill that comes from the Commerce Committee. They do not want these increased efficiency standards. They believe they are pernicious, they will injure the auto industry. I think that is untrue.

Now, they make the point, and in my judgment they deliberately misrepresent the point, in full page advertisements in my State and others and direct mail pieces to constituents, they make the point that what we are trying to do is to say: You must make automobiles or vehicles more efficient, and you do it on a fleet average, as CAFE has always been done.

If you are making too many pickup trucks and not enough small cars, you have to make more small cars and fewer pickup trucks, so, therefore, you have an increase in fuel efficiency and, therefore, this approach threatens to take your pickup truck away.

Well, that is not true. It is not accurate. But that is what is being alleged. This is a different approach. This standard says that for each class of vehicle, the class itself must be made more efficient. I come from North Dakota. We in North Dakota have, on rare occasions, I emphasize only rare occasions, some harsh weather. When it is 30 below zero and a 40-mile-an-hour wind, you do not want to drive in a Chevette out to check the calves during calving season in March, you want a vehicle, a four-wheel drive vehicle that has some weight, that has some power. That is what we use. I am not interested in full efficiency standards that discriminate against larger vehicles, but I also believe this: All of the vehicles, including pickup trucks, including larger vehicles, should be made more efficient.

For 25 years, there has not been one change in the standard. For 25 years in this Congress, we said: No, no. The auto industry doesn't want an increase in the efficiency requirement, therefore, we will not do it.

I say "we." I was part of that. But at some point, you have got to say to the industry: Look, they are making more efficient vehicles elsewhere. They ought to make them here. I mean, I have described the position of the industry in opposition to this as "yesterday forever." I guess it is wonderful if you have romantic feelings about yesterday and you want it to continue forever with respect to your vehicles and the lack of a requirement to make them more efficient.

But it does not help this country, it retards this country's ability to become less dependent on foreign sources of oil. That is what this vote is about: Do you believe we ought to become less dependent on foreign sources of oil? If so, then you better belly up and you better begin to support this kind of thing, or do you believe that we are not dangerously dependent? If it is fine for us to have 60 percent, heading toward 65 and 69 percent, we are told of our oil coming from off our shores, if you think that is fine, if you are perfectly content going to sleep at night saying it doesn't matter how much we get from overseas, it doesn't matter how troubled those areas are, let's hang our future, our economic future, on our ability to keep getting oil from troubled parts of the world, if that is how you feel, then, in my judgment, it ignores the reality.

If you are one of those, as I am, who believes that we are too dangerously dependent on foreign sources of energy, then it seems to me you have to come to the floor and be supportive of CAFE standards, or at least greater efficiency standards for vehicles

We have established a system in the underlying bill that establishes eight classes of vehicles. And you have to make them more efficient by class. Should not those who drive pickup trucks expect to have a more efficient pickup truck as well; better mileage on those vehicles as well? The answer is, yes, in my judgment.

Now, my hope would be that someday, in some way, we will be able to find a way not to be dependent on oil itself. But I cannot see that in the near term. We are going to continue to use fossil fuels. I have described too many times for my colleagues that my first vehicle I bought for $25 as a young kid, it was a 1924 Model T Ford that had been in a grainery for some decades. I bought it for $25 and restored it lovingly as a young boy when I was in high school.

So I ended up with a Model T that was decades and decades old. But I sold it later because you cannot, as a young boy, you cannot effectively date in a Model T; nobody wants to ride with you. But the point of the Model T is that in 1924 they made a car, and it is interesting. You put gasoline in that car exactly the same way you put gasoline in a 2007 or 2008 vehicle. Exactly the same way. You go to the gas pump, stick a nozzle in the tank, and start pumping gas. Nothing has changed. Everything else about the car has changed. Computer technologies. More computer technology in a new car than existed on the lunar lander that put Neil Armstrong on the Moon.

Better cup holders, keyless entry, iPod holders, heated seats, you name it. But let me ask you, do you think there has been an increase in the efficiency standards for those vehicles? The answer is no. The answer is no.

I ask you to take this test. Go back and look 10 years ago at any model of car and then look at today's identical model and see how much has changed with respect to miles per gallon that are estimated for that vehicle. What you will discover is almost no change.

Those of us who support the standards in the Commerce Committee have brought a bill to the floor that is a good bill. Now there are some in this Chamber who do not support it, and the auto industry itself is furiously working to get the votes to defeat our increased efficiency standard.

The problem is, there is no amendment coming to the floor of the Senate that I can see. I mean, it seems to me, we have an underlying provision that I support, it is in the bill. Having had the bill now on the floor for some while, it is time to say: If you want to try to amend it, let's have an amendment on the floor, let's vote, let's have a thorough discussion and debate and let's have a vote.

I am not someone who suggests the underlying amendment is the only amendment that has merit or has worth; there are, perhaps, other ideas. But I was in a meeting last evening and have been at some meetings today. It appears to me that the effort is simply, by the industry, to say: Let's not do this. Well, you know, we have been through that time and time and time again. When they say to the Congress: Let's not do this, the Congress salutes and says: Let's not do this.

But we have come to a different intersection, it seems to me, with respect to the future of this country and the energy security of this country. That intersection requires us now to do what we must do to make us less dependent on foreign sources of oil. If we do not find a way to be independent, or at least less dependent on foreign sources of oil that come from troubled parts of the world, we are in deep trouble.

Someday, I would hope, perhaps we can develop hydrogen fuel cars that are commercially available. I hope that our children and their grandchildren will be able to get in a vehicle that is a hydrogen fuel cell vehicle.

I authored the legislation 2 years ago that established the title on hydrogen fuel cells. You know, interestingly enough, hydrogen fuel cell vehicles will have twice the efficiency of power to the wheel of the vehicle and put water vapor out the tailpipe. Wouldn't that be a wonderful thing? The fact that hydrogen is ubiquitous, is everywhere—I had this wonderful experiment going on in North Dakota that I established in the Appropriations Committee of using a wind tower, a more efficient wind turbine, take energy from the wind, use the electricity that you take through the turbine, you take energy from the wind in the form of electricity, use the electricity in the process of something called electrolysis, and separate hydrogen from water with a process of electrolysis.

So you actually take an intermittent power source of wind and produce hydrogen, store the hydrogen for vehicle use. I believe we can get to the point of hydrogen fuel cell vehicles, which will make us much less dependent on foreign sources of oil. We will not need foreign sources of oil if we do what we can with this fleet. But that will not happen in 3, 5, or even 10 years from now. There has to be interim steps in which we take action to reduce our dependence, even as we continue to use the internal combustion engine, as we continue to use nearly 70 percent of all our oil through our vehicles, even as we import over 60 percent of the oil from overseas, we must take some interim steps to begin to address that.

That is why this issue is so important, the efficiency of our vehicles. Finally, let me say this. I want our auto industry to succeed. I want this industry to succeed. I do not want to be a part of something that says to them, that, you know, you have been asleep at the switch, and so, therefore, we don't care about you. That is not my point.

My point is, this industry will succeed, in my judgment, if they are under the gun and under some pressure to produce more efficient vehicles. Other companies in other countries are doing it and so too should ours. I wish to be helpful to our industry.

One final point. There is a discussion about a couple provisions in the underlying Commerce Committee bill. One is the second 10 years, the 4 percent efficiency a year, which was part of my offering, and the second was Senator CANTWELL's offering of standards for the production of flex-fuel vehicles. We are building a 36-billion-gallon biofuels requirement in this bill. We are going to produce 36 billion gallons of ethanol, biofuels.

Where are you going to use all of that if you do not have the flex-fuel vehicles on the road so you can move that through those carburetors or fuel injectors. You have got to be able to have a flex-fuel standard, so that when the automobile industry is producing cars, they are producing flex-fuel vehicles so they can run either the E85 or the regular gasoline. But if you are producing 36 billion gallons of biofuel and do not have flex-fuel vehicles on the road to be able to take those fuels and be able to run E85 through a vehicle, we are going to see this ethanol market collapse.

That is why the flex-fuel provisions in the underlying bill from Commerce are so important. I wish to make the point that my hope is this afternoon, those who wish to try to amend the underlying provision in the Commerce Committee bill would come to the floor, let's have a debate about it. I believe the Commerce Committee provision is a thoughtful provision, that finally aggressively represents change and reform on automobile efficiency. I think the standards are achievable.

I think they will be good for the industry. They certainly will be good for the driving public in this country, and, most especially, they will move us in the direction of being less dependent and move us in the direction toward being independent of foreign sources of oil, which I think is important to this country's economic well-being.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am going to take a few minutes this afternoon to discuss the tax provisions in this legislation because I think they are very much in the public interest and something I have been working on for many years.

In the last Congress, for the first time in many years, the executives of the major oil companies—we are talking about Shell and BP and Exxon, the big five companies—were in front of the joint hearing I attended, a joint hearing of the Energy Committee and the Commerce Committee.

With the executives there before this important hearing, I asked all of the oil CEOs if they agreed with a recent statement that President Bush had made. President Bush, of course, an oil man himself, hardly somebody who has any predisposition against the oil industry, recently said that: When oil is over $55 a barrel, the oil companies do not need incentives to explore and develop for oil.

I asked each of the executives that day, the first time they had been asked the question in years and years, and to a person, the executives said they did not need those subsidies. Every single one of the executives said it. What was so stunning about it is that their admission was completely contrary to everything the Congress has been doing pretty much for the previous decade.

For the previous decade, the Congress had just been throwing one subsidy after another at these major oil companies, amounting to billions and billions of dollars. Yet in the last Congress, when the executives were asked to go on record and publicly state their position, the executives admitted they did not need the money that the Congress has been throwing at them, the billions of dollars in subsidies the Congress has been throwing at them.

So what we have is essentially a time now when the companies are making record profits, and they are charging record prices when clearly they do not need record subsidies. That is what the Senate Finance Committee legislation does with respect to the tax provisions. I have reviewed them. They are clearly targeted at the major companies. They are not targeted at the independents and the small companies, and we ought to be taking steps to help them. In fact, I particularly credit our friend and colleague, the late Senator Thomas, for doing extraordinary work over the years, some of which I was privileged to work on with him, to help those small independent companies. Our good friend, the late Senator Thomas, championed that work. This is not going to affect those small independents. This is targeted at the major companies, the companies that, when I asked them—the first time they had been asked in years—admitted they did not need the billions of dollars worth of subsidies they were getting.

It ought to be put in the context of what it means for the consumer. Our friend from North Dakota began this discussion as well. The reality is, when somebody pulls up to a gasoline station in New Jersey or Oregon or anywhere else, they are paying what amounts to a "terror tax." That is what we ought to call it. Our addiction to foreign oil is literally a terror tax because when you pull up to that filling station in Oregon or New Jersey or anywhere else, you pay this huge price. Eventually, some of that money gets into the coffers of a government in the Middle East, and they backdoor it to people who want to kill us.

Our addiction to foreign oil ought to be put in a context that is appropriate. It is a terror tax. This legislation which has been put together by a number of committees helps us to move away from that addiction to foreign oil. That is why I support it. By taking away some of the subsidies to the major companies, subsidies they have now claimed they don't even need, it makes it possible for us to look at some opportunities for developing renewable energy sources at home.

I was at a filling station not long ago in Oregon that hopes to get all its fuel from Oregon crops—not from oil from the Middle East—waste oil and other products. That is our vision of an important part of our energy supply in the future. If we get out of the business of shoveling billions and billions of dollars worth of subsidies to the major oil companies, subsidies they have now made clear they don't need, we can begin to develop a very different energy future.

One last point I wish to make relates to a debate I am sure we will have, and that is a quick comment about the provisions which were added yesterday, Senator BINGAMAN's provisions, to the legislation. We are going to hear a lot about how somehow this is taking illegal action with respect to oil royalties; it is taking action retroactively, and it is illegal. We are going to hear that probably many times in the course of discussion of the Bingaman legislation that was added yesterday.

The first thing I wish to make clear—and we were told this yesterday by counsel, because I asked about it—is that the Bingaman provision would be applied prospectively on oil produced on Federal offshore leases in the Gulf of Mexico. It would apply to future activity, all oil produced on Federal offshore leases in the gulf. As we go to this discussion and we are told repeatedly that this in some way unravels previous agreements, that this is illegal, this is retroactive, I hope colleagues will remember that we were told yesterday that it applies prospectively. It does not change the terms of any existing oil and gas lease. We are clear with respect to the Bingaman provision. It doesn't change the terms of any existing oil and gas lease, and it would be applied prospectively on oil produced on these Federal offshore leases and all oil produced on those leases in the gulf.

One last point with respect to this issue is comments we have received from the Government Accountability Office with respect to the amount of revenue the Government receives from oil production from the gulf. What the Government Accountability Office has told us on this point is that the taxpayer receives revenue with respect to this production that is lower than virtually anywhere else in the world. They have done a comparison to take a look at all of the other countries where you have similar activity going on. Basically our take, the revenue for the taxpayer, hard-working taxpayers across the country, is lower than virtually anywhere in the world. The only place that is even close to us is where you have an oil company doing most of the production, essentially a government corporation.

The reality is, with respect to drilling on our lands—and that is what I am talking about here, the people's lands, public lands, our lands—the taxpayer has been getting fleeced for years and years. The Bingaman provision begins to right the scale to get a fair shake for the taxpayers.

I hope colleagues will support the work done by the Finance Committee with respect to the tax titles. It is important that they know the major oil companies have now admitted they don't need the subsidies, and the price per barrel is way over the amount the President said was the level when we ought to stop paying out subsidies. I hope colleagues will look at the facts with respect to the important provisions that were added yesterday by Senator BINGAMAN. I am of the view that taxpayers have been fleeced with respect to oil drilling on their lands, the people's lands. The Bingaman provision begins to right the scale.

I will have more to say on this issue down the road.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today to support legislation which is pending before the Senate which would increase fuel economy standards in automobiles and trucks over the next 10 years. Regardless of what opponents of this amendment may say, technology is available today to reach this goal. We don't have to compromise the safety of the cars and trucks we drive and American jobs don't have to be lost to meet these standards. The CAFE legislation we have proposed is different than it has been in the past. It is a true compromise, a middle-ground position.

We have come a long way with this compromise, and I applaud the efforts of Senators INOUYE and STEVENS. It is not an easy issue to meet in the middle on, but we have. I am sorry the automobile industry, which has resisted efforts to improve fuel efficiency over the last 20 years, is still resisting these efforts.

This is something most Americans understand intuitively. If we are going to reduce our dependence on foreign oil, if we are going to reduce the pollution we are creating with the cars and trucks we drive, we should be using fewer gallons of gasoline for the miles we drive. Yet what we have seen consistently over the last 22 years, while we have not had a national fuel economy standard, is that the cars and trucks being sold on average are getting less mileage. So each year, we buy these vehicles and find we need more gasoline than we did the previous year to drive the same number of miles. That is unacceptable.

The CAFE provisions have come a long way since I offered my amendment 2 years ago. When I came to the floor and suggested it was time to start talking about fuel economy, there were not too many Senators joining me. I called for an increase in fuel economy standards that would have had vehicles reach a target of 40 miles a gallon with a target date of 2016.

This legislation before us sets a target of 35 miles per gallon, providing even more lead time for the automobile industry to the year 2020. The last time we debated 40 miles a gallon, my opponents said that was just too high a standard to reach. Now we have lowered that target to 35 miles a gallon, and the industry proposal has 36 miles per gallon 2 years out. It makes me wonder why they no longer think it is arbitrary or whether they have any intention of ever meeting the target.

My amendment 2 years ago did not provide the industry the flexibility this legislation does. I originally called for a hard target. You either had to reach it or pay fines. This legislation before us allows for flexibility, providing the National Highway Transportation Safety Administration the authority to lower the target if it is not technologically feasible.

My amendment did not reform the CAFE program by creating attribute-based standards, something I understand the industry would rather see than the existing system. This legislation does. My amendment did not create a fleetwide fuel economy standard. This legislation does. Nor did it extend the credit trading program, as this amendment before us will do.

We have come a long way to reach a compromise on this legislation. We understand the concerns about the existing programs brought to our attention. We understand the difficulties in the domestic auto industry. We tried to address them honestly. Unfortunately, for the past 2 years the auto companies were not at the table when they could have been. So we changed the CAFE system to allow for a more level playing field between American and foreign manufacturers.

We provided NHTSA the authority to create attribute-based standards for passenger cars, something President Bush asked for. We already witnessed NHTSA set new fuel economy standards for light trucks by using this system. The CAFE standards will no longer be by manufacturer but, instead, fleetwide, based on the size-attribute system. That means the total fuel economy for all cars in the United States will meet the fuel economy targets we set. The targets will be set for different groups of cars based on their size attributes, not based on the manufacturer. Since the fuel economy target is fleetwide, the relative mix of vehicles manufactured by each company is not a real issue in the debate. GM will not be penalized for making more SUVs and fewer small passenger vehicles than Toyota.

In order to meet a fleetwide average of 35 miles per gallon, each vehicle group will have to meet its own average fuel economy. For example, all midsized sedans will have to attain an average fuel economy standard. For example, the Ford Fusion, Honda Accord, Toyota Camry, and Chevy Malibu must attain roughly the same fuel economy. These cars will have to get about 36 to 38 miles per gallon based on current trends. Likewise, all large SUVs will be subject to different, lower average fuel economy. We will be comparing apples to apples. Each vehicle will have to reach an attainable fuel economy standard based on its size. All of these targets must average out to 35 miles per gallon for the entire fleet sold in the United States by 2020.

I repeat that because it is a large and important change on how CAFE standards are now structured. The relative mix of any manufacturer's fleet between similar passenger cars and larger SUVs is less relevant in the fuel economy debate. The American auto manufacturers should not be at any disadvantage relative to foreign automobile manufacturers.

Now we are focused completely on increasing the fuel economy of vehicles driven in the United States, regardless of who makes them and their size.

Even though our legislation now addresses one of the major issues raised in the 2002 National Academy of Sciences report and does what NHTSA has requested, sadly, the auto manufacturers still oppose our compromise and have come up with even more arguments to try to persuade my colleagues to vote against improving the fuel economy of the cars and trucks we drive.

Let me remind everyone about the impact on the transportation sector of more fuel-efficient vehicles.

In 2005, the United States used 20.8 million barrels of oil per day. Sixty percent of it, or 12.5 million barrels of the oil we use, is bought from other nations—60 percent in the year 2005. Of the 20 million barrels of oil we use every single day, 69 percent is used for transportation, and of this, 62 percent is used for surface transportation by cars and light trucks. Every minute, we consume more than 267,000 gallons of gasoline in America. You could say we import oil to run our cars, and by and large we do.

Any increase in fuel economy will decrease our dependence on foreign oil. How significant is the issue of foreign oil? I don't need to remind anyone that we are in the midst of a war in the Middle East. We have lost 3,521 of our best and bravest soldiers. Ten times that number have been injured. Twice that number have been seriously injured, facing traumatic brain injury and amputations.

It is no coincidence that these battlegrounds time and again are battlegrounds in the Middle East, which is the source of our energy. We have to reach a point where we are less dependent on that region of the world to fuel the American economy.

NHTSA estimates that if we had not established CAFE standards in 1975, highway fuel usage would be 35 percent higher today. A lot of critics of what we did in 1975 said that was a Government mandate, and they are right. It was a Government mandate which was resisted by the automobile industry. They said to us that it was impossible, there was no technology that could result in cars being more fuel efficient than the ones we drove in 1975. The manufacturers also argued that any cars built to meet these standards would be so light in weight that they would be unsafe. They argued that only foreign manufacturers would be able to make them. Thankfully, Congress ignored that argument and passed CAFE standards in 1975 and 10 years later saw the average miles per gallon of cars in America almost double because of the Government mandate.

The Natural Resource Defense Council estimates that the Ten-in-Ten Fuel Economy Act now before the Senate will save 1.2 million barrels of oil per day by 2020. Think about it, 1.2 million barrels of oil per today. I think the price of oil is around $70. Do the math. That is the kind of money we will not be sending overseas, oftentimes to countries that do not agree with us in terms of our values and the kind of America and world we would like to see in the future. Raising fuel economy standards will reduce our demand for gasoline, which will decrease the amount of oil we have to import.

Does anyone remember waiting in gas lines in 1973 to get their 10 gallons of gas? I do. The shortage was due to an OPEC embargo on oil exports to the United States in response to actions we had taken in the Middle East. Overnight, the price of oil went up from $3 a barrel to $5.11 a barrel. Three months into the embargo, oil prices rose further to $11.65 a barrel. This embargo came at a time when the United States imported less than 30 percent of its annual oil—about 28 percent, in fact. And it hit America hard. Suddenly, Americans had to ration gasoline. Sales were maxed at $10 per sale, gasoline stations closed on Sundays, and people waited in lines. OPEC succeeded in exerting its influence on global markets, as well as the United States. Our vulnerability was revealed in 1973, and so easily we forget.

Currently, crude oil costs just over $68 per barrel. Oil costs about 27 percent more now than it did the last time we talked about CAFE on the floor, the last time I offered an amendment 2 years ago. And it makes the $11 a barrel during the oil embargo of the seventies seem like some sort of utopia.

OPEC brought us to our knees in the 1970s. Imagine what they could do now. We do not import 28 percent of our oil now; we import 60 percent of our oil. If other countries we buy oil from decided to stop selling to the United States or to hike the cost, our economy and individuals and families, small businesses and family farmers would be in big trouble.

Literally 40 percent of all U.S. oil imports come from potentially hostile or unstable nations, and 92 percent of all conventional oil reserves are in these nations. Amazingly, we continue to operate in a business-as-usual mode, reliant on imports to quench our thirst from some of the most unstable countries in the world. Venezuela, one of the top five oil exporters to the United States, is also one of the most autocratic in Latin America. The Chavez government regularly threatens nationalization of key industries and pursues policies inconsistent with many of our policies in the United States. Nigeria, while struggling on a path to democracy, is also extremely unstable, with ongoing violence in the oil-producing regions. They are also in the top five oil exporters to the United States. The more we rely on foreign nations to supply us with oil, the more susceptible we are to their instability.

I hope my colleagues realize that any future crisis that prevents or significantly restricts the production or flow of oil resources will have consequences on our economy far worse than anything we experienced in the 1970s. So we can do nothing and hope that some manifestation of 1973 does not occur again or we can take steps now, wise steps to prepare for our future.

Another argument we hear is that if you raise fuel economy standards, American auto companies will be forced to make small cars that are not as safe. That is just not true.

This argument comes from the same industry that has fought incorporating new technology into their automobiles that now make our cars safer—including seatbelts and airbags. They now argue that they are concerned about your safety and that raising fuel economy will put you at risk.

Better fuel economy does not mean a vehicle needs to be smaller. Take for instance, the Saturn VUE. This vehicle's hybrid system will provide a 20 percent increase in fuel mileage over the conventional VUE engine and not be one inch smaller.

Their safety argument stems from the idea that the only way to make a car more fuel efficient is to decrease weight and size of the vehicle.

This, they posit, would decrease the safety of the vehicles.

Although reducing vehicle weight will increase fuel economy, it is not our only option.

The International Council on Clean Transportation released a report 2 weeks ago called "Sipping Fuel and Saving Lives: Increasing Fuel Economy Without Sacrificing Safety."

This report highlighted many mechanisms that would increase safety without affecting fuel economy, including: rollover-activated seatbelt pretensioners; window curtain airbags; and electronic stability control which allows each tire brake to be individually activated depending on circumstances.

They also advocated the use of advance high-strength construction and aluminum and a shift to unibody construction.

This would not only increase the safety of the vehicle, it would decrease the weight of the vehicle, thus also increasing fuel economy.

Smart design and use of strong materials to protect the passengers in strategic places will also lead to decreased overall weight of the vehicles without diminishing either vehicle size or safety.

The report went on to state that most of the technologies available to increase fuel economy have no impact on safety.

In fact, as fuel economy has increased, the number of traffic fatalities has decreased.

During the late 1970s and continuing through the 1980s, the number of fatalities per vehicle mile traveled decreased dramatically. During the same time, the fuel economy doubled.

I think this shows us without a doubt that increased fuel economy can be obtained without jeopardizing vehicular safety.

The National Research Council's 2002 report, "Effectiveness and Impact of CAFE Standards", found that increases of 12 to 27 percent for cars and 25 to 42 percent for trucks were possible without any loss of performance characteristics or degradation of safety.

In fact, 85 percent of the gains in fuel economy we have witnessed have come from technologies that had no impact on vehicle safety—including changes in valve control, throttling, or increasing the efficiency of accessories like air-conditioning and heating units.

The National Highway Transportation Safety Administration has recently cited both the 2002 National Academies study and its own recent review of safety noting that downweighting if concentrated among the heaviest vehicles could produce a small, fleet-wide safety benefit.

Additionally, scientists have the ability to develop superior, cutting edge materials that can reduce the weight of the largest and most fuel inefficient vehicles.

For instance, "composite materials" made from graphite fibers, magnesium alloy and epoxies comprise 60 percent of Boeing's 7E7—providing greater durability, reducing maintenance and maintaining safety—and increasing efficiency between 20 and 30 percent over its rival similar product.

The same auto industry that fought against safety belts, airbags, mandatory recalls, side-impact protection and roof strength is fighting against better fuel economy.

I am not surprised—just disappointed.

We have heard the argument too, that increasing fuel economy standards will force American automakers out of work.

Sadly, we are already witnessing tremendous job loss in our American automotive manufacturing sector, and it wasn't caused by an increase in fuel economy standards.

Instead, it has been this industry's failure to change with the times and recognize that the growing global dependence on oil would inevitably force gasoline prices to increase and that consumers would respond to the high prices at the pump by demanding more fuel-efficient cars.

Some companies are adapting to consumer demand—they are making more fuel-efficient vehicles, and being rewarded by higher sales.

Other companies are not adapting as quickly to consumer demand and continue to make cars that are more difficult to move off the lots.

The argument that increased CAFE standards would result in job loss speculates that the industry would just stop producing vehicles instead of introducing new vehicles.

I suggest that they would still make vehicles—that they would need expertise and labor to design new cars and retool existing models to be more efficient—expanding to potential for jobs in the U.S.

Consumers across America are paying over $3 per gallon at the pump, and they are not happy about it.

Stagnant fuel economy and increasing gasoline costs pinch American familys' pocketbooks.

In a poll released right before Memorial Day, 46 percent of respondents said they expect spiking gasoline prices to cause them severe financial problems.

Increasing fuel economy standards would help consumers save more than $2,500 over the life of the vehicle.

According to another recent poll conducted by the Mellman Group, 88 percent of rural pickup owners support higher CAFE standards.

Eighty-four percent of people who use their pickup trucks on the job approve of increased CAFE standards.

Eighty-seven percent of people who are economically dependent on the auto industry are supportive of increased CAFE standards.

The consumers who actually have the most to gain from increased fuel economy are people who live in rural areas—they frequently have larger vehicles and must drive further on a daily basis.

They are therefore spending more at the pump and are overwhelmingly supportive of increasing the fuel economy of the vehicles they need to drive.

A constituent of mine, Chuck Frank, owner of "Z" Frank Chevrolet/Kia recently visited with me to discuss the bill we are debating.

Chuck runs a family business. His family has been selling and leasing cars and trucks in Chicago since 1936—and has sold well over 1 million Chevrolets.

He doesn't want to be at odds with the manufacturers he represents, but he recognizes that times are changing.

In a letter he sent us, Mr. Frank wrote:

> It is important for you to know that there is support from within the auto industry for moving forward with raising Corporate Average Fuel Economy standards.

Mr. Frank also shared with me a recent editorial by Keith Crain, the editor-in-chief of Detroit's Automotive News. The editorial states:

> It's a real shame that the industry and the Alliance of Automobile Manufacturers can't be a part of the solution rather than an embarrassment to the nation.

If there is no objection, I would like to have both the letter and editorial printed into the RECORD.

Since 1999, Chrysler group has lost 2.7 percentage points of its market share while GM's domestic brands have lost 4.9 percentage points and Ford has lost 7.4 percentage points.

It is time these companies recognize that they are not making enough of what consumers want and should start delivering what the consumers need.

Finally, increasing fuel economy standards will help reduce greenhouse gas emissions.

Every gallon of gasoline burned releases approximately 20 pounds of carbon dioxide into the atmosphere.

One-fifth of the greenhouse gas emissions are from the tailpipes of our cars.

Increasing CAFE standards will decrease emissions as we use less gasoline.

Plug-in hybrid electric vehicles are extremely promising. Using energy equivalents between gasoline and electricity, the Natural Resources Defense Council calculated that a plug-in electric vehicle would get the equivalent of 105 miles per gallon.

If we look at the oil savings we can expect to get from our bill, the alternative amendment and a strict 4 percent per year increase, we see that these approaches have a dramatically different impact on the amount of oil we use in our transportation sector.

If we increase fuel economy by 4 percent annually, we see the best oil savings. Ironically, this is closest to what the President suggested in his State of the Union Address this year.

Four percent per year would yield an oil savings of 5.5 million barrels per day by 2030 if the auto manufacturers were not provided an off ramp.

The CAFE amendment that we have seen would make very small gains in oil savings by 2020, we would be using less than one-half of a million barrels of oil per day and by 2030 we would be using less than 2 million of barrels of oil per day than we otherwise would be.

Our proposal is the real compromise here, by getting to 35 mpg by 2020, we would save 1.2 million barrels of oil per day. If fuel economy rises at 4 percent per year after the first 10 years, we would save almost 4 million barrels of oil per day by 2030.

If we also look at the greenhouse gas emissions and fuel cost savings to consumers, we see more clearly how much more effective our bill is for consumers and the environment.

The amount of oil savings that we would achieve by 2020 under our proposal is 1.2 million barrels per day.

The other proposal would only save 0.4 million of barrels of oil per day.

A 4 percent annual increase in fuel economy would achieve 1.7 million barrels of oil per day savings.

Our bill would save 206 million metric tons of carbon dioxide from being emitted into the atmosphere every year.

The other CAFE proposal would cut greenhouse gas emissions by only 65 million metric tons per year.

Finally, our bill saves consumers more at the pump. We would save consumers $25 billion by 2020 compared to only $8 billion in savings by 2020 with the alternative CAFE proposal.

Our position is the compromise position—it has been worked out in a bipartisan fashion. We have worked hard to address the concerns of the auto industry and NHTSA. And still the auto manufacturers are unable to come to the table to support a bill that makes any meaningful change that would save millions of barrels of oil per day, using off the shelf technology.

I cannot for the life of me explain how a great industry such as the automobile industry in the United States has fallen so far behind when it comes to new technology in fuel economy. Several years ago when Toyota and other Japanese manufacturers came up with hybrid vehicles and hybrid engines, Detroit was dismissive: It is a fad; people don't really want them. They have now sold their 1 millionth Toyota Prius in the United States. There is a strong appetite for cars that get 40, 50, 60 miles a gallon, serve our families, and serve the needs of our economy. Detroit has not registered when it comes to this obvious reality.

My wife and I bought a Ford Escape hybrid, at the time the only hybrid offered by an American manufacturer. I am sorry to report to you, unfortunately, that the hybrid technology in my Ford was made by Toyota. Ford did not make it. They were not up to it. I hope they soon will be when it comes to more fuel-efficient vehicles.

There are opportunities out there. I am afraid if we listen to the automobile manufacturers and continue to wait, nothing will happen. Fuel efficiency will continue to falter, will continue to be dependent on countries that send their oil to the United States.

It is interesting, while we are in this CAFE debate in the United States, other countries have already had their debate. The winners, when it comes to fuel economy, are Japan and the European Union, where automobiles are now getting 40 to 46 miles per gallon. China—China, this fledgling economy—has more fuel-efficient cars than we do, and their fleet is almost at 35 miles per gallon already, as we debate whether the United States can reach that goal in 10 years.

There is a lot of reasons we have fallen so far behind. I will not try to dwell on them, but clearly we have a chance to catch up.

The last point I would like to make is, this is a timely debate as well when it comes to our environment. There are a few of my colleagues on the Senate floor who don't believe in global warming and climate change. They are entitled to their point of view. I happen to think they are wrong. I am sure they believe they are correct. I happen to believe something is happening in this world today: The climate is changing; storms are more violent; glaciers are melting. We are seeing changes already that are going to have a long-term negative impact on the world in which we live.

When I look at my grandchild, who is about 11 years old, and talk about what the world will be like for him, I am sure the day is going to come when he is going to ask me: Did you do what you could to try to avoid the environmental crisis that was looming when you saw it back in the early 21st century?

It is a legitimate question. Each generation has to be able to answer that question. We know now if we don't do something smart when it comes to energy and energy consumption, we are going to make this world less comfortable for us to live in. That is a fact. I hope by moving toward fuel efficiency we can start doing the right thing.

And I will go a step further. If we fail on the fuel efficiency question, on the CAFE question when it comes to the cars and trucks that we drive, then I believe we will have failed on one of the most fundamental issues in terms of the future of this planet and the future of the United States. I honestly believe we have an opportunity to move forward, and I hope we do it, and do it soon.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. First of all, as chairman of the Environment and Public Works Committee, your words are really like music to my ears. I am so grateful that you, Senator DURBIN, are in the leadership because I think you reflect the views of the vast majority of Americans who see the challenges ahead and know we just can't do business as usual.

I think this bill is a very fair bill when it comes to fuel economy. This bill went through the Commerce Committee, a committee on which I serve, and it was a bipartisan measure. Everyone voted for it. It was fair; it was good.

The question I have for my colleague is, I just wanted to make sure he was aware of another provision in this bill, which is a good one, too, and that is to make sure the Federal Government is, in fact, the model of energy efficiency when it comes to the purchase of new cars. I wanted to make sure my friend was aware because it is tucked away in this bill, a provision we got out of the Commerce Committee, that says from now on, when the Federal Government buys its 60,000 cars a year—60,000 cars a year for its Federal fleet—that it buy the most fuel-efficient car. Is my friend aware of that?

Mr. DURBIN. I am aware because I know the Senator from California has been working on this for quite some time. I might also add that I recently met with the Postmaster General, and the U.S. Post Office has many vehicles bought by the Federal Government. They are trying to focus on how to reconfigure existing vehicles with diesel technology, for example, which is less polluting and uses less fuel. And they need our help. So I hope this bill will be a breakthrough when it comes to Federal vehicles.

I might also add, I am aware the Senator from California has joined me and a few of our colleagues and invited the experts to come and take a look at our office operations. Members of Congress, the Senate and the House, have to lead by example, and I hope the small steps we have already taken, and other steps we will take to have less of what we call a carbon footprint from our operations, may point the way toward more fuel efficiency and conserving electricity even in our own office operations.

Mrs. BOXER. Well, absolutely, I say to my friend, and again I thank him for yielding for another question.

Several of our offices are part of this model project to see how energy efficient we can be. It is a pretty straightforward way for us to lead by example.

The other question I have for my colleague is this: The bill that is on the Senate floor, which Senator REID worked so hard to put together, along with Senator BINGAMAN, myself, and Senator INOUYE and others—Senator KERRY was involved, and I know my friend was involved as the assistant leader. There are other provisions in this bill—which is why I am so hopeful we will get this done—that take this notion of the Federal Government being a model to our buildings as well.

I am not sure my friend is aware of the exact number, but the Federal Government either runs or operates 8,000 buildings—8,000 buildings. When my friend talks about global warming, it is a fact that in America 39 percent of the greenhouse gas emissions comes from buildings. So if we can set the tone here, and we can move forward with a bipartisan vote—we were able to pass a lighting efficiency bill for the Federal Government, which is included. This also has a component where grants will be given across this country to cities and counties to make their buildings energy efficient in terms of lighting. It will save money, and it will reduce the carbon footprint.

Then, with the help of Senators LAUTENBERG and WARNER, we got another piece of legislation included in this bill, which is called the green buildings bill, which also impacts all new and existing Federal buildings and also requires the EPA to come out with a model of green buildings for schools. So we will help our schools because you are so right when you talked about your 11-year-old grandson. I have a 12-year-old grandson, as you know. They are going to ask those tough questions, and they may well ask it of the schools they are in too.

So I wanted to make sure my friend knew, since we really are talking more with the leadership of Senator BINGAMAN, who has been working on the most contentious amendments, that there is so much in the underlying bill that came out of his committee, my committee, and other committees that is strong, and that is why we would hate to see this derailed. This would be an enormous setback.

The people want us to reach across party lines and take care of business, and an energy policy is going to take care of business.

Mr. DURBIN. I might just say to the Senator from California that it wasn't that long ago we used to hear about all the California laws, rules, and regulations. It was a source of amusement to many of us in the Midwest that you had your own design in automobile engines, and we thought: What is going on with these crazy people in California? We learned our lesson because in the period of time that you led the Nation in thinking about these things, you proved something: that you could keep economic growth moving forward in California and conserve energy in the process.

That is a lesson the Nation needs to learn. We don't want to sacrifice jobs, business growth, or opportunity in America. Instead, we want to create opportunity in a reasonable, wise, environmentally sensitive way.

I thank the Senator from California for her leadership on this issue.

Mr. President, I yield the floor.

VETO OF STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the veto message on S. 5 be considered as having been read and that it be printed in the RECORD and spread in full upon the Journal. I further ask unanimous consent that the message be held at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The veto message of the President is printed in today's RECORD under "Presidential Messages.")

Mr. REID. Mr. President, let me briefly say I have had a conversation with the distinguished Republican leader and this will be brought up at a later time. We will fully consult with the distinguished Republican leader, and we will do it at a time that is more appropriate than today.

Mr. DODD. Mr. President, in 6½ years in office, President Bush has picked up his veto pen only two times. Today he adds a third; and once more, he is standing against hope for thousands of Americans afflicted with deadly diseases. His veto of the Stem Cell Research Enhancement Act is a grave moral error.

Embryonic stem cell research may one day provide relief to more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, Lou Gehrig's disease, cancer, and many other devastating conditions for which there is still no cure. Today, Federal funds are only allowed for work on 21 stem cell lines that existed as of August 9, 2001, all of which are contaminated. Scientists understand that access to more stem cell lines would significantly expand the scope and possibility of their research. That is why the Stem Cell Research Enhancement Act expanded the number of embryonic stem cell lines available for federally funded research by allowing the use of stem cells derived through embryos from in vitro fertilization clinics. Stem cell research turns embryos that would otherwise be discarded into the seeds of life-giving science.

Of course, the decision to dedicate embryos to research is a heavy one. We have never argued otherwise. That is why the Stem Cell Research Enhancement Act contained strict ethical requirements. Under this legislation, the only embryonic stem cells that can be used for federally funded research are those that were derived through embryos created for fertility treatment purposes and donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited under this legislation. These ethical standards are stronger than current law—possibly stronger, in fact, than the standards attending the creation of the 21 approved lines.

Stem cells from embryos have a unique potential to reduce human suffering—and for precisely that reason, embryonic stem cell research is supported by a strong majority of Americans. Today, President Bush set himself against that potential, and against that majority; he set himself in the way of our scientists, and our suffering patients. I hope that, when he has left office at last, he will come to regret his choice. If not, history will regret it for him.

Mr. KYL. Mr. President, once-terminal diseases such as leukemia, aplastic anemia, cerebral palsy, and sickle-cell anemia are now treatable, if not curable, by using stem cells derived from bone marrow and umbilical cord blood. Early this year, scientists at Wake Forest University School of Medicine found stem cells in amniotic fluid. These stem cells are particularly exciting for their pluripotency—the characteristic that enables the stem cell to turn into multiple bodily tissues and thereby be useful in a variety of medical treatments.

In the last few weeks, just as the House was engaging in a partisan effort to pass this bill that the President rightly vetoed, scientists discovered that human skin could one day be used to create limitless lines of stem cells that are virtually indistinguishable from embryonic stem cells in their characteristics. Already such newspapers as the Washington Post are glowing with reports about how this discovery could "revolutionize stem cell research and quench one of the hottest bioethical controversies of the decade." At the same time, the highly trumped benefits of stem cells derived from the destruction of a living embryo have yet to be demonstrated, despite considerable private and public funding.

All members of this body share a desire to find cures or successful treatments for horrible illnesses. Fortunately, such an opportunity has been presented in the way of adult stem cells. Even with all of the tremendous potential that adult stem cells hold for treating serious medical conditions, some of my colleagues are unwilling to support legislation that funds the development of ethically acceptable and medically beneficial adult stem cell research. This body should recognize the fundamental differences—not just between Senators—but among the American people, over the appropriate use of taxpayer funding for stem cell research that destroys a living embryo. We may never move beyond this impasse, but that should not stop us from encouraging non-controversial and highly productive medical treatments.

While S. 5 contains provisions which are morally unacceptable to many people. S. 30, the "Hope Offered through Principled and Ethical Stem Cell Research Act" or the "HOPE Act," which the Senate passed, is an opportunity for Congress to support highly-productive adult stem cell research free of ethical defects. S. 30 would specifically direct the Department of Health and Human Services to seek alternative sources of stem cells and study the possibility of establishing an amniotic and placental stem cell bank, similar to the bone marrow and cord blood stem cell bank, while reaffirming a policy that prohibits research that destroys human life. This goes far beyond the current policy in the extent to which it supports adult stem cell research.

Right now, as Senators prepare to consider an override of the President's veto of S. 5, there are millions of Americans suffering from serious illnesses who are waiting for the potential treatments offered by adult stem cell research. Rather than wasting precious time debating ethically divisive funding for stem cell research that destroys living embryos, the House should take up and pass S. 30. It is disappointing to see partisanship trump science and patients' hopes.

I applaud the President for issuing his Executive Order today, implementing many, but not all, of the key provisions of S. 30. I urge my colleagues to reaffirm opposition to S. 5 by upholding this justified veto, and to think twice about trying to add S. 5 or similar provisions that would promote embryo-destructive research onto other bills, including annual appropriations bills. Such a move would justify the veto of that legislation as well.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—Continued

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 1658

Mr. VITTER. Mr. President, I rise in strong support of an amendment I filed at the desk some time ago, Vitter amendment No. 1658, and I would like to briefly explain what that is.

At its core, this amendment would allow Louisiana to use more Federal coastal impact assistance dollars, which are already going to the State under preexisting law, a law we passed a couple of years ago, to be used specifically for one of our top priorities in the wake of Hurricanes Katrina and Rita, and that is a hurricane protection effort.

By way of background, in 2005, we passed the Energy Policy Act, and that did a very important thing for the State of Louisiana and other producing States. It established a Coastal Impact Assistance Program for the six States in the United States that produce offshore energy, particularly oil and gas. Obviously, that includes Louisiana. Under that 4-year Coastal Impact Assistance Program, certain Federal dollars flow to those producing States in light of the enormous work they do producing energy for our country and the negative impact that activity has in many cases on our coastline.

Back at that time, a provision was made to restrict the amount of those funds that could go specifically to infrastructure projects, and that cap was established, with the work of Senator BINGAMAN and others, at 23 percent. Back in 2005, I argued strongly and worked with Senator BINGAMAN and others to say that cap should be lifted with regard to hurricane protection work, at least in Louisiana, because that work was absolutely so vital, so essential for our very existence. Unfortunately, that argument did not hold the day. The cap was not lifted, and an exemption was not put in place for hurricane protection efforts.

I am trying to get that cap lifted for hurricane protection work in Louisiana now. My argument that we should do it comes down to two words—two words that happened, that devastated our coastline between then and now, and the two words are "Katrina" and "Rita." Since that original act in 2005, Katrina and Rita struck, and they struck literal death blows to the Louisiana coast. If hurricane protection was a big priority before that, it has only grown enormously with those two hurricanes coming upon our shores.

I think there is every rationale, every reason to allow us to use more of that coastal impact assistance money for hurricane protection efforts and to lift that arbitrary ceiling of 23 percent for infrastructure projects, specifically when we are talking about hurricane protection efforts.

I have been in contact with Senator BINGAMAN about this issue. We have just discussed it on the Senate floor. I know he is considering these arguments. Perhaps in wrapping up my discussion, I could invite the Senator to engage in a brief colloquy and ask him again to focus on the extreme needs of the Louisiana coast in the wake of Hurricanes Katrina and Rita and to continue consideration of lifting this cap in light of those extreme needs and to see where we are in that discussion.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me respond to the comments the Senator from Louisiana made.

Procedurally, we are not able to bring up or consider the amendment he has talked about today. I have explained to him the reason for that is there is a Republican objection to us bringing up and considering a great many amendments that Democratic Members would like to bring up and consider at the same time. So I regret that.

On the substance, I am not in a position to indicate right now whether this kind of change would take place. I would assume that to make that judgment, we would have to know something about the hurricane assistance that has been provided and whether there are still adequate funds available for some of this wetland assistance that was the purpose of the original legislation in 2005.

Obviously, I think the entire Senate has been anxious to be of assistance to all of the gulf coast. This legislation he is referring to, the wetlands protection part of the 2005 Energy bill, was part of that. There have been several things that have been done since the devastating hurricanes hit that region. But I do not know enough about the specifics of those assistance programs to pass judgment on the contents of his amendment. I commend him for offering it, but I am not in a position to support it or oppose it.

Mr. VITTER. Mr. President, reclaiming my time.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Reclaiming the floor, I will put that down as an "undecided," and "maybe." I want to continue these discussions with the Senator from New Mexico. He is essentially the key to clearing this amendment, probably without objection.

Again, I restate that because of the devastating impact of Hurricanes Katrina and Rita, I think there is every reason in the world to lift this arbitrary cap of 23 percent, specifically and only for hurricane protection work on our coast. It is absolutely vital for our survival. It will not mean we are not doing everything else we have been talking about. That is moving forward for a number of reasons, including the revenue sharing piece we were able to pass into law late last year. That will give significant new revenue to our coastal restoration efforts and other things. I again urge the Senator to continue to look at this and hopefully clear this so it can be adopted without even the need for a vote on the floor, adopted by unanimous consent.

AMENDMENT NO. 1776

Now I wish to move to a second very important amendment I have at the desk, which is amendment No. 1776. I just happened to get that number but I think it is a very appropriate number for this amendment because this goes to our very important, patriotic efforts to increase our energy independence and to get away from our enormous reliance on the Middle East, including very dangerous countries and regimes in the Middle East that are clearly not friends of ours at all.

This amendment is straightforward. It would allow increased domestic production of minerals or renewable energy in Federal areas that are not allowed now, if and only if all four of these things happen—really five.

No. 1, the national average gasoline price would have to exceed $3.75 a gallon at the pump.

No. 2, in addition, foreign imports of oil would have to exceed 65 percent of all oil use.

No. 3, in addition, the President would have to determine that an ample supply of renewable fuels is insufficient to meet fuel demand domestically at that time.

No. 4, in addition, the President would have to determine that continued and growing reliance on foreign oil imports is a threat to national security.

If all of those four preconditions were met, then and only then, No. 5, the Governor of a State, with the concurrence of the State legislature, could petition the Secretary of the Interior to initiate leasing activities on specified Federal lands within the State or within the administrative boundaries of the Outer Continental Shelf related to that State for oil and gas or alternative energy production. So if everything I mentioned happened, then and only then a State itself, through its Governor, through its State legislature, can say: Yes, sir, Mr. President, we want to be part of the solution. This is a dire, extreme case. This is a real national security threat. We want to be part of the solution by producing, safely and in an environmentally friendly way, more oil and gas, more renewable energy for America.

I think this is an utterly commonsense and very much needed amendment to increase domestic production, decrease reliance on foreign sources. That goes to energy security. As such, it goes to economic security. It goes to national security.

Again, none of this would happen unless all of those things happened first: gasoline prices at $3.75 at the pump, foreign imports over 65 percent of everything we are using in this country, the President saying renewables cannot make up the difference, the President saying this is a real national security issue, the Governor of the State saying we want to do this, it is our home, we can do it responsibly, and the State legislature of the State concurring. All of those things would have to happen before opening up either land within the State or part of the Outer Continental Shelf off the State to leasing activity, in terms of Federal land.

It is very important that we do a balanced approach, all sorts of things, to decrease our reliance on foreign sources. This is a very commonsense part of that menu.

With that, I understand there may be objection, but I ask unanimous consent to set aside the pending amendment so that this very commonsense amendment, which goes to the heart of this debate and the heart of the bill, Vitter amendment No. 1776, can be called up and made pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BINGAMAN. I object.

Mr. REID. Could I ask a question, through the distinguished Senator from Louisiana, to the manager of the bill, the Senator from New Mexico?

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Would the distinguished chairman of the Energy Committee inform the Senate why there isn't more done on this bill? People have said to me we want to have it debated—and not just Democrats; Republicans have asked me the same question—why aren't we able to move on to get some of this done?

Mr. BINGAMAN. Mr. President, let me respond to the majority leader by saying there are a great many good amendments Republican Members would like to offer, there are good amendments Democratic Members would like to offer. We are informed there is objection to us bringing up any of these amendments and getting a vote on them at this time because of objections from a Senator on the Republican side.

For that reason, we are somewhat unable to proceed with any of these legislative matters. I know the time is running toward the vote on cloture—both on the tax package and on the bill itself. I know there is good faith on both sides in wanting to do some more business before those cloture votes occur. But obviously, good faith on the part of many Senators does not ensure we can make progress. We have to have unanimous consent and we cannot get that.

Mr. REID. I don't know if the Senator from Louisiana still wants the floor?

Mr. VITTER. Yes, I do.

Mr. REID. Would it be OK if I direct another question to the manager of the bill?

Mr. VITTER. Certainly.

Mr. REID. I say through the Chair to the distinguished Senator from New Mexico, I have worked for all the time I have been in the Senate, for more than a dozen years, on a very close, intimate basis while we were managing the Energy and Water appropriations bill, with the senior Senator from New Mexico, Senator DOMENICI. What is going on here, as the comanager of this bill, is very unlike Senator DOMENICI. Senator DOMENICI likes things debated. He likes votes to take place. He likes movement here in the Senate.

Senator DOMENICI is not part of holding this legislation up, is he?

Mr. BINGAMAN. Mr. President, let me respond to the majority leader. I think it is fair to say there is a good-faith effort on the part of both managers to try to move forward with legislation in a way that is fair to both Republicans and Democrats, and allows consideration of amendments on both sides. But we are being blocked by others.

Mr. REID. One last question, if the Senator will be patient, the Senator from Louisiana.

The Senator from New Mexico, the senior Senator from New Mexico, the manager of the bill, has been in the Senate longer than I have, and he knows more about procedure than I do, but has the Senator tried, for example, having 60-vote margins on some amendments that people may not want, to see if there is any other way to move this along to get that objection withdrawn?

Mr. BINGAMAN. Again, Mr. President, in response, let me say we have tried to get agreement that certain of the amendments that are objectionable to some Members on the Republican side—we would agree that we would be bound by a 60-vote threshold on those amendments. But at least at this point, my understanding is the objection is to any consideration of the amendments, regardless of what the threshold is going to be. We are unable to proceed right now. I hope that changes. I hope we can dispose of some of the very meritorious amendments that both Republican Senators and Democratic Senators wish to offer before we get to cloture.

Mr. REID. Mr. President, I want the record to reflect my appreciation for the courtesy extended to me by the distinguished Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I was happy to do that.

Reclaiming the floor, all of that is interesting. It is also what is commonly referred to as "inside baseball." For the sake of the insiders here, let me translate for you what the American people just heard. To quote Charley Brown, "Wah, wah, wah, wah, wah, wah, wah."

The fact is, what Americans are faced with is an energy crisis and we have all this "inside baseball" tangling us up in the Senate, in the House, and we are not doing a darned thing about it.

The other fact is there is no objection on the Republican side to calling this amendment up, No. 1776, to making it pending, to considering it. There are all sorts of debate and all sorts of discussions about other amendments. There is certainly no objection on our side to this amendment. Why should there be? Why shouldn't we allow individual States to say: Yes, we want to be part of the solution, particularly when all of the following events occur: average price of gasoline reaches $3.75 a gallon, foreign imports top 65 percent of everything used in the country, the President certifies that renewables can't make up the gap, the President certifies there is a continuing reliance on foreign oil, which is a national security threat? If all of those things happen, shouldn't we be allowing a State, through its Governor, through the State legislature, to be part of the solution in a safe and environmentally sensitive way to produce more energy in this country that doesn't take away the need for alternative fuels, that doesn't take away the need for conservation or everything else?

But the clear and simple fact is, this problem is so big we need to do all of the above. Certainly this commonsense approach should be on that menu, should be among all of the above.

Let's get beyond the Washington insider "Wah, wah, wah," all the running around, all the objections, all the being tied up in knots, and present some reasonable, commonsense solutions to this growing national energy crisis.

I hope those who control the floor and leave the floor, starting with the distinguished majority leader, to whom I deferred a few minutes ago on the floor, can be part of that.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, the moment of truth is coming on this Energy bill very shortly as to whether we will stick with the bill which requires the meeting of cars and light trucks to be 35 miles per gallon not for another 13 years, until 2020, and thereafter the mileage standards to improve by 4 percent a year. There is a great deal of consternation going on here, particularly by the automobile industry that does not want to comply with these standards.

I was prepared to offer an amendment that I think 35 miles is too low. We have the technology. The question is, Do we have the political will? We have the technology to go to 40 miles per gallon. I have filed an amendment. But apparently, because of the dynamics of the Senate taking up this issue, we are struggling to get the votes in order to keep the 35-miles-per-gallon standard in the bill.

There are all kinds of side discussions going on in the corridors and anterooms of the Capitol as to whether there will be any offer, particularly by the Senator from Michigan, Mr. LEVIN, as to reduced standards. Originally, he was proposing a standard of 36 miles per gallon but not to be achieved until the year 2025, with other trucks exempted from that. So you see the battle, the choice that is basically set.

Why should we do this now? Let's look at history. I came into public office in 1972, now 35 years ago. At the time in the early 1970s, we had an embargo by the oil-producing countries, particularly in the Persian Gulf region. There was a panic. There were long lines at the gas stations. The price of oil shot up from a low price of something less than $10 a barrel back then, it shot up considerably and everybody was concerned. Americans were impatient. The Persian Gulf region became a target of our disaffection. Then the spigot was turned on. The oil began to flow again. The embargo was released. The price started to recede. America went back to sleep.

It happened again in the late 1980s, about the time I was elected to Congress. Again, there were long gas lines, the cost of gasoline shot up, the enmity toward the Persian Gulf region nations, the double whammy that interest rates soared upward of 15, 16 percent. All of that was a real crunch on Americans. But the spigot was turned on again. The oil flowed. The price receded a little bit—not nearly as much as it was back in the early part of the decade of the 1970s—and America went back to sleep again.

All the time at each of these moments, the alarm was sounded that from a defense posture, the United States did not want to be dependent on foreign oil. Yet each time dependence increased and the amount of foreign oil imported into the United States increased to the point that today we are importing 60 percent of our daily consumption of oil. Where is it coming from? It is coming from places such as the Middle East, the Persian Gulf, Nigeria, and Venezuela. I have mentioned four parts of the world that are relatively unstable. Yet this is what is supplying us with 60 percent of our daily consumption of oil.

So we come to the moment of truth which may occur this afternoon, if an alternative amendment is offered to the miles per gallon required in this Energy bill. The moment of truth is, is America ready to have the political will to change its gas-guzzling ways? We are talking about reasons of energy. We haven't even said anything about what the excess carbon dioxide as a result of the burning fossil fuels is doing going into the air, creating the greenhouse effect and heating up the Earth. That is another complete story. But it is all as a result of this.

People say: Another part of this, we are going to talk about renewable fuels for electric utilities. That is an important part too. But when you look at where do we consume most of the oil, the petrol, it is in the sector of transportation. Within transportation, where is most of the oil consumed? It is consumed in private vehicles. So we are coming to the moment of truth. Are we going to finally require, without many exceptions, the automobile industry to do what technology easily allows us to do—but not even do it tomorrow, phase it in over a 13-year period to the year 2020, requiring that we have greater miles per gallon and, therefore, what does that mean? Less consumption of oil. That means less dependence on foreign oil. This is where the greatest consumption of oil is, our private vehicles. The moment of truth is here.

There is clearly a defense reason we ought to explore as to why we ought to do this as well. Can you imagine the different posture of the Armed Forces of the United States if we did not have to be the protector, almost the sole protector, of the sealanes upon which the great supertankers of the world steam in order to satiate an oil-thirsty world? Thus, who do you think defends and protects the sealanes coming out of the Persian Gulf, coming through one of those chokepoints, a military chokepoint called the Strait of Hormuz, 19 miles wide, on one side Iran, on the other side of the 19 miles, Oman, through which narrow passage the supertankers of the world have to flow to get out into the Indian Ocean? Who protects that? The United States.

Wouldn't it be different from a defense posture with a Latin American President such as Hugo Chavez, who continues to thumb his nose at the United States because he can since he has petrol dollars, since he supplies 12 to 14 percent of our daily consumption. And, by the way, his company, which has been nationalized by the Government of Venezuela, the oil industry called PDVSA, did you know that they own all the Citgo stations in the United States? So his threat of cutting off is more hollow than real because he would be, to use the old expression, "cutting off his nose to spite his face"—if he were to suddenly shut down the oil supply going into all of his gasoline stations around the United States. Nevertheless, he has made that threat. In the process, with his oil wealth, because we do buy half of his oil production, he can buy friends around the region. Happily, he has not been totally successful. But he can buy friends and buy influence with his petrol dollars, either in the form of direct financial remuneration or in the form of oil and gasoline supplies to oil- and gasoline-thirsty countries, such as the little countries in the Caribbean, the little countries in Central America. That is another thing we are facing. The moment of truth has come.

I had an automobile dealer, one of the very best from my State of Florida, sit with me yesterday and tell me the automobile industry could not make this adjustment. But that is what the automobile industry has been saying for the last 35 years, ever since we had that first major oil disruption in the early 1970s. In his particular case, he has tried, within the industry, to get the industry to be willing to reform itself and use the technology we have to do much higher miles per gallon. I thanked him profusely and congratulated him on his efforts. But Mr. Automobile Industry, backed up by Mr. Oil Industry, don't come tell me we don't have the technical capability and the American people the capability of buying automobiles that will take us from what is now, on the average, about 22 miles per gallon on vehicles—they have a different standard; it is something like 27, but in reality it is only 22—don't tell me we don't have the technology in 13 years to get us to 35 miles per gallon. I wish it were 40. But if we can get this, we are all the better off.

I wish to share one more thing, as we are coming to the moment of truth.

Two weeks ago, during the break, I spent it going around on an intelligence mission in Africa, and it became quite apparent in one of those countries, Nigeria—we get 12 to 14 percent of our daily supply and consumption of oil from that one country, Nigeria—it became very apparent to me those facilities were defenseless.

At the same time, it was very apparent to me that al-Qaida is on the rise in Africa. They are coming out of Arabia, into the Horn of Africa, there at Somalia, in all the midst of that chaos, and they are moving across the Sahel and the Sahara of Africa. They have even changed some of the names of the terrorist groups there in Africa to be AQIM, al-Qaida in the Islamic Maghreb. That is the group that just tried to assassinate the President of Algeria a couple months ago, and they got close. They got a big truck bomb, suicide bomber, next to the Presidential palace. It killed a dozen people, but they did not get the President. But it is on the rise.

Guess what one of their targets is going to be. The oil facilities in Nigeria. The only way we are going to stop that, since the Nigerian Government cannot protect them, is through the cooperative arrangement we have with African nations' intelligence services cooperating with our intelligence services. That cooperation is going on and has saved some of the terrorist strikes elsewhere in the world. That is the only way we are going to interdict—to find out ahead of time and stop it; otherwise, it is going to happen. When that happens, right there, with 14 percent of the daily supply suddenly cut off, we are going to rue the day if, on this day, this moment of truth, we have not set ourselves on a mandatory course of higher miles per gallon in order to force less consumption of oil, particularly foreign oil.

That is the message. I do not see how any Senator can ignore this message. Yet we are scrambling for 60 votes to close off debate to get to the end of this bill because of that provision in it.

Senators, the moment of truth is coming, portending enormous consequences for the future of our country and for the future of the free world, and it is going to happen today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1800 TO AMENDMENT NO. 1704

Mr. KYL. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1800 to amendment No. 1704.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To disallow the credit for renewable diesel for fuel that is coprocessed with petroleum)

On page 69, lines 17 to 20, strike "to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons".

Mr. KYL. Mr. President, I wish to ask the chairman of the committee, is it not correct that at this time there is agreement to have a debate—40 minutes equally divided—on this particular amendment, and the vote to be set at a later time, but we would try to conclude the debate at this time?

Mr. BINGAMAN. Mr. President, in response, that is my understanding, that we will have 40 minutes equally divided prior to a vote on or in relation to the amendment, and that vote may take place later in the afternoon.

Mr. KYL. Mr. President, I thank the Senator very much.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, this amendment is designed to get back to the original intent with regard to the Energy Policy Act of 2005 in relation to a very specific, rather narrow provision, but an important provision, that provided a $1 per gallon credit for renewable diesel. The idea was to encourage the creation of new technologies for renewable diesel. The idea was primarily to try to get products, such as cellulosic products, that could eventually be added to or be turned into a fuel that could be burned as diesel fuel. As a result, that $1 per gallon credit was deemed an important way to create a new kind of product.

Well, as entrepreneurs will do, a couple of very bright people figured out they could take an existing product, which is already used—namely, animal fat—and put that in with diesel fuel, in effect—I am simplifying the process—and, voila, it all burns the same, but it would qualify as renewable diesel, biomass under the credit and, therefore, they would get the $1 per gallon credit for doing something that adds essentially nothing to the process and uses animal fat—primarily, tallow—which is already used by the oleochemical industry, which is seeing the price skyrocket because of the interpretation these oil companies have gotten IRS to agree to that they could actually use this animal fat in their diesel and, therefore, get the credit for producing a new kind of diesel.

That was never the intent. The intent was to find some new kinds of biomass processes that could be converted to a diesel fuel and have it be a renewable diesel fuel—something truly new—not to take existing diesel and take an existing product that is already used by a very green industry.

By the way, the oleochemical industry is an industry that gets no subsidy, and uses this animal fat—something that is good to dispose of—to make plastics, cleaning products, home cleaning products, some rubber kinds of products, and most especially soap. The basic ingredient in soap is tallow. There is a finite market for that. The soap people buy all the stuff that is on the market, but they found that the cost has gone up 100 percent in the last 6 months because of this interpretation that tallow could be bought up by, primarily, one big oil company, Conoco oil company, which has figured out they can get the advantage of this $1 per gallon subsidy.

That is wrong. It was never intended for that. If they want to go out and invent a new process with the big tax credit we have given them, that is great, but not to use the tax credit to do something that can be done anyway and which has the effect, the unintended consequence, of hurting an industry that employs at least 4,000 people. By the way, if that industry is not able to buy the tallow—the animal fat that is being used here—then the only alternative is to produce things like soap in foreign countries that have alternative supplies to what we have in the United States.

So the unintended consequence of this is not just that somebody gets to take advantage of a $1 per gallon tax credit that is very generous—and not producing anything new—but they are also driving out of the United States an important industry which does use this waste animal fat, and uses its very productively, without any subsidy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the chief executive officer of the National Biodiesel Board, who wrote to me on June 20.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL BIODIESEL BOARD,
Jefferson City, MO, June 20, 2007.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: The National Biodiesel Board (NBB) supports your efforts to promote sound energy policy by ensuring that renewable diesel produced through petroleum co-processing does not qualify for the $1.00 per gallon renewable diesel excise tax credit.

In a time of budget deficits and rising fuel prices due in large part to limited domestic refining capacity, the NBB questions the wisdom of directing tax benefits and limited feedstock to subsidize existing oil refining operations at the expense of free-standing producers of biodiesel and renewable diesel. Under your amendment, vegetable oils and animal fats co-processed with petroleum would not qualify for the $1.00 per gallon renewable diesel tax credit, but would continue to qualify for a 50 cents per gallon credit that is provided under current law. The NBB believes that your amendment represents balanced energy policy and is consistent with the goals of the underlying legislation.

Again, the NBB thanks you for your efforts on this issue and urges Senators to support passage of your amendment to preclude petroleum co-processing from qualifying for the $1.00 per gallon renewable diesel tax credit.

Sincerely,

JOE JOBE,
Chief Executive Officer.

Mr. KYL. Here is what the letter says:

The National Biodiesel Board supports your efforts to promote sound energy policy by ensuring that renewable diesel produced through petroleum co-processing does not qualify for the $1.00 per gallon renewable diesel excise tax credit.

In a time of budget deficits and rising fuel prices due in large part to limited domestic refining capacity, the NBB questions the wisdom of directing tax benefits and limited feedstock--

That is the animal fat—

to subsidize existing oil refining operations at the expense of free-standing producers of biodiesel and renewable diesel. Under your amendment, vegetable oils and animal fats co-processed with petroleum would not qualify for the $1.00 per gallon renewable diesel tax credit, but would continue to qualify for a 50 cents per gallon credit that is provided under current law. The NBB believes that your amendment represents balanced energy policy and is consistent with the goals of the underlying legislation.

And so on.

We are not eliminating the tax credit. We are not eliminating this other credit. All we are doing is getting back to the original intent, which was not to provide this additional $1 per gallon credit for something that could be done anyway. We want you to go out and invent something new here using biomass for biodiesel, not using something that can already be done.

According to the testimony of the company that is primarily going to be doing this, this has not resulted in any major expenditure on their part. I will quote from ConocoPhillips' 2005 annual report. They have "conducted a successful test that converted vegetable oil into high-quality renewable diesel fuel . . . , and can be produced with existing refinery equipment with minimal incremental capital investment." In other words, this is not something that requires some new investment that requires the American taxpayers to subsidize it.

As I said, they are taking something they can do right now, and they are simply taking advantage of a tax break we did not intend to be used by a company like that.

Now, in anticipation of this boondoggle—and it has gotten quite a bit of press—there has been a suggestion: Well, we can limit it to taxpayers with 60 million gallons of production. The problem is, in the Finance Committee mark that was changed from "taxpayer" to "facility." So now a company can have 20 different facilities, each one producing 60 million gallons, and they are right back in business. It is no limitation at all.

So my colleagues should not be hornswoggled—to use the old phrase my grandfather used to use—that somehow there is some kind of limitation on this. Very cleverly, the Conoco folks were able to get in this legislation that it applies per facility; and by having multiple facilities, there is, in effect, no limitation.

Mr. President, I will be happy to give those who want to speak in opposition to this amendment an opportunity to try to refute what I have said, but I think this is very straightforward. There is no sense in rewarding what I would consider to be behavior that was never intended by this Congress in providing this kind of a tax credit.

When we are going to take a tax benefit—in effect, using taxpayer dollars—to promote something, we want to make sure we are promoting something that is in the best interest of the American taxpayer, not just a way for somebody who knows how to make a buck to use it to make a buck, especially if it has a negative consequence on an existing industry, the oleochemical industry, and, in particular, the soap makers of this country.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I might consume.

Yesterday, the Finance Committee passed the Energy Advancement and Investment Act. That measure passed by a vote of 15 to 5. That is a very broad-based, bipartisan majority for the Finance Committee amendment that is now pending on this energy bill.

It is a major amendment. The committee spent a lot of time trying to figure out the best way for America to turn the corner, for the United States to begin to wean ourselves away from OPEC, to wean ourselves away from our reliance upon foreign oil, to try to enhance our national security, make the United States a little more able to determine its own destiny with respect to energy.

In doing so, we therefore also created lots of incentives for American production of renewables, for renewable energy, conservation, hybrid automobiles, hybrid plug-ins, cellulosic ethanol—a whole multitude of ways to help America become much more self-sufficient and, hopefully, therefore, be able to get our gasoline prices down a little bit because at the current time we very much are in the throes of big oil's control as to what they charge at the gas pump. This is a very thoughtful amendment. We spent a lot of time trying to put all this together.

The Finance Committee amendment includes a compromise on the topic of Senator KYL's amendment; that is, renewable diesel. There are a lot of offsetting interests here, to be honest about it, from different parts of the country. Some are more concerned about biodiesel produced from products such as soybeans; others are much more concerned about renewable diesel produced by other products that could be organic products. In trying to get that balance put together, the goal is the same, which is to displace foreign oil.

I hope, therefore, that the amendment offered by the Senator from Arizona is not agreed to because the effect of it will be not to displace a good bit of foreign oil, which is contrary to the main point of the underlying legislation.

Under current law, there is a $1-a-gallon credit for renewable diesel, including that produced with animal fats. There is also a $1-per-gallon credit for biodiesel, which is made from soybeans and other seeds. The committee amendment extends both of these credits for 2 years, until 2010; otherwise, they will expire at the end of next year.

The Senator from Arizona appears to be concerned that renewable diesel coprocessors—such as Conoco, for example—will increase the cost of consumer goods. He thinks consumer goods are going to go up as a consequence of our assistance for renewable diesel. He argues that the price of animal fats to be used in making renewable diesel, which are also used in making soap, will drive up the cost of those consumer goods.

I might say that fancy term "coprocessors" includes companies such as ConocoPhillips, which will use some of its existing infrastructure to produce renewable diesel. That is true.

The Senator from Arizona also appears to be concerned about the size of the subsidy—$1 per gallon—for this fuel. I might say that this was a question which members of the committee were concerned with. There are those who thought that biodiesel would be in competition with renewable diesel, so we worked to find a way to work together to reach a balance. This is a compromise we worked out: the dollar credit for each, but in addition, the committee capped the tax credit for renewable diesel coprocessors at 60 million gallons per facility. We put a cap on it. Another way to say it is that once that cap is reached, then the $1-per-gallon credit will no longer be available. We have a limit. We are cognizant of the points made by the Senator from Arizona.

We also commissioned a study on the effects of energy tax incentives on consumer goods. The 60-million limitation is the same as the definition used for a small producer of biodiesel or ethanol. Now, is 60 million a magic number? No. But it is a standard used in current law. That is why we took it. It is not something pulled out of thin air. One might ask: Should the $1 subsidy remain current law for good? My answer is, probably not. This is a bold step in the sense that we are trying to push-start and help kick-start renewables and alternative energies. We don't know if these incentives are exactly right. They are probably not exactly right, but they are the best we could come up with at this time, and we think that probably they will work pretty well, but we will have to come back and revisit them. Some are not going to work very well, some will be increased and some will be decreased.

I say all that because the committee amendment before us extends this $1 for each—that is, for biodiesel and renewable—for just 2 more years. It is not a 5-year or a 10-year extension. It is not a permanent provision. It is just for 2 years. It will sunset in 2 years. That is contrary to most of the recommendations we have been getting from industry across the board; namely, they like 5-year incentives toward capital needs. A couple years, 3 years; 1 year is not enough, 2 years is not enough. We extended most of these credits on renewables and alternatives for 5 years. Section 485, which is renewable credits, is extended for 5 years, but we limited this to just 2 years as an extension because we are not as confident that is what the exact provision should be.

So I hope this amendment offered by the Senator from Arizona is not agreed to. The underlying Finance Committee amendment, which is pending, we thought it through the best we could. We think it is balanced. We think it is fair. Therefore, we hope it is sustained. Let me restate that every gallon of renewable diesel produced is a gallon of foreign oil displaced, which I think is pretty important.

I appreciate the efforts of my good friend from Arizona, but I think by and large they are not well placed.

I understand there are a couple of others who wish to speak on our side. How many minutes would the Senator from Iowa like to speak? For 5 minutes. Senator LINCOLN, about the same.

Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Twelve minutes.

Mr. BAUCUS. Mr. President, I yield 5 minutes to each Senator who wants to speak, and I first yield to the Senator from Iowa, my good friend, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I thank the Senator for yielding. I am glad to come to the floor to speak about renewables. I am going to speak against the Kyl amendment.

I think we ought to put things in perspective. For two decades, maybe longer than that, this country has been seeking various approaches to alternative energy so that we are not dependent upon foreign sources and, more recently, violent and unpredictable sources of energy for the United States for reasons of national security, for reasons of our economy. There are a lot of good reasons we shouldn't be so dependent upon fossil fuels and foreign sources of energy. So we have had two or three decades, starting out with ethanol and now going into other things such as biodiesel, wind, Sun, and things of that nature.

Now we are finding that the things this country was so united on, such as the need for renewables, the need for helping agriculture, the need for lowering our trade deficit, the needs of national security, the needs of a cleaner environment—everybody was united that we ought to be doing it, and now we are being somewhat successful. It used to be we would have to listen to all of the excuses of big oil, fight big oil, why we shouldn't have renewables. Now we are finding out about the high price of food, the high price of animal feed, just as if all of the problems of our country are on the backs of the American farmers, which is very unfair. Now we are finding some dissension from other industries being affected. We are still in the infancy of these industries, whether it is ethanol after a couple of decades or whether it is biodiesel after 3 or 4 years. We are in a state of infancy yet in renewables.

We ought to be as united today as we were over the past two decades on what is right for this country, good for agriculture, good for the environment, good for our national defense, good for good-paying jobs in parts of rural America where it has never been before. Everything about it is good, good, good. We better stick together because otherwise we will continue to be dependent upon those violent regions of the world for energy; we are going to be dependent on something God made a finite quantity of, such as fossil fuels. We need to move forward, united. This is the second amendment today and, who knows, we may have 10 other amendments which are very detrimental to the causes of getting this infant industry of renewables off the ground.

Having said that as a backdrop, I wish to speak specifically about what is wrong with the amendment that is before us. I can't replace the good things—or I can only add to the good things which the Senator from Montana has already spoken to. But there is no cap on any biodiesel production. They may go forth and produce and meet their specific chemical standards. They have the right to produce as many gallons of biodiesel as they like, and it will be qualified for the excise tax credit through the end of 2010. Now, people will argue that it ought to be longer, but you have to fit things into what we have offsets for, so it is the year of 2010. If they are a small producer, they will be able to receive the credit until December 2012. If you are a noncoprocessing facility and do 100 percent biomass, not including chemicals, catalysts, and the like, they have the same rules as biodiesel. If you coprocess at a facility, your total credit is limited to 60 million gallons. If you claim a renewable diesel credit, the 60 million gallons is the current definition of a small producer. So a coprocessor facility will not be able to receive any more tax benefits than the small producer. For example, if you have a 100-million-gallon facility that you are concerned about, they have a built-in $40 million advantage over any coprocessing facility. Obviously, a barrel of vegetable oil or animal oil is substantially more expensive than a barrel of crude oil, and the credit by law is limited to only the volumetric amount of the biomass.

I hope this makes it clear that we should not support the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, may I be informed as to how much time remains on this side?

The PRESIDING OFFICER. Twelve minutes for the Senator from Arizona and 6½ minutes for the Senator from Montana.

Mr. KYL. Might I take a little bit of time, then, before the other side speaks again on this issue?

I respect my colleagues who have spoken, but I have not really heard an argument that, to me, anyway, argues against the specific amendment I am offering. Remember, I am not doing away with the credit. The arguments that have been raised here make it sound as if we are trying to do away with the credit. That is absolutely not true. The credit remains. What we are trying to do is essentially reverse an IRS ruling, which I submit was made in error, with respect to the application of the tax credit. They said you could actually apply it to a process to which it was never intended to be applied.

A letter to the Secretary of Treasury at the time this legislation was originally considered makes that crystal clear.

Congressman BLUNT wrote:

> It has been brought to my attention that some taxpayers are suggesting to the Department of Treasury that section 1346 of the Act, the renewable diesel provision, could be broadly interpreted to include traditional processes. This is not what we intended in the provision, and neither the statute nor the associated JCT estimate of revenue implications in any way support such a reading.

What he is saying is this: Two years ago when this tax credit was created, it was designed to incentivize the creation of a new product so that we didn't have to continue to explore for oil or export it from foreign sources; we could begin to make renewable diesel out of biomass. That was the idea. We have all of this waste product of biomass. We have cellulosic products we can create here, and that will create a new renewable fuel source.

Everybody said: That is a great idea. To get it promoted, let's have a dollar-per-gallon tax credit for the production of that. It was not intended to apply, as the Congressman from Missouri pointed out, to include traditional processes for refining and producing fuel. In other words, it was designed to promote something new.

So when these folks found that they could take animal fat, essentially, to greatly simplify it, and add it to their existing stocks, voila: a biomass renewable fuel that qualified for a generous tax benefit, that was never intended. All my amendment does is to say that interpretation is not correct; you can't do that. The underlying dollar-per-gallon credit exists. The other 50-cent-per-gallon credit exists. We don't take away any of that. All we do—and the primary person or company that is affected by this, I acknowledge, is Conoco Oil Company. They have figured out, with minimal new investment, as they themselves wrote in their annual report, that they could take advantage of this tax credit by using the animal fat.

Now, again, I suppose it wouldn't matter that much if a big oil company is taking undue advantage of a tax credit we create. That is probably done all the time. I don't like it. That is why taxpayers are, frankly, sometimes upset with Congress that we pass these great, generous subsidies and sometimes they are utilized by people who shouldn't be utilizing them, not to create a new kind of diesel fuel in this case but to keep using the same old diesel fuel.

The other unintended consequence, though, is one that affects another industry, a clean industry, an industry that is using the waste fat, the vegetable oil and animal fat, the waste product of turkeys and chickens, for example. It is utilized today in a variety of these oleo chemical products which are products we use every day—house-cleaning products, soap, as I said.

The problem is that because these existing refineries are buying up these waste products, they are driving up the cost. There is only so much of this animal fat around. It is a finite amount. When the demand is increased by having these oil refineries buy it all up so they can put it into their diesel fuel so they can get an extra credit, that is driving up the price which, as I said, has gone up 100 percent in the last 6 months.

If that continues, these soap companies are not going to be able to afford the primary feedstock for the soap, and they are going to have to produce it abroad, another great unintended consequence of what started out to be a good idea but didn't turn out to be such a hot idea.

This is a very parochial issue. I submit, except for the chairman and ranking member of the committee, primarily the opponents of this are from places that take advantage of this provision. I cannot object to their fighting for their local industries, but I think it is important for us to recognize that as a national energy policy and as a national tax policy, we have to look at it in nationwide terms. When we have created a credit to produce something new, and it ends up not being used to produce something new but to produce something that currently exists by existing refineries and uses up the feedstock of another important industry, driving the cost of that industry way up, we better pay attention to that. The fix doesn't hurt anybody, except primarily, as I said, this one big oil company because it leaves the credit in place, it leaves the 50-cent credit in place. It doesn't do anything with those credits. It doesn't say they are not extended. All it does is say we go back to the way it was prior to this IRS ruling that said they could take advantage of this provision for the existing refiners.

I will conclude. We don't need to subsidize existing oil-refining operations at the expense of freestanding producers of biodiesel and renewable diesel. That is who this tax credit was designed to help, the freestanding facilities, the ones that were actually producing something new.

A key component of rising fuel prices in this country is a lack of refining capacity in the United States. We all know that. Freestanding biodiesel and renewable diesel producers have both fuel and refining capacity. We ought to be encouraging them, and that is what the $1-per-gallon credit was designed to do.

By contrast, coprocessed renewable diesel adds no new net fuel and no new refining capacity to the diesel pool. This was not intended to help the existing refiners. They are already in business, they are already making money, and we don't need to give them $1-a-gallon credit for doing something we don't need to have them do.

Finally, as I said, the availability of feedstock, such as animal fat and vegetable oils, is essentially fixed, and this $1 renewable diesel credit is the motivation for integrating the oil companies to engage in coprocessing. This will clearly increase demand for the feedstock needed to produce biodiesel and increase costs. It is not wise tax policy to drive tax policies and limited feedstock to support existing refinery operations at the expense of biodiesel and freestanding renewable diesel production.

The economic benefits associated with freestanding biodiesel production could be lost if this $1-per-gallon renewable tax incentive is directed to support operations in existing oil refineries.

I ask my colleagues to please keep this in perspective and take into account that those who say this amendment is bringing the end of the world, no, it is not. It doesn't change existing law at all. All it does is say to go back to the original intent and apply this very generous tax credit for the purpose we originally intended: to produce something new, not to use existing refineries and give them a tax credit for doing something they are already doing.

I hope when the amendment is called that my colleagues will see through some of the smokescreen that has been presented, not in the Chamber but on the outside with regard to this amendment, and will agree that national policy dictates that we take care of taxpayers' dollars carefully, that we set our energy policy carefully, and that we not let people take undue advantage of it in ways we did not intend.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask the Senator from Arizona, before the debate proceeds, we now have agreements with Senator INHOFE for two votes. One is a vote in relation to amendment No. 1693 and then a vote in relation to amendment No. 1666. I was wondering if the Senator will agree that following the debate on those two amendments, which will take an hour, if the Senator will be able to return to that point and debate his second amendment and then we can have a stack of four votes.

Mr. KYL. Mr. President, I will be happy to do this on my time because I am going to yield back my time on this amendment in any event. I am happy to have the vote on this amendment stacked with the Inhofe amendment at whatever time that will occur.

With regard to the second amendment, which I am going to propose, I am not at liberty to do that right now because there are numerous people who wish to speak. I assure the chairman that as soon as I have that list and know how much time it is, I will let him know that.

Mr. BINGAMAN. I appreciate the response.

I yield the floor.

Mr. BAUCUS. Mr. President, I yield to the Senator from Arkansas 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I start first by thanking both the chairman and ranking member and their staff for some incredibly hard work to get this legislation ready to come to the floor. It was absolutely no small feat, but it is so very important that we bring this portion of our objective in leading our Nation away from dependence on foreign oil and back to our ability to provide for ourselves.

This energy tax package that Chairman BAUCUS and Senator GRASSLEY have brought together is remarkable—remarkable in its balance, it is remarkable in the engine it provides to drive the incentives industry needs to move us toward renewable fuels.

I wish to say how much I appreciate their effort. Throughout the history of our Nation, we have faced great technological challenges that we have confronted and overcome. We didn't put a man on the Moon by talking about how important it was. We developed a plan, and we committed the resources necessary to achieve that plan. We are at that juncture now in this country in regard to renewable fuels and our dependence on foreign oil. I applaud their efforts in what they have done and accomplished.

I also wish to point out, in terms of what the Senator from Arizona has brought up, he mentioned this is not a new product. I venture to say how many people have heard of diesel made from animal fat, particularly chicken fat? This is a new product. It is a product that produces a renewable diesel that is very clean burning and very positive for our environment and the overall objective of what we are trying to reach in this underlying bill and that is reducing our CO_2 emissions, reducing what is going into the environment, and reducing our dependence on foreign oil.

The Senator from Arizona mentions the original intent. The original intent was to promote renewable diesel. In fact, the renewable diesel credit is drafted as technology neutral, regardless of the state of the art or process at the time of enactment. The EPAct statute simply provides that renewable diesel fuel, in order to qualify for the credit, must be produced using a thermal depolymerization process. We have the history on that process. We know what the intent and the purpose of EPAct was and is, and we meet that intent. We meet that intent with the encouragement of making sure we are looking at all the renewable feedstocks in this country to put into the mix to lessen our dependence on petroleum products and to create variety in what it is we go to.

I know there are some in this body on both sides who think maybe this is an opportunity to get even with big oil. That is not the intent of this bill, and I hope we would not stray to that. I hope we would not stray to the idea that we are here to get even with big oil but that we are here to encourage those in the oil industry to move into renewable fuels, to move into the opportunities that exist in technology, to push them into an area where renewables make sense.

Senator KYL's amendment does not solve the problem he raises regarding the increase in the price of fat. The credit that Senator KYL seeks to strike is for a process that is in the very early stages of production. This process has not even been produced in terms of barrels of fuel in this country. So it is difficult to see how it could have had the profound effect on the prices that Senator KYL claims it has.

The fact is, the price of fat has been driven up in part due to its use in the production of biodiesel. Senator KYL said in our hearing yesterday that if he could, he would try to remove all credits he believes might distort existing markets.

If we think we are going to move ourselves as a nation and as a people, with the culture and the amenities to which we have become accustomed, to a society that depends on renewable fuels without making at least some minor changes in the marketplaces of our existing feedstocks, we might as well pack it up and go home right now.

If we are going to eliminate all the credits and all the opportunities that exist to go to renewable fuels, and we are going to eliminate them because of some blip they may cause momentarily before we begin to move into the decade where we can balance our needs for renewable feeds with other items, we might as well go home because that is going to happen.

What we have done is crafted in this bill a very sensible solution. Senator KYL mentions the stand-alone renewable diesel facilities need to be protected, they need to be maintained. They are. They have no cap whatsoever in this bill, just as there is no cap on biodiesel. But where we have facilities that are taking the steps in the right direction to coproduce, they are going to get a credit. They are going to get a credit up to the amount where they meet what the small producers are doing, a 60-million-gallon-per-facility cap. It is very reasonable, and it certainly speaks to the efforts of what we are trying to do in this underlying bill.

Today's amendment may only affect renewable diesel, but it is entirely possible that next year the target will be biodiesel or ethanol or cellulosic ethanol, if what he wants to do is eliminate credits that protect those underlying feedstocks.

While it may be good intention for something that is parochial for the Senator from Arizona, I say let us all remember what the ultimate objective of this bill is: to lessen our dependence on foreign oil, clean our environment, and make sure that we are moving to renewables. That is exactly what the underlying bill does.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has no time remaining.

Mr. BINGAMAN. Mr. President, I see no Senators on either side, so I will propound a unanimous consent request.

I ask unanimous consent that Senator ALEXANDER be recognized for 10 minutes, to be followed by 10 minutes for Senator KLOBUCHAR, and following that, the pending amendments be set aside so I may offer amendment No. 1693 and that Senator INHOFE can then offer his first-degree amendment No. 1666; that the two amendments be debated concurrently for 1 hour, to be equally divided between Senator INHOFE and myself; that at the conclusion or yielding back of time, the Senate vote in relation to amendment No. 1693, to be followed by 2 minutes for debate and a vote in relation to amendment No. 1666; that no amendments be in order to either amendment prior to the votes in relation to the amendments; and that upon the disposition of the Inhofe amendment, the Senate vote in relation to the Kyl amendment No. 1800, with 2 minutes of debate prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. We have no objections. We have worked together to arrive at this schedule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from New Mexico for the courtesy of the next 10 minutes, and I would ask the Chair to let me know when 1 minute remains.

Mr. President, I compliment both Senators from New Mexico for their work on energy. As they did 2 years ago, they have made some important proposals. The 2005 bill was a terrific step forward, and there are some important suggestions in this bill. I want to especially say a few words about the tax part of the bill that came out today, and I will have more to say about that tomorrow and amendments to offer.

It is probably not the first time it has been said of the Senate that there is too much wind here, but I would like to suggest there is too much of that in the tax bill that has been reported to the Senate. Here is the tax bill. As I read the figures: $28.5 billion more over the next 10 years, $10 billion of it for wind. Almost all of it is for subsidies to wind developers. 34 percent of the bill's total goes toward this tax credit.

This isn't the first time the Senate has been generous to wind. In the 2005 bill it was 19 percent. Why would I say that is a little too much wind? It is because in many parts of the country the wind doesn't blow sufficiently for us to rely on it for electricity.

We have had some debate about Senator BINGAMAN's proposal, which might work very well in New Mexico or some other States to say that 15 percent of the electricity ought to be from renewable energy, mostly wind under this definition.

This map of the United States shows that much of the wind in the Southeast and Eastern United States doesn't blow enough for that to happen there. So under that proposal, the one we were debating earlier, called the renewable portfolio standard, I am afraid Tennesseans would have to pay basically a tax of 2 cents per kilowatt-hour, which would be $410 million a year.

We have one wind farm in the entire Southeast, and it is in Tennessee on Buffalo Mountain. Last August, while we were all sweating and perspiring with our fans on the front porch, the wind farm operated for 7 percent of the time. Most of us want our air conditioners when it's hot—not just when the wind blows enough to make electricity.

We are not the only ones who are beginning to see the limits of wind. Yesterday, the President of Pacific Gas and Electric in California, which likes wind power and is using wind power, said, according to California Energy Markets, that they will not make substantial new investments in wind generation, and "we think we are approaching in California itself the limit on wind."

So why then if we are going to spend $28 billion for energy sufficiency—that would mean reliable, clean electricity for the country in the world that uses 25 percent of all the energy in the world—why then would we develop a national wind turbine policy instead of a national energy policy? Isn't $10 billion more—which would make our total investment over the next 10 years more than $2 billion a year for wind turbines—isn't that too much wind?

I am not even talking so much about the fact of what these look like. I think I have said many times on this floor that in Tennessee I don't like the fact that these only work, when they work, on our most scenic ridgetops. We would prefer not to have them. That is not the case with everybody, I understand that. But it is important for people to know these aren't your grandmother's windmills.

These are twice as tall as the sky boxes at the football stadium, and the rotor blades go from the 10-yard line to the 10-yard line. So there are limits as to where they should go.

Across the country, even when performing well, they only work a third of the time. They often blow at the wrong time—at night, when people are asleep and not using so much electricity. And you can't store the wind. Basically, a utility makes a big investment, paying somebody $20 million—in the TVA Buffalo Mountain case $60 million for 20 years—to buy wind, whenever it comes, and if it comes at night when the lights are off, tough, they just lose it. If it comes 7 percent of the time in August, when everybody's air conditioners are up, it doesn't help very much. Of course, even if you had it, you still need nuclear or coal or something else because most people want their computers and their electricity on when they want them on.

As I mentioned, it is very difficult to store. It only uses about 1 percent of our current electricity needs. It does little to clean the air because we already have caps on sulfur and nitrogen, which I would like to accelerate, and it means lots of new power lines. So we have a 400-percent increase in wind capacity that would produce no change in emissions of nitrogen, no change in sulfur, and very little in carbon.

My point is, I believe there are better ways to spend that $10 billion of the $28 billion we propose to spend over the next 10 years, better ways to spend one-third of all this money than on a national wind policy, since it doesn't work very well, it is not very reliable, and much of the country can't use it at all.

For example, take fluorescent lighting. I know Senators BINGAMAN and DOMENICI have talked about this, but if we spent $2 billion a year just in tax credits for fluorescent lighting, we could save enough energy to equal eight 1,000-megawatt nuclear reactors, or 18,000 1.8-megawatt wind turbines.

Let's take another idea. What if we took the $2 billion a year and gave a credit for appliances, such as dishwashers, washing machines, and refrigerators. There is such a credit in the tax bill, and that is good. It costs about $100 million a year to encourage that. Why don't we extend that to 10 years? That would be $1 billion of the $10 billion we are spending on wind. It would save more electricity than we would get building wind.

We talk about not just carbon but clean air. I know Vermont wants clean air. We want clean air in the mountains in Tennessee. For $2 billion a year we could buy six new scrubbers a year at $300 million a scrubber. A scrubber takes the sulfur out of the air that contributes to the unhealthy aspects and to the soot and to the smog that is unhealthy for people and interferes with our view of the mountains.

Or take utility bills. The average utility bill for Tennesseans is $100 a month. This is $2 billion a year. We could just give the money to Tennesseans, 1.7 million households, for a full year. One month's electric bill for 20 million households, that is what we could do for $2 billion.

If we were a little more creative, we might go to the metering that some utilities are now putting in homes and say: If your electric bill is $100, and you reduce your use of electricity by $20, we will match it by $20 and we will collect all that information in the utility. And as a result, you will get a $60 bill instead of a $100 bill each month—instead of investing in more wind.

Or you could use that money for clean coal power plants. The 2005 bill that Senator BINGAMAN and Senator DOMENICI worked on had a number of initiatives for nuclear, clean coal, IGCC, and a number of things that are underfunded. We don't have enough money for them. Well, if we don't have the money for those things—which we decided by consensus in 2005 was the best way to create clean reliable electricity for a country that uses 25 percent of all the energy in the world—if we didn't have the money in 2005, why don't we take this $28 billion over the next 10 years, or at least some of this $10 billion for wind, and put it in clean coal or these other areas?

The PRESIDING OFFICER. One minute remains.

Mr. ALEXANDER. I thank the Chair.

Mr. President, I wanted the Senate to know that of the $28 billion, one-third of it goes to wind turbines. We have a national wind policy instead of a national energy policy.

We will be spending $2 billion a year on wind subsidies. And there are many other wind subsidies in the Federal Government. You get bonds to build them, you get accelerated depreciation, and then there are the State subsidies. So I am suggesting there is too much wind, and a wiser use of at least half that $10 billion would be for conservation, efficiency, scrubbers, and other forms of energy that are reflected in the 2005 Energy bill.

I thank the Chair and the Senator from New Mexico for the time.

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senate grant me 1 minute at this point to make a statement and ask the Senator a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Senator, first of all, I listened. Some people might say the Senator from New Mexico shouldn't listen again because I have listened now at least twice to you on this subject matter.

To tell you the truth, your analysis of the situation becomes more relevant every single month that passes in the Congress because today we are about to decide what to do with $30 billion, more or less; that we are going to levy a tax; and you have come before us and told us what you might do.

I might say, as chairman of the Energy Committee, I don't serve on the Finance Committee. That is the breaks of the way things are done in the Senate. I am not complaining, but I can guarantee you and the Senate that I, as one Senator, and as chairman of the Energy Committee a year and a half ago—not now—I would never have voted to put that much money in wind and so little in other technologies and breakthrough science items.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement from the Joint Tax Committee which does an estimate of the amount of the new tax package that would go to wind.

The estimate for a 5-year extension of section 45 credit is $10,292 million, and the amount attributed to wind is $7,846, in their estimation. The rest would be used for biomass and geothermal and other energy sources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC.

Hon. JEFF BINGAMAN,
U.S. Senate.

FISCAL YEARS
[millions of dollars]

Item	2007	2008	2009	2010	2011	2012	2007–12	2007–17
5-year extension of section 45 credit	....	....	−75	−294	−610	−949	−1,929	−10,292
Amount attributable to wind	....	....	−52	−199	−419	−679	−1,350	−7,846
8-year extension of section 45 credit	....	....	−75	−294	−610	−949	−1,929	−13,110
Amount attributable to wind	....	....	−52	−199	−419	−679	−1,350	−10,122
5-year extension of section 48 credit	....	....	−83	−129	−107	−116	−434	−655

Note: Details may not add to totals due to rounding.

> I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.
>
> Sincerely,
>
> THOMAS A. BARTHOLD,
> *Acting Chief of Staff.*

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1557

Ms. KLOBUCHAR. Mr. President, I am here once again to address my amendment for a national greenhouse gas registry. As you know, this is an amendment that I am cosponsoring with Senator SNOWE and two other Republicans, as well as Senator BINGAMAN.

This is an idea whose time has come. This is an amendment that doesn't actually say what the policy will be with regard to greenhouse gases. It simply requires that on a national basis we collect accurate information so we can make smart policy decisions.

I am sorry to say the other side has not yet agreed to vote on this amendment. It is looking a little bleak as time ticks on, but I am still here. It puzzles me because the senior Senator from Oklahoma, in a trade magazine—Environment and Energy Daily—was recently quoted in a short interview, after repeatedly calling global warming a hoax, as saying that he predicted this measure, this bill, would probably be adopted, if offered. And I think that may be accurate.

We know a number of Republicans are interested in this bill. We have worked very hard and we think it is important. That is why it is very distressing to me that we are not even going to be allowed to have a vote on this.

It is distressing because one of the reasons Senator SNOWE and I came up with this amendment is because we did hear what we considered something of an outcry from businesses across this country. As you know, 31 States have come up with plans involving greenhouse gas emissions and climate change, and they are actually starting their own registry out of complete and utter frustration with the Federal Government. It is absurd to think a majority of States is having to put together a greenhouse gas registry because our national Government is so complacent. Back in January we had a number of these companies that gathered together and came to us and said we want action on climate change. We want to get this registry going. We want to have it done by the end of the year.

I have been here long enough to know we are not going to get it done by the end of the year unless we vote on it now.

I want to mention some of the companies that expressed interest in this: Alcan Inc., Alcoa, American International Group, Inc.—that is, AIG—Boston Scientific Corporation, BP America Inc., Caterpillar Inc., ConocoPhillips, Deere & Company, the Dow Chemical Company, Duke Energy, DuPont, Environmental Defense, FPL Group, Inc., General Electric, General Motors Corp., Johnson & Johnson, Marsh, Inc. PepsiCo, Pew Center on Global Climate Change, PG&E Corporation, PNM Resources, Shell, Siemens Corporation. They all said they wanted us to get something done on climate change.

You can imagine my surprise when we found out that in fact the U.S. Chamber of Commerce opposed this bill. They never talked to me about it; they just sent out a letter. In fact, they threatened this could be one of the key votes for the chamber this year, depending on how people voted on this little bill that simply asks that accurate data be collected and be able to be posted on a Web site as they do in Canada and other places. But they said it might be a key vote, right up there with the estate tax last year and some of the other votes that were national issues.

There have been a lot of things said about this bill. The senior Senator from Oklahoma actually sent out a letter about it. He talked about how it would apply to virtually every business in America in this letter.

The simple truth is we wrote this amendment with business in mind because we had the impression, from what we had heard, that business wants to work with us on this important issue of climate change. The amendment contains explicit provisions excluding companies for which reporting was excessively burdensome or expensive. The new registry only covers major emitting facilities and major sources of fossil fuels. Utilities already reporting under the Clean Air Act would not have to report their data twice.

For facilities facing costs and purchasing advanced monitoring equipment, the EPA would accept basic information on the amount and type of fossil fuels they consume, which is collected by businesses for general accounting purposes. Section 165(b)(10)(c) of my amendment specifies that confidential business information will not be published under the National Greenhouse Gas Registry.

The legislation also has an exception for small businesses, the exception as defined by the Small Business Administration—businesses that generate fewer than 10,000 metric tons of greenhouse gas emissions. And 10,000 metric tons is not an arbitrary number. The American Chemical Society released a report in 2003 which talked about this as a threshold, 10,000 metric tons, a threshold which

> . . . effectively relieves the agriculture and commercial building sectors from reporting, substantially reduces the number of manufacturing facilities that would report while continuing to capture 80 percent of emissions.

Clearly this is not true.

We also know the current status. We have some businesses, major emitters, reporting to the Department of Energy. Some report to the EPA. Some report every 3 years. Some report every week. Some report every year. This is not the kind of information we expect to have in order to make policy decisions on climate change.

In his letter, the senior Senator from Oklahoma also said organizations such as the Sierra Club or the Natural Resources Defense Council would be put in charge of third-party verification and have access to confidential business information. This is so inaccurate I do not even know where to begin. Under my amendment, the EPA Administrator may ensure that reports are certified by a third-party entity, but as with the California Climate Registry, third-party verifiers will have to be verified themselves as experienced firms in providing greenhouse gas emission certifications. These are engineering firms; they are not political interest groups.

Finally, they claim this amendment did not go through the committee process. That interests me because a little over 5 years ago, Senator BROWNBACK, the Republican Senator, along with then-Senator Corzine of New Jersey, passed an amendment in this Chamber creating a greenhouse gas registry. This registry would have been voluntary, but after 5 years, if the registry contained less than 60 percent of the total greenhouse gas emissions in the U.S.—that is clearly where it is now—mandatory reporting would have been triggered. Sadly, the bill didn't get ultimately through this Congress. But the point is, this Chamber has already voted on this.

Here is a simple truth. This amendment seeks to create common standards for measuring, tracking, verifying, and reporting greenhouse gas emissions by major industries. It requires the Environmental Protection Agency—not exactly an engine of radical reform at this moment—to consider cost and coordinate with existing Federal and State programs to implement this registry.

This is an opportunity that the Senate should be willing to put its head up and vote for. It is an opportunity to at least get the accurate data so we can start talking about climate change reform.

I never knew I would end up here in the Senate. I grew up in a middle-class family. My grandpa was a miner and a logger. My dad was a journalist. My mom was an elementary schoolteacher. I worked jobs all my life—as a pie cutter. I worked as a car hop. I worked as a secretary. I went to public high school. I got a law degree. I went to a law firm, and I ended up being privileged to be the district attorney for the largest county in Minnesota. When Senator Dayton decided he wasn't going to run again for the Senate, I ran for the Senate.

It has been my belief throughout my life that you can get things done if you have right on your side, and if you are able to work with other people, you can get things done and you can change things. It started in the fourth grade when I was the first girl to wear bell-bottom pants, the first girl to wear pants in my public elementary school. I was kicked out by Mrs. Quady, the principal, but I came back the next day and within a year the girls were allowed to wear pants.

In high school they said we couldn't raise enough money to have our high school prom, and we sold Life Saver lollipops and we got it done. In DA, we had troubled crime in a lot of our neighborhoods and we reached out to these neighbors and organized, and they did a lot of good work and we had some amazing examples of individual citizens getting things done on the front end.

Now we are here. We have a major challenge confronting us. That is a challenge of climate change. There are people out there waiting for us to do something about it. There is a scientist out there right now seeing how the sea level is going up. There is another scientist who measures the temperatures and sees how, since the ice age, we have only had a 5-degree increase in temperature and just the last century we have seen a 1-degree increase, with the EPA estimating a 3-degree increase in the next hundred years. There are little kids out there wearing "Save the Penguins" buttons right now. There is a hunter in Hinckley, MN, who sees changes in the wetlands. He is waiting for us to act. There is a ski resort on up in Grand Marais, MN, that had 30 percent less profits in this last year because of the decrease in snow. He is waiting for us to act.

That is why I ask my colleagues on the other side of the aisle to allow this important amendment to be heard. It doesn't dictate what the policy will be. It simply asks that we collect accurate information.

I am an optimist. The seat I hold was once held by Hubert Humphrey. At the end of his life, he said the words that are on his grave:

> People consider me sentimental but to the end I remain an optimist. I remain an optimist with joy and without apology about this great American experiment in Democracy.

I remain an optimist too. I remain an optimist because I have seen the great work the Senator from New Mexico and others have done in this energy bill, and I believe more can be done. I remain an optimist that this bill will ultimately pass. If not today, this amendment will ultimately pass on another bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Mexico.

Mr. BINGAMAN. For the information of Senators, we have now an hour equally divided, half of it under the control of Senator INHOFE and half of it under my control. It is for two purposes. It is to debate amendment No. 1693, which I have submitted, and also to debate amendment No. 1666, which Senator INHOFE has submitted.

Why don't I take 5 minutes at this point.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1502

Let me call up amendment No. 1693.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Mrs. BOXER and Mr. REID, proposes an amendment numbered 1693 to amendment No. 1502.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the renewable fuel standard does not harm the environment)

On page 59, after line 21, insert the following:

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(2) MATTERS TO BE STUDIED.—

"(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

"(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

"(i) in air and water quality and the quality of other natural resources;

"(ii) in land use patterns;

"(iii) in the rate of deforestation in the United States and globally;

"(iv) to greenhouse gas emissions;

"(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

"(vi) in the long-term capacity of the United States to produce biomass feedstocks.

"(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

"(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

"(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

"(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.".

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle—

"(A) if, in the judgment of the Administrator, any fuel or fuel additive or";

(2) in subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that"; and

(3) by striking ", or (B) if" and inserting the following: "; or

"(B) if".

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

"(u) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

"(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

"(B) make a determination that no such measures are necessary.

"(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.".

Mr. BINGAMAN. Madam President, let me take up to 5 minutes to speak on amendment No. 1693 and then yield to my colleague Senator BOXER 10 minutes for her to speak on that same amendment.

This amendment addresses a number of important environmental issues associated with renewable fuels. It contains four sections. The first section makes an authorization for grants to encourage production of advanced biofuels with the most favorable greenhouse gas emission characteristics.

The second section provides for a study by EPA of potential issues that may arise as a result of increases in the renewable fuels standard. That study will result in two reports to Congress, one in 2010, the other in 2015.

The third part of the amendment allows the EPA to consider groundwater impacts when regulating fuel additives under the Clean Air Act. One of the reasons we had a problem with MTBE as a fuel additive was that we looked at it in a one-dimensional way. This section of our amendment will allow a full look at all relevant impacts of fuel additives going forward.

The final part of the amendment is a provision commonly known as antibacksliding. It basically allows EPA to address air quality issues that might arise as a result of the increased volumes of renewable fuel mandated by the Energy bill. These changes have been developed by Senator BOXER and her staff, and myself and my staff, in a collaborative manner. I thank her and her staff for the good work they did on these provisions.

I also acknowledge the assistance and support we have received on this amendment from the Renewable Fuels Association.

This is a consensus amendment on the part of those with interests in enhancing our energy security through increased use of renewable fuels in an environmentally responsible way.

I urge my colleagues to support this amendment.

I will now yield to the Senator from California for her comments on this, and I will yield her up to 10 minutes, and I will then speak in opposition to the amendment by the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, thank you so much.

I thank Senator BINGAMAN very much for this amendment we have worked very hard on for days now. I am delighted we are able to offer it.

I see my ranking member is here because he has an amendment that in concept—I am going to look at the details—in concept makes a lot of sense. In terms of this amendment, I hope I will be able to support it because what we are trying to make sure of is that in the new fuels program, this bill, we do not lose any ground in terms of the Clean Air Act so we still are able to give EPA important authority under the Clean Air Act to mitigate any adverse air quality impacts that might result from the increased use of renewable fuels.

What we learned when we dealt with MTBE, which was an additive in gasoline, was we were not prepared for any adverse impacts from MTBE. We thought it was going to be the answer. As you know, MTBE permeated the water supplies in many States. We thought it was going to clean up the air and, guess what, it did. But it created havoc with our water quality.

We want to make sure—we worked hard on this—that in this new fuels program, we do not backslide and that we are able to have all the protections we need. So at first, we fixed the water problem and now this is fixing the air quality problem.

What we do is, we give EPA authority under the Clean Air Act to consider impact on water quality when regulating fuel. Such authority, as I say, will prevent future MTBE situations. We require EPA to contract with the National Academy of Sciences to conduct a comprehensive study of the environmental impact of increasing use of renewable fuels.

The study will analyze impacts of renewable fuels on air quality, water quality, land-use patterns, deforestation rates, greenhouse gas emissions, ecologically important areas, and the long-term ability to produce biomass feedstocks.

Now, I wanted to say to my ranking member, Senator INHOFE, if I can have his attention, that I know what he is trying to do in his amendment in many ways parallels this. We, in this amendment, make sure that EPA can look at the long-term to produce biomass feedstock because that is a very important point.

I think the Senator and I both care about this. I think the Senator and I both care that the EPA is not going to lose jurisdiction over this new fuels program.

The amendment to me is also exciting because it includes a grant program for biofuels that achieve at least a 50-percent reduction of lifecycle emissions of greenhouse gases. So what we are saying is, we want innovation, and we are saying we will start a grant program so we get that technology that we all know is going to, in fact, step up and meet the challenge of global warming.

There are so many ways we can meet the challenges of reducing our carbon footprint. One way is to have fuels that have a 50-percent better carbon footprint. This amendment ensures that EPA will play a critical role in protecting our environment from any adverse environmental impact that may be realized from an increase in the production and use of renewable fuels.

So it is pretty simple. The Senator from New Mexico and I have been in very close contact over these last several days. I have been helping him to manage this bill, although I have to say, he is very competent at doing it himself.

But I have given him my advice and my help and the help of my good staff. We did have a worry at the very beginning that we did not want to live to see another MTBE problem, that is, unintended consequences of a new fuels program and unintended consequence. So how we would protect against is to be very vigilant, and we are very vigilant.

We say to the EPA: Make sure that whatever these fuels are, they are real good for our people, good for our air, good for our water, good for our land use, and also our long-term ability to produce biomass feedstocks.

Again, we go a step further we set up a grant program for new fuels, biofuels that achieve at least a 50-percent reduction in the lifecycle emissions of greenhouse gases. This particular program is authorized at $500 million. Of course, it is subject to appropriations. I do not have the need to speak any longer on this amendment. I would retain the balance of my time Senator BINGAMAN gave me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1666 TO AMENDMENT NO. 1502

Mr. INHOFE. Mr. President, it is my understanding that the unanimous consent request was for the two amendments to be side by side.

At this point, I call up amendment 1666 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. BURR, and Mrs. DOLE, proposes an amendment numbered 1666 to amendment No. 1502.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure agricultural equity with respect to the renewable fuels standard)

At the end of subtitle A of title I, add the following:

SEC. 113. AGRICULTURE EQUITY.

(a) ASSESSMENT OF FOOD AND FEED AVAILABILITY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall conduct an assessment of the availability of corn for food and feed uses by not later than July 31 and November 30 of each calendar year after the date of enactment of this Act.

(2) REGIONAL WEATHER CONDITIONS.—

(A) IN GENERAL.—Not later than August 1, 2007, and annually thereafter, the Administrator, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Association of American Feed Control Officials, shall submit to Congress, and publish in the Federal Register, an assessment of the Administrator regarding—

(i) regional weather conditions during the current crop year; and

(ii) the impact of the conditions on projected local corn supplies.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, as applicable—

(i) the impacts of drought, including reduced precipitation;

(ii) the impacts of flooding, including increased precipitation; and

(iii) projected local demand for corn during the following crop year.

(3) ESTIMATES.—

(A) IN GENERAL.—Not later than December 1, 2007, and annually thereafter, the Administrator shall conduct an assessment of the most current estimates of the ratio that, with respect to the marketing year beginning in September of the calendar year in which the assessment is conducted—

(i) United States domestic ending stocks of corn; bears to

(ii) total use of corn.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, and rely on, the data published by the Secretary of Agriculture in the monthly report entitled "World Agricultural Supply and Demand Estimates" (or similar public and authoritative estimates provided by the Secretary of Agriculture).

(b) POTENTIAL ECONOMIC AND CONSUMER HARM ASSESSMENT.—

(1) REGIONAL WEATHER CONDITIONS.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator shall publish the determination in the Federal Register by not later than 14 days after the date on which the determination is made.

(2) ESTIMATES.—If the Administrator determines that an assessment of the Administrator under subsection (a)(3) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator, in consultation with the Secretary and the Secretary of Agriculture, shall publish, by not later than 14 days after the date on which the determination is made, the intention of the Administrator to request the President to modify a portion of the requirement described in section 111(a)(2).

(3) REGIONAL DISRUPTION.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that a regional disruption to the availability of feed corn with respect to livestock producers will occur, the Administrator, in consultation with the Secretary of Agriculture, shall develop and implement a plan to ensure that regional food and feed supplies are maintained, to the maximum extent practicable, including through adjustments to the applicable renewable fuels standard under section 111(a) in the affected region.

(c) ACTIONS TO PREVENT ECONOMIC AND CONSUMER HARM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator may submit to the President a petition to request a modification of a requirement under the renewable fuels standard under section 111(a) in a quantity of gallons sufficient to ensure, to the maximum extent practicable, that the ratio described in subsection (a)(3)(A) will be at least 0.10.

(2) LIMITATION.—A requirement under the renewable fuels standard under section 111(a) shall not be reduced by more than 15 percent during any calendar year.

(3) EFFECTIVE PERIOD.—A modification under paragraph (1) shall be effective during the 1-year period beginning on the effective date of the modification.

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Administrator shall—

(A) make each assessment conducted, and each modification provided, pursuant to this section available to the public; and

(B) provide an opportunity for public comment relating to each assessment and modification for a period of not more than 30 days.

(2) MODIFICATIONS.—Not later than 14 days after the end of the comment period described in paragraph (1)(B), the President shall promulgate the modification that is the subject to the comment period, unless the President, in consultation with the Administrator, determines that clear and compelling evidence demonstrates that the modification would not have a material effect on the quantity of corn available for food and feed use.

Mr. INHOFE. Mr. President, let me first respond to something the chairman of the committee, Senator BOXER, had stated. I believe I agree that our committee should have the jurisdiction. I do agree with her.

There are some other things. In fact, there is an easier way to do it, I would suggest to my chairman. That would be to strike the portion in the bill, the underlying bill, that talks about the President or the administration and merely put in the EPA. If you do that, then, of course, you correct the jurisdictional problems. It is another way of doing it.

My concern is that your amendment does get into some areas I do not find I get quite as excited about as the chairman does, such as having us study land-use patterns, which I do not think is as appropriate for the Federal Government to do as State and local government.

We had this debate in the past. But I would say I would like to accomplish some of the things that the chairman has tried to accomplish with her amendments.

Mrs. BOXER. May I ask my friend to yield. It can come off my time.

Mr. INHOFE. No, it can come off mine.

Mrs. BOXER. Thank you so much. Let me say to my ranking member I agree with him. We tried that approach. We were not able to gain ground. So I am with you. But we were not able to do it in our negotiation with the Energy Committee. So we went as far as we could go, and I think we have made tremendous progress.

Again, it was give and take and it was tough and your staff was very helpful as they were helping us get the best we could get. But I think after this amendment, we can foresee a future where any President—this one said he would not do it, but a future President could take the whole fuels program and eliminate EPA. So I would hope my friend would join me in this.

The other part, we are asking for reports from the EPA, we are not giving them authority over these issues. We are going to get information from them. That information we can share with local and State.

So I know my friend is going to give it some real hard thought, as I am about his amendment. But perhaps we can wind up supporting each other's amendments. But we will see where we go from here. But I say to my friend, he is absolutely right, striking the offending language would have been great for me, but we were not able to achieve that with the Energy Committee.

Mr. INHOFE. I appreciate the comments of the chairman. I recognize her concern with MTBE contamination. I understand that. But getting the Administrator authority to use the Clean Air Act to regulate water quality is something I would have to think about a little bit.

Let me go back and talk a little bit about the amendment we are running concurrently with the other amendments. This is amendment 1666. We have a lot of cosponsors to this. I would invite more to come down. I think people would see this is a very rational way to address one of the problems with the mandates that come with this bill.

We seek to ensure the bill does not pick winners and losers in domestic agriculture. Although high corn prices might be good for corn farmers, it is harmful for livestock and poultry industries.

Now, in my State of Oklahoma, I don't have a dog in this fight, or I guess I could say I have all the dogs in this fight, because we are a corn State, we are a very large livestock State. I have heard from a lot of our people there expressing their concerns.

In fact, 15 industry groups have joined together and sent both Senate leaders a letter expressing their concern that the biofuels title in this bill could harm their industries.

I ask unanimous consent at the conclusion of my remarks to have printed in the RECORD a copy of that letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Unfortunately, the collective livestock and grocery producers' concern continues. In fact, the earlier coalition has grown to 18 industry representatives, including cattle, poultry, swine producers, Coca-Cola, Pepsi, even Cargill. In a letter to me, the coalition writes:

> We are asking Congress to provide those that utilize and rely on corn and corn products a reasonable amount of certainty that adequate supplies are available to all users of this commodity.

We know right now the price of corn is very high. This obviously has—it does not happen in a vacuum. Too often on the Senate floor we believe things can be done without affecting others. In this case, it is definitely affecting others, as indicated by these communications.

Now, with respect to our amendment, they state:

> Your amendment would go a long way in ensuring a safety net ensuring those of us that utilize corn and corn products will have enough to go around should a drought or flood occur that would limit the harvested amount that is available.

Now, our amendment seeks to provide some of the much needed equity in the current system. This amendment simply requires that the USDA provide information on projected corn harvests each year. Well, they do that anyway. This is not going to incur anymore of a hardship on the USDA; they have that capability; they are already doing it.

If the projected harvest is below a certain percentage, then the administrator has the authority to modify the mandate for the next year.

So that if it comes down and we see we are going to have a drought, we are going to have some kind of a problem, we would be able to address that by making a small adjustment to the mandate that is there.

Now, I would expect the ethanol industry to support our amendment, since first they claim there is no food versus feed issue. Second, because they have stated repeatedly that corn farmers can grow much more renewable—Fuels Association President Bob Dineen said—this is the one who is very strong in the ethanol mandate the American farmer absolutely has the ability to grow more corn to provide sufficient quantities of grain and food and feed for fuel usage and we are going to see that that happens.

Well, if that is the case, then there is not a problem. So I am not suggesting or picking any favorites with this amendment. I am saying we ought to be sure in the event that something that can be foreseen, and these droughts can be foreseen—as I say, they are doing it right now. So this amendment supports that concept.

Corn farmers have done a great job in increasing yield per acre in the past and they will continue to do that. Our amendment simply provides, as a collective food industry State, a reasonable amount of certainty and a safety net, so that all the U.S. agriculture is able to prosper.

I know there are others who are on the floor who would disagree with my amendment. I certainly wish to make sure they have time to express themselves. So if the Senator from Iowa is prepared at this point to speak, I would be glad to yield to him.

EXHIBIT 1

JUNE 20, 2007.

Sen. JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR RANKING MEMBER INHOFE: We believe in the need to advance renewable and alternative sources of energy. New fuel sources offer the potential to eliminate our dependence on foreign oil while contributing to the long-term stability of our rural economies. But, as we seek to implement policy that will move us toward accomplishing this objective, it is essential that we carefully weigh the impacts of our actions on other segments of the economy. Additionally, we would hope that any policy that is agreed upon during this debate would not overly tax one group in an effort to hopefully achieve the objective of energy independence.

We are concerned that the very aggressive increase in biofuels mandates proposed in S. 1419 raises fundamental questions about the impact that an increased federal government mandate for corn-based ethanol, in addition to new state mandates, will have on the livestock, poultry and food industry's ability to produce competitively available, affordable food. It is vitally important that we fully appreciate and understand the implications of quintupling the Renewable Fuel Standard (RFS) mandate, and we would ask that you use careful consideration and listen to the significant issues being raised by those in the agriculture and food products community.

Rapid development of the corn-based ethanol industry is already having adverse impacts on food supplies and prices, a major concern for us. Rising food prices, coupled with the rising energy prices we are seeing throughout the country, pose a threat to the health of our national economy. According to a recent report by Merrill Lynch Chief Investment Strategist Richard Bernstein, within the first three months of the year, food prices rose at an annualized rate of 7.3 percent. That is slightly higher than the anticipated annual rise in healthcare costs over the next decade, according to the Centers for Medicare and Medicaid Services' National Health Statistics Group. In addition, the continued aggressive expansion of corn ethanol production diminishes the availability of soybeans and other crops. We need a safety valve that ensures availability and that works.

We are asking Congress to provide those that utilize and rely on corn and corn products a reasonable amount of certainty that adequate supplies are available to all users of this commodity. Your amendment to S. 1419, the Agriculture Equity Adjustment Provision (#1666) would go a long way in achieving a safety net ensuring those of us that utilize corn and corn products will have enough to go around should a drought or flood occur that would limit the harvested amount that is available.

We look forward to working with you to achieve a balanced approach between all competing uses of corn as we go forward in this energy debate. We need an adequate contingency plan in place, and this amendment achieves that goal.

Thanks again for your leadership and efforts.

Sincerely,

American Feed Industry Association, American Meat Institute, Cargill, The Coca Cola Company, ConAgra Foods, General Mills, Grocery Manufacturers/Food Products Association, Hormel Foods, National Cattlemen's Beef Association, National Chicken Council, National Pork Producers Council, National Restaurant Association, National Turkey Federation, PepsiCo, Inc., Seaboard Corporation, Tyson Foods, United Egg Association, United Egg Producers.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would be glad to yield the Senator from Iowa up to 5 minutes to speak in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is the third amendment today that has been very detrimental to the future of ethanol and other renewable fuels.

If we had had this attitude expressed 20 years ago when we started, in a very elementary way, down the road to a successful renewable fuels industry that we are now developing, and it is still an infant industry, we would never be here today, where we could say that we have a strong opportunity of renewable fuels.

This is the third amendment that raises questions about whether we are going to continue to have investment in renewable fuel production and everything that is connected with it.

Something that bothers me more than anything else, and I have expressed it on previous amendments today, is throughout the development of renewable fuels, and particularly agriculture being the production of the renewable feedstock, we have always had agriculture very much united between renewable fuels.

Within the last 4 or 5 months, because corn has gone from $2 to $4 a bushel, we now have beef producers raising questions about whether we ought to have an ethanol industry. You have the pork producers—and evidently we have the poultry people—raising the same question. If agriculture is not going to be united, if they had not been united, we would never have gotten here. I do not know what happens in a matter of 4 or 5 months, that after 20 years, all of a sudden things are bad about renewable fuels, and the farmer is being blamed for everything, $4 corn, food going up, energy prices going up.

You know, food prices, a farmer gets a nickel out of a big box of Corn Flakes that is half full of air when you buy it for $4. The farmer is being blamed for $4 corn, raising the price of food, raising the price of energy, causing livestock feed to go up.

You know, for the last 40 years, we have had a principle in agriculture that we call the hog-corn ratio. It was never felt, during the corn-hog ratio, when you use that, that the high price of corn was bad for livestock because, you know, livestock prices would soon rise, and it was considered good, good, good. Everything about ethanol has been considered good, good, good: Good for the farmers, good for the environment, good for high-paying jobs in the small towns of rural America, good for national defense because of less dependence upon violent parts of the world for petroleum to be delivered, good for our balance of trade. Everything is good, good, good about renewable energy.

Now, in the last 4 or 5 months—do you think the price of corn is going to be $3.50 or $4 forever? This fall at harvest time, we might find corn at $2.50. We had 77 million acres of corn planted last year. We have 91.5 million acres believed to be planted this year. When June 30 comes and the USDA makes their next report, it may be 95 million acres of corn—the most acres planted since 1944. When you have that supply of grain coming in, the fact that the price is going to be where it is today is a dream. In 1995, we had a drought. Corn got to $4 or $5. Everybody thought it was going to be $4 or $5 for the next 5 years. The next harvest season, it was down to $1.60 a bushel. Here we have people raising questions about the stock ratio, the stock on hand that we have of grain, that when it gets down to a certain level, we are not going to use grain for renewable fuels. What are you going to do? Are you going to go shut down every ethanol plant that is operating in the United States? What other amendment comes to the floor with the idea that we are going to shut down an industry under certain circumstances? It never happens.

This is not a very good approach, particularly the use of stock ratios as proposed in this amendment. There are even questions about the use of that among economists at this point.

This is a very bad amendment for renewable fuels, for agriculture. All that is good about renewable fuels, and you shut down the whole industry, it is for naught. You can't do that.

I ask Members to vote against the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 23 minutes and the Senator from New Mexico has 16 minutes.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to the amendment by the Senator from Oklahoma.

First, I ask unanimous consent to have printed in the RECORD following my remarks a letter I received from the American Coalition for Ethanol, the American Farm Bureau Federation, the National Association of Wheat Growers, the National Corn Growers Association, National Farmers Union, the National Sorghum Producers, and the Renewable Fuels Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. I would like to briefly hit the high points of this letter and explain why they are so strongly in opposition to Inhofe amendment No. 1666. I will read parts of the letter into the RECORD so Members will be aware of their position. It says:

> As the Senate continues to debate the energy bill . . . we urge all Senators to vote against the amendment offered by Senators [Inhofe, Burr, and Dole] when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

It goes on to say:

> Senators Inhofe, Burr and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and to domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted.

It goes on with various examples.

The Senator from Iowa pointed out that the price of corn is high today but may not be high indefinitely. It makes the same point here. It says:

> Most long-run economic models [from the] (U.S. Department of Agriculture and Food and Agricultural Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for the next several years, with prices in the $3.00–$3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations.

They go on and on along the same line, pointing out deficiencies in the approach being taken by the Senator from Oklahoma in the amendment.

Let me conclude with their final statement:

> Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

It is hard to know how to do better than that letter in pointing out the deficiencies in the amendment. It is clearly an amendment we should oppose.

EXHIBIT 1

JUNE 20, 2007.

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: As the Senate continues to debate the energy bill, H.R. 6, we urge all Senators to vote against the amendment offered by Senators James Inhofe (R–OK), Richard Burr (R–NC), and Elizabeth Dole (R–NC) when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

Senators Inhofe, Burr, and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted. For example, in 2003/04 the stocks-to-use ratio was one of the lowest in the last 20 years at 9.4 percent, but prices remained at $2.50 for a season average. Most long-run economic models (U.S. Department of Agriculture and Food and Agriculture Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for next several years, with prices in the $3.00–3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations. As corn usage are likely to increase substantially to 13, 14, or even 15 billion bushels in the future, a 10 percent stocks-to-use ratio could very well equate to carry-out of 1.3, 1.4, or 1.5 billion bushels. So while the stocks-to-use ratio might seem low in these cases, actual carry-out levels would be right in line with the 12-year average (95/96 to 06/07) of 1.38 billion bushels.

According a recent analysis from the University of Illinois, "the stocks-to-use ratio is generally used as a 'short cut' approximation for summarizing annual supply and demand conditions. However, very different supply and demand conditions in individual years can lead to similar ratios of stocks-to-use, but very different prices. The most obvious example is the contrast between a year of very small production that results in a low stocks-to-use ratio, but also requires very high prices to force a reduction in consumption and a large crop year that results in a high level of consumption, a low stocks-to-use ratio, but low prices."

Without the strong domestic market corn farmers won't have the incentive to plant as many acres and take the risk that large production will drive down corn prices. An arbitrary stocks-to-use ratio trigger that restricts corn use for ethanol would likely diminish overall demand and put downward pressure on the price for corn. This would serve as a disincentive to farmers and discourage them from planting more corn at a time when more corn is what the feed and fuel industries need. The food and feed industries have assumed that farmers will continue to produce record crops regardless of prices and profitability. If production declines, or even grows more slowly, stocks could also fall, eventually driving prices higher. In the long-term, America's farm sector is better off maintaining a strong and growing domestic demand base and adding value markets.

The corn industry will continue to strive to satisfy a variety of important demands and maximize the utility of its product. Seed technology developments, increasing agricultural efficiency, innovation in biofuels production processes and other breakthroughs will ensure that growers will continue to meet the world's need for food, feed, fuel, and other uses.

Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

Sincerely,

American Coalition for Ethanol, American Farm Bureau Federation, National Association of Wheat Growers, National Corn Growers Association, National Farmers Union, National Sorghum Producers, Renewable Fuels Association.

Mr. BINGAMAN. I see the Senator from South Dakota here. I yield him 4 minutes to speak in opposition.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise to express my opposition to this amendment. I worked closely with my colleague from Oklahoma on a number of issues when I was a member of the Environment and Public Works Committee. I worked with him last week on an amendment to expand refinery capacity because we have a shortage of refinery capacity. It is something that needs to be addressed. Unfortunately, that amendment failed. This amendment, however, is not necessary because we don't have a shortage of corn. In fact, demand for corn has increased because of ethanol production. It is expected to increase further thanks in part to the growth and expansion of renewable fuels. But to suggest for a minute that somehow we are going to run out of corn simply is not true. In fact, one of the most respected economists in the agricultural community, USDA's Dr. Keith Collins, has testified before the Senate Agriculture Committee about corn and ethanol production. I will highlight some of the points he made.

First, since 1948, corn yields have increased fourfold—from 40 bushels per acre to 160 bushels per acre—due to fertilizer, better management, technology, and improved crop genetics. Corn yields in the past couple of years have moved above the long-term trend and may continue to do so in coming years as well, helping to meet biofuel demand and reduce pressure on corn prices and acreage. Over the past few years, new-generation rootworm-resistant corn has been introduced and is showing strong yield increases in many areas.

As we look out over the next decade, USDA trend projections suggest that U.S. corn yields per acre are going to rise to 168 bushels per acre by the year 2016, and some seed companies suggest they are going to go even higher, as much as 20 bushels per acre above that level. Every 5-bushel increase in yield above the current trend level would be the equivalent of adding around 2.5 million acres to corn plantings, enough to produce 1 billion gallons of ethanol each year.

If you look State by State, Arkansas growers are expected to plant 560,000 acres of corn in 2007, up from 190,000 in 2006, a nearly 300 percent increase in corn acreage in 1 year. Louisiana farmers intend to plant 700,000 acres in 2007, up from 300,000 acres in 2006, a 233-percent increase in corn acreage. In Mississippi, corn producers are expected to plant 950,000 acres in 2007, up from 340,000 acres in 2006, a 280-percent increase in corn acreage.

My point is, in the underlying bill, basically, there is a stipulation that ethanol production can't exceed about 15 billion gallons. USDA's Dr. Keith Collins, who is an expert economist down there, says we can get to 15 billion gallons of ethanol based on corn production. Today, we are producing about 6.5 billion gallons of ethanol. So to get to 15 billion gallons, which is what the USDA's Chief Economist says we can reach, we have a long way to go. There is a lot of headroom to 15 billion gallons. To suggest for a minute that somehow we need this sort of an amendment that would put all these additional restrictions on the renewable fuels standard, I submit is unnecessary.

The underlying bill has provisions already that address this issue and waivers in place for economic hardships experienced by certain regions or States. Specifically, the President can waive the RFS if one of the following conditions is met: implementation of the requirement would severely harm the economy or environment of a State or region or the United States; if extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically produced renewable fuel to consumers.

I would also add that this particular amendment creates lots of problems for areas of the country because it forces investors to make investment decisions based upon the weather. We all know we can't protect the weather or predict the weather with certainty. This amendment is misguided and unnecessary. I hope we will vote it down.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me inquire of the time remaining on each side, please?

The PRESIDING OFFICER. There is 23 minutes for the Senator from Oklahoma, and the Senator from New Mexico has 7¾ minutes.

Mr. INHOFE. First, I may be yielding back some time. Let me respond to a couple assertions that have been made.

The Senator from Iowa was talking about in the event that livestock would not be hurt because they would actually end up going up later in the market and that will take care of that problem. I would suggest to you that a lot of individuals don't agree with that. I have a letter I will read a little bit out of. It is signed by the National Cattlemen's Beef Association, the Chicken Council, the Pork Producers Council, the Restaurant Association, and the Turkey Federation. All of them don't feel this is going to be the market result.

Since the Senator from New Mexico read some excerpts of a letter signed by a large number, we have many more who have signed this letter than the letter which was submitted by the Senator from New Mexico.

One of the paragraphs in here says: We are concerned that the very aggressive increase in biofuels mandates proposed in S. 1419 raises fundamental questions about the impact that an increased Federal Government mandate for corn-based ethanol, in addition to new State mandates, will have on the livestock, poultry, and food industry's ability to produce competitively available, affordable food.

In other words, this is going to affect a lot of people in their estimation in terms of the cost of food, not just livestock, not just the grain concern that is out there.

It continues: It is vitally important that we fully appreciate and understand the implications of quintupling the renewable fuels standard mandate, and we would ask that you use careful consideration and listen to the significant issues being raised by those in the agriculture and food products community.

Let me mention, I know the Senator from South Dakota was not in the Chamber when I made my remarks, but Oklahoma also is a corn State. I really believe the excellent statement that was made by the Senator from South Dakota—who has been a real champion, maybe the No. 1 champion, in this body of corn ethanol—really makes my case for me. If these States are increasing their production the way they are, then there is no problem. Nothing in this amendment is going to affect anything at all. In fact, the only concern we have is in the event there is a year where this is not true.

Let me just go ahead and make sure everyone understands what this amendment does and does not do. Quite often on the floor, we get people opposing something, and then you scratch your head and say: Wait a minute, is that my amendment they are talking about?

The amendment is a modification provision for food and animal feed based on the ratio of cornstalks to projected demand. In the case of a short- or low-corn crop year, there is currently no meaningful safety valve that would address this situation. This amendment would provide a small level of confidence to producers as well as investors that corn would be available to meet the needs of all uses. In other words, if the production is up, there is not a problem. This addresses disasters and worst-case scenarios and assures the renewable fuels standard does not lead to a shortage of corn for human or animal consumption.

It requires the USDA and the EPA to make a midyear-end determination of current weather conditions, followed by an end-of-the-year determination on the stalks-to-use ratio following harvest. If the determination estimates the stalks-to-use ratio is below 10 percent, it would trigger a temporary adjustment in the RFS to account for the need for increased availability of corn feed. The amendment would not permit the RFS to fall more than 15 percent in any given year.

Now, it has been said—I suspect there is a letter floating around somewhere that says this would be the end of the world and it would completely destroy what they are trying to do. Let me just read the one limitation that is in this amendment. It says:

> A requirement under the renewable fuels standard under section 111(a) shall not be reduced by more than 15 percent during any calendar year.

That is, if there is some kind of a drought or some kind of a real serious problem—it can be too much water or not enough water—then it would not affect it by more than 15 percent. Well, that is 15 percent. That is not the end of the world. It means 85 percent of these mandates are still going to be there and still be in effect.

So I think it is a very modest approach. The list of people who share this concern is a very long one. I mentioned some of the names—these industries. I will go ahead and read them at this time: American Feed Industry Association, American Meat Institute, Cargill, the Coca-Cola Company, ConAgra Foods, General Mills, Grocery Manufacturers/Food Products Association, Hormel Foods, the National Cattlemen's Beef Association, the National Chicken Council, National Pork Producers Council, the National Restaurant Association, National Turkey Federation, PepsiCo, Incorporated, Seaboard Corporation, Tyson Foods, United Egg Association, United Egg Producers—and the list goes on and on. So there is this concern out there.

Again, my State is not dissimilar in any way to the State of New Mexico. They are right next door. I would suggest we probably have about the same size corn industry, as well as perhaps our cattle industry is not quite as large as it is in New Mexico, but it certainly is not dissimilar. There is nothing I would do to be damaging to the corn industry because that is a major industry, of course, in my State.

The Food Products Association—let me mention to you how they feel. In a worst-case scenario, if you do not have some kind of a safety valve, it could be damaging. They say: More and more pursuit of corn-based ethanol is resulting in higher food and feed prices. The price of corn has jumped 55 percent since September.

According to USDA's Chief Economist, the consequences of ethanol are the biggest thing going on in agriculture today. An increase in ethanol production is already having a significant impact on food and feed supplies, such as corn, soybeans, and wheat.

The U.S. Labor Department recently reported that February prices for foodstuffs and feedstuffs were 18 percent above year-ago levels. That was in the Wall Street Journal of March of this year. According to the Wall Street Journal, the higher corn prices have raised costs for livestock and poultry which are fed corn and for crops such as soybeans, which farmers are replacing so they can grow more corn. The corn companies are starting to pass those higher prices on to consumers. Wholesale consumer food prices were 6.8 percent above year-ago levels.

So this is not happening in a vacuum. Obviously, the mandates are there for corn ethanol, and they will continue to be there. As we look down the road, Oklahoma has been pretty active in the work they are doing right now on the other types of cellulosic biomass. Right now, one of our companies in Oklahoma has been very active in that. We are leading the field. We have Oklahoma State University and Oklahoma University and the Noble Foundation leading the country in the pursuit of these technologies.

The coal-to-liquid technology is here. We are currently flying B-52s with all eight engines running on this type of a fuel. So we know it is coming. So it is not all just corn ethanol. Again, we are a corn State. We are also a big livestock State. I think this is a middle-of-the-road type of amendment.

Again, you have to respond to these statements that you are going to destroy something, when the limitation by law would be 15 percent of the current mandate in the event of some kind of a disaster. USDA is already making these studies and doing it, and it is not really requiring anything more.

With that, Mr. President, I will retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes 45 seconds, and the Senator from Oklahoma has 13½ minutes.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 1510

Mr. COCHRAN. Mr. President, it is my intention to offer an amendment at the appropriate time to reduce the impact of future disruptions of our supplies by enlarging the Strategic Petroleum Reserve. This amendment, which is cosponsored by Senators BAYH, LOTT, and LANDRIEU, will expand the capacity of the Strategic Petroleum Reserve from 1 billion barrels to 1.5 billion barrels.

The economic security of the United States is threatened by our vulnerability to disruptions of the world oil supply and the volatile prices of energy. Whether we like it or not, our Nation's transportation sector, our major industries, and our military forces are all dependent upon petroleum. We must protect ourselves from the instability and the uncertainty of the international oil market.

The existing inventory in the Strategic Petroleum Reserve represents only 56 days of net petroleum imports. Our obligation to the member countries of the International Energy Agency requires us to maintain the equivalent of 90 days of net petroleum imports. Increasing the authorized capacity of our reserves will help ensure that we meet our international obligations.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. COCHRAN. Mr. President, I am happy to yield for a question.

Mr. INHOFE. Yes, for a question.

It is my understanding that the time you are taking right now will be taken off of our time equally, and since we are under a UC for a time-certain for a vote, I know that would not be the Senator's intention.

Mr. COCHRAN. No, it would not. I will be happy to put these remarks in the RECORD.

Mr. INHOFE. Well, I think that is probably a good idea.

Mr. COCHRAN. No one was speaking when I asked for recognition. I have a statement that lasts maybe 5 minutes.

Mr. INHOFE. Go ahead.

Mr. COCHRAN. All day long, I have been trying to get an opportunity to make this statement.

Last December, the Department of Energy identified the salt domes near Richton, MS, as a preferred site for a new Strategic Petroleum Reserve storage facility. My State welcomes the opportunity to help meet our Nation's energy needs. Other sites in Texas and Louisiana will also gain additional reserves under the plan being developed by the Department of Energy.

Mr. President, our Nation's energy security and stability depend on a combination of efforts to increase domestic supplies of oil, gas, and petroleum, as well as the development and promotion of new renewable energy technologies. The combination of these efforts will make it possible for us to reduce our dependence upon foreign oil and provide for a bright economic future for all Americans.

I urge the Senate to adopt this amendment.

Mr. President, I ask unanimous consent to have a copy of the amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 314, after line 2, add the following:

SEC. 708. INCREASE IN CAPACITY OF STRATEGIC PETROLEUM RESERVE.

(a) STRATEGIC PETROLEUM RESERVE.—

(1) POLICY.—Section 151(b) of the Energy Policy and Conservation Act (42 U.S.C. 6231(b)) is amended by striking "1 billion" and inserting "1,500,000,000".

(2) CREATION.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking "1 billion" and inserting "1,500,000,000".

(b) FILLING STRATEGIC PETROLEUM RESERVE TO CAPACITY.—Section 301(e) of the Energy Policy Act of 2005 (42 U.S.C. 6240 note; Public Law 109-58) is amended by striking "1,000,000,000-barrel" and inserting "1,500,000,000-barrel".

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me once again ask how much time remains.

The PRESIDING OFFICER. There is approximately 12½ minutes for the Senator from Oklahoma. The Senator from New Mexico has approximately 4 minutes.

Mr. BINGAMAN. Mr. President, in light of that, since there is 12 minutes still remaining for the Senator from Oklahoma—I do not know how much of that time he wants to use. Once he has used his time, I was going to take a couple minutes to sum up my position in favor of the first amendment that is being offered and we are voting on, and then I would yield that time. But I defer to the Senator from Oklahoma to make any statement he has.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. All right. Mr. President, I say to the Senator, I do not think adequate time has been given to the amendment you want to address, the Boxer amendment, and if you would want some of my time to do that, I would be willing to give it up. I am really prepared to yield back at the appropriate time on this amendment.

Let me make this comment. If people are concerned my amendment is going to be devastating, just keep in mind we have this limitation. There is a very sizable mandate that is out there. The very maximum that would be used would be to reduce that mandate—in a year when a disaster occurs—by only 15 percent. In other words, 85 percent of that mandate would still be in effect. I think that is a very reasonable approach to it.

With that, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1693

Mr. BINGAMAN. Mr. President, let me sum up my argument in favor of the first amendment we are going to be voting on in this sequence of three amendments; that is, amendment No. 1693 that I have cosponsored with Senator BOXER.

The amendment does address a number of important environmental issues associated with renewable fuels. It is an amendment that contains four sections.

The first makes an authorization for grants to encourage production of advanced biofuels with the most favorable greenhouse gas characteristics.

Second, we have a study by the EPA of potential issues that may arise as a result of increases in the renewable fuels standards. That study will result in two reports to Congress, both in 2010 and 2015.

The third part allows the EPA to consider groundwater impacts when regulating fuel additives under the Clean Air Act, which is a good provision.

The final part is a provision commonly known as an anti-backsliding provision, basically allowing EPA to address air quality issues that might arise as a result of the increased volumes of renewable fuel mandated in this Energy bill.

Mr. President, let me at this time conclude my remarks and ask the Senator from California if she wishes to make any concluding remarks.

Mrs. BOXER. Mr. President, I say to the Senator, if you could yield me about 2 minutes.

Mr. BINGAMAN. Mr. President, I yield the remainder of my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator.

Mr. President, the Senator from Illinois has asked if he could have a minute and a half. If there is no objection, I suggest we allow that to happen at this time, and I will then follow him with 2 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1666

Mr. DURBIN. Mr. President, one of the pending amendments we will consider very shortly is by Senator INHOFE, and this would create an additional mechanism that would interrupt the bill's renewable fuels standard depending on the ratio of stocks of corn to total corn use, known as the stocks-to-use ratio.

Statistics show that stocks-to-use does not correlate to price and supply information. In addition, there is already a waiver provision in the bill that offers protection to consumers if corn prices or availability becomes unsustainable.

According to one economic analysis, the 10-percent stocks-to-use trigger required by this amendment would suppress corn prices to $2.50 to $2.60 a bushel. In the current farm bill, the target price is $2.63. So by artificially suppressing the price of corn from $2.50 to $2.60, the Inhofe amendment would put downward pressure on prices and cause the triggering of loan deficiency payments. As a result, this amendment would cost the Government more in farm payments.

I am going to urge my colleagues to oppose this amendment. I understand there is a budget point of order. I have notified Senator INHOFE that I will raise that point of order at the appropriate time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 1693

Mrs. BOXER. Mr. President, I just wanted to say I hope amendment No. 1693 that has been offered by Senator BINGAMAN and myself will be overwhelmingly supported by both sides. We know what happens when we ignore unintended consequences. I think this amendment makes sure we don't experience another MTBE; that, in fact, we are careful, regardless of what the fuels turn out to be, because we are not picking winners and losers. We are saying: Let technology go.

As a matter of fact, in this program we have to assist in the development and production of biofuels, cellulosic. So what we don't know is when these fuels come, what are they going to do to the environment? We all want to be free of foreign oil. Every one of us. But we don't want to make mistakes.

So I hope this amendment No. 1693 will be strongly supported. It ensures that the EPA stays involved. It doesn't give away all the powers of EPA to the Department of Energy. We just need to make sure what we are doing in the future is sound.

I think Senator INHOFE has made a very important point about corn. There are wonderful things about corn, but there are some negatives.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I think this first amendment can protect against these problems.

I yield the floor.

Mr. INHOFE. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. INHOFE. On my side?

The PRESIDING OFFICER. On your side.

Mr. INHOFE. And on the other side?

The PRESIDING OFFICER. The time has expired.

Mr. INHOFE. Mr. President, I ask unanimous consent to include Senator PRYOR as a cosponsor of amendment No. 1666.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President. I ask unanimous consent to add to amendment No. 1693 Senators DODD, CARDIN, and SANDERS as cosponsors, to the amendment we are about to vote on.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I also ask unanimous consent to add Senator GREGG as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I believe Senator GREGG would be a cosponsor to amendment No. 1666?

Mr. INHOFE. That is correct.

Mr. BINGAMAN. Mr. President, at this point I ask for the yeas and nays on amendment No. 1693.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

The result was announced—yeas 58, nays 34, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—58

Akaka
Alexander
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Corker
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—34

Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Inhofe
Kyl
Lott
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—7

Biden
Brownback
Coburn
Dodd
Johnson
McCain
Stevens

The amendment (No. 1693) was agreed to.

AMENDMENT NO. 1666

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided prior to a vote in relation to amendment No. 1666 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this Inhofe amendment is one I am opposing, and I urge my colleagues to oppose it. There is already a waiver provision in the bill that offers protection to consumers if corn prices or availability become unsustainable.

Unfortunately, the language of the Inhofe amendment could trigger a dramatic decrease in income of farmers and a dramatic increase in Government costs. As a result, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The point of order must be made after time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there have been some misconceptions about this amendment. First, my State of Oklahoma is a corn State. It is a livestock State. If my colleagues will look at the groups of people that have joined in and said we need to have this safety valve, it is virtually everyone: the National Cattlemen's Beef Association, the Chicken Council, port producers, Restaurant Association—all of these recognizing that in the event something should happen with a severe drought—and these are easy to predict—we should have some kind of a trigger that would allow the mandate to be reduced.

All this does is simply provide that if the USDA determines because of weather patterns there is going to be a real problem in the crop of corn, the mandated limit can be reduced by as much as 15 percent. In other words, we are still going to have an 85-percent mandate.

I suggest my colleagues look very carefully at this amendment. This is going to offer some assistance in the event of a serious drought or something that will affect the corn crop in America.

I ask my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, do I have any time remaining for debate?

The PRESIDING OFFICER. The Senator has half a minute remaining.

Mr. DURBIN. Mr. President, first, I ask unanimous consent to have printed in the RECORD a letter in opposition to the Inhofe amendment from the American Coalition for Ethanol, the American Farm Bureau Association, the National Association of Wheat Growers, the National Association of Corn Growers, National Farmers Union, National Sorghum Producers, and the Renewable Fuels Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 20, 2007.

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: As the Senate continues to debate the energy bill, H.R. 6, we urge all Senators to vote against the amendment offered by Senators James Inhofe (R–Okla.), Richard Burr (R-N.C.) and Elizabeth Dole (R–N.C.) when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

Senators Inhofe, Burr and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted. For example, in 2003/04 the stocks-to-use ratio was one of the lowest in the last 20 years at 9.4 percent, but prices remained at $2.50 for a season average. Most long-run economic models (U.S. Department of Agriculture and Food and Agriculture Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for next several years, with prices in the $3.00–3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations. As corn usage are likely to increase substantially to 13, 14, or even 15 billion bushels in the future, a 10 percent stocks-to-use ratio could very well equate to carry-out of 1.3, 1.4, or 1.5 billion bushels. So while the stocks-to-use ratio might seem low in these cases, actual carry-out levels would be right in line with the 12-year average (95/96 to 06/07) of 1.38 billion bushels.

According to a recent analysis from the University of Illinois, "the stocks-to-use ratio is generally used as a "short cut" approximation for summarizing annual supply and demand conditions. However, very different supply and demand conditions in individual years can lead to similar ratios of stocks-to-use, but very different prices. The most obvious example is the contrast between a year of very small production that results in a low stocks-to-use ratio, but also requires very high prices to force a reduction in consumption and a large crop year that results in a high level of consumption, a low stocks-to-use ratio, but low prices."

Without the strong domestic market corn farmers won't have the incentive to plant as many acres and take the risk that large production will drive down corn prices. An arbitrary stocks-to-use ratio trigger that restricts corn use for ethanol would likely diminish overall demand and put downward pressure on the price for corn. This would serve as a disincentive to farmers and discourage them from planting more corn at a time when more corn is what the feed and fuel industries need. The food and feed industries have assumed that farmers will continue to produce record crops regardless of prices and profitability. If production declines, or even grows more slowly, stocks could also fall, eventually driving prices higher. In the long-term, America's farm sector is better off maintaining a strong and growing domestic demand base and adding value markets.

The corn industry will continue to strive to satisfy a variety of important demands and maximize the utility of its product. Seed technology developments, increasing agricultural efficiency, innovation in biofuels production processes and other breakthroughs will ensure that growers will continue to meet the world's need for food, feed, fuel and other uses.

Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

Sincerely,

American Coalition for Ethanol.
American Farm Bureau Federation.
National Association of Wheat Growers.
National Corn Growers Association.
National Farmers Union.
National Sorghum Producers.
Renewable Fuels Association.

Mr. DURBIN. I make the point again that there is already a waiver provision in this bill. The Inhofe amendment goes too far in that regard.

If it is the appropriate time, I will raise my point of order.

The PRESIDING OFFICER. The Senator may make the point of order.

Mr. DURBIN. Mr. President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2007.

Mr. INHOFE. Mr. President, I move to waive the applicable points of order against my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 31, nays 63, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—31

Alexander
Boxer
Bunning
Burr
Cardin
Carper
Chambliss
Cochran
Collins
Cornyn
DeMint
Dole
Enzi
Hutchison
Inhofe
Isakson
Kyl
Leahy
Lott
Mikulski
Murkowski
Pryor
Reed
Sanders
Schumer
Sessions
Shelby
Snowe
Stevens
Sununu
Vitter

NAYS—63

Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Brown
Byrd
Cantwell
Casey
Clinton
Coleman
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Murray
Nelson (FL)
Nelson (NE)
Obama
Reid
Roberts
Rockefeller
Salazar
Smith
Specter
Stabenow
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Brownback
Coburn
Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1800

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1800, offered by the Senator from Arizona, Mr. KYL.

Mr. KYL. Madam President, this amendment very simply changes an IRS interpretation of the 2005 Energy bill that provides a $1-per-gallon tax credit for creation of biodiesel. An interpretation by IRS said that if you take animal fat and add it to the biodiesel—or add it to diesel, you have biodiesel and then get the $1-per-gallon credit. That was not what was intended when this was created.

What has happened is all of the animal fat used to do this was already being used by the oleo chemical industry. Folks, for example, who make soap and detergents and the like, are finding the cost of the animal fat, their feed stock, has skyrocketed 100 percent this past year because of the way this has been done. As a result, we are simply changing the interpretation IRS put on it that big oil companies can take advantage of what was not intended to be a tax credit for them, people who are already refining diesel fuel. But rather, those who would create legitimate new diesel fuel from legitimate biomass, the credit remains; nothing changes for that. It simply means the oil companies taking advantage of the credit in an improper way would no longer be able to do so.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Senator from Arizona seeks to strike the provision of the underlying Finance Committee amendment—frankly, the amendment package which the committee voted to report by a vote of 15 to 5. The underlying amendment before us extends for 2 years the $1-per-gallon credit for renewable diesel, including diesel produced from animal fats. That credit is in current law. It is only 2 years old. We should give it time to work.

Under the language in the underlying Finance Committee amendment, we will revisit subsidies for most fuels, including this one, in the year 2010. The bottom line is we want to displace foreign oil imports—that is the goal—and every gallon of renewable diesel produced is a gallon of foreign imports displaced.

I urge my colleagues to help decrease foreign oil imports and oppose the Kyl amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The question now is on agreeing to the Kyl amendment.

Mr. KYL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—45

Alexander
Allard
Bennett
Cantwell
Clinton
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Durbin
Ensign
Enzi
Feingold
Graham
Gregg
Harkin
Hatch
Inhofe
Kennedy
Kerry
Klobuchar
Kyl
Lautenberg
Martinez
McCaskill
McConnell
Menendez
Murkowski
Murray
Obama
Schumer
Sessions
Shelby
Snowe
Specter
Sununu
Thune
Voinovich
Warner
Webb

NAYS—49

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cardin
Carper
Casey
Chambliss
Cochran
Conrad
Dole
Dorgan
Feinstein
Grassley
Hagel
Hutchison
Inouye
Isakson
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mikulski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Smith
Stabenow
Stevens
Tester
Vitter
Whitehouse
Wyden

NOT VOTING—5

Biden
Brownback
Coburn
Johnson
McCain

The amendment (No. 1800) was rejected.

Mr. BINGAMAN. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent that there be up to 2 hours 10 minutes for debate prior to a vote in relation to the Kyl second-degree amendment to the Baucus amendment No. 1704, and the cloture vote on the Baucus amendment; with the time divided as follows: 60 minutes to be used during today's session, and 70 minutes available for debate when the Senate resumes consideration of H.R. 6 on Thursday, June 21; with all time equally divided and controlled between Senators BAUCUS and KYL or their designees; with the Republican time being controlled 15 minutes by Senator KYL and 20 minutes by Senator DOMENICI; that no other amendment be in order prior to disposition of the Kyl amendment; with 30 minutes of the time on Thursday available for debate with respect to the motion to invoke cloture on the Baucus amendment No. 1704; and then, upon the use or yielding back of time, the Senate proceed to a vote in relation to the Kyl amendment; that upon disposition of the Kyl amendment, the Senate proceed to a vote on the motion to invoke cloture on the Baucus amendment No. 1704.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1733 TO AMENDMENT NO. 1502

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I have an amendment at the desk, No. 1733, and would ask that it be called up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KKY] proposes an amendment numbered 1733 to amendment No. 1502.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a condition precedent for the effective date of the revenue raisers)

At the end of subtitle B of title VIII add the following:

SEC. ____. CONDITION PRECEDENT FOR THE EFFECTIVE DATE OF REVENUE RAISERS.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

Mr. KYL. Madam President, I will speak for one minute and then yield about 10 minutes to the Senator from Kentucky who will begin the discussion. Actually, I would like to read the entirety of this amendment. It will take me about 10 seconds. It explains what the amendment does.

> Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and reliance of the United States on foreign sources of energy.

What this amendment does very simply is to say that the $28.6 billion in tax increases called for by this bill will be allowed to go into effect as long as the Secretary of Energy can certify that it would not raise gas prices or cause further dependence on foreign oil. The reason for the amendment, obviously, is to make a point. It is going to be very difficult to have $28.6 billion in tax increases on oil producers not reflected on our gasoline cost at the pump. I predict Americans will pay more for their gasoline because of the tax increases in this legislation.

I will have more to say about the three different kinds of tax increases, why I believe that is the case, why I think it is a bad idea for us to increase our dependence on foreign oil and increase the cost of gasoline to consumers as a result of the tax increases embodied in this bill.

At this time, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I thank Senator KYL for yielding. I rise in support of amendment No. 1733 that would prevent the tax increases in this bill from going into effect if the tax provisions raise gasoline prices or increase our dependency on foreign oil. I voted against these tax increases in the Finance Committee, and I strongly oppose all the tax increases in this bill. But there is one provision I oppose in particular. I am referring to the 13-percent severance tax on oil and gas leases.

There are several reasons why the Federal Government will never see the $10.6 billion allegedly raised by this provision and why we should not, under the banner of tax law, confiscate property. Very simply, the United States should not break its contracts. A deal is a deal. The Clinton administration bid out these lease contracts in the Gulf of Mexico in 1998 and 1999, more than 1,000 of them. Now, with the benefit of hindsight, the small number of performing leases—about 20 of them—look like a bad deal for the Government. That may be true. Some leases negotiated before and after the period in question have 12.5 percent royalty rates. These leases have a zero rate.

On the other hand, the favorable terms that Senator BINGAMAN complains about encourage the oil companies to pay more at the outset to drill in deeper waters. Senator BINGAMAN knows he cannot tear up the contracts he does not like, so he has proposed an unprecedented and unusual targeted severance tax that falls almost exclusively on the current holders of these leases. This tax is so unusual, the Federal Government has never imposed a severance tax on resources, and we never have enacted a tax that can be offset by royalty payments.

If there is any doubt about the purpose of this tax, Senator BINGAMAN cleared that up earlier today when he explained the tax will not impact future leaseholders. The only people who actually pay this 13 percent tax are the holders of the leases Senator BINGAMAN thinks are a bad deal. As Senator BINGAMAN explained, future leases are expected to have a royalty rate higher than the tax, and royalties can be used to offset the tax under Senator BINGAMAN's scheme. The problem with this is Congress cannot reverse contracts legislatively without paying compensation. The Supreme Court has said as much in two recent cases: Winstar and Mobil Oil. What is more, the Federal courts have said Congress cannot use its taxing power to break or modify a Government contract.

But that is precisely what this measure aims to do. If we enact this legislation, we will cast a small degree of doubt on every contract the Federal Government ever writes. We will raise the cost of Government today and for generations because every contractor will wonder whether their Congress might step in to claw back the benefits of the deal.

Here is a true story. During the savings and loan crisis, Federal regulators tried to encourage healthy thrifts to buy up failing thrifts to stabilize the savings and loan industry. They agreed to more lenient regulatory standards and tax benefits that would be available to the healthy thrifts. Later, when the cost of the savings and loan bailout became a concern, Congress enacted laws that took back some of these benefits. One of these laws was the Guarini amendment, a targeted tax provision. Similar to the Bingaman severance tax, the law seemed to raise revenue on paper. But in the end, the Federal courts reversed themselves, and the Federal Government paid out millions in damages for breach of contract. The same Federal court that decided these cases has exclusive jurisdiction to decide whether the 13-percent severance tax is legal. I am not optimistic.

We should make sure this provision never becomes law by voting for the Kyl amendment. It is unconstitutional. It is un-American. It will raise gasoline prices across the board, not lower them, by imposing additional costs on the American oil and gas companies. Most of them are small companies that risk capital to search for oil in the Gulf of Mexico.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, unless the chairman of the committee would like to speak next, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Arizona for yielding me the time to speak on his amendment which basically requires a certification from the Secretary of Energy that these taxes will not increase retail gasoline prices or the reliance of the United States on foreign sources of energy. I think it is a good amendment. Here is why. The current bill, as I see it, does nothing to produce more energy. It doesn't do anything to make energy less expensive. It makes us more dependent on foreign oil from my perspective. This amendment helps remediate the provisions of the current Energy bill before us.

I think back to the previous Energy bill passed in the fall of 2005, in which we accomplished a lot. We did a lot to increase the supply of energy through incentives and to hold down costs because we were increasing supply. It made us less dependent on foreign oil.

In that particular legislation, we took nothing off the table. We kept traditional fuels out there. Many of those were the petroleum products, but included hydroelectric plants. We also had incentives in there for nuclear fuels. We did a lot to encourage renewable fuels. We had provisions to encourage production of solar energy, production of wind-generated energy, geothermal energy, probably one of the more practical and efficient ways of generating energy, with some of the local governments in the State of Colorado taking advantage of the source. Hydrogen was a source, cellulosic sources of alcohol and energy fuels, corn ethanol. We even had conservation provisions in there, for example, provisions which would allow tax credits for housing and construction projects that produced buildings that conserved energy. It was a good, well-balanced bill, and it didn't have many mandates in it.

One of the concerns I have is the huge amount of mandates and tax increases we have in this bill which will make it more difficult to generate energy. Not only will it make it more difficult to generate energy, but it will also make it more expensive. When you make anything more expensive, consumer demand will go down, but also production will go down because what you are implementing is taxes that are directed to the producer.

As Senator BUNNING commented, there is going to be an injustice. It wouldn't surprise me if we have court action and if it doesn't turn away some of the revenue-producing provisions of this bill.

I am not in support of the bill as it stands now. With the adoption of the Kyl amendment, I think it remediates many of the provisions in this bill that I have an objection to. These provisions undo a lot of what we did in the big Energy bill in 2005.

I am urging my colleagues to join me in supporting the Kyl amendment. It simply states that the amendments shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of oil. It is very simple, straightforward. I urge my colleagues to join me in supporting this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the amendment I have offered, No. 1733, be modified to reflect that it is a second-degree amendment to the Baucus amendment No. 1704.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

First, let me begin by reminding the Senate why we are here today. We want a strong energy policy. I think most Senators agree that the underlying bill, plus the Finance Committee bill, moves this country very much in the right direction, making us less dependent upon OPEC. It enhances national security. It will move us more toward alternative and renewable fuels, conservation, cellulosic ethanol, and also clean coal technology. This is a very good bill.

It is important to remind ourselves why we have these provisions that are the subject of the amendment offered by the Senator from Arizona. We have to pay for what we do here. It is something called pay-go. Essentially, whenever we decrease taxes—and that is what the underlying Finance Committee bill does, it decreases taxes; it gives incentives to lots of different organizations to help develop new technologies, this is a tax-decrease bill—we also, under our rules, have to raise revenue the same amount that we decrease revenue.

We are here today to debate the offsetting amendment offered by the Senator from Arizona. Basically, should we pay for what we are doing? That is the basic question.

I say that is the basic question because it is one that offers no alternative. He just wants to strike the provisions that raise revenue in this bill to pay for other things, to pay for the tax decreases. So on a net basis, it is zero. Some like to say this is a tax increase bill. It is not. It is a net zero—zero-zero.

So the Senator from Arizona is not suggesting any alternative. He just says, no, we do not pay for what we are trying to do here. I think this body all agrees we need to pay and should pay for what we do. The question is whether this is a proper pay-for. I remind my colleagues that this full committee amendment, which includes the provisions which are the subject of the amendment of the Senator from Arizona, passed the committee by a vote of 15 to 5—a very strong, bipartisan vote. Many Senators believed—15 Senators believed—this is proper. It is right to have these provisions in this legislation.

We clearly do not want to increase the deficit. If the Senator's amendment passes, and these incentives for clean energy remain, it will have an effect of increasing the deficit.

Let's go in a little more detail about these offsets. The first is the section 199. What is that? I think all of our colleagues remember that several years ago—basically prior to 2004—the United States had a program called FSC-ETI. That was a program placed to give incentives for companies to manufacture products that are shipped to foreign countries. It was an incentive for domestic manufacturers to ship products overseas. The World Trade Organization ruled that this incentive violated WTO rules. The Europeans have something similar. They just constitute it a little differently, so they are able to have their stimulus for their exports that go overseas. But ours was ruled illegal by the WTO.

So what did we do about that in the Congress? We decided we were going to enact this section 199. What is that? Basically, it gives a deduction for domestic manufacturers, and it is phased in. When fully phased in in 2010, it will allow 9 percent of qualified production activities income to be deducted.

Well, here we are today saying: Well, for the five major oil companies, that 199 deduction for their production is no longer available to them. Some here suggest: Well, that is going to have the effect of increasing prices at the pump and it will maybe discourage domestic production in the United States.

Look at the record. Look at the facts. The facts are basically these. Since this provision went into effect—section 199—what has happened domestically in the United States? The major oil companies have gotten a significant break. It comes down to approximately $10 billion over 10 years. Domestic production by the five major oil companies has actually declined, even though they had this break, they got this additional incentive. Did it increase production in the United States? No, it did not increase production in the United States. It decreased production. Remember, this is a provision which applies to domestic production. It did not increase domestic production. Domestic production by oil companies actually decreased over this period of time.

I might also say that the Joint Committee on Taxation has done an analysis on this issue, and they demonstrated many of the points I am making.

So if you look at all the various factors that bear on this issue, you reach the conclusion that domestic production has gone down. So the argument that this one bill, this one portion will be responsible for decreasing domestic production is a specious argument. The facts show the opposite.

What determines gasoline prices charged at the pump? The Joint Committee on Taxation looked at this question, and it is their determination that—and it is obvious—the price at the pump is determined by an awful lot of complex factors. It is global demand. It is a lot of supply factors. I could go on as to all the factors the Joint Committee on Taxation believes contributes to this issue. To say there is a direct link that this provision is actually going to increase prices is just not accurate. It is just not going to happen. It is a fallacious argument to try to discourage and confuse people into saying, therefore, this is not a good payfor.

What are the other oil provisions? There are three of them. I already mentioned one. The second one is a loophole-closer.

Basically, this is a loophole identified by the Joint Committee on Taxation. In short, it has to do with credit American companies get for taxes paid overseas. For oil and gas production, there are two specific provisions relating to foreign taxes. One provision, called foreign oil and gas extraction income, or FOGEI, applies to extraction costs of oil and gas. The other, foreign oil related income, or FORI, applies to downstream distribution costs.

The long and short of it is that the Joint Committee on Taxation recommended changes to the system of credits against foreign taxes, a streamlining of FOGEI and FORI. And that's what the Finance Committee has done.

We closed this loophole, and it happens to raise over $3 billion. This is a loophole closer. That is what this is. I cannot see any reason why anyone would have any problem with that.

In fact, the oil company people tell us it is probably a good thing to close this loophole. Why? Because it is so complicated to comply with.

Now, let's go to the third provision in this bill. This is the provision with respect to Outer Continental Shelf severance taxes. Clearly, constitutionally, the Congress always has the power to enact a tax. This is a 13-percent tax on production in the gulf. That is what it is. Producers can offset that tax with royalties they otherwise would pay for those leases in the gulf.

Now, the provision applies not just to the so-called years in question—1998 and 1999. It applies to a much broader range of leases in the gulf. This is not targeted to those 2 years people discuss. This is a severance tax that Congress has the power to levy in this area.

A couple points: The President himself enacted a higher level of royalties for all new leases at 16⅔ percent. On his own, he raised the royalty rate to 16⅔ percent for most new offshore deepwater federal oil and gas leases.

In this amendment, we are talking about a 13-percent severance tax. Is this a breach of contract? No. We have asked the American Law Division of the Congressional Research Service to research this point for us because we do not want to do anything that is going to be unconstitutional and wrong. They say no, that basically Congress has the power to enact this provision. Under the broad public purposes, which is the basic standard, which is utilized here in the courts, Congress does have the power to do this. The question is, Is this a taking or confiscatory? No. This is not confiscatory. Nobody can make an argument this is confiscatory. So there is no takings, fifth amendment question here. Someone can raise it, but I think any reasonable person looking at this issue would say it is not a taking, it is not confiscatory, and second, this is not a breach of contract because we are saying: Hey, Congress has the power to enact the tax and credit royalties against it.

Do not forget, the President already said those folks, those companies are not paying enough. So he raised the royalty rate to 16⅔. We are saying 13 percent, in the form of a tax. We are trying to be reasonable. We are trying to do what is right. We came up with that 13 percent.

Another point that is kind of tricky about this amendment—it is kind of interesting about this amendment—essentially, it is delegating to the Secretary whether or not the oil companies are going to pay taxes. That is basically what the amendment says: Congress, you cannot decide; it is not your prerogative; it is up to the Secretary. Because he has this little clause in there that says: Unless the Secretary certifies, it is not going to increase prices. Come on. The Secretary can say anything he wants to say in this area because it is so complicated. It is so complicated. We should not be giving such broad authority to the Secretary for him to determine whether this offset should be enacted. But that is what the Kyl amendment does. I think any reasonable person would say: Hey, that is not the right thing to do. We do not want to give the Secretary this authority. You guys—men and women in Congress—we elected you to do what is right. Basically, what is right is to enact these provisions.

So I, therefore, urge all of us—the body—let's keep our heads on straight. Let's keep our feet on the ground. This is common sense. Let's oppose this thing that does not make any sense.

Mr. President, I ask how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Montana has 16½ minutes. The Senator from Arizona has 16 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, I have not spoken on this energy legislation.

There is no question in my mind that we need a national energy policy. I do not think this bill, in its current form, does what we need to do. I have always believed what we need to do in America is produce more energy here at home. More supply—that is the answer—not try to do with less, try to shrink what we have in terms of energy or conserve ourselves into an energy policy. I want more. This is America.

We can produce more of everything. More oil? Yes. More natural gas? Absolutely, and do a lot of innovative things with it. More coal? I am for clean coal technology. I am for changing coal to liquids. I am for doing whatever we can with coal. I am for hydro. We should have more hydroplants, but we have people who have reservations about that. It has environmental or conservation problems. And more nuclear. It is clean. It is safe. But what are we doing to get more of them on line? Nothing.

This bill has turned out to be really about alternative fuels, conservation, and green policies.

Now, for years, I have said I do not want any of that. I want production. By the way, in my State, we can do it. We can have more of everything: oil, gas, coal to liquid, lignite coal, ethanol. We are trying to do it all. We are going to be energy independent. In fact, we are going to wield our power to other parts of the country. So that is what I wanted, but I am over that. I want a national energy policy. I am prepared to accept alternative fuels, some renewables if they make sense, if they are justified in the market but not paid for by outrageous tax credits that don't produce anything. I am for conservation. We should encourage that. Get different light fixtures, look at the utilities we have in our houses, the appliances, are they using too much electricity; insulation, I am for all of that.

So let's have the grand compromise on energy. Let's do it all. This bill doesn't do it. To my colleagues, I want to say I believe America is in great danger because of our inability to come together and do it all.

I was in Russia 3 or 4 weeks ago. I had a chance to see their transmission network of gas and to look at their fields in Siberia, the oil and natural gas. I met with the leadership of Gazprom, the Russian Government-controlled energy company. It was scary. I have no doubt in my mind they intend to use gas as a weapon. They are going to be shipping natural gas that provides the power to all of Europe, Eastern Europe, Western Europe, all the way to Ireland. By the way, if they don't get what they want, they will cut it off.

Here we are in America. We are dependent for our energy sources, 80 percent on foreign oil. Is that good? No, that is bad. Look at whom we are depending on: Russia, Iraq, Iran, Nigeria, Venezuela, and then some who I guess are more stable for now: Saudi Arabia, Kuwait. Is that what we want? No, we don't want that. This is a dangerous situation.

So we should encourage and facilitate the whole package. Flexible fuels, I am for that. We should try to see what we can do with renewables. I don't believe for a minute we are going to get 15 percent of our energy needs from wind. Come on now. Wind and solar. There are people who think we are going to heat, power, and supply all our energy needs in the future from wind and solar. For heaven's sake, get real. We have already sunk billions of dollars into some of these ideas that might work or might not. I am willing to try them. I will buy the deal, but this is not the deal. This is another tax increase: $28.6 billion. I thought it would be $15 billion.

By the way, let me make it clear. There is some good stuff in here. Some of it I supported, some of it I voted for. But overall, what we have is an energy bill that came out of the Energy Committee that now doesn't amount to very much; it is all about renewables and green policy. It is not going to produce another drop of oil, 1 cubic foot of natural gas. In fact, now, we are going to discourage oil and gas exploration in the Gulf of Mexico.

By the way, I should be able to talk about this because this is in my neck of the woods. I have lived in the shadow of oil and gas rigs for years in the gulf. The best fishing in the gulf is around the rigs. We have oil and gas out there. Our policy in America is we don't want to drill where it is. We don't want to drill in the gulf, we don't want to drill on the west coast, we don't want to drill on the east coast, we don't want to drill in ANWR. I have a novel idea of where we ought to drill: Drill where it is, and do it safely. We can do that. Finally, after a lot of huffing and puffing and stroking and scratching last year, we finally said: Yes, we are going to have more oil and gas exploration in the Gulf of Mexico. It is going to be in a defined area. It is not going to be close to the shore, which I think it should be, much closer to the Florida coast, for instance—and my coast, too, for that matter—but we did it for control in a responsible, acceptable way. The States, by the way, are going to get some royalties out of it for the first time ever, or for the first time in many years. We came up with a good deal.

Now, in this bill, we are going to go back, and we are going to levy a 13-percent tax on oil and gas production in the Gulf of Mexico that will cost $10.6 billion on the oil companies. Now, look, I am not going to cry any tears for oil companies. I have a populist streak in me. I don't like gasoline prices. But, buddy, let me tell you, this bill is not going to reduce anybody's gasoline prices. This bill is not a national energy policy.

This bill will lead to less American production in the critical areas where we could do something quickly. By the way, we are going to tax them. Are we never going to learn when you tax something, you get less? If you get less, what do you think it is going to do to the price of gasoline? By the way, we are going to ride these cats—these companies—offshore. They are not going to put up with all these taxes. They are going to go get it somewhere else. They can do business internationally. The biggest company in the world, ExxonMobil—they are not the biggest company in terms of oil or gasoline in America, no; there are other companies that fit that role—much of their business is overseas.

So there is about $21 billion more on the oil companies, and I think it is being done in the wrong way. But we can't come out and talk about how we are going to make such great changes and that we are going to do something about energy prices and the price of gasoline, when the reverse is true. This bill would say that—exactly, it would effectively strike all the tax increases unless and until such time as the Energy Secretary can certify they will not result in increased gas prices or increased dependence on foreign sources of energy.

You are right, you know, they would not be able to certify that. This would not be good for the country.

Yes, again, I wish to say the Wyden amendment is in there. I support it. I voted against the amendment awhile ago that Senator KYL had. I am not pure either. I am over trying to be pure. But I do expect us to not do the wrong things on energy policy—don't do the bad things, even if we can't do the right things.

I am extremely upset about what we have come up with out of the Finance Committee and on the energy package as a whole. This is not going to do the job. It is not going to become law.

So here again, the Senate is spinning its wheels. Yes, well, we are making a statement. Maybe we will feel better. But in terms of addressing an energy policy, this will not do it.

I yield the floor. Thank you for the extra time.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from New York, but I don't see him yet. So I yield the balance—11 minutes plus 5 is 16—so I yield 11 minutes to the Senator from Oregon, Mr. WYDEN, and the remaining 5 to the Senator from New York when he appears on the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to pick up on the comments of my friend from Arizona and my friend from Mississippi, two Senators whom I have worked with on many issues and must unfortunately disagree with them on this one. I want the Senate to understand exactly what the implications would be if the Kyl amendment were to pass.

If the Kyl amendment were to pass, the major oil companies would receive billions and billions of dollars of subsidies that President Bush says the major oil companies do not need. I wish to be specific on this as we go to the debate with the Senator from Arizona and the Senator from Mississippi.

The President of the United States has said that when the price of oil is over $55 a barrel, the oil companies do not need incentives to develop and explore. Let me repeat that. President Bush has said when the price of oil is over $55 a barrel, the oil companies do not need incentives to explore and search for oil. The price of oil at this time is substantially over $55 a barrel. So if the Kyl amendment passes and we refuse to strip these incentives the President says aren't needed, we are going to continue business as usual.

The Kyl amendment says, essentially: Let us continue these practices we have had for the last few years that have done nothing—nothing—to reduce our dependence on foreign oil.

What we have had in the past are billions of dollars of subsidies. For example, in section 199 of the Tax Code, not for investing in refinery capacity, not for investing in new production, not for investing in renewable fuels but essentially continuing the practices that have nothing—done nothing to reduce our dependence on foreign oil. I have always said we ought to target tax breaks and incentives where there is an opportunity for new production. That is why I have always favored looking at potential incentives for small companies.

But that is not what this amendment is all about. This amendment is about continuing the giveaways for the big companies, the giveaways the President of the United States says are not needed.

So where we are is oil is at almost $70 a barrel, gas is over $3, more imports than ever, and it seems to me continuing business as usual as the Kyl amendment would do is not a case you can make. The Finance Committee amendment changes our course. It ends the section 199 tax breaks for the major oil companies. It takes steps to end our addiction to oil. It takes steps to end our addiction to continuing billions of dollars of subsidies that the President says are not needed.

Let us not continue these billions and billions of dollars in the name of a modern energy policy. It is not. The idea that shoveling all these breaks, these billions of dollars of breaks at the oil industry is somehow going to be good for America is not borne out by the record. It is not borne out by the record, and in my view, until we take these steps to protect taxpayers and protect consumers and protect the security of the country, I think what will happen is we will continue to increase our addiction to foreign oil, we will continue to have these prices, these staggeringly high prices of $70 a barrel and consumers will still get clobbered at the pump.

I am going to have more to say about this in the course of tomorrow, but I would say in closing—and I see my good friend from Arizona on the floor of the Senate—that if the Senate supports this particular amendment, the Kyl amendment, what it will be doing is it will be continuing billions of dollars in tax breaks that if you use the test applied by the President of the United States, those major companies do not need. No one has been able to make a case, it seems to me, that the President of the United States is wrong. In fact, every time this topic has come up, I have said I think the discussion ought to begin with the comment of the President. I credit the President for his statement because I think it reflects modern reality. The President knows a lot about the oil business, and the President says you don't need these subsidies when the price is over $55 a barrel.

But along comes the Kyl amendment, and the Kyl amendment says: No. I pretty much don't see it the way the President of the United States sees it. I am going to continue the billions and billions of dollars of subsidies when it is not needed.

The last point I would like to make very quickly deals with the Bingaman language. We have heard again and again that this somehow retroactively sweeps in and unravels previous agreements. That is untrue. Yesterday, I asked in the Senate Finance Committee the counsel about this. The counsel was very clear it applies prospectively, it does not apply retroactively, and it applies to all of the activity going on in the gulf.

The Government Accountability Office has said that in terms of our position in the world, we stand almost alone in terms of our position relative to getting a fair shake on revenue and protecting taxpayers. The reality—and the Bingaman amendment picks up on this—is taxpayers are getting fleeced by major oil companies when they drill on public land.

We are talking about our land, the people's land. We are not talking about private lands. We are talking about our lands. And the Bingaman amendment takes steps to correct that situation.

I hope my colleagues will reject the amendment of the Senator from Arizona. If I have made one point tonight, I want it understood, if the Kyl amendment is adopted, major oil companies would continue to receive billions of dollars of subsidies that the President of the United States has said they do not need.

Mr. President, I note that my colleague from New York has not arrived. The Senator from Arizona, I am sure, wants to respond. I reserve the time that was propounded in the request by Senator BAUCUS for Senator SCHUMER when he arrives. Since he is not here, and Senator KYL is, I yield the floor to him with the reservation for Senator SCHUMER when he arrives.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to some of the comments my colleagues made to remind everyone many of the dire predictions, including the ones of my good friend from Oregon, are a little beside the point.

If you look at the actual wording of my amendment, it does not say anything about subsidies to big oil companies or anything of the like. Maybe I better read it again:

> Notwithstanding the provisions of this subtitle—

And those are the tax increases on oil companies, as well as the other tax increases in the legislation—

> the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

That is all it says. There isn't any more. There isn't anything about subsidies to oil companies or anything of the like.

What the Senator from Oregon might be saying is that the provisions of the bill are not going to go into effect because it is true that the tax increases will, in fact, raise prices for American gasoline consumers and will increase our dependency on foreign oil. If, as the chairman of the committee said, that is not true, there is no relationship—in fact, his exact words were: It is fallacious to argue that these new taxes in the bill will raise fuel costs. If that is true, then there would not be any effect. The argument of the Senator from Oregon then falls. But if it is true the taxes in this legislation will raise prices for oil consumers or gasoline consumers and will further our dependence on foreign oil, then the Senator from Oregon at least has a point to argue because one provision out of the three major tax provisions relates to the general subject that he and I have worked on in the past and that he was talking about, which is the royalties that should be paid by offshore oil companies.

One of two things is true, but they can't both be true. It might be true the tax increases in this legislation are going to raise the cost of gasoline to American consumers and increase our dependency on foreign oil, and then at least one of the things the Senator from Oregon talked about would at least come into play.

Or it could be, as the Senator from Montana said, there would not be any effect because this would not raise gasoline prices, in which case the Senator from Oregon is simply incorrect when he says that the effect of my amendment is to provide subsidies for oil companies. They can't both be true.

What is the probability? I think the probability is that the tax increases in this legislation will raise prices for American consumers and will increase our dependency on foreign oil. And that is just not my guess, although it is fairly intuitive if you understand anything about economics. If you tax something, more generally the producer of that product is going to reflect the prices in what he charges to consumers, and the price, therefore, paid at the pump, in the case of gasoline, goes up.

A recent study by the Heritage Foundation found that the tax provisions alone in this legislation, setting aside the other mandates in the Energy bill, will likely increase gas prices by 21 cents per gallon over the next 8 years. Taking all of the provisions together, the Energy bill could increase the price of regular unleaded gasoline from $3.14 a gallon to $6.40 a gallon by the year 2016, a 104-percent increase.

For comparison, current policies will lead to gas prices climbing from $3.14 to $3.67 in the year 2016. And in just the next year alone, consumers can expect to pay between $3.16 to $3.79 due to the impact of this bill.

During the next decade, between now and the year 2016, due to this bill alone, consumers can expect to spend an average of $1,445 more per year on gasoline. Again, that is not just speculation. It is obviously the law of supply and demand. It is the law of economics. If you are going to impose this tax, it is going to be passed on by the people who pay the tax. So American consumers can expect to pay a lot more for gasoline at the pump.

I don't think anybody would argue that our dependence on foreign oil is going to decrease. In fact, because of one of the three provisions of this bill, the foreign tax credit tax increase, it is obvious our oil producers are going to be put at an economic disadvantage vis-a-vis those abroad, and it is obvious we are going to have to be more dependent on foreign oil, not less.

It was interesting that the Senator from Montana started out his argument saying the purpose of this bill is to get more energy, especially from renewable fuels. It is true the purpose of a good energy bill should be to get more energy. The problem is, this bill doesn't provide any more energy. It does focus some subsidies on renewable fuels, and the only way we are going to get more renewable fuel energy, obviously, is by subsidizing those particular energy sources. But the bill itself provides not a drop of new oil. Yet somehow or another it costs $28.5 billion, and that gets to the second point the Senator from Montana made.

He said this is not a tax-increase bill; this is a tax-decrease bill. But then he lets the cat out of the bag by saying: Of course, we must still pay for what we are doing. Well, indeed. We do have to pay for what we are doing, and what we are doing is spending $28.5 billion. So the bill raises taxes by $28.6 billion. That is the estimate the Congress must use. That is what the Finance Committee is required to use, $28.6 billion in new taxes. The reason: to pay for what we are doing, for what the bill spends.

Granted, some of the spending in the bill is in the form of tax breaks, such as the last tax break we talked about. Unfortunately, my amendment was not adopted, so a tax break is going to be misused, and we are going to be paying billions of dollars because of that misuse. But I think there is no question that the tax increases that are provided for in this bill will be seen as tax increases.

Mr. President, has my time expired?

The PRESIDING OFFICER. Yes, it has.

Mr. KYL. That is the end of my time. I will resume this argument tomorrow morning and remind my colleagues why it is that I think we don't want to pass the tax increases in the bill.

Mr. WYDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe I have a couple of minutes, and then Senator SCHUMER has time reserved. I ask unanimous consent that Senator KLOBUCHAR follow Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I will be very brief. The Senator from Arizona makes the point that he always does eloquently about markets, and I come back to the fact that President Bush has said you don't need subsidies when the marketplace price is over $55 a barrel. So what we want to do is cut back on the subsidies and begin to create the kind of market that I know the Senator from Arizona favors.

I also ask unanimous consent to have printed in the RECORD a Government Accountability Office report of May 1, 2007, which makes it very clear that taxpayers are being ripped off for the drilling by major companies on public lands.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, May 1, 2007.

Subject: Oil and Gas Royalties: A Comparison of the Share of Revenue Received from Oil and Gas Production by the Federal Government and Other Resource Owners

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate.
Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
House of Representatives.
Hon. STEVAN PEARCE,
Ranking Member, Subcommittee on Energy and Mineral Resources, Committee on Natural Resources, House of Representatives.
Hon. MARY L. LANDRIEU,
U.S. Senate.

Amid rising oil and gas prices and reports of record oil industry profits, a number of governments have taken steps to reevaluate and, in some cases, increase the share of oil and gas revenues they receive for the rights to develop oil and gas on their lands and waters. For example, the State of Alaska has recently passed new oil and gas legislation that will increase the state's share of revenue received from oil and gas companies operating state leases. In January 2007, the Department of the Interior announced an increase in the royalty rate for future leases granted in the deepwater region of the Gulf of Mexico. Companies engaged in exploration and development of oil and gas resources do so under terms of concessions, leases, or contracts granted by governments or other resource owners. The terms and conditions of such arrangements are established by law or negotiated on a case-by-case basis. One important aspect of the arrangements is the applicable payments from the companies to the resource owners—in the United States, these include bonuses, rentals, royalties, corporate income taxes, and special fees or taxes. The precise mix and total amount of these payments, referred to as the "fiscal system" varies widely across different resource owners. The total revenue, as a percentage of the value of the oil and natural gas produced, received by government resource owners, such as U.S. federal or state governments is commonly referred to as the "government take." For example, a government take of 50 percent means that the government receives 50 percent of the cash flow produced from an oil or gas field.

In fiscal year 2006, oil and gas companies received over $77 billion from the sale of oil and gas produced from federal lands and waters, and the Department of the Interior's Minerals Management Service (MMS) reported that these companies paid the federal government about $10 billion in oil and gas royalties. Clearly, such large and financially significant resources must be carefully developed and managed so that our nation's rising energy needs are met while at the same time the American people are ensured of receiving a fair rate of return on publicly owned resources, especially in light of the nation's daunting current and long-range fiscal challenges.

As requested, this report documents the information provided to your staffs in March 2007 on the U.S. government's take and implications associated with increasing royalty rates. Specifically, this report discusses (1) the United States' government take relative to that of other government resource owners and (2) the potential revenue implications of raising royalty rates on federal oil and gas leases going forward. To address the government take, our work included reviewing results of studies done by oil companies and industry consultants. We also collected and analyzed various studies generated by MMS, the agency responsible for collecting oil and gas royalties from federal lands and waters. In addition, we reviewed results of studies prepared over the last 13 years by various private and government sources on government take and interviewed Alaskan state and private consulting firm officials. In evaluating the study results we conducted interviews with study authors and an industry expert to discuss the study methodologies and the appropriate interpretation of the results. Based on these interviews and our review of study results, we believe the general approach that these study authors took was reasonable and that the study authors are credible. However, we did not fully evaluate each study's methodology or the underlying data used to make the government take estimates. Overall, because all the studies came to similar conclusions with regard to the relative government-take ranking of the U.S. federal government and because such studies are used by oil and gas industry companies and governments alike for the purposes of evaluating the relative competitiveness of specific fiscal systems, we are confident that the broad conclusions of the studies are valid. To address the revenue implications of raising royalty rates, we gathered information from reports, studies, and government documents, and drew from past GAO reports related to oil and gas royalties. We also discussed the material in this report with MMS officials and they made helpful suggestions about the factors affecting the revenue implications of raising royalty rates. Our work was done from January 2007 through March 2007 in accordance with generally accepted government auditing standards.

IN SUMMARY

Based on results of a number of studies, the U.S. federal government receives one of the lowest government takes in the world. Collectively, the results of five studies presented in 2006 by various private sector entities show that the United States receives a lower government take from the production of oil in the Gulf of Mexico than do states—such as Colorado, Wyoming, Texas, Oklahoma, California, and Louisiana—and many foreign governments. Other government-take studies issued in 2006 and prior years similarly show that the United States has consistently ranked low in government take compared to other governments. For example, a study completed in 2006 for MMS showed that the U.S. federal government take in the Gulf of Mexico deepwater and shallow water was lower than 29 and 26, respectively, of the 31 fiscal systems analyzed. In deciding where and when to invest oil and gas development dollars, companies consider the government take as well as other factors, including the size an availability of the oil and gas resources in the ground; the costs of finding and developing these resources, including labor costs and the costs of compliance with environmental regulations; and the stability of the fiscal system and the country in general. All else held equal, more investment dollars will flow to regions in which the government take is relatively low, where there are large oil and gas deposits that can be developed at relatively low cost, and where the fiscal system and government are deemed to be relatively more stable. Regarding the deepwater areas of the U.S. Gulf of Mexico, the current size of the government take, the relatively large estimated amounts of oil and gas in the ground, and the proximity to the large U.S. market for oil and gas make this region a favorable place to invest. However, the high costs of operating in deepwater may deter some investment.

Increasing royalty rates on future federal oil and gas leases would likely increase the federal government take but by less than the percentage increase in the royalty rate because higher royalty rates would likely reduce some taxes and other fees and may also discourage some development and production. For example, the recently announced increase in royalty rates from 12.5 percent to 16.67 percent on future leases sold in the deepwater regions of the Gulf of Mexico will, according to MMS, increase overall federal revenues but will also cause reductions in some fees and in oil and gas production. Specifically, MMS estimates that the new royalty rate of 16.67 percent will increase revenue by $4.5 billion over 20 years. MMS also estimates that, by 2017, this increased revenue will be partially offset by revenue losses of $820 million over 20 years as a result of reduced rental fees as well as a decline in production of 5 percent. A lower royalty rate can encourage oil companies to pursue oil exploration and production and thereby provide an economic stimulus to oil producing regions. For example, according to a MMS study issued in 2006, as the industry expands output in the Gulf of Mexico, employment levels in all Gulf Coast states-including Alabama, Louisiana, Mississippi, and Texas-tend to rise to meet industry needs. As part of an energy strategy to meet the nation's energy needs and balance the impacts of energy use on the environment and climate, a healthy domestic oil and natural gas industry is essential, and that means that the United States must continue to create a market that is competitive in attracting investment in oil and natural gas development. Such development, however, should not mean that the American people forgo a competitive and fair rate of return for the extraction and sale of these natural resources, especially in light of the current and long-range fiscal challenges facing our nation. The potential trade-offs between higher revenue collections and higher oil production highlight the broader challenge of striking a balance between meeting the nation's increasing energy needs and ensuring a fair rate of return for the American people from oil production on federally leased lands and waters.

BACKGROUND

The Department of the Interior, created by the Congress in 1849, oversees and manages the nation's publicly owned natural resources, including parks, wildlife habitat, and crude oil and natural gas resources on over 500 million acres onshore and in the waters of the Outer Continental Shelf. In this capacity, the Department of the Interior is authorized to lease federal oil and gas resources and to collect the royalties associated with their production. The Department of the Interior's Bureau of Land Management is responsible for leasing federal oil and natural gas resources on land, whereas, offshore, MMS has the leasing authority. To lease lands or waters for oil and gas exploration, companies generally must first pay the federal government a sum of money that is determined through a competitive auction. This money is called a bonus bid. After the lease is awarded and production begins, the companies must also pay royalties to MMS based on a percentage of the cash value of the oil and gas produced and sold. Royalty rates for onshore leases are generally 12 and a half percent whereas offshore, they range from 12 and a half percent for water depths of 400 meters or deeper (referred to as deepwater) to 16 and two-thirds percent for water depths less than 400 meters (referred to as shallow). However, the Secretary of the Interior recently announced plans to raise the royalty rate to 16 and two-thirds percent for most future leases issued in waters 400 meters or deeper. MMS also has the option of taking a percentage of the actual oil and natural gas produced, referred to as "taking royalties in kind," and selling this energy itself or using it for other purposes, such as filling the nation's Strategic Petroleum Reserve. In addition to bonus bids and royalties, companies pay taxes on corporate profits. The sum of all these and other payments comprises the government take. Because different governments set different levels of taxes, fees, and royalties, the relative size of any one component of government take generally varies across different fiscal systems.

STUDY RESULTS INDICATE THAT THE FEDERAL GOVERNMENT RECEIVES AMONG THE LOWEST GOVERNMENT TAKES IN THE WORLD

Results of five studies presented in reports or testimony to the Alaskan state legislature in 2006 indicate that the federal government receives one of the lowest government takes among the jurisdictions evaluated. The hearing was held to discuss a proposed new state tax on oil company profits. This proposal eventually was adopted and, in 2006, the State of Alaska enacted a new oil and gas production tax law which imposed a 22.5 percent tax on oil company profits. Two of the studies presented were from major oil companies, and three were from private consulting firms. The five studies had differing scopes and somewhat different estimates of government take. For example, one study focused primarily on comparing U.S. federal, state, and Canadian fiscal systems, while other studies focused on international comparisons. The results of the five studies are summarized below and in more detail in enclosure I.

BP (formerly British Petroleum), one of the world's largest oil companies, testified that the federal government's take for leases in the Gulf of Mexico (45 percent) was lower than 9 out of 10 other fiscal systems presented, including Colorado, Wyoming, Texas, Oklahoma, California, and Louisiana (between 51 percent and 57 percent).

ConocoPhillips, Alaska's number-one oil producer in 2005, testified that the federal government's take for leases in the Gulf of Mexico (43 percent) was lower than all 8 other fiscal systems presented, including the United Kingdom (52 percent) and Norway (76 percent).

CRA International (formerly Charles River Associates), a global firm specializing in business consultancy and economics, testified that the federal government's take in the Gulf of Mexico—both deepwater (42 percent) and shallow water (50 percent)—was lower than the 6 other fiscal systems it evaluated, including Australia (61 percent).

Daniel Johnston and Company, an independent petroleum advisory firm providing services to the oil and gas industry, testified that the federal government's take in the Gulf of Mexico for deepwater (between 37 and 41 percent) was 4th lowest and for shallow water (between 48 and 51 percent) was 8th lowest among 50 fiscal systems it evaluated.

Van Meurs Corporation—a company which provides international consulting services in several areas including petroleum legislation, contracts, and negotiations—reported that the federal government's take in the Gulf of Mexico (40 percent) was the lowest among 10 fiscal systems it evaluated, including Alaska (53 percent) and Angola (64 percent).

It should be recognized that the studies presented in this testimony were done before the recent increase in the royalty rate for future deepwater leases in the Gulf of Mexico. This action will, as new leases are added to the mix over time, cause the average government take in the Gulf of Mexico to rise somewhat. In addition, 4 of the 5 studies compared government take based on 11 fiscal systems or fewer. A comparison of a much larger number of fiscal systems provides more comprehensive information. In this regard, we found that other expanded government-take studies have been issued. These are summarized below and more details are presented in enclosure II.

A study issued in 2006 and done under contract with MMS by the Coastal Marine Institute of the Louisiana State University reported on 31 fiscal systems in 25 countries. The study showed, out of the 31 fiscal systems, Gulf of Mexico deepwater, at between 38 and 42 percent, was lower than 29 other systems and Gulf of Mexico shallow water, at between 48 percent and 51 percent, was lower than 26 systems. Three other offshore fiscal systems were also shown. This included Trinidad & Tobago offshore with a government take between 48 percent and 50 percent, Australia offshore with a government take of between 53 percent and 56 percent, and Egypt offshore with a government take of between 79 percent and 82 percent. Of the 31 fiscal systems presented, Mexico had the lowest government take at between 30 percent and 32 percent, and, at the other end of the spectrum, Venezuela had the highest government take at between 88 percent and 93 percent.

A second study, issued in 2002 by Wood MacKenzie, a private consulting firm, analyzed 61 fiscal systems within 50 countries. The study showed that, out of 61 fiscal systems, Gulf of Mexico deepwater ranked lower than 54 other systems with a federal government take of about 42 percent, while Alaska's government take was about 64 percent. Of the 61 fiscal systems analyzed, Cameroon had the lowest government take at about 11 percent, and at the other end of the spectrum, Iran had the highest government take at about 93 percent.

A third study, issued by Van Meurs Corporation in 1997, analyzed 324 fiscal systems in 159 countries. The study showed that, out of 324 fiscal systems, Gulf of Mexico water greater than 800 meters ranked lower than 298 other systems with a federal government take of about 41 percent and Gulf of Mexico water between 200 and 400 meters ranked lower than 276 systems with a federal government take of about 47 percent. The study also indicated that governments tend to compete regionally and that the regional average government take for countries within North America was about 57 percent.

Finally, one of the first expanded, or comprehensive, studies was completed by Van Meurs Corporation in 1994 for the World Bank. That study showed that the government take from federal onshore lands, Gulf of Mexico deepwater, and Gulf of Mexico shallow, ranked lower than 194, 191, and 180 out of 226 fiscal systems in 144 countries, territories, and joint development zones analyzed.

The last few years of high oil and gas prices and record industry profits have been a factor in causing a number of resource owners to reevaluate their fiscal systems. For example, and as already discussed, the State of Alaska enacted in 2006, a new oil and gas production tax law which, among other things, imposed a 22.5 percent tax on oil company profits. In addition, at least five states—including New Jersey, New York, Pennsylvania, Washington, and Wisconsin—and Alberta Province in Canada are considering new oil and gas tax legislative proposals.

The level of government take can influence investment in oil and gas development and production. Resource owners are competing to some extent for finite private investment in oil and gas development, and in considering the ideal government take, the resource owners must consider that there may be a trade-off between the magnitude of government take and the level of investment. From the oil and gas industry's perspective, government take represents one of the costs of doing business. As with any industry, if the costs in one geographic area increase, industry may pursue locations elsewhere.

In addition to the overall government take, the mix of taxes, fees, and royalty rates that comprise the government take may also be important in determining the level of investment. For example, in commenting on Alaska's then-proposed revisions to its oil and gas tax law, a BP official testified that a fiscal system should be equitable to investors and the government alike and should be profit-related, that is, with a tax levied on profits not revenues. Similarly a ConocoPhillips official testified that a balanced fiscal system is critical for future oil and gas investment in Alaska and that Alaska must maintain its fiscal system competitiveness on a global basis.

Further, the size of oil and gas reserves, the costs of exploration and development, and the stability of the government and regulatory environment play a role in companies' investment decisions. In many regards, the United States is a desirable place to invest in oil and gas development and production. For example, of non-OPEC countries, the United States held almost 10 percent of oil reserves as of 2006. In addition, including the existence of a nearby market for all that is produced, the United States is generally considered a stable place to invest, especially when compared to many countries, such as Venezuela and Nigeria, that have large oil and gas reserves. For example, in Venezuela, it was reported last year that the government had taken a series of steps to increase the government take as well as take greater control over oil operations in that country, and in Nigeria, it was recently reported that there have been repeated instances of oil company employees being kidnapped or attacked. However, much of the estimated oil reserves in the United States, such as those in the deepwater areas of the Gulf of Mexico, and the smaller pockets of oil remaining in mature oil fields will be more costly to develop than oil in some other regions, and these higher costs are a deterrent for investment. In addition, to the extent that environmental regulations in the United States are stricter than in some other oil producing countries, this could increase compliance costs and necessitate to some extent a lower government take in the United States. Further, to the extent that labor costs are a factor in determining the profitability of oil development projects, the United States may have higher labor costs than some other oil producing countries, and this would also necessitate, to some extent, a lower government take.

INCREASING ROYALTY RATES ON FUTURE FEDERAL OIL AND GAS LEASES WOULD LIKELY INCREASE THE FEDERAL GOVERNMENT TAKE

Increasing royalty rates on future federal oil and gas leases would likely increase the federal government take but by less than the percentage increase in the royalty rate itself because higher royalty rates will likely reduce some taxes and other fees and may also discourage some development and production compared to what it would be under lower government take conditions. For example, because the federal government assesses taxes on corporate profits, an increase in royalty rates would raise oil and gas company costs, thereby reducing their profits and, consequently, the corporate income taxes they pay. In addition, an increase in royalty rates may reduce the amount, in fees or bonuses, oil and gas companies are willing to pay for the rights to develop individual leases. Because such fees or bonuses are determined competitively, this may lead to lower government revenue. Finally, higher royalty rates may deter some development or production of oil and gas if companies can find more profitable investment opportunities elsewhere and for which other factors, such as stability and the amount of oil and gas reserves are comparable.

MMS' analysis that accompanied a recently announced increase in the royalty rate for new federal deepwater offshore Gulf of Mexico leases illustrates how the increase in royalty rates can be offset somewhat by reduced fees and production. MMS estimates that the increased royalty rate of 16.67 percent—from 12.5 percent—will increase revenue from royalty payments by $4.5 billion over 20 years. However, MMS also recognized that this royalty rate increase will likely cause declines in bonus and rental revenues as well as reduce oil and gas production compared to what it would have been under the lower royalty rate. Specifically, MMS estimated a decline of bonus and rental revenues amounting to $820 million over 20 years and a decline in production of 5 percent, or 110 million barrels of oil equivalent, over 20 years compared to what production would have been at the lower rate. Nonetheless, MMS estimates that by 2017, the net increase in total revenue will still be substantial.

In addition to revenue considerations, there are a number of other considerations that could be considered when establishing a royalty rate or the overall government take. These include environmental issues and socioeconomic effects. Royalties or other fees or taxes may reduce the amount of investment in oil and gas development and production and, therefore, to the extent that higher royalty rates reduce oil and gas development and production in the United States, could be used as a policy tool to reduce the domestic environmental impacts of oil and gas development. Regarding socioeconomic effects of oil and gas development and production, a 2006 study done under contract for MMS noted that as the oil and gas industry expands output in the Gulf of Mexico, employment levels in all Gulf Coast states—including Alabama, Louisiana, Mississippi, and Texas—tend to rise to meet industry needs.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the date of this report. At that time, we will send copies to appropriate congressional committees, the Secretary of the Interior, the Director of MMS, the Director of the Office of Management and Budget, and other interested parties. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at http://www.gao.gov.

If you or your staff have any questions or comments about this report, please contact me. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made contributions to this report include Frank Rusco, Assistant Director; Robert Baney; Dan Novillo; Dawn Shorey; Barbara Timmerman; and Maria Vargas.

MARK E. GAFFIGAN,
Acting Director, Natural Resources and Environment.

Mr. WYDEN. Mr. President, this General Accounting Office report makes it very clear that relative to all the other countries in the world, our taxpayers are not getting a fair shake. So this is ultimately about cutting back on subsidies the President says are not needed in order to create markets and to prevent the taxpayers of this country from being fleeced.

I thank my colleague. I know Senator SCHUMER has been patient.

Mr. KYL. Mr. President, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Parliamentary inquiry, Mr. President: Do I have 5 minutes?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. SCHUMER. It is my lucky day, Mr. President.

I rise to speak against the amendment offered by my good friend from Arizona which will restore many of the tax breaks for big oil we voted to eliminate in the Finance Committee just yesterday.

After a wave of mergers in the industry over the past two decades, we now have an elite group of five very large integrated oil companies dominating our domestic petroleum market. These companies are price leadership. They all seem to set the same price. They don't get in a room and do it. One leads and the others follow. They wink at each other. It shouldn't be legal, but it is.

They have the power to block alternative fuels, such as E85, at their branded stations and, as we all know, they have the political power to secure billions of dollars in tax breaks they don't need and we can ill-afford.

It is time to get serious about our energy policy and stop giving away taxpayers' dollars that just end up in the pockets of big oil rather than going to renewable energy alternatives or curbing the cost of gasoline at the pump.

On the surface, it seems that big oil is pumping cash rather than pumping petrol. They don't try to find much new oil, and ExxonMobile alone bought back $29 billion of its stock in the last year. The bottom line is, if they have all this extra money to buy back their stock, why are we giving them tax breaks?

When the head of ExxonMobile, one of the big oil companies, came to us in the Judiciary Committee, he said he didn't believe in alternative fuels. I wouldn't either if I were the head of one of the five big oil companies that had an oligopolistic stranglehold on the market. I wouldn't want an alternative. So they are not going to do what most other businesses, where there was a semblance of competition, would do: find a new product because they know their old product is getting expensive and may run out someday.

So that is our job. We are taking back these taxes. We are not just putting them into the Treasury. It is not taxing for taxing sake. We are putting them into tax breaks for alternative fuels. Since the oil companies would not look at alternatives, we are going to take the money that we have given them in taxes, and never should have, and give it to other companies that will invest in alternative fuels.

This is a mature industry by any standard and no longer does it need tax breaks. I have actually introduced a bill to repeal every special tax break received by the major oil and gas companies.

The policy of giving them breaks has failed. Despite ever-increasing petroleum products and general Federal tax giveaways, the oil companies don't believe they need to compete. The oil companies believe they don't need to compete to create new domestic gasoline supply. We haven't had a new refinery built in 30 years. When they have merged, they have closed refineries. So it hasn't worked.

While ExxonMobile doled out $29 billion, or 60 percent of its cashflow, on stock buyback alone, their overall production has barely budged since the 1999 merger. Exxon never should have been allowed to merge with Mobile. On the Joint Economic Committee, we are looking it over, seeing if we can look into undoing some of those unfortunate mergers, which occurred, by the way, under both Democratic and Republican Presidents. But at the same time, we have to get moving on alternative fuels.

The Finance Committee chairman and ranking member—bipartisan—were right to scale back the tax breaks that go to this very profitable industry and instead target them to renewable energy in a way that ensures technology will succeed.

The finance amendment extends tax breaks for alternative fuels by several additional years. When we were at our issues conference in New York City, DPC, Democratic Policy Committee, we heard a brilliant presentation by an investment banker from Goldman Sachs who said we are great at developing new technologies, but we are not very good at commercializing them, implementing them. That is because the tax breaks we give go for a year, 2 years, and no business wants to invest when they are not sure these breaks will continue.

The proposal in the bill, which I was proud to cosponsor, says the tax breaks will be extended for 5 years and longer so that companies will know they do keep those tax breaks and have an incentive to invest. So it makes eminent sense. Take the money away from taxes for the oil companies which refuse to engage in finding alternatives and give them to new companies that will. It is a policy that makes sense for the good of the consumer because, in the long run, it will lower prices; for the good of our foreign policy because it will decrease our dependence on dictators and potentates we don't like, such as the heads of Iran and Venezuela; and it is good for our climate because as we move to alternative fuels, less CO_2 will be put in the atmosphere.

For the first time in 6 years, this Congress is willing to stand up to the oil companies. I know many on the other side of the aisle aren't. The previous energy bills reflect what the Bush administration believes: What is good for the oil companies is good for our energy policy is good for America. They are wrong, as the price at the pump, as the increase of CO_2 in our air reveals, and as our increasing imports of oil show. We are changing that policy.

I know others on the other side of the aisle are blocking us because of obeisance to big oil, but we will succeed because the American people are behind us, and our country needs no less.

Mr. OBAMA. Mr. President, I was unable to be present during the vote on the Gregg amendment due to a previously scheduled conflict. But had I been present, I would have voted against waiving the Budget Act in relation to the Gregg amendment to eliminate the 54-cents-per-gallon tariff on imported ethanol.

This amendment to lift the tariff against Brazilian ethanol would merely replace our dependence on foreign oil with a new dependence on foreign ethanol. If we are serious about addressing national and economic security, we need to develop a robust renewable fuels industry in this country. This amendment would frustrate that goal.

Mr. KERRY. Mr. President, I would like to speak to the two amendments proposed yesterday, which invest in coal particularly as a transportation fuel and which threaten to increase the dangers of climate change rather than lessening them. These two amendments offer the Senate false choice: either to reduce our dependence on foreign oil or to worsen the rise of global climate change. But the truth is, we don't have to choose between our security at home and the security of our planet.

Energy policy today is more critical than ever because it touches on not one but two of our most vital national interests: namely, energy security and climate change. We cannot afford to sacrifice our fight against climate change at the altar of energy independence. Promoting the conversion of domestic coal to liquefied fuel will dramatically increase CO_2 emissions and that is no better than robbing Peter to pay Paul.

The truth is, we can break the stranglehold of foreign oil, we can create new jobs in energy, and we can strengthen our hand addressing global climate change and we shouldn't settle for approaches that don't help us achieve all three of these national imperatives.

Here's what scientists are telling us: On nearly a weekly basis, we see mounting scientific evidence highlighting the need to act. The most recent report from the Intergovernmental Panel on Climate Change written by more than 600 scientists, reviewed by another 600 experts, and edited by officials from 154 governments has confirmed the threat and the need for urgent action.

Because it will set back the fight against climate change, coal to liquids offers us—at best—a Pyrrhic victory in our struggle to create a sensible, sustainable energy policy. Study after study has shown that liquid fuels derived from coal produce significantly higher CO_2 emissions than traditional fuels. Transforming coal into liquid fuel involves heating it to 1,000 degrees and mixing it with water to create a gas, which is then converted into fuel usable in cars and jets. If that sounds like an energy-intensive process, it is. And energy-intensive processes generate a lot of CO_2 emissions. Every gallon of liquid fuels derived from coal produces up to 2.5 times more well-to-wheels global warming emissions than gasoline or diesel fuel from crude oil. That means that even with 85 percent capture of CO_2 during production, well-to-wheels Coal to Liquid emissions are 19–25 percent higher than conventional gasoline or diesel.

I understand that all coal-to-liquids amendments are not created equal my Democratic coal State colleagues have attempted to build environmental safeguards into their amendments. And I thank them for that. The Bunning amendment, by contrast, is full of loopholes and hollow environmental mandates that crumble under scrutiny, leaving only big subsidies for big coal. But ultimately neither should pass. This is a question of priorities, and with limited Federal dollars available, we need to support those technologies that promise the greatest oil savings and the greatest emissions reductions.

We should be turning to increased fuel economy standards, increased energy efficiency standards for commercial and residential buildings, strong renewable electricity standards, and incentives for biofuels and advanced vehicles.

Let me repeat—this is a question of priorities.

I would like to briefly address several of the arguments that are being made by coal-to-liquids industry supporters. These arguments are intended to confuse what is a very complicated process. I will do my best to unmask their arguments and make the reality as clear as possible.

First, many proponents cite the emissions reductions associated with coprocessing coal and biomass at coal-to-liquids production facilities. However, these benefits simply come from using a promising new clean technology to mask the flaws of coal. These coprocessing facilities, when equipped with carbon capture, may indeed result in lower emissions than traditional fuels, but this has nothing to do with the coal and everything to do with the biomass. We should be having a serious conversation about biomass and how it can be best integrated into our energy supply, which is a matter of some large debate, rather than blindly buying into the coal industry's assumption that coprocessing biomass and coal is the most direct road to a clean energy future.

Second, proponents focus on tailpipe emissions and argue that diesel fuel produced from coal-to-liquids has fewer emissions than traditional gasoline.

Again, we need to make sure we are comparing apples to apples. The tremendous increase in well-to-wheels CO_2 emissions comes during the production process, not at the point of tailpipe emissions. In fact, tailpipe emissions from diesel generated from crude oil and diesel generated from coal are roughly the same. Same story with gasoline generated from crude oil and gasoline generated from coal. Comparing diesel to gasoline is just a distraction diesel engines are more efficient than gasoline engines and therefore emit less CO_2, regardless of whether you are talking about traditional fuels or coal-to-liquids

Third, proponents talk about the environmental benefits associated with coal-to-liquids. This is frankly laughable.

I have spoken about the doubling of emissions associated with the coal-to-liquids production process. But if we are talking about the environmental impacts of coal mining, we have to look even beyond the emissions and consider the severe impacts to water quality. In Appalachia alone, mountaintop removal has destroyed more than 2,500 mountain peaks and leveled more than 1 million acres. This waste is dumped into river valleys and contaminates over 1,200 rivers and streams throughout the region. That waste, combined with acidic mine runoff, destroys habitat for fish and wildlife everywhere that coal is mined today. Before we jump-start a new industry in this country and ramp up coal production, we need to have a serious conversation about these and other impacts.

There are too many unknowns associated with coal-to-liquids technology, but here is what we do know: well-to-wheel emissions are two and a half times those of traditional fuels, and even when carbon capture is applied which has not yet been demonstrated on a commercial scale emissions are 19–25 percent greater than traditional fuels.

The cost of these plants is exorbitant MIT estimates that the cost of constructing a coal-to-liquids plant is four times that of a traditional refinery. The same study estimated that it would cost $70 billion to build enough plants to replace 10 percent of American gasoline consumption.

Finally, I would like to close by saying a few words on another issue that will be coming to a vote later this afternoon. Senators CARDIN and MIKULSKI have introduced an amendment addressing the siting of liquefied natural gas terminals. This is an important amendment, and I am proud to support and cosponsor it. This is a contentious issue in Fall River, MA, where powerful interests are fighting to construct a LNG terminal far too close to a major population center. This proposal is strongly opposed by Governor Patrick and numerous State and Federal representatives. I strongly support Senators CARDIN and MIKULSKI's amendment, which would require state approval of LNG siting decisions. While LNG is an important part of our clean energy mix, it is essential that these facilities be sited in safe and appropriate locations. This amendment guarantees the state its appropriate and necessary role in approving these decisions. I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I strongly support the important legislation under consideration. Like many of the bills the Senate has taken up this year, it is the product of Democrats and Republicans working together, and I commend its authors for their hard work.

The bill before us does the things the Nation must do to become more energy self-reliant, starting with raising fuel economy standards for cars and trucks. Over 30 years ago I cosponsored Scoop Jackson's legislation which first established fuel economy standards to improve the fuel efficiency of automobiles. Unfortunately, very little progress has been made since then.

There is no silver bullet for ending our dependence on foreign oil or slowing the rate of greenhouse gas emissions, but raising CAFE standards is the single most important step we can take to make positive changes in this area. Increasing the average efficiency of passenger cars by just over 5 miles per gallon would eliminate the need for American oil imports from the Persian Gulf. The CAFE provision the Commerce Committee reported will increase fuel economy in cars from 27.5 miles a gallon to 35 miles per gallon by 2020. It is the best chance this Congress will have to raise fuel economy standards, and I hope that the Senate will preserve the Commerce Committee's strong provisions.

The bill will make more cars capable of running on biofuels. Ethanol, in particular, has incredible promise as a biofuel, and it will emit far less carbon dioxide than conventional oil. The bill will ramp up production of biofuels over the next 15 years and mandate that a growing number of new vehicles be able to run on these kinds of fuels. It also provides funding to ensure that these new biofuels can reach fuel stations across the country. This provision is particularly important to New England, which has just one E85 pump located in Chelsea, MA. Brazil has shown us the way by producing ethanol from sugarcane in amounts equivalent to 300,000 barrels of oil each day. The United States must invest in biofuels, so that we too can reduce our dependence on foreign oil.

The bill also reauthorizes the Weatherization Assistance Program, which is especially important for low-income families struggling with high energy costs throughout the Nation. In Massachusetts, energy costs are among the highest in the Nation, but this program has weatherized more than 10,000 homes in the last decade. Vulnerable families can't afford to make these expensive improvements themselves, so these wise investments by the government will help families save on energy and reduce the Nation's fossil fuel emissions.

Another critical issue is the inclusion of a strong renewable electricity standard. The RES will provide the certainty the renewable energy market needs to invest in innovative technologies. In April, Senators DURBIN, SNOWE, and REID led a bipartisan letter expressing support for mandating that major utilities generate a percentage of their electricity from renewable sources. I was one of the 50 Senators who signed the letter, and I commend Chairman BINGAMAN for his work on a renewable electricity standard.

I also commend the Finance Committee for its work to provide tax incentives for renewable energy technology, and repealing tax breaks for oil and gas companies. While most Americans are seeing less and less in their paychecks, the Big Oil companies are making money hand over fist. During the first quarter of this year, Big Oil reaped $29.5 billion in profits. Repealing these tax breaks will save taxpayers billions of dollars in subsidies to Big Oil and allow the Nation to invest in clean energy technologies.

Last week, I joined Senator SALAZAR, Senator SMITH and several other Senators in urging the Finance Committee to extend tax incentives for fuel cell technology. Hydrogen fuel cells are an energy storage technology, like batteries, that can deliver clean and reliable power. They have a broad range of uses for vehicles, auxiliary power units, and electronic devices, and they are helping us diversify our fuel supply and find better ways to deliver clean energy. Massachusetts is among the world's major centers of this technology, with more than 60 companies involved in fuel cell and hydrogen technologies. I commend Chairman BAUCUS and the Finance Committee for allowing tax credits for this important technology.

Overall, this bill brings us closer to a cleaner and more secure energy future for our nation, and I look forward to its enactment.

Mr. President, I yield back the remaining time.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Ms. KLOBUCHAR. Mr. President, I am here to speak for a few minutes in support of the Employee Free Choice Act, which the Senate will be voting on, we hope, this week. I listened to Senator SCHUMER talk about evening the playing field in the area of energy, where the oil companies have long dominated, and now it is time to give some renewable companies a chance so we can actually have an even playing field for energy, and so we can stop depending on these foreign oil companies and stop spending $200,000 a minute on foreign oil. I am here today to talk about evening the playing field in another way, and that is with the Employee Free Choice Act.

I support this act because I believe we need to level the playing field for working people in this country, and this bill will do that by protecting the workers and by creating a fair and a smooth process for organizers.

It is getting harder and harder for working families in America to get by. Millions of workers have been left behind in this economy. With only a very small number of people doing incredibly well, millions of workers have been left behind. They are struggling to make ends meet with stagnant wages and declining benefits.

I see this in my State. I go to small towns, and about 100 people will show up in a cafe, and I think, why are all these people here? I realize that when the cost of college has gone up 100 percent in 10 years, as it has in our State, when you are a middle-class person and you can hardly make it day to day, you feel it first. When you have gas at $3 a gallon, you feel it in your pocketbook. When health care costs go up 100 percent, as they have in our State, you feel it first when you are a middle-class person. That is what we are seeing all over this country.

Unions help all workers, not just those that are in a union. Unions helped build this country and have lifted millions of Americans out of poverty. As we go forward as a nation, unions will continue to be the friend of working men and women everywhere.

But for too many workers, forming unions at their workplace simply is not an option. Approximately 60 million workers—that is 60 million—say they want to join a union right now, and the reasons why are clear: Union workers earn 30 percent more than nonunion workers; union workers are 62 percent more likely to have employer-provided health coverage; and union workers are 400 percent more likely to have access to pension plans.

For millions of workers, access to fair wages and decent benefits is being denied because the current process for forming unions has become flawed. In my State, we are lucky to have some great companies and honest employers that, to a large extent, treat their workers with the respect and dignity they deserve. But there are those companies across this country that don't play by the rules, where workers considering unionization face intimidation and termination from employers.

According to national labor data, workers are illegally fired in one-quarter of all union organizing campaigns, including one in five active union supporters. When workers are systematically denied rights to fair wages and benefits, we all lose, and we need to take action.

In my last job, I was a county attorney in the largest county in Minnesota. For 8 years, I managed an office of nearly 400 unionized employees. I always believed they should be treated with the same level of respect they showed the people we represented, the victims of crime, the people who needed someone there to stand up for them. This bill creates that kind of respect.

This bill will create a process that will be fair and will even the playing field. This bill will help workers. The Employee Free Choice Act places the decision to form a union where it belongs—it places it in the hands of America's workers.

I urge my colleagues to support this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA, WILD AND WONDERFUL

Mr. BYRD. Mr. President, today is West Virginia's birthday. Established on June 20, 1863, West Virginia became the 35th star in our national constellation, taking her place between Kansas, which joined the Union on January 29, 1861, and Nevada, which joined on October 31, 1864. I am pleased to offer West Virginia happy birthday wishes and to take the opportunity to share a bit about my State with the rest of the country.

I urge anyone who has not visited West Virginia to do so, to see and experience for themselves the great natural beauty, the friendly people, the exquisite art, recreation, and cultural sites and events that fill our mountain home.

As a State, West Virginia is a youthful 144 years old. As a unique piece of geography, West Virginia is, of course, much older. The Appalachian Mountains that define West Virginia's geography today are but the worn remains of a once-high alpine plateau similar to Tibet, rising some 10,000 to 18,000 feet high, flanked on the south and on the east by the Allegheny Mountain Range, which may have once exceeded today's Himalaya Mountains in height.

Of course, that was a long time ago, perhaps 250 million years ago, when the great wedge of coastal sediments deposited during the earlier Devonian and Carboniferous periods were thrust up toward the heavens.

Today, a bit of that alpine experience can be found in Tucker County and in Randolph County, in an area known as Dolly Sods. Filled with upland bogs, beaver ponds, and flat rocky plains, Dolly Sods is a bit of northern Canada transplanted into West Virginia, complete with beautiful fall color and harsh winter weather.

The rock that forms West Virginia's mountains, that is seamed with the State's famous coal deposits, was laid down some 320 to 286 million years ago, when West Virginia was part of a vast complex of coastal swamplands. In this endless tropical forest of primitive ferns and towering, primitive trees formed layer after layer of peat, compressed into coal seams that average 3 feet thick but which can reach 25 feet in thickness.

When one learns that 12 inches of coal requires approximately 10,000 years of continuous peat accumulation to form, one sees a very different picture of West Virginia. The reminders of this different world can still be found in the coal, in the form of lacy, ferny fossil leaves and stems, the last farewell of a lost world.

In other rock layers, there is evidence of West Virginia's earlier days as well, in the sea creatures forever preserved and now exposed far inland and at elevations well above the sea level that they knew in life.

In the New River Gorge, visitors have the opportunity to view rock sequences from those early years, 320 to 330 million years ago. Visitors can also see a more recent phenomenon in the form of the New River Gorge Bridge, the longest single-arch steel bridge in the world, rising some 876 feet above the water below. Beautiful natural stone works of art may also be seen in the Smoke Hole area and Seneca Rocks in Grant and Pendleton Counties and in many other locations around the State.

West Virginia's natural beauty, as well as its wonderful outdoor activities, can be found in each of West Virginia's 55 counties. From hot air ballooning or soaring to spelunking, from rock climbing to kayaking, hiking, horseback riding, or off-roading, one can be as energetic as one likes. You can also fish, ride a tube down a river, sit around a campfire, or sip lemonade in a rocking chair while you rest and recharge.

West Virginia is not simply for nature lovers, however. The State is full of festivals that celebrate virtually every foodstuff, musical form, and artistic discipline known to mankind. Musical events that range from bluegrass music to symphonies to garage bands, and shopping and sightseeing to please all tastes and interests.

West Virginia is famous, famous for her quilts, pottery, and handmade crafts, but there is also plenty of modern work alongside the homespun favorites.

From rustic campsites to the luxury of the Greenbrier, West Virginia has something for everybody, something for everyone. It could easily take a lifetime to experience everything there is to see and to do. By then, of course, time and nature will have changed a few more things and created new things to see and do.

So as West Virginia celebrates, I hope that you may be inspired to pay a visit. I hope all Senators may be inspired to pay a visit. You "ain't" seen nothing yet like it. The daylilies are blooming in great orange rafts of blossoms above the waves of green leaves, welcoming the day. Butterflies and songbirds delight the eye with color like the ribbons on a birthday present. Cool breezes are blowing, the mocking bird is singing, rivers are tumbling between the mountains, singing birthday songs. And tonight the stars will dance for you as West Virginia celebrates.

I close with a poem about West Virginia, by West Virginian Louise McNeill, from her book titled, "Hill Daughter: New and Selected Poems." Louise McNeill was born in 1911 in Pocahontas County and became West Virginia's Poet Laureate in 1979.

WEST VIRGINIA

Where the mountain river flows
And the rhododendron grows
Is the land of all the lands
That I touch with tender hands;

Loved and treasured, earth and star,
By my father's father far—
Deep-earth, black-earth, of-the-lime
From the ancient oceans' time.

Plow-land, fern-land, woodland, shade,
Grave-land where my kin are laid,
West Virginia's hills to bless—
Leafy songs of wilderness;

Dear land, near land, here at home—
Where the rocks are honeycomb,
And the rhododendrons . . .
Where the mountain river runs.

HONORING CHARLESTON'S HEROES

Mr. DEMINT. Mr. President, I rise today to speak about some real heroes and their real sacrifices this week. Late Monday, a horrible blaze in Charleston, SC, claimed the lives of nine local firefighters. Details are still being investigated, but what we know now is these heroes died trying to save lives. We fear most were caught under a collapsed roof in the quick-spreading flames.

My heart goes out to the families, friends, and coworkers of these firefighters. These were courageous public servants. We will miss them dearly. They paid the ultimate sacrifice in the line of duty. In the aftermath, our State's low country must deal with the shock and sorrow of these losses. Our job as citizens is to never forget what they did and to try to turn the shock and sorrow into solemn remembrance and a commitment to help their families.

I also want to mention two other Charleston leaders who are struggling with this situation on the ground: Fire Chief Rusty Thomas, and city of Charleston Mayor Joe Riley. According to news reports, Chief Thomas stayed up Monday night meeting with many of the families of the victims. He was on the scene all night.

The police chief, Greg Mullen, said:

> Chief Thomas is a true leader.

I could not agree more. Mayor Riley is no stranger when it comes to dealing with disaster. His leadership during the trying aftermath of Hurricane Hugo was instrumental in our quick recovery. His leadership will greatly aid the Charleston Fire Department now as they attempt to move forward.

Firefighters represent the best our country has to offer. I will never forget these hometown heroes and the tremendous sacrifice they made this week. For the families of those who lost loved ones in Charleston, our words are feeble comfort for them, but we will always honor the memory and sacrifice of these heroic public servants of South Carolina.

For the families and friends of firefighters who remain on the job today, we pray for them as the Psalmist did, that God would be their "refuge and strength, a very present help in time of trouble."

Mr. ROCKEFELLER. Mr. President, today is a special day: one which is special to me and the nearly 2 million residents of the State of West Virginia. On this day in 1863 West Virginia entered the Union as the 35th State.

West Virginia is America. West Virginia is a place where people are proud of who they are and not what they have. It is a place where neighbor helping neighbor means something. Where community, faith, and family are not taken for granted.

The area now known as West Virginia was originally settled thousands of years ago by Native Americans. The 17th and 18th centuries saw the first pioneering European settlers who came across the Appalachians looking for an expansive new homestead. The 19th century saw America's darkest hour in the Civil War. But, it was in this conflict that Western Virginia separated from Virginia, standing on its own, faithful to the Union, and earning statehood. From that day to today, West Virginia has been an important part of America.

Our coal powers America. Our steel built America's cities from the ground up. Our timber built America's homes. Our chemical industry has improved the quality of life for all Americans. And yet today, it is another resource, West Virginia's most precious one, this is driving a new generation of West Virginians. West Virginia is home to some of the most pristine natural beauty in our Nation. Visitors from around the country—around the world—come to take in the majestic mountain vistas, explore our forests, celebrate our Appalachian heritage, fish, ski, and hit the links, and most importantly spread time with our people.

So, just who are these people? They have stout hearts, courage, and an unfaltering determination. These qualities are particularly evident in West Virginia veterans like Chester Merriman, the youngest person to serve in World War I at just 14 years of age, or Hershel "Woody" Williams, who received a Congressional Medal of Honor in World War II for his heroism during the Battle for Iwo Jima, epitomize how West Virginians have proudly served their country no matter when—from the Civil War to today's conflicts in Iraq and Afghanistan. Today, there are more than 200,000 veterans living in the State giving West Virginia the highest per capita of any State in the country.

I could go on and on and say the same thing about West Virginia's coal miners, steel workers, loggers, and chemical plant workers all of whom are truly the hardest working, finest people you ever spend time with. I know because I have.

West Virginia is my home and I am proud of that. I feel genuinely blessed to have been able to serve the people of West Virginia for as long as I have. West Virginia Day has always been a day resonating deeply inside of me and my fellow West Virginians. Happy 144th Birthday West Virginia! I ask that you, my distinguished colleagues join us in our celebration.

EMPLOYEE FREE CHOICE ACT

Mr. LEVIN. Mr. President, I am pleased to cosponsor the Employee Free Choice Act sponsored by Senator KENNEDY. Unions helped build our country. They have led the fight for critical worker safety and worker rights protections that all Americans now enjoy. They help raise wages for low- and middle-wage workers and can help close the gap from rising income inequalities.

Being a part of a union pays off for workers. For example, union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion food preparation workers. And union maids and housekeepers earn 31 percent more than nonunion maids and housekeepers. Overall, median weekly earnings for union workers are $191 higher than those of nonunion workers, and this difference is even more significant for minority groups.

Union workers are also almost twice as likely to receive employer-sponsored health benefits and more than four times more likely to have a secure, defined-benefit pension plan than nonunion workers.

The rate of unionization in America is declining and with it workers' income. In 1973, 42.4 percent of workers in Michigan were in unions. By 2006, that number had fallen to just 19.7 percent of workers. As union membership declines, so has Michigan's real median household income, which fell 14.9 percent between 1999 and 2005.

The problem is not a lack of interest from workers. Fifty-three percent of U.S. workers state they would join a union if they could and 62 percent believe they would be worse off if unions did not exist.

The problem is the difficulties that are presented to those who seek to unionize a shop or industry. The current system does not adequately protect the workers that unionization campaigns are supposed to help and support. Workers are fired in 25 percent of private-sector union organizing campaigns. Seventy-eight percent of employers require that supervisors deliver antiunion messages to their employees. One-third of workers who unionize their workplace never even get a contract.

We have a duty to make sure that workers who want to join unions and unionize their workplace can do so, and that's what the Employee Free Choice Act will do.

The most significant provision in the bill allows for a union shop to be created through a process called a majority sign-up. Majority sign-up has been used for at least the past 70 years. In 2004, for example, about five times as many workers joined the AFL–CIO through a majority sign-up than those who were able to unionize through the National Labor Relations Board process. A majority sign up process results in less employer pressure and fewer delays than NLRB elections.

Currently, however, employers do not have to recognize employees that have a majority sign-up as a union, although many responsible companies, including Cingular and Kaiser Permanente, do. This bill would change that—if a majority of workers signs authorizations designating a union as their bargaining representative, then that union would be recognized as such.

Opponents of this bill have spread a great deal of misinformation about this provision. Many people believe the bill would take away an employee's right to a "secret ballot" union election. That is not true. This bill would still allow individuals the right to an NLRB supervised election if at least 30 percent of employees want it. This bill also allows employees to form unions using another method as well.

The Employee Free Choice Act would also establish penalties for companies that coerce or intimidate employees and would provide for mediation and binding arbitration when the employer and workers cannot agree on a first contract. In short, it makes needed updates to our labor laws to better protect workers.

By allowing employees to form unions through a majority sign-up, we are supporting a worker's freedom to form a union and to bargain for better pay and better benefits. Experience has shown that this will be a good deal for the worker and a boost for America.

Mr. FEINGOLD. Mr. President, since joining this body in 1993, I have supported a number of initiatives to help the hard working men and women of this country, including increasing the minimum wage, supporting equal pay for America's workers, and promoting better trade policies. One piece of legislation that would help American workers is the Employee Free Choice Act, EFCA, and I am proud to be an original cosponsor of EFCA again this Congress. I commend my colleague, the senior Senator from Massachusetts, Senator KENNEDY, for his hard work on this legislation, as well as his longstanding dedication to improving the quality of life for America's working people.

One of the best things we can do for American workers is to remove obstacles that make it harder for them to form and join unions. As many of my colleagues will likely point out in the course of this debate, more than 60 million U.S. workers say they would join a union today if they could. Further, workers who belong to unions earn 30 percent more than nonunion workers, are 62 percent more likely to have employer-provided health care, and are four times more likely to have a pension. Better wages and better benefits help lift Americans out of poverty and into the middle class. Far too many Americans are working for wages that keep them at or below the Federal poverty line with little, if any, opportunity to bargain for better wages and benefits or advance to a better-paying position.

The Employee Free Choice Act would address some of the inequities in the current system of collective bargaining in the U.S. Many critics of this legislation focus on the card check provision, but there is much more to this legislation than just the method of voting. This bill provides for first-contract mediation and arbitration. Importantly, if an agreement has not been reached after 90 days of negotiations, either the employer or the employees can refer the dispute to the Federal Mediation and Conciliation Service for mediation. Clearly, under the ideal negotiation this would not be necessary, but it is an important option for employees to have in the collective bargaining process. The bill also provides for stronger penalties for employer violations while employees are attempting to form a union. Employers who intimidate workers attempting to unionize should face appropriate consequences.

While I understand that the vote on cloture on the motion to proceed to the Employee Free Choice Act may not be successful this week, this fight is far from over. Over the last 2 years, I have received over 1,500 letters, calls, and e-mails in support of this legislation from my constituents, and their voices mean a great deal. I support passage of this legislation for the hard-working Wisconsinites who deserve better from us. I am disappointed that more of my colleagues have not joined in supporting this bill, and I hope that they will rethink their opposition to this bill. I will continue working to pass this important legislation.

30TH ANNIVERSARY OF THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, on June 20, 1977—30 years ago to this day—oil began flowing through the Trans-Alaska Pipeline System. This event represents an important milestone in Alaska's history and a watershed moment in our struggle to secure America's energy independence.

My distinguished colleague from Alaska, Senator LISA MURKOWSKI, spoke at length about the history of the Trans-Alaska Pipeline before we adjourned last night. As she so vividly illustrated, its creation was a monumental undertaking which required the hard work of countless individuals.

During the long political fight to allow this important project to proceed, members of the environmental lobby claimed the pipeline would devastate Alaska. History has proven these critics wrong—responsible development and attentive stewardship have ensured the continued protection of our State's wildlife and lands.

Even after the Arab oil embargo in 1973, the Senate remained closely divided on this matter. In fact, a tie vote on the authorizing legislation was not broken until Vice President Spiro Agnew cast the decisive vote in its favor. My own vote on that bill still ranks as one of the most memorable I have ever cast.

When construction began in 1974, this project was the largest ever financed by private capital. Engineers faced staggering challenges as they plotted a route across 800 miles of rugged terrain and three major mountain ranges. Various geographic hurdles also necessitated the construction of seven airfields, dozens of bridges, and a 360-mile-long road to connect Prudhoe Bay to Fairbanks.

Just more than 3 years after construction started, however, the Trans-Alaska Pipeline was ready to operate. Since then, more than 15.5 billion barrels of crude oil have been sent from Alaska's North Slope, through the pipeline to Valdez, and on to refineries throughout the country.

The revenues generated by this production have had a tremendous impact in Alaska and throughout the United States. Over the past 30 years, North Slope oil production has added more than $300 billion to the U.S. economy and reduced domestic oil imports by more than $200 billion. Energy will always cost money, but instead of sending our dollars overseas, North Slope oil production—made possible by the Trans-Alaska Pipeline—has greatly contributed to economic growth here at home.

In Alaska, the economic effects of the Trans-Alaska Pipeline are even more apparent. Last year, revenues from oil production and transportation accounted for nearly 90 percent of the State government's total income—funds which were then used to help pay for our schools, our roads, and other important projects. North Slope oil revenue also provides the foundation for the permanent fund dividend, which will help assure the well-being of future generations of Alaskans.

When oil began to flow through the Trans-Alaska Pipeline in 1977, gasoline cost a mere 38 cents per gallon. Today, the nationwide average has soared to $3.00 per gallon, and many experts predict this price will reach $4.00 by the end of summer.

As those of us in the Senate continue to debate a comprehensive energy policy for our Nation, we must take note of the consequences of 30 years of oil production in Alaska. Instead of the ecological disaster many predicted, the Trans-Alaska Pipeline has been an economic lifeline for our Nation. It continues to prove we can balance environmental concerns with the production of our natural resources. I urge my colleagues to heed this lesson.

TRAVEL PROMOTION ACT

Mr. STEVENS. Mr. President, I am pleased to speak in support of the Travel Promotion Act of 2007, which I introduced late yesterday with Senator INOUYE and Senator DORGAN.

Our legislation has a simple purpose: To increase the number of foreign tourists who visit the United States.

To accomplish this goal, two complementary strategies must be undertaken: existing travel problems must be resolved, and fundamental improvements must be made to the manner in which we market our country to prospective tourists.

First, the efficiency of our border entry and screening processes must be improved. The Commerce Committee recently held two hearings on this issue, and industry leaders testified about the adverse effect September 11, 2001, has had on travel to the United States.

Heightened security measures implemented after 9/11, while necessary, continue to inconvenience many travelers. We heard witnesses describe the aforementioned difficulties international visitors face with regard to our Nation's entry and screening processes, including the issuance of visas.

To address these problems, the Senate has already passed legislation that establishes a "Model Ports" program at the 20 busiest international airports in the United States. This program should reduce bottlenecks to safely and efficiently move travelers through the screening process.

The legislation we introduced yesterday, the Travel Promotion Act, would establish a nonprofit corporation to promote travel to the United States. This entity would not use one cent of taxpayer funds.

Instead, this corporation will be funded by fees paid by travelers who enter our country and matching contributions from members of the travel and tourism industry.

The corporation would be led by experts in the travel and tourism industry, appointed by the Secretary of Commerce, and held accountable by Congress. This essential step will let foreign visitors know that our country is open to tourists.

The travel and tourism industry plays an important role in every State. Those of us in Congress should take steps to resolve these pressing issues and encourage tourists to visit America.

In my home State of Alaska, the travel and tourism industry is the second largest private sector employer. More than 24,000 Alaskans hold tourism-related jobs, and the industry contributes more than $2 billion to our State's economy each year.

I look forward to working with my colleagues on this legislation.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT RYAN A. BALMER

Mr. HATCH. Mr. President, I rise today to pay humble tribute to TSgt Ryan A Balmer, who died of injuries sustained after the denotation of an improvised explosive device in Kirkuk, Iraq. A native of Mishawaka, IN, Sergeant Balmer was a member of the Air Force Office of Special Investigations and assigned to Hill Air Force Base, UT.

Sergeant Balmer was truly a special man. He was an individual deeply loved by all who knew him for his kindness, his positive outlook on life, and his infectious smile. Friends close to Special Agent Balmer say he was someone you always wanted to be around. They remembered a man who possessed the unique gift of being able to bring out the best in everyone and at 6 feet 2 inches tall he commanded respect wherever he went.

I understand that Sergeant Balmer was scheduled to come home only days after his passing. I would like to take this opportunity to extend my most heartfelt condolences to his wife Danielle and to his three children. I want to reiterate what they already know, that he saved lives and by his sacrifice that we, as a Nation, enjoy the great blessings of freedom so often take for granted. TSgt Ryan A. Balmer is an American hero in every sense of the word.

The sergeant and his family will be in my prayers forever.

SERGEANT JESSE A. BLAMIRES

Mr. President, today I rise to pay tribute to one Nation's fallen sons, SGT Jesse A. Blamires. Sergeant Blamires was a native of Sandy, UT, and a member of the 82nd Airborne Division. He was killed in a helicopter crash in Afghanistan.

Sergeant Blamires had a lifelong connection to our Nation's military. His father Craig Blamires, with whom the sergeant enjoyed camping, also served his country in the Army. Eager to pursue his dreams of service, Sergeant Blamires followed his father's footsteps and joined the U.S. Army.

The sergeant was known as a man dedicated to reaching his goals. This was reflected by his recent promotion to crew chief. One day he hoped to become a helicopter pilot, a goal I am certain he would have accomplished.

His service in Afghanistan was not the first time Sergeant Blamires had been in harm's way. In 2005, he served a tour in Iraq. Well-respected by his commanders and fellow soldiers, Sergeant Blamires was known for his ability to make others laugh and his willingness to help others in need.

However, undoubtedly, his most important life's work was as a family man. In addition to two caring parents and five supportive brothers and sisters, Sergeant Blamires is survived by his wife, Kim and their two young daughters.

Sergeant Blamires was a man who truly lived an abundant life. Although his calls to service often required him to be away from the family he loved, there was nothing Sergeant Blamires desired more than to be with his family. Fellow serviceman, SSG Ronald Walton recalls that Sergeant Blamires, "dreamt of being a better husband and father to his two girls and he talked of it often."

What a fine man.

What an extraordinary life.

We will always remember his dedicated service to our Nation, and it is my fervent hope that he and his family remain in our prayers.

STAFF SERGEANT VIRGIL C. MARTINEZ

Mr. President, I stand here today to pay tribute to a hero, SSG Virgil C. "Chance" Martinez. Sergeant Martinez was a member of the 1st Infantry Division's 1st Battalion, 7th Field Artillery Regiment and recently gave his life while serving his country in Iraq.

From the time Sergeant Martinez was a 5-year-old boy, he felt a duty-bound responsibility to follow in the footsteps of his stepfather and answer his country's call to service. His sister Kim Austin-Oliver said of her brother "We knew at a very young age that he was going to be a soldier. It is who he has always been."

As a teenager, Sergeant Martinez enjoyed playing on his high school ski and football teams. Shortly after graduating from high school in 1992, he would achieve his life long ambition and join the U.S. Army.

I understand that Sergeant Martinez was a man deeply devoted not only to his country but also to his family. When speaking of his lost stepson, Daniel Oliver noted, "Chance would do anything and everything for his children and for his mother . . . he was like the Disneyland father—wanted to show his children everything." Sergeant Martinez was the husband to wife Mandy and father of five beautiful children.

I would like to close my remarks by highlighting an observation made by Sergeant Martinez's sister. Kim Austin-Oliver commented that Sergeant Martinez died doing what he had always wanted to do, and that is, serve his country.

I can think of no truer definition of a hero. Sergeant Martinez and the family he has left behind will forever remain in my memory and in my prayers for his selfless service to our Nation.

CORPORAL MICHAEL A. PURSEL

Mr. President, I rise to pay tribute to one of Utah's fallen sons, CPL Michael A. Pursel. Corporal Pursel, a member of the 2nd Infantry Division, recently lost his life in Baqubah, Iraq. He was 19 years old.

Corporal Pursel is actually a two-time volunteer. His service began when he joined the Army and he then volunteered to replace other soldiers from the 2nd Infantry Division. In fact, Corporal Pursel not only answered that call, but was one of the first to offer his service.

I have been informed that Corporal Pursel belonged to a family of great patriots, many of whom have served in the military themselves. This includes both of Corporal Pursel's parents. His mother Terry Dutcher, who is a Captain in the Air Force Reserve, said of her son, "Michael was doing what he always wanted to do . . . he died living his dream."

In memory of the life of this great soldier would submit to you that the dream of serving one's country—the dream that CPL Michael A. Pursel achieved—is a dream that more Americans must embrace. Although young in years, Corporal Pursel understood the premise that to serve one's country extends far beyond the notion of being active in one's military duty. To serve one's country enables the rest of us to enjoy our Nation's greatest gift: freedom. This was at the very core of his service and how Corporal Pursel lived his life, the life of a hero, the life of one who will forever be remembered in my prayers.

This country owes CPL Michael A. Pursel a great debt of gratitude. He shall forever be remembered and honored for his service to our Nation.

JUNETEENTH DAY

Mr. KOHL. Mr. President, I rise to recognize Juneteenth Day, a yearly commemoration of the abolition of slavery in our country.

As a nation we value and appreciate the freedom and independence Juneteenth Day represents. Historically, Juneteenth Day has been a celebration of our country's rich African-American heritage and has promoted awareness about the history of African American sacrifice.

A great celebration took place on June 19, 1865, when slavery was finally abolished 2 years after the Emancipation Proclamation. Fishing, festivals, barbecuing and baseball are just a few of the typical Juneteenth activities people enjoy today. Juneteenth has long been a day of education and enlightenment and often includes guest speakers and prayer services.

I believe that observing Juneteeth Day is necessary to truly embrace the equality and freedom our country represents. We live in a culturally diverse nation and celebrations like Juneteenth Day encourage us to understand and respect the differences that make our country great.

It is imperative that we continue the work of achieving racial and ethnic harmony and I am honored to acknowledge this important day. I commend the tremendous dedication of the people who participate in the annual Juneteenth Day celebrations.

DYSTONIA

Mr. DODD. Mr. President, I take this opportunity to call attention to a very serious, painful neurological disorder, dystonia, that affects many muscle groups simultaneously. We recently commemorated Dystonia Awareness Week and I would like to call further attention to this serious disorder.

Dystonia is a painful disorder characterized by powerful involuntary muscle spasms. The spasms cause twisting, repetitive muscle movements, sustained postural deformities, and debilitating physical ailments. Although most forms of dystonia cause no mental damage, people living with dystonia are often prisoners in their own bodies. Currently, no cure is known and available medical therapies can only superficially address the symptoms.

Approximately 50 percent of people with dystonia have a genetically inherited form whereas birth injury, physical trauma, exposure to certain medications, surgery, or stroke is the cause for the other 50 percent. Dystonia is not selective, occurring in all racial, ethnic, and age groups. It is significantly more common than Huntington's disease, muscular dystrophy, and Lou Gehrig's disease. Given the prevalence and dystonia's impact on so many Americans as well as the limited treatment options available, I am pleased to support the goals of Dystonia Awareness Week. The Dystonia Advocacy Coalition through the commemoration of Dystonia Awareness Week and several other outreach activities seeks to raise awareness of dystonia's impact on the quality of life of 300,000 people in North America.

I call on my colleagues to support increased funding for the National Institutes of Health to support needed advances in dystonia research. Research is needed to develop reliable tests to diagnose dystonia as well as access to new treatment options to improve the lives of people living with this terrible chronic disease. Until we can find a cure for dystonia, I respectfully ask my colleagues to make a prolonged commitment to the dystonia community that goes well beyond Dystonia Awareness Week.

ROBERT STURM

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to an honest, humble and dedicated servant of the United States Senate who has decided to turn in his Senate badge and enter retirement. For over 33 years, Robert E. Sturm, has selflessly served the Senate in various positions. His humble beginnings can be traced to his first Senate position as a mail clerk for Senator Birch Bayh in 1974. Bob undoubtedly performed his duties in an exemplary fashion, for his Senate career continued in the offices of Senators Dick Clark, Donald Stewart and Russell B. Long. He eventually rose to the respected position of chief clerk of the Senate Committee on Agriculture, Nutrition and Forestry, and has served in that capacity for five current U.S. Senators including Senator PATRICK LEAHY, Senator RICHARD LUGAR, Senator TOM HARKIN, Senator THAD COCHRAN, and myself. After enjoying a 33-year career in the United States Senate, I speak on behalf of all of those who have had the pleasure of serving with Bob when I say; your retirement is well deserved.

I would like to share with you all the uniqueness of Bob's character, kind spirit and devotion to his position as chief clerk. Whether addressing an intern or chairman of a Senate committee, Bob always displayed the same measured approach, graciousness, patience and understanding. Bob never hesitates to place the needs of others before his own. It is commonplace for Bob to spend late nights at work in preparation for farm bill mark ups, accommodate last minute travel requests from impatient Senators and staff alike, fly to the furthest reaches of our great Nation to set up hearings, or answer any procedural question with the temperance of a man who has not answered the question a thousand times before. Robert Sturm is that indispensable part of your staff upon whom you grow so reliant, you wonder how you will function in his absence.

Bob, while a patient and understanding man, is not shy about enforcing the rules of the Senate Agriculture Committee which he loves. Any visitor to a Senate hearing who attempted to open a newspaper during the hearing, spoke too loudly from the audience or attempted to pass out materials not reviewed and approved by Bob, knows how quick the wrath of Bob Sturm can be meted out. Similarly, Bob guarded the Senate Agriculture Committee hearing room with diligence and insisted that its appearance always reflected the high esteem in which he held the committee and this august body.

During my first hearing as chairman, I remember reaching for the gavel to call the hearing to order. As I looked down at the gavel, I was shocked to find that someone had placed my name on it. Humbled by this kind act, I turned to my staff and quietly asked, "Who did this?" The answer was of course Bob Sturm. During my chairmanship, I could always depend on Bob to place a few bags of my beloved Georgia peanuts at the seat of each Senator attending the hearings. It is the little things like this that exemplify Bob's attention to detail and willingness to serve. I also remember when the Agriculture Committee traveled around the country in the summer of 2006 to eight different farm bill field hearings. Bob was on the front lines of every hearing—from educating staff on how to select an appropriate hearing site, traveling in advance to prepare for the hearing, arranging all the necessary travel, hotel accommodations and food, to running the actual hearing—Bob was in control. Even after being exhausted from continuous travel, Bob was always the first one to arrive and the last one to leave each hearing and I never heard one word of complaint. Bob, as in the performance of all his duties, was meticulous and saw things through to the end. I will always be grateful for his devotion.

Let me finish by saying, Bob, that the Senate will sincerely miss you and most of all we thank you for your loyalty and the model of service you leave behind. Best of wishes on a healthy and happy retirement with your family. It is certainly well deserved.

ADDITIONAL STATEMENTS

TRIBUTE TO CLAY PARK

• Mr. AKAKA. Mr. President, I have often said that one of my roles as a Senator is to reflect Hawaii, and show people the meaning of aloha through my own actions. Aloha is not passive, it is not easy, but it can make a difference in people's lives. I am reminded of just how inspiring and effective aloha can be by one of my constituents, William Clay Park. I remember seeing Clay at a Senate Committee on Veterans' Affairs hearing on the island of Oahu last year. I was impressed by how he exemplified the spirit of aloha. More recently, Clay was featured in Hawaii Business Magazine for his personal story, and his professional work for Hawaii's veterans. I will ask to have the text of this article in Hawaii Business Magazine printed in the RECORD following my statement.

Clay was born and raised in Hawaii, rooted in the Native Hawaiian values of his "ohana," or family. As a young man he joined the Army, and served in the Vietnam war. The war took a toll on Clay, but after leaving the Army he joined the National Guard, and started what would become a 30-year career with VA as a dental lab technician.

In 2003, Clay had retired from VA and the National Guard, and that could have been the end of his career of serving his country and his fellow veterans. Instead, he answered a call from a friend and learned that Helping Hands Hawaii, a nonprofit social services organization, was in need of help. Once at Helping Hands Hawaii, he realized that Hawaii veterans needed someone like himself to help them through the bureaucratic maze of VA benefits. They also needed someone with his kind of aloha.

Although he has only been with Helping Hands Hawaii for a few years, Clay's colleagues can already tell scores of stories about the length he will go to in order to reach veterans and help them. Those stories include hiking through Hawaii's dense forests in search of disconnected veterans who have taken to the bush. While many people pass by homeless veterans on their city streets, Clay makes it his responsibility to reach out to them, and get them the help they need.

The greatest price of war are its human costs, and many veterans pay that price long after they have returned from service. Our Nation needs more people like Clay Park, to show veterans that a grateful Nation is not willing to let them be forgotten, and will provide a helping hand when they need one.

Mahalo Clay, for being an example of the resilience and power of aloha.

Mr. President, I ask unanimous consent to have the aforementioned article from Hawaii Business Magazine printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Hawaii Business, May 2007]

CASUALTIES OF WAR

(By David K. Chao)

Clay Park joined the Army on a whim. Fresh out of Waialua High School, the 17-year-old was trying to support a friend, who didn't want to go to the recruitment office by himself. The friend wound up failing the physical, but Park passed. In 1966, after being trained as a combat medic and dental technician, he was shipped off to Vietnam, where he saw some of the heaviest fighting of the war, including the Tet Offensive in January 1968.

Park left the Army later that year and went on to a nearly 30-year career as a dental lab technician for the Veterans' Administration (VA). He also served as a National Guardsman for 24 years, retiring as a master sergeant in 2000.

Today, Park is a case manager for Helping Hands Hawaii, a nonprofit social services organization with a wide-ranging mission, which includes helping veterans in need of physical and mental health assistance. Earlier this year he was honored by Helping Hands Hawaii as one of the individuals "for whom service is as much a part of life as breathing . . . ."

Park took some time off from his busy schedule to talk with Hawaii Business about veterans in need. Post Traumatic Stress Disorder and the coming mental health crisis that may overwhelm Hawaii and the rest of the country.

Tell me about how you started at Helping Hands and what it is you do there?

I retired from the VA in 2003 and shortly after Dr. Luke [Helping Hands Hawaii senior program director Dr. Stanley Luke] called me and told me he needed some help. I used to work with him at the VA. I didn't have any training in social work or mental health, but he thought that I could help with cultural competency [assisting with the Native Hawaiian clients]. I was only supposed to work for six months, but that was three years ago and now I help all veterans and their families.

As a case manager, I walk a veteran through the system—how to apply for VA benefits. I find them housing and food. I always carry canned goods in the back of my truck, just in case. For me, it's about being an advocate for vets, who really don't want to go through the system, but they need to talk to someone. I've gotten a few calls from wives, who say, "I want my husband back. This is not the man I married."

You've gone to some unusual lengths to find veterans and get them help. Can you tell me about that?

The last vet that I found was on the side of the Pali. He wasn't very high up, somewhere between Pali Highway and Kamehameha Highway, but in the deep, thick stuff. I'm an avid pig hunter, so it wasn't very hard tracking him down. I found a guy on Diamond Head once and I only had a brief description: Caucasian male, who lives under a blue tarp. That wasn't very hard either, once the police told me where the homeless are. Most of the time, they aren't in the mountains. They're in the city or on the beach. But I find them, and we talk and I bring them in.

What has happened to these veterans?

No one walks away from war unaffected. Everyone is wounded. You may not be hurt physically, but you are definitely affected mentally. Why is that? Why is it that a guy comes back and gets married and lives the Great American Dream—the house, the dog, the kids. But then, in his 50s or 60s, he takes a shotgun and blows his brains out. Why is that? It is because, when you are young, you stay busy. But as you get older, your body slows down, but your mind doesn't. And you can't cope. The ghost is always there and he comes to bite you every once in a while. Sometimes you just can't keep him in the closet.

Look what's happening now. The American forces are low, so they are sending these guys on two or three tours of duty. They come back with PTSD (Post Traumatic Stress Disorder), and they think they have fixed them up. And then they send them on their second tour. And they come back and they are worse, and they send them out for a third time.

Are you seeing a lot of Afghanistan and Iraq veterans?

I've seen a few, guys from my National Guard unit. But it's really too soon. But we'll see them, and it's going to get nasty.

How so?

The problem is that they activated units that have soldiers in their 40s and 50s. They are married and have children and jobs. When we went, we were full of piss and vinegar. We were wet behind the ears and we didn't give a damn about anything. When you go to war when you're older, your body isn't as strong as the young guys and your thinking is much different. It [your mind] can be damaged more easily and more deeply. They are saving limbs and putting in glass eyes, but what are they doing for these soldiers' mental instabilities? They are trying, but there isn't enough. They can't keep up. It is ugly. An ugly picture.

Do you have a ghost?

Big time. But it is how you deal with it. And what you do with it. When that ghost comes out, do you let it drag you down, or do you put it back? When I came back [from Vietnam] I was angry. I was angry at the world. People were protesting the war, but they didn't know what war was really like. All they knew was what they saw on TV. Eventually, I got busy, very busy. I learned how to drive all kinds of things, big trucks, planes, so I could be in control. I looked for natural highs, like flying. Helping people is another high.

When I'm with a vet on the beach or in a park, I'll ask him: "What do you see?" They don't know what I'm talking about. I tell them: "I see life. I see birds, trees and the sun. Today is today. Tomorrow may never come and yesterday is gone."

You're just one person. What you're describing is a potential mental health crisis of epic proportions. Won't you be overwhelmed?

I may be one guy from Helping Hands but, I've got "the Uncles," Victor Opiopio, Sam Stone, Charles Kanehailua, James Opiana and all their wives. These are all guys who are part of my core group of veterans, who are willing to sit down and talk to these guys [fellow veterans in need]. They [the Uncles] aren't getting paid. They are a network of people out there, who are willing to take a guy by the hand and walk them through the system. I've also got a gal at the VA who wants to help our group, as well as a VA doctor. We're a small group but we're thinking about the big picture. Are we prepared for what is going to happen? No. But if you can help one vet at a time, you're doing something. We can't just sit back and do nothing. I don't have time to do nothing. I don't.•

CONGRATULATING DR. RAMON SY

• Mr. AKAKA. Mr. President, I congratulate and extend my warmest aloha to Dr. Ramon Sy, who was selected as Hawaii's national recipient of the Jefferson Award. The Jefferson Award is a prestigious award recognizing and honoring individuals for their contributions to community and public service. Dr. Sy, through his Aloha Medical Mission, has helped to provide medical treatment to thousands of individuals in the Pacific and Asia, who are unable to access modern medical care due to cost or availability.

A native of the Philippines, Dr. Sy and seven other members of the Philippine Medical Association of Hawaii established the Aloha Medical Mission in 1983. The Aloha Medical Mission provides voluntary medical, surgical, and other health-related services, which include the donation of supplies and equipment, to medically indigent areas of Southeast Asia and the Pacific. In addition to providing access to health services, the Aloha Medical Mission also provides training to physicians overseas and through an exchange fellowship program in Honolulu, HI.

Dr. Sy is responsible for furthering the development of the Aloha Medical Mission from a small group of doctors to an organization well known within the international community. Since the establishment of the Aloha Medical Mission, Dr. Sy and his colleagues have served in 11 countries, treated 200,000 patients, and performed over 9,000 operations. His commitment to ensuring that medical care is accessible in both Hawaii and abroad demonstrates his compassion and undying concern for others. He is an inspiration to all because of his willingness to embrace the problems of those less fortunate. I hope that many will aspire to follow Dr. Sy's example by making a commitment to making a difference.

I thank Dr. Sy for his dedication and quality efforts and extend the same gratitude to all the members of the Aloha Medical Mission. I wish Dr. Sy and his family the best in their future endeavors.•

GILA CLIFF DWELLINGS CENTENNIAL

• Mr. DOMENICI. Mr. President, I would like to honor and give special attention to the 100th anniversary of the establishment of Gila Cliff Dwellings National Monument in my home State of New Mexico. On November 16, 1907, President Theodore Roosevelt signed the proclamation that recognized the Gila Cliff Dwellings and 533 surrounding acres as a national monument being what he called, "of exceptional scientific and educational interest . . . as the best representative of the cliff-dwellers' remains of that region." This unique monument, nestled among the spectacular scenery of the Gila National Forest, was once the home to the people of the Mogollon, who lived along the East fork of the Gila River during the late 13th and early 14th century. It is at that place where these impressive builders constructed a 42-room collection of homes in 5 spacious sandstone caves high along the face of a small creek-canyon. Today, this monument gives Americans a glimpse of the great cultures and societies that once occupied the North American Continent prior to the arrival of European settlers.

This year-long centennial celebration is more than just an appreciation for the unique beauty that is defined by the many special places like this in New Mexico. In commemoration of this special centennial event, an unexcavated surface site referred to as the TJ Ruin will be open for a limited number of guided tours. Over the next few weeks other exciting events such as Stories in the Stars, Stories in the Shards, Rock Art and Storytelling will be taking place. There will be a number of other events, including an exhibit opening at the Silver City Museum, cowboy poetry, music, Dutch oven cooking, and Chiricahua Apache Culture Days that will be held throughout the remainder of the year to entertain those visiting the area and to celebrate the 100th anniversary.

The attractive weather and abundance of forest and desert flora and fauna in the Gila region of southwest New Mexico attracts over 60,000 visitors every year who contribute to the economies of southwestern New Mexico cities and towns such as Silver City, Cliff, Deming, Bayard, and Lordsburg. With over 1,500 miles of trails, the opportunities for mountain biking, hiking, and horseback riding are endless. There is also a great abundance of wildlife that roam the Gila region. For the fisherman, there is over 360 miles of mountain streams, creeks, rivers, and lakes that are a precious resource in the Southwest.

The outdoors reminds us all of the things we hold so dear. Public lands make up over one-third of the United States, most of which is in the West. Those of us from the State of New Mexico cherish the open spaces afforded by the West. Like the Mogollon, we are reminded daily of our dependence on the land and therefore take a devout interest in its health and management. The Gila Cliff Dwellings and the Gila National Forest remain much the same as so many years ago, and I am glad this will be the case for generations to come.

The next time you happen to be in New Mexico, I encourage you to come visit and take some time to enjoy all New Mexico has to offer. From the many beautiful mountains, to the rivers, the canyons, the wildlife, the culture and the history—the marvelous place we call the Gila has it all. New Mexico is a great place, and the Gila Cliff Dwellings help make it so. To all, past and present, who have worked hard to preserve the Gila Cliff Dwellings, I extend a heartfelt thank you and honor you this centennial year.•

RECOGNIZING B. BENEDICT GLAZER ELEMENTARY SCHOOL

• Mr. LEVIN. Mr. President, I am pleased to take this opportunity to commemorate the 40th anniversary of B. Benedict Glazer Elementary School and to congratulate the principal of Glazer Elementary, Florene McMurtry, on her retirement after 20 years of dedicated service and leadership. B. Benedict Glazer Elementary School celebrates this milestone today as a part of its annual 5th Grade Class Day.

On May 5, 1967, the Michigan House of Representatives passed Resolution No. 99 in honor of Dr. B. Benedict Glazer, Rabbi of Temple Beth El in Detroit, to formally recognize his 11 years of outstanding service to the congregation of Temple Beth El and to the State of Michigan. The resolution also paid tribute to the decision to name an elementary school in his honor. Dr. Glazer was nationally recognized as an exceptional scholar, teacher, and leader, and was well known as an advocate for uniting people of different faiths. Dr. Glazer was also at the forefront of many struggles for basic human rights, fighting for improved conditions in Michigan's mental health facilities and against various forms of racial and religious discrimination, among other noble causes.

I am proud to also recognize the many accomplishments of Glazer elementary students, which is undoubtedly the direct result of the hard work and dedication of its students, faculty and staff. Glazer was recently selected as a Leadership School by the Schools of the 21st Century and enjoys the distinction of being awarded the $100,000 Skillman Improvement Grant, the highest award among six elementary schools included in the 2007 high performing category out of 300 Detroit elementary schools. This grant is expected to help fund several worthwhile initiatives, including a GED certificate program and the purchase of additional computers to assist parents of Glazer students who have not completed high school.

The principal of B. Benedict Glazer Elementary School, Florene McMurtry, has served the Detroit Public School system in various positions for 35 years. Her passion for education is illustrated by the many notable successes she has enjoyed throughout her career as an educator. An example of her innovative approach to education was the partnership she helped form between Glazer Elementary School and Temple Beth El in 1998 to provide financial resources and tutors for students through the Glazer Elementary Ada S. and Rabbi B. Benedict Glazer Memorial Fund. Mrs. McMurtry also established the tradition of presenting dictionaries as the Glazer Memorial Prize to honor the most outstanding boy and girl student for Class Day. In 2001, Mrs. McMurtry established the InsideOut Literary Arts Project at Glazer with a writer-in-residence who integrates creative writing and drama in the school curriculum and publishes the students' work. To date, seven poetry books have been written and published.

Mrs. McMurtry has proven herself to be a devoted educator. Through her dedicated leadership and the many programs she has initiated and led, she has managed to increase parental involvement in school, student access to resources, and has served as a liaison between the students and the community. In addition, Mrs. McMurtry has received many accolades over the years in recognition of her outstanding service, including the Principal of the Year Art Award in 1996 and 2001, the Distinguished Service Award, City of Detroit in 1985 and she was a finalist for Michigan Teacher of the Year in 1984–1985.

I know my colleagues in the Senate join me in recognizing B. Benedict Glazer Elementary School on its 40th anniversary and its principal, Florene McMurtry, on her impressive record of service to the Detroit Public School system.•

HONORING GEIGER BROTHERS

● Ms. SNOWE. Mr. President, today I recognize an outstanding, family-owned small business from my home State of Maine that recently received the Gannett Family Business of the Year Award from the University of Southern Maine's Institute for Family-Owned Business. A promotional products distributor, Geiger Brothers of Lewiston has been in operation since 1878. Incredibly, the Geiger family has been in charge of the business for the entire time—a total of four generation.

Geiger Brothers was originally founded in Newark, NJ, with a staff of four, two of whom were Geiger brothers. Since then, Geiger Brothers has undergone dramatic transformations, moving to Maine over half a century ago, and expanding to 500 employees between the Lewiston office and several field offices. While the Geiger name may not jump out at people from outside of Maine, the name "Farmers' Almanac" is universally known. Published yearly, the "Farmers' Almanac" is famous for its weather forecasts, gardening tips, and recipe suggestions. It is a source of great pride for my home State of Maine that Geiger Brothers publishes the "Farmers' Almanac."

It is no surprise that Geiger Brothers has won the Gannett Family Business of the Year Award. In fact, there is no lack of accomplishment or recognition in Geiger's history. The recipient of the Margaret Chase Smith Maine Quality Award, the FedEx Gold Level Supplier, and the Maine State Chamber of Commerce Maine Investors Award, Geiger's list of commendations recently grew to include the Advertising Specialty Institute's Family Business of the Year and a 2006 Best Places To Work In Maine award.

In addition to publishing the world-renowned "Farmers' Almanac," Geiger Brothers has consistently lived by a philosophy of community service. When, in 1988, the company "adopted" the Montello Elementary School in Lewiston, then-President George H.W. Bush awarded them with a "Point of Light" in celebration of their service and volunteerism. Since then, Geiger Brothers has continued to organize similar partnerships across Maine, and the company's employees have donated their time to worthwhile causes all across the Lewiston-Auburn area. In addition, employees live by "The Geiger Way," a set of values focused on respect for all involved in the business, from employees to clients and everyone in between. The generous and benevolent spirit of Geiger Brothers is assuredly a shining example to all small businesses.

Congratulations to Gene Geiger, CEO and president; to Peter Geiger, executive vice president; and to all of Geiger Brothers' accomplished employees on their most recent honor, and all of the awards they have received. It is no wonder that Geiger Brothers has been recognized so consistently throughout the years with their dedication and willingness to serve. I wish them continued success and many more editions of the "Farmers' Almanac."●

REPORT OF THE VETO OF S. 5, THE STEM CELL RESEARCH ENHANCEMENT ACT OF 2007—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to be held at the desk:

To the Senate of the United States:

I am returning herewith without my approval S. 5, the "Stem Cell Research Enhancement Act of 2007."

Once again, the Congress has sent me legislation that would compel American taxpayers, for the first time in our history, to support the deliberate destruction of human embryos.

In 2001, I announced a policy to advance stem cell research in a way that is ambitious, ethical, and effective. I became the first President to make Federal funds available for embryonic stem cell research, and my policy did this in ways that would not encourage the destruction of embryos. Since then, my Administration has made more than $130 million available for research on stem cell lines derived from embryos that had already been destroyed. We have also provided more than $3 billion for research on all forms of stem cells, including those from adult and other non-embryonic sources.

This careful approach is producing results. It has contributed to proven therapeutic treatments in thousands of patients with many different diseases. And it is opening the prospect of new discoveries that could transform lives. Researchers are now developing promising new techniques that offer the potential to produce pluripotent stem cells, without having to destroy human life—for example, by reprogramming adult cells to make them function like stem cells.

Technical innovation in this difficult area is opening up new possibilities for progress without conflict or ethical controversy. Researchers pursuing these kinds of ethically responsible advances deserve support, and there is legislation in the Congress to give them that support. Bills supporting alternative research methods achieved majority support last year in both the House and the Senate. Earlier this spring another bill supporting alternative research won overwhelming majority support in the Senate, and I call on House leaders to pass similar legislation that would authorize additional funds for ethical stem cell research. We cannot lose the opportunity to conduct research that would give hope to those suffering from terrible diseases and help move our Nation beyond the controversies over embryo destruction. I invite policymakers and scientists to come together to solve medical problems without compromising either the high aims of science or the sanctity of human life.

S. 5, like the bill I vetoed last year, would overturn today's carefully balanced policy on stem cell research. Compelling American taxpayers to support the deliberate destruction of human embryos would be a grave mistake. I will not allow our Nation to cross this moral line. For that reason, I must veto this bill.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 20, 2007.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President Pro Tempore (Mr. BYRD) announced that on today, June 20, 2007, he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2366. An act to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1255. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 535. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 886. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

*Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

*Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

*Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2008.

*Michael Schwartz, of Illinois to be a Member of the Railroad Retirement Board for a term expiring August 28, 2012.

*Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1664. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1665. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1666. A bill to amend title II of the Social Security Act to improve the process for congressional consideration of international social security agreements; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. COBURN):

S. 1667. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 1668. A bill to assist in providing affordable housing to those affected by the 2005 hurricanes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Mr. BINGAMAN, Mr. LEVIN, Mr. SALAZAR, Mr. DURBIN, Mr. OBAMA, and Mr. KERRY):

S. 1669. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics; to the Committee on Finance.

By Ms. SNOWE:

S. 1670. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. Res. 240. A resolution designating October 21 through October 27, 2007, as "National Save for Retirement Week"; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 241. A resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. STEVENS, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. BAYH, Mr. MENENDEZ, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. INOUYE, Mr. BAUCUS, Mr. AKAKA, Mr. SMITH, and Mrs. BOXER):

S. Res. 242. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. LIEBERMAN, Mrs. DOLE, Ms. STABENOW, Mr. STEVENS, Mr. BIDEN, Mr. BURR, Mr. LEVIN, Ms. MURKOWSKI, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. MENENDEZ, Mr. DURBIN, Mr. WYDEN, Mr. FEINGOLD, Mr. CARDIN, Mr. CARPER, and Ms. CANTWELL):

S. Res. 243. A resolution supporting the goals and ideals of National Clean Beaches Week and the considerable value of beaches and their role in American culture; considered and agreed to.

By Mr. PRYOR (for himself, Mr. SUNUNU, Mrs. DOLE, Mr. LUGAR, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. ISAKSON):

S. Res. 244. A resolution designating June 2007 as National Safety Month; considered and agreed to.

By Mr. KYL (for himself and Mr. MCCAIN):

S. Res. 245. A resolution congratulating the University of Arizona Wildcats for winning the 2007 NCAA Division I Softball Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 246. A resolution congratulating the San Antonio Spurs for winning the National Basketball Association Championship; considered and agreed to.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 247. A resolution commending the University of Washington Men's Crew, the 2007 Intercollegiate Rowing Association Champions; considered and agreed to.

By Mr. DODD (for himself, Mr. MENENDEZ, and Mr. LEVIN):

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 305

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 824

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 824, a bill to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1137

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1137, a bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1323

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1496

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1496, a bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs.

S. 1514

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1557

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1588

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was withdrawn as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. DURBIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1593, supra.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. RES. 132

At the request of Mr. STEVENS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as "National First Responder Appreciation Day".

S. RES. 224

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1510

At the request of Mr. COCHRAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1646

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1646 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1666

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1666 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1668

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1668 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1693

At the request of Mrs. BOXER, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1693 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1693 proposed to H.R. 6, supra.

AMENDMENT NO. 1694

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1694 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1695

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 1695 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1666. A bill to amend title II of the Social Security Act to improve the process for congressional consideration of international social security agreements; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to speak in favor of my bill to improve the process for congressional consideration of International Social Security Agreements.

International Social Security Agreements eliminate dual Social Security taxes when Americans work overseas for U.S. companies, and protect benefits for workers who divide their careers between two countries. As a result, American workers and their companies save approximately $800 million annually in foreign social security taxes.

The current process for congressional disapproval of these agreements is invalid because it involves the unconstitutional use of a legislative veto. This fact has not been a problem, however, because Congress has never desired to reject an International Social Security Agreement. Indeed, we currently have 21 agreements with most of our top trading partners, such as Canada, Germany, and Japan. However, Congress needs to establish a constitutionally valid process for congressional consideration and either approval or rejection of International Social Security Agreements, similar to the process used for other agreements and treaties.

The bill I am introducing today establishes such a process so that these important agreements can receive full consideration in the Congress. If either the House or the Senate determines that a particular agreement is a bad deal for U.S. workers or will harm the U.S. Social Security system, this bill will allow Congress to reject that agreement. Right now, that option does not exist under current law. This bill would fix that problem.

The bill would require that an "approval resolution" be introduced in both the House and the Senate once an agreement is submitted to Congress by the administration. The resolution will need to be approved by both Houses of Congress before an agreement can take effect. Of course, either House can also reject the approval resolution to prevent an agreement from taking effect.

The bill is cosponsored by Senator GRASSLEY, ranking member of the Finance Committee. I appreciate the assistance that he and his staff provided in developing this legislation.

I urge the Senate to approve this bill to establish a constitutionally valid process for Congress to consider and either approve or reject International Social Security Agreements.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 1668. A bill to assist in providing affordable housing to those affected by the 2005 hurricanes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today, Senator LANDRIEU and I come to the floor to introduce the Gulf Coast Housing Recovery Act of 2007. This bill will help jump-start economic development in the communities devastated by Hurricanes Katrina and Rita. It will also help bring people home so they can resume their lives.

At the outset, let me recognize Senator LANDRIEU for all of her efforts to secure assistance for the people of Louisiana, who suffered the lion's share of damage from the 2005 hurricanes. She has worked tirelessly, every day since the storms, to ensure that Louisianans and others in the gulf coast can return to vibrant towns and cities. I also want to recognize the work of Congresswoman WATERS and Financial Services Chairman FRANK, who laid the groundwork for this legislation in the House. They did an outstanding job of ushering a housing recovery bill through the House.

The bill we are introducing today does the following: it authorizes additional funding to help rebuild the gulf coast; it requires the Federal, state and local governments to take additional actions to bring people home; and it requires accountability on the part of FEMA, HUD, and the states and cities receiving Federal funds.

Almost 2 years after the devastation of Hurricane Katrina, hundreds of thousands of people remain in limbo, wondering if they will be able to return home. The population in New Orleans remains at about half of pre-Katrina levels, though local groups and residents have made clear that many more want to return. Unfortunately, many of these families have no home to return to, and there is great uncertainty about whether adequate services will be available if they do return. As of April of this year, less than half of New Orleans' public schools, a third of its child care centers, and half of its hospitals were open.

Over 82,000 families from across the devastated region are still living in FEMA trailers, which were recently found to contain toxic chemicals. Over 32,000 families are receiving temporary rental assistance through HUD, and over 11,000 others are receiving temporary rental assistance through HUD. Tens of thousands of other families are being assisted by cities, counties and individuals throughout the gulf region and our country.

Much has already been done to help restore the gulf coast. Billions of dollars have been spent to house evacuees and clean up areas of Texas, Louisiana, Alabama and Mississippi. In addition, emergency CDBG funds have been appropriated to help families start to rebuild their homes and their lives. While these funds are finally getting to people in need, the reach of these funds is limited, to a great extent, to those who owned homes prior to the storms. Both Louisiana and Mississippi have understandably focused their efforts on getting homes rebuilt, and I support their efforts to help people whose largest asset was washed away. However, we must not forget the large number of residents who were renters at the time of the storms, many of whom held jobs that were critical to the economy and the culture of the gulf coast, including jobs necessary for the tourism and fishing industries.

In New Orleans, over half of the rental housing was flooded. We have an obligation, as a fair society, to ensure that all of our citizens in the gulf coast, including renters, are given the opportunity to return home, and the bill that Senator LANDRIEU and I are introducing today will do that.

This bill helps to do six key things that are necessary to help those displaced as a result of the hurricanes return to thriving cities and towns: it helps to bring people home; it replaces lost housing; it creates homeownership opportunities; it spurs economic and community development; it provides continued assistance to evacuees; and it requires accountability so that funds are properly used.

There are numerous provisions in our bill that will help families of all income levels return to a stronger gulf coast. I want to highlight a few of these provisions.

While most of the funds already provided to individuals for rebuilding efforts have gone to homeowners, even those funds have proven to be insufficient. The Louisiana Road Home program has pledged all of its funds, leaving many eligible homeowners without any assistance. This bill authorizes funding necessary to make this program whole so long as the State of Louisiana puts up $1 billion of its own funds towards this shortfall. I will be working with Senator LANDRIEU over the coming weeks to get a better sense of the exact amount needed in this program, why a shortfall of this amount exists, and to determine the legitimate uses of these funds.

Prior to the storm, there were over 5,200 families living in public housing in New Orleans, and thousands of others throughout the Gulf States. Many of these families include people with disabilities, seniors, and children. We cannot turn our backs on them.

HUD is currently running the Housing Authority of New Orleans, HANO, and it plans to demolish much of the public housing without replacing many of the affordable units. I believe this is shortsighted. I understand that in rebuilding New Orleans, there are many who advocate deconcentrating poverty, and I believe we can achieve this goal without sacrificing needed affordable housing. Under the bill we are introducing today, every unit of public housing that was occupied prior to the storm must be replaced, but not necessarily with a traditional public housing unit, nor in a traditional public housing setting.

In order to facilitate the replacement of public housing in New Orleans, this bill takes HANO out of HUD's hands, and puts it into judicial receivership. HANO has been a troubled agency for many years, and HUD control has not led to enough improvement. We need significant change at this agency.

This bill helps to spur much-needed development. It requires $55 million from funds previously given to the State of Louisiana to be used to help finance community development pilot programs in the State so that land can be acquired, bundled sold for redevelopment. In addition, the bill establishes an innovative program, the FHA-New Orleans Homeownership Opportunities Initiative, under which HUD will transfer to the New Orleans Redevelopment Authority properties which are under HUD control to be used for homeownership opportunities for low-income families.

While providing large amounts of Federal funds to the disaster area, it is important to ensure that funds are used correctly and are not subject to waste, fraud and abuse. This bill has stringent monitoring and reporting requirements that apply to FEMA, HUD, and the States receiving emergency funds so that the Congress can keep tabs on the disaster spending and ensure funds are being used efficiently and effectively to help rebuild and strengthen the gulf coast.

The Gulf Coast Housing Recovery Act of 2007 is a critical step towards rebuilding the gulf coast. It is supported by a broad coalition of national organizations, including the AARP, ACORN, Enterprise Community Partners, Lawyers Committee for Civil Rights Under Law, the Mortgage Bankers Association, the National Alliance to End Homelessness, the NAACP, the National Association of Homebuilders, the National Association of Realtors, the National Fair Housing Alliance, the National Low Income Housing Coalition, US Jesuit Conference, Volunteers of America, as well as Gulf Coast organizations such as Alabama Arise, Catholic Charities of New Orleans, Greater New Orleans Fair Housing Action Center, the Louisiana Association of Nonprofit Organizations, and Providence Community Housing.

Again, I would like to thank my colleague Senator LANDRIEU for her work to restore the lives of so many of her constituents and others in the gulf coast region. I urge my colleagues to support this bill so that needed housing and community development activities can be undertaken in the gulf coast.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Coast Housing Recovery Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Limitation on use of authorized amounts.

TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 101. Flexibility of Federal Funds for Road Home Program.
Sec. 102. Household assistance programs funded with CDBG disaster assistance.
Sec. 103. Community development pilot programs.
Sec. 104. Road Home Program shortfall.
Sec. 105. Elimination of prohibition of use for match requirement.
Sec. 106. Reimbursement of amounts used for rental housing assistance.

TITLE II—PUBLIC HOUSING

Sec. 201. Survey of public housing residents.
Sec. 202. Housing for previous residents of public housing.
Sec. 203. Replacement of public housing dwelling units.
Sec. 204. Resident support services.
Sec. 205. Public housing in Katrina and Rita disaster areas.
Sec. 206. Reports on proposed conversions of public housing units.
Sec. 207. Authorization of appropriations for repair and rehabilitation for Katrina and Rita disaster areas.
Sec. 208. Existing public housing redevelopment.
Sec. 209. Reports on compliance.
Sec. 210. Independent administration of Housing Authority of New Orleans.
Sec. 211. Definition.

TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

Sec. 301. Disaster voucher program.
Sec. 302. Tenant replacement vouchers for all lost units.
Sec. 303. Voucher assistance for households receiving FEMA assistance.
Sec. 304. Voucher assistance for supportive housing.
Sec. 305. Project-basing of vouchers.
Sec. 306. Preservation of project-based housing assistance payments contracts for dwelling units damaged or destroyed.
Sec. 307. GAO study of wrongful or erroneous termination of Federal rental housing assistance.

TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

Sec. 401. Reimbursement of landlords.

TITLE V—FHA HOUSING

Sec. 501. Treatment of nonconveyable properties.
Sec. 502. FHA single-family insurance.
Sec. 503. FHA-New Orleans Homeownership Opportunities Initiative.

TITLE VI—FAIR HOUSING ENFORCEMENT

Sec. 601. Fair housing initiatives program.

TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

Sec. 701. GAO study of improved distribution of Federal housing funds for hurricane relief.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS

Sec. 801. Commending Americans.

SEC. 2. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this Act may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 101. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME PROGRAM.

(a) PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (4) and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall allow the uses specified in paragraph (2), by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (5), provided such funds are used in full compliance with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) ELIGIBLE USES.—As specified in paragraph (1), the Administrator of the Federal Emergency Management Agency shall allow the State of Louisiana to use any amounts specified in paragraph (5) for the purposes of—

(A) acquiring property, including both land and buildings, for the purposes of removing any structure located on such property and permanently returning the property to a use compatible with open space, as required pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

(B) covering all or a portion of the cost of elevating a damaged residential structure located on any property acquired under subparagraph (A) in order to make the property compliant with State building codes, local ordinances or building requirements, and the National Flood Insurance Program, including elevating the lowest habitable level to at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(C) covering all or a portion of the cost of—

(i) the demolition of any home deemed to be more than 50 percent damaged as a result of an inspection; and

(ii) the reconstruction of another home on the same property on which a home was demolished under clause (i), including site preparation, utility connection, and transactional costs, such that the newly constructed home is elevated so the lowest habitable level will be at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(D) funding individual mitigation measures that can be incorporated into a home to reduce risk to both life and property, provided that no individual measure to be funded costs in excess of $7,500; and

(E) covering the reasonable cost to manage and administer such funds consistent with existing funding formulas identified under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and its implementing regulations.

(3) CONSISTENCY REQUIREMENT.—Uses specified in paragraph (2) shall be deemed eligible when implemented in a way consistent with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), irrespective of any other requirements mandated under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(4) SAVINGS PROVISION.—Except as provided in paragraph (3), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(5) COVERED AMOUNTS.—The amounts specified in this paragraph is $1,170,000,000 designated for Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program of the Federal Emergency Management Agency to the State of Louisiana as of June 1, 2007.

(6) EXPEDITED TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall, not later than 90 days after the date of enactment of this Act, transfer the amounts specified in paragraph (5) to the State of Louisiana.

(B) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to be applied to all funds made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that will simplify the requirements of such program and ensure the expedited distribution of such funds under the program, including—

(i) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(ii) developing a streamlined environmental review process to significantly speed the approval of project applications.

(7) FUTURE AMOUNTS.—Notwithstanding the provisions of this section, for the period beginning June 1, 2007 and ending December 31, 2007, any amounts in addition to the $1,170,000,000 described under paragraph (5) that are made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall be provided by such State to local government entities, based upon the severity of hurricane damage incurred in such areas, to be used solely for the purposes set forth under such section 404.

(b) REPORTING REQUIREMENT.—The Administrator of the Federal Emergency Management Agency shall provide quarterly reports to the Committees on Banking, Housing, and Urban Affairs, and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives on—

(1) specific mechanisms that are being utilized to expedite funding distribution under this section; and

(2) how such mechanisms are performing.

SEC. 102. HOUSEHOLD ASSISTANCE PROGRAMS FUNDED WITH CDBG DISASTER ASSISTANCE.

(a) REPORTING REQUIREMENT.—Each State that received amounts made available under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) shall submit reports, and make such reports available to the public on the Internet, under this subsection regarding each grant program of the State for assistance for individual households funded in whole or in part with such amounts to the committees identified in paragraph (4). Each such report under this subsection shall describe and analyze the status and effectiveness of each such grant program and shall include the information described in paragraph (2) regarding each such program, for the applicable reporting period and for the entire period of such program.

(b) CONTENTS.—The following information shall be included in any report submitted under subsection (a):

(1) The number of applications submitted for assistance under the program.

(2) The number of households for which assistance has been provided under the program.

(3) The average amount of assistance requested and provided for each household under the program and the total amount of assistance provided under the program.

(4) The number of personnel involved in executing all aspects of the program.

(5) Actions to affirmatively further fair housing.

(6) Comprehensive data, by program, on who is served during the period, by number, percentage, and zip code, including data on race, ethnicity, income, disability, family size, and family status.

(7) Actions taken to improve the program and recommendations for further such improvements.

(c) REPORTING PERIODS.—With respect to any program described in subsection (a), the first report under this section shall be submitted not later than the expiration of the 30-day period that begins upon the date of the enactment of this Act. Reports shall be submitted, during the term of each such program, not later than the expiration of each successive calendar quarter thereafter.

(d) RECEIVING COMMITTEES.—The committees specified in this paragraph are—

(1) the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives.

(e) ONGOING REPORTS ON USE OF AMOUNTS.—

(1) QUARTERLY REPORTS.—During the period that amounts are being expended under the State grant programs referred to in subsection (a), the Secretary of Housing and Urban Development shall submit reports on a quarterly basis to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives, and the Comptroller General of the United States. Such reports shall be made available to the public on the Internet. Such reports shall—

(A) describe and account for the use of all such amounts expended during the applicable quarterly period;

(B) certify that internal controls are in place to prevent waste, fraud, and abuse; and

(C) identify any waste, fraud, or abuse involved in the use of such amounts.

(2) MONITORING.—The Secretary of Housing and Urban Development shall monitor funds expended by each State required to submit

reports under subsection (a) and, pursuant to such monitoring—

(A) upon determining that at least 2 percent of such amount has been expended, shall include in the first quarterly report thereafter a written determination of such expenditure; and

(B) upon determining, at any time after the determination under subparagraph (A), that the portion of such total amount expended at such time that was subject to waste, fraud, or abuse exceeds 10 percent, shall include in the first quarterly report thereafter a certification to that effect.

(3) Actions in Response to Waste, Fraud, and Abuse.—If at any time the Secretary of Housing and Urban Development submits a report under paragraph (1) that includes a certification under paragraph (2)(B), the Comptroller General shall submit a report to the Committees referred to in paragraph (1) within 90 days recommending actions to be taken—

(A) to recover any improper expenditures; and

(B) to prevent further waste, fraud, and abuse in expenditure of such amounts.

SEC. 103. COMMUNITY DEVELOPMENT PILOT PROGRAMS.

(a) Availability of Amounts.—The Secretary of Housing and Urban Development shall require the State of Louisiana to make available, from any amounts made available for such State under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) and that remain unexpended, the following amounts:

(1) For Orleans Parish.—$30,000,000 to the New Orleans Redevelopment Authority (in this section referred to as the "Redevelopment Authority"), subject to subsection (c), only for use to carry out the pilot program under this section, provided that, of such amounts, $5,000,000 be used to provide low-interest loans for second mortgages (commonly referred to as "soft" loans) for homes sold to low-income individuals.

(2) Other Parishes.—$25,000,000 to the Louisiana Housing Finance Agency to provide grants to parishes, not including Orleans Parish, that were declared a disaster area by the President as a result of Hurricanes Katrina and Rita of 2005 to establish redevelopment programs in those parishes that have requirements that are the same or substantially similar to the requirements under this section.

(b) Purpose.—The pilot program under this section shall fund, through the combination of amounts provided under this section with public and private capital from other sources, the purchase or costs associated with the acquisition or disposition of individual parcels of land in New Orleans, Louisiana, by the Redevelopment Authority to be aggregated, assembled, and sold for the purpose of development by the Redevelopment Authority or private entities only in accordance with, and subject to, any recovery and redevelopment plans developed and adopted by the City of New Orleans. The costs associated with acquisition or disposition of a parcel of land may include costs for activities described in subsection (c)(3) with respect to such parcel and costs described in subsection (c)(6).

(c) Certifications.—The Secretary of Housing and Urban Development shall ensure that amounts are made available pursuant to subsection (a) to the Redevelopment Authority only upon the submission to the Secretary of certifications to ensure that the Redevelopment Authority—

(1) has the authority to purchase land for resale for the purpose of development in accordance with the pilot program under this section;

(2) has bonding authority (either on its own or through a State bonding agency) or has credit enhancements sufficient to support public/private financing to acquire land for the purposes of the pilot program under this section;

(3) has the authority and capacity to ensure clean title to land sold under the pilot program and to reduce the risk attributable to and indemnify against environmental, flood, and other liabilities;

(4) will, where practicable, provide a first right to purchase any land acquired by the Redevelopment Authority to the seller who sold the land to the Redevelopment Authority, consistent with any recovery and redevelopment plans developed and adopted by the City of New Orleans;

(5) has in place sufficient internal controls to prevent waste, fraud, and abuse and to ensure that funds made available under this subsection may not be used to fund salaries or other administrative costs of the employees of the Redevelopment Authority; and

(6) will, in carrying out the pilot program under this section, consult with the City of New Orleans regarding coordination of activities under the program with the recovery and redevelopment plans referred to in subsection (b), reimbursement of such City for costs incurred in support of the program, and use of program income and other amounts generated through the program.

(d) Development Requirements.—In carrying out the pilot program under this section, the Redevelopment Authority shall—

(1) sell land acquired under the pilot program only as provided in subsection (b);

(2) use any proceeds from the sale of such land to replenish funds available for use under the pilot program for the purpose of acquiring new parcels of land or to repay any private financing for such purchases;

(3) require that in instances where land is developed under this section, and used for housing, not less than 25 percent of such housing be affordable and made available to low-, very low-, and extremely low-income households;

(4) sell land only—

(A) to purchasers who agree to develop such sites for sale to the public;

(B) to purchasers pursuant to subsection (c)(4); or

(C) to developers who are developing sites, including public housing development sites, as part of a neighborhood revitalization plan;

(5) ensure that any—

(A) development under the program is consistent with neighborhood revitalization plans and in accordance with any recovery and redevelopment plans developed and adopted by the City of New Orleans; and

(B) uses of such development are not inconsistent with redevelopment of adjacent parcels, where possible; and

(6) where properties are located in neighborhoods where public housing redevelopment is occurring, give priority consideration to making such properties available to meet the housing replacement requirements under this Act.

(e) Inapplicability of Stafford Act Limitations.—Any requirements or limitations under or pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to use of properties acquired with amounts made available under such Act for certain purposes, restricting development of such properties, or limiting subsequent alienation of such properties shall not apply to amounts provided under this section or properties acquired under the pilot program with such amounts.

(f) GAO Study and Report.—

(1) In General.—Upon the expiration of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the pilot program carried out under this section to determine the effectiveness and limitations of, and potential improvements for, such program.

(2) Timing of Report.—Not later than 180 days after the expiration of the 2-year period described in paragraph (1), the Comptroller General shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives and regarding the results of the study.

(3) Required Content.—The report required under paragraph (2) shall include a forensic audit that examines the effectiveness of internal controls to prevent waste, fraud, and abuse within the pilot program.

SEC. 104. ROAD HOME PROGRAM SHORTFALL.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the State of Louisiana to carry out the Road Home Program, provided that as of June 1, 2007, the State of Louisiana has provided at least $1,000,000,000 for such program.

(b) Exception From Prohibition on Duplication of Benefits.—Notwithstanding any other provision of law, to the extent that amounts made available under the heading "Department of Housing and Urban Development-Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779), under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472), and under section 101 of this title, are used by the State of Louisiana under the Road Home Program, the procedures preventing duplication of benefits established pursuant to the penultimate proviso under such heading in Public Law 109–148 (119 Stat. 2781) and the 15th proviso under such heading in Public Law 109–234 (120 Stat. 473) shall not apply with respect to any benefits received from disaster payments from the Federal Emergency Management Agency, or disaster assistance provided from the Small Business Administration, except to the extent that the inapplicability of such procedures would result in a household receiving more than is necessary to repair or rebuild their structure and property, and pay for temporary relocation and necessities.

SEC. 105. ELIMINATION OF PROHIBITION OF USE FOR MATCH REQUIREMENT.

(a) In General.—Notwithstanding any other provision of law, any amounts made available before the date of the enactment of this Act for activities under the Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the areas impacted or distressed by the consequences of Hurricane Katrina, Rita, or Wilma in States for which the President declared a major disaster, or made available before such date of enactment for such activities for such expenses in the areas impacted or distressed by the consequences of Hurricane Dennis, may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

(b) EFFICIENT ENVIRONMENTAL REVIEW.—If an environmental review for a project funded by any amounts referred to in subsection (a) has been completed by a Federal agency, such environmental review shall be considered sufficient for receipt and use of all Federal funds, provided that such environmental review is substantially similar to an environmental review under the procedures authorized under section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)).

SEC. 106. REIMBURSEMENT OF AMOUNTS USED FOR RENTAL HOUSING ASSISTANCE.

There are authorized to be appropriated, from any amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to the consequences of Hurricane Katrina, Rita, or Wilma that remain unobligated, and from any amounts made available before such date of enactment under any provision of law to such Agency for such disaster relief relating to the consequences of Hurricane Dennis that remain unobligated, such sums as may be necessary to be made available to the Administrator of the Federal Emergency Management Agency for transfer to the Secretary of Housing and Urban Development, for such Secretary to provide assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to reimburse metropolitan cities and urban counties for amounts used, including amounts from the Community Development Block Grant Program, the HOME Investment Partnership Program, and other programs, to provide rental housing assistance for families residing in such city or county pursuant to evacuation from their previous residences because of such hurricanes, provided that such city or county has not previously been reimbursed for such expenditures.

TITLE II—PUBLIC HOUSING

SEC. 201. SURVEY OF PUBLIC HOUSING RESIDENTS.

(a) SURVEY.—The Secretary of Housing and Urban Development shall contract with an independent research entity to conduct a survey, using appropriate scientific research methods to determine, of the households who as of August 28, 2005, resided in public housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) operated or administered by the Housing Authority of New Orleans, in Louisiana—

(1) which and how many such households intend to return to residences in dwelling units described in section 202(d) of this Act, when presented with the options of—

(A) returning to residence in a repaired public housing or comparable dwelling unit in New Orleans immediately;

(B) returning to residence in a temporary repaired residence in New Orleans immediately, and then moving from such repaired residence to a newly redeveloped public housing unit at a later date; or

(C) continuing to receive rental housing assistance from the Federal Government in a location other than New Orleans or in New Orleans; and

(2) when households who choose the options described under subparagraphs (A) or (B) of paragraph (1) intend to return.

(b) PARTICIPATION OF RESIDENTS.—The Secretary shall solicit recommendations from resident councils and residents of public housing operated or administered by such Housing Authority in designing and conducting the survey under subsection (a).

(c) PROPOSED SURVEY DOCUMENT.—The Secretary shall submit the full research design of the proposed document to be used in conducting the survey to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not less than 10 business days before the commencement of such survey.

(d) REPORT.—The Secretary shall submit a report to the committees referred to in subsection (c) detailing the results of the survey conducted under subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 202. HOUSING FOR PREVIOUS RESIDENTS OF PUBLIC HOUSING.

(a) PROVISION OF DWELLING UNITS.—Not later than 90 days after the date of the enactment of this Act, the Housing Authority of New Orleans shall make available for temporary or permanent occupancy, subject to subsection (b), a number of dwelling units (including those currently occupied) described in subsection (d) that is not less than the greater of—

(1) 3,000; or

(2) the number of households who have indicated, in the survey conducted pursuant to section 201, that they intend to return to residence within 120 days after the date of the enactment of this Act, in public housing operated or administered by such public housing agency.

(b) HOUSING FOR FORMER PUBLIC HOUSING RESIDENTS.—

(1) IN GENERAL.—Subject only to subsection (c), the Housing Authority of New Orleans shall make available, upon the request of any household who, as of August 28, 2005, was a tenant of public housing operated or administered by such public housing agency, permanent or temporary occupancy (as may be necessary for redevelopment plans) for such household in a dwelling unit provided pursuant to subsection (a), so long as—

(A) the tenant—

(i) notifies the Housing Authority of New Orleans, not later than 75 days after the date of the enactment of this Act, of that tenant's intent to return; and

(ii) identifies a date that the tenant intends to occupy such a dwelling unit, which shall be not later than 120 days after the date of the enactment of this Act; and

(B) the tenant was rightfully occupying a public housing unit of the Housing Authority of New Orleans on August 28, 2005.

(2) PREFERENCES.—In making dwelling units available to households pursuant to paragraph (1), such Housing Authority shall provide to each returning tenant the choice to live in—

(A) a dwelling unit in the same public housing project occupied by the tenant as of August 28, 2005, or in the surrounding neighborhood in which such public housing project was located, if available; or

(B) in any other available dwelling unit in various other areas of the City of New Orleans, provided that the Housing Authority give each resident a choice of available units in various neighborhoods throughout the City of New Orleans.

(c) PROHIBITION OF EXCLUSION.—The Housing Authority of New Orleans shall not, including through the application of any waiting list or eligibility, screening, occupancy, or other policy or practice, prevent any household referred to in subsection (b)(1) from occupying a replacement dwelling unit provided pursuant to subsection (a), except that such Housing Authority or other manager shall prevent a household from occupying such a dwelling unit, and shall provide for occupancy in such dwelling units, as follows:

(1) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy to the extent that any other provision of Federal law prohibits occupancy or tenancy of such household, or any individual who is a member of such household, in the type of housing of the replacement dwelling unit provided for such household.

(2) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy if it includes any individual who has been convicted of a drug dealing offense, sex offense, or crime of domestic violence.

(d) REPLACEMENT DWELLING UNITS.—A dwelling unit described in this subsection is—

(1) a dwelling unit in public housing operated or administered by the Housing Authority of New Orleans; or

(2) a dwelling unit in other comparable housing located in the jurisdiction of the Housing Authority of New Orleans for which the sum of the amount required to be contributed by the tenant for rent and any separate utility costs for such unit borne by the tenant is comparable to the sum of the amount required to be contributed by the tenant for rental of a comparable public housing dwelling unit and any separate utility costs for such unit borne by the tenant.

(e) RELOCATION ASSISTANCE.—The Housing Authority of New Orleans shall provide, to each household provided occupancy in a dwelling unit pursuant to subsection (b), assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (42 U.S.C. 4601 et seq.) for relocation to such dwelling unit.

SEC. 203. REPLACEMENT OF PUBLIC HOUSING DWELLING UNITS.

(a) CONDITIONS ON DEMOLITION.—After the date of the enactment of this Act, the Housing Authority of New Orleans may only demolish or dispose of dwelling units of public housing operated or administered by such agency (including any uninhabitable unit) pursuant to a plan for replacement of such units, as approved by the Secretary of Housing and Urban Development pursuant to subsection (b).

(b) PLAN REQUIREMENTS.—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by such Housing Authority or the City of New Orleans, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals at each stage of redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such

public housing agency will provide additional affordable housing as set forth under subsection (c);

(4) such plan provides for the implementation of a right for households to occupancy housing in accordance with section 202;

(5) such plan provides priority in making units available under paragraph (3) to residents identified in section 201;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity;

(7) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968;

(8) such plan provides for comprehensive resident services; and

(9) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) Replacement Units.—

(1) Previously occupied units.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Authority of New Orleans and the Secretary of Housing and Urban Development shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units, including units in the neighborhood where the demolished or disposed of units were located.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units, including units in the neighborhood where the demolished or disposed of units were located.

(C) The development or contracting of project-based voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), for not less than 15 years.

(2) Nonoccupied units.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority of New Orleans shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), provided that the Housing Authority establishes, within 60 days after the date of enactment of this Act, a system to project base such vouchers, as permitted under section 8(o)(13) of such Act.

(d) Inapplicable Provisions.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers used to comply with the requirements of subsection (b)(3) of this section, except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(e) Monitoring.—The Secretary of Housing and Urban Development shall provide for the appropriate field offices of the Department to monitor and supervise enforcement of this section and plans approved under this section and to consult, regarding such monitoring and enforcement, with resident councils of, and residents of public housing operated or administered by, the Housing Authority of New Orleans and with the City of New Orleans.

SEC. 204. RESIDENT SUPPORT SERVICES.

(a) In General.—In any instance where the Housing Authority of New Orleans is providing housing vouchers or affordable housing that is not public housing, as described in section 203, the Housing Authority shall, directly or through the use of contractors—

(1) provide mobility counseling to residents of such housing;

(2) conduct outreach to landlords of such housing in all areas of the City of New Orleans and the region; and

(3) work with developers to project-base voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) in low-poverty neighborhoods, and neighborhoods undergoing revitalization.

(b) Reports.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Housing Authority of New Orleans shall submit a report to the Secretary and Congress on its activities under this section, including—

(1) the number and location of nonpublic housing units provided;

(2) the census tract in which those units are located;

(3) the poverty rate in those census tracts;

(4) the rent burdens of households assisted under this section;

(5) any demographic data, reported by census tract, on who is served in the program; and

(6) the efforts of the Authority to affirmatively further fair housing.

SEC. 205. PUBLIC HOUSING IN KATRINA AND RITA DISASTER AREAS.

(a) Conditions on Demolition.—For the 2-year period after the date of the enactment of this Act, a public housing agency may only dispose or demolish public housing dwelling units located in any area for which a major disaster or emergency was declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Katrina or Rita of 2005, other than those covered under section 203, pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to subsections (b) and (c).

(b) Plan Requirements.—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by the Housing Authority, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals for redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide additional affordable replacement housing as set forth under subsection (c);

(4) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968;

(5) such plan provides for comprehensive resident services;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity; and

(7) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) Replacement Units.—

(1) Previously occupied units.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Authority shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units.

(C) Project-based voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), for not less than 10 years.

(2) Nonoccupied units.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(d) Relocation Assistance.—A public housing agency shall provide, to each household relocated pursuant to a plan under this section for demolition or disposition, assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 for relocation to their new residence.

(e) Return of Public Housing Tenants.—A public housing agency administering or operating public housing dwelling units described in subsection (a) shall—

(1) use its best efforts to locate tenants displaced from such public housing as a result of Hurricane Katrina or Rita; and

(2) provide such residents occupancy in public housing dwelling units of such agency that become available for occupancy, or other comparable affordable units, and to ensure such residents a means to return to such housing if they so choose.

(f) Inapplicability of Certain Project-Based Voucher Limitations.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to any project-based vouchers used to comply with the requirements of a plan under subsection (c), except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(g) DISPLACEMENT FROM HABITABLE UNITS.—A public housing agency may not displace a tenant from any public housing dwelling unit described in this section that is administered or operated by such agency and is habitable (including during any period of rehabilitation), unless the agency provides a suitable and comparable replacement dwelling unit for such tenant.

SEC. 206. REPORTS ON PROPOSED CONVERSIONS OF PUBLIC HOUSING UNITS.

Not later than the expiration of the 15-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a detailed report identifying all public housing projects located in areas impacted by Hurricane Katrina or Rita of 2005, for which plans exist to transfer ownership to other entities or agencies. Such report shall include the following information for each such project:

(1) The name and location.

(2) The number of dwelling units.

(3) The proposed new owner.

(4) The existing income eligibility and rent provisions.

(5) Duration of existing affordability restrictions.

(6) The proposed date of transfer.

(7) An analysis of the impact on residents and low-income families on the waiting list of such transfer.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR REPAIR AND REHABILITATION FOR KATRINA AND RITA DISASTER AREAS.

There are authorized to be appropriated such sums as may be necessary to carry out activities eligible for funding under the Capital Fund under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) for the repair, rehabilitation, redevelopment, and replacement of public housing in a designated disaster area, and for relocation expenses and community and supportive services for the residents of public housing operated or administered by housing agencies in such designated disaster areas.

SEC. 208. EXISTING PUBLIC HOUSING REDEVELOPMENT.

Notwithstanding the provisions of any request for qualification or proposal issued before the date of the enactment of this Act with respect to any public housing operated or administered by a housing agency in a designated disaster area, the housing agency shall provide replacement housing as required under section 203 or 205, as applicable.

SEC. 209. REPORTS ON COMPLIANCE.

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act and not later than the expiration of each calendar quarter thereafter, the Secretary of Housing and Urban Development shall submit a detailed report regarding compliance with the requirements of this title, including the resident participation requirement under section 203(b)(1), to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the resident councils of, and residents of public housing operated or administered by, a housing agency in a disaster area, and the City of New Orleans.

SEC. 210. INDEPENDENT ADMINISTRATION OF HOUSING AUTHORITY OF NEW ORLEANS.

(a) RECEIVERSHIP.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall petition for judicial receivership of the Housing Authority of New Orleans pursuant to section 6(j)(3)(A)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)(A)(ii)).

(b) EFFECT OF RECEIVERSHIP.—Any judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall be required to comply with all the provisions of this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall consider new and innovative models for administration of the Housing Authority of New Orleans, including public-private partnerships.

SEC. 211. DEFINITION.

For purposes of this title, the term "designated disaster area" means any area that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina or Rita of 2005.

TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

SEC. 301. DISASTER VOUCHER PROGRAM.

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to provide assistance under the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109–148 (119 Stat. 2779) through June 30, 2008, and, to the extent that amounts for such purpose are made available, such program, and the authority of the Secretary of Housing and Urban Development to waive requirements under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in administering assistance under such program, shall be so extended.

(b) TRANSFER OF DISASTER VOUCHER PROGRAM TO TENANT-BASED ASSISTANCE.—

(1) TRANSFER TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for households transitioning from the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109–148 (119 Stat. 2779) for the period that such household is eligible for such voucher assistance, as of the termination date of the Disaster Voucher Program, for each household that—

(A) is assisted under such program;

(B) did not receive assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) at the time of Hurricane Katrina or Rita of 2005;

(C) is not eligible for tenant replacement voucher assistance under section 302 of this Act; or

(D) is eligible for tenant replacement voucher assistance under section 302, but has not received such assistance.

(2) ELIGIBILITY FOR ASSISTANCE.—Subject to the availability of appropriations, as of January 1, 2008, any household meeting the requirements in paragraph (1) shall receive tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(3) ADMINISTRATION OF ASSISTANCE.—Voucher assistance provided under this subsection shall be administered by the public housing agency having jurisdiction of the area in which such assisted family resides as of such termination date.

(4) TEMPORARY VOUCHERS.—If at any time a household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining future allocation of amounts for tenant-based rental assistance for any public housing agency.

(c) FORMER VOUCHER PROGRAM PARTICIPANTS.—Households who were receiving assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) as of August 28, 2005, shall continue to be assisted under such section (8)(o), subject to all the requirements under that section.

(d) IDENTIFICATION AND NOTIFICATION OF DVP-ELIGIBLE HOUSEHOLDS NOT ASSISTED.—Prior to October 31, 2007, the Secretary of Housing and Urban Development shall work with the Federal Emergency Management Agency and State and local housing agencies to identify households who, as of the date of the enactment of this Act, are eligible for assistance under this section but are not receiving assistance under this section. Upon identification of each such household, the Secretary shall—

(1) notify such household of the housing options available under this Act; and

(2) to the extent that the family is eligible for such options at such time of identification, offer the household assistance under this section.

SEC. 302. TENANT REPLACEMENT VOUCHERS FOR ALL LOST UNITS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to provide tenant replacement vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for the number of households that are equal to—

(1) the number of assisted dwelling units (whether occupied or unoccupied) located in covered assisted multifamily housing projects (as such term is defined in section 308(e) of this Act) that are not approved for reuse or resiting by the Secretary of Housing and Urban Development; plus

(2) the number of public housing dwelling units that, as of August 28, 2005, were located in areas affected by Hurricane Katrina and were considered for purposes of allocating operating and capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; plus

(3) the number of public housing dwelling units that, as of September 24, 2005, were located in areas affected by Hurricane Rita and were considered for purposes of allocating operating or capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; minus

(4) the number of previously awarded enhanced vouchers for assisted dwelling units and tenant protection vouchers for public housing units covered under this section.

(b) ALLOCATION.—Any amounts made available pursuant to this section shall, upon the request of a public housing agency for such voucher assistance, be allocated to the public housing agency based on the number of dwelling units described in paragraph (1) or (2) of subsection (a) that are located in the jurisdiction of the public housing agency.

(c) ISSUANCE.—The Secretary of Housing and Urban Development shall issue replacement vouchers for all units approved for reuse, resiting, or replacement that are not available for occupancy on January 1, 2010.

SEC. 303. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA ASSISTANCE.

(a) FEMA TRANSFER OF ASSISTANCE.—As of December 21, 2007, the Federal Emergency Management Agency shall transfer to the Secretary of Housing and Urban Development all of its authority and power relating to the administration of rental assistance, and funding for such rental assistance, under the Disaster Relief Fund established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) HUD ADMINISTRATION OF RENTAL ASSISTANCE.—

(1) IN GENERAL.—Beginning on January 1, 2008, the Secretary of Housing and Urban Development shall provide temporary housing assistance to households who received assistance under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as follows:

(A) REQUIRED TENANT ASSISTANCE.—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) MINIMUM RENTAL AMOUNT.—The Secretary of Housing and Urban Development may implement a minimum rent of up to $100 per month, only if the Secretary provides for hardship exemptions for households including seniors and people with disabilities.

(C) LIMITATION ON EXCESSIVE RENTS.—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(2) DEFINITION OF FAIR MARKET RENT.—In this subsection, the term "fair market rent" means the rent (including utilities, except telephone service), as determined by the Department of Housing and Urban Development, for units of varying sizes (by number of bedrooms), that must be paid in the market area to rent privately-owned, existing, decent, safe, and sanitary rental housing of modest (nonluxury) nature with suitable amenities.

(c) RENTAL ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.—

(1) PROVISION OF ASSISTANCE.—There are authorized to be appropriated, for rental assistance, such sums as may be necessary to provide such assistance for each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) OFFER.—Subject to the availability of appropriations, the Secretary of Housing and Urban Development shall offer tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) to each individual or household who, as of the date of enactment of this Act, is residing in a trailer provided by the Federal Emergency Management Agency as part of the direct assistance that individual or household received under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma.

(3) CONDITIONS ON ASSISTANCE.—The provision of temporary housing assistance under this subsection shall be subject to the following requirements:

(A) REQUIRED TENANT ASSISTANCE.—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) MINIMUM RENTAL AMOUNT.—The Secretary of Housing and Urban Development may implement a minimum rent of up to $100 per month, only if the Secretary provides for hardship exemptions for household including seniors and people with disabilities.

(C) LIMITATION ON EXCESSIVE RENTS.—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(d) TEMPORARY ASSISTANCE.—

(1) ELIGIBILITY.—Individuals or households receiving rental assistance under this section shall be eligible for such assistance only if they are eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o).

(2) EFFECT OF BECOMING INELIGIBLE.—If at any time an individual or household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

SEC. 304. VOUCHER ASSISTANCE FOR SUPPORTIVE HOUSING.

There are authorized to be appropriated such sums as may be necessary to provide 4,500 vouchers for project-based rental assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and 1,000 units under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.) for use in areas impacted by Hurricanes Katrina and Rita for supportive housing dwelling units for elderly families, persons with disabilities, or homeless persons. The Secretary of Housing and Urban Development shall make available to the State of Louisiana or its designee or designees, upon request, 3,000 of such vouchers. Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this section.

SEC. 305. PROJECT-BASING OF VOUCHERS.

The Secretary of Housing and Urban Development may waive the limitations on project-basing under section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) for public housing agencies located in any area in which the President declared a major disaster as a result of Hurricane Katrina, Rita, or Wilma, if—

(1) the public housing agency is working to project-base vouchers in—

(A) a mixed-income community; or

(B) a low-poverty neighborhood, or a neighborhood undergoing revitalization; or

(2) not more that 50 percent of any project is assisted under such 8(o)(13)(B), unless all units in such project are specifically designated for seniors or the disabled.

SEC. 306. PRESERVATION OF PROJECT-BASED HOUSING ASSISTANCE PAYMENTS CONTRACTS FOR DWELLING UNITS DAMAGED OR DESTROYED.

(a) TOLLING OF CONTRACT TERM.—Notwithstanding any other provision of law, a project-based housing assistance payments contract for a covered assisted multifamily housing project shall not expire or be terminated because of the damage or destruction of dwelling units in the project by Hurricane Katrina or Rita. The expiration date of the contract shall be deemed to be the later of the date specified in the contract or a date that is not less than 3 months after the dwelling units in the project or in a replacement project are first made habitable.

(b) OWNER PROPOSALS FOR REUSE OR RESITING.—The Secretary of Housing and Urban Development shall promptly review and shall approve all feasible proposals made by owners of covered assisted multifamily housing projects submitted to the Secretary, not later than October 1, 2008, that provide for the rehabilitation of the project and the resumption of use of the assistance under the contract for the project, or, alternatively, for the transfer, pursuant to subsection (c), of the contract or, in the case of a project with an interest reduction payments contract, of the remaining budget authority under the contact, to another multifamily housing project.

(c) TRANSFER OF CONTRACT.—In the case of any covered assisted multifamily housing project, the Secretary of Housing and Urban Development shall—

(1) in the case of a project with a project-based rental assistance payments contract described in subparagraph (A), (B), or (C) of subsection (e)(2), transfer the contract to another appropriate and habitable existing project or a project to be constructed (having the same or a different owner); and

(2) in the case of a project with an interest reduction payments contract pursuant to section 236 of the National Housing Act, use the remaining budget authority under the contract for interest reduction payments to reduce financing costs with respect to dwelling units in other habitable projects not currently so assisted, and such dwelling units shall be subject to the low-income affordability restrictions applicable to projects for which such payments are made under section 236 of the National Housing Act.

(d) ALLOWABLE TRANSFERS.—A project-based rental assistance payments contract may be transferred, in whole or in part, under subsection (c) to—

(1) a project with the same or different number of units or bedroom configuration than the damaged or destroyed project if approximately the same number of individuals are expected to occupy the subsidized units in the replacement project as occupied the damaged or destroyed project; or

(2) multiple projects, including some on the same site, if approximately the same

number of individuals are expected to occupy the subsidized units in the replacement projects as occupied the damaged or destroyed project.

(e) DEFINITIONS.—For purposes of this section:

(1) COVERED ASSISTED MULTIFAMILY HOUSING PROJECT.—The term "assisted multifamily housing project" means a multifamily housing project that—

(A) as of the date of the enactment of this Act, is subject to a project-based rental assistance payments contract (including pursuant to subsection (a) of this section); and

(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005.

(2) PROJECT-BASED RENTAL ASSISTANCE PAYMENTS CONTRACT.—The term "project-based rental assistance payments contract" includes—

(A) a contract entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) a contract for project rental assistance pursuant to section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2));

(C) a contract for project rental assistance pursuant to section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); and

(D) an interest reduction payments contract pursuant to section 236 of the National Housing Act (12 U.S.C. 1715z-1).

SEC. 307. GAO STUDY OF WRONGFUL OR ERRONEOUS TERMINATION OF FEDERAL RENTAL HOUSING ASSISTANCE.

The Comptroller General of the United States shall conduct a study of households that received Federal assistance for rental housing in connection with Hurricanes Katrina and Rita to determine if the assistance for any such households was wrongfully or erroneously terminated. The Comptroller General shall submit a report to the Congress not later than January 1, 2008, on the results of the study, which shall include an estimate of how many households were subject to such wrongful or erroneous termination and how many of those households have incomes eligible for the household to receive tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

SEC. 401. REIMBURSEMENT OF LANDLORDS.

There are authorized to be appropriated, from amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief Emergency Assistance Act, such sums as may be necessary for the Administrator of the Federal Emergency Management Agency to provide reimbursement to each landlord who entered into leases to provide emergency sheltering in response to Hurricane Katrina, Rita, or Wilma of 2005, pursuant to the program of the Federal Emergency Management Agency pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) in the amount of actual, documented damages incurred by such landlord as a result of abrogation by such Agency of commitments entered into under such program, but not including reimbursement for any such landlord to the extent that such landlord has previously received reimbursement for such damages under any other Federal or non-Federal program.

TITLE V—FHA HOUSING

SEC. 501. TREATMENT OF NONCONVEYABLE PROPERTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of any property consisting of a 1- to 4-family residence that is subject to a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) and was damaged or destroyed as a result of Hurricane Katrina or Rita of 2005, if there was no failure on the part of the mortgagee or servicer to provide hazard insurance for the property or to provide flood insurance coverage for the property to the extent such coverage is required under Federal law, the Secretary of Housing and Urban Development—

(1) may not deny conveyance of title to the property to the Secretary and payment of the benefits of such insurance on the basis of the condition of the property or any failure to repair the property;

(2) may not reduce the amount of such insurance benefits to take into consideration any costs of repairing the property; and

(3) with respect to a property that is destroyed, condemned, demolished, or otherwise not available for conveyance of title, may pay the full benefits of such insurance to the mortgagee notwithstanding that such title is not conveyed.

(b) BUDGET ACT COMPLIANCE.—Insurance claims may be paid in accordance with subsection (a) only to the extent or in such amounts as are or have been provided in advance in appropriations Acts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661(a)) of such claims.

SEC. 502. FHA SINGLE-FAMILY INSURANCE.

In determining the eligibility of any individual whose residence was damaged or destroyed as a result of Hurricane Katrina and who was current on their mortgage prior to August 28, 2005, for mortgage insurance under section 203 of the National Housing Act (12 U.S.C. 1709), the Secretary of Housing and Urban Development shall look at the creditworthiness of such individual, as such creditworthiness was established prior to August 28, 2005.

SEC. 503. FHA-NEW ORLEANS HOMEOWNERSHIP OPPORTUNITIES INITIATIVE.

(a) ESTABLISHMENT.—There is established within the Department of Housing and Urban Development an FHA-New Orleans Homeownership Opportunities Initiative (in this section referred to as the "Initiative"), which shall provide for the conveyance or transfer of eligible homes to the New Orleans Redevelopment Authority for use in the pilot program established in section 103 of this Act.

(b) ELIGIBLE HOMES.—For purposes of this section, an eligible home is a 1, 2, 3, or 4-family residence or multi-family project—

(1) that is either vacant, abandoned, or has been foreclosed upon, subject to subsection (e)(2)(B), by the Secretary of Housing and Urban Development;

(2) to which the Secretary holds title; and

(3) which is not occupied by a person legally entitled to reside in such residence or project.

(c) REPORTS.—

(1) INITIAL LIST OF PROPERTIES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the New Orleans Redevelopment Authority listing all eligible homes in the New Orleans area, including a list of homes in default where foreclosure by the Secretary is imminent.

(2) UPDATED LISTS.—Not later than 90 days after the initial report is submitted under paragraph (1), and every 90 days thereafter, the Secretary of Housing and Urban Development shall submit a follow-up report to the Committees and entities described in paragraph (1) listing all—

(A) new eligible homes; and

(B) 1, 2, 3, or 4-family residences or multifamily projects in the New Orleans area—

(i) that have been foreclosed upon by the Secretary, or are in default and where foreclosure is imminent; and

(ii) where the Secretary has taken all necessary actions to avoid such foreclosure.

(d) DONATED PROPERTY.—The Secretary of Housing and Urban Development, at any time, may accept, manage, and convey to the New Orleans Redevelopment Authority and residential property donated to the Secretary by a nongovernmental entity for purposes of this section.

(e) CONVEYANCE OF PROPERTIES.—

(1) REQUEST BY NORA.—Not later than 30 days after any report is submitted under subsection (c), the New Orleans Redevelopment Authority shall, in writing, request that the Secretary of Housing and Urban Development convey any and all eligible homes listed in such report.

(2) HUD ACTION.—

(A) IN GENERAL.—Not later than 30 days after the receipt of any request under paragraph (1), the Secretary of Housing and Urban Development shall convey to the New Orleans Redevelopment Authority, at no cost, title to any eligible home requested by the Authority.

(B) LIMITATION.—The Secretary of Housing and Urban Development may only convey title to an eligible home that is eligible solely because the Secretary foreclosed upon such home, if the Secretary had taken all necessary actions to avoid such foreclosure.

(f) USE OF ELIGIBLE PROPERTIES.—Any eligible home conveyed or transferred to the New Orleans Redevelopment Authority under this section shall be used in the following manner:

(1) MINIMUM USE REQUIREMENT.—Such home shall be sold, conveyed, or included in redevelopment within 18 months of such conveyance or transfer, and shall be redeveloped to meet applicable local building codes so as to ensure that such home—

(A) will be adequately rehabilitated to support sustainable homeownership; and

(B) may be in such physical condition that it can be offered for sale for habitation or occupancy within 36 months of such conveyance or transfer.

(2) LOW-INCOME OCCUPANCY REQUIREMENT.—Notwithstanding any other redevelopment plans, the New Orleans Redevelopment Authority shall ensure that a number of homes equal to the number of homes transferred or conveyed by the Secretary under this section are redeveloped and sold by the Authority to low-income households, at a price that is affordable to such households, subject to the following requirements:

(A) Redevelopment of such eligible homes will be done in concert with other redevelopment activities, as described in section 103.

(B) Preference for purchase of such eligible homes will be given to households—

(i) who have received pre-purchase homeownership counseling; and

(ii) which are comprised of individuals who on August 28, 2005, were residents of the City of New Orleans and—

(I) had, with respect to any dwelling in the City of New Orleans, a valid and nonexpired lease for such dwelling;

(II) owned a home in the City of New Orleans, but who did not receive funds under the Road Home program; or

(III) received housing vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or lived in public housing.

(3) PRIMARY RESIDENCE REQUIREMENT.—

(A) IN GENERAL.—The individual or household buying such eligible home shall agree to use the home as their primary residence for 5 years.

(B) LIMITATION ON FLIPPING.—The New Orleans Redevelopment Authority shall ensure, by any means, including by the use of restrictive covenants, that if the individual or household who purchased the home from the Authority sells the home within 5 years of such purchase, that such sale shall only be valid if the subsequent buyer is a low-income individual or household.

(4) SALE PRICE REQUIREMENT.—The New Orleans Redevelopment Authority or its redevelopment partners shall sell eligible homes at a discounted price that is affordable to families at or below 80 percent of area median income.

(5) EXCESS PROFIT TO BE RETURNED TO HUD.—Any profit on the sale of home received by the New Orleans Redevelopment Authority or a developer for the sale of an eligible home above the redevelopment costs of such home shall be paid to the Secretary of Housing and Urban Development.

(g) COUNSELING.—The New Orleans Redevelopment Authority shall work with local nonprofit housing counseling agencies to provide pre-purchase counseling to any interested individuals or households who seek to purchase an eligible home from the Authority under this section, as required to receive preference under subsection (f)(2)(B).

(h) INSPECTION PROCESS.—The New Orleans Redevelopment Authority shall establish a process to inspect all eligible homes prior to sale under this section to ensure that such homes—

(1) meet local building codes;

(2) need no further rehabilitation; and

(3) are safe for habitation and occupation.

(i) RECAPTURE PROCEDURES.—The Secretary of Housing and Urban Development, in consultation with the New Orleans Redevelopment Authority, shall establish procedures to recapture amounts in instances where—

(1) eligible homes are not sold to low-income families;

(2) eligible home prices exceed redevelopment costs; and

(3) eligible homes sold are not used as the purchaser's primary residences for 5 years.

(j) COMPLIANCE REPORTS.—

(1) IN GENERAL.—The New Orleans Redevelopment Authority shall submit such information as the Secretary of Housing and Urban Development requires to ensure that eligible homes are being used as required under subsection (f). If at any time, the Secretary determines the Authority is in noncompliance with the requirements under subsection (f), the Secretary shall, not later than 15 days after making such determination, notify, in writing, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

(2) STATUS REPORT.—Not later than 3 years after the date of enactment of this Act, and again not later than 5 years after the date of enactment of this Act, the New Orleans Redevelopment Authority shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representative on the implementation, status, and execution of the Initiative established under this section.

(k) TERMINATION.—The Secretary of Housing and Urban Development shall not convey or transfer, and the New Orleans Redevelopment Authority shall not accept, any property under this section after 5 years from the date of enactment of this Act.

TITLE VI—FAIR HOUSING ENFORCEMENT

SEC. 601. FAIR HOUSING INITIATIVES PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), in each of fiscal years 2008 and 2009, such sums as may be necessary, but not less than $5,000,000, for areas affected by Hurricanes Katrina and Rita, of which, in each such fiscal year—

(1) 60 percent shall be available only for private enforcement initiatives for qualified private enforcement fair housing organizations authorized under subsection (b) of such section, and, of the amount made available in accordance with this paragraph, the Secretary shall set aside an amount for multiyear grants to qualified fair housing enforcement organizations;

(2) 20 percent shall be available only for activities authorized under paragraphs (1) and (2) of subsection (c) of such section; and

(3) 20 percent shall be available only for education and outreach programs authorized under subsection (d) of such section.

(b) LOW FUNDING.—If the total amount appropriated to carry out the Fair Housing Initiatives Program for either fiscal year 2008 or 2009 is less than $50,000,000, not less than 5 percent of such total amount appropriated for such fiscal year shall be available for the areas described in subsection (a) for the activities described in paragraphs (1), (2), and (3) of such subsection.

(c) AVAILABILITY.—Any amounts appropriated under this section shall remain available until expended.

TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

SEC. 701. GAO STUDY OF IMPROVED DISTRIBUTION OF FEDERAL HOUSING FUNDS FOR HURRICANE RELIEF.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine methods of improving the distribution of Federal housing funds to assist States covered by this Act with recovery from hurricanes, which shall include identifying and analyzing—

(1) the Federal and State agencies used in the past to disburse such funds and the strengths and weakness of existing programs;

(2) the means by and extent to which critical information relating to hurricane recovery, such as property valuations, is shared among various State and Federal agencies;

(3) program requirements that create impediments to the distribution of such funds that can be eliminated or streamlined;

(4) housing laws and regulations that have caused programs to be developed in a manner that complies with statutory requirements but fails to meet the housing objectives or needs of the States or the Federal Government;

(5) laws relating to privacy and impediments raised by housing laws to the sharing, between the Federal Government and State governments, and private industry, of critical information relating to hurricane recovery;

(6) methods of streamlining applications for and underwriting of Federal housing grant or loan programs; and

(7) how to establish more equitable Federal housing laws regarding duplication of benefits.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the results of the study and any recommendations regarding the issues analyzed under the study.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS

SEC. 801. COMMENDING AMERICANS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) over 500,000 individuals in the United States have volunteered their time in helping rebuild the Gulf Coast region in the aftermath of Hurricane's Katrina and Rita;

(2) over $3,500,000,000 in cash and in-kind donations have been made for hurricane victims;

(3) 110,000,000 pounds of food have been distributed by Catholic Charities' Food Bank through hurricane relief efforts;

(4) almost 7,000,000 hot meals have been served by Salvation Army volunteers in hurricane relief efforts;

(5) over 10,000,000 college students have devoted their spring and fall breaks to hurricane relief efforts;

(6) almost 20,000 families displaced as a result of the hurricanes have been supported by Traveler's Aid volunteers;

(7) faith based and community organizations donated thousands of man-hours, as well as assistance, to evacuees and assistance in clean-up and recovery in the Gulf States.

(b) COMMENDATION.—The Congress hereby commends the actions and efforts by the remarkable individuals and organizations who contributed to the hurricane relief effort and recognizes that the rebuilding of the Gulf Coast region rests on the selfless dedication of private individuals and community spirit.

THE GULF COAST HOUSING RECOVERY ACT OF 2007—JUNE 20, 2007

The following organizations have endorsed the Gulf Coast Housing Recovery Act:

NATIONAL ORGANIZATIONS

AARP, ACORN, Addicts Rehabilitation Center Foundation, Inc., American Association of Homes and Services for the Aging, Asian American Justice Center, Center for Responsible Lending, Center on Budget and Policy Priorities, Consortium for Citizens with Disabilities Housing Task Force, Consumer Mortgage Coalition, Enterprise Community Partners, Institute of Real Estate Management, Jonathan Rose Companies, Lawyers Committee for Civil Rights Under Law, Local Initiatives Support Corporation, McCormack Baron Salazar, Inc., Mortgage Bankers Association, National Affordable Housing Management Association, National Alliance of Vietnamese American Service Agencies (NAVASA), National Alliance to End Homelessness, National AIDS Housing Coalition, National Apartment Association.

National Association for the Advancement of Colored People (NAACP), National Association of Affordable Housing Lenders, National Association of Home Builders, National Association of Realtors, National Baptist Convention, USA, Inc., National Coalition for Asian Pacific American Community

Development (National CAPACD), National Coalition for the Homeless, National Fair Housing Alliance, NCBA Housing Management Corporation, National Housing Conference, National Housing Law Project, National Housing Trust, National Law Center on Homelessness and Poverty, National Leased Housing Association, National Low Income Housing Coalition, National Multi Housing Council, National Policy and Advocacy Council on Homelessness, NETWORK: A National Catholic Social Justice Lobby.

Oxfam America, PolicyLink, Poverty & Race Research Action Council, Religious Action Center for Reform Judaism, Technical Assistance Collaborative, Tramell Crow Company, Unitarian Universalist Association of Congregations, US Jesuit Conference, Volunteers of America.

GULF COAST AND REGIONAL ORGANIZATIONS

Acadiana Regional Coalition on Housing & Homelessness (ARCH), Alabama Appleseed Center for Law & Justice, Alabama Arise, Armstrong Family Services, Catholic Charities, New Orleans, Coalition for Citizens with Disabilities of Mississippi, Florida Legal Services, Inc., Fresh Start of Baton Rouge, Georgia Appleseed Center for Law & Justice, Inc., Greater Houston Fair Housing Center, Greater New Orleans Fair Housing Action Center, Gulf Coast Fair Housing Center (Biloxi, MS), Hope for the Homeless, Inc., Hope House, Lake to the River: The New Orleans Coalition for Legal Aid and Disaster Assistance, Last Hope, Inc., Louisiana Advocacy Coalition for the Homeless, Louisiana Appleseed Center for Law & Justice, Inc., Louisiana Association of Nonprofit Organizations, Louisiana Developmental Disabilities Council, Louisiana Housing Alliance, LA Supportive Housing Coalition.

Mental Health America of Louisiana, Mobile Fair Housing Center, NAMI Louisiana, New Orleans Neighborhood Development Collaborative, New Orleans Neighborhood Development Foundation, Northeast Louisiana Delta CDC, People Improving Communities Through Organizing—Louisiana Interfaith Together (PICO-LIFT), Project Lazarus, Providence Community Housing, Shelter Resources, Inc., Texas Appleseed, The Advocacy Center, UNITY of Greater New Orleans.

JUNE 15, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: Enterprise Community Partners strongly supports your bill, the Gulf Coast Hurricane Housing Recovery Act of 2007. We appreciate that this legislation takes a holistic approach to redeveloping affordable housing in the impacted Gulf Coast region.

Enterprise is one of the nation's leading providers of development capital and expertise for decent, affordable homes in thriving communities. For more than two decades, Enterprise has pioneered neighborhood solutions through private-public partnerships with financial institutions, governments, community organizations and other stakeholders.

We are bringing our resources to bear across the Gulf Coast, helping nonprofit and faith-based organizations serving low-income people and seniors; ensuring sustainable development that saves energy and natural resources; and advising state and local government on policies and programs to create communities of choice. Through partnerships with local and national partners, we have committed to invest $200 million in grants, loans and equity investment toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. Enterprise has designed, implemented, and is currently managing the $47 million Louisiana Loan Fund with other partners to provide local developers access to low-cost predevelopment and acquisition capital.

This legislation provides much-needed flexibility while insisting upon the essential principles necessary to comprehensively and equitably redevelop the Gulf Coast. Enterprise commends you for providing displaced families with a range of options, including providing additional vouchers and extending temporary housing assistance.

Enterprise and our local partner, Providence Community Housing, are working with former residents and the local, state and federal governments to redevelop the Lafitte public housing site as part of a broader strategy to revitalize the neighborhood of Treme in New Orleans. This bill creates the policy framework for rebuilding a vibrant, sustainable community of choice for families of all incomes.

The bill's provision for the New Orleans Redevelopment Authority's disposition pilot will help developers acquire off-site properties as replacement homes to reduce density in public housing. This innovative approach will help to ensure that rebuilding public housing in the Gulf Coast does not result in concentrating poverty in isolation from jobs, transportation and services.

Enterprise commends you and the members of the Senate Banking Committee for your leadership on this and other housing issues and urges Congress to expedite the passage of this critical legislation. Please call upon us if we can provide additional information or assistance.

Sincerely,

DORIS W. KOO,
President and Chief Executive Officer, Enterprise Community Partners, Inc.
BART HARVEY,
Chairman of the Board, Enterprise Community Partners, Inc.

JUNE 15, 2007.

Hon. CHRISTOPHER J. DODD,
Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU, We write in support of the bill you will introduce shortly to address the housing needs of low income people affected by Hurricanes Katrina and Rita that remain largely unmet these 21 months after the disaster. While everyone has suffered with the slow pace of recovery, it is the people who had the fewest resources before the storms for whom rebuilding their lives and reestablishing permanent homes has been the most difficult. In particular, repair and replacement of rental housing affordable to low income people has received insufficient attention in the rebuilding plans to date.

Your bill will go a long way towards addressing these concerns. Among its many important provisions is a plan for the repair and redevelopment of public and assisted housing. This provision will ensure that communities will not lose desperately needed federally assisted housing units and that all residents in good standing prior to the storms will have the right to return, while also providing residents with a broader range of housing choices than previously available. Displaced public and assisted housing residents who are trying to rebuild their lives in new communities will also be able to do so without threat of losing housing assistance that makes their new homes affordable. The mobility section is a welcome addition to the House bill.

The tens of thousands more displaced low income people who were living in private housing before the storms, whose homes are gone, and whose temporary housing has been sustained via the chaotic FEMA rent assistance program will finally be able to rely on Section 8 housing vouchers, with its established rules and local administration. We are also in favor of the requirement in the bill for a GAO study to determine how the number of households whose assistance was wrongfully terminated by FEMA.

The pilot program of the New Orleans Redevelopment Authority, coupled with the FHA-New Orleans Disaster Housing Initiative, offer an innovative approach to focus resources for low income housing development in New Orleans, which sustained the greatest loss of affordable rental housing in the affected areas.

We offer the following suggestions for consideration before the bill is introduced or at mark-up. We recommend that the ongoing and desperate housing needs of low income people in Alabama and Texas be addressed in this bill. While the scale of destruction was less in these states, the distribution of resources by HUD shortchanged both states. We urge additional appropriations for Alabama and Texas, allocated through the HOME program.

Second, we ask that you consider expanding the number of new project-based vouchers from 4,500 as is in the draft bill to 25,000.

Attached is a list of organizations that are members of the Katrina Housing Group whose representatives thank you for your work on behalf of low income people displaced by the 2005 Gulf Coast Hurricanes and pledge to work with you to move your important legislation forward.

Sincerely,

THE KATRINA HOUSING GROUP,
c/o National Low Income Housing Coalition.

JUNE 14, 2007.

Hon. CHRISTOPHER DODD,
Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU: The undersigned civil rights organizations are writing to express our support for the Senate version of the Gulf Coast Housing Recovery Act of 2007, soon to be introduced. This bill will address many of the pressing housing issues on the Coast and will assist with civil rights and fair housing enforcement. Because the situation on the Coast continues to be so precarious, we believe this legislation needs to move forward quickly.

In particular, we appreciate the fair housing enforcement and the fair housing reporting mechanisms in the bill. Title VI authorizes funds for vital civil rights enforcement by fair housing centers on the Coast. Title I specifically mentions that every state has to report quarterly on its programs, including how the programs are affirmatively furthering fair housing. In addition, the states must report whom they are serving by race, ethnicity, income, disability, family size, and family status.

In addition, the provisions for housing mobility, public housing replacement, and a new FHA multifamily loan program will provide much needed housing as well as the opportunity for racial and socioeconomic integration.

Thank you again for your efforts to support civil rights and fair housing.

Sincerely,

Center for Responsible Lending.

Greater Houston Fair Housing Center.

Greater New Orleans Fair Housing Action Center.

Gulf Coast Fair Housing Center (Biloxi, MS).

Lawyers Committee for Civil Rights Under Law.

Mobile Fair Housing Center.

National Association for the Advancement of Colored People (NAACP).

National Coalition for Asian Pacific American Community Development (National CAPACD).

National Fair Housing Alliance.

VOLUNTEERS OF AMERICA,
Alexandria, VA, June 13, 2007.

Hon. CHRISTOPHER DODD,
U.S. Senate, Russell Building,
Washington DC.

DEAR SENATOR DODD: On behalf of Volunteers of America, a national, nonprofit, faith-based organization dedicated to helping those in need rebuild their lives and reach their full potential, I am writing to express our strong support for the Dodd/Landrieu Gulf Coast Hurricane Housing Recovery Act of 2007. This measure will assist in the rebuilding process in the region and provide the requisite long term housing relief for many poor and low income individuals.

Volunteers of America helps more than 2 million people in over 400 communities. Since 1896, our ministry of service has supported and empowered America's most vulnerable groups, including at-risk youth, the frail elderly, men and women returning from prison, homeless individuals and families, people with disabilities, and those recovering from addictions. Our work touches the mind, body, heart—and ultimately the spirit—of those we serve, integrating our deep compassion with highly effective programs and services.

Volunteers of America has served New Orleans and the Gulf Region for over a century. Prior to Hurricane Katrina we had a diverse portfolio of over 1,000 housing units in and around New Orleans. Included in this total was senior housing, family housing, housing for persons with disabilities, and housing for people leaving homelessness. All of these properties were rendered uninhabitable by the storm, as were our offices and many of our other program sites. We continue to work in partnership with state and local governments, other non-profit agencies and with businesses, to rebuild communities along the Gulf Coast. Under our "Coming Back Home" Initiative, we have pledged to restore the 1,000 affordable housing units we provided in New Orleans prior to Katrina, and to seek every opportunity to build additional units. Our goal is to continue providing housing and supportive services to vulnerable populations, and offer workforce housing to people who need an affordable place to live as they strive to rebuild New Orleans. We are also providing home ownership opportunities for low income families in Louisiana, Mississippi, and Alabama.

To this end, the Gulf Coast Hurricane Housing Recovery Act of 2007, represents an excellent opportunity for the Senate to address the on going housing and rebuilding needs of this region. Thank you for your leadership in introducing this important measure and we look forward to working with you and all the members in the Senate to ensure final passage of this landmark legislation.

Sincerely,

CHARLES W. GOULD,
President.

CITY VIEW,
San Antonio, TX, June 18, 2007.

Hon. MARY LANDRIEU,
Senate Hart Office Building,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER DODD,
Senate Rayburn Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Sincerely,

Member, Real Estate Leadership Council, Enterprise Community Partners, Inc.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about an important issue that will determine the success of long-term recovery efforts in the gulf coast. As you know, the gulf coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita. We also experienced the unprecedented disaster of having a major metropolitan city—the city of New Orleans—under up to 20 feet of water for 2 weeks when there were 28 separate levee failures which flooded 12,000 acres, or 80 percent of New Orleans, following Katrina.

I strongly believe that the Congress can provide vast amounts of tax credits, grants, loans, and waivers, but all these benefits will not spur recovery if we cannot get people back into their homes. That is where recovery must start and end. In Louisiana alone, for example, we had over 20,000 businesses destroyed. However, businesses cannot open their doors if their workers have nowhere to live. Louisiana also had 875 schools destroyed. Again, teachers cannot come back to school and teach our children if they do not have a roof over their heads. So a fundamental piece of recovery in the gulf coast is to allow disaster victims to return home and rebuild.

Given the ongoing needs in the southern part of my State in regard to damaged housing, as well as all across the gulf coast, I was pleased that H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, passed the House of Representatives on March 21, 2007. This legislation, introduced by Representative MAXINE WATERS and Representative BARNEY FRANK, addresses many of the major housing-related problems in my State, in particular issues with the Louisiana Road Home Program and public housing. Since this legislation was received in the Senate, I have been working closely with Senator CHRIS DODD, chairman of the Senate Banking Committee, to review H.R. 1227 for ways to strengthen this important legislation. To further this goal, we have consulted residents, community leaders, nonprofits, State/local officials, and other relevant stakeholders on areas where H.R. 1227 might require improvements.

Today, along with Chairman DODD, I am proud to introduce legislation which is the product of these months of intensive consultations. This legislation, a Senate companion bill to H.R. 1227, is identical to the House bill in many places, and in others it really improves upon what was included in the House bill. For example, H.R. 1227 included $15 million for the New Orleans Redevelopment Authority, NORA, to carry out a pilot program to purchase and bundle properties, then sell for redevelopment. These funds would allow NORA to initially acquire and redevelop properties in the New Orleans area. While I support this pilot program, which was included by my colleague from Louisiana, Representative RICHARD BAKER, I believe that some additional funds were necessary to truly allow NORA to "hit the ground running" with this program. That is why our bill includes $25 million for NORA. Furthermore, before Hurricane Katrina, at approximately 40 percent, New Orleans had one of the lowest home ownership levels of any metropolitan area in the country. As we rebuild this vibrant city, increasing home ownership should be one of the tenets of the redevelopment process. With this in mind, our bill does its part to increase home ownership opportunities for low-income renters and public housing residents by including an additional $5 million for NORA to provide soft second mortgages. The bill also directs the Federal Housing Administration to convey properties to NORA for affordable resale to these residents.

In regard to the Louisiana Road Home Program, following passage of the House bill, we learned that the Road Home is facing a shortfall of billions of dollars due to various reasons. There is certainly more than enough blame to go around for the mistakes in the creation and management of the Road Home Program, and fixing them will be a shared responsibility. But a significant initial flaw can be found in the inadequate and unfairly distributed funding which represented all the administration was willing to commit toward Louisiana recovery. At this stage, the funding shortfall threatens to stall recovery in Louisiana and leave homeowners without the vital funds they need to rebuild their homes. To address this important issue, our bill includes an authorization of funds so that if the State of Louisiana puts up $1 billion toward the Road Home shortfall, additional funds necessary to shore up the program would be available.

The Louisiana Recovery Authority, LRA, and the State legislature approved a plan that allocates $1.175 billion dollars to be included in the Road Home Program and $217 million for traditional Hazard Mitigation Projects for use by local parishes and municipalities. In particular, the money allocated for use by local parishes and municipalities can be used for retrofitting structures, such as flood-proofing and elevating homes, acquisition and relocation of residential homes from disaster-prone areas. For the $1.175 billion, the State is seeking to use these funds for the Road Home Program, and HUD has approved it for these uses, but FEMA has so far refused to allow this change. For more than a year, the State of Louisiana and FEMA have met and attempted to work out the issues for applying the funds for the Road Home with no significant progress.

To address this issue, the House bill requires FEMA to accept the State's program structure for the Road Home, which provides incentives to people who choose to remain in the State. These provisions are helpful, but maximum flexibility for using HMGP funds must be provided, so that is why our Senate companion would allow Louisiana to use this more than $1 billion for mitigation activities in the Road Home Program according to more flexible HUD Community Development Block Grant Program rules. The bill also requires FEMA to send these funds to the State within 90 days so that they can quickly be utilized for the Road Home. Lastly, and most important for our impacted parishes in Louisiana, the Dodd-Landrieu bill requires Louisiana to send any future Katrina/Rita HMGP funds directly to the parishes and localities where these funds are badly needed. I believe this is a commonsense approach as we need to make fixing the Road Home a priority but also should recognize that the parishes certainly deserve additional funds which should become available in the coming months.

I am also aware that many Louisiana Road Home recipients have seen their housing recovery grants reduced by Federal agencies, citing "duplication of benefits" regulations. While I understand the need to ensure fiscal responsibility on Federal recovery spending, in addition to make sure that residents are not benefiting from these disasters, these Federal regulations are in many ways stifling recovery rather than discouraging fraud and abuse. This is because Louisiana homeowners in many cases had to wait months upon months for U.S. Small Business Administration, SBA, disaster assistance, Federal Emergency Management Agency, FEMA, assistance, and many are unfortunately still waiting to see resolution on their insurance claims. The delay in delivery of this vital recovery capital, along with the immense damage in the region, has left many homeowners scrambling to cobble together enough funds for fully rebuilding their damaged homes. The Louisiana Road Home Program was created to further these ends but cannot allow residents to return home and rebuild if Federal regulations are requiring recovery funds to come back to Washington, not stay in Louisiana where they are needed. Let me clarify, though, residents should not benefit from these storms, but the Federal Government should ensure that they have the necessary resources to responsibly rebuild their lives. To these ends, H.R. 1227 included a provision to waive these "duplication of benefits" regulations for insurance and FEMA assistance so long as the household did not receive a windfall gain. While our bill includes a similar provision, we clarified that SBA disaster assistance is also included and that the regulation is waived so long as the household does not receive more funds than is necessary to repair/rebuild their home.

Following Katrina and Rita, there has been a great deal of emphasis placed on rebuilding gulf coast rental housing and owner-occupied housing, as there should be. The recovery of public housing, however, is one area that has not received much national press even though, prior to Hurricane Katrina, the Housing Authority of New Orleans, HANO, operated 7,379 public housing units, 5,146 of which were occupied in the New Orleans area alone. These residents, just like renters and homeowners, have a right to return home, so we must provide them the means and opportunity to do so. H.R. 1227 provides a process for returning these New Orleans public housing residents home. It includes a resident study to find out which residents want to stay where they are, which residents want to come back to public housing in New Orleans, and which residents would like to return to New Orleans with rental or section 8 voucher assistance. This study would guide redevelopment of public housing units in New Orleans. The House bill also specifies that HANO shall not demolish the 7,379 public housing units unless there is a plan in place to provide one-for-one replacement for the units. This particular provision ensures that all public housing residents who want to return home can return to affordable public housing units.

The Dodd-Landrieu Senate companion retains these provisions but strengthens them in a few ways. For example, just as in H.R. 1227, our bill sets out that all 5,146 pre-Katrina occupied units shall be replaced with 5,146 hard units. However, unlike the House bill, for the remaining units, this bill allows HANO to replace these with hard units or with project-based vouchers tied to units in low-income neighborhoods/areas undergoing revitalization. This is because some residents want to return to public housing units, but there are others who would like to transition to other types of units. This bill would allow them the choice.

Furthermore, in another improvement from the House version, our bill ties the dates for the survey and resident return to the enactment of the bill, to ensure residents have sufficient time to make decisions and to return home. Before the storms, almost 85 percent of these public housing residents were employed, and many are now employed in other cities, some with children in schools there. Although I know they want to come home as soon as possible, it would be somewhat unreasonable to require them to pull their children out of schools and leave their current jobs in such a short timeframe. The Senate bill gives these residents the time necessary to make relevant arrangements and move back within 120 days of enactment.

Another issue that was not addressed in the House bill is in regard to residents who were on a waiting list to get into public housing. With a shortage of affordable housing in the New Orleans area, these almost 6,000 residents are left without many options in pursuing suitable housing. Our bill also requires HANO, as part of its replacement plans, to contact individuals on the pre-Katrina waiting list and to give these residents consideration for any units not needed for returning residents.

As you may know, HANO has been a troubled agency long before Hurricane Katrina hit New Orleans. It has been plagued by mismanagement and financial problems for years and is currently administered by HUD. Under normal circumstances, this may not warrant much congressional attention as HUD has taken over countless housing authorities nationwide to steer them in the right direction. However, at this important stage in rebuilding public housing in New Orleans, many in the city believe we need an independent partner overseeing the process. Although there may be the best intentions from administration officials running HANO, it is still HUD in Washington calling the shots, not local officials, residents, and other groups. There are also new and innovative public housing administration models from other cities, which incorporate both resident input and public-private partnerships.

Now, I realize that Rome was not built in a day and that it will take years, not months, to fully rebuild New Orleans. Along these same lines, no one expects HANO to be completely reformed overnight, especially given its years of problems and the need to not jeopardize ongoing development in any way. But there is a general consensus that the status quo for HANO must not continue. To these ends, our bill requires HUD to put HANO into judicial receivership within 30 days, which would start the process of turning HANO over to local control. We believe it is important to start this dialogue on the next steps for HANO, given how important its role will be in rebuilding public housing in the region.

In closing, let me reiterate that this bill addresses one of the most fundamental needs following a disaster: the need to return home. Whether residents live in million-dollar mansions, rental housing, or public housing, they all share a desire to return to their communities and, in particular, their homes. The House has done its part to help these residents, so I urge my colleagues to support this comprehensive recovery legislation as now these disaster victims are counting on the Senate for action.

I ask unanimous consent to have printed in the RECORD letters of support for the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRAMMELL CROW RESIDENTIAL,
Atlanta, GA, June 15, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

J. RONALD TERWILLIGER,
Member, Real Estate Leadership Council, Enterprise Community Partners, Inc.

REACH COMMUNITY DEVELOPMENT, INC.,
Portland, OR, June 12, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: As a Trustee of Enterprise Community Partners and chair of Enterprise's national Network Advisory Board, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term needs in the impacted Gulf region.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Enterprise is responding to Hurricanes Katrina and Rita by bringing its resources to bear to leverage locally led partnerships. Working with capable local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

DEE WALSH,
Executive Director, REACH Community Development, Inc.

By Ms. SNOWE:

S. 1670. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an "adversarial" system that onerously demands wounded soldiers to provide the "burden of proof" for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: Inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home State of Maine and across this Nation who have gone without the proper advocacy and case management for medical benefits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide ombudsmen office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all physical evaluation boards report multiple diagnosed medical impairments that, in concert, may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually, cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120 days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischarge physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and posttraumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veteran's Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental health disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances, the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the joint patient tracking application, JPTA. This electronic records system will be identical to the VistA system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country."

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepeneurship.

Mr. KERRY. Mr. President, as chairman of the Committee on Small Business and Entrepreneurship, I am pleased to introduce today with Ranking Member Senator SNOWE the Entrepreneurial Development Act of 2007. As always, I appreciate the opportunity to work with my colleague from Maine on the issues facing the Nation's small businesses, and I believe that we have taken another step in the right direction with this bill.

The Entrepreneurial Development Act reauthorizes and expands the Small Business Administration's entrepreneurial development programs. In particular, it supports women and minority small business ownership opportunities by boosting Small Business Development Centers, Women's Business Centers, SCORE, and other counseling and assistance programs. Investing in these core small business assistance programs is critical to creating jobs and boosting our economy. In Massachusetts alone, SBDCs served over 8,500 entrepreneurs last year and our Center for Women and Enterprise has generated 15,000 jobs over the last 10 years. These programs will not only help our entrepreneurs succeed today, but they will build the next generation of small business owners too.

We have long supported these kinds of improvements and many of the provisions in the bill unanimously passed the Committee on Small Business and Entrepreneurship last Congress.

The bill takes a number of steps to improve the Women's Business Center grant program through streamlining paperwork and increased oversight, and also promoting greater consultation between the National Women's Business Council, the Interagency Committee on Women's Business Enterprise and Women's Business Centers. This increased communication between the different groups will help them provide the most effective and efficient assistance to women-owned small businesses.

The bill also creates a Native American small business development program, an Office of Native American Affairs within the Small Business Administration, SBA, and a Native American grant pilot program to foster increased employment and expansion of small businesses in Indian Country through business counseling services. According to the SBA's Office of Advocacy, the American Indian and Alaska Native community is one of the fastest growing business groups in the country. Yet nearly 25 percent of the country's American Indian and Alaska Native populations live in poverty. There are huge small business opportunities just waiting to be tapped in Indian Country. We should be building on the energy and excitement among Native American entrepreneurs with more support from the federal government, and that's exactly what we intend to do.

In addition, the bill creates several pilot programs that will help to deal with some of the most important issues facing small businesses.

First, the bill establishes a pilot program to assist small businesses in complying with Federal and State laws and regulations. Reducing redtape for small businesses has always been one of my top priorities for the committee. We must help small firms navigate the labyrinthine regulatory system because compliance is critical to their success and their continued contribution to our economy. I'm committed to seeing that small businesses have every tool available—from guides to direct compliance assistance and counseling to assist them along the way.

In addition, this bill seeks to address the small business health insurance crisis through a competitive, pilot grant program for SBDCs to provide counseling and resources to small businesses about health insurance options in their communities. I have heard time and time again from small business owners that their number one concern is the high cost of health insurance. At least 27 million Americans working for small businesses don't have health insurance. That means that 27 million Americans are one slip, illness or emergency room visit away from disaster. We must do everything we can to help them.

Finally, the bill creates a Minority Entrepreneurship and Innovation pilot program to provide competitive grants to Historically Black Colleges and Universities, Hispanic Serving Institutions, Alaska Native and Native Hawaiian Serving Institutions, and Tribal Colleges to create a curricula focused on entrepreneurship. The goal of this program is to target students in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Traditionally, minority-owned businesses are disproportionately represented in the service sectors. Promoting entrepreneurial education to undergraduate students will help expand business ownership beyond the service sectors to higher growth technical and financial sectors. One of our Nation's greatest assets is our diversity and investing in minority businesses only helps to increase the value of that asset. Unfortunately, investment in our minority business community has been sorely lacking. For example, in Massachusetts, minorities make up about 15 percent of our population, but they own only about 5 percent of the businesses and account for just 1.4 percent of sales. These statistics demonstrate why programs like the Minority Entrepreneurship and Innovation pilot program are so important to the future minority business leaders of tomorrow. Making this investment will ensure that we will have enough entrepreneurs from all sectors of our Nation to keep our economy competitive and strong.

I thank Senator SNOWE for joining me in introducing this important bill, and I urge my colleagues to support it when it comes before the full Senate for consideration. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneurial Development Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—REAUTHORIZATION

Sec. 101. Reauthorization.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

Sec. 201. Office of Women's Business Ownership.
Sec. 202. Women's Business Center Program.
Sec. 203. National Women's Business Council.
Sec. 204. Interagency Committee on Women's Business Enterprise.
Sec. 205. Preserving the independence of the National Women's Business Council.

TITLE III—INTERNATIONAL TRADE

Sec. 301. Small Business Administration Associate Administrator for International Trade.
Sec. 302. Office of International Trade.

TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

Sec. 401. Short title.
Sec. 402. Native American Small Business Development Program.
Sec. 403. Pilot programs.

TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Small Business Regulatory Assistance Pilot Program.
Sec. 504. Rulemaking.

TITLE VI—OTHER PROVISIONS

Sec. 601. Minority Entrepreneurship and Innovation Pilot Program.
Sec. 602. Institutions of higher education.
Sec. 603. Health insurance options information for small business concerns.
Sec. 604. National Small Business Development Center Advisory Board.
Sec. 605. Office of Native American Affairs pilot program.
Sec. 606. Privacy requirements for SCORE chapters.
Sec. 607. National Small Business Summit.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION

SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking subsections (d), (e), and (j); and

(2) by adding at the end the following:

"(d) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the Service Corps of Retired Executives program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

"(1) $7,000,000 in fiscal year 2008;

"(2) $8,000,000 in fiscal year 2009; and

"(3) $9,000,000 in fiscal year 2010".

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(4)(C), by amending clause (vii) to read as follows:

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

"(I) $135,000,000 for fiscal year 2008;

"(II) $140,000,000 for fiscal year 2009; and

"(III) $145,000,000 for fiscal year 2010."; and

(2) in subsection (c)(3)(T), by striking "October 1, 2006" and inserting "October 1, 2010".

(3) PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.—

(A) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

(i) in paragraph (1), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2008 through 2010"; and

(ii) in paragraph (2), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2008 through 2010".

(B) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "October 1, 2006" and inserting "October 1, 2010".

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking "in the areas" and all that follows through the end of subclause (I), and inserting the following: "to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

"(I) starting, operating, and growing a small business concern;"; and

(B) in subparagraph (C), by inserting before the period at the end the following: ", the National Women's Business Council, and any association of women's business centers"; and

(2) by adding at the end the following:

"(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

"(A) manufacturing;

"(B) technology;

"(C) professional services;

"(D) retail and product sales;

"(E) travel and tourism;

"(F) international trade; and

"(G) Federal Government contract business development.

"(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

"(5) GRANT PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall improve the transparency of the women's business center grant proposal process and the programmatic and financial oversight process by—

"(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

"(B) providing notice to grant applicants and recipients of program evaluation and award criteria, not later than 12 months before any such evaluation;

"(C) reducing paperwork and reporting requirements for grant applicants and recipients;

"(D) standardizing the oversight and review process of the Administration; and

"(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.".

SEC. 202. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers;";

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking "The Administration" and inserting the following:

"(1) IN GENERAL.—The Administration";

(C) by striking "The projects shall" and inserting the following:

"(2) USE OF FUNDS.—The projects shall"; and

(D) by adding at the end the following:

"(3) AMOUNT OF GRANTS.—

"(A) IN GENERAL.—The Administrator may award a grant under this subsection of not more than $150,000 per year.

"(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of $150,000 for each grant recipient under this subsection in any fiscal year, available funds shall be allocated equally to grant recipients, unless any recipient requests a lower amount than the allocable amount.

"(4) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

"(A) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

"(B) CONSULTATION.—The Administrator shall consult with each association of women's business centers to develop—

"(i) a training program for the staff of the women's business centers and the Administration; and

"(ii) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (g)(5).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking "to award a contract (as a sustainability grant) under subsection (l) or";

(B) in subsection (j)(1), by striking "The Administration" and inserting "Not later than November 1st of each year, the Administrator"; and

(C) in subsection (k)—

(i) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

"(A) $15,000,000 for fiscal year 2008;

"(B) $16,000,000 for fiscal year 2009; and

"(C) $17,500,000 for fiscal year 2010.

"(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 60 percent for grants under subsection (m).

"(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section."; and

(ii) by striking paragraph (4).

(2) RENEWAL GRANTS.—

(A) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(B) REFERENCE.—Subsection (l)(4)(D) of section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by subparagraph (A) of this paragraph, is amended by striking "or subsection (l)".

(C) ALLOCATION.—Section 29(k)(2) of the Small Business Act (15 U.S.C. 656(k)(2)), as amended by this Act, is amended by striking "subsection (m)" and inserting "subsection (l)".

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the day after the effective date of the amendments made by section 8305(b) of the Small Business and Work Opportunity Act of 2007 (Public Law 110-28) (striking subsection (l)).

SEC. 203. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

"(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.".

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

"(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women's business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.”.

(c) ESTABLISHMENT OF WORKING GROUPS.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

“SEC. 411. WORKING GROUPS.

“(a) ESTABLISHMENT.—There are established within the Council, working groups, as directed by the chairperson.

“(b) DUTIES.—The working groups established under subsection (a) shall perform such duties as the chairperson shall direct.”.

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

“(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking “2001 through 2003, of which $550,000” and inserting “2008 through 2010, of which not less than 30 percent”.

SEC. 204. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(2) by adding at the end the following:

“(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).”.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking “There” and inserting the following:

“(a) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(b) POLICY ADVISORY GROUP.—

“(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

“(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

“(A) 1 shall be a representative of the Small Business Administration;

“(B) 1 shall be a representative of the Department of Commerce;

“(C) 1 shall be a representative of the Department of Labor;

“(D) 1 shall be a representative of the Department of Defense;

“(E) 1 shall be a representative of the Department of the Treasury; and

“(F) 2 shall be representatives of the Council.”.

SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

“(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

“(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.”.

TITLE III—INTERNATIONAL TRADE

SEC. 301. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: “The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”.

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

“(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.”.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

SEC. 302. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “sec. 22. (a) There” and inserting the following:

“SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—There”.

(2) in subsection (a), by inserting “(referred to in this section as the ‘Office’),” after “Trade”;

(3) in subsection (b)—

(A) by striking “The Office” and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as ‘one-stop shops’ in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as ‘export centers’ in this section)”; and

(B) by amending paragraph (1) to read as follows:

“(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women's business center network, and export centers for—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment;

“(D) trade remedy assistance; and

“(E) trade data collection.”;

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) establish annual goals for the Office relating to—

"(A) enhancing the exporting capability of small business concerns and small manufacturers;

"(B) facilitating technology transfers;

"(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

"(D) increasing the access to capital by small business concerns;

"(E) disseminating information concerning Federal, State, and private programs and initiatives; and

"(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;";

(C) in paragraph (2), as so redesignated, by striking "mechanism for" and all that follows through "(D)" and inserting the following: "mechanism for—

"(A) identifying subsectors of the small business community with strong export potential;

"(B) identifying areas of demand in foreign markets;

"(C) prescreening foreign buyers for commercial and credit purposes; and

"(D)"; and

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking "full-time export development specialists to each Administration regional office and assigning"; and

(II) by striking "office. Such specialists" and inserting "office and providing each Administration regional office with a full-time export development specialist, who";

(ii) in subparagraph (D), by striking "and" at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

"(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.";

(5) in subsection (d)—

(A) by inserting "EXPORT FINANCING PROGRAMS.—" after "(d)";

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking "The Office shall work in cooperation" and inserting the following:

"(1) IN GENERAL.—The Office shall work in cooperation"; and

(D) by striking "To accomplish this goal, the Office shall work" and inserting the following:

"(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

"(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

"(B) work";

(6) in subsection (e), by inserting "TRADE REMEDIES.—" after "(e)";

(7) by amending subsection (f) to read as follows:

"(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

"(1) a description of the progress of the Office in implementing the requirements of this section;

"(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

"(3) a description of the participation by the Office in trade negotiations.";

(8) in subsection (g), by inserting "STUDIES.—" after "(g)"; and

(9) by adding at the end the following:

"(i) EXPORT ASSISTANCE CENTERS.—

"(1) IN GENERAL.—During the period beginning on October 1, 2007, and ending on September 30, 2010, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

"(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

"(A) had an Administration employee assigned to such center before January 2003; and

"(B) has not had an Administration employee assigned to such center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

"(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

"(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

"(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.".

TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

SEC. 401. SHORT TITLE.

This title may be cited as the "Native American Small Business Development Act of 2007".

SEC. 402. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

"(2) the term 'Alaska Native corporation' has the same meaning as the term 'Native Corporation' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

"(3) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

"(4) the terms 'center' and 'Native American business center' mean a center established under subsection (c);

"(5) the term 'Native American business development center' means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

"(6) the term 'Native American small business concern' means a small business concern that is owned and controlled by—

"(A) a member of an Indian tribe or tribal government;

"(B) an Alaska Native or Alaska Native corporation; or

"(C) a Native Hawaiian or Native Hawaiian Organization;

"(7) the term 'Native Hawaiian' has the same meaning as in section 625 of the Older Americans Act of 1965 (42 U.S.C. 3057k);

"(8) the term 'Native Hawaiian Organization' has the same meaning as in section 8(a)(15);

"(9) the term 'tribal college' has the same meaning as the term 'tribally controlled college or university' has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

"(10) the term 'tribal government' has the same meaning as the term 'Indian tribe' has in section 7501(a)(9) of title 31, United States Code; and

"(11) the term 'tribal lands' means all lands within the exterior boundaries of any Indian reservation.

"(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

"(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the Administration's programs for the development of business enterprises by Native Americans.

"(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

"(A) start, operate, and grow small business concerns;

"(B) develop management and technical skills;

"(C) seek Federal procurement opportunities;

"(D) increase employment opportunities for Native Americans through the start and expansion of small business concerns; and

"(E) increase the access of Native Americans to capital markets.

"(3) ASSISTANT ADMINISTRATOR.—

"(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

"(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

"(i) knowledge of the Native American culture; and

"(ii) experience providing culturally tailored small business development assistance to Native Americans.

"(C) EMPLOYMENT STATUS.—The Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code, and shall serve as a noncareer appointee, as defined in section 3132(a)(7) of title 5, United States Code.

"(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

"(i) administer and manage the Native American Small Business Development program established under this section;

"(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

"(iii) consult with Native American business centers in carrying out the program established under this section;

"(iv) recommend appropriate funding levels;

"(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

"(vi) select applicants to participate in the program under this section;

"(vii) implement this section; and

"(viii) maintain a clearinghouse to provide for the dissemination and exchange of information between Native American business centers.

"(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

"(i) Administration officials working in areas served by Native American business centers and Native American business development centers;

"(ii) representatives of tribal governments;

"(iii) tribal colleges;

"(iv) Alaska Native corporations; and

"(v) Native Hawaiian Organizations.

"(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

"(1) AUTHORIZATION.—

"(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to tribal governments, tribal colleges, Native Hawaiian Organizations, and Alaska Native corporations to create Native American business centers in accordance with this section.

"(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

"(i) reservation-based American Indians;

"(ii) Alaska Natives; and

"(iii) Native Hawaiians.

"(2) 5-YEAR PROJECTS.—

"(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

"(i) financial education, including training and counseling in—

"(I) applying for and securing business credit and investment capital;

"(II) preparing and presenting financial statements; and

"(III) managing cash flow and other financial operations of a business concern;

"(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

"(iii) marketing education, including training and counseling in—

"(I) identifying and segmenting domestic and international market opportunities;

"(II) preparing and executing marketing plans;

"(III) developing pricing strategies;

"(IV) locating contract opportunities;

"(V) negotiating contracts; and

"(VI) utilizing varying public relations and advertising techniques.

"(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

"(i) American Indians or tribal governments, and located on or near tribal lands;

"(ii) Alaska Natives or Alaska Native corporations; or

"(iii) Native Hawaiians or Native Hawaiian Organizations.

"(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

"(A) DOCUMENTATION.—

"(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

"(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations or Native Hawaiian Organizations may only be made by grant.

"(B) PAYMENTS.—

"(i) TIMING.—Payments made under this subsection may be disbursed in an annual lump sum or in periodic installments, at the request of the recipient.

"(ii) ADVANCE.—The Administration may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

"(iii) NO MATCHING REQUIREMENT.—The Administration shall not require a grant recipient to match grant funding received under this subsection with non-Federal resources as a condition of receiving the grant.

"(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with the terms of any assistance received by the Native American business center from the Administration.

"(5) APPLICATION PROCESS.—

"(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

"(B) CRITERIA.—

"(i) IN GENERAL.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance.

"(ii) PUBLIC NOTICE.—The criteria required by this paragraph and their relative importance shall be made publicly available, within a reasonable time, and stated in each solicitation for applications made by the Administration.

"(iii) CONSIDERATIONS.—The criteria required by this paragraph shall include—

"(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

"(II) the ability of the applicant to commence a project within a minimum amount of time;

"(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

"(IV) previous assistance from the Administration to provide services in Native American communities; and

"(V) the proposed location for the Native American business center site, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers.

"(6) PROGRAM EXAMINATION.—

"(A) IN GENERAL.—Each Native American business center established pursuant to this subsection shall annually provide the Administration with an itemized cost breakdown of actual expenditures incurred during the preceding year.

"(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

"(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

"(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

"(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

"(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

"(ii) may withhold such renewal, if the Administration determines that—

"(I) the center has failed to provide adequate information required to be provided under subparagraph (A), or the information provided by the center is inadequate; or

"(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administration under subparagraph (E).

"(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

"(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

"(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, it shall not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

"(E) MANAGEMENT REPORT.—

"(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

"(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

"(I) the number of individuals receiving assistance from the Native American business center;

"(II) the number of startup business concerns created;

"(III) the number of existing businesses seeking to expand employment;

"(IV) jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

“(V) to the maximum extent practicable, the capital investment and loan financing utilized by emerging and expanding businesses that were assisted by a Native American business center; and

“(VI) the most recent examination, as required under subparagraph (B), and the subsequent determination made by the Administration under that subparagraph.

“(7) Annual report.—Each entity receiving financial assistance under this subsection shall annually report to the Administration on the services provided with such financial assistance, including—

“(A) the number of individuals assisted, categorized by ethnicity;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns created or maintained;

“(D) the gross receipts of assisted small business concerns;

“(E) the number of jobs created or maintained at assisted small business concerns; and

“(F) the number of Native American jobs created or maintained at assisted small business concerns.

“(8) Record retention.—

“(A) Applications.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) Annual reports.—The Administration shall maintain copies of the information collected under paragraph (6)(A) indefinitely.

“(d) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2010, to carry out the Native American Small Business Development Program, authorized under subsection (c).”.

SEC. 403. PILOT PROGRAMS.

(a) Definitions.—In this section:

(1) Incorporation by reference.—The terms defined in section 37(a) of the Small Business Act (as added by this title) have the same meanings as in that section 37(a) when used in this section.

(2) Joint project.—The term “joint project” means the combined resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community.

(b) Native American Development Grant Pilot Program.—

(1) Authorization.—

(A) In general.—There is established a 4-year pilot program under which the Administration is authorized to award Native American development grants to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

(B) Eligible organizations.—The grants authorized under subparagraph (A) may be awarded to—

(i) any small business development center; or

(ii) any private, nonprofit organization that—

(I) has members of an Indian tribe comprising a majority of its board of directors;

(II) is a Native Hawaiian Organization; or

(III) is an Alaska Native corporation.

(C) Amounts.—The Administration shall not award a grant under this subsection in an amount which exceeds $100,000 for each year of the project.

(D) Grant duration.—Each grant under this subsection shall be awarded for not less than a 2-year period and not more than a 4-year period.

(2) Conditions for participation.—Each entity desiring a grant under this subsection shall submit an application to the Administration that contains—

(A) a certification that the applicant—

(i) is a small business development center or a private, nonprofit organization under paragraph (1)(B);

(ii) employs an executive director or program manager to manage the facility; and

(iii) agrees—

(I) to a site visit as part of the final selection process;

(II) to an annual programmatic and financial examination; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

(C) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(D) information demonstrating the effective experience of the applicant in—

(i) conducting financial, management, and marketing assistance programs designed to impart or upgrade the business skills of current or prospective Native American business owners;

(ii) providing training and services to a representative number of Native Americans;

(iii) using resource partners of the Administration and other entities, including universities, tribal governments, or tribal colleges; and

(iv) the prudent management of finances and staffing;

(E) the location where the applicant will provide training and services to Native Americans; and

(F) a multiyear plan, corresponding to the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant;

(ii) in the continental United States, the number of Native Americans to be served by the grant; and

(iii) the training and services to be provided to a representative number of Native Americans.

(3) Review of applications.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each completed application submitted under this subsection not later than 60 days after the date of submission.

(4) Annual report.—Each recipient of a Native American development grant under this subsection shall annually report to the Administration on the impact of the grant funding, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours spent providing counseling and training for those individuals;

(C) the number of startup small business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) Record retention.—

(A) Applications.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) Annual reports.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(c) American Indian Tribal Assistance Center Grant Pilot Program.—

(1) Authorization.—

(A) In general.—There is established a 4-year pilot program, under which the Administration shall award not less than 3 American Indian Tribal Assistance Center grants to establish joint projects to provide culturally tailored business development assistance to prospective and current owners of small business concerns located on or near tribal lands.

(B) Eligible organizations.—

(i) Class 1.—Not fewer than 1 grant shall be awarded to a joint project performed by a Native American business center, a Native American business development center, and a small business development center.

(ii) Class 2.—Not fewer than 2 grants shall be awarded to joint projects performed by a Native American business center and a Native American business development center.

(C) Amounts.—The Administration shall not award a grant under this subsection in an amount which exceeds $200,000 for each year of the project.

(D) Grant duration.—Each grant under this subsection shall be awarded for a 3-year period.

(2) Conditions for participation.—Each entity desiring a grant under this subsection shall submit to the Administration a joint application that contains—

(A) a certification that each participant of the joint application—

(i) is either a Native American business center, a Native American business development center, or a small business development center;

(ii) employs an executive director or program manager to manage the center; and

(iii) as a condition of receiving an American Indian Tribal Assistance Center grant, agrees—

(I) to an annual programmatic and financial examination; and

(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;

(B) information demonstrating an historic commitment to providing assistance to Native Americans—

(i) residing on or near tribal lands; or

(ii) operating a small business concern on or near tribal lands;

(C) information demonstrating that each participant of the joint application has the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant;

(D) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, designed to impart or upgrade the business skills of current or prospective Native American business owners; and

(ii) the prudent management of finances and staffing; and

(F) a plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and

(ii) the training and services to be provided.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each application submitted under this subsection not later than 60 days after the date of submission.

(4) ANNUAL REPORT.—Each recipient of an American Indian tribal assistance center grant under this subsection shall annually report to the Administration on the impact of the grant funding received during the reporting year, and the cumulative impact of the grant funding received since the initiation of the grant, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours of counseling and training provided and workshops conducted;

(C) the number of startup business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 for each of fiscal years 2008 through 2010, to carry out the Native American Development Grant Pilot Program, authorized under subsection (b); and

(2) $1,000,000 for each of fiscal years 2008 through 2010, to carry out the American Indian Tribal Assistance Center Grant Pilot Program, authorized under subsection (c).

TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "National Small Business Regulatory Assistance Act of 2007".

SEC. 502. PURPOSE.

The purpose of this title is to establish a 4-year pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) expand the services delivered by the small business development centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

SEC. 503. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term "association" means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating small business development center" means a small business development center participating in the pilot program established under this title.

(3) REGULATORY COMPLIANCE ASSISTANCE.—The term "regulatory compliance assistance" means assistance provided by a small business development center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.

(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating small business development centers.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating small business development centers under which such centers shall—

(A) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(B) conduct training and educational activities;

(C) offer confidential, free of charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a small business development center is located or in which such counseling is conducted;

(D) provide technical assistance;

(E) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(F) form partnerships with Federal compliance programs.

(2) REPORTS.—Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(A) a summary of the regulatory compliance assistance provided by the center under the pilot program;

(B) the number of small business concerns assisted under the pilot program; and

(C) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the center during the preceding year and requested that it be disseminated to small business concerns.

(d) ELIGIBILITY.—A small business development center shall be eligible to receive assistance under the pilot program established under this section only if such center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(e) SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) GROUPINGS.—

(A) CONSULTATION.—The Administrator shall select the small business development center programs of 2 States from each of the groups of States described in subparagraph (B) to participate in the pilot program established under this section.

(B) GROUPS.—The groups described in this subparagraph as follows:

(i) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(ii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iii) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(iv) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(v) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vi) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(vii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(viii) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(ix) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(x) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the date of publication of final regulations under section 1704.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(g) GRANT AMOUNTS.—Each State program selected to receive a grant under subsection (e) shall be eligible to receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(h) Evaluation and Report.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), transmit to the Administrator, the Chief Counsel for Advocacy, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all small business development centers.

(i) Posting of Information.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing the requirements of an application for assistance under this section.

(j) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) Limitation on use of other funds.—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(k) Termination.—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

SEC. 504. RULEMAKING.

After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this title, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this title;

(2) standards relating to educational, technical, and support services to be provided by participating small business development centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating small business development center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

TITLE VI—OTHER PROVISIONS

SEC. 601. MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM.

(a) Definitions.—In this section—

(1) the terms "Alaska Native-serving institution" and "Native Hawaiian-serving institution" have the meanings given those terms in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d);

(2) the term "Hispanic serving institution" has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(3) the term "historically Black college and university" has the meaning given the term "part B institution" in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(4) the term "small business development center" has the same meaning as in section 21 of the Small Business Act (15 U.S.C. 648); and

(5) the term "Tribal College" has the meaning given the term "tribally controlled college or university" in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

(b) Minority Entrepreneurship and Innovation Grants.—

(1) In general.—The Administrator shall make grants to historically Black colleges and universities, Tribal Colleges, Hispanic serving institutions, Alaska Native-serving institutions, and Native Hawaiian-serving institutions, or to any entity formed by a combination of such institutions—

(A) to assist in establishing an entrepreneurship curriculum for undergraduate or graduate studies; and

(B) for placement of small business development centers on the physical campus of the institution.

(2) Curriculum requirement.—An institution of higher education receiving a grant under this subsection shall develop a curriculum that includes training in various skill sets needed by successful entrepreneurs, including—

(A) business management and marketing, financial management and accounting, market analysis and competitive analysis, innovation and strategic planning; and

(B) additional entrepreneurial skill sets specific to the needs of the student population and the surrounding community, as determined by the institution.

(3) Small business development center requirement.—Each institution receiving a grant under this subsection shall open a small business development center that—

(A) performs studies, research, and counseling concerning the management, financing, and operation of small business concerns;

(B) performs management training and technical assistance regarding the participation of small business concerns in international markets, export promotion and technology transfer, and the delivery or distribution of such services and information;

(C) offers referral services for entrepreneurs and small business concerns to business development, financing, and legal experts; and

(D) promotes market-specific innovation, niche marketing, capacity building, international trade, and strategic planning as keys to long-term growth for its small business concern and entrepreneur clients.

(4) Grant limitations.—A grant under this subsection—

(A) may not exceed $500,000 for any fiscal year for any 1 institution of higher education;

(B) may not be used for any purpose other than those associated with the direct costs incurred to develop and implement a curriculum that fosters entrepreneurship and the costs incurred to organize and run a small business development center on the grounds of the institution; and

(C) may not be used for building expenses, administrative travel budgets, or other expenses not directly related to the implementation of the curriculum or activities authorized by this section.

(5) Exception from small business act requirement.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) do not apply to assistance made available under this subsection.

(6) Report.—Not later than November 1 of each year, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the award and use of grants under this subsection during the preceding fiscal year, which shall include—

(A) a description of each entrepreneurship program developed with grant funds, the date of the award of such grant, and the number of participants in each such program;

(B) the number of small business concerns assisted by each small business development center established with a grant under this subsection; and

(C) data regarding the economic impact of the small business development center counseling provided under a grant under this subsection.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended, for each of fiscal years 2008 and 2010.

(d) Limitation on Use of Other Funds.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 602. INSTITUTIONS OF HIGHER EDUCATION.

(a) In General.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking ": *Provided*, That" and all that follows through "on such date." and inserting the following: "On and after December 31, 2007, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women's business center operating pursuant to section 29 as a small business development center, unless the applicant was receiving a grant (including a contract or cooperative agreement) on December 31, 2007.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on December 31, 2007.

SEC. 603. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) Definitions.—In this section, the following definitions shall apply:

(1) Association.—The term "association" means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) Participating small business development center.—The term "participating small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(3) PILOT PROGRAM.—The term "pilot program" means the small business health insurance information pilot program established under this section.

(4) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.—The Administrator shall establish a pilot program to make grants to small business development centers to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(c) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (c)(1) is posted on the website of the Administration and the date on which the information described in subsection (c)(1) is published in the Federal Register.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—

(A) IN GENERAL.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(B) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under subparagraph (A), a participating small business development center shall provide neutral and objective information regarding health insurance options in the geographic area served by the participating small business development center, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options defined in section 2791 of the Public Health Services Act (42 U.S.C. 300gg-91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(f) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(g) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

(h) REPORTS.—Each participating small business development center shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.

SEC. 604. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended by striking "nine members" and inserting "10 members".

SEC. 605. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.

(a) DEFINITION.—In this section, the term "Indian tribe" means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) AUTHORIZATION.—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through the Inter-Agency Working Group, in identifying and implementing economic development opportunities available from the Federal Government and private enterprise, including—

(A) the Administration;

(B) the Department of Energy;

(C) the Environmental Protection Agency;

(D) the Department of Commerce;

(E) the Federal Communications Commission;

(F) the Department of Justice;

(G) the Department of Labor;

(H) the Office of National Drug Control Policy; and

(I) the Department of Agriculture.

(c) TERMINATION OF PROGRAM.—The authority to conduct a pilot program under this section shall terminate on September 30, 2009.

(d) REPORT.—Not later than September 30, 2009, the Office of Native American Affairs shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

SEC. 606. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by inserting after subsection (b) the following

"(c) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1), but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATOR USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administrator access to program activity data; or

"(B) prevent the Administrator from using client information to conduct client surveys.

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Administrator shall issue regulations to establish standards—

"(i) for disclosures with respect to financial audits under paragraph (1)(B); and

"(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

"(B) MAXIMUM PRIVACY PROTECTION.—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

"(C) INSPECTOR GENERAL.—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in the semi-annual report of the Inspector General.".

SEC. 607. NATIONAL SMALL BUSINESS SUMMIT.

(a) IN GENERAL.—Not later than December 31, 2009, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, academia, State and Federal government, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and recommendations for promoting entrepreneurship and the growth of small business concerns.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the Entrepreneurial Development Act of 2007, a bill to reauthorize and improve the U.S. Small Business Administration's—SBA—Entrepreneurial Development Programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of aspiring entrepreneurs and small businesses across the United States. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs.

The bill which I am cosponsoring today is the product of the type of bipartisan work the Small Business Committee has come to be known for. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Chairman KERRY, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2007 was contained in my SBA Reauthorization and Improvements Act passed unanimously by the Small Business Committee during the 109th Congress. Unfortunately, this bipartisan bill never passed the Senate.

Since 1980, Small Business Development Centers—SBDCs—have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. Since its inception, the SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately $2.66 in tax revenue is generated.

An example of the local value of the SBDC program is found in my home State of Maine, where SBDCs invested more than 10,000 hours in counseling to 3,000 clients in 2005. The economic benefits of these services on the economy in Maine was demonstrated by a recent study of the Maine SBDCs that showed: No. 1, long-term clients of the Maine SBDC generated $44 million in incremental sales and 908 new jobs because of SBDC counseling assistance; and No. 2, the total amount of tax revenue generated as a result of counseling 5 or more hours is approximately $3.0 million in State taxes and $1.58 million in Federal tax revenues.

The Women's Business Center—WBC—program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, Federal contracts, and international trade opportunities. The WBC program served more than 144,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers, and rural home-based entrepreneurs. According to the SBA's 2008 budget submission, WBCs were responsible for creating or retaining over 6,800 jobs nationwide. I take great pride in the fact that my own State of Maine leads the way for women-owned businesses. Today, there are more than 63,000 women-owned firms in Maine, employing over 75,000 Mainers and generating more than $9 billion in sales. We must all be committed to multiplying that story of success in every State in America.

Service Corps of Retired Executives—SCORE—is a nonprofit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association sponsored by the SBA, and more than 389 service delivery points and a Web site, SCORE provides counseling to small businesses nationwide. The National SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public/private sector. In 2006, SCORE counseled and trained over 300,000 clients.

The bill being introduced today builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which counsels over 1.2 million small businesses and entrepreneurs each year through the expertise of the trained resource partners located across America.

In addition to reauthorizing SBA's Entrepreneurial Development programs and increasing funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. In 4 of the past 5 years, health insurance costs have increased by double-digit percentage levels. This has led to a disturbing trend of fewer and fewer small businesses being able to offer health insurance to their employees. The Kaiser Family Foundation recently reported that only 47 percent of our Nation's smallest businesses—with less than 10 employees—are able to offer health insurance as a workplace benefit. In stark contrast, health insurance is nearly universally offered at larger businesses.

A key provision in this bill would establish a 4-year, pilot grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of SBDCs. Recent research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. My proposal is based on the Small Business Health Education and Awareness Act, which I introduced in the 109th Congress with Senator BENNETT, and plan to reintroduce this session with Senators KERRY and BENNETT.

Most American workers are employed by small and medium sized enterprises. It is these businesses that account for nearly 98 percent of the growth in exporter population—and are among the major beneficiaries when foreign barriers are reduced. Additionally, 97 percent of exporters are small businesses. Over the last decade, the number of exports from small businesses increased by more than 250 percent. Small businesses account for almost $300 billion of yearly export sales—nearly one-third of total U.S. exports.

This bill establishes an Associate Administrator for International Trade.

and expands the trade distribution network to include the United States Export Assistance Centers USEACs. In addition, this section ensures that all our Nation's small exporters have access to export financing. This provision establishes a floor of international finance specialists at level SBA had in January 2003. Finally, this provision increases the maximum loan guarantee amount to $2.75 million and specifies that the loan cap for international trade loans—ITLs—is $3.67 million, as well as sets out that working capital is an eligible use for loan proceeds. The bill also makes ITLs consistent with regular SBA 7(a) loans in terms of allowing the same collateral and refinancing terms as with regular 7(a) loans.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that Americans have the necessary resources to start, grow, and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the United States. I urge my colleagues to support this vital piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 240—DESIGNATING OCTOBER 21 THROUGH OCTOBER 27, 2007, AS "NATIONAL SAVE FOR RETIREMENT WEEK"

Mr. SMITH (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21 through October 27, 2007, as "National Save for Retirement Week";

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

SENATE RESOLUTION 241—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REAFFIRM THE COMMITMENTS OF THE UNITED STATES TO THE 2001 DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH AND TO PURSUING TRADE POLICIES THAT PROMOTE ACCESS TO AFFORDABLE MEDICINES

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

Whereas the World Trade Organization (WTO) administers and enforces the Agreement on Trade-Related Aspects of Intellectual Property Rights (in this preamble referred to as "the TRIPS Agreement") to safeguard access to essential drugs;

Whereas, in 1999, the World Health Assembly, by consensus including the United States, adopted Resolution 52.19 on the World Health Organization's Revised Drug Strategy, which expressed concern "about the situation in which one third of the world's population has no guaranteed access to essential drugs, [and] in which new world trade agreements may have a negative impact on local manufacturing capacity and the access to and prices of pharmaceuticals in developing countries," and urged member states to "ensure that public health rather than commercial interests have primacy in pharmaceutical and health policies and to review their options under" the TRIPS Agreement;

Whereas, in 2001, the member states of the WTO, by consensus including the United States, adopted the Doha Declaration on the TRIPS Agreement and Public Health, in which member states agreed that "intellectual property protection is important for the development of new medicines", but also expressed "concerns about its effects on prices";

Whereas the Doha Declaration further states that the TRIPS Agreement "can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all";

Whereas Article 31 of the TRIPS Agreement allows each member state the flexibility to issue compulsory licences which permit the use of the subject matter of a patent, and gives member states broad latitude for such use;

Whereas the World Health Organization's 2006 Report of the Commission on Intellectual Property Rights, Innovation and Public Health emphasized the need for innovation in medical technologies and access to such innovation, and the report also—

(1) states that the Doha Declaration clarifies the right of governments to use compulsory licensing as a means of resolving tensions that may arise between public health and the protection of intellectual property rights, and to determine the grounds for using compulsory licensing;

(2) recommends that developing countries provide for the use of compulsory licensing provisions in legislation as one means to facilitate access to affordable medicines through import or local production;

(3) recommends that bilateral trade agreements not seek to impose obligations to protect intellectual property rights that are greater than those required under the TRIPS Agreement, because such obligations could potentially reduce access to medicines in developing countries; and

(4) recommends that developing countries should not impose restrictions for the use of, or reliance on, data from pharmaceutical development tests in ways that would exclude fair competition or impede the use of flexibilities built into the TRIPS Agreement, unless such a restriction is required for public health reasons;

Whereas the Governments of Thailand and Brazil have issued compulsory licenses to gain access to less expensive versions of second-generation anti-retroviral drugs in order to treat a much larger number of HIV/AIDS patients;

Whereas the Government of the United States has recognized the right of the Government of Thailand to issue compulsory licenses in accordance with the laws of Thailand and the obligations of the Government of Thailand as a member of the WTO;

Whereas the 2007 "Special 301" Report, the annual review of intellectual property rights protection and enforcement conducted by the Office of the United States Trade Representative, elevated Thailand to the Priority Watch List, pursuant to section 182 of the Trade Act of 1974 (19 U.S.C. 2242), for reasons including "indications of a weakening of respect for patents, as the Thai Government announced decisions to issue compulsory licenses for several patented pharmaceutical products";

Whereas the 2007 "Special 301" Report singled out Brazil for having "at times indicated consideration of the use of compulsory licensing on patented pharmaceutical products";

Whereas the 2007 "Special 301" Report cited 21 developing countries for "inadequate" intellectual property rights protections on pharmaceutical test data;

Whereas the United States Trade Representative has negotiated or is seeking to complete several bilateral or regional trade agreements with developing countries that contain further obligations to protect intellectual property rights, including—

(1) limitations on the grounds for issuing compulsory licenses;

(2) requirements that countries adopt periods of data exclusivity on the scientific evidence used to determine that drugs are safe and effective, which either delays the timely

entry of generic drugs into the market or forces competitors producing generic drugs to invest in costly, time-consuming, and redundant clinical trials, including trials that violate ethical rules concerning the repetition of experiments on humans;

(3) extensions of patent terms beyond 20 years;

(4) linkage between drug registration and assertions of patent protection, so that agencies responsible for the regulation of drugs are prohibited from granting marketing approval to a generic version of a medicine if the product is covered by a patent; and

(5) obligations to extend patent protection to minor improvements in, or new uses of, older products: and

Whereas the United States is a user of flexibilities provided in the TRIPS Agreement, including the use of involuntary authorizations to use the subject matter of patents in a number of important sectors, including medical devices, software, and automobile manufacturing: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should—

(1) honor the commitments the United States made in the 2001 World Trade Organization Doha Declaration on the TRIPS Agreement and Public Health, which allows member states of the World Trade Organization to use "to the full" the flexibilities in the Agreement on Trade-Related Aspect of Intellectual Property Rights (in this resolution referred to as "the TRIPS Agreement") "to protect public health and, in particular, to promote access to medicines for all," including the issuance of compulsory licenses on grounds determined by member states;

(2) not place countries on the "Special 301" Priority Watch List under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) for exercising the flexibilities on public health provided for in the TRIPS Agreement, such as issuing compulsory licenses to obtain access to generic medicines in accordance with the Doha Declaration;

(3) not ask trading partners who are developing nations to adopt measures to protect intellectual property rights that relate to public health in excess of protections required in the TRIPS Agreement; and

(4) support new global norms for promoting medical research and development that seek to provide a sustainable basis for a needs-driven essential health agenda.

SENATE RESOLUTION 242—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS

Mrs. MURRAY (for herself, Mr. STEVENS, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. BAYH, Mr. MENENDEZ, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. INOUYE, Mr. BAUCUS, Mr. AKAKA, Mr. SMITH, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 242

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has increased access and opportunities for women and girls;

Whereas title IX has increased educational opportunities for women and girls, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Opportunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas while title IX has been instrumental in fostering 35 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made: Now, therefore, be it

Resolved, That the Senate celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

SENATE RESOLUTION 243—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK AND THE CONSIDERABLE VALUE OF BEACHES AND THEIR ROLE IN AMERICAN CULTURE

Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. LIEBERMAN, Mrs. DOLE, Ms. STABENOW, Mr. STEVENS, Mr. BIDEN, Mr. BURR, Mr. LEVIN, Ms. MURKOWSKI, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. MENENDEZ, Mr. DURBIN, Mr. WYDEN, Mr. FEINGOLD, Mr. CARDIN, Mr. CARPER, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas over 50 percent of the population of the United States lives in coastal counties;

Whereas the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from natural forces, sea level rise, pollution, untreated sewage, and improper use;

Whereas members of the Government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters;

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge; and

Whereas a 7-day week, commencing in June and including July 5, will be observed as National Clean Beaches Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages Americans to work to keep beaches safe and clean for the continued enjoyment of the public and to engage in activities during National Clean Beaches Week that foster stewardship, healthy living, and volunteerism along our coastlines.

SENATE RESOLUTION 244—DESIGNATING JUNE 2007 AS NATIONAL SAFETY MONTH

Mr. PRYOR (for himself, Mr. SUNUNU, Mrs. DOLE, Mr. LUGAR, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas the National Safety Council, founded in 1913, is celebrating its 94th anniversary as the premier source of safety and health information, education, and training in the United States in 2007;

Whereas the mission of the National Safety Council is to educate and influence people to prevent accidental injury and death;

Whereas the National Safety Council was congressionally chartered in 1953 and is celebrating its 54th anniversary as a congressionally chartered organization in 2007;

Whereas the National Safety Council works to promote policies, practices, and procedures leading to increased safety, protection, and health in business and industry, in schools and colleges, on roads and highways, and in homes and communities;

Whereas, even with advancements in safety that create a safer environment for the people of the United States such as new legislation and improvements in technology, the number of unintentional injuries remains unacceptable;

Whereas the people of the United States deserve to live in communities that promote safe and healthy living;

Whereas such a solution requires the cooperation of all levels of government, as well as the Nation's employers and the general public;

Whereas the summer season, traditionally a time of increased accidental injuries and fatalities, is an appropriate time to focus attention on injury risks and preventions; and

Whereas the theme of "National Safety Month" for 2007 is "Celebrating Safe Communities": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as "National Safety Month"; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the people of the United States to observe the month with appropriate ceremonies and respect.

SENATE RESOLUTION 245—CONGRATULATING THE UNIVERSITY OF ARIZONA WILDCATS FOR WINNING THE 2007 NCAA DIVISION I SOFTBALL CHAMPIONSHIP

Mr. KYL (for himself and Mr. McCAIN) submitted the following resolution: which was considered and agreed to:

S. RES. 245

Whereas on June 6, 2007, the University of Arizona (UA) Wildcats of Tucson, Arizona, won the 2007 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the University of Tennessee Lady Volunteers by a score of 5 to 0, winning their 8th title since 1991;

Whereas, in the championship game, UA pitcher Taryne Mowatt set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player;

Whereas Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team;

Whereas the UA Wildcats completed the season with a 50-14-1 record, climbing from the loser's bracket to emerge victorious; and

Whereas Coach Mike Candrea has taken the UA Wildcats to the Women's College World Series 19 times over the last 20 years, and won 8 national championship titles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Arizona Wildcats for winning the 2007 NCAA Division I Women's Softball Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

SENATE RESOLUTION 246—CONGRATULATING THE SAN ANTONIO SPURS FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas on June 14, 2007, the San Antonio Spurs (Spurs) won their fourth National Basketball Association (NBA) Championship since 1999 by defeating the Cleveland Cavaliers 4 to 0;

Whereas Tony Parker won his first NBA Finals Most Valuable Player award after shooting 57 percent for the series and averaging 24.5 points per game;

Whereas Spurs Head Coach Gregg Popovich added to his growing legacy by winning his fourth NBA championship;

Whereas Spurs owner and Chief Executive Officer Peter Holt and General Manager R.C. Buford have built the San Antonio Spurs into 1 of the best organizations in NBA history;

Whereas the Spurs hold an all-time record of 16 wins and 6 losses in the NBA Finals;

Whereas the Spurs have the best winning percentage in NBA Finals history;

Whereas the Spurs are committed to serving the San Antonio community by promoting education, achievement, and civic responsibility; and

Whereas the Spurs are the pride and joy of the City of San Antonio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Antonio Spurs for winning the 2007 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Senator Hutchison for presentation to the San Antonio Spurs.

SENATE RESOLUTION 247—COMMENDING THE UNIVERSITY OF WASHINGTON MEN'S CREW, THE 2007 INTERCOLLEGIATE ROWING ASSOCIATION CHAMPIONS

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 247

Whereas crew is the oldest intercollegiate sport in the United States, dating back to 1852;

Whereas the Intercollegiate Rowing Association Championship, which began in 1895, is the oldest college rowing championship in the United States and is 1 of the most prestigious championships in collegiate rowing;

Whereas the University of Washington first attended the Intercollegiate Rowing Association Championship in the 1913;

Whereas the Washington Huskies Men's Crew Team was the number 1 ranked team in the United States all season and entered the Intercollegiate Rowing Association Championships as the top seeded team;

Whereas the University of Washington's varsity eight, second varsity eight, and open four each won gold medals in their respective races, and the freshman eight took home the bronze medal;

Whereas this is the 12th varsity eight title won by University of Washington at the Intercollegiate Rowing Association Championships, and the first such win by the Huskies since 1997;

Whereas the Huskies also won the Ten Eyck Trophy for the first time since 1970 by winning the overall points championship;

Whereas the entire University of Washington Men's Crew Team should be commended for demonstrating determination, work ethic, attitude, and heart; and

Whereas the members of the Men's Crew Team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Washington Men's Crew Team for winning the 2007 Intercollegiate Rowing Association Championship and acquiring the Ten Eyck Trophy; and

(2) recognizes the achievements of the rowers, coaches, and staff whose skill, discipline, and dedication allowed them to reach such heights.

SENATE CONCURRENT RESOLUTION 39—SUPPORTING THE GOALS AND IDEALS OF A WORLD DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS

Mr. DODD (for himself, Mr. MENENDEZ, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 39

Whereas 40,000 people in the United States, and 1,200,000 people globally, die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles, the increasing use of motor vehicles, and rapid urbanization;

Whereas the World Health Organization has predicted that by the year 2020 the annual number of deaths from motor vehicle crashes is likely to surpass the annual number of deaths from AIDS;

Whereas the current estimated cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas over 90 percent of motor vehicle-related deaths occur in low- and middle-income countries;

Whereas, according to the World Health Organization, motor vehicle-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors; and

Whereas the United Nations General Assembly adopted a resolution designating the third Sunday of November as a day of remembrance for road crash victims and their families, and called on nations globally to improve road safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of a world day of remembrance for road crash victims; and

(2) encourages the people of the United States to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1716. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1717. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1718. Mr. GREGG (for himself, Mrs. Feinstein, Mr. Sununu, Mr. Kyl, Mr. Ensign, Mrs. Hutchison, and Mr. Martinez) proposed an amendment to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra.

SA 1719. Mr. CORNYN (for himself, Mr. Durbin, Mrs. Hutchison, and Mr. Obama) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1720. Mr. INHOFE (for himself, Mr. Vitter, Mr. Voinovich, and Mr. Craig) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1721. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1722. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1723. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1724. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1725. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1727. Mr. REED (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1728. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1730. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1731. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1732. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1733. Mr. KYL (for himself, Mr. Lott, and Mr. McConnell) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra.

SA 1734. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1735. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1736. Mr. REID submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1737. Mr. REID (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1738. Mr. COLEMAN (for himself and Mr. Feingold) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1739. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1740. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1741. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1742. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1743. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1744. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1745. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1746. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1747. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1748. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1749. Mr. BOND submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1750. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1751. Mr. CRAPO (for himself, Mr. Craig, and Mr. Conrad) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1752. Mr. GRASSLEY (for himself and Mr. Bingaman) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Ms. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1753. Mr. DeMINT (for himself, Mr. Craig, Mr. Graham, Mr. Inhofe, Mr. Burr, Ms. Murkowski, and Mr. Crapo) submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table.

SA 1754. Mr. DeMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1755. Mr. DeMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1756. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1757. Mr. DeMINT submitted an amendment intended to be proposed to amendment

SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1758. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1759. Mr. WYDEN (for himself, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1760. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1761. Mr. CARDIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1762. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1763. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1764. Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. SNOWE, Mr. SMITH, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1765. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1766. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1767. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1768. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1769. Mr. BROWN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1771. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. COLEMAN, Mr. OBAMA, Ms. KLOBUCHAR, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1772. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1773. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1774. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1775. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1776. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1777. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1778. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1779. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1780. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1781. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1782. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1784. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1785. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1786. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1787. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1788. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1789. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1790. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1791. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1792. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1793. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1794. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1795. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by

Mr. Pryor (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) and intended to be proposed to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1796. Mr. HARKIN (for himself and Mr. Chambliss) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1799. Mrs. BOXER (for herself, Mr. Alexander, Mr. Warner, Mr. Lieberman, Mrs. Feinstein, and Mr. McConnell) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1802. Mr. DORGAN (for himself and Mr. Graham) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1803. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1817. Ms. STABENOW (for herself, Mr. Kerry, Mr. Schumer, Mr. Levin, Mr. Brown, and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1716. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, after line 20, insert the following:

(d) Major Energy Producer Records.—

(1) In general.—Following the declaration of an energy emergency by the President under section 606, a major energy producer (as defined by section 702) shall maintain and shall make available to the Federal Trade Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to determine whether the producer is in violation of this title.

(2) Retention.—A major energy producer subject to paragraph (1) shall retain records required by paragraph (1) for a period of 1 year after the expiration of the declaration of an energy emergency.

SA 1717. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) Definitions.—In this section:

(1) Eligible institution.—The term "eligible institution" means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) Study.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) Report.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SA 1718. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MARTINEZ) proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL,. Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Strike section 831 and insert the following:

SEC. 831. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting "Free"; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting "Free".

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	".

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting "(not provided for in subheading 2207.20.20)" after "strength".

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1719. Mr. CORNYN (for himself, Mr. DURBIN, Mrs. HUTCHISON, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. FUTUREGEN GASIFICATION-BASED NEAR-ZERO EMISSIONS POWER PLANT.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term "Consortium" means the consortium described in subsection (c).

(2) FACILITY.—The term "Facility" means the FutureGen Facility authorized under subsection (b).

(b) AUTHORIZATION OF FACILITY.—The Secretary shall construct a facility, to be known as the "FutureGen Facility", to determine the feasibility of integrating commercial-scale gasification combined cycle power plant technologies with advanced clean coal energy technologies, including through carbon capture and geological sequestration.

(c) COOPERATIVE AGREEMENT.—The Secretary shall offer to enter into a cooperative agreement with a nonprofit consortium of domestic and international coal-fueled power producers, domestic and international coal companies, and other interested parties to provide for the financing of the Facility.

(d) OBJECTIVES.—The Secretary shall establish objectives for the Facility, including objectives providing for—

(1) subject to the availability of appropriations and the completion of an environmental impact statement by October 31, 2007, the operation of the Facility by December 31, 2012;

(2) the Facility to be designed in a manner that—

(A) achieves—

(i)(I) at least a 99-percent reduction in the quantity of sulfur dioxide otherwise emitted by the Facility; or

(II) a sulfur dioxide emission level of 15 ppm, as measured at the stack; and

(ii) at least a 90-percent reduction in the quantity of mercury emitted as compared to the mercury content of the coal fed to the gasifier;

(B) emits—

(i) not more than 0.05 pounds of nitrogen oxide emissions per mmbtu of coal gasified; and

(ii) not more than 0.005 pounds of total particulate emissions in the flue gas per million British thermal units;

(C) captures at least 90 percent of carbon dioxide emissions;

(D) permanently sequesters at least 1,000,000 metric tons per year of carbon dioxide in deep saline geological formations; and

(E) can be used to determine the feasibility of ultimately operating a commercial near-zero emission coal-fueled powerplant at a cost that is not greater than 110 percent of the average cost of operation of a similar facility operating in the United States as of the date of enactment of this Act that does not capture and sequester carbon dioxide, including—

(i) evaluating alternative carbon dioxide monitoring technologies and plant operational strategies that contribute to ultimate commercial competitiveness of near-zero emission technology; and

(ii) providing a sub-scale research platform to test new systems and components that could reduce ultimate costs without impairing the availability of the Facility to operate; and

(3) building stakeholder acceptance of near-zero emission technology, including the sequestration of carbon dioxide.

(e) SYSTEM INTEGRATION.—To reduce technical risk and focus development efforts on system integration, the Secretary shall, to the maximum extent practicable, ensure that the Facility is designed in a manner to use, as appropriate—

(1) available advanced clean coal technology; and

(2) state-of-the-art technology systems and components.

(f) DATA PROTECTION.—The Secretary may agree to protect information from the facility to the same extent authorized for the clean coal power initiative program under section 402(h) of the Energy Policy Act of 2005 (42 U.S.C. 15962(h)).

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Facility shall be considered to be a research and development activity subject to the cost-sharing requirements of section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)).

(2) FEDERAL SHARE.—The Secretary may credit toward the Federal share for the Facility contributions received by the Secretary from other countries.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be paid by the Consortium.

(B) SOURCE OF FUNDS.—To pay the non-Federal share, the Consortium may use amounts made available to the Consortium by States, technology providers, and other non-Federal entities.

(h) INSUFFICIENT FUNDS.—

(1) CONVEYANCE TO SECRETARY.—The Secretary may agree to take title to the Facility if the Secretary determines that the Consortium has insufficient funds to complete the Facility.

(2) INSUFFICIENT APPROPRIATED FUNDS.—If operations at the Facility are terminated because of insufficient appropriated Federal funds to complete the Facility, the Secretary may agree to reimburse the Consortium for the Consortium's share of the Facility costs.

(i) TITLE TO FACILITY.—

(1) IN GENERAL.—The Secretary may vest fee title or any other property interests acquired in the Facility in any entity, including the United States.

(2) COLLATERAL.—The Secretary may agree to allow the Consortium to use title to the Facility as collateral toward any required financing for the Facility.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2008 through 2017.

SA 1720. Mr. INHOFE (for himself, Mr. VITTER, Mr. VOINOVICH, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, line 17, strike "standard" and insert "standards".

Beginning on page 220, strike line 13 and all that follows through page 222, line 6, and insert the following:

(d) IDENTIFICATION OF STANDARDS.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations to identify 1 or more standards that encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standards identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standards to be developed and revised through a consensus-based process, as described in Circular No. A–119 of the Office of Management and Budget;

(E) an evaluation of the adequacy of the standards, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) recognition as a national consensus standard.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standards identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

On page 238, line 9, strike "the standard" and insert "a standard".

SA 1721. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term "alternative energy" means energy from a source other than oil or gas.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 1722. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE IN NONATTAINMENT AREAS.

Section 109 of the Clean Air Act (42 U.S.C. 7409) is amended by adding at the end the following:

"(e) NONATTAINMENT AREAS.—In any area designated by the Administrator as a nonattainment area under section 107 for purposes of a national ambient air quality standard for ozone—

"(1) the requirements that apply with respect to fees under section 182(d)(3) or 185, source permitting under subparagraph (C) or (I) of section 110(a)(2), contingency measures under section 172(c)(9) or 182(c)(9), or motor vehicle emission budgets under section 176, as in effect at the time of application of the requirements, shall be the requirements that apply for purposes of the national ambient air quality standard for ozone; and

"(2) the requirements that applied under a national ambient air quality standard for ozone shall not apply for purposes of the standard if the requirements were—

"(A) revoked, rescinded, or withdrawn by the Administrator or are otherwise not in effect at the time of application of the requirements; and

"(B) less stringent than the national ambient air quality standard for ozone that is in effect at the time of application of the requirements.".

SA 1723. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding at the end the following:

"(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) CURRENT CLASSIFICATION.—The term 'current classification' means—

"(i) any classification of an area on the date on which the Administrator determines that the area is a downwind area; and

"(ii) with respect to any reclassification made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, the classification of an area on the date immediately before the date on which the Administrator reclassified the area.

"(B) DOWNWIND AREA.—The term 'downwind area' means any area that the Administrator classifies as a downwind area under paragraph (2).

"(C) ELIGIBLE IMPLEMENTATION PLAN REVISION.—The term 'eligible implementation plan revision' means a revision of an implementation plan for a downwind area that—

"(i) complies with each requirement of this Act relating to the current classification of a downwind area (including any requirement relating to any nonattainment plan provision described in section 172(c)); and

"(ii) includes any other additional provision necessary to demonstrate that, not later than the date on which the attainment date for the downwind area is extended under paragraph (3), the downwind area shall demonstrate attainment of each national standard, as determined by the Administrator.

"(D) NATIONAL STANDARD.—The term 'national standard' means—

"(i) the national primary ambient air quality standard for ozone; and

"(ii) the national secondary ambient air quality standard for ozone.

"(E) NECESSARY FINAL REDUCTION IN POLLUTION TRANSPORT.—The term 'necessary final reduction in pollution transport' means the final reduction in pollution transport of an upwind area that is necessary for a downwind area to achieve attainment of each national standard, as determined by the Administrator.

"(F) UPWIND AREA.—The term 'upwind area' means an area that—

"(i) significantly contributes to the nonattainment by a downwind area of any national standard, as determined by the Administrator; and

"(ii) is—

"(I) a nonattainment area that has an attainment date for a national standard that is later than the attainment date of the downwind area for which the nonattainment area significantly contributes to nonattainment under clause (i); or

"(II) an area—

"(aa) that is located in a State other than the State in which the downwind area is located for which the nonattainment area significantly contributes to nonattainment under clause (i); and

"(bb) for which the Administrator, by regulation, has established 1 or more requirements to eliminate any emission generated by the area that significantly contributes to the nonattainment of the downwind area, as determined by the Administrator under clause (i).

"(2) CLASSIFICATION OF DOWNWIND AREA.—The Administrator shall designate as a downwind area any area—

"(A) that has not attained a national standard; and

"(B) for which an upwind area significantly contributes to the nonattainment by the downwind area of any national standard described in subparagraph (A), as determined by the Administrator.

"(3) EXTENSION OF ATTAINMENT DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in accordance with paragraph (4), the Administrator shall extend the attainment date of any national standard applicable to a downwind area if, before the date on which the Administrator is required to determine whether to reclassify the downwind area under subsection (b)(2)(A), the Administrator approves an eligible implementation plan revision for the downwind area.

"(B) RECLASSIFIED DOWNWIND AREAS.—

"(i) PRIOR RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A), and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if—

"(I) not earlier than April 1, 1997, the Administrator reclassified the downwind area under subsection (b)(2)(A); and

"(II) not later than 1 year after the date of enactment of this subsection, the Administrator approves an eligible implementation plan revision for the downwind area.

"(ii) FUTURE RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if, not later than 1 year after the date on which the Administrator reclassifies the downwind area, the Administrator approves an eligible implementation plan revision for the downwind area.

"(4) LENGTH OF EXTENSION OF ATTAINMENT DATE.—

"(A) IN GENERAL.—Subject to subparagraph (B), in extending the attainment date applicable to a downwind area under paragraph (3), the Administrator shall extend the attainment date to the earliest practicable date on which the downwind area could achieve attainment of each national standard, as determined by the Administrator.

"(B) MAXIMUM LENGTH OF EXTENSION.—In extending the attainment date of a downwind area under paragraph (3), the Administrator shall extend the attainment date of the downwind area to a date not later than the date on which the upwind area contributing to nonattainment of the downwind area is required to achieve a necessary final reduction in pollution transport.".

SA 1724. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 17, strike "90" and insert "30".

SA 1725. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike line 20 and insert the following:

(3) AUTOMATIC WAIVER APPROVAL.—If the President fails to approve or disapprove a petition for waiver of the requirements of subsection (a) by the deadline specified in paragraph (2), the waiver shall be considered to be granted.

(4) TERMINATION OF WAIVERS.—A waiver

On page 22, line 1, strike "(4)" and insert "(5)".

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on Renewable Energy" (referred to in this section as the "Commission")—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) ELIGIBILITY OF DESIGNEES.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) REPRESENTATIVES.—

(A) SELECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) QUALIFICATIONS.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) TERM.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) TREATMENT.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) FORM OF MEETINGS.—The Commission may meet in person or through electronic means.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON.—

(1) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) INITIAL SELECTION.—The Secretary shall select the initial Chairperson.

(2) TERM.—The Chairperson shall serve for a term of 6 years.

(g) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) STUDIES.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) CONFIDENTIALITY.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—

(A) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(k) TERMINATION OF COMMISSION.—The Commission shall terminate on October 1, 2016.

SA 1727. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RENEWABLE ELECTRICITY PRODUCTION CREDIT ALLOWED FOR LANDFILL GAS FACILITIES WHICH PRODUCE FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 45(e)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN FACILITIES.—

"(i) IN GENERAL.—The amount of qualified energy resources taken into account under subsection (a) at any qualified facility described in clause (ii) shall be reduced by the amount of such resources used in producing qualified fuels (as defined by section 45K(c)) at such facility.

"(ii) QUALIFIED FACILITY DESCRIBED.—A qualified facility is described in this clause if such facility—

"(I) is placed in service after the date of the enactment of this subparagraph, and

"(II) produces electricity from gas derived from the biodegradation of municipal solid waste and such biodegradation occurred in a facility (within the meaning of section 45K) the production from which a credit is allowed under section 45K for the taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 45(e)(9) of such Code is amended by inserting "which is placed in service before the date of the enactment of subparagraph (C) and" after "shall not include an facility".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SA 1728. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CREDIT FOR CORROSION PREVENTION AND MITIGATION MEASURES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45O. CORROSION PREVENTION AND MITIGATION MEASURES.

"(a) IN GENERAL.—For purposes of section 38, the corrosion prevention and mitigation credit determined under this section for the taxable year is an amount equal to 50 percent of the excess of—

"(1) qualified corrosion prevention and mitigation expenditures with respect to qualified property, over

"(2) the amount such expenditures would have been, taking into account—

"(A) amounts paid or incurred to satisfy Federal, State, or local requirements, and

"(B) amounts paid for corrosion prevention practices, as certified by a person certified pursuant to subsection (b)(2).

"(b) QUALIFIED CORROSION PREVENTION AND MITIGATION EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified corrosion prevention and mitigation expenditures' means amounts paid or incurred by the taxpayer during the taxable year for engineering design, materials, and application and installation of corrosion prevention and mitigation technology.

"(2) CERTIFICATION MAY BE REQUIRED.—The Secretary shall require by regulation that no amount be taken into account under paragraph (1) for any design, material, application, or installation unless such design, material, application, or installation meets such certification requirements. Such requirements shall provide for accreditation of certifying persons by an independent entity with expertise in corrosion prevention and mitigation technology.

"(3) CORROSION PREVENTION AND MITIGATION TECHNOLOGY.—Corrosion prevention and mitigation technology includes a system comprised of at least one of the following: a corrosion-protective coating or paint; chemical treatment; corrosion-resistant metals; and cathodic protection. The Secretary from time to time by regulations or other guidance may modify the list contained in the preceding sentence to reflect changes in corrosion prevention and mitigation technology.

"(4) QUALIFIED PROPERTY.—The term 'qualified property' means property which is—

"(A) comprised primarily of a metal susceptible to corrosion,

"(B) of a character subject to the allowance for depreciation,

"(C) originally placed in service or owned by the taxpayer, and

"(D) located in the United States.

"(c) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified property for which a credit was allowed under subsection (a), the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified corrosion prevention and mitigation expenditures of the taxpayer with respect to such property had been zero

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the property ceases to be qualified property within:	**The recapture percentage is:**
(i) One full year after placed in service	100
(ii) One full year after the close of the period described in clause (i)	80
(iii) One full year after the close of the period described in clause (ii)	60
(iv) One full year after the close of the period described in clause (iii)	40
(v) One full year after the close of the period described in clause (iv)	20.

"(B) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(i) CESSATION OF USE.—The cessation of use of the qualified property.

"(ii) CHANGE IN OWNERSHIP.—

"(I) IN GENERAL.—Except as provided in subclause (II), the disposition of a taxpayer's interest in the qualified property with respect to which the credit described in subsection (a) was allowable.

"(II) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Subclause (I) shall not apply if the person acquiring the qualified property agrees in writing to assume the recapture liability of the person disposing of the qualified property. In the event of such an assumption, the person acquiring the qualified property shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(III) SPECIAL RULE FOR TAX EXEMPT ENTITIES.—Subclause (II) shall not apply to any tax exempt entity (as defined in section 168(h)(2)).

"(iii) SPECIAL RULES.—

"(I) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(II) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(III) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the property as qualified property by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(d) DENIAL OF DOUBLE BENEFIT.—For purposes of this subtitle—

"(1) BASIS ADJUSTMENTS.—

"(A) IN GENERAL.—If a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (c).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under this chapter for any expense taken into account under this section.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section.

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2017.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(32) Corrosion prevention and mitigation credit determined under section 45O(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

"Sec. 45O. Corrosion prevention and mitigation measures.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

"(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

"(B) the lease, easement, or right-of-way—

"(i) is for the placement and operation of a meteorological or marine data collection facility; and

"(ii) has a term of not more than 5 years; or

"(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists."; and

(2) by adding at the end the following:

"(11) CLARIFICATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

"(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).".

(b) PROJECTS IN STATE WATERS.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of a request of a State, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") shall enter into a memorandum of understanding with the State with respect to the authorization of ocean energy projects (including wave, current, and tidal energy projects) located in offshore waters and submerged land over which the State has jurisdiction.

(B) PARTICIPATION BY SECRETARY OF INTERIOR.—To the extent that a project described in subparagraph (A) involves any Federal submerged land or water on the outer Continental Shelf, the Secretary of the Interior shall also be a party to the applicable memorandum of understanding under this paragraph.

(C) GOAL.—The goal of a memorandum of understanding under this paragraph shall be to ensure coordination among the Commission, the States, and the Secretary of the Interior, as applicable, to facilitate the consideration of authorizations for ocean energy projects.

(2) Commission procedures.—Not later than 1 year after the date of enactment of this Act, the Commission shall publish regulations that—

(A) establish a permitting process for wave, current, and tidal energy projects in submerged land and offshore waters under the jurisdiction of a State; and

(B) take into consideration, and provide for—

(i) the specific technological, environmental, and other unique characteristics of those projects; and

(ii) the size and scope of the projects.

(3) Effect of subsection.—Nothing in this subsection alters, limits, or modifies any claim of a State to any jurisdiction over, or any right, title, or interest in, submerged land or offshore water of the State.

(c) Consideration of Certain Requests for Authorization.—In considering a request for authorization of a project pending before the Commission as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(d) Savings Provision.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

SA 1730. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . OFFSHORE RENEWABLE ENERGY.

Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended by striking paragraph (3) and inserting the following:

"(3) Competitive or noncompetitive basis.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

"(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58);

"(B) the lease, easement, or right-of-way—

"(i) is for the placement and operation of a meteorological or marine data collection facility; and

"(ii) has a term of not more than 5 years; or

"(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.".

SA 1731. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 17, insert the following:

SEC. 809A. CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) Allowance of Credit.—Subsection (a) of section 25D (relating to allowance of credit), as amended by this Act, is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by adding at the end the following new paragraph:

"(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.".

(b) Maximum Credit.—Paragraph (1) of section 25D(b) (relating to maximum credit), as amended by this Act, is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(E) $4,000 with respect to any qualified biomass fuel property expenditures.".

(c) Maximum Expenditures.—Subparagraph (A) of section 25D(e)(4) (relating to maximum expenditures in case of joint occupancy) is amended—

(1) by striking "and" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) $13,334 in the case of any qualified biomass fuel property expenditures.".

(d) Qualified Biomass Fuel Property Expenditures.—Subsection (d) of section 25D (relating to definitions), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) Qualified biomass fuel property expenditure.—

"(A) In general.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

"(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

"(ii) which has a thermal efficiency rating of at least 75 percent.

"(B) Biomass fuel.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(e) Effective Date.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

SA 1732. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike "to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons".

SA 1733. Mr. KYL (for himself, Mr. Lott, and Mr. McConnell) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of subtitle B of title VIII add the following:

SEC. ____. CONDITION PRECEDENT FOR THE EFFECTIVE DATE OF REVENUE RAISERS.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

SA 1734. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 403 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) (as amended by section [ ] of the amendment), add the following:

"(c) Audit.—

"(1) In general.—Not later than 30 days after the end of each fiscal year in which a county receives payments under title I or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, the county shall submit to the State in which the county is located an audit of the expenditure of the payments by the county during the preceding fiscal year.

"(2) FAILURE TO REPORT.—If, during any fiscal year, a county described in paragraph (1) fails to submit the audit by the deadline described in that paragraph, the county shall be ineligible for payments under this Act or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, as applicable, for the subsequent fiscal year.

"(3) CERTIFICATION.—The State shall—

"(A) not later than 60 days after the end of the fiscal year in which the audits were submitted under paragraph (1), certify the audits; and

"(B) on certification of the audit under subparagraph (A), submit the certified audit to the Secretary concerned.

"(4) REPORT.—Not later than 90 days after the end of the fiscal year in which the audits were submitted under paragraph (1), the Secretary concerned shall submit to the appropriate committees of Congress a report that describes the results of the audits submitted and certified under this subsection.".

SA 1735. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, strike line 17 and all that follows through page 7, line 16, and insert the following:

(1) ADVANCED BIOFUEL.—The term "advanced biofuel" means fuel produced in the United States—

(A) that meets the requirements of an appropriate American Society for Testing and Materials standard; and

(B) the lifecycle greenhouse gas emissions of which are at least 50 percent lower than the average lifecycle greenhouse gas emissions of conventional fuel, as determined by the Administrator of the Environmental Protection Agency.

On page 7, between lines 23 and 24, insert the following:

(4) CONVENTIONAL FUEL.—The term "conventional fuel" means any fossil-fuel based transportation fuel, boiler fuel, or home heating fuel used in the United States as of the date of enactment of this Act.

On page 7, line 24, strike "(4)" and insert "(5)".

On page 9, line 11, strike "(5)" and insert "(6)".

On page 10, line 1, strike "(6)" and insert "(7)".

On page 10, line 3, strike "(7)" and insert "(8)".

On page 10, line 16, strike "President" and insert "Administrator of the Environmental Protection Agency".

On page 11, line 15, strike "gasoline" and insert "conventional fuel".

On page 13, line 3, strike "2016" and insert "2012".

On page 13, between lines 5 and 6, strike the table and insert the following:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2012	0.5
2013	1.5
2014	2.5
2015	3.5
2016	4.5
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

SA 1736. Mr. REID submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—CLEAN RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT

SEC. _01. SHORT TITLE.

This title may be cited as the "Clean Renewable Energy and Economic Development Act".

SEC. _2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) many of the best potential renewable energy resources are located in rural areas far from population centers;

(4) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(5) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(6) more efficient use of the existing excess transmission capacity, better integration of resources, and greater investments in distributed generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(7) the Federal Government has not adequately invested in or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies and renewable electricity generation, including through enhancing distributed generation or through vehicle- and transportation-sector use; and

(8) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.

(a) IN GENERAL.—Title II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended—

(1) by inserting before the section heading of section 201 (16 U.S.C. 824 et seq.) the following:

"Subpart A—Regulation of Electric Utility Companies";

and

(2) by adding at the end the following:

"Subpart B—National Renewable Energy Zones

"SEC. 231. DEFINITIONS.

"In this subpart:

"(1) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

"(ii) any solid, nonhazardous, cellulosic material that is derived from—

"(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

"(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

"(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

"(IV) a plant that is grown exclusively as a fuel for the production of electricity.

"(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

"(C) EXCLUSIONS.—The term 'biomass' does not include—

"(i) municipal solid waste;

"(ii) paper that is commonly recycled; or

"(iii) pressure-treated, chemically-treated, or painted wood waste.

"(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means—

"(A) reduced electricity consumption from the electric grid because of use by a customer of renewable energy generated at a customer site; and

"(B) electricity or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

"(4) ELECTRICITY CONSUMING AREA.—The term 'electricity consuming area' means the area within which electric energy would be consumed if new high-voltage electric transmission facilities were to be constructed to access renewable electricity in a national renewable energy zone.

"(5) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means—

“(A) electric energy generated from solar energy, wind, biomass, landfill gas, the ocean (including tidal, wave, current, and thermal energy), geothermal energy, or municipal solid waste; or

“(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project.

“(6) Federal transmitting utility.—The term ‘Federal transmitting utility’ means—

“(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

“(B) the Tennessee Valley Authority.

“(7) Fuel cell vehicle.—The term ‘fuel cell vehicle’ means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

“(8) Grid-enabled vehicle.—The term ‘grid-enabled vehicle’ means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging and discharging an onboard energy storage device, such as a battery.

“(9) High-voltage electric transmission facility.—The term ‘high-voltage electric transmission facility’ means 1 of the electric transmission facilities that—

“(A) are necessary for the transmission of electric power from a national renewable energy zone to an electricity-consuming area in interstate commerce; and

“(B) has a capacity in excess of 200 kilovolts.

“(10) Indian land.—The term ‘Indian land’ means—

“(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

“(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this subpart—

“(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

“(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

“(C) any dependent Indian community; and

“(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.).

“(11) Network upgrade.—The term ‘network upgrade’ means an addition, modification, or upgrade to the transmission system of a transmission provider required at or beyond the point at which the generator interconnects to the transmission system of the transmission provider to accommodate the interconnection of 1 or more generation facilities to the transmission system of the transmission provider.

“(12) Renewable electricity connection facility.—

“(A) In general.—The term ‘renewable electricity connection facility’ means an electricity generation or transmission facility that uses renewable energy sources.

“(B) Inclusions.—The term ‘renewable electricity connection facility’ includes inverters, substations, transformers, switching units, storage units and related facilities, and other electrical equipment necessary for the development, siting, transmission, storage, and interconnection of electricity generated from renewable energy sources.

“(13) Renewable energy credit.—The term ‘renewable energy credit’ means a unique instrument representing 1 or more units of electricity generated from renewable energy that is designated by a widely-recognized certification organization approved by the Commission or the Secretary of Energy.

“(14) Renewable energy trunkline.—

“(A) In general.—The term ‘renewable energy trunkline’ means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider from the point at which the ownership changes from the generation owner to the transmission system of the transmission provider to the point at which the facility connects to a high-voltage transmission facility, including any modifications, additions or upgrades to the facilities and equipment, at a voltage of 115 kilovolts or more.

“(B) Exclusion.—The term ‘renewable energy trunkline’ does not include a network upgrade.

“SEC. 232. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

“(a) In General.—Not later than 1 year after the date of enactment of this subpart, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

“(1) has the potential to generate in excess of 1 gigawatt of electricity from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

“(2) has an insufficient level of electric transmission capacity to achieve the potential described in paragraph (1); and

“(3) has the capability to contain additional renewable energy electric generating facilities that would generate electricity consumed in 1 or more electricity consuming areas if there were a sufficient level of transmission capacity.

“(b) Renewable Energy Requirements.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of the load of electric generating facilities.

“(c) Consultation.—Before making any designation under subsection (a), the President shall consult with—

“(1) the Governors of affected States;

“(2) the public;

“(3) public and private electricity and transmission utilities and cooperatives;

“(4) Federal and State land management and energy and environmental agencies;

“(5) renewable energy companies;

“(6) local government officials;

“(7) renewable energy and energy efficiency interest groups;

“(8) Indian tribes; and

“(9) environmental protection and land, water, and wildlife conservation groups.

“(d) Recommendations.—Not sooner than 3 years after the date of enactment of this subpart, and triennially thereafter, the Secretary of Energy and the Federal transmitting utilities, in cooperation with the Director of the Bureau of Land Management, the Director of the United States Geological Survey, the Commissioner of Reclamation, the Director of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Secretary of Defense, and after consultation with the Governors of the States, shall recommend to the President and Congress—

“(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development; and

“(2) modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential.

“(e) Revision of Designations.—Based on the recommendations received under subsection (d), the President may revise the designations made under subsection (a), as appropriate.

“SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

“(a) Cost Recovery.—The Commission shall promulgate such regulations as are necessary to ensure that a public utility transmission provider that finances a high-voltage electric transmission facility or other renewable electricity connection facility added in a national renewable energy zone after the date of enactment of this subpart recovers all prudently incurred costs, and a reasonable return on equity, associated with the new transmission capacity.

“(b) Alternative Transmission Financing Mechanism.—

“(1) In general.—The Commission shall permit a renewable energy trunkline built by a public utility transmission provider in a national renewable energy zone to, in advance of generation interconnection requests, be initially funded through a transmission charge imposed on all transmission customers of the transmission provider or, if the renewable energy trunkline is built in an area served by a regional transmission organization or independent system operator, all of the transmission customers of the transmission operator, if the Commission finds that—

“(A) the renewable energy resources that would use the renewable energy trunkline are remote from the grid and load centers;

“(B) the renewable energy trunkline will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

“(C) the renewable energy trunkline has at least 1 project subscribed through an executed generation interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

“(2) New electric generation projects.—As new electric generation projects are constructed and interconnected to the renewable energy trunkline, the transmission services contract holder for the generation project shall, on a prospective basis, pay a pro rata share of the facility costs of the renewable energy trunkline, thus reducing the effect on the rates of customers of the public utility transmission provider.

“(c) Federal Transmitting Utilities.—

“(1) In general.—Not later than 1 year after the designation of a national renewable energy zone, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in the national renewable energy zone shall identify specific additional high-voltage or other renewable electricity connection facilities required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

“(2) Lack of private funds.—If, by the date that is 3 years after the date of enactment of this subpart, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a high-voltage or other renewable electricity connection facility identified pursuant to paragraph (1) by a specified date, the Federal transmitting utility responsible for the identification shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under paragraph (3).

"(3) Bonding authority.—

"(A) In general.—A Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of **$10,000,000,000**, to finance the construction of transmission facilities identified pursuant to paragraph (1) for the principal purposes of—

"(i) increasing the generation of electricity from renewable energy; and

"(ii) conveying that electricity to an electricity consuming area.

"(B) Recovery of costs.—A Federal transmitting utility shall recover the costs of renewable electricity connection facilities financed pursuant to paragraph (2) from entities using the transmission facilities over a period of 50 years.

"(C) Nonliability of certain customers.—Individuals and entities that, as of the date of enactment of this subpart, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electricity, of renewable electricity connection facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the Federal transmitting utility.

"(d) Operation of High-Voltage Transmission Lines Using Renewable Energy Resources.—

"(1) Public utilities financing limitation.—The regulations promulgated pursuant to subsection (a) shall, to the maximum extent practicable, ensure that not less than 75 percent of the capacity of any high-voltage transmission lines financed pursuant to this section is used for electricity from renewable energy.

"(2) Non-public utilities access limitation.—Notwithstanding section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), the Commission shall promulgate regulations to ensure, to the maximum extent practicable, that not less than 75 percent of the capacity of high-voltage transmission facilities sited primarily or partially on Federal land and constructed after the date of enactment of this subpart is used for electricity from renewable energy.

"SEC. 234. FEDERAL POWER MARKETING AGENCIES.

"(a) Promotion of Renewable Energy and Energy Efficiency.—Each Federal transmitting utility shall—

"(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility;

"(2) use the purchasing power of the Federal transmitting utility to acquire, on behalf of the Federal Government, electricity from renewable energy and renewable energy credits in sufficient quantities to meet the requirements of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852); and

"(3) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land.

"(b) Wind Integration Programs.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

"(1) take into account the intermittent nature of wind electric generation; and

"(2) do not impair electric reliability.

"(c) Solar Integration Program.—Each of the Federal Power Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic concentrating solar systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Administrations and Tennessee Valley Authority, that—

"(1) take into account the solar energy cycle;

"(2) maximize the use of Federal land for generation or energy storage, where appropriate; and

"(3) do not impair electric reliability.

"(d) Geothermal Integration Program.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

"(1) maximize the use of Federal land for the projects and activities;

"(2) displace fossil fuel baseload generation or petroleum imports; and

"(3) improve electric reliability.

"(e) Renewable Electricity and Energy Security Projects.—

"(1) In general.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the National Association of Regulatory Utility Commissioners, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and hybrid electric vehicles and related technologies as part of their fleets of vehicles.

"(2) Increase in renewable energy use.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.".

(b) Transmission Cost Allocation.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the following:

"(f) Transmission Cost Allocation.—

"(1) In general.—Not later than 180 days after the date on which the President designates an area as a national renewable energy zone under section 232, the State utility commissions or other appropriate bodies having jurisdiction over the public utilities providing service in the national renewable energy zone or an adjacent electricity consuming area may jointly propose to the Commission a cost allocation plan for high-voltage electric transmission facilities built by a public utility transmission provider that would serve the electricity consuming area.

"(2) Approval.—The Commission may approve a plan proposed under paragraph (1) if the Commission determines that—

"(A) taking into account the users of the transmission facilities, the plan will result in rates that are just and reasonable and not unduly discriminatory or preferential; and

"(B) the plan would not unduly inhibit the development of renewable energy electric generation projects.

"(3) Cost allocation.—Unless a plan is approved by the Commission under paragraph (2), the Commission shall fairly allocate the costs of new high-voltage electric transmission facilities built in the area by 1 or more public utility transmission providers (recognizing the national and regional benefits associated with increased access to electricity from renewable energy) pursuant to a rolled-in transmission charge.

"(4) Federal transmitting utility.—Nothing in this subsection expands, directly or indirectly, the jurisdiction of the Commission with respect to any Federal transmitting utility.".

(c) Conforming Amendments.—

(1) Section 3 of the Federal Power Act (42 U.S.C. 796) is amended by adding at the end the following:

"(30) Electric drive vehicle.—

"(A) In general.—The term 'electric drive vehicle' means a vehicle that uses—

"(i) an electric motor for all or part of the motive power of the vehicle; and

"(ii) off-board electricity wherever practicable.

"(B) Inclusions.—The term 'electric drive vehicle' includes—

"(i) a battery electric vehicle;

"(ii) a plug-in hybrid electric vehicle; and

"(iii) a plug-in hybrid fuel cell vehicle.".

(2) Subpart A of part II of the Federal Power Act (as redesignated by subsection (a)) is amended—

(A) in the heading of section 201, by striking "PART" and inserting "SUBPART"; and

(B) by striking "this Part" each place it appears and inserting "this subpart".

SA 1737. Mr. REID (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102, redesignate paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (4), (5), (13), (16), (17), and (18), respectively.

In section 102, between paragraphs (1) and (4) (as so redesignated), insert the following:

(2) Advanced renewable fuel.—The term "advanced renewable fuel" means—

(A) advanced biofuel; or

(B) renewable electric fuel.

(3) Battery.—The term "battery" means an energy storage device used in an onroad vehicle or nonroad vehicle powered, in whole or in part, using an off-board or on-board source of electricity.

In section 102, between paragraphs (5) and (13) (as so redesignated), insert the following:

(6) Electric drive vehicle.—

(A) In general.—The term "electric drive vehicle" means a vehicle that uses—

(i) an electric motor for all or part of the motive power of the vehicle; and

(ii) off-board electricity.

(B) INCLUSIONS.—The term "electric drive vehicle" includes—

(i) a battery electric vehicle;

(ii) a plug-in hybrid electric vehicle; and

(iii) a plug-in hybrid fuel cell vehicle.

(7) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

(8) GEOTHERMAL ENERGY.—The term "geothermal energy" means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

(9) INCREMENTAL HYDROPOWER.—

(A) IN GENERAL.—The term "incremental hydropower" means additional energy generated as a result of an efficiency improvement or capacity addition made on or after January 1, 2003, to an existing hydropower facility, as measured on the basis of the same water flow information that is used to determine the historic average annual generation baseline for the hydropower facility and certified by the Secretary or the Federal Energy Regulatory Commission.

(B) EXCLUSION.—The term "incremental hydropower" does not include additional energy generated as a result of operational changes not directly associated with an efficiency improvement or capacity addition.

(10) OCEAN ENERGY.—The term "ocean energy" includes current, wave, tidal, and thermal energy.

(11) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means an onroad vehicle or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an onboard, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(12) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle with a battery powered by an off-board source of electricity.

In section 102, between paragraphs (13) and (16) (as so redesignated), insert the following:

(14) RENEWABLE ELECTRIC FUEL.—The term "renewable electric fuel" means renewable energy from electricity that is used to power a vehicle.

(15) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

(A) solar, wind, or geothermal energy;

(B) ocean energy;

(C) incremental hydropower;

(D) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(E) landfill gas.

In section 102(16)(A) (as so redesignated), strike clause (i) and insert the following:

(i) produced from—

(I) renewable biomass; or

(II) renewable energy; and

In section 102(16)(B), strike clauses (i) and (ii) and insert the following:

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) renewable electric fuel.

At the end of section 111(a)(1), add the following:

(D) REGULATIONS FOR RENEWABLE ELECTRIC FUEL.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to incorporate renewable electric fuel into the renewable fuel program established under this title.

(ii) AUDITING AND CERTIFICATION PROCEDURES.—The regulations promulgated under clause (i) shall include auditing and certification procedures for verifying that renewable electricity is being used as a motor fuel under the renewable fuel program.

(iii) AWARDING OF RENEWABLE FUEL CREDITS.—The President shall award renewable fuel credits to renewable electric fuel producers and distributors only if the producer or distributor demonstrates through the established certification procedures that renewable electric fuel is being used as a motor fuel.

In section 111(a)(2)(A)(ii), strike "biofuels" each place it appears and insert "renewable fuels".

In section 111(a)(2)(B)(ii), strike "biofuels" and insert "renewable fuels".

At the end of section 111(c), add the following:

(4) ENERGY CONTENT RELATIVE FOR RENEWABLE ELECTRIC FUEL.—The conversion factor of renewable electric fuel shall be 6.4 kilowatt hours of renewable electricity per gallon of renewable fuel, unless the President establishes a different conversion factor by regulation.

SA 1738. Mr. COLEMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. LOCAL OWNERSHIP OF BIOREFINERIES.

"(a) DEFINITIONS.—In this section:

"(1) BIOREFINERY.—The term 'biorefinery' has the meaning given the term in section 9003(b).

"(2) ELIGIBLE PURCHASER.—The term 'eligible purchaser', with respect to a biorefinery, means—

"(A) a natural person with a principal residence that is located not more than 50 miles from the biorefinery; or

"(B) a farmer or rancher cooperative.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of a biorefinery that is financed, refinanced, or financially supported, in whole or in part, using a loan, loan guarantee, or grant made by a Federal agency on or after the date of enactment of this section, as a condition of the receipt of the loan, loan guarantee, or grant, the recipient shall provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

"(2) FARMERS AND RANCHER COOPERATIVES.—If the recipient of a loan, loan guarantee, or grant made by a Federal agency under paragraph (1) is a farmer or rancher cooperative, it fulfills the requirement in paragraph (1) above. However, the farmer or rancher cooperative may provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

"(3) LEVEL OF FEDERAL SUPPORT.—Paragraph (1) shall apply to a biorefinery only if not less than 3 percent of the total amount of funds that is used to finance, refinance, or financially support the biorefinery is derived from Federal funds.

"(c) TERMS AND CONDITIONS.—To be eligible to receive a loan, loan guarantee, or grant from a Federal agency in connection with a biorefinery, the recipient—

"(1) during the 60-day period beginning on the date of receipt of the loan, loan guarantee, or grant by the recipient, shall permit eligible purchasers to participate in the financing or ownership of the biorefinery on the conditions that—

"(A) eligible purchasers, collectively, be allowed to invest not less than 40 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery; and

"(B) an individual eligible purchaser be allowed to invest not more than 2.5 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery;

"(2) shall provide to eligible purchasers competitive terms and conditions that are no less favorable than the terms and conditions that are offered for funding for similar recipients or classes of recipients or, if there are no similar recipients or classes of recipients, other entities with similar risk characteristics, as determined by the Secretary;

"(3) if the amount of funding offered by eligible purchasers for a biorefinery exceeds the amount that is solicited by a recipient, may—

"(A) accept all such offered amounts; or

"(B) award the amounts on a competitive basis; and

"(4) shall conduct the financing or refinancing of the biorefinery in accordance with Federal law (including Federal law governing securities).".

SA 1739. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 1, strike "$1.11" and insert "$1.28".

SA 1740. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 180, strike line 23 and all that follows through page 181, line 9, and insert the following:

"(2) CARBON CAPTURE DEMONSTRATION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall carry out a demonstration of not less than 5 large-scale carbon dioxide capture technologies developed by appropriate applicants, as selected by the Secretary, including any—

"(i) precombustion technology;

"(ii) postcombustion technology;

"(iii) oxy-fuel combustion technology; and

"(iv) other promising new technology, as determined by the Secretary.

"(B) FACILITIES.—The Secretary shall select 1 or more appropriate sites and facilities to test each technology selected under subparagraph (A).

"(C) LINKAGE TO STORAGE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, may require the carbon dioxide captured from each demonstration project carried out under subparagraph (A) to be used in large-scale carbon dioxide sequestration demonstration projects.

SA 1741. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COASTAL AND OCEAN DEVELOPMENT GRANTS

SEC. —01. COASTAL AND OCEAN ASSISTANCE FOR STATES FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Coastal and Ocean Assistance for States Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

SEC. —02. COASTAL AND OCEAN ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall—

(1) establish a grant program to provide grants to eligible coastal States in accordance with this title; and

(2) make 85 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE COASTAL STATES.—To be eligible for a grant under the program, a coastal State shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) include in its application a multi-year plan, subject to approval by the Secretary, for the use of funds received under the grant program;

(3) demonstrate to the satisfaction of the Secretary that it has established a trust fund, or other accounting measures, subject to approval by the Secretary, to ensure the accurate accounting of funds received under the grant program, to administer funds received under the grant program;

(4) specify in its application how it will allocate any funds received under the grant program among—

(A) coastal zone management activities;

(B) coastal and estuarine land protection;

(C) living marine resource activities;

(D) relocation of threatened coastal villages;

(E) natural resources enhancements;

(F) mitigation of impacts from offshore activities;

(G) coastal damage prevention and restoration;

(H) coastal zone management education; and

(I) management costs associated with eligible activities under section —03; and

(4) describe in its application each activity to be financed, in whole or in part, with funds provided by the grant.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate grants under the program among the eligible coastal States according to a formula under which—

(A) 31 percent of the funds are allocated equally among coastal States that have a coastal management program approved under to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(B) 31 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a State to the tidal shoreline miles of all States;

(C) 31 percent of the funds are allocated on the basis of the ratio of coastal population of a State to the coastal population of all States; and

(D) 7 percent of the funds are allocated on the basis of the ratio of—

(i) the square miles of national marine sanctuaries, marine monuments, and national estuarine research reserves within the seaward boundaries of a an eligible coastal State, to

(ii) to the total square miles of all such sanctuaries, monuments, and reserves within the seaward boundaries of all eligible coastal States.

(2) TERRITORIES.—For purposes of paragraph (1), Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be treated collectively as a single State.

(3) REALLOCATION.—If, at the end of any fiscal year, funds available for distribution under the program remain unexpended and unobligated, the Secretary may—

(A) carry such remaining funds forward for not more than 3 fiscal years; and

(B) reallocate any such remaining funds among eligible coastal States in accordance with the formula described in paragraph (1).

(d) LOCAL GOVERNMENT SHARE.—In awarding grants under the program, the Secretary shall ensure that not less than 20 percent of the funds made available to a State in each fiscal year pursuant to this title shall be made available to coastal local governments of such State to carry out eligible activities under section —03.

SEC. —03. ELIGIBLE USE OF FUNDS.

Grant funds under section —02 may only be used for—

(1) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, research, management, and enhancement;

(4) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, and national estuarine research reserves;

(5) mitigation, restoration, protection, and relocation of threatened native and rural coastal communities;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone and coastal estuaries to lands, life, and property;

(8) long-range coastal and ocean research and education, and natural resource management; or

(9) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources.

SEC. —04. FISH AND WILDLIFE IMPROVEMENT GRANTS.

Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall—

(1) establish by regulation a grant program to provide grants to States to manage, protect, and improve fish and wildlife habitat; and

(2) make 10 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE STATES.—To be eligible to participate in the grant program, a State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

SEC. —05. ADMINISTRATION.

Except as otherwise expressly provided in this title, not more than 5 percent of the amounts available in the Fund for a fiscal year may be used by the Secretary for administrative expenses and for activities and programs related to the protection of coastal, fishery, and ocean resources.

SEC. —06. AUDITS.

The Secretary shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this title as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. —07. DISPOSITION OF FUNDS.

Notwithstanding any other provision of this title, a coastal State or local government may use funds received under this title to make any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SEC. —08. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) as of the date of enactment of this Act.

(2) COASTAL STATE.—The term "coastal State" has the meaning given that term by section 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

(3) The term "Fund" means the Coastal and Ocean Assistance for States Fund established by section —01(a).

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision all or part of which is within a coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453(1))) as of the date of enactment of this Act.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(6) STATE.—The term "State" means—

(A) each of the several States;

(B) the District of Columbia; and

(C) Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) TIDAL SHORELINE.—The term "tidal shoreline" has the same meaning as when used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, as that section is in effect as of the date of enactment of this Act.

TITLE ___—OCEAN POLICY TRUST FUND

SEC. —01. OCEAN POLICY TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Ocean Policy Trust Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year—

(1) amounts in the aggregate not in excess of 95 percent of the amounts available in the Fund for that fiscal year for grants under this title; and

(2) such sums as may be necessary, not in excess of 5 percent of the amounts available in the Fund for that fiscal year, to the Secretary of Commerce for administrative expenses of managing the grant program established by section —03 of this title.

(d) REVERSION.—Unless otherwise provided in the grant terms, any grant funds that are not obligated nor expended at the end of the 2-year period beginning on the date on which the grant funds become available to the grantee shall be returned to the Fund.

SEC. —02. OCEAN POLICY TRUST FUND COUNCIL.

(a) MEMBERSHIP.—

(1) An Ocean Policy Trust Fund Council is established which shall consist of 12 members as follows:

(A) The Under Secretary of Commerce for Oceans and Atmosphere.

(B) The Assistant Administrator of the National Marine Fisheries Service.

(C) The Assistant Administrator of the National Ocean Service.

(D) An employee of the Department of the Interior with expertise in ocean resource management, to be designated by the Secretary of the Interior.

(E) 4 representatives of the oil and gas industry or the commercial fishing industry, to be appointed by the Secretary of Commerce, of whom—

(i) 1 shall be appointed to represent the East Coast, 1 shall be appointed to represent the Gulf of Mexico, 1 shall be appointed to represent the West Coast, and 1 shall be appointed to represent Alaska; and

(ii) at least 2 of whom shall represent the commercial fishing industry.

(F) 2 representatives of non-profit conservation organizations, appointed by the Secretary of Commerce.

(G) 2 representatives of academia with ocean science credentials, appointed by the Secretary of Commerce.

(b) APPOINTMENT AND TERMS.—

(1) Except as provided in paragraphs (2), (3), and (4), the term of office of a member of the Council appointed under subsection (a)(1)(E), (a)(1)(F), or (a)(1)(G) of this section is 3 years.

(2) Of the Council members first appointed under subsection (a)(1)(E) of this section, 1 shall be appointed for a term of 1 year and 1 shall be appointed for a term of 2 years.

(3) Of the Council members first appointed under subsection (a)(1)(F) of this section, 1 shall be appointed for a term of 2 years.

(4) Of the Council members first appointed under subsection (a)(1)(G) of this section, 1 shall be appointed for a term of 1 year and one shall be appointed for a term of 2 years.

(5) Whenever a vacancy occurs among members of the Council appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section, the Secretary shall appoint an individual in accordance with that subparagraph to fill that vacancy for the remainder of the applicable term.

(c) CHAIRMAN.—The Council shall have a Chairman, who shall be elected by the Council from its members. The Chairman shall serve for a 3-year term, except that the first Chairman may be elected for a term of less than 3 years, as determined by the Council.

(d) QUORUM.—8 members of the Council shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Council shall meet at the call of the Chairman at least once per year. Council meetings shall be open to the public, and the Chairman shall take appropriate steps to provide adequate notice to the public of the time and place of such meetings. If a Council member appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section misses 3 consecutively scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(5) of this section.

(f) COORDINATOR.—The Under Secretary shall appoint an individual, who shall serve at the pleasure of the Administrator—

(1) to be responsible, with assistance from the National Oceanic and Atmospheric Administration, for facilitating consideration of Fund grant applications by the Council and otherwise assisting the Council in carrying out its responsibilities; and

(2) who shall be compensated with the funds appropriated under section —01(c)(2) of this title.

(g) FUNCTIONS.—The Council shall—

(1) receive and review grant applications under section —03; and

(2) make recommendations to the Senate Appropriations Committee and the House of Representatives Appropriations Committee concerning—

(A) which grant requests should be funded;

(B) the amount of each such grant request that should be funded; and

(C) whether the Congress should impose any specific requirements, conditions, or limitations on a grant recommended for funding.

SEC. —03. OCEAN POLICY TRUST FUND GRANT PROGRAM.

(a) IN GENERAL.—There is established a grant program under which grants are to be funded, as provided by appropriations Acts, from amounts in the Fund. The grant program shall be administered by the Secretary, who shall establish applications, review, oversight, and financial accountability procedures and administer any funds appropriated under subsection (b).

(b) AWARD BY APPROPRIATION.—Grants under the program shall be awarded by appropriations Act on the basis of the Council's recommendations.

(c) APPLICATIONS.—A State or local government, nonprofit conservation organization, or other person seeking a grant from the Fund shall submit an application, in accordance with the procedures established by the Secretary under subsection (a), to the Council—

(1) containing such information and assurances as the Secretary may require;

(2) describing how the grant proceeds will be allocated among—

(A) ocean protection activities;

(B) coastal zone management activities;

(C) coastal and estuarine land protection;

(D) living marine resource activities;

(E) natural resource enhancements;

(F) mitigation of impacts from offshore activities;

(H) ocean literacy and education; and

(3) describing with specificity the purpose for which the grant will be used.

(d) ELIGIBLE PURPOSES.—A grant under the program may be used for—

(1) efforts to protect and manage living marine resources and their habitat, including fisheries, fisheries enforcement, research, management, and enhancement;

(2) programs and activities in coordination with the National Oceanic and Atmospheric Administration or the Department of Interior designed to improve or complement the management and mission of national marine sanctuaries, marine monuments and national estuarine research reserves;

(3) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(4) coastal and estuarine land protection and erosion control, including protection of the environmental integrity of important coastal and estuarine areas; and

(5) mitigation of the effects of offshore activities, including environmental restoration.

SEC. —04. DEFINITIONS.

In this title:

(1) COUNCIL.—The term "Council" means the Ocean Policy Trust Fund Council established by section —02.

(2) FUND.—The term "Fund" means the Ocean Policy Trust Fund established by section —01.

(3) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of Commerce.

SA 1742. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPINOFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term "adjusted unfunded benefit liabilities" means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term "fractional portion" means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term "applicable pension plan" means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term "allocable portion" means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An "eligible employer" is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

SA 1743. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX-EXEMPT TREATMENT OF CERTAIN BONDS ISSUED BY CERTAIN JOINT ACTION AGENCIES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, with respect to the issuance of any bond after the date of the enactment of this Act by any joint action agency described in subsection (b), if such bond satisfies the requirements of subsection (c) then—

(1) such bond shall be treated as issued by a political subdivision for purposes of section 103 of such Code, and

(2) the sale or transmission of power by such agency to its members shall not result in such bond being treated as a private activity bond under section 141 of such Code.

(b) AGENCY DESCRIBED.—An agency is described in this subsection if such agency is established under State law on December 1, 2000, or July 26, 2005, for the purpose of participating in the ownership, design, construction, operation, and maintenance of 1 or more generating or transmission facilities and has the powers and immunities of a public utility, and such agency's membership includes at least 1 municipal utility.

(c) BOND REQUIREMENTS.—A bond issued as part of an issue satisfies the requirements of this subsection if the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of bonds previously issued pursuant to this section by all agencies described in subsection (b), does not exceed $1,000,000,000. An agency established under State law in 2005 shall not expend any portion of the final 25 percent of that portion available to such agency of the initial authorization of $1,000,000,000 without the approval of at least 80 percent of the agency's board of directors.

SA 1744. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 611. INVESTIGATION OF GASOLINE PRICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, based on weekly data published by the Energy Information Administration of the Department of Energy, the average weekly price of gasoline in a State or urban area increases 20 percent or more at least 3 times in any 3-month period, the Federal Trade Commission shall examine the causes and initiate an investigation, if necessary, into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) Report.—Not later than 30 days after the completion of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) Public Meeting.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) Action on Price Increase.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

SA 1745. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) Establishment.—There is established a commission to be known as the "Commission on Renewable Energy" (referred to in this section as the "Commission")—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) Membership.—

(1) Composition.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) Eligibility of designees.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) Representatives.—

(A) Selection.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) Qualifications.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) Term.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) Treatment.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) Vacancies.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) Meetings.—

(1) In general.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) Form of meetings.—The Commission may meet in person or through electronic means.

(e) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) Chairperson.—

(1) Selection.—

(A) In general.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) Initial selection.—The Secretary shall select the initial Chairperson.

(2) Term.—The Chairperson shall serve for a term of 6 years.

(g) Duties.—

(1) In general.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) Studies.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) Annual report.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) Powers.—

(1) Hearings.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) Information from federal agencies.—

(A) In general.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) Provision of information.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) Confidentiality.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) Gifts.—

(A) In general.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) Annual report.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) Detail of Federal Government Employees.—

(1) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(j) Budget Submission.—The Secretary shall include the budget of the Commission in the annual budget submission of the Secretary to Congress.

(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(l) Termination of Commission.—The Commission shall terminate on October 1, 2016.

SA 1746. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) Energy Disaster Loan Program.—

(1) In general.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

"(4) Energy emergencies.—

"(A) Definitions.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) Authorization.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

"(C) Interest rate.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) Maximum amount.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) Declarations.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Use of funds.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(2) Conforming amendments relating to heating fuel.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(B) by inserting "other" before "economic".

(3) Effective period.—The amendments made by this subsection shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under subsection (b).

(b) Guidelines and Rulemaking.—

(1) Guidelines.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(2) Rulemaking.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act, as added by this Act.

(c) Reports.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (b), and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(d) Definitions.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration; and

(2) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

SA 1747. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION OF PIPELINES AND CARBON DIOXIDE SEQUESTRATION FACILITIES.

(1) In general.—The Secretary, in coordination with the Federal Energy Regulatory Commission, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, shall conduct a study to assess the feasibility of the construction of—

(A) pipelines to be used for the transportation of carbon dioxide; and

(B) carbon dioxide sequestration facilities.

(2) Scope.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(B) any market risk (including throughput risk) relating to—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(C) any regulatory, financing, or siting option that, as determined by the Secretary, would—

(i) mitigate any market risk described in subparagraph (B); or

(ii) help ensure the construction of pipelines dedicated to the transportation of carbon dioxide;

(D) the means by which to ensure the safe transportation of carbon dioxide;

(E) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide; and

(F) any other appropriate issue, as determined by the Secretary.

(3) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study.

(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $1,000,0000 for each of fiscal years 2008 and 2009.

SA 1748. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADDITIONAL INCENTIVES FOR PRODUCTION OF WIND ENERGY.

(a) Income From Wind Energy Treated as Qualifying Income.—Paragraph (1) of section 7704(d) (relating to qualifying income) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end fo subparagraph (G) and inserting ", and", and by inserting after subparagraph (G) the following new subparagraph:

"(H) income and gains derived from the production of electricity from wind.".

(b) Exclusion From Limitation on Passive Activity Credits.—Clause (i) of section 469(d)(2)(A) (relating to separate application of passive activity losses and credits in case of publicly traded partnerships) is amended by inserting "(other than the portion of the credit under section 45(a) which is attributable to energy produced at a qualified facility described in section 45(d)(1))" after "subchapter A".

(c) Qualified Nonrecourse Financing of Wind Energy Property Treated as at Risk.—

(1) In general.—Subparagraphs (A) and (B) of section 465(b)(6) (relating to qualified nonrecourse financing treated as amount at risk) is amended by inserting "or renewable energy property" after "real property" each place it appears.

(2) Renewable energy property.—Section 465(b) is amended by adding at the end the following new subparagraph:

"(C) Renewable energy property.—For purposes of this paragraph, the term 'renewable energy property' means property held for the purpose of producing energy from wind.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 1749. Mr. BOND submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 15 and 16, insert the following:

SEC. 234. STANDARDS FOR SMALL-DUCT HIGH-VELOCITY AIR CONDITIONING AND HEAT PUMP SYSTEMS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(C) Small-Duct High-Velocity (SDHV) Systems: 11.00 for products manufactured on or after January 23, 2006."; and

(2) in paragraph (2), by adding at the end the following:

"(C) Small-Duct High-Velocity (SDHV) Systems: 6.80 for products manufactured on or after January 23, 2006.".

SA 1750. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) In General.—Subsection (a) of section 179C (relating to election to expense certain refineries) is amended by striking "50 percent of".

(b) Effective Date.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. . DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "Or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. ____. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) Modification of Tax Threshold for Awards.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) Whistleblower Office.—

(1) In general.—Section 7623 is amended by adding at the end the following new subsections:

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Reports.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. . MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 1751. Mr. CRAPO (for himself, Mr. CRAIG, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES NOT SUBJECT TO PRIVATE BUSINESS USE TEST.

(a) IN GENERAL.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR CERTAIN ELECTRIC TRANSMISSION FACILITIES.—For purposes of the 1st sentence of subparagraph (A), the operation or use of an electric transmission facility by any person which is not a governmental unit shall not be considered a private business use if—

"(i) the facility is placed in service on or after the date of the enactment of this subparagraph and is owned by—

"(I) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing providing electric service, directly or indirectly to the public, or

"(II) a State or political subdivision of a State expressly authorized under applicable State law effective on or after January 1, 2004, to finance and own electric transmission facilities, and

"(ii) bonds for such facility are issued before the date which is 5 years after the date of the enactment of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 1752. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, after line 12, insert the following:

(d) PRIORITY FOR UNIVERSITY PARTNERSHIPS.—Subsection (d) of section 48B (relating to qualifying gasification project program) is amended by adding at the end the following new paragraph:

"(4) UNIVERSITY PARTNERSHIPS.—In determining which qualifying gasification projects to certify under this subsection, the Secretary may give priority to otherwise qualifying projects that also include collaborative research and education partnerships with universities in which—

"(A) the university has demonstrated active involvement in successful use of biomass fuels,

"(B) the project will provide electricity, synthetic gas, steam, heating, or cooling to the university from a facility with a nameplate generation capacity of at least 20 megawatts or equivalent,

"(C) the project will provide the opportunity for applied university research, demonstration, technical education, and certification in gasification technology and applications of the use of biomass fuel, and

"(D) the research associated with the project involves the goal of reducing greenhouse gas emissions.".

SA 1753. Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table, as follows:

At the end, add the following:

TITLE VIII—NUCLEAR WASTE ACCESS TO YUCCA

SEC. 801. SHORT TITLE.

This title may be cited as the "Nuclear Waste Access to Yucca Act".

SEC. 802. DEFINITIONS.

In this title:

(1) DISPOSAL.—The term "disposal" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) PROJECT.—The term "Project" means the Yucca Mountain Project.

(4) REPOSITORY.—The term "repository" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(7) YUCCA MOUNTAIN SITE.—The term "Yucca Mountain site" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

SEC. 803. WITHDRAWAL OF LAND.

(a) LAND WITHDRAWAL; JURISDICTION; RESERVATION; ACQUISITION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this title, the land described in subsection (b) is withdrawn permanently from any form of entry, appropriation, or disposal under the public land laws, including, without limitation—

(A) the mineral leasing laws;

(B) the geothermal leasing laws;

(C) materials sales laws; and

(D) the mining laws.

(2) JURISDICTION.—As of the date of enactment of this Act, any land described in subsection (b) that is under the jurisdiction of the Secretary of the Air Force or the Secretary of the Interior shall be—

(A) transferred to the Secretary; and

(B) under the jurisdiction of the Secretary.

(3) RESERVATION.—The land described in subsection (b) is reserved for use by the Secretary for activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), including—

(A) development;

(B) preconstruction testing and performance confirmation;

(C) licensing;

(D) construction;

(E) management and operation;

(F) monitoring;

(G) closure and post-closure; and

(H) other such activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) LAND DESCRIPTION.—

(1) BOUNDARIES.—The land referred to in subsection (a) is the approximately 147,000 acres of land located in Nye County, Nevada, as generally depicted on the map relating to the Project, numbered YMP–03–024.2, entitled "Proposed Land Withdrawal", and dated July 21, 2005.

(2) LEGAL DESCRIPTION AND MAP.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(i) publish in the Federal Register a notice containing a legal description of the land described in this subsection; and

(ii) provide to Congress, the Governor of the State of Nevada, and the Archivist of the United States—

(I) a copy of the map referred to in paragraph (1); and

(II) the legal description of the land.

(B) TREATMENT.—

(i) IN GENERAL.—The map and legal description referred to in subparagraph (A) shall have the same force and effect as if the map and legal description were included in this title.

(ii) TECHNICAL CORRECTIONS.—The Secretary of the Interior may correct any clerical or typographical error in the map and legal description referred to in subparagraph (A).

(c) REVOCATIONS.—

(1) PUBLIC LAND ORDER.—Public Land Order 6802, dated September 25, 1990 (as extended by Public Land Order 7534), and any condition or memorandum of understanding accompanying the land order (as so extended), is revoked.

(2) RIGHT OF WAY.—The rights-of-way reservations relating to the Project, numbered N–48602 and N–47748 and dated January 5, 2001, are revoked.

(d) MANAGEMENT OF WITHDRAWN LAND.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall manage the land withdrawn under subsection (a)(1) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this title; and

(C) other applicable laws.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land withdrawn under subsection (a)(1).

(B) PRIORITY.—Subject to subparagraphs (C), (D), and (E), use of the land withdrawn under subsection (a)(1) for an activity not relating to the Project shall be subject to such conditions and restrictions as the Secretary considers to be appropriate to facilitate activities relating to the Project.

(C) AIR FORCE USE.—The management plan may provide for the continued use by the Department of the Air Force of the portion of the land withdrawn under subsection (a)(1) located within the Nellis Air Force base test and training range under such terms and conditions as may be agreed to by the Secretary and the Secretary of the Air Force.

(D) NEVADA TEST SITE USE.—The management plan may provide for the continued use by the National Nuclear Security Administration of the portion of the land withdrawn under subsection (a)(1) located within the Nevada test site of the Administration under such conditions as the Secretary considers to be necessary to minimize any effect on activities relating to the Project or other activities of the Administration.

(E) OTHER USES.—

(i) IN GENERAL.—The management plan shall include provisions—

(I) relating to the maintenance of wildlife habitat on the land withdrawn under subsection (a)(1); and

(II) under which the Secretary may permit any use not relating to the Project, as the Secretary considers to be appropriate, in accordance with the requirements under clause (ii).

(ii) REQUIREMENTS.—

(I) GRAZING.—The Secretary may permit any grazing use to continue on the land withdrawn under subsection (a)(1) if the grazing use was established before the date of enactment of this Act, subject to such regulations, policies, and practices as the Secretary, in consultation with the Secretary of the Interior, determines to be appropriate, and in accordance with applicable grazing laws and policies, including—

(aa) the Act of June 28, 1934 (commonly known as the "Taylor Grazing Act") (43 U.S.C. 315 et seq.);

(bb) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(cc) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(II) HUNTING AND TRAPPING.—The Secretary may permit any hunting or trapping use to continue on the land withdrawn under subsection (a)(1) if the hunting or trapping use was established before the date of enactment of this Act, at such time and in such zones as the Secretary, in consultation with the Secretary of the Interior and the State of Nevada, may establish, taking into consideration public safety, national security, administration, and public use and enjoyment of the land.

(F) PUBLIC ACCESS.—

(i) IN GENERAL.—The management plan may provide for limited public access to the portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(ii) SPECIFIC USES.—The management plan may permit public uses of the land relating to the Nye County Early Warning Drilling Program, utility corridors, and other uses the Secretary, in consultation with the Secretary of the Interior, considers to be consistent with the purposes of the withdrawal under subsection (a)(1).

(3) MINING.—

(A) IN GENERAL.—Surface and subsurface mining and oil and gas production, including slant drilling from outside the boundaries of the land withdrawn under subsection (a)(1), shall be prohibited at any time on or under the land.

(B) EVALUATION OF CLAIMS.—The Secretary of the Interior shall evaluate and adjudicate the validity of any mining claim relating to any portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(C) COMPENSATION.—The Secretary shall provide just compensation for the acquisition of any valid property right relating to mining pursuant to the withdrawal under subsection (a)(1).

(4) CLOSURES.—If the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, determines that the health and safety of the public or the national defense and security require the closure of a road, trail, or other portion of the land withdrawn under subsection (a)(1) (including the airspace above the land), the Secretary—

(A) may close the road, trail, or portion of land (including airspace); and

(B) shall provide to the public a notice of the closure.

(5) IMPLEMENTATION.—The Secretary and the Secretary of the Air Force or the Secretary of the Interior, as appropriate, shall implement the management plan developed under paragraph (2) under such terms and conditions as may be agreed to by the Secretaries.

SEC. 804. RECEIPT AND STORAGE FACILITIES.

Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) by striking "If the President" and inserting the following:

"(1) IN GENERAL.—If the President"; and

(2) by adding at the end the following:

"(2) APPLICATION FOR RECEIPT AND STORAGE FACILITIES.—

"(A) IN GENERAL.—In conjunction with the submission of an application for a construction authorization under this subsection, the Secretary shall apply to the Commission for a license in accordance with part 72 of title 10, Code of Federal Regulations (or a successor regulation), to construct and operate facilities to receive and store spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.

"(B) DEADLINE FOR FINAL DECISION BY COMMISSION.—The Commission shall issue a final decision approving or disapproving the issuance of the license not later than 18 months after the date of submission of the application to the Commission.".

SEC. 805. REPEAL OF CAPACITY LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

SEC. 806. INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by adding at the end the following:

"(g) INFRASTRUCTURE ACTIVITIES.—

"(1) CONSTRUCTION OF CONNECTED FACILITIES.—At any time after the completion by the Secretary of a final environmental impact statement that evaluates the activities to be performed under this subsection, the

Secretary may commence the following activities in connection with any activity or facility licensed or to be licensed by the Commission at the Yucca Mountain site:

"(A) Preparation of the site for construction of the facility (including such activities as clearing, grading, and construction of temporary access roads and borrow areas).

"(B) Installation of temporary construction support facilities (including such items as warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and construction support buildings).

"(C) Excavation for facility structures.

"(D) Construction of service facilities (including such facilities as roadways, paving, railroad spurs, fencing, exterior utility and lighting systems, transmission lines, and sanitary sewerage treatment facilities).

"(E) Construction of structures, systems, and components that do not prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

"(F) Installation of structural foundations (including any necessary subsurface preparation) for structures, systems, and components that prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

"(2) AUTHORIZATION TO RECEIVE AND STORE.—

"(A) DEFINITIONS.—In this paragraph:

"(i) DEFENSE WASTE.—The term 'defense waste' means high-level radioactive waste, and spent nuclear fuel, that results from an atomic energy defense activity.

"(ii) LEGACY SPENT NUCLEAR FUEL.—The term 'legacy spent nuclear fuel' means spent nuclear fuel—

"(I) that is subject to a contract entered into pursuant to section 302; and

"(II) for which the Secretary determines that there is not at the time of the determination, and will not be within a reasonable time after the determination, sufficient domestic capacity available to recycle the spent nuclear fuel.

"(B) AUTHORIZATION FOR DEFENSE WASTE.—At any time after the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may transport defense waste to receipt and storage facilities at the Yucca Mountain site.

"(C) AUTHORIZATION FOR LEGACY SPENT NUCLEAR FUEL.—At any time after the issuance of a construction authorization under subsection (d) and the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may receive and store legacy spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.".

SEC. 807. RAIL LINE.

(a) CONSTRUCTION OF RAIL LINE.—The Secretary shall acquire rights-of-way within the corridor designated in subsection (b) in accordance with this section, and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the site of surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement.

(b) ACQUISITION AND WITHDRAWAL OF LAND.—

(1) ROUTE DESIGNATION AND ACQUISITION.—

(A) RIGHTS-OF-WAY AND FACILITIES.—The Secretary shall acquire such rights-of-way and develop such facilities within the corridor referred to as "X" on the map dated [ ] and on file with the Secretary as are necessary to carry out subsection (a).

(B) RECOMMENDATIONS.—The Secretary shall consider specific alignment proposals for the route for the corridor made by the State of Nevada and the units of local government within whose jurisdiction the route is proposed to pass.

(C) NOTICE AND DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(i) publish in the Federal Register a notice containing a legal description of the corridor; and

(ii) file copies of the map referred to in paragraph (1) and the legal description of the corridor with—

(I) Congress;

(II) the Secretary of the Interior;

(III) the Governor of the State of Nevada;

(IV) the Board of County Commissioners of Lincoln County, Nevada;

(V) the Board of County Commissioners of Nye County, Nevada; and

(VI) the Archivist of the United States.

(D) ADMINISTRATION.—

(i) EFFECT.—The map and legal description referred to in subparagraph (C) shall have the same force and effect as if the map and legal description were included in this title.

(ii) CORRECTIONS.—The Secretary may correct clerical and typographical errors in the map and legal description and make minor adjustments in the boundaries of the corridor.

(2) WITHDRAWAL AND RESERVATION.—

(A) PUBLIC LAND.—Subject to valid existing rights, the public land depicted on the map referred to in paragraph (1)(C) is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal laws, the material sale laws, and the mining laws.

(B) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land is transferred from the Secretary of the Interior to the Secretary.

(C) RESERVATION.—The land is reserved for the use of the Secretary for the construction and operation of transportation facilities and associated activities under title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.)

(D) MEMORANDUM OF UNDERSTANDING.—The Secretary may also enter into a memorandum of understanding with the head of any other agency having administrative jurisdiction over other Federal land used for purposes of the corridor referred to in paragraph (1)(A).

(c) ENVIRONMENTAL IMPACT.—

(1) IN GENERAL.—The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to activities carried out under this section.

(2) CONSIDERATION OF POTENTIAL IMPACTS.—To the extent a Federal agency is required to consider the potential environmental impact of an activity carried out under this section, the Federal agency shall adopt, to the maximum extent practicable, an environmental impact statement prepared under this section.

(3) EFFECT OF ADOPTION OF STATEMENT.—The adoption by a Federal agency of an environmental impact statement under paragraph (2) shall be considered to satisfy the responsibilities of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further consideration under that Act shall be required by the Federal agency.

SEC. 808. NEW PLANT CONTRACTS.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by striking paragraph (5) and inserting the following:

"(5) REQUIRED PROVISIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any contract entered into under this section shall provide that—

"(i) following issuance of a license to construct and operate facilities to receive and store spent nuclear fuel at the Yucca Mountain site, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

"(ii) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, shall dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in this subtitle.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), with respect to a nuclear power facility for which a license application is filed with the Commission after January 1, 2008, under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract entered into under this section shall—

"(i) except as provided in clause (ii) and any terms and conditions relating to spent nuclear fuel generated before the date of enactment of the Nuclear Fuel Management and Disposal Act, be consistent with the terms and conditions of the contract entitled 'Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste' that is included in section 961.11 of title 10 of the Code of Federal Regulations (as in effect on the date of enactment of the Nuclear Fuel Management and Disposal Act);

"(ii) provide for the taking of title to, and removal of, high-level waste or spent nuclear fuel beginning not later than 30 years after the date on which the nuclear power facility begins commercial operations; and

"(iii) be entered into not later than 60 days after the date on which the license application is docketed by the Commission.".

SEC. 809. NUCLEAR WASTE FUND.

(a) BUDGET ACT ALLOCATIONS.—Effective for fiscal year 2008 and each fiscal year thereafter, funds appropriated from the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall not be subject to—

(1) the allocations for discretionary spending under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)); or

(2) the suballocations of appropriations committees under section 302(b) of that Act.

(b) FUND USES.—Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by striking "with" and all that follows through "storage site" and inserting "with surface facilities within the geologic repository operations area (including surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement, or transportation to the repository of spent nuclear fuel or high-level radioactive waste to surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement and the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository, to be stored in a monitored retrievable storage site),".

SEC. 810. WASTE CONFIDENCE.

For purposes of a determination by the Nuclear Regulatory Commission on whether to grant or amend any license to operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the provisions of this title (including the amendments made by this title) and the obligation of the Secretary to develop a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), shall provide sufficient and independent grounds for any further findings by the Nuclear Regulatory Commission of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner.

SA 1754. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—Boutique Fuel Reduction

SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Boutique Fuel Reduction Act of 2007".

SEC. 162. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting "an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives," after "equipment failure,";

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(3) in clause (vi) (as redesignated by paragraph (2))—

(A) in subclause (I), by striking "fuels approved under" and all that follows through the end of the subclause and inserting "fuels included on the list published under subclause (II) (including any revisions to the list under subclause (III)).";

(B) by striking subclause (III) and inserting the following:

"(III) REMOVAL OF FUELS FROM LIST.—

"(aa) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall remove a fuel from the list published under subclause (II) if the Administrator determines that the fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition established and enforced the Administrator.

"(bb) PUBLICATION OF REVISED LIST.—On removing a fuel from the list under item (aa), the Administrator shall publish a revised list that reflects that removal."; and

(C) by striking subclause (IV) and inserting the following:

"(IV) NO LIMITATION ON AUTHORITY.—Nothing in subclause (I) or (V) limits the authority of the Administrator to approve a control or prohibition relating to any new fuel under this paragraph in a State implementation plan (or a revision to such a plan), if—

"(aa) the new fuel completely replaces a fuel on the list published under subclause (II) (including any revisions to the list under subclause (III));

"(bb) the new fuel does not increase the total number of fuels contained on the list (including any revisions to the list); or

"(cc) the Administrator, in consultation with the Secretary of Energy, publishes in the Federal Register, after providing notice and an opportunity for public comment, a determination that the control or prohibition will not any cause fuel supply or distribution interruption or have any significant adverse impact on fuel producibility in the affected area or any contiguous area.".

SEC. 163. COMPLETION OF HARMONIZATION STUDY.

Section 1509(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1084) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a) by not later than the earlier of—

"(A) the date that is 270 days after the date of enactment of this subparagraph; and

"(B) June 1, 2008.".

SA 1755. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6. to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, after line 22, insert the following:

(d) SUSPENSION OF GASOLINE EXCISE TAX.—If the President declares a Federal energy emergency under subsection (a), the tax imposed under section 4081(a) of the Internal Revenue Code of 1986 shall be suspended during the period specified pursuant to subsection (b)(1) in the geographic area specified pursuant to subsection (b)(3).

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 279, between lines 19 and 20, insert the following:

SEC. 603A. SUSPENSION OF DAVIS-BACON REQUIREMENTS DURING ENERGY EMERGENCY.

Notwithstanding subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), the President shall suspend the provisions of such subchapter during any energy emergency declared by the President under section 606 for the area or region to which the energy emergency applies.

SA 1757. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, between lines 20 and 21, insert the following:

(d) REIMBURSEMENT OF COURT COSTS.—If the Federal Trade Commission brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the Commission to reimburse the defendant for all costs associated with defending against the enforcement action.

On page 286, between lines 8 and 9, insert the following:

(h) REIMBURSEMENT OF COURT COSTS.—If a State brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the State to reimburse the defendant for all costs associated with defending against the enforcement action.

SA 1758. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I. add the following:

SEC. 131. ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) (as amended by section 124(a)) is amended—

(1) in subsection (b), by adding at the end the following:

"(11) Energy efficiency residential financing guarantees provided under subsection (g)."; and

(2) by adding at the end the following:

"(g) ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.—

"(1) IN GENERAL.—Subject to the availability of funds appropriated in advance, the Secretary shall make guarantees under this section for single and multifamily mortgage bonds and related financing for energy efficiency purposes.

"(2) PURPOSES.—The Secretary shall make a guarantee under this subsection only for—

"(A) bonds and related financing issued by State housing and energy agencies; or

"(B) debt financing for energy efficiency measures in new or existing housing supported by Federal financial assistance programs under which energy efficiency projects are approved jointly by State housing finance and energy agencies.

"(3) CRITERIA.—Not later than 90 days after the date of enactment of this subsection, the Secretary (in consultation with State housing finance, energy, weatherization and public utility commissioners) shall promulgate regulations establishing criteria for energy efficiency projects eligible for guarantees under this subsection.

"(4) ADMINISTRATION.—Subsections (a)(2) and (d) shall not apply to a guarantee made under this subsection.".

SA 1759. Mr. WYDEN (for himself, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term "terrestrial ecosystem" means any ecological and surficial geological system on public land.

(B) INCLUSIONS.—The term "terrestrial ecosystem" includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005"; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the 3 years following the date of enactment of this Act.

SA 1760. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 8 and 9, insert the following:

(8) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term "lifecycle greenhouse gas emissions" means the aggregate quantity of greenhouse gases attributable to the production, transportation, and use of renewable fuel, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

(A) any greenhouse gases captured at the facility and sequestered; and

(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass.

SA 1761. Mr. CARDIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), in cooperation with the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol of not less than 10 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly-labeled fuel storage facilities and dispensers;

(4) an evaluation on the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of onroad, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out the study under this section $1,000,000.

SEC. . WAIVER OF REQUIREMENTS FOR NEW FUELS AND FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) is amended by striking the last sentence and inserting the following: "After providing notice and opportunity for comment, the Administrator shall approve or deny an application submitted under this paragraph not later than 270 days after the date of the receipt of the application.".

SA 1762. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 12 and all that follows through page 42, line 8, and insert the following:

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon the request of the borrower, the Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee, on the condition that the Secretary has—

"(A) received from the borrower a payment in full for the cost of the obligation; and

"(B) deposited the payment in the Treasury.

"(2) LIMITATION ON AMOUNT.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.

"(3) APPROVAL OF APPLICATIONS.—

"(A) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee not later than 1 year after the date of receipt of the application.

"(B) REPORT.—The Secretary shall submit to Congress an annual report on the approval or disapproval of all loan guarantee applications that includes—

"(i) the reasons for each approval and disapproval; and

"(ii) an evaluation and recommendation by the Secretary for the termination of authority for each eligible project category described in section 1703(b).".

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary in a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

At the end, add the following:

TITLE VIII—COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES

SEC. 801. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term "domestic fuels facility" means a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term "domestic fuels facility" includes a domestic fuels facility expansion.

(3) DOMESTIC FUELS FACILITY EXPANSION.—The term "domestic fuels facility expansion" means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(4) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term "domestic fuels facility permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(5) DOMESTIC FUELS PRODUCER.—The term "domestic fuels producer" means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(8) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 802. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

At the appropriate place, insert the following:

Subtitle —Energy Trust Fund

SEC. _. EXPANSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) FULL EXPENSING.—Section 179C(a) of the Internal Revenue Code of 1986 (relating to treatment as expenses) is amended by striking "50 percent of".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. _. LIMITATION ON PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) LIMITATION ON AGGREGATE AMOUNT OF DEPLETION.—In the case of any oil or gas well, the allowance for depletion allowed under section 613 shall not exceed the basis of the taxpayer in such property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. _. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.".

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) of such Code are each amended by striking "section 263(c), 616(a)," and inserting "section 616(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. _. DEDICATION OF RESULTING REVENUES TO THE ENERGY TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. ENERGY TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Energy Trust Fund', consisting of such amounts as may be appropriated or credited to such Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST.—There are hereby appropriated to the Energy Trust Fund amounts equivalent to the revenues resulting from the amendments made by subtitle _ of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(c) EXPENDITURES.—Amounts in the Energy Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures—

"(1) to accelerate the use of clean domestic renewable energy resources (including solar, wind, clean coal, and nuclear) and alternative fuels (including ethanol, including cellulosic ethanol, biodiesel, and fuel cell technology);

"(2) to promote the utilization of energy-efficient products and practices and conservation; and

"(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Energy Trust Fund.".

SA 1763. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"This Act shall not affect the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1, et seq.)."

SA 1764. Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. SNOWE, Mr. SMITH, Ms.

CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 281. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 282. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy. technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 283. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) REVIEW BY SECRETARY.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary of Commerce may require design approval or operating conditions of the activity for the protection of marine resources under the jurisdiction of the Department of Commerce.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate such sums as are necessary to carry out this section.

SA 1765. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

"(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

"(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

"(i) 27.5 miles per gallon; or

"(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.".

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code, as amended by section 506, is further amended by adding at the end the following: "Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).".

SA 1766. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

"(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply separately to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

"(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

"(i) 27.5 miles per gallon; or

"(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.".

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code,.as amended by section 506, is further amended by adding at the end the following: "Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).".

SA 1767. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike lines 19 and 20 and insert the following:

biofuel" means fuel derived from—

(i) renewable biomass, other than corn starch, grown in the United States; or

(ii) renewable biomass, other than corn starch, grown outside the United States, on the condition that the fuel, or renewable biomass used in the fuel, whichever is imported, is certified by the importer, refiner, or blender as having been grown, produced, and transported in a manner consistent with standards equivalent to or more stringent than those established under environmental, labor, and public health laws of the United States, including laws relating to the conversion of forests, grassland, and wetland for agricultural use or other biomass production.

SA 1768. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. ANNUAL REPORTS.

For each calendar year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes, with respect to the preceding calendar year—

(1) the quantity of—

(A) renewable fuels imported into the United States;

(B) feedstocks imported into the United States to produce renewable fuels; and

(C) renewable fuels and feedstocks that are used to achieve compliance with applicable renewable fuels standards and other requirements under this title; and

(2) the impact on the environment, labor conditions, and public health status of foreign countries with respect to production in the United States of renewable fuels to achieve compliance with those standards and requirements.

SA 1769. Mr. BROWN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 2 . FEDERAL FLEET FUEL EFFICIENT VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) FUEL EFFICIENCY REQUIREMENT.—The Secretary shall coordinate with the Administrator to ensure that vehicles procured by Federal agencies are the most fuel efficient in their class.

(c) PURCHASE OF ADVANCED TECHNOLOGY VEHICLES.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator to ensure that, of the vehicles procured after September 30, 2008—

(A) not less than 5 percent of the total number of the vehicles procured in each of fiscal years 2009 and 2010 are advanced technology vehicles;

(B) not less than 15 percent shall be advanced technology vehicles by January 1, 2015; and

(C) not less than 25 percent shall be advanced technology vehicles by January 1, 2020.

(2) WAIVER.—The Secretary, in consultation with the Administrator, may waive the requirements of paragraph (1) for any fiscal year to the extent that the Secretary determines necessary to adjust to limitations on the commercial availability of advanced technology vehicles.

(d) REPORT ON PLANS FOR IMPLEMENTATION.—At the same time that the President submits the budget for fiscal year 2009 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (b) and (c).

SA 1770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following;

"(D) EFFECTIVE RULEMAKING.—The prescription of average fuel economy standards under this paragraph shall be made without regard to—

"(i) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act');

SA 1771. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. COLEMAN, Mr. OBAMA, Ms. KLOBUCHAR, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. BIODIESEL FUEL STANDARD.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

"(p) BIODIESEL FUEL.—

"(1) DEFINITIONS.—In this subsection:

"(A) ASTM.—The term 'ASTM' means the American Society of Testing and Materials.

"(B) BIO-BASED DIESEL REPLACEMENT.—The term 'bio-based diesel replacement' means any type of bio-based renewable fuel derived from plant or animal matter that—

"(i) may be used as a substitute for standard diesel fuel; and

"(ii) meets—

"(I) the registration requirements for fuels and fuel additives under this section; and

"(II) the requirements of applicable ASTM standards.

"(C) BIODIESEL.—

"(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

"(I) the registration requirements for fuels and fuel additives under this section; and

"(II) the requirements of ASTM standard D6751.

"(ii) INCLUSION.—For the purpose of measuring the applicable volume of the biodiesel fuel standard under paragraph (2), the term 'biodiesel' includes any bio-based diesel replacement that meets—

"(I) applicable registration requirements for fuels and fuel additives under this section; or

"(II) applicable ASTM standards.

"(D) BIODIESEL BLEND.—The term 'biodiesel blend' means a blend of biodiesel fuel that meets the requirements of ASTM standard D6751 with petroleum-based diesel fuel.

"(2) BIODIESEL FUEL STANDARD.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel fuel sold or introduced into commerce in the United States, on an annual average basis, contains the applicable volume of biodiesel determined in accordance with subparagraphs (B) and (C).

"(B) CALENDAR YEARS 2008 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2008 through 2012 shall be determined in accordance with the following table:

Calendar year:	**"Applicable volume of biodiesel (in millions of gallons):**
2008	450
2009	625
2010	800
2011	1,000
2012	1,250

"(C) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years 2008 through 2012, including a review of—

"(i) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(ii) the expected annual rate of future production of biodiesel.

"(D) MINIMUM PERCENTAGE OF BIODIESEL.—For the purpose of subparagraph (B), at least 80 percent of the minimum applicable volume for each of calendar years 2008 through 2012 shall be biodiesel.

"(E) COMPLIANCE.—The regulations promulgated under subparagraph (A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met, but shall not—

"(i) restrict geographic areas in which biodiesel may be used; or

"(ii) impose any per-gallon obligation for the use of biodiesel.

"(F) WAIVERS.—

"(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall continually evaluate the impact of the biodiesel requirements established under this paragraph on the price of diesel fuel.

"(ii) WAIVER.—If the Administrator determines that there is a significant biodiesel feedstock disruption or other market circumstances that would make the price of biodiesel fuel unreasonable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for a 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biodiesel.

"(iii) FACTORS.—In making determinations under this subparagraph, the Administrator shall consider—

"(I) the purposes of this Act;

"(II) the differential between the price of diesel fuel and the price of biodiesel; and

"(III) the impact the biodiesel mandate has on consumers.

"(iv) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for an additional 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biodiesel.

"(v) RESTORATION.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) or (iv) has concluded and that it is practicable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to increase the quantity of biodiesel required under subparagraph (A) by an appropriate quantity to account for the gallons of biodiesel not used during the period a waiver or extension was in effect under this subparagraph.

"(G) PREEMPTION OF STATE BIODIESEL MANDATES.—

"(i) IN GENERAL.—The standard established under subparagraph (A) shall not apply to any diesel fuel subject to a State biodiesel mandate that has been enacted as of January 1, 2007.

"(ii) PRODUCTION AND USE OF BIODIESEL AND BIO-BASED RENEWABLE DIESEL.—Subject to clause (iii), no State or unit of local government shall establish or continue to enforce a mandate that requires the level of production or use of biodiesel or bio-based diesel replacement to exceed the maximum level of production or use of biodiesel or bio-based diesel replacement described in any—

"(I) engine warranty; or

"(II) specification derived in accordance with the ASTM.

"(iii) STATE AND MUNICIPAL VEHICLES.—Nothing in this paragraph preempts the authority of a State or unit of local government—

"(I) to regulate the use of biodiesel in vehicles owned by the State or local government, respectively; or

"(II) to establish financial incentives to promote the use of biodiesel.

"(iv) FINANCIAL INCENTIVES.—Nothing in this paragraph precludes States from establishing financial incentives to promote the voluntary use or production of biodiesel.".

(b) CONFORMING AMENDMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (o)(1)(C)(ii)(II), by striking "biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and"; and

(2) by redesignating the first subsection (r) (relating to fuel and fuel additive importers and importation) as subsection (u) and moving that subsection so as to appear at the end of the section.

SEC. 132. BIODIESEL LABELING.

Subsection (p) of section 211 of the Clean Air Act (42 U.S.C. 7545) (as added by section 131(a)) is amended by adding at the end the following:

"(3) BIODIESEL LABELING.—

"(A) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biodiesel that is contained in the biodiesel blend that is offered for sale, as determined by the Administrator.

"(B) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall promulgate biodiesel labeling requirements as follows:

"(i) Biodiesel blends that contain less than or equal to 5 percent biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

"(ii) Biodiesel blends that contain more than 5 percent biodiesel by volume but not more than 20 percent by volume shall be labeled 'contains biodiesel in quantities between 5 percent and 20 percent'.

"(iii) Biodiesel blends that contain more than 20 percent biodiesel by volume shall be labeled 'contains more than 20 percent biodiesel'.".

SA 1772. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $2 per qualifying compact fluorescent light bulb purchased by the taxpayer during such year for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

"(b) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed $100 per return.

"(c) QUALIFYING COMPACT FLUORESCENT LIGHT BULB.—For purposes of this section, the term 'qualifying compact fluorescent light bulb' means any compact fluorescent light bulb which meets the requirements of the Energy Star program in effect for such light bulbs in 2008.

"(d) TERMINATION.—The credit allowed under this section shall not apply to property purchased after December 31, 2008.".

(b) CLERICAL AMENDMENT.—The table of chapters for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for compact fluorescent light bulbs."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased in taxable years beginning after December 31, 2007.

SA 1773. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

SA 1774. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT.

Subsection (b) of section 45M (as amended by this Act) is amended by striking "calendar year 2008, 2009, or 2010" each place it appears in paragraphs (1)(A), (2)(B), (2)(C), (3)(B), and (3)(C) and inserting "calendar years 2008 through 2017".

SA 1775. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 157, after line 14, insert the following:

SEC. 879. ACCELERATED DEPRECIATION FOR SCRUBBERS.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking "and" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) any qualifying scrubber, as defined in subsection (i)(19).".

(b) QUALIFYING SCRUBBER.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(19) QUALIFYING SCRUBBER.—For purposes of this section, the term 'qualifying scrubber' means any wet or dry scrubber or scrubber system which meets all standards issued by the Environmental Protection Agency applicable to such scrubber or scrubber system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 1776. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PRODUCTION OF MINERALS AND RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term "coastal political subdivision" means a political subdivision of a contributing energy State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the contributing energy State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) CONTRIBUTING ENERGY STATE.—The term "contributing energy State" means—

(A) in the case of an offshore area, a State that has, within the offshore administrative boundaries beyond the submerged land of the State, an energy area available for leasing of minerals or renewable energy under subsection (c); and

(B) in the case of an onshore area, a State that has, within the onshore boundaries of the State, an energy area available for leasing of minerals or renewable energy under subsection (c).

(3) ENERGY AREA.—

(A) IN GENERAL.—The term "energy area" means—

(i) in the case of an offshore area, any area that is within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State; and

(ii) in the case of an onshore area, any Federal land that is within the onshore boundaries of a State.

(B) EXCLUSIONS.—The term "energy area" does not include—

(i) a unit of the National Park System;

(ii) a component of the National Wild and Scenic Rivers System;

(iii) a component of the National Trails System;

(iv) a component of the National Wilderness Preservation System;

(v) a National Monument;

(vi) any part of the National Landscape Conservation System;

(vii) a National Conservation Area;

(viii) a National Marine Sanctuary;

(ix) a National Marine Monument; or

(x) a National Recreation Area.

(4) MINERALS.—The term "minerals" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) QUALIFIED REVENUES.—

(A) IN GENERAL.—The term "qualified revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for energy areas.

(B) EXCLUSIONS.—The term "qualified revenues" does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(6) RENEWABLE ENERGY.—The term "renewable energy" means energy generated from—

(A) a renewable energy source; or

(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

(7) RENEWABLE ENERGY SOURCE.—The term "renewable energy source" includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CONDITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section shall apply only if and during the period the President certifies to Congress that—

(A) the national average retail price of gasoline in the United States exceeds $3.75 per gallon;

(B) the quantity of oil imported into the United States exceeds 65 percent of the total quantity of oil consumed in the United States;

(C) the supply of renewable fuel is insufficient to meet the demand for fuel in the United States; and

(D) continued and growing reliance on foreign oil imports is a threat to national security.

(2) OFFSHORE AREAS.—In the case of an offshore area, the President may make energy areas off the coastline of a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President—

(A) takes into Federal management an area of land that is equal to at least 110 percent of the acreage of energy areas off the coastline of the State or region that are made available for leasing of minerals or renewable energy under this section; and

(B) uses the land taken into Federal management under subparagraph (A) to establish and maintain a national marine sanctuary off the coastline of the State or region.

(3) ONSHORE AREAS.—In the case of an onshore area, the President may make energy areas in a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President takes into Federal management for the Bureau of Land Management or the Forest Service an area of land that is equal to at least 110 percent of the acreage of energy areas in the State or region that are made available for leasing of minerals or renewable energy under this section.

(c) PETITION FOR LEASING ENERGY AREAS.—

(1) IN GENERAL.—During the period described in subsection (b), the Governor of a State with an energy area may submit to the Secretary a petition requesting that the Secretary make the energy area available for energy production through the leasing of minerals or renewable energy.

(2) ACTION BY SECRETARY.—Notwithstanding any other provision of law, as soon as practicable after the date of receipt of a petition under paragraph (1), the Secretary shall approve the petition if—

(A) the Secretary determines that leasing the energy area would not create an unreasonable risk to public health or the environment, taking into account the economic, social, and environmental costs and benefits of the leasing; and

(B) the legislature of the State enacts a law approving the petition.

(d) DISPOSITION OF QUALIFIED REVENUES FROM OFFSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from offshore energy areas, notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit or provide—

(A) 37.5 percent of qualified revenues to contributing energy States in accordance with paragraph (2);

(B) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies;

(C) 12.5 percent of qualified revenues to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5);

(D) 10 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary to allocate funds to States to carry out State wildlife programs; and

(E) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(A) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in proportion to the amount of qualified revenues generated in any energy area within the offshore administrative boundaries beyond the submerged land of the State.

(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each contributing energy State, as determined under subparagraph (A), to the coastal political subdivisions of the contributing energy State.

(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in a manner consistent with subparagraphs (B) and (C) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (D) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(ii) Mitigation of damage to fish, wildlife, or natural resources.

(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(v) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (D) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(e) DISPOSITION OF QUALIFIED REVENUES FROM ONSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from onshore energy areas, subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(A) 40 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of the Interior to allocate to contributing energy States in accordance with paragraph (2);

(B) 30 percent of qualified revenues in the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093);

(C) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies; and

(D) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in a manner that is consistent with the allocation of assistance to States under the Mineral Leasing Act (30 U.S.C. 181 et seq.), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (C) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Programs and activities that are allowed under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(ii) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State under paragraph (2) may be used for the purposes described in subparagraph (A)(ii).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (C) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(f) ADMINISTRATION.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to—

(A) the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(B) the Historic Preservation Fund established under section 108 of the National Historic Preservation Act (16 U.S.C. 470h); or

(2) any authority that permits energy production under any other provision of law.

SA 1777. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, line 10, strike all through page 99, line 19, and insert the following:

"(i) PLUG-IN CONVERSION CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 50 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

"(2) LIMITATIONS.—The amount of the credit allowed under this subsection shall not exceed $4,000 with respect to the conversion of any motor vehicle.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

"(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

"(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

"(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

"(iii) consists of a standardized configuration and is mass produced,

"(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

"(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

"(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

"(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

"(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2010.".

SA 1778. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 6 through 12 and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM ELIGIBLE PROJECTS.—Paragraph (7) of section 48B(c) is amended by adding at the end the following new flush sentence:

"Such term shall not include any person whose application for certification is principally intended for use in a project which employs gasification for applications related to transportation grade liquid fuels.".

Beginning on page 71, line 9, strike all through page 72, line 2, and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM DEFINITION OF ALTERNATIVE FUEL.—Paragraph (2) of section 6426(d), as amended by subsection (b), is amended by striking subparagraph (E) and by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

On page 77, line 20, strike "(G)" and insert "(F)".

SA 1779. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 278, after line 23, add the following:

(6) PURCHASE, SALE, REPORT.—The terms "purchase", "sale", and "report", with respect to the wholesale price of crude oil, gasoline, and petroleum distillates, do not include any transaction or other activity that is subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1780. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON RETAIL FUEL FAIRNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Consumer protection is a priority for the United States Government. Consumers are entitled to the full benefit of every purchase.

(2) As atmospheric temperature rises, so does the temperature of motor fuel (gasoline and diesel fuel) in filling station tanks. Motor fuel expands as it gets warmer so it takes more fluid to contain the same content of energy (or BTUs) it had when it was at a cooler temperature, resulting in a decrease in energy content of 1 gallon of motor fuel.

(3) The expansion of liquid motor fuel due to increases in temperature is commonly referred to as "hot fuel".

(4) During the purchase and sale of motor fuel between wholesalers and retailers, the motor fuel volume is temperature compensated to a 60 degree Fahrenheit reference volume.

(5) During the purchase and sale of motor fuel between retailers and consumers the temperature of the fuel is not considered.

(6) The lack of temperature compensation at the retail pump costs consumers $2,740,000,000 annually.

(7) An excise tax on the sale of motor fuel is imposed on entities at points in the chain of distribution above the retail level. Taxes are remitted based on temperature-compensated gallons of motor fuel.

(8) Taxes are recouped from retail consumers on a non-temperature-compensated basis. As a result, when retailers sell to consumers motor fuel that is at a temperature greater than 60 degrees Fahrenheit, the retailers recoup more from consumers as "taxes" than the actual amount of Federal and State excise taxes paid by the retailers.

(9) At the time of purchase, a consumer is entitled to the same BTU content contained in a gallon of motor fuel at the retail pump as the retailer receives when the retailer purchases a gallon of motor fuel from the wholesaler.

(10) The most equitable method to address the disparity of the BTU content at the retail pump is by installing temperature compensating retrofit kits to retail fuel pump. This equipment is currently being used in Canada to compensate for the colder motor fuel temperatures they experience.

(11) The National Conference on Weights and Measures, Inc. creates the uniform commercial transaction standards to ensure consumers receive the full benefit of their purchases.

(12) The National Conference on Weights and Measures, Inc. has the authority to adopt standards that would address the concerns behind hot fuel.

(13) The National Institute of Standards and Technology (NIST) provides technical guidance to the National Conference on Weights and Measures, Inc. (NCWM). NIST officials serve as technical advisors to NCWM committees, including the Law and Regulations Committee.

(14) In January 2007, the Law and Regulations Committee of the National Conference

on Weights and Measures, Inc. voted to adopt a standard that will facilitate the implementation of a permissive approach to the use of temperature compensation in the marketplace.

(15) In June, 2007, in testimony before a subcommittee of the House of Representatives, a NIST weights and measure official supported the adoption of temperature compensation for the sale of motor fuel at retail pumps.

(16) Despite over 30 years of debate, the National Conference on Weights and Measures, Inc. has not yet addressed consumer concerns over hot fuel and its hidden costs to consumers.

(17) The National Conference on Weights and Measures, Inc. will hold its annual meeting on July 8-12, 2007 in Salt Lake City, Utah.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Congress should adopt sound policies that protect consumers from fraud or unfairness in connection with the purchase or sale of motor fuel;

(2) consumers should receive the full benefit of their purchase;

(3) in order for consumers to receive the full benefit of a gallon of motor fuel, the temperature disparity created by hot fuel must be resolved;

(4) the National Conference on Weights and Measures, Inc. has the authority to adopt standards that would resolve the United States Governments concerns surrounding hot fuel;

(5) during the annual meeting of the National Conference on Weights and Measures, Inc. in July 2007, standards for the hot fuel issue should be promulgated;

(6) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the $2,740,000,000 loss to consumers;

(7) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the fact that consumers are paying more in Federal and State excise motor fuel taxes than motor fuel retailers are remitting; and

(8) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the methods, standards and procedures Canada is currently using to regulate motor fuel temperature.

SA 1781. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3____. COAL INNOVATION DIRECT LOAN PROGRAM.

(a) In General.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. COAL INNOVATION DIRECT LOAN PROGRAM.

"(a) Definitions.—In this section:

"(1) Carbon capture.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide that would otherwise be released to the atmosphere at a facility in the production of end products of a project prior to transportation of the carbon dioxide to a long-term storage site.

"(2) Coal-to-liquid product.—The term 'coal-to-liquid product' means a liquid fuel resulting from the conversion of a feedstock, as described in this section.

"(3) Combustible end product.—The term 'combustible end product' means any product of a facility intended to be used as a combustible fuel.

"(4) Conventional baseline emissions.—The term 'conventional baseline emissions' means—

"(A) the lifecycle greenhouse gas emissions of a facility that produces combustible end products, using petroleum as a feedstock, that are equivalent to combustible end products produced by a facility of comparable size through an eligible project;

"(B) in the case of noncombustible products produced through an eligible project, the average lifecycle greenhouse gas emissions emitted by projects that—

"(i) are of comparable size; and

"(ii) produce equivalent products using conventional feedstocks; and

"(C) in the case of synthesized gas intended for use as a combustible fuel in lieu of natural gas produced by an eligible project, the lifecycle greenhouse gas emissions that would result from equivalent use of natural gas.

"(5) Eligible project.—The term 'eligible project' means a project—

"(A) that employs gasification technology or another conversion process for feedstocks described in this section; and

"(B) for which—

"(i) the annual lifecycle greenhouse gas emissions of the project are at least—

"(I) at the end of the first calendar year after the date of commencement of the project, 5 percent lower than conventional baseline emissions;

"(II) at the end of the second calendar year after the date of commencement of the project, 10 percent lower than conventional baseline emissions;

"(III) at the end of the third calendar year after the date of commencement of the project, 15 percent lower than conventional baseline emissions; and

"(IV) at the end of the fourth calendar year after the date of commencement of the project, 20 percent lower than conventional baseline emissions;

"(ii) of the carbon dioxide that would otherwise be released to the atmosphere at the facility in the production of end products of the project, at least—

"(I) at the end of the first calendar year after the date of commencement of the project, 20 percent is captured for long-term storage;

"(II) at the end of the second calendar year after the date of commencement of the project, 40 percent is captured for long-term storage;

"(III) at the end of the third calendar year after the date of commencement of the project, 60 percent is captured for long-term storage; and

"(IV) at the end of the fourth calendar year after the date of commencement of the project, 80 percent is captured for long-term storage;

"(iii) the individual or entity carrying out the eligible project has entered into an enforceable agreement with the Secretary to implement carbon capture at the percentage that, by the end of the 5-year period after commencement of commercial operation of the eligible project—

"(I) represents the best available technology; and

"(II) achieves a reduction in carbon emissions that is not less than 80 percent; and

"(iv) in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of captured carbon dioxide beginning as of the date of commencement of commercial operation of the project.

"(6) Facility.—The term 'facility' means a facility at which the conversion of feedstocks to end products takes place.

"(7) Gasification technology.—The term 'gasification technology' means any process that converts coal, petroleum residue, renewable biomass, or other material that is recovered for energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

"(8) Greenhouse gas.—The term 'greenhouse gas' means any of—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(9) Lifecycle greenhouse gas emissions.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases attributable to the production and transportation of end products at a facility, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, and the subsequent distribution and use of any combustible end products, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

"(A) any greenhouse gases captured at the facility and sequestered;

"(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass; and

"(C) the carbon content, expressed in units of carbon dioxide equivalent, of any end products that do not result in the release of carbon dioxide to the atmosphere.

"(10) Long-term storage.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is consistent with the objective of reducing atmospheric concentrations of carbon dioxide, subject to a permit issued pursuant to law in effect as of the date of the sequestration.

"(11) Renewable biomass.—The term 'renewable biomass' has the definition given the term in section 102 of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(12) Sequestration.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, including—

"(A) an operating oil and gas field;

"(B) coal bed methane recovery;

"(C) a depleted oil and gas field;

"(D) an unmineable coal seam;

"(E) a deep saline formation; and

"(F) a deep geological systems containing basalt formations.

"(b) FEED Assistance Program.—

"(1) In general.—Subject to paragraph (3), and in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), not later than 1 year after the date of the enactment of this section, the Secretary shall carry out a program to provide grants for use in obtaining or carrying out any services necessary for the planning, permitting, and construction of an eligible project.

"(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive grants under this section—

"(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

"(B) that, taken together, would—

"(i) represent a variety of geographical regions;

"(ii) use a variety of feedstocks and types of coal; and

"(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

"(C) for which eligible projects, in the opinion of the Secretary—

"(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

"(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

"(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

"(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

"(v) each recipient has met such other criteria as may be established and published by the Secretary.

"(3) MAXIMUM AMOUNT OF GRANTS.—In carrying out this subsection, the Secretary shall provide not more than—

"(A) $20,000,000 in grant funds for any eligible project; and

"(B) $200,000,000 in grant funds, in the aggregate, for all eligible projects.

"(c) DIRECT LOAN PROGRAM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to funds being made available in advance through appropriations Acts, the Secretary shall carry out a program to provide a total of not more than $10,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

"(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for Renewable Energy Construction grants are required to comply with that section.

"(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

"(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

"(B) that, taken together, would—

"(i) represent a variety of geographic regions;

"(ii) use a variety of types of feedstocks and coal; and

"(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

"(C) for which eligible projects, in the opinion of the Secretary—

"(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

"(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

"(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

"(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

"(v) each recipient has met such other criteria as may be established and published by the Secretary.

"(4) USE OF LOAN FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with reducing lifecycle greenhouse gas emissions at the facility (including carbon dioxide capture, compression, and long-term storage, cogeneration, and gasification of biomass) carried out as part of an eligible project.

"(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

"(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

"(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

"(B) shall have a term equal to the lesser of—

"(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

"(ii) 25 years;

"(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

"(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

"(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

"(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

"(6) METHODOLOGY.—Not later than 18 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall, by regulation, establish a methodology for use in determining the lifecycle greenhouse gas emissions of products produced using gasification technology.

"(d) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN STRATEGIC PETROLEUM RESERVE.—Not later than 1 year after the date of enactment of this section, the Secretary and the Secretary of Defense shall—

"(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Strategic Petroleum Reserve; and

"(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

"(e) REPORT ON EMISSIONS OF COAL-TO-LIQUID PRODUCTS USED AS TRANSPORTATION FUELS.—

"(1) IN GENERAL.—In cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency shall—

"(A) carry out a research and demonstration program to evaluate the emissions of the use of coal-to-liquid fuel for transportation, including diesel and jet fuel;

"(B) evaluate the effect of using coal-to-liquid transportation fuel on emissions of vehicles, including motor vehicles and nonroad vehicles, and aircraft (as those terms are defined in sections 216 and 234, respectively, of the Clean Air Act (42 U.S.C. 7550, 7574)); and

"(C) in accordance with paragraph (4), submit to Congress a report on the effect on air and water quality, water scarcity, land use, and public health of using coal-to-liquid fuel in the transportation sector.

"(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall issue any guidance or technical support documents necessary to facilitate the effective use of coal-to-liquid fuel and blends under this subsection.

"(3) REQUIREMENTS.—The program described in paragraph (1)(A) shall take into consideration—

"(A) the use of neat (100 percent) coal-to-liquid fuel and blends of coal-to-liquid fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector;

"(B) the production costs associated with domestic production of those fuels and prices for consumers; and

"(C) the overall greenhouse gas effects of substituting coal-derived fuels for crude oil-derived fuels.

"(4) REPORTS.—The Administrator of the Environmental Protection Agency shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

"(A) not later than 180 days after the date of enactment of this section, an interim report on actions taken to carry out this subsection; and

"(B) not later than 1 year after the date of enactment of this section, a final report on actions taken to carry out this subsection.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 3106. CLEAN COAL-DERIVED FUEL FEASIBILITY STUDY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Energy Technology Laboratory and the Administrator of the Energy Information Administration, shall conduct a study to assess the technology, trends, benefits, and costs associated with the production and consumption of coal-derived fuels in the United States.

"(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

"(1) conduct an assessment of—

"(A) the inputs required per unit of coal-derived fuel;

"(B) the feasibility of attaining an annual production of coal-derived fuels of a rate of not less than 6,000,000,000 gallons of coal-derived fuels per year; and

"(C) the estimated quantity of commercially recoverable coal reserves in the United States; and

"(2) make a determination relating to the extent to which, and the timetable required within which, coal-derived fuels could feasibly and cost-effectively be expected to offset consumption of petroleum-based fuels in the United States.

"(c) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the results of the study.".

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

"Sec. 3105. Coal innovation direct loan program.
"Sec. 3106. Clean coal-derived fuel feasibility study.".

SA 1782. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide from a unit prior to transportation of the carbon dioxide to a long-term storage site.

"(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project carried out to produce electricity through the use of at least 75 percent coal as a feedstock—

"(A) for which technology is employed, on a unit of at least 400 megawatts, for carbon capture of at least 85 percent of the carbon dioxide produced by the unit;

"(B) that is subject to an enforceable agreement between the individual or entity and the Secretary for full deployment of best available carbon capture technology at the facility, which will capture not less than 85 percent of carbon dioxide emitted at the facility, within 10 years of the placed-in-service date;

"(C) for which, in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of all captured carbon dioxide beginning on the placed-in-service date;

"(D) that—

"(i) consists of 1 or more electric generation units at 1 site; and

"(ii) will have a total name plate generating capacity of at least 400 megawatts;

"(E) for which the applicant provides evidence that a majority of the output of the project is reasonably expected to be acquired or used:

"(F) for which the applicant provides evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

"(G) that will be located in the United States.

"(3) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is—

"(A) consistent with the objective of reducing atmospheric concentrations of carbon dioxide; and

"(B) subject to a permit issued pursuant to applicable Federal law.

"(4) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, which may include, to the extent consistent with the achievement of long-term storage of the carbon dioxide—

"(A) an operating oil and gas field;

"(B) coal bed methane recovery;

"(C) a depleted oil and gas field;

"(D) an unmineable coal seam;

"(E) a deep saline formation; and

"(F) a deep geological systems containing basalt formations.

"(b) PROGRAM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to the availability of appropriations, the Secretary shall carry out a program to provide a total of not more than $5,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

"(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for renewable energy construction grants under that section are required to comply with those terms and conditions.

"(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

"(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out are selected because the eligible projects have—

"(i) the lowest ratio of emitted carbon dioxide (excluding carbon dioxide captured and sequestered) to produced electricity, as calculated based on units of carbon dioxide emitted per megawatt-hour of electricity produced prior to sequestration;

"(ii) the highest net efficiency, as calculated by dividing the net generation of electricity of the project, in megawatt-hours, by all fuel input, in British thermal units—

"(I) as adjusted to take into account the proposed site elevation and temperature of the project; and

"(II) not including any reduction in electricity generation resulting from carbon dioxide capture or sequestration; and

"(iii) carbon dioxide production, prior to sequestration, of at least 4,000,000 tons per year in a first step in the construction of a scalable project;

"(B) that, taken together, would—

"(i) represent a variety of geographical regions; and

"(ii) use a variety of types of coal; and

"(C) by giving additional appropriate consideration to—

"(i) the extent to which a project would advance the goals of demonstrating sequestration technology through the availability of multiple viable carbon dioxide sink options;

"(ii) the potential of a project to reduce overall emissions of air pollutants through minimized coal transportation impacts;

"(iii) the potential of a project to apply the demonstrated technology to other geographical areas and the existing coal generating fleet; and

"(iv) the extent to which impacts on surface land and water from the extraction of coal resources would be minimized in carrying out the project.

"(4) USE OF LOAN FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with carbon capture and sequestration (including air separation, boiler, or gasifier technology to facilitate capture, carbon dioxide capture, conditioning, and compression) carried out as part of an eligible project.

"(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

"(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

"(A) shall have a fixed interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

"(B) shall have a term equal to the lesser of—

"(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

"(ii) 25 years from the placed in service date of the facility;

"(C) shall not enter repayment before the project placed in service date; and

"(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

"(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

"(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

"Sec. 3105. Electricity production direct loan program.".

SA 1783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 206. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) in the case of a qualified investment of an eligible taxpayer for such taxable year relating to plug-in hybrid electric vehicles or pure electric vehicles, 50 percent of so much of such qualified investment as does not exceed $150,000,000, and

"(2) in the case of any other qualified investment of an eligible taxpayer for such taxable year, 35 percent of so much of such qualified investment as does not exceed $50,000,000.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration of such vehicles and components as described in subsection (d), and

"(C) for research and development related to advanced technology motor vehicles and eligible components.

"(2) Attribution rules.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) Advanced Technology Motor Vehicles and Eligible Components.—For purposes of this section—

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) and determined without regard to any gross vehicle weight rating), or

"(C) any new plug-in hybrid electric vehicle.

"(2) Plug-in hybrid electric vehicle.—For purposes of this section, the term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine and/or an electric motor and energy storage system using (or capable of using)—

"(A) any combustible fuel,

"(B) an on-board, rechargeable storage device, and

"(C) a means of using an off-board source of electricity to operate the vehicle in intermittent or continuous all-electric mode.

"(3) Eligible components.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(f) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) No Double Benefit.—

"(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) Research and development costs.—

"(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) Special Rules.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) Termination.—This section shall not apply to any qualified investment after December 31, 2015.".

(b) Conforming Amendments.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30E(g).".

(2) Section 6501(m), as amended by this Act, is amended by inserting "30E(k)," after "30D(e)(9),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30E. Advanced technology motor vehicles manufacturing credit.".

(c) Effective Date.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006.

SA 1784. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

"(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

"(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.".

SA 1785. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

"(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

"(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 50 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.".

SA 1786. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(3) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(7) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(8) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(9) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its "addiction" to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) As documented in recent studies, a failure to recognize, plan for, and mitigate the strategic, social, political, and economic effects of a changing climate will have an adverse impact on the national security interests of the United States.

(17) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the "Convention").

(18) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(19) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(20) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(21) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(22) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1787. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(3) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(7) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(8) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(9) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its "addiction" to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the "Convention").

(17) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(18) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(19) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(20) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(21) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1788. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, beginning in line 15, strike "a manufacturer" and insert "manufacturers".

On page 241, beginning in line 16, strike "at least 4 percent greater than the" and insert "the maximum feasible".

On page 241, beginning in line 17, strike "required to be attained for the fleet in the previous model year (rounded to the nearest 1⁄10 mile per gallon)." and insert "for the fleet.".

On page 243, beginning in line 18, strike "and based on the results of that study," and insert "by regulation,".

On page 243, line 22, strike "and, as appropriate, shall adopt" and insert "designed to achieve the maximum feasible improvement, and shall adopt appropriate".

On page 243, line 23, strike "efficiency" and insert "economy".

On page 244, line 12, strike "a commercial" and insert "an".

On page 244, line 14, strike "10,000 pounds." and insert "8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

On page 244, beginning with line 20, strike through line 5 on page 245, and insert the following:

"(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

On page 245, beginning with line 17, strike through line 8 on page 247 and insert the following:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

On page 251, between lines 13 and 14, insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.".

On page 251, line 14, strike "(e)" and insert "(f)".

On page 253, beginning in line 15, strike "**and aggressivity reduction**".

On page 253, line 19, strike "incompatibility and aggressivity." and insert "incompatibility.".

On page 254, in the matter appearing between lines 20 and 21, strike "and aggressivity reduction".

On page 259, line 9, after "automobile" insert "and medium-duty and heavy-duty truck".

On page 259, line 11, after "automotive" insert "and medium-duty and heavy-duty truck".

On page 261, beginning with line 5, strike through line 8 on page 263.

On page 263, line 9, strike "**SEC. 512.**" and insert "**SEC. 511.**".

On page 264, line 18, strike "**SEC. 513.**" and insert "**SEC. 512.**".

On page 265, line 11, strike "**SEC. 514.**" and insert "**SEC. 513.**".

On page 268, line 14, strike "**SEC. 515.**" and insert "**SEC. 514.**".

On page 269, line 17, insert "and" after the semicolon.

On page 269, strike lines 18 through 20.

On page 269, line 21, strike "(iii)" and insert "(ii)".

On page 270, line 17, strike "**SEC. 516.**" and insert "**SEC. 515.**".

On page 272, line 10, strike "**SEC. 517.**" and insert "**SEC. 516.**".

On page 273, line 6, strike "518(a)" and insert "517(a)".

On page 273, line 7, strike "**SEC. 518.**" and insert "**SEC. 517.**".

On page 276, line 20, strike "**SEC. 519.**" and insert "**SEC. 518.**".

On page 277, line 1, strike "**SEC. 520.**" and insert "**SEC. 519.**".

SA 1789. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 24 and all that follows through page 38, line 3, and insert the following:

"(2) REQUIREMENTS.—

(A) IN GENERAL.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States on the date on which the guarantee is issued.

(B) NEW OR SIGNIFICANTLY IMPROVED TECHNOLOGIES.—To be considered a new or significantly improved technology under subparagraph (A), the technology shall have the potential, not later than 15 years after the date on which the guarantee is issued—

(i) to achieve scalability with an annual rate of production equal to a rate of not less than 15,000,000,000 gallons of conventional biofuels per year; and

(ii) to be competitive with respect to the cost of conventional biofuels.

SA 1790. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike "and" at the end.

On page 7, line 16, strike the period at the end and insert "; and".

On page 7, between lines 16 and 17, insert the following:

(vii) cellulosic biofuel, including any liquid transportation fuel that is derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.

SA 1791. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 20, insert the following:

(2) CLARIFICATION OF DEFINITION.—Paragraph (3) of section 40A(f) is amended—

(A) by striking "thermal depolymerization process" and inserting "thermal chemical process",

(B) by inserting ", if applicable" after "(42 U.S.C. 7545)" in subparagraph (A), and

(C) by inserting "or such other applicable standards as may be issued by the American Society of Testing and Materials that apply to a final mixture or product" after "D975 or D396" in subparagraph (B).

SA 1792. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment

SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning with line 16, strike through line 5 on page 277 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting "**PRESCRIPTION OF STANDARDS BY REGULATION**.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

“(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

“(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

“(F) Such additional factors as the Secretary deems relevant.

“(5) Minimum valuation.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

“(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

“(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.”.

(c) Consultation Requirement.—Section 32902(i) of title 49, United States Code, is amended by inserting “and the Administrator of the Environmental Protection Agency” after “Energy”.

(d) Comments.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting “(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.”; and

(2) by inserting “and the Administrator” after “Energy” each place it appears in paragraph (2).

(e) Alternative Fuel Economy Standards for Low Volume Manufacturers and New Entrants.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

“(d) Alternative Average Fuel Economy Standard.—

“(1) In general.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

“(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

“(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

“(2) Application of alternative standard.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

“(A) the manufacturer that applied for the alternative average fuel economy standard;

“(B) all automobiles to which this subsection applies; or

“(C) classes of automobiles manufactured by eligible manufacturers.

“(3) Importers.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

“(A) imports; or

“(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

“(4) Application.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

“(5) Eligible manufacturer defined.—In this section, the term ‘eligible manufacturer’ means a manufacturer that—

“(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

“(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

“(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

“(6) Limitation.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term ‘automobile manufactured by a manufacturer’ includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) Technical and Conforming Amendments.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking “passenger” each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking “subsection (a) or (d)” each place it appears in paragraph (1) and inserting “subsection (b), (c), or (d)”; and

(B) striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)” in paragraph (2).

SEC. 504. DEFINITIONS.

(a) In General.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) except as provided in section 32908 of this title, ‘automobile’ means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

“(A) a vehicle operated only on a rail line;

“(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

“(C) a work truck.”; and

(2) by adding at the end the following:

“(17) ‘work truck’ means an automobile that the Secretary determines by regulation—

“(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

“(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40, Code of Federal Regulations).”.

(b) Deadline for Regulations.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) Effective Date.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) In General.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30129. Vehicle compatibility standard

“(a) Standards.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

“(b) Consumer Information.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.”.

(b) Rulemaking Deadlines.—

(1) Rulemaking.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) Effective date of requirements.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) Conforming Amendment.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

“30129. Vehicle compatibility standard”.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “passenger” each place it appears;

(2) by striking “section 32902(b)-(d) of this title” each place it appears and inserting “subsection (a), (c), or (d) of section 32902”;

(3) by striking “3 consecutive model years” in subsection (a)(2) and inserting “5 consecutive model years”;

(4) in subsection (a)(2), by striking “clause (1) of this subsection,” and inserting “paragraph (1)”; and

(5) by striking subsection (e) and inserting the following:

“(e) Credit Trading Among Manufacturers.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

"30123A. Tire fuel efficiency consumer information".

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.".

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

"30123A. Tire fuel efficiency consumer information".

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.".

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1793. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting "**PRESCRIPTION OF STANDARDS BY REGULATION**.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) Standards for Automobiles and Certain Other Vehicles.—

"(1) In general.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) Fuel economy target for automobiles.—

"(A) Automobile fuel economy average for model years 2011 through 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) Automobile fuel economy average for model years 2021 through 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) Progress toward standard required.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) Fuel Economy Target for Commercial Medium-Duty and Heavy-Duty On-Highway Vehicles.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) Commercial Medium- and Heavy-Duty On-Highway Vehicles.—

"(1) Study.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) Rulemaking.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) Lead-time; regulatory stability.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) Commercial medium- and heavy-duty on-highway vehicle defined.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) Authority of Secretary.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) Authority of the Secretary.—

"(1) Vehicle attributes; model years covered.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) Prohibition of uniform percentage increase.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) In General.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) Amending Fuel Economy Standards.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) Feasibility Criteria.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) Decisions on Maximum Feasible Average Fuel Economy.—

"(1) In general.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) Limitations.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) Cost-effective defined.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) Factors for consideration by Secretary in determining cost-effectiveness.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) Green Label Program.—

"(A) Marketing analysis.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) Eligibility.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) Fuelstar Program.—

"(A) In general.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) Green stars.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) Gold stars.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) Quinquennial Updates.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) Report.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) In General.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) Fuel Efficiency.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) Definitions.—In this section:

"(1) Executive agency.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) New automobile.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) Report.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) Increasing Consumer Awareness of Flexible Fuel Automobiles.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§30123A. Tire fuel efficiency consumer information

"(a) Rulemaking.—

"(1) In general.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) Items included in rule.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) Applicability.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) Consultation.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) Report to Congress.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) Tire Marking.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) Preemption.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".

(b) Enforcement.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) Section 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

"30123A. Tire fuel efficiency consumer information".

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) In General.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) Industry Alliance.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) Research.—

(1) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) Availability to the Public.—The information and roadmaps developed under this section shall be available to the public.

(e) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) Cost Sharing.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) Definitions.—In this section:

(1) Biodiesel.—

(A) In general.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) Inclusions.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) Biodiesel blend.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Use of Civil Penalties.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.".

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) Establishment of Fund.—

(1) In general.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) Investment of amounts.—

(A) In general.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) Credits to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) Use of amounts in fund.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) Alternative Fuels Grant Program.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) Eligibility.—

(A) In general.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) Exceptions.—

(i) Certain oil companies.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) Prohibition of dual benefits.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) Ensuring compliance.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) Maximum amount.—

(A) Grants.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) Amount per station.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) Use of funds.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1794. Mr. STEVENS (Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the “Ten-in-Ten Fuel Economy Act”.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking “**NON-PASSENGER AUTOMOBILES**.—” in subsection (a) and inserting “**PRESCRIPTION OF STANDARDS BY REGULATION**.—”;

(2) by striking “(except passenger automobiles)” in subsection (a); and

(3) by striking subsection (b) and inserting the following:

“(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

“(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

“(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

“(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

“(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

“(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

“(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

“(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.”.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

“(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

“(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

“(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

“(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

“(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

“(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

“(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

“(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

“(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term ‘commercial medium- and heavy-duty on-highway vehicle’ means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.”.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

“(l) AUTHORITY OF THE SECRETARY.—

“(1) VEHICLE ATTRIBUTES.—The Secretary shall—

“(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

“(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

“(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.”.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

“(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

“(1) may prescribe a standard higher than that required under subsection (b); or

“(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.”.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

“(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

“(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

“(A) economic practicability;

“(B) the effect of other motor vehicle standards of the Government on fuel economy;

“(C) environmental impacts; and

“(D) the need of the United States to conserve energy.

“(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

“(A) is technologically achievable;

“(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

“(C) is not less than the standard for that class of vehicles from any prior year; and

“(D) is cost-effective.

“(3) COST-EFFECTIVE DEFINED.—In this subsection, the term ‘cost-effective’ means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) Factors for consideration by Secretary in determining cost-effectiveness.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) Minimum valuation.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) Consultation Requirement.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) Comments.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) Alternative Fuel Economy Standards for Low Volume Manufacturers and New Entrants.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) Alternative Average Fuel Economy Standard.—

"(1) In general.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) Application of alternative standard.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) Importers.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) Application.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) Eligible manufacturer defined.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) Limitation.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.".

(f) Technical and Conforming Amendments.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) In General:—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) Deadline for Regulations.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) Effective Date.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) In General.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) Standards.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) Consumer Information.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) Rulemaking Deadlines.—

(1) Rulemaking.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) Effective date of requirements.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) Conforming Amendment.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1795. Mr. STEVENS (for himself Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting "**PRESCRIPTION OF STANDARDS BY REGULATION**.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of

Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

“(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

“(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

“(2) Application of Alternative Standard.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

“(A) the manufacturer that applied for the alternative average fuel economy standard;

“(B) all automobiles to which this subsection applies; or

“(C) classes of automobiles manufactured by eligible manufacturers.

“(3) Importers.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

“(A) imports; or

“(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

“(4) Application.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

“(5) Eligible manufacturer defined.—In this section, the term ‘eligible manufacturer’ means a manufacturer that—

“(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

“(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

“(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

“(6) Limitation.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term ‘automobile manufactured by a manufacturer’ includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.”.

(f) Technical and Conforming Amendments.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking “passenger” each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking “subsection (a) or (d)” each place it appears in paragraph (1) and inserting “subsection (b), (c), or (d)”; and

(B) striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)” in paragraph (2).

SEC. 504. DEFINITIONS.

(a) In General.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) except as provided in section 32908 of this title, ‘automobile’ means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

“(A) a vehicle operated only on a rail line;

“(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

“(C) a work truck.”; and

(2) by adding at the end the following:

“(17) ‘work truck’ means an automobile that the Secretary determines by regulation—

“(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

“(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).”.

(b) Deadline for Regulations.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) Effective Date.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) In General.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30129. Vehicle compatibility standard

“(a) Standards.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

“(b) Consumer Information.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.”.

(b) Rulemaking Deadlines.—

(1) Rulemaking.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) Effective date of requirements.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) Conforming Amendment.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

“30129. Vehicle compatibility standard”.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “passenger” each place it appears;

(2) by striking “section 32902(b)–(d) of this title” each place it appears and inserting “subsection (a), (c), or (d) of section 32902”;

(3) by striking “3 consecutive model years” in subsection (a)(2) and inserting “5 consecutive model years”;

(4) in subsection (a)(2), by striking “clause (1) of this subsection,” and inserting “paragraph (1)”; and

(5) by striking subsection (e) and inserting the following:

“(e) Credit Trading Among Manufacturers.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.”.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

“(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

“(G) a fuelstar under paragraph (5).”; and

(2) by adding at the end of subsection (b) the following:

“(4) Green Label Program.—

“(A) Marketing analysis.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

“(B) Eligibility.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

“(i) meets or exceeds the applicable fuel economy standard; or

“(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

“(5) Fuelstar Program.—

“(A) In general.—The Secretary shall establish a program, to be known as the ‘Fuelstar Program’, under which stars shall be imprinted on or attached to the label required by paragraph (1).

“(B) Green stars.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

“(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

“(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

“(C) Gold stars.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.”.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

“§32917. Standards for Executive agency automobiles

“(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

“(b) DEFINITIONS.—In this section:

“(1) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

“(2) NEW AUTOMOBILE.—The term ‘new automobile’, with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.”.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1796. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 610, insert the following:

(c) COMMODITY EXCHANGE ACT.—Nothing in this Act affects the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, after line 23, add the following:

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the “Secretary”), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing that directly reflects marginal generation costs;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the “Initiative”) composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and greenhouse gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the “Commission”), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable state and federal laws, are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction, to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) cost-effectiveness;

"(ii) improved reliability;

"(iii) security; and

"(iv) system performance.

"(v) societal benefit

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(17) SMART GRID CONSUMER INFORMATION.—

"(A) IN GENERAL.—Each State may provide to each electricity consumer located in the State direct access, in written and electronic machine-readable form, information describing—

"(i) the time-based use, price, and source of the electricity delivered to the consumer; and

"(ii) any available optional electricity supplies (including the price and quantity of the optional electricity supplies).

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 79, strike line 8 and all that follows through page 80, line 4, and insert the following:

"(6) ENERGY CONSERVATION STANDARD.—

"(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

"(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

"(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

"(iii) for clothes washers and dishwashers—

"(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

"(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

"(B) INCLUSIONS.—The term 'energy conservation standard' includes—

"(i) 1 or more design requirements, if the requirements were established—

"(I) on or before the date of enactment of this subclause; or

"(II) as part of a consensus agreement under section 325(hh); and

"(ii) any other requirements that the Secretary may prescribe under section 325(r).

"(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.".

Beginning on page 87, strike line 16 and all that follows through page 90, line 25, and insert the following:

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

"(5) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

"(B) PUBLIC COMMENT.—The Secretary shall—

"(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

"(ii) publish a response to each comment so received.

"(C) WITHDRAWAL OF DIRECT FINAL RULES.—

"(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

"(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

"(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

"(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

Beginning on page 91, strike line 20 and all that follows through page 95, line 25, and insert the following:

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

"(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

"(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

"(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product."; and

(3) in paragraph (4) (as so designated), by striking "(4) An" and inserting the following:

"(4) APPLICATION OF AMENDMENT.—An".

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking "(6)(A)(i)" and all that follows through the end of subparagraph (A) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.".

Beginning on page 96, strike line 22 and all that follows through page 98, line 13, and insert the following:

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(H) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).".

On page 157, line 5, strike "and if" and insert the following: "the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and".

On page 106, line 23, strike "2012" and insert "2015".

On page 106, line 24, strike "2012" and insert "2015".

On page 107, line 3, strike "2012" and insert "2015".

On page 147, line 20, strike "from a public utility service".

On page 166, line 15, insert ", Indian tribal," after "State".

On page 166, line 18, insert "of Indian tribes or" after "activities".

On page 166, line 21, insert ", Indian tribes," after "States".

On page 167, line 12, insert ", INDIAN TRIBES," after "STATES".

On page 167, line 17, strike "70" and insert "68".

On page 167, line 18, strike "and".

On page 167, line 19, strike "30" and insert "28".

On page 167, line 19, strike the period and insert "; and".

On page 167, between lines 19 and 20, insert the following:

"(iii) 4 percent to Indian tribes.

On page 169, between lines 11 and 12, insert the following:

"(D) DISTRIBUTION TO INDIAN TRIBES.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

"(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

On page 170, line 1, strike "(B)(ii) or (C)(ii)" and insert "(B)(ii), (C)(ii), or (D)(ii)".

On page 170, lines 10 and 11, strike "(B)(ii) or (C)(ii)" and insert "(B)(ii), (C)(ii), or (D)(ii)".

On page 171, line 7, insert "tribal," after "State,".

On page 171, line 20, insert ", Indian tribes," after "States".

On page 171, line 24, insert "Indian tribe," after "State,".

SA 1799. Mrs. BOXER (for herself, Mr. ALEXANDER, Mr. WARNER, Mr. LIEBERMAN, Mrs. FEINSTEIN, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading “PUBLIC BUILDINGS”, under the heading “UNDER THE DEPARTMENT OF THE INTERIOR”—

(1) by striking “ninety thousand dollars:” and inserting “$90,000.”; and

(2) by striking “*Provided*, That hereafter the” and all that follows through the end of the proviso and inserting the following:

“(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the ‘Capitol power plant’, and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

“(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term ‘carbon dioxide energy efficiency’, with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

“(C) PROGRAM.—The term ‘program’ means the competitive grant demonstration program established under paragraph (2)(B).

“(2) ESTABLISHMENT OF PROGRAM.—

“(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

“(i) the availability of carbon capture technologies;

“(ii) energy conservation and carbon reduction strategies; and

“(iii) security of operations at the Capitol power plant.

“(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

“(3) REQUIREMENTS.—

“(A) PROVISION OF GRANTS.—

“(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

“(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

“(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

“(II) the carbon dioxide energy efficiency of the proposed project; and

“(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

“(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

“(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

“(I) by not less than 3 other facilities (including a coal-fired power plant); and

“(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

“(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

“(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

“(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

“(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

“(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

“(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

“(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.”.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE), to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike “to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons”.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes: which was ordered to lie on the table; as follows:

Strike subtitle B of title VIII.

SA 1802. Mr. DORGAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

“SEC. 30D. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) the hydrogen installation and infrastructure costs credit determined under subsection (b), and

“(2) the hydrogen fuel costs credit determined under subsection (c).

“(b) HYDROGEN INSTALLATION AND INFRASTRUCTURE COSTS CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the hydrogen installation and infrastructure costs credit determined under this subsection with respect to each eligible hydrogen production and distribution facility of the taxpayer is an amount equal to—

“(A) 50 percent of so much of the installation costs which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $200,000, plus

“(B) 30 percent of so much of the infrastructure costs for the taxable year as does not exceed $200,000 with respect to such facility, and which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $600,000.

Nothing in this section shall permit the same cost to be taken into account more than once.

"(2) ELIGIBLE HYDROGEN PRODUCTION AND DISTRIBUTION FACILITY.—For purposes of this subsection, the term 'eligible hydrogen production and distribution facility' means a hydrogen production and distribution facility which has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

"(c) HYDROGEN FUEL COSTS CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the hydrogen fuel costs credit determined under this subsection with respect to each eligible hydrogen device of the taxpayer is an amount equal to the qualified hydrogen expenditure amounts with respect to such device.

"(2) QUALIFIED HYDROGEN EXPENDITURE AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified hydrogen expenditure amount' means, with respect to each eligible hydrogen energy conversion device of the taxpayer with a production capacity of not more than 25 kilowatts of electricity per year, the lesser of—

"(i) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for hydrogen which is consumed by such device, and

"(ii) $2,000.

In the case of any device which is not owned by the taxpayer at all times during the taxable year, the $2,000 amount in subparagraph (B) shall be reduced by an amount which bears the same ratio to $2,000 as the portion of the year which such device is not owned by the taxpayer bears to the entire year.

"(B) HIGHER LIMITATION FOR DEVICES WITH MORE PRODUCTION CAPACITY.—In the case of any eligible hydrogen energy conversion device with a production capacity of—

"(i) more than 25 but less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$4,000' for '$2,000' each place it appears, and

"(ii) not less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$6,000' for '$2,000' each place it appears.

"(3) ELIGIBLE HYDROGEN ENERGY CONVERSION DEVICES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible hydrogen energy conversion device' means, with respect to any taxpayer, any hydrogen energy conversion device which—

"(i) is placed in service after December 31, 2004,

"(ii) is wholly owned by the taxpayer during the taxable year, and

"(iii) has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

If an owner of a device (determined without regard to this subparagraph) provides to the primary user of such device a written statement that such user shall be treated as the owner of such device for purposes of this section, then such user (and not such owner) shall be so treated.

"(B) HYDROGEN ENERGY CONVERSION DEVICE.—The term 'hydrogen energy conversion device' means—

"(i) any electrochemical device which converts hydrogen into electricity, and

"(ii) any combustion engine which burns hydrogen as a fuel.

"(d) NATIONAL HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL CREDIT LIMITATION.—

"(1) IN GENERAL.—There is a national hydrogen installation, infrastructure, and fuel credit limitation for each fiscal year. Such limitation is $15,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, and $40,000,000 for fiscal year 2010.

"(2) ALLOCATION.—Not later than 90 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a hydrogen installation, infrastructure, and fuel credit allocation program.

"(e) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to amounts which (but for subsection (g) would be allowed as a deduction under section 162 shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

"(B) the tentative minimum tax for the taxable year.

"(g) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(h) RECAPTURE.—The Secretary shall, by regulations, provided for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(i) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting "plus", and by adding at the end the following new paragraph:

"(32) the portion of the hydrogen installation, infrastructure, and fuel credit to which section 30D(f)(1) applies.".

(2) Section 55(c)(3) of such Code is amended by inserting "30D(f)(2)," after "30C(d)(2),".

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(e).".

(4) Section 6501(m) of such Code is amended by inserting "30D(i)," after "30C(e)(5),".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Hydrogen installation, infrastructure, and fuel costs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007, in taxable years ending after such date.

SA 1803. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce eligible advanced technology motor vehicle components,

"(B) for engineering integration performed in the United States of such components as described in subsection (d),

"(C) for research and development performed in the United States related to such components, and

"(D) for employee retraining with respect to the manufacturing of such components (determined without regard to wages or salaries of such retrained employees).

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both eligible advanced technology motor vehicle components and non-eligible advanced technology motor vehicle components, only the qualified investment attributable to production of eligible advanced technology motor vehicle components shall be taken into account.

"(c) DEFINITIONS.—In this section:

"(1) ELIGIBLE ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT.—

"(A) IN GENERAL.—The term 'eligible advanced technology motor vehicle component' means any component inherent to any advanced technology motor vehicle, including—

"(i) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(I) electric motor or generator;

"(II) power split device;

"(III) power control unit;

"(IV) power controls;

"(V) integrated starter generator; or

"(VI) battery;

"(ii) with respect to any hydraulic new qualified hybrid motor vehicle—

"(I) accumulator or other energy storage device;

"(II) hydraulic pump;

"(III) hydraulic pump-motor assembly;

"(IV) power control unit; and

"(V) power controls;

"(iii) with respect to any new advanced lean burn technology motor vehicle—

"(I) diesel engine;

"(II) turbo charger;

"(III) fuel injection system; or

"(IV) after-treatment system, such as a particle filter or NOx absorber; and

"(iv) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(i) any qualified electric vehicle (as defined in section 30(c)(1)),

"(ii) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(iii) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(iv) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(v) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(vi) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

"(C) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of automotive components.

"(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) for such taxable year plus the tax imposed by section 55 for such taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed—

"(1) as a credit carryback to the taxable year preceding the unused credit year, and

"(2) as a carryforward to each of the 20 taxable years immediately following the unused credit year.

For purposes of this subsection, rules similar to the rules of section 39 shall apply.

"(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

"(j) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2012.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code, as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30E(f).".

(2) Section 6501(m) of such Code is amended by inserting "30E(j)," after "30D(e)(9),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30D the following new item:

"Sec. 30E. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after the date of the enactment of this Act.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION TO CREDIT FOR NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.

(a) SPECIAL RULE FOR MODEL YEAR 2009 ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

"(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

"(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between line 27 and 28, insert the following:

"(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States."

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 606 and replace with,

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER

The Secretary of Homeland Security, in coordination with the Comissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, lines 24–28, strike the following sentence:

"The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;"

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, a Y–1 Nonimmigrant:

(1) may be extended for an indefinite number of subsequent two-year periods, as long as each two-year period is separated by physical presence outside the United States for the immediate prior 12 months,

(2) may not be accompanied by their spouse and dependents for any of their 2 year periods of work in the United States, and

(3) may not sponsor a family member to visit them in the United States under the "parent visa" created by Section 506 of this Act.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 38 and all that follows through page 16, line 18, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)(B), by striking "but" at the end;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) may not provide the alien with release on bond or with conditional parole if the alien—

"(A) is a national of a noncontiguous country;

"(B) has not been admitted or paroled into the United States; and

"(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.".

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew the nonimmigrant's status.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 103, line 16, strike "(b)" and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

(d)

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 309, strike line 15 and all that follows through "January 1, 2007" on page 310, line 13, and insert the following:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 312, lines 15 through 17, strike "(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I)," and insert "(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),".

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 323, strike lines 4 through 34, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 315, between lines 29 and 30, insert the following:

(9) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1817. Ms. STABENOW (for herself, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TAX-EXEMPT FINANCING OF ALTERNATIVE MOTOR VEHICLE FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking "or" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", or", and

(3) by inserting at the end the following new paragraph:

"(16) alternative motor vehicle facility.".

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

"(n) ALTERNATIVE MOTOR VEHICLE FACILITY.—

"(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'alternative motor vehicle facility' means an automobile development and production facility which was built before 1981 and which through financing by the net proceeds of the issue is retrofitted or reconstructed to make such facility compatible for the development and production of qualified alternative motor vehicles or of qualified alternative motor vehicles and component parts for such vehicles.

"(2) QUALIFIED ALTERNATIVE MOTOR VEHICLES.—For purposes of paragraph (1), the term 'qualified alternative motor vehicle' means any vehicle described in section 30B or 30D.

"(3) NATIONAL LIMITATION ON AMOUNT OF BONDS.—

"(A) NATIONAL LIMITATION.—The aggregate amount allocated by the Secretary under subparagraph (C) shall not exceed $1,500,000,000, of which not more than $500,000,000 may be allocated to any single taxpayer (determined under rules similar to the rules in paragraphs (6), (7), and (8) of section 179(d)).

"(B) ENFORCEMENT OF NATIONAL LIMITATION.—An issue shall not be treated as an issue described in subsection (a)(16) if the aggregate face amount of bonds issued pursuant to such issue for any alternative motor vehicle facility (when added to the aggregate face amount of bonds previously so issued for such facility) exceeds the amount allocated to such facility under subparagraph (C).

"(C) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in subparagraph (A) among State or local governments to finance alternative motor vehicle facilities located within the jurisdictions of such governments in such manner as the Secretary determines appropriate.

"(4) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(16) unless at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more facilities within the 5-year period beginning on the date of issuance.

"(B) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in subparagraph (A)(i), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related facilities will continue to proceed with due diligence.

"(C) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under subparagraph (B), by the close of the extended period), the issuer shall use all unspent proceeds of such issue to redeem bonds of the issue within 90 days after the end of such period.

"(5) EXCEPTION FOR CURRENT REFUNDING BONDS.—Paragraph (3) shall not apply to any bond (or series of bonds) issued to refund a bond issued under subsection (a)(16) if—

"(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

"(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

"(C) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A).".

(c) CONFORMING AMENDMENT.—Section 146(g)(3) is amended by striking "or (15)" and inserting "(15), or (16)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds issued after December 31, 2007, and before January 1, 2013.

SEC. ____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 24, insert "or eligible for a credit under section 40(b)(2) or 40A(b)(2)" after "6426".

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 885. ADDITIONAL TARIFFS ON OIL AND GAS PRODUCTS OF VENEZUELA.

(a) FINDING.—The Government of Venezuela has announced its intention to withdraw as a member of the World Trade Organization.

(b) ADDITIONAL TARIFF.—Notwithstanding any other provision of law, there shall be imposed on any oil or gas product imported from Venezuela, in addition to any other duty that would otherwise apply to such product, a rate of duty of 3 percent ad valorem.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to any oil or gas product imported from Venezuela on or after the date that is 15 days after the date of the enactment of this Act.

(2) TERMINATION.—The duties imposed under subsection (b) shall cease to apply if—

(A) the Government of Venezuela files a complaint against the United States claiming that the duties imposed by subsection (b) do not comply with the obligations of the United States under the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))), or any of the agreements annexed to that Agreement; and

(B) a dispute settlement panel of the World Trade Organization issues an adverse finding against the United States with respect to such complaint.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the growing aviation industry practice of outsourcing maintenance, repair, and overhaul MRO work.

THE PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, June 20, 2007, at 10:00 a.m. to hold a nomination hearing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask, unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m. to hold a nomination hearing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 20, 2007 at 9:30 a.m. in SD–628. We will be considering the following:

Agenda

1. The Higher Education Access Reconciliation Act (not yet introduced)
2. Amendments to the Higher Education Access Reconciliation Act
3. The following nominations: Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board; Michael Schwartz, of Illinois, to be a Member of the Railroad Retirement Board; Virgil M. Speakman Jr., of Ohio, to be a Member of the Railroad Retirement Board; Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability; Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability; and Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled "Rising Violent Crime in the Aftermath of Hurricane Katrina" on Wednesday, June 20, 2007 at 10:30 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Mary L. Landrieu, United States Senator [D–LA] and The Honorable David Vitter, United States Senator [R–LA].

Panel II: The Honorable James B. Letten, United States Attorney for the Eastern District of Louisiana, New Orleans, LA; The Honorable David L. Bell, Chief Judge, Orleans Parish Juvenile Court, New Orleans, LA; Anthony Cannatella, Deputy Chief, Operations Bureau, New Orleans Police Department, New Orleans, LA; and Robert A. Stellingworth, President & CEO, New Orleans Police and Justice Foundation, New Orleans, LA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m. in room 226 of the Dirksen Senate Office Building. The hearing will be on "Judicial Nominations."

Witness list

Panel I: The Honorable James M. Inhofe, United States Senator [R–OK]; The Honorable Elizabeth Dole, United States Senator [R–NC]; and The Honorable Richard Burr, United States Senator [R–NC].

Panel II: William Lindsay Osteen, Jr. to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger to be United States District Judge for the Western District of North Carolina; Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma; and Janis Lynn Sammartino to be United States District Judge for the Southern District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 10 a.m., to conduct a hearing in relation to S. 1285, the "Fair Elections Now Act." Topics covered will be: reforming the finance of Senate elections and the high cost of broadcasting campaign advertisements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 20, 2007, at 2 p.m. to conduct a hearing on "Reauthorization of the Hope VI Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Health be authorized to meet during the session of the Senate on Wednesday, June 20, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building for a hearing entitled, "EPA's Response to 9–11 and Lessons Learned for Future Emergency Preparedness."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be allowed on the Senate floor for the duration of debate on the Energy bill: Mary Baker, Tom Louthan, Sara Shepherd, Amy Branger, Jennifer Donohue, Lindsay Erickson, David Lee, Alex Mazuro, Jennifer Smith, and Erik Willborg.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that the following individuals who are interns in my office be given floor privileges during the pendency of H.R. 6: Samantha Currier, Allison Freedman, Gregory Gonzales, Kori Higgins, Blake Peterson, Sarah Pike, Heather Roach, Shannon Saltclah, Joshua Sanchez, and Claire Smith.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Paul Keppy, Anne Freeman, and Lynda Simmons of my Senate Committee Finance staff be given the privilege of the floor during the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Additionally, Mr. President, I ask unanimous consent that John Kalitka, who is on detail to my staff from the Commerce Department, be granted the privilege of the floor during the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the Energy bill: George Serletis, Brandon Perkins, Brett Youngerman, Suzanne Payne, Tom Kornfield, Avi Salzman, Grace Stephens, Alex Hart, and Elise Stein.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, appoints the following Member to the President's Export Council: The Senator from Texas, Mr. CORNYN.

CELEBRATING ACCOMPLISHMENTS OF TITLE IX OF EDUCATION AMENDMENTS OF 1972

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 242, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) celebrating the accomplishments of title IX of the Education Amendments of 1972.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 242

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has increased access and opportunities for women and girls;

Whereas title IX has increased educational opportunities for women and girls, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Opportunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas while title IX has been instrumental in fostering 35 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made, Now, therefore, be it

Resolved, That the Senate celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

SUPPORTING GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 243) supporting the goals and ideals of National Clean Beaches Week.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas over 50 percent of the population of the United States lives in coastal counties;

Whereas the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from natural forces, sea level rise, pollution, untreated sewage, and improper use;

Whereas members of the Government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters;

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge; and

Whereas a 7-day week, commencing in June and including July 5, will be observed as National Clean Beaches Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages Americans to work to keep beaches safe and clean for the continued enjoyment of the public and to engage in activities during National Clean Beaches Week that foster stewardship, healthy living, and volunteerism along our coastlines.

NATIONAL SAFETY MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) designating June 2007 as "National Safety Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas the National Safety Council, founded in 1913, is celebrating its 94th anniversary as the premier source of safety and health information, education, and training in the United States in 2007;

Whereas the mission of the National Safety Council is to educate and influence people to prevent accidental injury and death;

Whereas the National Safety Council was congressionally chartered in 1953 and is celebrating its 54th anniversary as a congressionally chartered organization in 2007;

Whereas the National Safety Council works to promote policies, practices, and procedures leading to increased safety, protection, and health in business and industry, in schools and colleges, on roads and highways, and in homes and communities;

Whereas, even with advancements in safety that create a safer environment for the people of the United States such as new legislation and improvements in technology, the number of unintentional injuries remains unacceptable;

Whereas the people of the United States deserve to live in communities that promote safe and healthy living;

Whereas such a solution requires the cooperation of all levels of government, as well as the Nation's employers and the general public;

Whereas the summer season, traditionally a time of increased accidental injuries and fatalities, is an appropriate time to focus attention on injury risks and preventions; and

Whereas the theme of "National Safety Month" for 2007 is "Celebrating Safe Communities": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as "National Safety Month"; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the people of the United States to observe the month with appropriate ceremonies and respect.

CONGRATULATING THE ARIZONA WILDCATS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 245, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 245) congratulating the University of Arizona Wildcats for winning the 2007 NCAA Division I Softball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in support of this resolution to acknowledge the athletic achievement of a tremendous group of young women. On June 6, the University of Arizona women's softball team won the 2007 National Collegiate Athletic Association Division I Softball Championship. By defeating the University of Tennessee Lady Volunteers 5 to 0, the Wildcats claimed their 8th title since 1991.

The victory was a team effort that was marked by a number of special accomplishments. Taryne Mowatt, pitcher for the Wildcats, set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player. Centerfielder Caitlin Lowe had a record-tying 4 hits in the national title game. Shortstop Kristie Fox tied the record with 12 hits in the series. On 4 occasions Fox faced the best pitcher in the country, Tennessee's Monica Abbott. Second baseman Chelsie Mesa can take credit for hitting a 3-run home run off Abbott to break open the game and send the Wildcats to victory. Taryne Mowatt, Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team because of the skill they demonstrated during the tournament. Other Wildcats making important contributions include Adrienne Acton, Sarah Akamine, K'Lee Arredondo, Callista Balko, Sam Banister, Cyndi Duran, Lauren Erb, Samantha Hoffman, Jill Malina, Lisa Odom, Danielle Rodriguez, and Laine Roth.

The team's success was guided by their coach, Mike Candrea, who just completed his 22nd season as coach of the University of Arizona softball program. A highly decorated coach, Candrea has won 18 coach-of-the-year honors. He boasts a 1,131 to 228 overall win-loss record. In 2004, Candrea took a year off to coach the USA Olympic softball team, which went on to take the gold medal.

Senator MCCAIN and I introduce this resolution today so that this body can send a well-deserved congratulations to the University of Arizona Wildcats and their coach for the hard work and skill they demonstrated in winning the championship.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas on June 6, 2007, the University of Arizona (UA) Wildcats of Tucson, Arizona, won the 2007 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the University of Tennessee Lady Volunteers by a score of 5 to 0, winning their 8th title since 1991;

Whereas, in the championship game, UA pitcher Taryne Mowatt set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player;

Whereas Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team;

Whereas the UA Wildcats completed the season with a 50–14–1 record, climbing from the loser's bracket to emerge victorious; and

Whereas Coach Mike Candrea has taken the UA Wildcats to the Women's College World Series 19 times over the last 20 years, and won 8 national championship titles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Arizona Wildcats for winning the 2007 NCAA Division I Women's Softball Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

CONGRATULATING THE SAN ANTONIO SPURS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 246, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) congratulating the San Antonio Spurs for winning the National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas on June 14, 2007, the San Antonio Spurs (Spurs) won their fourth National Basketball Association (NBA) Championship since 1999 by defeating the Cleveland Cavaliers 4 to 0;

Whereas Tony Parker won his first NBA Finals Most Valuable Player award after shooting 57 percent for the series and averaging 24.5 points per game;

Whereas Spurs Head Coach Gregg Popovich added to his growing legacy by winning his fourth NBA championship;

Whereas Spurs owner and Chief Executive Officer Peter Holt and General Manager R.C. Buford have built the San Antonio Spurs into 1 of the best organizations in NBA history;

Whereas the Spurs hold an all-time record of 16 wins and 6 losses in the NBA Finals;

Whereas the Spurs have the best winning percentage in NBA Finals history;

Whereas the Spurs are committed to serving the San Antonio community by promoting education, achievement, and civic responsibility; and

Whereas the Spurs are the pride and joy of the City of San Antonio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Antonio Spurs for winning the 2007 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Senator Hutchison for presentation to the San Antonio Spurs.

SUPPORTING THE IDEALS AND VALUES OF THE OLYMPIC MOVEMENT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 185 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 185) supporting the ideals and values of the Olympic movement.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 185) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 185

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports athletic activities involving the United States and foreign countries;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2008 Olympic Games in Beijing, China;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2007, is the anniversary of the founding of the Modern Olympic Movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the Modern Olympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and values of the Olympic Movement; and

(2) calls upon the people of the United States to observe the anniversary of the founding of the Modern Olympic Movement with appropriate ceremonies and activities.

COMMENDING THE UNIVERSITY OF WASHINGTON MEN'S CREW TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 247, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 247) commending the University of Washington Men's Crew, the 2007 Intercollegiate Rowing Association Champions.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, today I congratulate the members of the University of Washington Men's Crew Team, which won the Intercollegiate Rowing Association Championships on June 2, 2007 at Copper River in New Jersey.

The Washington Huskies came to the Intercollegiate Rowing Association Championship Regatta with great expectations. All season, the team was ranked No. 1 in the Nation and was ranked as the top seed at the regatta.

And the University of Washington delivered.

The men's varsity eight raced down the 2,000 meter course to a first place finish with a time of 5:33.16, holding off advances from Stanford and Harvard. This is the first time since 1997 that the Huskies have won the varsity eight race and marks the 12th varsity eight national championship for the University.

In addition, the second varsity eight and open four boats also earned gold medals, finishing their races in 5:43.02 and 6:26.44 respectfully. The Huskies freshman eight also found themselves on the podium stand, finishing third in their race.

In addition to these individual boat success stories, the Husky men exhibited teamwork by winning the overall points championship and capturing the Ten Eyck Trophy for the first time since 1970. The University of Washington amassed 216 points, followed by Harvard with 191, and California with 190.

The Huskies have been competing in the Intercollegiate Rowing Association Championship Regatta since 1913. I am proud that this group of young men has continued this tradition of competition and success at this year's championship and they should be commended for their determination, work ethic, and heart.

Once again, I would like to congratulate the members of the University of Washington Men's Crew Team for their impressive achievement.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas crew is the oldest intercollegiate sport in the United States, dating back to 1852;

Whereas the Intercollegiate Rowing Association Championship, which began in 1895, is the oldest college rowing championship in the United States and is 1 of the most prestigious championships in collegiate rowing;

Whereas the University of Washington first attended the Intercollegiate Rowing Association Championship in the 1913;

Whereas the Washington Huskies Men's Crew Team was the number 1 ranked team in the United States all season and entered the Intercollegiate Rowing Association Championships as the top seeded team;

Whereas the University of Washington's varsity eight, second varsity eight, and open four each won gold medals in their respective races, and the freshman eight took home the bronze medal;

Whereas this is the 12th varsity eight title won by University of Washington at the Intercollegiate Rowing Association Championships, and the first such win by the Huskies since 1997;

Whereas the Huskies also won the Ten Eyck Trophy for the first time since 1970 by winning the overall points championship;

Whereas the entire University of Washington Men's Crew Team should be commended for demonstrating determination, work ethic, attitude, and heart; and

Whereas the members of the Men's Crew Team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Washington Men's Crew Team for winning the 2007 Intercollegiate Rowing Association Championship and acquiring the Ten Eyck Trophy; and

(2) recognizes the achievements of the rowers, coaches, and staff whose skill, discipline, and dedication allowed them to reach such heights.

THE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed, en bloc, to the consideration of the following calendar items: Calendar No. 154, S. Res. 132; Calendar No. 174, H. Con. Res. 76; Calendar No. 192, S. Res. 82; Calendar No. 194, S. Res. 173; Calendar No. 200, S. Res. 105; and Calendar No. 201, S. Res. 215.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, that consideration of these items appear separately in the RECORD and any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE CIVIL AIR PATROL FOR 65 YEARS OF SERVICE TO THE UNITED STATES

The resolution (S. Res. 132) recognizing the Civil Air Patrol for 65 years of service to the United States was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas the Civil Air Patrol was established on December 1, 1941, in the Office of Civilian Defense;

Whereas during World War II the volunteer units of the Civil Air Patrol conducted search and rescue missions, provided air transportation for military personnel and cargo, towed targets for the training of Army Air Corps gunners, and patrolled the coasts of the United States searching for enemy submarines;

Whereas by the end of World War II the Civil Air Patrol had flown more than 500,000 hours, sunk 2 German U-boats, and saved hundreds of crash victims;

Whereas on July 1, 1946, the Civil Air Patrol was chartered by the United States as a nonprofit, benevolent corporation;

Whereas on May 26, 1948, the Civil Air Patrol was permanently established as a volunteer auxiliary of the United States Air Force;

Whereas since 1942 the cadet programs of the Civil Air Patrol have trained more than 750,000 youth, providing them with leadership and life skills;

Whereas since 1942 the Civil Air Patrol has flown more than 1,000,000 hours of search and rescue missions, saving several thousand lives; and

Whereas since 1951 the aerospace education programs of the Civil Air Patrol have provided training and educational materials to more than 300,000 teachers, who have educated more than 8,000,000 students about aerospace: Now, therefore, be it

Resolved, That the Senate recognizes the Civil Air Patrol for 65 years of service to the United States.

HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR

The concurrent resolution (H. Con. Res. 76) honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments, was considered and agreed to. The preamble was agreed to.

H. CON. RES. 76

Whereas the year 2007–2008 is the 50th anniversary of the International Geophysical Year (IGY) of 1957–1958;

Whereas the IGY initiated the Space Age with the successful launch of the first artificial satellites, Sputnik by the former Soviet Union, and Explorer I by the United States;

Whereas the interdisciplinary approach of IGY and the use of new space-based platforms enabled fundamental changes in the conduct of research concerning the Earth and its surrounding space environment;

Whereas the interdisciplinary approach of IGY enabled coordinated, synchronous, global observations and measurements of the Earth, oceans, atmosphere, ice, and near-Earth space environment;

Whereas the IGY increased our understanding of the causes of magnetic storms, ionospheric disturbances, and the origins of cosmic rays;

Whereas the use of new space-based platforms enabled the discovery of the Van Allen radiation belts, which are trapped, charged particles in the Earth's upper atmosphere, showed that those particles form belts of energy around the Earth, and contributed to the understanding of the Northern Lights;

Whereas the IGY, involved thousands of scientists from 67 nations;

Whereas the IGY, which occurred during the height of Cold War tensions, facilitated international cooperation in science and helped lead to the Antarctic Treaty, which established the use of Antarctica for peaceful purposes and promoted continued, cooperative scientific investigations on the continent;

Whereas the IGY led to the creation of institutional structures that continue to promote and enable the international exchange of scientific research related to the Earth and space, including the International Council on Science's Committee on Space Research (COSPAR), Scientific Committee on Antarctic Research (SCAR), and Scientific Committee on Oceanic Research (SCOR); and

Whereas this 50th anniversary celebration offers as an opportunity to inspire our public and youth to build on the legacy of success of the IGY, recognizing that a coordinated, international approach to interdisciplinary scientific challenges such as climate change, high energy physics, and space exploration contributes to the advancement of knowledge and sustains the cooperative spirit and goodwill among nations set forth in the IGY: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 50th anniversary of the International Geophysical Year (IGY) and its contributions to the scientific investigations of the Earth and outer space; and

(2) encourages the public, and especially American youth, to attend IGY celebrations and seminars, such as those being planned at locations around the United States by the National Academy of Sciences and other organizations, and participate in discussions about the future of space science and Earth science.

NATIONAL AIRBORNE DAY

The resolution (S. Res. 82) designating August 16, 2007 as "National Airborne Day," was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2007 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas those units, together with additional units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2007 as the 67th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2007 as "National Airborne Day"; and

(2) calls on the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

NATIONAL MARINA DAY

The resolution (S. Res. 173) designating August 11, 2007, as "National

Marina Day," was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 173

Whereas the citizens of the United States highly value recreation time and their ability to access 1 of the greatest natural resources of the United States, its waterways;

Whereas, in 1928, the word "marina" was used for the first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and welcomed guests;

Whereas marinas of the United States also serve as stewards of the environment, actively seeking to protect their surrounding waterways not only for the enjoyment of the current generation, but for generations to come; and

Whereas marinas of the United States also provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the marinas of the United States for providing environmentally friendly gateways to boating for the citizens of, and the visitors to the United States; and

(2) designates August 11, 2007, as the sixth annual "National Marina Day" in order—

(A) to honor the marinas of the United States for their many contributions to their local communities; and

(B) to make citizens, policy makers, elected officials, and employees more aware of the overall contributions marinas make to their well-being.

CAMPUS FIRE SAFETY MONTH

The resolution (S. Res. 105) designating September 2007 as "Campus Fire Safety Month," was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas tragic fires in student housing in Nebraska, Missouri, Oklahoma, and Pennsylvania have cut short the lives of college students in the United States;

Whereas, since January 2000, at least 99 people, including students, parents, and children, have died in campus-related fires;

Whereas more than 75 percent of those deaths occurred in off-campus occupancies;

Whereas a majority of the students in the United States live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems have been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method for controlling or extinguishing a fire in its early stages and protecting the lives of the building's occupants;

Whereas many students are living in off-campus occupancies, sorority and fraternity housing, and residence halls that are not adequately protected with automatic fire alarm systems and automatic fire sprinkler systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college careers;

Whereas it is vital to educate future generations in the United States about the importance of fire safety to help ensure the safety of young people during their college years and beyond; and

Whereas by educating a generation of adults about fire safety, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "Campus Fire Safety Month"; and

(2) encourages administrators of institutions of higher education and municipalities—

(A) to provide educational programs about fire safety to all students during "Campus Fire Safety Month" and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

NATIONAL FIRST RESPONDER APPRECIATION DAY

The resolution (S. Res. 215) designating September 25, 2007, as "National First Responder Appreciation Day," was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas millions of Americans have benefited from the courageous service of first responders across the Nation;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as "first responders") work devotedly and selflessly on behalf of the people of this Nation, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornadoes in Florida and the blizzard in Colorado in December 2006, the wildfires in the West in 2007, and the flooding in the Northeast in April 2007;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 670,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 "first responders" make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across America;

Whereas according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 165 per year, and 145 law enforcement officers were killed in 2006;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, America's firefighters, law enforcement officers, and emergency medical workers were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts have earned the gratitude of Congress: Now, therefore, be it

Resolved, That the Senate designates September 25, 2007, as "National First Responder Appreciation Day" to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

MEASURE READ THE FIRST TIME—H.R. 2366

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2366 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2366) to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 107; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF TRANSPORTATION

David James Gribbin IV, of Virginia, to be General Counsel of the Department of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, if I could do a little bit of business, and I will yield to the distinguished Senator from Delaware.

I was going to ask unanimous consent that the Senate proceed to the consideration of S. 1639, the immigration legislation, at a time to be determined by the majority leader following consultation with the Republican leader. However, I am advised there would be an objection from the Republican side, so I am not going to ask for that unanimous consent.

Therefore, I move to proceed to Calendar No. 208, S. 1639, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski.

Mr. REID. I now ask unanimous consent that the mandatory quorum required under rule XXII be waived, and I therefore withdraw the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAFE STANDARDS

Mr. CARPER. Mr. President, today we have been discussing in the halls and corridors and rooms not far from where I many speaking what changes we should make with respect to fuel efficiency standards for cars, trucks, and vans. There are a lot of aspects of this bill that are important. Few are as important as what we are going to do with respect to fuel efficiency standards for cars, trucks, and vans, not just for the next couple of years but probably for the next 15 years or so.

I want to begin my remarks by saying how important I believe manufacturing is. We are neighbors. Both Delaware and Pennsylvania have a rich tradition of manufacturing. It is an important part of our economy and continues to be. If we are going to be successful as a nation in the 21st century, it will be because we have retained a vibrant manufacturing base, and we are in danger of seeing that slip away. Part of the manufacturing base in my State has been, for 60 years or so, a vibrant automobile manufacturing base. We have two auto assembly plants in northern Delaware. Outside of Wilmington is a GM plant where we manufacture the Pontiac Solstices and Saturn Sky. We actually export some of those Saturn Skys to Europe, and we are about to start exporting Saturn Skys to South Korea, something we are excited about.

In Newcastle County south of Newark along the Maryland line is a Chrysler assembly plant where they used to make tanks during World War II. Today they make all the Dodge Durangos and all the Chrysler Aspens in the world.

On a per capita basis, we build probably as many cars trucks, and vans per capita in Delaware as any other State. We are not a big State, but auto manufacturing remains an important part of our economic base.

With that as a background, I want to mention the approaching debate on CAFE, fuel efficiency standards for our vehicular fleet. There are three goals I see. The first goal for me—and I hope for us—is to reduce the growth of our dependence on foreign oil, then stop the growth of our dependence on foreign oil, and then reduce our dependence on foreign oil. Over 60 percent of the oil we use comes from sources beyond our borders. We have a trade deficit of about $650 billion. Fully one-third of that is attributable to our dependence on foreign oil. We need to reduce that dependence.

I was in Iraq the last weekend. We have over 150,000 troops there exposed and in danger as I speak. Every time I fill up the tank of my car with gas, I am convinced some of the money I spend in buying that gas goes to other parts around the world where people take our money, and I fear they use it to hurt us. We ought to be smarter than that. One of the things we clearly need to do is to reduce our growing reliance on foreign oil and eventually, sooner than later, reduce that reliance.

The second goal for me is to reduce harmful emissions, the stuff we put up in the air. Whether it is nitrogen oxide, carbon monoxide, carbon dioxide, which is the greenhouse gas that leads to global warming, those emissions come out of cars, trucks, and vans. For me, goal No. 2 is to reduce the incidence of those emissions. It will improve our health and reduce the threat we face from climate change from greenhouse gases.

The third goal for me and in the context of this legislation is to accomplish goal No. 1, reduce our reliance on foreign oil; accomplish goal No. 2, reduce the emission of bad stuff into the air; and to do that by not further disadvantaging the domestic auto industry in our State. So those are the three goals I have for us.

I want to take a moment and look back to 1975. In 1975, the average mileage for cars, trucks, and vans was about 14 miles per gallon. For several years leading up to 1975, there was a prolonged debate on whether we should require more fuel-efficient vehicles. I have asked my staff to see if we can find a little bit of what was being said back in the mid-1970s as we debated whether to raise over a 10-year period fuel efficiency standards from 14 miles per gallon to 27.5 miles per gallon for cars and roughly 20 miles pér gallon for light trucks and SUVs.

This is a comment from one of the senior officials at General Motors:

> If this proposal becomes law—

The increase over 10 years of CAFE standards to 27.5 miles per gallon—

> the largest car the industry will be selling in any volume at all will probably be smaller, lighter, and less powerful than today's compact Chevy Nova.

The Presiding Officer and I are old enough to remember what a Chevy Nova looked like. I want to tell you, when we were driving around the streets of Washington, DC, or Delaware or Colorado, most of the vehicles out there were a lot bigger than a compact Chevy Nova, and they were in 1975 as well.

Here is another comment from the debate of the mid-1970s on raising

CAFE standards. This is from a senior official at Chrysler in 1974.

> In effect this bill would outlaw a number of engine lines and car models, including most full size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years.

Five years from this was 1979. In 1979, we were still making full size sedans and station wagons. We were still making them in 1985. We are still making them today. The idea that we would be producing subcompact-size cars within 5 years or even 25 years, it never happened. Those are a couple of comments that were made in 1974 and 1975, as we took up the debate.

The Congress decided in 1975 to go ahead and pass more stringent fuel efficiency standards for cars, trucks, and vans. Over a 10-year period we ramped up so that by 1985, the car fleet was expected to achieve on balance 27.5 miles per gallon, and for light trucks and SUVs about 20 miles per gallon.

I put up these quotes because a good deal of what we have heard from the auto industry in recent years, as we have debated whether to return to raising fuel efficiency standards, actually sounds a lot like what we heard in 1974 and 1975. You could almost take away the years that are at the bottom of each of these quotes, and it would be deja vu all over again.

For the past 22 years since we raised CAFE standards, what we have heard mostly from the domestic auto industry is, if you raise fuel efficiency standards further, four things will happen: One, the big three—GM, Chrysler, Ford—will lose market share, will lose money. They will close plants. They will cut or eliminate jobs. We have heard that for pretty much the last 22 years, and for the last 22 years we have not raised fuel efficiency standards.

This is a chart where we can see the market share for each company. The orange share is Chrysler. The green is Ford. The blue is GM. This is 1985. Here we have 20 years later, 2005. Let me just read it. From Chrysler to Diamler-Chrysler, when you put that together, you get about 13.5 percent market share. In effect, Chrysler's market share has actually dropped without any change in fuel efficiency standards since 1985. Their market share has dropped from 1985, if we actually backed out Diamler.

From 1985 to 2005, Ford's market share dropped from 22 percent of sales to almost 17 percent. That is without any change in CAFE. Over at GM, we see market share dropped most precipitously from about 41.5 percent of the market in 1958 to 26 percent in 2005.

I would say these numbers are actually lower now. Ford is no longer at 17 percent of market share. Regrettably, GM is not at 26 percent market share. The market share didn't drop because of increases in CAFE.

The plants were not closed because of increases in CAFE. Hundreds of thousands of people did not lose their jobs because of increases in CAFE. These companies, last year, collectively, lost in the North American automotive operations—Chrysler, GM, Ford—lost probably, collectively, about $15 billion. That was not because of increases in CAFE, because we have not increased fuel-efficient standards for 22 years.

We have had a lot of visits in my office in the last several weeks. I am sure the Presiding Officer has had folks come to see him from the auto manufacturers, probably domestic and foreign. One CEO said to me, in a visit last week, his company would have to—if we adopted the measure that has been reported out of the Commerce Committee, which is the underlying language on CAFE in the bill before us this week—but if we adotpted that, his company would have to produce cars that got 50, 52 miles per gallon.

I said: Well, let's think about that. Let's talk about that. You will recall the measure before us today says that by 2020, overall, NHTSA—an arm of the Department of Transportation—would have to have overseen an increase in the fuel efficiency standards of cars, trucks, and vans; that, overall, cars, trucks, and vans put together would, beginning by the year 2020, have 35 miles per gallon.

What most people do not understand is that trucks, light trucks, and SUVs do not have to get 35 miles per gallon under the language in the bill by 2020. But overall, when you combine cars, trucks, vans, and SUVs from the different companies that sell cars in this country, they have to get 35 miles per gallon.

Now, let's take a look at a chart that lists a bunch of auto companies. It is a little hard to follow, but I ask you all to bear with me. The effect of the legislation that is before us, the underlying bill, would mean—DaimlerChrysler builds more light trucks, SUVs. They are a truck-heavy company, as opposed to, we will say, Volkswagen. Volkswagen builds mostly cars. They do not build much in the way of light trucks or SUVs and sell that in this country.

But the car companies, the truck companies that tend to build the trucks, light trucks, and SUVs, they would end up with a requirement—between now and 2020—a requirement by NHTSA to have a fuel economy of something less than 35 miles per gallon. For the vehicle makers that are more heavily on the car side, as opposed to the light trucks and SUVs, they are going to expect to have a fuel efficiency standard north of, higher than 35 miles per gallon.

In this case, Volkswagen, if they continue to have the mix they have of vehicles in 2005, they would have to have in their mix of product about 38, 39 miles per gallon. So this is not a monolithic number. It is not 35 miles per gallon for trucks, 35 miles per gallon for cars. It is not 35 miles per gallon for each of these auto manufacturers.

But the idea is, when you put them all together, at the end of the day, we want, in 2020, for NHTSA to have presided over a process that gets our fleet of vehicles sold in this country, in 2020, to 35 miles per gallon.

Now, for years we have heard our friends from Detroit say: Protect us in this way. Protect us so we don't have foreign competitors—who build a lot of energy-efficient cars—don't let them use the high miles per gallon they get from their fuel-efficient cars to allow them to come in and sell a whole bunch of trucks, light trucks, SUVs, and minivans that are not energy efficient.

Meanwhile, companies such as DaimlerChrysler and GM and Ford, which are selling a lot of trucks, if we are not careful, will end up with a situation where other companies that are listed on this chart would be able to sell a whole lot of trucks, a whole lot of minivans, a whole lot of SUVs that are energy inefficient. Our automakers could not sell anymore. They would be constrained because of the requirements in legislation.

So here is what we have tried to come up with in response to the concerns by our automakers. We have come up with a plan that says to NHTSA: We do not care who is making real small cars, but we want you to set the same fuel efficiency standards for real small cars, regardless of who is making them. For midsized cars, we want you to set the same fuel efficiency standard targets for midsized cars, regardless of what companies make them. For larger cars, heavier cars, bigger cars, the same fuel efficiency standard would apply for that category of vehicles.

For pickup trucks, regardless of who is making them, light trucks, the same standard would have to apply, whether it is Nissan that is making them, Honda, or DaimlerChrysler. For a small truck, they all have to be producing vehicles that get the same fuel economy standards. For larger SUVs, the largest SUVs, whoever is making them—I don't care if it is Toyota, Nissan, Chrysler, GM—NHTSA would be promulgating a fuel efficiency standard that would be the same for all manufacturers.

Now, not everybody likes that. I suspect some of the folks who have been making energy-efficient cars for some time believe they are not getting the kind of credit they should get for their early work. But this is a proposal that is in the underlying bill, and it is in response to the domestic auto manufacturers who have said: Do not put us in a situation where the only folks who can sell light trucks and SUVs of any size are folks who happen to be building vehicles in other countries. So we tried to be responsive to their proposal.

Let's go back to this chart I have in the Chamber, if we could. I wish to return to the conversation I had with the CEO of one of the companies who came to see us. We will call it company X. Company X plans, in about 5 years, to be selling in this country a mix of products that would be 60 percent truck, that would be 40 percent cars. By trucks, I mean light trucks, SUVs, minivans. But that is their goal in 5 years: 40 percent cars, 60 percent trucks.

If we assume for a moment that the fuel average requirement, the minimum average requirement for light trucks and SUVs is going to be 30 miles per gallon—that is probably pretty close to what it is going to be; it may be about what is doable—at the 60-percent market concentration for the trucks: 60 percent times 30 miles per gallon adds up to 18 miles per gallon.

If another 40 percent of what they build and sell is cars, the question is: What miles per gallon would they have to achieve for their car fleet, collectively—small, mid, large—what would they have to achieve to roughly get to 35 miles per gallon overall for their fleet average? The answer is: 42—not 52, not 62 miles per gallon. But this is what they would have to be able to deliver in mileage per gallon in 2020 from their car fleet in order to come up with an overall fleet average for this company of about 35 miles per gallon.

Now the question is, is it realistic in 13 years for a company to be making cars that get 42 miles per gallon?

Well, I was at the Detroit Auto Show back in January. One of the coolest cars I saw was a Chevrolet. It was a Chevrolet Volt, a flex-fuel, plug-in hybrid vehicle that, hopefully, Chevrolet is going to be making by the early part of the next decade. You plug it in, charge the battery, and you are off.

Let me say, the leader is on the floor. I say to the leader, I do not wish to get in your way, but if you want to jump in here, jump in.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nevada.

Mr. REID. Mr. President, I have been listening to the Senator speak. I wish to say one thing. I participated in an event today where we had a car there that was a hybrid. Gee, it was fun. There were two vehicles there, a Prius and a Ford. One of those—they would both get basically the same mileage—but the man there who was promoting these batteries, this past week, drove 177 miles on 1 gallon of gasoline. That is the future. That is the future of our country, that we will be able to have these hybrids driving across the country, pulling into a motel and plugging it in. There will just be a cord, like an extension cord.

I wanted to say one thing. I want to comment on the Senator's advocacy. The people of Delaware—I say this without any hype at all—are so fortunate to have someone who is so into legislation. I don't know of another Senator, in looking at an issue, who understands it so thoroughly. I say that sometimes I wish you didn't know it so thoroughly, because it doesn't allow me to have any wiggle room at all. But I say that without any reservation. I am so admiring of the Senator's talents to legislate. I am very partial to you because you and I came here together in 1982 as freshmen Members of the House of Representatives. But the people of Delaware got a well-trained legislator when you came to the Senate. Your experience in the State, as a Statewide officeholder, a Member of the House of Representatives, a Governor, a Senator—you have not only had the experience, but you still have the tenacity and the will to be a good legislator, and the people of Delaware are very fortunate, but so are we as a country.

I would ask my distinguished friend, there are a few closing matters. Could you do those when you complete your statement?

Mr. CARPER. I will.

Mr. President, I was talking about the visit of last week with the CEO of one of our major three automakers. The point I was trying to make is the automakers don't have to come up with cars that get 52 miles per gallon or 50 miles per gallon, but if they have a fleet of 60 percent trucks and 40 percent cars in 2020, they are going to have to do better, and better is 42 miles per gallon.

Our leader, Senator REID, was talking about an event here today where some vehicles were on display. I think they were jerry rigged—maybe it was Ford Escape and some other vehicles, maybe Priuses—in order to get very high mileage, I think he said 170 miles per gallon. We don't need cars that get 170 miles per gallon by 2020 to make this standard of roughly 35 miles per gallon for the fleet. We don't need cars that get 50 miles per gallon.

But in this case, Company X—which is a real company, it turns out—is working toward 42 miles per gallon and they would meet the expected requirements that would be set for them.

I said to my visitor last week, the CEO who was visiting me, You have an obligation to your shareholders and you have an obligation to your employees to try to get the best deal out of this that you guys can be proud of and maximize your profits.

I said: As a Senator who cares about the economic development and job creation in my State, I want you to be profitable. I want you to be successful.

So I feel some obligation too. But I went on to add that we have an obligation here, as does the Presiding Officer, my friend from Pennsylvania, who is going to speak in a minute, we have an obligation that goes beyond that which our CEO feels, or other CEOs feel. We have an obligation to make sure we do reduce our reliance on foreign oil. The car companies, in all honesty, don't have that obligation. We have an obligation to make sure the air we breathe is cleaner. We have an obligation to make sure the threat of global warming is diminished, not increased. They don't have that requirement, as we do. That is our job.

It is not enough for us, though, to say to the car companies: You have to eat your spinach. You have to go out there and make the tough decisions all by yourself to raise fuel efficiency standards. I think we have an obligation in the Federal Government and in other levels of Government as well to help them. It shouldn't be them doing this all by themselves: we have an obligation to help them. I mention maybe four ways where we are trying to help them in the legislation that is before us today and that we will be voting on tomorrow and during the next couple of days.

With respect to making more energy efficient cars, here are some ways we can help the industry. One is through basic research and development investments. If we go back a few years, we have invested a lot of money in fuel cell technologies, as my colleagues know. In the legislation before us, the underlying bill on CAFE standards, we authorized the expenditure of $50 million a year over the next 5 years for new battery technology, for a new generation of lithium batteries, so the kind of cars the majority leader was talking about a few minutes ago, so we can actually build them, actually build the Chevrolet Volt. The Chevrolet Volt, the car I was talking about earlier, the coolest car at the auto show, a flex-fuel, plug-in hybrid, you plug it in, charge the battery at night from your house, go out the next day, drive maybe 30, 40 miles before you have to recharge again. If you get to work before that time, plug it in at work. In the meantime, when you put on your brakes, it is a traditional hybrid. You put on your brakes and recharge the battery.

But in the Chevrolet Volt, it actually carries with it an auxiliary power unit. The auxiliary power unit doesn't run the car, it charges the battery. It can be fuel cell powered, it could be biofuels diesel, it could be an ethanol internal combustion engine recharging the battery, and the battery running the wheels.

I saw a headline in the local paper in my State a month ago. It was a picture of one of the top folks at GM standing alongside the Chevrolet Volt and talking about this vehicle, which they hope to have on the road by the early part of the next decade, to get over 100 miles per gallon. That is not the entire fleet, it is one vehicle, but that is 100 miles per gallon. If we can do that, 100 miles per gallon or even 80 or 90 or 70 for the Chevrolet Volt and the kind of things our majority leader saw today, the fuel efficiencies there, if it is even a half or a third of what he saw, the idea of getting 35 miles per gallon for a total fleet in 2020 is not a pipedream, it is realistic. I am convinced that to the extent our auto manufacturers are positioned to build more energy efficient cars, to at least have some of them, they make themselves more competitive in the world environment.

But I was talking about the ways we can help, the Federal Government can help our industry to meet these higher standards. One, Federal investments in basic R&D. Whether it is for fuel cells several years ago or whether it is new battery technology, we are putting in about $40 million this year. I hope next year it will be 50 and the next 5 years after that at $50 million a year.

Second, another way we can help is to use the Federal Government's purchasing power to help commercialize these new technologies. We are going to be building and putting out on the road a new generation, next-generation hybrid Durango and a next-generation hybrid Chrysler Aspen. Currently they are internal combustion engines. They don't get 20 miles per gallon. They are high teens for fuel economy. But starting sometime by the middle of next year we will have on the road hybrid Durangos and hybrid Chrysler Aspens, the fuel economy of which will be increased by 40 percent over current levels—a 40-percent increase. I want to see—and I know others of my colleagues want to see—when the Federal Government goes out and buys—and we buy a lot of vehicles every year on the civilian side and on the defense side—I want to have included in the legislation we pass something that says some small percentage, some modest percentage of the vehicles we are going to be buying, anyway, should be invested in highly energy efficient new technology cars or trucks or vans, and their reaction to have the opportunity to do that in the context of the underlying legislation.

We are going to take up the Defense authorization bill in a couple of weeks and we will have an opportunity to do the same thing in terms of using the Government's purchasing power on the military side to commercialize these more energy efficient technologies in the cars, trucks, and vans that the military buys.

A third way the Federal Government can help the auto companies meet these more stringent standards, in addition to investments in R&D, in addition to the vehicular purchases of the Government to commercialize technologies, is with respect to tax credits. In the Energy bill adopted in 2005, we have energy tax credits that say if you buy a highly energy-efficient hybrid vehicle, you get a tax credit of $300 to almost $3,500 for your purchase. There is a similar provision in the same bill that says to folks who buy highly energy-efficient, diesel-powered vehicles with very low emissions that they can get the same kind of tax breaks, $300 to roughly $3,500.

As it turns out, almost all of the hybrids, incentivized by those tax credits, are made in other countries. So we have tax incentives to encourage people to buy hybrids from other countries. Shame on us. Hopefully, in the next couple years we will put American hybrids on the road and incentivize people to buy American-made hybrids, such as the Durango and the Chrysler Aspen that will be produced less than a year from now. No American manufacturer is making today, nor will they next year, diesel-powered vehicles with emission levels low enough to qualify under the 2005 legislation.

One of the changes that has been agreed to and is in the Finance Committee's package, Mr. President—and you are a member of the Finance Committee—one of the provisions the committee adopted in the finance language that accompanies the Energy bill allows the low-emission, highly energy-efficient Chrysler products that are being manufactured and sold in this country this year, for 1 year—that will be next year—their products will qualify not for the full tax credit but for about three-quarters of the tax credit just for 1 year. After that, they have to be very low emissions starting in 2009, which is as it should be.

That is something we can do to incentivize folks to buy vehicles made in this country that have low emissions and are highly efficient. The more energy efficient, the bigger the tax credit.

The fourth and last point we can do in the way of helping the industry is, there is a flex-fuel mandate that says some of the vehicles we build in this country have to be capable of running on ethanol or some kind of fuel other than traditional petroleum. However, as my colleagues know, today, if you drive around this country and have one of these vehicles that can run on ethanol, it is hard to find a pump. It is hard to find a pump in Colorado, Pennsylvania, Delaware, or any other State, except Minnesota where I think they have 400 gas stations that actually have ethanol. But it is hard to find a fueling station where we can actually fill up with something other than gasoline.

There needs to be included in this legislation something that mandates the oil companies, just as we did 20, 25, 30 years ago on unleaded gas, so the people who have vehicles that are capable of running on renewable fuel can actually find a place to fill up.

Similarly with hydrogen, as we move to the point of building more hydrogen-powered vehicles. It doesn't do us any good if we don't have hydrogen fueling stations in this country. The Federal Government has an obligation to make sure that fuel is available too.

Those are four actions the Government can do, and I hope will do, in the context of this legislation before us: One, investments in R&D, in this case new battery technology; two, use Federal Government purchasing power to help companies to commercialize this new technology; three, use tax credits to incentivize people to buy the vehicles once they are produced, more energy-efficient vehicles produced; and, finally, hydrogen infrastructure so people who buy flex-fuel vehicles can find the product, the stations where they can fill up.

The last point I want to make, and it goes back to my conversation with my friend who is a CEO of one of these domestic auto companies. I mentioned he has an obligation to his shareholders and employees. I am sure he cares about the quality of air. I am sure he cares about our dependence on foreign oil. That is not his day job. That is our day job, so we should focus on it as we debate these issues.

My colleague from Colorado who is presiding, and my colleague from Pennsylvania who is waiting patiently for me to wrap up—and I have been to funerals for people from our State who have died in Iraq or Afghanistan. We have tried to console family members. I was in Iraq over the weekend. We have 160,000 men and women there today. They are in harm's way as I speak. We are so dependent on troubled parts of the world for oil, unstable parts of the world for oil, where we have men and women at risk, where we lost lives yesterday and probably lost lives today and probably will tomorrow.

I think of a member of my staff, Sean Barney, who worked with me since 2000 when I ran for the Senate. Sean decided he wanted to go into the Marines. He joined the Marines and went through basic training. This is a guy with an undergraduate degree from Swarthmore and a graduate degree from Columbia who decided he wanted to be a marine.

A couple years ago, he went to basic training and became a PFC and ended up in Anbar Province, in the streets of Falluja, shot by a sniper in the neck which severed his carotid artery. He, by all rights, should be dead. He lived, miraculously. He has some degree of disability in his right arm, right shoulder, right hand, but he is alive.

When I have visited in Iraq, I had a chance to visit with a bunch of National Guard troops. We have them over there from Colorado and Pennsylvania too—folks from the 198th Signal Battalion. I was their commander in chief when I was Governor for 8 years. I have a special affection and devotion to them. I wanted to make sure they come home safely.

When I got home early Monday morning, I went to a sendoff for 150 members of one of our military police units. They were heading on to Fort Dix. They are at Fort Dix today and then on to Iraq.

I guess the point I am making is, while we want to make sure our domestic auto industry is successful and is profitable, and we have a good, strong auto manufacturing base, I want to make sure we stop sending men and women around the world to these troubled spots that have large amounts of oil deposits. And we are concerned about that situation. That is something of which we need to be mindful. For me, it figures into this equation and this debate.

I close by saying, we will have a chance to debate these issues tomorrow morning, and we will have a chance to vote on the language in the underlying bill, maybe with a change from an amendment Senator STEVENS and I have offered and maybe will be adopted, or maybe with the more far-reaching change negotiated and developed by our colleagues, Senators PRYOR, LEVIN, STABENOW, and BOND. At the end of the day, though, when we pass this legislation and send it on to the House, it is so important that it moves in a meaningful way toward reducing our dependence on foreign oil; that in a meaningful way it reduces the emissions of harmful matter into our air; and in a real way it also enhances and doesn't undermine the competitiveness of our domestic auto industry.

It is not easy to do all three of those goals, but those are the three things we need to do. If we can send from the Senate to the House at the end of this week or early next week legislation that is actually faithful to those three goals, we will have done our work and done good work.

Tomorrow and the next day will be the test to see if we can measure up to those standards. I hope we can.

I apologize to my colleague from Pennsylvania for going on as long as I have. I thank him for his patience.

Mr. President, I yield the floor.

ENERGY EFFICIENT APPLIANCES

Mr. CASEY. Mr. President, first of all, I thank Senator CARPER for his presentation and his wisdom. I appreciate that.

I rise tonight very briefly to express hope that is contained in an amendment I have. I know we have an agreement in place, and this is for the purpose of talking about this amendment as opposed to formally speaking on it.

This is a very simple amendment I have. It is an idea I had based on some of my work in State government. It is simply to do this, to offer a proposal that allows low-income families to purchase home appliances which are energy efficient and that will allow them to not only heat their homes or wash their clothes or use other appliances but to do it in an energy-efficient way.

It is based upon my experience in State government, as a State treasurer, where we started a program in Pennsylvania called Keystone Help, back in the last couple of years. Right now, that program has helped people in 60 out of our 67 counties. It is simple.

What the Federal version of this would do is to dedicate $4 million over 5 years. It is not a lot of money, and it is paid for by the current $750-million-per-year authorization for weatherization programs in the Federal Government. So it is just $4 million out of the $750 million that is already in the bill and already paid for.

These funds would be used to help low-income families purchase Energy Star certified appliances. This means they have been certified by the Department of Energy for their energy-efficient qualities.

Here is what the appliances are that would be allowed to be paid for out of the money applied in this program: refrigerators, water heaters, washers and dryers, home heating systems and air-conditioning—basic necessities of life in America today.

The amendment would also require that the families who receive these grants out of the $4 million of grant money over 5 years provide a 5-percent match that they would have to come up with. I recognize for a lot of families even a 5-percent match is a lot of money. An extra $50 or so, depending on the amount of money, would be significant. But I think it is important that families have that requirement.

There are some families who will not be able to meet that, so we allow charitable assistance or State and local initiatives to come up with the 5 percent.

But I wish to make one point among several. First of all, this is not a new program in the sense that it requires a big expenditure of money or requires administrative work that cannot already be done within the existing weatherization program. The grants in this amendment are intended to work as a complement to and work within the current weatherization program. The amendment will not increase administrative costs and it will not require new expenditures of dollars. It is within the $750 million already allocated for weatherization.

I believe this amendment, and the features of this program called for by this amendment, helps families. It helps our low-income families pay for Energy Star certified appliances for their homes. It helps the environment. It is good all around.

We already have a program that helps these same families properly insulate and weatherize their homes. What this does is take the next step. We should take that next step to help low-income families use less energy for the basic necessities of heating and cooling their homes as well as laundry and some other basic necessities.

I hope the managers on both sides of the aisle, I hope both parties, can agree to adopt this. It may not happen, but I am hopeful that will happen tomorrow.

ORDERS FOR THURSDAY, JUNE 21, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m. Thursday, June 21; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 6, as under the previous order; that Members have until 11 a.m. to file any germane second-degree amendments to the Baucus amendment No. 1704.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:44 p.m., adjourned until Thursday, June 21, 2007, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 20, 2007:

DEPARTMENT OF TRANSPORTATION

DAVID JAMES GRIBBIN IV, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. WELLER. Madam Speaker, had I been present on the legislative day of June 18th for rollcall votes 499 through 501, I would have voted "aye" on rollcall vote 499, "aye" on rollcall vote 500, and "aye" on rollcall vote 501.

PERSONAL EXPLANATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BUCHANAN. Madam Speaker, on Friday, June 15, I was en route to California to attend the Stanford University graduation ceremonies for my son, Matt. As such, I was absent for rollcall votes 492 through 498.

If I had been present for these votes, I would have voted as indicated below: rollcall No. 492: "aye"; rollcall No. 493: "nay"; rollcall No. 494: "aye"; rollcall No. 495: "aye"; rollcall No. 496: "aye"; rollcall No. 497: "aye"; and rollcall No. 498: "aye".

COMMENDING NANCY HOLMES ON THE OCCASION OF BEING HONORED BY THE HISTORIC MOBILE PRESERVATION SOCIETY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BONNER. Madam Speaker, today I rise to commend Nancy Holmes and offer her our heartfelt thanks on behalf of the people of southwest Alabama for a lifetime of service to both the City of Mobile and the State of Alabama.

For almost 6 decades, Nancy has dedicated a considerable amount of time toward preserving Mobile's historic landmarks. Nancy Holmes moved to Mobile in 1950 and was one of the original members of the Mobile Historic Development Commission. She served several terms as president where she established a fund to prevent the destruction of historic buildings, including the Horst-Ezell House.

One of the most highly regarded preservation architects in the United States, Nancy has received many honors over her years of service including the M.O. Beale Scroll of Merit, a certificate of appreciation from the governor of Alabama, the Travel Award Trophy from the Mobile Chamber of Commerce, a Lifetime Achievement Award from the Alabama Historical Commission, and the First Lady of Mobile recognition in 1966. She has also held several positions with the Historic Mobile Preservation Society including president, civics chairman, Oakleigh Historic House Museum guides chairman and program chairman. She has published articles in Antique magazine and is actively involved in the National Trust for Historic Preservation as a member.

This month, the Historic Mobile Preservation Society is bestowing Nancy with the Preservationist of Distinction award for her lifetime of achievement as a historic preservationist.

Madam Speaker, I ask my colleagues to join me in thanking Nancy for her tireless commitment to the betterment of Mobile. I know her family and many friends join with me in praising her accomplishments and extending thanks for her many efforts over the years in making Mobile and southwest Alabama a better place.

IN HONOR OF THE RIDGEWOOD CHAMBER OF COMMERCE ON THE OCCASION OF ITS 80TH ANNIVERSARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the Ridgewood Chamber of Commerce for its 80 years of outstanding public service to the residents, businesses, and community of Ridgewood, NJ. I have had the honor of meeting with the men and women of this fine organization and have seen firsthand the tremendous sense of dedication they have to their neighbors.

The board of directors that runs the operations of the Chamber of Commerce is very active in meeting the needs of its membership, raising funds for Chamber activities, organizing events to draw people to downtown businesses, and running a scholarship fund for local students. Under the leadership of its current officers with President Tony Damiano at its helm, the Chamber has made great strides. And, I have every expectation of that under the tutelage of the incoming officers: President Ed Sullivan, Vice President John Kiernan; Treasurer Patricia Duarte; and Secretary Linda Coombs.

The Ridgewood Chamber of Commerce will continue to excel in all its endeavors, helping to raise the quality of life in the Village of Ridgewood for all who live, work, and visit that community for the next 80 years as well.

TRIBUTE TO MOLLY LLOYD

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. TERRY. Madam Speaker, I rise to honor Molly Lloyd, who has recently retired from my congressional staff after 8 years of dedicated and excellent service to the constituents of the Second Congressional District of Nebraska. With a 1-year-old daughter, Ellie, and 5-year-old daughter, Emma, she and her husband, Mark, are devoting their time to their family, which makes a tribute to her all the more bittersweet. I wish the Lloyds all the happiness in the world as they embark on the next stage of their lives together.

Molly is a lifelong Nebraskan and was born to proud parents Kay and Bob Koozer in Omaha. She graduated from Westside High School in 1991 and attended Hastings College where she earned a bachelor's degree in communications in only 3 years. After college, she worked to elect Mayor Hal Daub for the city of Omaha and served as his director of public affairs until 1997. I was fortunate to gain her as a member of my congressional staff upon my election in 1998.

In fact, although people in the community criticized me for hiring someone so young to become the director of my Omaha office, their criticisms were soon silenced as her talents and her commitment to selfless public service became obvious to the entire community. Her strong leadership skills and fierce dedication to conservative principles have served my office well.

Molly knows her hometown inside and out and is an active member of the community, including volunteering and advocating for causes and organizations such as the Joslyn Foundation, the American Diabetes Association, and as a founder of the Leadership Circle to help the next generation of women leaders enter public service. Despite her departure from our Omaha office staff, we know Molly will continue to do great things for the betterment of our State and community.

I appreciate Molly's friendship, and I respect her dedication and invaluable contributions over the past eight years. I trust Molly will succeed in all her future endeavors. I am proud to call her a friend and to congratulate and honor her today for all that she has accomplished. I wish her many blessings and much happiness as she begins this new part of her life. Although I am tremendously sorry to see her leave our office, her young daughters will now be privileged to receive the full-time benefits of her extraordinary talents.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF ROBERT J. BURROWS

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. SIRES. Madam Speaker, I rise today to honor Robert J. Burrows, a respected and invaluable resident of the 13th district of New Jersey. Mr. Burrow's life set a higher standard in public service and dedication to the well-being of his community through his roles in the areas of education, public office and congressional service.

Robert Burrows made Bayonne, NJ, his home for the last 50 years. He was instrumental in shaping the City's government, making his mark after serving as Bayonne's First Ward Councilman from 1994 to 1998, Mr. Burrows also served as Commissioner of the Bayonne Board of Adjustment, later becoming vice chairman.

Robert Burrows helped shape the future of the City of Bayonne as a citizen-appointed Member of the Hudson/Bergen Bayonne Light Rail Advisory Committee. In this capacity, he led Bayonne in becoming the first stop of the historic light rail system that has brought expansion and economic development to the region. Mr. Burrows also served as trustee of the Board of Education during the construction of the Midtown Community School.

Throughout his life, Mr. Burrows was an active member of the community. He was a member of the Knights of Columbus, the Holy Name Society, St. Mary Star of the Sea Parish Council, the Bayonne Sicilian Club, and Irelands 32. Mr. Burrows also served on the Board of the Bayonne Community Museum and was First Chairman of the Bayonne Historic Preservation Commission. His love for public service was also demonstrated as a member of the New Frontier Democrats.

Born in Brooklyn, NY, Robert Burrows was a graduate of New York University. He was a dedicated employee of the Metropolitan Life Insurance Company for 42 years until his retirement as vice president of the Claims Division.

From 1998 to 2006, Mr. Burrows served as congressional aide to U.S. Senator ROBERT MENENDEZ, and I was proud to have him serve in my office until his retirement. I congratulate Bob and his family for his dedication to the constituents of the 13th congressional district and in particular, to the residents of Bayonne.

The outpouring of expressions of condolence to his wife Marie, his children and grandchildren are evidence that his commitment to helping others will be deeply missed. I join them in mourning the loss of a true gentleman, whose memory will live in the hearts of the many people he touched.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, June 18, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 2563, rollcall vote No. 499; I would have voted "aye" on H. Con. Res. 151, rollcall vote No. 500; I would have voted "aye" on H. Res. 233, rollcall vote No. 501.

INTRODUCTION OF 2007 MINE SAFETY PACKAGE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. RAHALL. Madam Speaker, in the hope of keeping the health and safety needs of our coal miners at the forefront of our Nation's conscience, I am pleased to join my colleagues, the Chairman of the Education and Labor Committee, GEORGE MILLER, and ALAN MOLLOHAN from West Virginia in sponsoring a new legislative package on mine safety.

The mine tragedies of last year are the result of a government and a Nation that let down its guard. That should never have happened.

Nevertheless, the Congress responded quickly and appropriately with the passage of the MINER Act, which I proudly supported. Today, the Congress continues responding with the introduction of the Supplemental Mine Improvement and New Emergency Response Act of 2007 (S–MINER).

This bill would ban the use of belt air to ventilate the working face of a mine—a flaw that contributed to the fatal fire at the Aracoma mine in my district. I have long opposed this practice, and I am glad to support the ban contained in this bill.

The bill requires improvements to air quality monitoring to guard against black lung disease, better safety examinations, and improved construction and monitoring of seals—all things that could have helped to save some of the 47 lives lost in the coalfields in 2006.

Also, importantly to my State, S–MINER calls for the installation of refuge chambers and helps to coordinate State and Federal deadlines and safety mandates. In West Virginia, operators are facing those looming requirements. A Federal requirement for chambers would undoubtedly save lives. It would, as well, help to reduce their cost and increase their availability, ensuring that more of our miners have access to refuges in life-threatening emergencies.

The legislative package contains concepts and provisions that have been part of mine safety discussions for years, if not decades. The elements contained within should not come as a surprise to anyone who has been within shouting distance of the coalfields in the last several months.

I welcome the discussion and the debate sure to come concerning this legislation. As long as we are talking about mine safety—whether we agree or not—we are not ignoring it. And that is a critical improvement to the purposeful neglect of recent years.

Madam Speaker, I commend my colleague, GEORGE MILLER, for his attention to this vital issue and I thank him for his continuing work on behalf of our Nation's coal miners and their families.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. FEENEY. Madam Speaker, on rollcall No. 498, I inadvertently voted "no" on H.R. 2642, the appropriations bill for military construction and the Department of Veterans affairs. I intended to vote "yes". This is an important piece of legislation. H.R. 2642 will be the vehicle for appropriating the funds directed to the new VA hospital, authorized in the FY 07 appropriations process, that will be located in central Florida.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BILIRAKIS. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall vote Nos. 252, 414, and 454.

I take my voting responsibility seriously, and if I had been present, I would have voted "yea" on each.

HONORING THE MEMORY OF MR. PORTER EDWARD TAIT, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BONNER. Madam Speaker, the city of Camden and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Porter Tait, Jr., a devoted family man, was dedicated to the continued growth and prosperity of Camden. A U.S. Army veteran, he served in World War II and the Korean war and worked for International Paper for over 20 years.

A life long resident of Wilcox County, Porter was a member of Camden Baptist Church and a member of the BYKOTA Sunday School Class. A master Mason, Porter was a member of the Dale Lodge #25 for 55 years. He was also a Shriner, a member of the Alcazar Temple in Montgomery, the American Legion Post 84, and the Selma Elks Lodge.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Mr. Porter Tait, Jr. will be deeply missed by his family—his wife of 51 years, Lula Lee Ray Tait; his two sons, Porter Edward Tait III, and Timothy Ray Tait; his one daughter, Dr. Margaret Tait Moore; his four sisters, Martha Jones, Pauline T. D'Alessio, Laura Carr, and Doris Locklin; and his six grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

In addition to my statement, I ask that an accompanying article from the Wilcox Progressive Era, written by its longtime publisher, M. Hollis Curl, be included in this tribute to Porter Tait. May he rest in peace.

Family and friends gathered yesterday at the Camden Baptist Church to eulogize Porter Tait before driving on down to Reaves Chapel Baptist Church for Masonic services at graveside.

Porter died late Sunday afternoon at J. Paul Jones Hospital where he had been a patient for several days. Members of his loving family were at his bedside; anguished at his leaving them but relieved that his suffering was over.

I first came to know Porter Tait in the late 1960's; just a few years before a serious stroke left him substantially disabled. His two sons, Ted and Tim were classmates of my son, Mark, and daughter, Julie. His daughter Meg came along a bit later and we all marveled at her superior intellect as she breezed through college at Auburn before graduating from medical school in Birmingham. She—along with her brothers—was a source of great pride to Porter and his wife, Lula Lee.

Actually, there was a "family" bond of sorts between Porter and me. We shared a grandson, Tyler Tait, who was born to Julie and Ted. They eventually went their separate ways but have remained friends over the years.

But I digress. This is not about family, nor friends, nor relationships. It is about a man who was loved and respected by all who knew him.

The stroke which left Porter unable to work forced him to get about on unsteady legs and, as the years went by, to limit his speech somewhat. But he never gave up.

For quite a few years Porter made his usual rounds about Camden in a little VW bug which he eventually abandoned in favor of a small pickup truck. Those two vehicles were seen almost daily at the business places of friends he had known all his life.

One of his favorite activities was helping as best he could with barbecue cooking at the drive-in which his son Ted sold to Travis Durant who sold it to Larry Gaston. Porter knew just what it took to turn out mouthwatering barbecue spiced with his own brand of tale-telling around the fire.

Most younger folks in Camden probably didn't know Porter Tait. His disability had kept him close to home on McWilliams Avenue just across from the hospital. That is unfortunate because Porter Tait was the sort of fellow who could impart great life lessons drawn from his 79 years of life.

It is also important to note that Porter Tait was a devout, born-again Christian who read his Bible every day. He knew the message Jesus gave us and he incorporated those beliefs into his life and his relationships with those who visited him as he grew increasingly home-bound.

Come to think of it, when it came to living a Christ-like life I never saw anything in Porter's life to diminish my respect for him.

He played out his life with the hand that was dealt him and I never heard him say an unkind word about anybody.

He was a good man.

HONORING OUR COMMITMENTS TO THE COAST GUARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to offer my support to the U.S. Coast Guard and our efforts to modernize their fleet. The brave men and women of our Coast Guard deserve the resources they need in order to carry out their mission. We need to support funding for the many programs aimed at strengthening our drug interdiction and refugee recovery efforts, much of which can be accomplished by ensuring that the necessary funds are dedicated towards the Deepwater acquisition program. Nearly a decade ago, the Coast Guard initiated a multi-billion dollar effort to modernize its aging assets. However, due to serious gaps in funding and a lack of program accountability this effort has fallen short of its goals thus far. Many problems have been raised, however reforms have been made, and yet much more needs to be done. Amidst such controversy, let us not forget the crucial role the Coast Guard plays in ensuring both public safety and national security.

The Coast Guard has a critical role in our struggle to eliminate drug trafficking that is frequently used to finance global terrorist organizations in their war against freedom and democracy. Earlier this year our Coast Guard, working in conjunction with the Drug Enforcement Administration, seized in one raid nearly 20 tons of cocaine with an estimated value of $300 million. This was a tremendous victory in our War on Drugs and our battle against terrorists and their financiers, especially considering the deep water cutter used in the seizure was an antiquated, 40-year-old cutter. However, victories of this sort will become increasingly difficult if we are not able to modernize our fleet and aircraft to keep up with the technology used by terrorists and drug lords. We must support increased funding to ensure our Coast Guard has the resources needed to efficiently and effectively perform their mission.

As noted by the Department of Homeland Security Appropriations Committee report: the Coast Guard is currently operating at a 25-percent deficit of its patrol boat mission hours. This level of insufficient mission hours will be further magnified as our Navy will be reducing the 179-foot patrol boats currently being used by the Coast Guard, from five to three.

With a reduction of two patrol boats, the gap of mission hours will be increased by another 5,000 hours. With a discrepancy this large, we are leaving our waters dangerously unpatrolled; thereby creating an open playground for narcotraffickers. This is not an acceptable option for the rest of the country, but this is especially disturbing to the Citizens of South Florida, who rely on the Coast Guard to protect and their economic viability and security. I commend the men and women who serve in our Coast Guard for their diligence and dedication to continue to secure and protect our ports, inland waterways, coasts, and international waters. In my congressional district, I am privileged to have two Coast Guard Sectors that patrol the waters of South Florida: Sector Key West and Sector Miami. I know the good work these individuals are involved in and I deeply appreciate the dangerous work they do to maintain the safety and security on our waterways. The efforts of these brave men and women have saved countless lives and greatly enhanced our national security. We cannot let them do their jobs without the tools necessary to keep them safe as they work to keep our country safe.

HONORING THE MORRIS PLAINS FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Morris Plains Fire Department, in the Borough of Morris Plains, Morris County, New Jersey, a patriotic community that I am proud to represent! On June 23, 2007 the good citizens of Morris Plains will celebrate the Fire Department's 100th anniversary with a parade, picnic, awards ceremony, and fireworks.

In the early 20th century, Morris Plains was a small community within Hanover Township and was supported by the Hanover Township and Morristown Fire Departments. However, in 1906, the Wise Hotel in Morris Plains was completely destroyed before either fire company could respond to the call. The incident brought to the town's attention the need for local fire protection, and on April 25, 1907, in the meeting hall of the Junior Order of United American Mechanics on Franklin Place, the Morris Plains Fire Association was incorporated.

The Fire Department's first purchase was an American LaFrance horse drawn hook and ladder that was financed from donations from the local citizens. Another citizen pitched in by donating his own horse and wagon to be converted by the firemen for use as a hose and wagon.

As the community grew, in 1926, it was decided that Morris Plains would break away from Hanover Township to become what is known today as the Borough of Morris Plains, also known as the "community of caring." In addition, the new Borough government assumed the position of maintaining and replacing fire apparatus. The Morris Plains Fire Association became the Morris Plains Fire Department.

In August of 1940, a fire in the roof of the firehouse damaged the building beyond repair. The Borough Council had been conducting their business in the firehouse meeting room. The Fire Department and Council built a shared facility that today encompasses quarters for the Fire Department, Police and Borough offices.

Today, the Morris Plains Fire Department is led by Chief Michael Geary who successfully commands an all volunteer fire department of about 80 members serving close to 5,250 residents in about a two and a half square mile area.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Morris

Plains Fire Department and all their firefighters, past and present, on celebrating 100 years of protecting one of New Jersey's finest municipalities!

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. GRAVES. Madam Speaker, on Monday June 18, 2007, I was tending to some family matters and thus missed rollcall votes 499, 500, 501. Had I been present, I would have voted "yea" on all votes.

COMMEMORATING THE RETIREMENT OF RUTH ONITA SPAKE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. HONDA. Madam Speaker, I rise today to honor a remarkable person, Ruth Onita Spake, who has dedicated her career and life to public service as Chief Financial Officer for the Santa Clara County Social Services Agency. She is retiring from the County of Santa Clara on July 20, 2007 after thirty-seven years of exemplary work.

Ruth Onita Spake was born on April 3, 1945 in Tallahassee, Florida. Academic excellence was a priority for her; she received an Associates Degree from Napa Junior College and obtained her Bachelors Degree and a Standardized Secondary Teachers Credential from the University of California, Davis. Before joining the Social Services Agency, she worked as a substitute teacher and as a cost account clerk for an international newspaper.

Ruth's career with Santa Clara County began in 1970 as a Food Stamp Eligibility Worker, where she interviewed applicants on an individual basis to help determine their eligibility to receive county resources. She quickly rose through the ranks and became a Supervisor in just four years. Soon after that, she was appointed as the Program Coordinator, responsible for organizing and directing the entire food stamp program.

After receiving a Masters Degree in Public Administration from the University of California, Riverside, Ruth continued to contribute to Santa Clara County. In 1980, she joined the County Executive's Office of Management and Budget where she stayed for five years. However, she could not resist the call to work towards improving the welfare of Santa Clara residents. By 1985, she had returned to the Social Services Agency to manage the agency's budget.

Ruth progressed quickly through the agency, and her efforts were admired by all those who had the pleasure of working with her. By the early 1990's, Ruth was managing the $500 million dollar budget of Social Services in conjunction with Central Services and Information Systems. Her role as the Chief Financial Officer afforded her the opportunity to initiate modernization for the agency. She planned and implemented a multi-building renovation project for the agency, revamping the physical infrastructure to supply superior services for the residents.

In addition, Ruth co-chaired the California Welfare Directors and California Department of Social Services Task Force, an association that significantly refurbished the statewide county reimbursement process. This development benefited not only the inhabitants of Santa Clara County but also positively affected those of all fifty-eight counties in California.

Ruth's main interest is her desire to travel. Being of French descent, she is strongly attracted to the French culture and can be classified as a true Francophile. After her retirement, she will undoubtedly dedicate her time to exploring foreign countries and expressing her love for anything French.

Ruth's outstanding achievements at the Social Services Agency were numerous, and their impact on Santa Clara County is immeasurable. Her ability tc understand and employ the funding behind the provisions of public social services is astonishing. Where others might have merely done what was required of them, Ruth has gone above and beyond what her job description entailed to provide the Social Services Agency with more. efficient methods of serving the residents of Santa Clara County.

I offer my congratulations to Ruth Onita Spake on her thirty-seven distinguished years of exceptional service to the Santa Clara community. Her dedication and sacrifice is the very definition of public service, and her tireless efforts to build and sustain the Santa Clara County Social Services Agency will forever be appreciated and remembered by all.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. ROSS. Madam Speaker, on Monday, June 18, 2007, I was not present for votes due to mechanical problems on my flight to Washington, DC caused by Northwest Airlines.

Had I been present for rollcall 499, H.R. 2563—To designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office", I would have voted "yes."

JUNETEENTH DAY—ACKNOWLEDGMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the historical importance of June 19. This is the day that signifies the initial abolishment of slavery in the United States.

As you are aware, President Abraham Lincoln issued the Emancipation Proclamation on September 22, 1862 to declare freedom of all slaves in the territories of the Confederate States of America by January 1, 1863. Despite the proclamation being issued in September of 1862, most people did not know about it because the infrastructure of communication at that time was no where near as sophisticated as it is today and slave owners undoubtedly did not want their slaves to know about their freedom. On June 19, 1865, troops descended on Galveston Island in Texas to impose the proclamation. Since then, June 19th has been celebrated and recognized as the day slaves were freed. The name Juneteenth is a compilation of portions of the word June and the 19th day of the month. June 19th is an official holiday in Texas and is recognized in some States including New York as an official holiday.

It is extremely important that we not forget the institution of slavery. It represents a very dark part of our history in the United States. The cost and sacrifices of people who were enslaved are immeasurable. For those who lived long enough to be set free, their strength is awesomely inspiring to me and nothing short of a miracle. When I reflect on slavery and the suffering endured, I am humbled and feel grateful for the steadfastness, courage, and faith of my ancestors. I would not be where I am today, if it were not for them.

On this day, I urge my colleagues and all Americans to remember the injustice of slavery and celebrate the abolishment of it. So much progress has been made in our great country towards the rights the forefathers and other great leaders such as Martin Luther King Jr. envisioned for all Americans. We shall continue to advance civil and human rights, embrace diversity, and treat each other with dignity and respect.

TRIBUTE TO THELMA BERTIE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Thelma Bertie of the Bronx, NY, and to recognize her on the celebration of her ninetieth birthday. Ms. Bertie is an 87-year resident of New York and has exhibited steadfast commitment to American ideals by faithfully voting in every local and national election since reaching voting age. I commend her on this great dedication to her civic duty and I wish her a joyous day with many more happy moments ahead beside her loved ones.

Ms. Bertie has asserted herself as an active and conscientious citizen and has earned appreciation for her contributions to the community, Her life and accomplishments are true inspirations to the lives of all those she touches and I am honored that my district is called home by such an outstanding citizen. Ms. Bertie truly understands the value of being not only a New Yorker but an American as well and the entire Bronx community is privileged to count her among its residents.

Madam Speaker, I join to congratulate Ms. Bertie on this birthday milestone and I wish her good health and fortune in the future.

ON INTRODUCING THE 2007 MINE SAFETY AND HEALTH BILLS—THE SUPPLEMENTARY MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE (S-MINER) ACT AND THE MINER HEALTH ENHANCEMENT ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. GEORGE MILLER of California. Madam Speaker, last Friday was the first anniversary of the MINER Act, which the Congress passed last year in the wake of the tragedies at the Sago, Aracoma Alma and Darby coal mines.

Much progress has been made over the last year. For example, thanks in particular to the efforts of Senator ROBERT BYRD of West Virginia, critical funding was provided to help develop new technologies for mining which were thought to be out of reach only a year ago. Funds were also provided to hire additional inspectors for underground coal mines. These funds were well spent, and the investment will save miners lives.

Moreover, implementation of the requirements of the MINER Act, while slower than anticipated, has started to gain traction, as questions about its provisions have been addressed and as this Congress has exercised its oversight authority.

But important as these actions are, they were intended as only a down-payment on what is needed to clean up years of neglect and backsliding by this Administration and an industry that had become, by its own admission, overly complacent. The need for supplemental action is more clear than ever, as too are the details of the supplemental action that is required at this time.

Accordingly, I am joining Chairman RAHALL and others today in introducing new legislation, the Supplementary Mine Improvement and New Emergency Response Act, or S–MINER Act, to build on our initial accomplishments by taking the next steps.

The S–MINER Act has four basic sections.

The S–MINER Act would supplement emergency response plans. The MINER Act required mine operators to put in place detailed emergency response plans to prevent a recurrence of the tragedies at Sago, Aracoma Alma and Darby. Based on what we have learned over the last year, the S–MINER Act would tighten up some of the requirements to ensure that effective action is taken promptly.

For example, the S–MINER Act would:

In light of technological progress, speed up the dates by which mine operators have to install improved underground communication systems and refuge chambers;

Ensure that requirements on how to seal abandoned areas of a mine, already scheduled to be issued in December of this year, meet recently developed NIOSH recommendations;

Require the 52–year old standard on conveyor belt flammability to be updated consistent with NIOSH recommendations, and ban the practice of ventilating mines with intake air run over these conveyor belts ("belt air"); and

Require the installation of underground gas and smoke monitoring systems, and require miners working alone to carry multi-gas detectors to protect them from otherwise undetectable toxic atmospheres they may encounter.

And the bill would require a study by the National Academy of Sciences of the technology needed to help protect underground miners from the harmful potential consequences of lightning above the mine, the asserted spark that set off the Sago tragedy.

The S–MINER Act would supplement enforcement authority. The MINER Act established some new penalties to encourage mine operators to take mine safety and health requirements seriously and address problems before they become worse. Based on what we have learned over the last year, the S–MINER Act would supplement these actions to enhance their effectiveness.

For example, the S–MINER Act would:

Clarify the authority of inspectors to be free of interference and to issue withdrawal orders in emergencies;

Enhance penalties not adjusted by MINER Act;

Respond to GAG findings of deficiencies in the penalty assessment process; and

Provide MSHA with subpoena power equivalent to that of other agencies.

In addition, the S–MINER Act would establish an independent ombudsman to ensure proper attention to miner complaints of unsafe conditions and to protect whistleblowers from retaliation.

The S–MINER Act would supplement rescue, recovery and incident investigation authority. The MINER Act ensured that prompt notice of serious accidents be provided immediately to the Department of Labor, and that the number of available rescue teams be enhanced. Based on what we have learned over the last year, the S–MINER Act would supplement these actions to enhance their effectiveness.

For example, the S–MINER Act would: enhance mine rescue and recovery operations by providing for a national call center; require timely notice to MSHA of "near misses"; and require mine operators to provide certain logistical support for rescue teams.

The bill would also require the procedures for accident investigations to be standardized, ensures witness coercion and conflict of interests are avoided, and provides for any investigation by MSHA to be supplemented by an investigation of the independent Chemical Safety Board when requested by authorized representatives of miners or families.

The S–MINER Act would revise the respirable dust standards established 40 years ago. MSHA has struggled in the last decade to update badly needed improvements in critical health standards actually set by the Congress in the 1977 Mine Safety and Health Act, and has not been successful. Miners are once again developing symptoms of black lung and other deadly diseases of the past. For miners, this situation constitutes an emergency. Accordingly, the bill would update the rules the Congress set 40 years ago by adopting long-standing recommendations of NIOSH for these rules.

Specifically, the S–MINER Act would: reduce the amount of coal dust to which miners can be exposed in accordance with NIOSH recommendations; require miners be equipped with the new personal dust monitors (PDMs) developed and certified by NIOSH, and authorize miners to adjust their activities to avoid overexposure; and update the procedures for compliance sampling by the Department of Labor and for operator surveillance sampling utilizing the PDM.

The S–MINER Act would also set an independent standard for silica exposure (the current limit is entwined with the coal dust limit) in accordance with NIOSH recommendations.

In addition, Madam Speaker, I am also joining with Chairman RAHALL and others today in introducing the Miner Health Enhancement Act of 2007. As I mentioned, MSHA has struggled in the last decade to update badly needed improvements in critical health standards actually set by the Congress in the 1977 Mine Safety and Health Act, and has not been successful. While the S–MINER Act would deal with the most well-recognized of these issues, there are other 40-year-old health standards established by the Congress that also require attention.

The Miner Health Enhancement Act of 2007 would: require MSHA to use the existing asbestos standard applicable to most American workers under OSHA rather that the weaker standard for asbestos now applicable; require MSHA to utilize the hazard communication standard issued by the last Administration after extensive rulemaking without the amendments adopted early in this Administration that weaken the currency of the scientific information provided to mine workers; and require MSHA to update the list of permissible exposure limits in its air contaminants standard to reflect the recommended exposure limits established by NIOSH.

Last year we acted with urgency but too late; this year, it is our hope to enact needed reforms before the next tragedy occurs. As we focus this year on how to address this country's energy problems, let us not forget to provide for the safety and health of the workers who provide the raw materials that power this economy.

INTRODUCTION OF THE NATIONAL DAIRY EQUITY ACT OF 2007

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. McHUGH. Madam Speaker, I rise today with my colleague from New York, Mr. REYNOLDS, to introduce the National Dairy Equity Act of 2007, NDEA, which is designed to establish a minimum price for fluid milk and create a market-based safety net for dairy farmers.

I greatly appreciate the men and women who work the extremely hard and long hours needed to produce milk, butter, cheese, ice cream, non-fat dry milk, and yogurt. Thus, I would like to begin by noting that June is Dairy Month. It is hard to overstate how important dairy is to the United States economy, nor for that matter, how important dairy is to the economies of New York and its 23rd Congressional District, which I represent. In fact, in 2006, New York was the Nation's third largest dairy State; it accounted for about 7 percent (638,000 head) of the nation's milk cows, 6.7 percent (12.04 billion pounds) of total milk production, and 6.9 percent ($1.6 billion) of total cash receipts from milk marketing. The importance of dairy to New York's 23rd District is readily apparent when one considers that the 2002 Census of Agriculture reported there were 1,989 dairy farms with 188,305 milk cows in the 11 counties that comprise the district.

I also appreciate the fact that the Milk Income Loss Contract, MILC, has provided about $230 million in much-needed support to New York dairy farmers over the past 5 fiscal years and I know my constituent farmers do as well. Moreover, it is critical that the 2007 Farm Bill continue to provide dairy farmers with some form of income support. While I appreciate the support provided through MILC, the NDEA is an alternative that could help to provide additional support to American farmers with greater stability and at less cost to the taxpayer.

The NDEA would establish 5 Regional Dairy Marketing Areas, RDMA; the Intermountain, Midwest, Northeast, Pacific, and Southern. The Midwest, Northeast, and Southern regions would automatically be included as participating regions while the Intermountain and Pacific regions would have the ability to opt into the program.

In each region, a Regional Dairy Board would establish the minimum or over-order price for Class I (fluid) milk; that price would then have to be approved by farmers through a referendum. In the first year, the maximum price that a board could establish is capped at $17.50 per hundredweight (cwt.), but thereafter the price could rise based on the Consumer Price Index, CPI.

Under the NDEA, when the Class I milk price in the Boston market falls below the established minimum price, processors would pay an over-order premium—the difference between the minimum price set by the applicable Regional Dairy Board and the Boston Class I price—into a national fund. The U.S. Secretary of Agriculture would then distribute the monies in the fund back to the Boards according to a formula whereby each region would get back the greater of what they pay into the fund or the amount of the over-order payments a region would have generated if it had a Class I utilization rate of 50 percent. In the event of a shortfall, the Secretary would supplement the money in the fund from savings from the MILC program to ensure that the Regional Dairy Boards, and subsequently the dairy farmers themselves, would receive the full payments.

The Regional Dairy Boards would be comprised of three members from each participating state in a particular region. The U.S. Secretary of Agriculture would make the nominations to the Boards after receiving nominees put forward by governors or elected state agricultural commissioner after consultation with the dairy industry. Each State delegation to the Regional Dairy Boards would consist of 3 representatives, with at least 1 producer and 1 consumer.

In addition to the responsibility to establish minimum prices and distribute payments to dairy farmers, the Regional Dairy Boards would have the authority to conduct supply management programs when necessary, including the development of incentive-based programs. Moreover, in order to prevent overproduction, regions in which the growth in milk production is higher than the national average would be required to reimburse the U.S. Secretary of Treasury for the cost of government dairy surplus purchases up to the amount that the region is receiving under the NDEA.

It is important to note that the NDEA would not establish national pooling. Rather, it would create an equalization fund whereby processor paid funds would go to a central account at the U.S. Department of Agriculture; Government funds would be added to that fund and then payments would be made to the various regions according to a formula, which would permit regions with low Class I utilization to receive the same benefit as those regions with higher utilization.

Also of significance, the NDEA would be entirely optional for the States and individual farmers. Thus, those states that do not wish to participate in the NDEA program could simply choose to continue to participate in the MILC program, which the NDEA would extend to 2012, and individual farmers in States participating in the new NDEA program could instead opt to merely continue receiving payments under their current MILC contract rather than under the NDEA. However, those individuals would not be eligible to extend their MILC contract beyond September 2008 and would lose all future eligibility to participate in the NDEA program.

Madam Speaker, the NDEA would create a market-orientated, counter-cyclical program to help all of our Nation's dairy farmers while simultaneously saving taxpayers money. Accordingly, I ask my colleagues to join with me to enact this important legislation.

COMMEMORATING THE 25TH ANNIVERSARY OF THE FATAL BEATING OF VINCENT CHIN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. HONDA. Madam Speaker, as Chair of the Congressional Asian Pacific American Caucus, I rise today in remembrance of Vincent Chin on the twenty-fifth anniversary of his attack.

On June 19, 1982, Vincent Chin, a Chinese American, was brutally and fatally attacked by two white men who had recently been laid-off by an American automaker. Blaming their lost jobs on the rise of Japanese car companies, Chin's attackers, mistaking him for Japanese, sought retribution.

Other than residing in Detroit, Michigan, Vincent Chin had no connection to the automobile industry. Vincent Chin, soon to be married and celebrating his bachelor party, wasn't seeking trouble the night of his attack. Chin was attacked and killed simply for being of Asian descent. To add further insult, Chin's murderers charged with, and pleaded guilty to, a mere manslaughter charge. For murdering a man, each received a sentence of only three years probation and a $3,000 fine—a mere slap on the wrist. Neither killer ever served any jail time.

The attack on Vincent Chin, his untimely passing, and the insulting lack of justice and punishment for his murders galvanized a community that had not previously come together so broadly. For the first time, there emerged a self-defined Asian American and Pacific Islander racial identification that went beyond the progressive college-educated youth and into the working-class segments of the community. Chinese, Japanese, Korean, and Filipino; waiters, lawyers, and grandmothers came together with a heightened awareness of the shared experience of racism and discrimination faced by Asian American and Pacific Islanders, regardless of ethnic and socioeconomic background. Twenty-five years after his fatal attack, Vincent Chin remains a contemporary martyr and rallying point for the Asian American and Pacific Islander Movement.

While today is indeed a day to remember and honor the life and death of Vincent Chin, it is also a reminder that hate crimes are not a memory in a regrettable past. Unfortunately, the past twenty-five years remain littered with physical and verbal assaults and murders based in hate. Listed here are a few such acts:

January 29, 1996, Thien Minh Ly, shot and killed in Tustin, California.

October 15, 1998, Kanu Patel and Mukesh Patek, shot and killed in Camp Springs, Maryland.

August 10, 1999, Joseph Ileto, shot and killed in Chatsworth, California.

September 15, 2001, Balbir Singh Sohdi, shot and killed in Mesa, Arizona.

September 15, 2001, Waqar Hasan and Vasudev Patel, shot and killed near Dallas, Texas.

July 30, 2006, Iqbal Singh, stabbed in Santa Clara, CA, My home district.

October 21, 2006, Robert Stanford, Song Sun Lee and Kam Yan Li, shot and killed in San Francisco, CA.

March 16, 2007, Marie Martinez, beaten on an MTA bus in New York City.

Madam Speaker, this small sampling from across this nation shows us that hate crimes remains an issue to be heard and combated by all Members of Congress and all Americans. I applaud my colleagues in the House of Representatives for recently passing the Local Law Enforcement Hate Crimes Prevention Act of 2007, H.R. 1592; recognizing the pervasive and contemporary nature of hate crimes in this nation. The death of Vincent Chin and the injuries and death suffered by the countless other victims of hate crimes serve as a heavy reminder for this nation to combat hate and continue in its quest for freedom and justice for all Americans.

SCOTT HIGH SCHOOL HONORED FOR PRACTICING AND PROMOTING CONSERVATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I am pleased to honor the work of students and advisors at Scott High School in Huntsville, Tennessee for implementing and promoting conservation practices at school and in the community.

Through hands-on experiments and computer-aided instructions, students have learned about alternative energy sources such as solar, wind, nuclear, geothermal, hydroelectric, and fossil fuel technologies. They also took field trips to help foster first hand knowledge of these energy sources. School leadership has plans in the near future to use high school students to teach alternative energy education to grade school students.

With the assistance of a few teachers, students were able to mount solar panels, donated by the Tennessee Valley Authority, near the Agricultural Department's greenhouses to run two exhaust fans and a lighted school sign. During this process, students were involved in all aspects of this activity. They designed battery and solar panel racks, mounted the batteries, wired the inverters and other electrical components, and installed the panels.

Their laudable goals and actions have garnered attention by having been selected to attend the National Youth Awards Program for Energy Achievement sponsored by the National Energy Education Development (NEED) Project. The Scott High School energy team will join other winners at the "Kids Teaching Kids Awards Program," in Crystal City, Virginia. The Kids teaching Kids approach encourages students to reach out to their peers and communities and to teach about energy in fun and innovative ways.

There trip to the Washington, DC area will be capped off by attending the NEED Project's National Recognition Ceremonies in Yates Auditorium at the U.S. Department of the Interior. I applaud these young individuals and their advisors for their conservation practices and promoting the use of alternative energy.

TRIBUTE TO MS. KATHRYN WOOD-BACHER OF PENN YAN, NEW YORK

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. KUHL of New York. Madam Speaker, I would like to recognize the achievements of Ms. Kathryn Wood-Bacher as President of the Yates County American Legion Auxiliary in New York. Kathryn has devoted many hours to serving our veterans as a mental health counselor, making herself available to them night and day, whenever they are in need of assistance.

Recently, Yates County endorsed Kathryn for the position of Seventh District Vice President, and because of her tireless dedication and good work, she will most likely be elected to this office at the New York Department Convention in Niagara Falls this July.

Over the years, Kathryn has served as District Junior Coordinator, Certified Community Emergency Safety Responder, Fifth generation Auxiliary member of the Johnson Costello Unit #355, and of course, Yates County President. Kathryn has selflessly devoted her time to caring for our veterans, our Nation's bravest heroes who have put themselves on the line to defend freedom and democracy, and I am proud to recognize her efforts today.

REMEMBERING FORMER CONGRESSMAN ROBIN LEO BEARD, JR.

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. TANNER. Madam Speaker, I rise today to help remember our former colleague, a distinguished leader and fellow Tennessean, former Representative Robin Beard, who passed away over the weekend. I had the honor of knowing him both professionally and personally.

A former Marine, Robin served twice as assistant secretary general of NATO in Brussels. He and I had several lengthy conversations about NATO and the relationship between that organization and our work here in the House of Representatives. I appreciated his first-hand knowledge into the goals and workings of NATO, and his insights are helpful now as we represent the U.S. Congress at the NATO Parliamentary Assembly.

Madam Speaker, I hope you and our colleagues will join me and the Tennessee delegation in remembering former Congressman Robin Beard, who made great contributions to our state, our country and the global community.

TRIBUTE TO MRS. TINA PEARSON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. MCINTYRE. Madam Speaker, on behalf of the United States Capitol Guides Service, I would like to enter into the CONGRESSIONAL RECORD a tribute to Mrs. Tina Pearson of Wilmington, NC. For almost 3 years, Tina has faithfully and exceptionally served as assistant director for training for the United States Capitol Guide Service and Congressional Special Services Office. In this capacity, Tina has assisted in the management of the operations of the day-to-day operations of Visitor Services. In addition, she has developed and implemented training policies for Capitol Guides, worked with the Congressional Leadership on special events, and participated in the planning of the Capitol Visitor Center. Prior to her work with the Guide Services, Tina worked in my congressional office where she exceptionally performed a wide range of duties including legislative correspondence, intern coordinator, and special events. A former teacher of the year at Eugene Ashley High School in 2003, Tina's love for education, her ability to communicate effectively, and her passion for serving her nation will be our loss. We wish her and her family the best as they move to the next chapter in their lives. In closing, let me enter into the record a poem written by Bert Caswell, one of the Capitol Guide Service employees that capsulates the admiration for a job well done by Tina.

This poem was penned in honor of Tina Peason, of The United States Capitol Guides Service by Albert Caswell. Tina is moving back to North Carolina to be with her family for the most important job one could have . . . to raise a family. We will miss you, Tina. . .

You pulled us up
but, never down!
As in all of us,
but the good you found!
You made us better,
you made us sound. . .
You showed us all how to lead,
as you gave to us all that we need!
All so we could succeed!

All in your quiet grace,
all in your kind and caring face. . .
There for us!
As you cared for us!
For you, we wanted to succeed!
But, when that baby came. . .
I'd knew for sure so soon we'd miss your name!
For an artist can but paint one canvas at a time!
And greatest gift to our world to find!

Is to but to give to this our world,
a happy, healthy, and wonderful little girl to find. . .
Who will grow up to be, a treasure in our world you see!
Marleigh . . . Marleigh
Our loss is now but your fine gain. . .
A wonderful Mother to love you, and paint your life scenes!
And Tina, today as you leave,
look back, on Freedom's face a tear you'll see!
You pulled us up!

TRIBUTE TO ANNETTE ROLLE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to a woman who has dedicated her life to the service of others, Annette Rolle. Soon, she will retire after 37 years at the Cedars Medical Center located in Miami, FL. Ms. Rolle has served our community with great distinction, and for her years of service, we in South Florida are immeasurably thankful.

During Ms. Rolle's 37 years at Cedars Medical Center, she worked as a CRCS Technician, as the Assistant Director of Central Services and as the Central Services Manager. She made it her mission to provide a higher standard of care for people in need. Ms. Rolle did all of these things out of her genuine care for people. She provides blood pressure screening to members of her church and encourages others to donate blood and become organ donors.

Her commitment to service is not only evident in her professional life but in her personal life as well; Ms. Rolle has been a faithful member of Greater New Bethel Baptist Church, where her Pastor has been Reverend Dr. G. David Horton, for over twenty years. She serves as a member of the Pastor's Aide, Mission Ministry, Ushers' Ministry, Nurses' Guild and Sunday School Ministry.

Annette Rolle is the wife of the late Steven L. Rolle Jr.; the proud mother of two beautiful daughters, Alesia Evans and Stephanie S. Rolle; and the exuberant grandmother of La'Nesia Smith. Her extended family includes three stepchildren, Judye, Vonn, and Steven Rolle III.

Annette Rolle's compassion and concern for those less fortunate in our community are virtues that we all should aspire to. Ms. Rolle is a person of character, who saves lives both inside and outside of the hospital. Her life is an example to both young and old that living a life of purpose is the greatest achievement. She has given herself tirelessly to her church, community, and profession. Annette Rolle is a courageous spirit and is deserving of our accolades.

On behalf of a grateful community, I salute Annette Rolle. Now, in retirement, she embarks upon a new journey, and I wish her every happiness and success.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud to be a co-sponsor of H. Con. Res. 155, a resolution recognizing the historical significance of Juneteenth Independence Day. "Juneteenth" is celebrated annually on June 19th to recognize the full emancipation of slaves in the State of Texas. President Abraham Lincoln signed the Emancipation Proclamation freeing the slaves across the country on January 1, 1863. Unfortunately, slaves in Texas did not feel the effect of this monumental decision until 2½ years later. The Emancipation Proclamation had little effect on African Americans in Texas due to the minimal number of Union troops that were present in Texas to enforce the new executive order.

The Union troops led by General Gordon Granger landed in Galveston, Texas on June 19, 1865. Upon General Granger's arrival there was massive resistance from the slave owners, regarding the presence of Union troops in the State. Despite much opposition, Union forces soon became strong enough to influence and overcome that resistance. Granger said, "The people of Texas are informed that in accordance with a Proclamation from the Executive of the Untied States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

Madam Speaker, the injustice that was committed against the African American slaves held captive against their will was immense, as was the injustice committed against those held past the captivity date. Had General Gordon and his troops not taken the initiative to make the trip to Texas, there is no telling when these slaves would have realized their freedom.

I am compelled to recognize the historical significance of "Juneteenth" because the monumental date of June 19, 1865 represents the realization of freedom and justice for all. This date symbolizes the genius of our country's struggle to bring about a more perfect union, a struggle that continues to this very day. Madam Speaker, I urge my colleagues to support and recognize the historical significance of the Juneteenth Independence Day.

HONORING THE LONG-TERM RESOURCE MONITORING PROGRAM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. KIND. Madam Speaker, I rise today to congratulate the USGS Upper Midwest Environmental Sciences Center Long Term Resource Monitoring Program (LTRMP) for the Cooperative Conservation award they received from the U.S. Department of Interior.

Established in 1986 through the Water Resources Development Act, the LTRMP plays a key role in the Environmental Management Program. It is implemented by the United States Geological Survey office in Onalaska, Wisconsin in cooperation with five Upper Mississippi River States: Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

This model partnership of Federal, State and local agencies is an integral part of research done on the Upper Mississippi River System and a prime example of teamwork.

Congress recognized the Upper Mississippi River System as both a nationally significant ecosystem and a nationally significant commercial navigation system. Accordingly, the mission of the Long Term Resource Monitoring Program is to provide decision makers with the information needed to maintain the Upper Mississippi River System as a viable multiple-use large river ecosystem. The long-term goals are to understand the system, determine resource trends and impacts, develop management alternatives, manage information, and develop useful products.

The LTRMP, through six remote State-operated field stations, has provided critical data collection, analyses, research and modeling of the environmental components of vegetation, water levels and quality, fishes and invertebrates. It was one of the pioneers in geo-spatial information systems, documenting land use and land cover mapping and analysis. This data is vital for planning, design, and assessment of restoration and rehabilitation projects. It is the LTRMP that provides a knowledge base for effective, cost-efficient habitat projects and then documents their success.

The LTRMP continues to be the most consistent, comprehensive large river monitoring program in the world. More than 200,000 data observations have been collected to evaluate important short- and long-term changes associated with ecological components of the UMRS.

On multiple occasions, I toured this amazing facility and witnessed the ongoing and award-winning research. I am proud to have it not only in my district, but in my hometown.

THE OMNIBUS AUTISM HEARINGS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to talk about the Omnibus Autism Hearing which started on June 11, 2007, down at the U.S. Federal Claims Court here in Washington, DC. At issue are the 4,800 claims against the National Vaccine Injury Compensation Program filed by parents of autistic children who believe, as I do, that thimerosal—the mercury-based preservative in vaccines—caused their children's disorders.

There are many people in our health agencies, in the pharmaceutical industry and here in Congress who say that there is no the scientific evidence linking thimerosal and autism. However, during my tenure as chairman of Government Reform Committee (1997–2002), and as chairman of the Subcommittee on Human Rights and Wellness (2003–2005), I chaired numerous hearings examining the alarming increase in autism in this country over the last several decades. In the 1980s, roughly one in 10,000 American children was diagnosed with some kind of autism spectrum disorder. Today that number has risen to 1 in 150. I believe, as do many credible scientists and researchers, that the clear correlation between the dramatic rise in the number of autism cases, and the rapid expansion of the childhood vaccination schedule during that 20-year period, points to the mercury-based preservative thimerosal—routinely used in pediatric vaccines during the period—as a contributing factor to our country's literal epidemic of autism. In fact, I firmly believe my own grandson became autistic after receiving nine shots in 1 day, seven of which contained thimerosal. In fact, Dr. Bernard Rimland—founder and director of the Autism Research Institute—testified before the committee that classic autism, (noticeable from birth) has largely been replaced by late-onset or "acquired autism"; a form of autism in which children are born normally developing but later regress into autism in the second year of life. He was one of the first to point to environmental insult through vaccine injury as a possible leading contributing factor.

The truth is that since the initiation of my vaccine investigation, two schools of science have evolved leading to two very different conclusions. The first, largely funded by the Centers for Disease Control, consist of epidemiological evaluations in Denmark that look at medical files in individuals who developed autism and deciding whether or not thimerosal exposure was more predominant in the autism patients. Those who have focused solely on the epidemiology research have concluded that there is no relationship between vaccine injury and the onset of autism. However, once published, these studies were discovered to have many methodological flaws. For example, using individuals in Denmark did not provide a true comparison to the U.S. vaccine schedule, and by the CDC's own admission, the study could not really provide any true conclusion as to whether or not a subset of the population—because of vaccine exposure to mercury or some other vaccine injury—developed autism.

The second school of research has conducted so-called "hard" science; providing objective measures through laboratory and animal research. For example, Dr. Hornig at Columbia University replicated the thimerosal exposure in vaccines in a mouse study and discovered mice exposed to thimerosal had both behavioral and biological responses—displaying autism like behaviors and exhibiting white matter changes in the brain that were measurable. Other laboratory research has shown that thimerosal exposure affects the protective sheath of the neurofibrals in the brain as well as the IGF–I molecule. And Dr. Jill James at the University of Arkansas has shown that thimerosal exposure affects the methylation process—the mechanism used to regulate genes and protect DNA from some types of damage.

The most recent hard science study to be published is from Dr. Burbacher, a leading expert on mercury, who investigated the different affect methyl mercury and ethyl mercury had on primates. He found that ethylmercury—the form of mercury in thimerosal—stays in the brain (doing more harm) than methylmercury.

The bottom line is that mercury is a base element and the most toxic substance known to science outside of radioactive materials; and each of these hard science studies, and more, show that it is biologically plausible for mercury exposure in vaccines to cause the onset of autism and provide tantalizing pieces in the puzzle about how.

My support for the link between thimerosal and autism, especially in open congressional hearings has caused many people to throw around the accusation that I am "anti-vaccine." My response to that is that vaccines are the only medications that are mandatory for Americans to receive and as such we have an even greater obligation to ensure that they are as safe as possible. In addition, experience tells us that, as with any other epidemic, while there may be underlying genetic susceptibilities, there usually is some type of environmental trigger as well, such as a virus, fungus, exposure to heavy metals, pollutants, or whatever. There has never, to the best of my knowledge, been a purely genetic epidemic. So, genetics alone simply cannot explain how we went from 1 in 10,000 children with autism spectrum disorders 20 years ago to 1 in 150 today.

No one has ever identified a positive health benefit to mercury in the human body. Thus, it was sound public health policy to eliminate mercury from thermometers, blood pressure gauges, light switches, cosmetics, teething powder, horse liniment, hat-making materials, smokestack emission, and mining operations. It would also be sound public health policy to eliminate mercury from all vaccines.

But Madam Speaker, getting the mercury out of all vaccines is only the first step. We also have a responsibility to help all of the children who have already been injured by mercury in vaccines. That is why the outcome of the Omnibus Autism Hearing is so critically important. In the 1980s, Congress creating the Vaccine Injury Compensation Program to shield medical professionals and vaccine manufacturers from liability if an individual suffered an adverse event from receiving vaccines. The compensation fund, which currently contains about $2.5 billion, is financed by a tax on pediatric vaccines. We created VICP to protect the vaccine supply and to insure that all who were injured by a vaccine would receive compensation in what was supposed to be a no-fault, easy to use manner. Congress intended for families to be compensated quickly and fairly; and when the evidence was close as to whether or not the medical condition in question was vaccine related or not—as is the case with thimerosal—the court should always err in favor of the injured. But over the years the system has broken and what was supposed to be quick and fair has become slow and contentious; which is why today 4,800 families are fighting in court to be heard. They have waited a long time for their day in court and I am pleased that the court is providing the transcripts online quickly and that audio streaming on the internet is being provided for the thousands of families who are not able to travel to Washington and actually be in the courtroom during the proceedings.

As the Omnibus hearings proceed, I hope that all of the evidence regarding vaccine injury will be received by the courts and given a full and fair review. I believe the families of these autistic children deserve to be compensated for their vaccine injury as Congress intended when it created VICP. I believe the science is there to prove this case and I am hopeful that the court will agree and at the end of this arduous process these 4,800 families will finally get justice.

ARC FUNDING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. RAHALL. Madam Speaker, "a rising tide," President Kennedy told us, "lifts all boats." And so one of President Kennedy's legacies was created in 1965 with a unique mission to serve a unique part of the Nation, the Appalachian region.

Historically, the counties of Appalachia have "faced high levels of poverty and economic distress resulting from geographic isolation and inadequate infrastructure."

It was with these concerns in mind that ARC was created and it is these concerns ARC has been addressing vigorously for the past 40 years.

Take for example the area of transportation, a major focus for ARC. ARC was developed, in part, because of the severe isolation experienced in Appalachia and that in order to develop Appalachia and give its people an opportunity to compete, a system of highways was needed. Enter the Appalachian Development Highway System, which was created to serve the transportation needs of Appalachian residents by assisting in the construction of highways so critically needed by Appalachian communities for economic growth and development.

The ADHS now encompasses over 3,000 miles of Appalachian highways and nearly 85 percent of those roads are complete or under construction. The ADHS is truly a success story for ARC and all of Appalachia. Despite the Presidents recent budget, which requests eliminating funding for the Appalachian Development Highway System, it is my strong conviction that this program be continued at the agreed upon level set forth in SAFETEA–LU.

If Members review a recent report, entitled, The Potential for an Uncontrolled Mass Evacuation of the DC Metro Area Following a Terrorist Attack: A report of Survey Findings, by West Virginia University, it becomes readily clear that the ARC's development highways will critically serve another national purpose in times of "mass spontaneous evacuations," particularly from here, Madam Speaker, our Nation's Capital. This may surprise many, but about 83 percent of the people here plan on probably leaving, and 88 percent of those plan on leaving by car.

Without doubt Appalachia, West Virginia, in particular, must be ready to handle such future fateful events. The ARC can be a catalyst in preparing for such an eventuality, but they do not have the resources, nor the mandate to fulfill this function. I hope this lone call, will signal, first the need, and secondly the will, of this Member of Congress, that we need full partners in the federal government to work with ARC and other appropriate agencies to plan for evacuations now rather than some distant day.

ARC has also been a responsible steward of the federal funds it has received over the years. For example, in FY 2006, across all investment areas, each dollar of ARC funding was matched by $3.14 in non-ARC public project funding, and each ARC dollar invested leveraged $11.55 in private investment in ARC projects over time.

And while a major focus of ARC remains on highways and Appalachian transportation infrastructure, as the times have changed so has ARC.

As much of the United States has been able to take advantage of the technological boom of the late 20th and early 21st Centuries, Appalachia once again is in danger of being left behind and unable to compete in the global marketplace.

In the most recent FCC data on high-speed connections for Internet access, released on January 31, 2007, you can track the Appalachian mountain range by just how spotty the provider coverage is on the FCC's provider map. In fact, West Virginia is significantly below the average in broadband use nationwide.

Again, ARC is there to offer significant support, bringing broadband access to our communities, which is essential to leveling the playing field and giving our communities an opportunity to compete. Schools, businesses, local governments and individual homes all have benefited from ARC involvement in the expansion of broadband access in Appalachia, and continue to do so.

I have been working with ARC, private telecommunications companies, and local economic development leaders to bring broadband technology into southern West Virginia. For example, through the E-commerce training initiatives being offered by ARC and others we are working to connect local small businesses to broadband, opening doors to Internet sales and services that just weren't there a couple of years ago.

It is ARC's ability to serve its mission by adapting its actions to fit the times that makes ARC such an invaluable resource to Appalachia and the Nation. From the Appalachian Development Highway System to the E-commerce and broadband initiatives, ARC continues to serve its mission by advocating for and partnering with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

I applaud the efforts of Federal Co-Chair Anne Pope who, as a native daughter of Appalachia, executes so well the mission of ARC in each of Appalachia's communities. I have said this before and am happy to do so again on the record, Anne is one of the finest Federal Co-Chairs to ever serve the people of Appalachia and I look forward to our continued strong relationship serving the needs of southern West Virginians, together.

I strongly support ARC, its mission and the incredibly successful initiatives it has undertaken to better the lives of the people of Appalachia and West Virginia. It is why I signed a bipartisan letter of support for increasing the funding which the ARC receives, which I request be included in the RECORD, and I continue to support strong and robust funding to maintain the vision which President Kennedy laid before us, some 40 years ago.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 24, 2007.

Hon. PETER VISCLOSKY,
Chairman, Subcommittee on Energy and Water Development, House Committee on Appropriations, Washington, DC.

Hon. DAVID HOBSON,
Ranking Member, Subcommittee on Energy and Water Development, House Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN VISCLOSKY AND RANKING MEMBER HOBSON: We respectfully request that you include funding in the amount of $75 million for the Appalachian Regional Commission (ARC) in the Fiscal Year 2008 Energy and Water Development Appropriations bill.

Since 1965, the ARC has contributed significantly to improving the quality of life for the 23 million Americans in the Region by working closely with its federal, state, and private sector partners and local communities.

As Representatives from Appalachia, we see first hand the successes that have resulted from the ARC's economic development initiatives. For example, the Region's poverty rate has been cut in half, the infant mortality rate has been reduced by two-thirds, the high school graduation rate has increased by over 70 percent—comparing favorably with the national average, and the Commission's initiatives have helped create approximately 1.6 million jobs.

We are requesting this modest increase to help the ARC address more aggressively the Region's infrastructure deficiencies and the continuing human capital and leadership deficits which result in concentrated areas of poverty and unemployment. Over the last ten years, funding for the ARC has remained level at around $65 million and the Region continues to receive less federal assistance per capita than the rest of the country.

The ARC has been a responsible steward of the federal funds it has received over the years. For example, in FY 2006, across all investment areas, each dollar of ARC funding was matched by $3.14 in non-ARC public project funding, and each ARC dollar invested leveraged $11.55 in private investment in ARC projects over time.

With the advent of the global economy, the ARC faces more complex and profound challenges while third world conditions still exist in the Region and require the Commission's continued focus. For example, according to a recent analysis completed by the University of North Carolina Environmental Financing Center, the counties in the Region require estimated investments of $11.4 billion to meet current drinking water needs and $14.3 billion for wastewater needs. This is substantially more than the funding that is currently available from combined state and federal programs. Without basic infrastructure, economic development, and improvements in the overall quality of life, the Appalachian Region will continue to lag well behind the rest of the nation.

Currently, the rural areas in the Region lag behind the nation in access to cable modem and DSL services and other forms of high speed internet access. We know the deployment of telecommunications infrastructure throughout the Region has become an absolute necessity if Appalachians are going to compete in the national and global economies. Today's globalization comes with a higher threshold for success: high technology jobs rather than manual labor, college education rather than basic literacy and the need for modern telecommunications infrastructure to facilitate economic development.

Despite the impressive accomplishments of the ARC, the 410-county Region still faces a complex set of economic and social challenges and will need continued support from Congress if the Commission's goal for the Region—socio-economic parity with the rest of the nation—is to be reached.

Looking to the future, the ARC expects to capitalize on the Region's abundant energy assets to promote job creation in the energy sector with energy efficiency and renewable energy initiatives as well as with conventional fuels.

Appalachia's future remains at risk. Therefore, on behalf of the citizens in the Region we urge you to support a funding level of $75 million for FY 2008. We believe this level will allow the agency to continue its important work to improve the quality of life in Appalachia, particularly in the poorest and most underdeveloped counties.

Thank you for consideration of our request.

Sincerely,

Zack Space, David Scott, David Davis, Heath Shuler, Michael A. Arcuri, Lincoln Davis, Roscoe G. Bartlett, Spencer Bachus, Rick Boucher, Charles A. Wilson, Phil English, Shelley Moore Capito, Tim Holden, Christopher P. Carney, Ed Whitfield, Hank Johnson, Jr., Jason Altmire, Paul E. Kanjorski, John J. Duncan, Jr., Nick J. Rahall, II, Brian Higgins, Kirsten E. Gillibrand, Geoff Davis, Chip Pickering, and Phil Gingrey.

Members of Congress.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Ms. CARSON. Madam Speaker, on Monday, June 18, 2007, I was unable to vote on rollcall Nos. 499 through 501. Had I been present, I would have voted "yes" on all of these amendments.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. STUPAK. Madam Speaker, on Friday, June 15, 2007, I missed votes because I had left Washington, I attend my son's swearing in to the California State Bar. I rise today to enter into the record how I would have voted had I been able to vote.

House rollcall vote 466. I would have voted "no" on the McHenry Amendment to the Foxx Amendment, which failed by a vote of 108–300. This amendment would have resulted in a 50 percent cut to the General Counsel's office.

House rollcall vote 467. I would have voted "yes" on the Foxx Amendment, which would have reduced funding of the Office of the Secretary by $1.241 million.

House rollcall vote 468. I would have voted "yes" on the Fallin Amendment to reduce Office of the Secretary funding by $138,000.

House rollcall vote 469. I would have voted "yes" on the Drake Amendment, to provide $9.1 million for the 287(g) program, which trains and supports local law enforcement to enforce immigration laws, and reduces the Under Secretary for Management by $10.4 million.

House rollcall vote 470. I would have voted "yes" on the King of New York amendment, which would provide $40 million for domestic nuclear detection office.

House rollcall vote 471. I would have voted "no" on the Brown-Waite amendment to provide an additional $89.125 million for border fencing and technology because the bill fully funds the President's $1 billion request.

House rollcall vote 472. I would have opposed the Burgess amendment that would have cut the Under Secretary for Management by $15 million and fund the Secure Flight program because the Administration has no plan for this program's operations and privacy protections.

House rollcall vote 473. I would have supported the Ferguson amendment which would have cut the Under Secretary for Management by $50 million and increase Buffer Zone Protection grants, doubling funding for the program.

House rollcall vote 474. I would have supported the McHenry amendment to cut Under Secretary for Management and increase Citizenship and Immigration Services immigration processing by $30 million.

House rollcall vote 475. I would have voted "no" on the Pearce Amendment. The amendment would cut aviation explosive investment by $125 million and increases Customs and Border Protection by a like amount. This amendment would delay security improvements to detect explosives at airports and in air cargo. This bill already contains record numbers of border patrol agents and border protection funding.

House rollcall vote 476. While I support border fencing, I would have opposed the Carter Amendment. The amendment would eliminate the following requirements—State, local and Federal consultation on border fencing; a 15-day public notification of environmental waivers; and a good-management expenditure plan for the $1 billion provided in this bill for border fencing and technology. As a Representative of a border community, I have strong concerns about eliminating the requirement the Department consults with border communities and states when constructing fencing.

House rollcall vote 477. I would have voted "no" on the McCaul Amendment, which would eliminate the requirement to certify the cost effectiveness of unmanned aerial vehicle use at the borders before additional ones may be procured.

House rollcall vote 478. I would have voted "yes" on Amendment No. 105, offered by Rep. King (IA). The amendment would provide an additional $5 million for Immigration and Customs Enforcement to promote an employment eligibility program, bringing the total to $35 million.

House rollcall vote 479. I would have voted "no" on the Bilbray Amendment. The amendment would provide $150 million additional funding to REAL ID, when there was already $50 million in the bill.

House rollcall vote 480. I would have voted "no" on the McCaul Amendment (No. 99), which would strike a provision in the bill to limit funding in this or any other bill until pending litigation on the human resource system is resolved.

House rollcall vote 481. I would have voted "no" on the Rogers (KY) Amendment No. 2. The amendment would cap the number of aviation screeners at 45,000.

House rollcall vote 482. I would have voted "no" on the Poe Amendment. This amendment would require people traveling to and from my District and Canada to have a passport and would not allow the Department of State to implement an alternative passport document.

House rollcall vote 483. I would have voted "yes" on the LaTourette Amendment to restrict funding in the Act from implementing the Western Hemisphere Travel Initiative before June 1, 2009. I strongly support not allowing the administration to implement WHTI before 2009 because the Administration has failed to report on how it will implement the program in a way that does not affect trade and protect the privacy of my constituents.

House rollcall vote 484. I would have voted "no" on the Tancredo Amendment, which would restrict funding in the Act from implementing the Visa Waiver program, a program with 27 countries today.

House rollcall vote 485. I would have opposed the Tancredo Amendment No. 7 which would block State and local communities from receiving grant funding if they are found to be acting in contravention of the law that States and locals cannot prevent the sharing of immigration information with the Federal government. Neither DHS nor the Department of Justice has ever found this to have happened.

House rollcall vote 486. I would have voted "no" on the Royce Amendment that would require all $1 billion in the bill for border fencing and technology only for two layers of pedestrian fence.

House rollcall vote 487. I would have voted "no" on the Forbes Amendment which would eliminate the ability to extend Temporary Protected Status granted victims from war-torn countries.

House rollcall vote 488. I would have voted "no" on the Rogers (KY) Amendment. The amendment would eliminate the Davis-Bacon prevailing wage requirement in the bill. Our contract workers deserve to be paid a prevailing wage and I strongly oppose this amendment.

House rollcall vote 489. I would have voted "no" on the Rogers (KY) Amendment No. 1. The amendment would reduce funding in the bill across-the-board by 5.7 percent, or a total of $2.1 billion.

House rollcall vote 490. I would have opposed the Republican Motion to Recommit on this bill.

House rollcall vote 491. I would have voted "yes" on final passage of the Fiscal Year 2008 appropriations bill, which includes $1 billion for border security, funding for an additional 500 agents on the northern border, and reverses cuts made by the administration to critical first responder grant programs.

House rollcall vote 492. I would have voted against the Hayes Amendment, which would cut $30 million, or 15 percent, from the NATO Security Investment Program.

House rollcall vote 493. I would have voted for the Blumenauer/Brown-Waite Amendment to cut $201 million from the BRAC 2005 account and increase the BRAC 1990 account by $50 million. There is currently a $3.5 billion backlog in environmental clean up projects necessary as a result of previous BRAC rounds. This amendment ensures that we continue to make progress on rehabilitating old bases.

House rollcall vote 494. I would have voted "no" on the Price Amendment to cut $50 million from the BRAC 1990 account, which funds old environmental clean up programs. The amendment would then increase VA medical services funding by $22 million. The bill already includes $28.9 billion for veterans' medical care, the largest increase in the history of the VA.

House rollcall vote 495. I would have voted "yes" on the Moran Amendment. This amendment would have increased the beneficiary transportation account by $10 million.

House rollcall vote 496. I would have voted "yes" on the Garrett Amendment to add $10 million to the State Extended Care facilities account. As I represent the Jacobetti Veterans Home in Marquette, MI, I have been a strong supporter of veterans' homes.

House rollcall vote 497. I would have voted "yes" on the Musgrave/Salazar amendment to prohibit the Army from studying the possible expansion of the Pinon Canyon maneuver site, a training site in Colorado.

House rollcall vote 498. I would have voted "yes" on the final passage of the 2008 Military Construction and Veterans Affairs Appropriations bill, which included the largest increase in VA funding in U.S. history.

A TRIBUTE TO W. HORACE CARTER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. MCINTYRE. Madam Speaker, on April 15, 1947, Jackie Robinson took the field as a member of the Brooklyn Dodgers baseball team and broke the color barrier as the first African American to play in the major leagues. His courage, determination, and integrity have served as an inspiration to generations and opened the door for thousands to play our national pastime. Rightly, our Nation recently stopped to celebrate the 60th anniversary of this historic milestone.

However, as many know, the practice of discrimination and racism continued many years after Mr. Robinson's historic first game. Indeed, there were other courageous individuals who joined in the fight for equality and justice for all.

One such man was W. Horace Carter of Tabor City, North Carolina.

On a July night in 1950—thick with heat and the humidity of the Deep South—Horace Carter watched as Ku Klux Klansmen made their violent way through his hometown. One hundred Klansmen, in 29 cars, robbed and terrorized this small community of farmers and merchants with threats of racism.

Although just 29 years old and the new publisher, editor, and newsman for the Tabor City Tribune, Carter knew this was his moment of decision.

He said, "I searched my soul that evening and on into the next week. Was it worth sacrificing our happiness, shattering the tranquil life of running a little newspaper in a small town and taking part in Red Cross Drives, church covered dish suppers, and the Annual Yam Festival promotion just because I believed in a principle? Was it worth the risk that the print shop might be burned, our home dynamited? I could be dragged from our house with the frantic screams of my family ringing in my ears. I might suffer a brutal lashing by a band of masked hoodlums or even death if I dared to oppose them. Is it the time to stand up for principles even before I am fully aware of what this Klan proposes? I didn't want to sound pious or self-righteous, but I reasoned that if I were ever to campaign against this Klan reorganization, I should do it from its inception. That was now. I sat down at my used fifteen-dollar Royal typewriter and with my experienced hunt-and-peck typing style, and I wrote an editorial."

Thus began a 3-year crusade against the Klan in the editorial pages of this small Southeastern North Carolina newspaper. Carter's courage, determination, and words helped in the convictions and prison time for Ku Klux Klansmen. For his conviction of doing the right thing, Mr. Carter catapulted the Tabor City Tribune into national prominence, which received the Pulitzer Prize for Meritorious Community Service, the most prestigious of the Pulitzers.

Madam Speaker, Jackie Robinson once said, "A life is not important except in the impact it has on others' lives."

Although Mr. Robinson did not know W. Horace Carter, there is no doubt that his words were about persons just like him.

Mr. Carter's life has continued to be one of honor, leadership, and service. He was elected Mayor of Tabor City in 1954 and was judge in the weekly city court. He has served as President of the Tabor City Chamber of Commerce, Tabor City Rotary Club, Columbus County Economic Development Commission, County Library Board, Tabor Industrial Development, Inc., Tabor City Recreation Commission, and a Sunday School teacher in the Baptist church.

A graduate of the University of North Carolina at Chapel Hill and a World War II Navy veteran, Mr. Carter and his wife Lucille have three children, Rusty Carter, Linda Carter Metzger, and Velda Carter Hughes.

May God's blessings continue to shine upon this most special man and his enduring legacy.

HONORING CONGRESSIONAL AWARD GOLD MEDAL WINNERS

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2007

Mr. MAHONEY of Florida. Madam Speaker, it gives me great pleasure to congratulate the Congressional Award Gold Medal winners from in and around Florida's 16th Congressional District. I am honored to celebrate the achievements, initiative and service of these exceptional youths. The youths honored earlier today earned the Congressional Award Gold Medals through substantial achievements in voluntary public service, personal development, physical fitness, and expedition/exploration.

Earlier today, I had the honor of presenting many of these young men and women with Congressional Award Gold Medals. Earning a Congressional Award Gold Medal requires integrity of character, a strong work ethic, and a drive to succeed. These students have already developed strong leadership skills and have proven that they can achieve any goal they set their mind to. The medalists honored today and all students working to earn a medal should be commended for their hard work and commitment to our community.

Tonight, I congratulate these outstanding Florida youth on their achievement.

Alexandra Campbell, Cardinal Newman High School, Palm Beach Gardens, FL. Alexandra utilized her love for volleyball to achieve several of her goals, including acting as an assistant volleyball coach and improving her technique.

Elizabeth Davis, Palm Beach Gardens High School, Palm Beach Gardens, FL. Lizzy was a member of her high school's varsity Volleyball, Soccer and Softball teams and will play on the soccer team for the University of Alabama, where she will be a freshman in the fall.

Lauren Dobry, Cardinal Newman High School, Palm Beach Gardens, FL. Lauren volunteered her time at a local hospital, working full-time during the summers. She also participated in fundraiser events for victims of Hurricane Katrina.

Jordan A. Dulcie, Suncoast Community High School, Palm Beach Gardens, FL. As a member of the Boy Scouts of America, Jordan participated in the many outreach activities and leadership building opportunities available through his Boy Scout Troop.

Rachel Gossens, The King's Academy, North Palm Beach, FL. Rachel's interest in boating led her to read boating manuals and navigation books and to undertake a 10-day boat trip to the Bahamas.

Lindsey H. Green, Suncoast Community High School, Jupiter, FL. Lindsey dedicated her time to helping others through her local hospital, nursing homes and several health-related volunteer organizations.

Ray Hosaka, Jupiter Community High School, Palm Beach Gardens, FL. Ray's interest in science led him to volunteer his time to the community by monitoring and measuring the water quality in the Loxahatchee River.

Bianca Kahlenberg, South Fork High School, Stuart, FL. Bianca volunteered at the American Red Cross in Martin County.

Christopher Leddy, South Fork High School, Stuart, FL. Chris worked hard for the Martin County Red Cross to complete his hours of community service, enjoying his time so much he joined the Red Cross on a camping trip as his expedition.

Melissa Leddy, South Fork High School, Stuart, FL. Melissa's passion for dance and cheerleading helped her attain her goals. She attended a cheerleading and dance camp and earning a varsity letter for cheerleading.

Andrea Ramos, Stuart, FL. Over the last 4 years, Andrea has given more than 500 hours of voluntary public service to the American Cancer Society.

Devon Rosecan, American Heritage, Palm Beach Gardens, FL. For his expedition, Devon lived with a family on a Navajo reservation for 10 days. He fully participated in the activities of the family and the tribe.

Ryan W. Royce, Suncoast Community High School, Palm Beach Gardens, FL. Ryan spent over 600 hours playing Varsity Football to achieve his physical fitness goal. He used his athletic talent as a youth coach for both football and basketball.

Joseph R. Russo, Jr., Cardinal Newman High School, Palm Beach Gardens, FL. Joey honed his political skills through his Key Club by running for both FL District Governor and International Trustee.

Andrew Sisko, Cardinal Newman High School, Palm Beach Gardens, FL. Drew was a Varsity starter in both lacrosse and soccer. He was named an All League "honorable mention" and twice named on the "first team" for lacrosse.

A TRIBUTE TO JONATHAN GIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Brooklyn banker and businessman Jonathan Gist. Jonathan was born and raised in Brooklyn, NY. He is a graduate of Thomas Jefferson High School and attended City University of New York's Baruch College for 2 years.

Jonathan Gist enlisted in the U.S. Marine Corps following college and was trained as a Weapons Specialist. He was later promoted to Staff Sergeant, and after 4 years of service received an honorable discharge. After leaving the military, Jonathan moved to Wall Street taking a job with Dean Witter, Reynolds.

Jonathan Gist's Wall Street experience was the catalyst for him to launch a career into the banking industry. In 1985 he joined one of the major players in banking, Citibank. Today he remains a part of the Citibank team where he is employed as a Bank Manager.

Jonathan Gist is also a caring community activist. He has been working with the Beacon Program for the past 10 years. This program occupies the time of children once they leave school for the day with such activities as sports, tutoring and arts and crafts. Jonathan is also a part of the organization Green Thumb that assists local residents in beautifying their neighborhoods with plants, flowers, and trees.

Jonathan Gist has taken charge of his neighborhood as the President of the Schenck Avenue Block Association. In this capacity he ensures that area children have a place to play, learn to grow plants, and are escorted on educational field trips.

Jonathan Gist is the third child of four children and has been married to his wife Darlene for 20 years. Together they have five children; Jonathan, Jr., Justin, Jamel, Jalen, and Jhkia.

Madam Speaker, I would like to recognize Jonathan Gist who has been unselfish and caring with all of the members of our community.

Madam Speaker, I urge my colleagues to join me in paying tribute to Jonathan Gist.

CONGRATULATIONS TO BAKER HIGH SCHOOL ON WINNING THE 2007 6A GIRLS' SOFTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Baker High School on winning the 2007 6A Girls' State Softball Championship.

Baker High School's girls' softball team won the 6A State softball championship, giving the

Honeybee's their third title in the past 6 years. The win also gave Baker its 79th victory of the year, breaking its State record for wins in a season.

Madam Speaker, I ask my colleagues to join me in congratulating Baker High School on a great season and their State softball championship. This school deserves public recognition on this great honor, and I extend my congratulations to each member of the team and coaching staff:

Baker High School Team: Kandace Breeland, 12th; Natalie Charles, 12th; Kelsey Donaldson, 12th; Meghan Harbuck, 12th; Amber Hester, 12th; Jenny Laird, 12th; Monica Meadows, 12th; Krista Rodden, 12th; Jessica Rodgers, 9th; Samantha Shelley, 11th; Jennifer Turner, 9th; Meghan Wallace, 12th; and Head Coach Tony Scarbrough.

IN HONOR OF THE STUDENT GRADUATES OF THE D.A.R.E. PROGRAM FROM ZION LUTHERAN SCHOOL IN WESTWOOD, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. GARRETT of New Jersey. Madam Speaker, last week, the Township of Washington and Borough of Westwood Police Departments held a D.A.R.E. graduation ceremony. More than a dozen students in Mrs. Munsch's Fifth Grade Class at Zion Lutheran School have been participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily. I am proud of the young boys and girls who participated in this program in Westwood, and I would like to recognize: them all for taking this step toward positive citizenship: Jerome Ashby; Melody Ashby; Kara Dawson; Rachel Diomede; James Douglas; Katherine Federov; Jessica Fitzner; Jordan Gregg; Chester Lee; Rebekah Orso; Cassandra Petricca; Stacie Rinda; Emily Thomas.

A TRIBUTE TO MARC GRANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Brooklyn businessman and immigration advocate Marc Grant. Marc came to New York from Guyana, South America in the late 1980s while he was still a small child. His parents had come to the U.S. in previous years.

Marc Grant attended George Wingate High School in Brooklyn and upon his high school graduation he entered Brooklyn College. After leaving college he decided to pursue a career in retail. However, Marc was bitten by the entrepreneurial bug and in 1994 he launched his very own business, MagMa Distribution, named after both he and his mother, distributing detailing supplies to auto bodyshops and carwashes. The company became extremely profitable with sales of $125 million.

Marc Grant decided to get out of the auto detailing distribution business and launch another business, the Success Connection Team. The Success Connection Team is a seminar company that educates people in North America on ways they may increase their net earnings of up to $600 per month without working any additional hours. These seminars also inform clients of the tax breaks passed by Congress for small home-based businesses as well as assist organizations and individuals in reaching their financial goals.

Marc Grant has experience in both traditional and non-traditional business ventures. He is a highly sought after public speaker and the former host of the Success Connection Team radio program.

Marc Grant gives back to his community in his role as Marketing Director for the "By-Ways and Hedges Real Life Times Immigration Newspaper." His work with the paper is an attempt to bring more awareness to the issue of immigration. Marc believes that everyone who comes to this country should have his quality of life or better. A motto he has passed on to his young son Marc, Jr.

I would like to recognize Marc Grant, who has been unselfish in sharing his business skills and knowledge with all members of our community.

I urge my colleagues to join me in paying tribute to Marc Grant.

IN RECOGNITION OF "BIG CHUCK" SCHODOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize "Big Chuck" Schodowski for over 40 years of laughter, and to celebrate his considerable contributions to Northeast Ohio.

In 1960, Chuck Schodowski joined the staff of WJW as an engineer, passing up an appointment to the Cleveland Police Department. Shortly thereafter, Chuck befriended Ernie Anderson and began making appearances on his late night show, Ghoulardi. In 1966, when he teamed up with "Hoolihan" Wells, "Big Chuck" found his true calling—making people laugh.

Through the next ten years, the Hoolihan and Big Chuck Show entertained Cleveland with an array of characters and skits. In 1979, "Lil' John" Rinaldi took over for Hoolihan and ushered in a new era of hilarity.

For the last 28 years, the Big Chuck and Lil' John Show has celebrated the rich cultural history of Cleveland with its unique brand of humor and fabulous cast of characters. As the Kielbasa Kid, Cuyahoga Jones, or any other of his many characters, Big Chuck has never failed to delight Clevelanders.

Big Chuck is an Emmy winner, a member of the Broadcasters Hall of Fame, and the recipient of countless awards. He truly is a living legend.

Madam Speaker and colleagues, please join me in honoring "Big Chuck" Schodowski for a lifetime spent entertaining Northeast Ohio and celebrating our rich cultural diversity.

A TRIBUTE TO DR. LOUIS D. CAMILIEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor Dr. Louis D. Camilien. Dr. Camilien, a Brooklyn transplant, is a native of Haiti. While his parents remain in the country where he was raised, Dr. Camilien migrated to the U.S. and has lived in Brooklyn since 1979.

Dr. Camilien began his medical career while still in his native country of Haiti, graduating from State University of Haiti Medical School. He later performed obstetrics and gynecological training at Kings County and Downstate Hospitals in Brooklyn.

Dr. Camilien has become extremely active in the community since coming to Brooklyn. He is a mentor for doctors at Downstate; testifies for the Student Loan Forgiveness program; and he is the vice-chairman of the Brooklyn Prenatal Network which addresses maternal child disparages and high infant mortality rates in Bedford Stuyvesant, East New York and Brownsville.

Dr. Camilien has been an advisor to elected officials in the matters of maternal children since 1992. He counsels mayors and state officials in Albany, New York on issues involving maternity care. Dr. Camilien is also the past president of the Brooklyn Gynecological Society and has been named one of the best doctors in the New York for several years.

Dr. Camilien currently resides in Manhattan and has two sons, Garvey and Stanley.

I would like to recognize Dr. Louis Camilien as one of New York's most respected physicians.

I urge my colleagues to join me in paying tribute to Dr. Louis Camilien.

RECOGNIZING BEN MIDGETT FOR HIS OUTSTANDING SERVICE TO MOBILE COUNTY AND SOUTHWEST ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to recognize Ben Midgett on more than three decades of dedicated service to southwest Alabama.

Ben recently transferred from the DuPont Mobile site to the DuPont DeLisle site in Pass Christian, Mississippi. After joining the Mobile

Plant and Shell Company in 1977, as a process technician, Ben's first role was as an operator. Two years later, Ben had an opportunity to move to the site laboratory where he remained for 8 years. Here his emphasis was on environmental analysis.

As Federal regulations changed and focus shifted to environmental impact, Ben's expertise made him an integral part of DuPont's environmental team. Because of Ben's knowledge and expertise, he was promoted to public affairs manager at the DuPont DeLisle site.

I ask my colleagues to join with me in commending Ben Midgette for his years of service to Mobile County and southwest Alabama. I know Ben's colleagues, his family, and his many friends join with me in praising his significant accomplishments and extending thanks for all of his efforts at making Alabama a better place.

COMMENDING THE STAFF OF THE WEST MILFORD POST OFFICE FOR EARNING THE STAR DESIGNATION IN THE OSHA VOLUNTARY PROTECTION PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the hardworking staff at the U.S. Post Office in West Milford, New Jersey. This post office is the first in North Jersey to earn the STAR designation, demonstrating their dedication to promoting the health and safety of its staff. And, today, in a special ceremony at the post office, they will be recognized for their commitment to the well-being of the men and women who work there.

The more than 26,000 residents of West Milford and their neighbors in surrounding communities rely on the post office for services from passport needs to mail delivery. Like most towns today, the mailman has become more than just a person in our neighborhood; he has become an integral part of the overall community. Under the able leadership of their Officer in Charge, Emil Cimorelli, the men and women who work at the West Milford Post Office have lived up to a high standard of excellence and community service. And, the special designation for which they are being honored today demonstrates that this excellence carries through not only to the customers of the facility, but also to the staff there.

A TRIBUTE TO HARVEY MASON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to a masterful drummer and an all around great musician, Mr. Harvey Mason. Harvey Mason was born in Atlantic City, New Jersey. He began taking formal drum lessons at the age of 7, playing in school bands and finally buying his first drum set at age 16. Harvey Mason's talents were so captivating that an Atlantic City club owner obtained a special license allowing the teenager to play at the club hassle free.

Harvey Mason continued his education at Berklee School of Music, later going on to the New England Conservatory of Music and studied performance, composing, arranging, percussion and mallets on a full scholarship.

Harvey Mason toured Europe with the great Errol Garner before moving with his family to Los Angeles. He played with George Shearing and did one semester of practice teaching at Hoover High School in Glendale to complete his Bachelor's of Arts Degree. In 1986, Harvey went to Southwestern Law School and in 1988 to UCLA.

Harvey Mason's precision time keeping and versatility have placed him as one of the most in-demand and most recorded session drummers of all time. He has been hired by a host of recording artists including: Barbara Streisand; James Brown; Herbie Hancock; Reba McIntyre; Sergio Mendes; and the London Symphony Orchestra.

Harvey Mason signed a 5-year deal with Clive Davis at Arista Records in 1976 as a solo artist. There he recorded 5 stylistically diversified albums that captured the complete arc of his musical artistry. These albums showcased the writing, arranging, and performances by both A-list artists and gifted newcomers including: Earth, Wind and Fire; Kenny Loggins; and Marvin Gaye. He has also composed songs recorded by artists ranging from Donald Byrd to the Brothers Johnson. He added to his credits a television commercial for Mattel Toys and a percussion piece for Quincy Jones' "The Color Purple."

Harvey Mason is a founding member of the contemporary jazz group Fourplay, using this as a platform to flex his writing, playing and arranging skills with partners Bob James, Nathan East and Larry Carlton who later replaced Lee Ritenour.

The accomplishments of Harvey Mason are many. It is difficult to sum them all up in such little time. However, today, though I cannot list them, I would like to recognize all of those achievements.

I urge my colleagues to join me in paying tribute to this wonderfully gifted musician.

WELCOMING OLDRICH KULHÁNEK TO CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. EMANUEL. Madam Speaker, I rise today to welcome the world-renowned artist, Oldrich Kulhánek, to my home city of Chicago to exhibit his drawings and prints.

Mr. Kulhánek's work is displayed in Chicago's Art Institute, the Centre Georges Pompidou in Paris, Prague's National Gallery and in more than twenty other of the world's most prestigious museums.

Mr. Kulhánek's dedication to his work came at a high personal cost. His conviction that "the artist should reveal the pretence (or lies) of the establishment, unmasking what is happening to man a showing how man is manipulated and dehumanized" led to his arrest in 1971 by the Czechoslovak Secret Police. He was accused of "disgracing the representatives of communist countries," with depictions of Josef Stalin in many of the prints he created from 1968 through 1971—an offense that led to a charge of sedition.

Mr. Kulhánek spent a month in jail on this charge, and he was interrogated every 14 days for 2 years afterward. Although the laws under which he was charged were revoked by the president, his work was not immune from the government's hand.

In a scene the artist has described as "Kafkaesque," eleven of his prints stood trial in a Prague Local Court and were sentenced to destruction. He was forbidden to show his work or to collaborate with publishers. Despite this artistic exile he continued to create. Many of his pieces were shown illegally under a pseudonym or smuggled to European countries for exhibition.

But today the Czech Republic celebrates Oldrich Kulhánek. He was commissioned to design the new Czech Banknotes, and was one of the principal designers of new Czech stamps, including one depicting President Václav Klaus.

Madam Speaker, I am honored to welcome Oldrich Kulhánek to Chicago and I thank him for his fine work and commitment to art and freedom of expression.

IN RECOGNITION OF JOHN RINALDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize John Rinaldi, for the gift of over twenty-five years of laughter and community service to Northeast Ohio.

After graduating from Ohio State University, John moved back to Cleveland and began working at Cowell and Hubbard Jewelers. He soon met Dick Blake who, recognizing John's comic talents, introduced him to "Big Chuck" Schodowski. "Big Chuck" invited John to do guest spots on his late-night Hoolihan and Big Chuck Show. In 1979, the Big Chuck and Lil' John Show was born when Hoolihan moved on, and a local legend was born. For the ensuing twenty-eight years "Lil' John" has delighted Northeast Ohio with his unique wit.

Hardly one to contain his exuberance, "Lil' John" has volunteered countless hours of community service to and has helped raised funds for local organizations. John has won numerous accolades for his commitment to Northeast Ohio's success.

Madam Speaker and colleagues, please join me in honoring Emmy Award winner and Broadcaster Hall of Fame inductee "Lil' John" Rinaldi. His humor has been an invaluable gift to Northeast Ohio, and his efforts to create a healthier and more vibrant Northeast Ohio are appreciated by all.

A TRIBUTE TO REVEREND IDA R. MIRANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Reverend Ida R. Miranda. Reverend Miranda is a woman who has always placed her faith and confidence in the Lord.

Reverend Miranda was born in Corentyne, Guyana, South America, the ninth child of Richard Leonard and Rosalind King. She received her education in Guyana and went on to work as a teacher in Guyana Public Schools.

Reverend Miranda and her husband, Frank Miranda (deceased) migrated to the United States in 1962. She proceeded to continue her education attending Elizabeth Seton College and graduating with an Associate's Degree in Accounting. In 2000, she earned a Bachelor's Degree from the College of New Rochelle and a Certificate Degree from the New York Theological Seminary. Reverend Miranda was employed by A&T Importers for 25 years and she later worked for the James A. Cole Company.

Reverend Miranda is a longstanding member of the historic Berean Baptist Church of Brooklyn. It was there she was ordained a minister and where she currently serves as an Associate Minister. She a Senior Sunday School Teacher and sits on the Board of Trustees. Reverend Miranda loves to work with children and for many years has served as a counselor for the Berean Youth Lay League.

Reverend Miranda served on the Board of East New York's Diagnostic and Treatment Center as well as the Board of Leadership Council which offers assistance to the Cypress Day Care Center. In addition to her ministry, Reverend Miranda serves as the Treasurer of my Women's Caucus and volunteers her time as a Tax Aide for the AARP Foundation.

Reverend Miranda is the mother of Marcelle, Mark, Pamela and Paul and a proud grandmother of five.

Madam Speaker, I would like to recognize all of the good works of Reverend Ida R. Miranda who believes in her community and works tirelessly both in the U.S. and Guyana to further her ministry as a wise and caring counselor to all.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful woman for her kindness and compassion.

CONGRATULATING PRESA COMMUNITY CENTER FOR 30 YEARS OF SERVICE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise today to congratulate the Presa Community Center on 30 years of outstanding service to the Southside community of San Antonio.

In 30 years, the Presa Community Center has grown from a small collaborative effort between five local churches able to lend a hand to a few needy families to an organization with the ability to help hundreds of people daily. The Presa Community Center has successfully developed multi-faceted programs for our community, including educational enrichment programs for students, emergency food and clothing assistance for families, free tax preparation through the Volunteer Income Tax Program, and many senior programs like coordinated transportation to medical appointments, activities and food assistance, just to name a few.

Just in the past year, Presa Community Center has developed three innovative programs to provide additional services to the community of South San Antonio. One is Project Drive to Live which takes court officials directly into the classrooms with senior and junior high students to address underage drinking and driving under the influence. The second program is designed to keep fourth through sixth grade students in school by building a support network for children and their parents with volunteer mentors and staff. The third program brings the services of the Presa Community Center directly into the community by teaming up trained volunteers with families in need to help locate available resources and become financially stable.

The successes of the Presa Community Center are a result of effective partnership with many community organizations and local governments including United Way, University of Incarnate Word, Presa Real, San Antonio Independent School District, Alamo Area Council of Governments, Warm Spring Rehabilitation Hospital, and San Antonio City and Bexar County officials.

Congratulations to the Presa Community Center and all of the partners that have been vital to the development of this community resource. As a resident of South San Antonio, I would like to thank the Presa Community Center, its partner organizations, and all the hard working staff for their 30 years of dedication to the community and I look forward to many more years of continued work in our community.

A TRIBUTE TO DOUGLAS MCARTHUR NELSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work and achievements of Douglas McArthur Nelson. Douglas, a Brooklyn transplant, is a native of Eau Gallie, FL. Upon his arrival to Brooklyn, he attended Junior High School in East New York, Brooklyn, and was later recruited by New York City Public School's legendary football coach Moe Finkelstein at Thomas Jefferson High. Douglas was the star running back on the varsity team that won the P.S.A.L. He was later a starting fullback for 3 years at the University of Iowa.

Douglas McArthur Nelson began his career in law enforcement for the Iowa Department of Corrections and Parole. He transferred those skills to Crisis Intervention, Addiction Counseling, and Juvenile Habilitation. He was able to enhance his talent for leadership during his 20 years of active involvement in church and community services in both Cedar Rapids and Iowa City.

Douglas McArthur Nelson returned to Brooklyn 16 years ago and has continued to fulfill his mission for human services in Crisis Intervention, Addiction and Substance Abuse Counseling, Employee Mentoring, Coaching and Leadership Development for a large treatment facility.

Douglas McArthur Nelson currently serves as the Program Director for the Berean Community Family Life Center, BCFLC, which was created as a non-profit community development corporation by the historic Berean Baptist Church in Brooklyn.

Douglas McArthur Nelson left the private sector in July of 2006 to work for the Berean Baptist Church's First Lady Angela Farr Griffin, the Executive Director of the BCFLC and Dr. Arlee Griffin, Jr., who is the President of American Baptist Churches, Pastor of Berean and President of the BCFLC's Board of Directors. Douglas is the Chairman of the Deacon Ministry of Berean Baptist Church and is active with the Men's Caucus for the Unity Democratic Club.

Douglas McArthur Nelson is strong, gentle and devoted husband to Lynn and father of Ruperta, Denise, and Adrian. His 5-year-old granddaughter has lovingly dubbed him "the weakest link." He is an avid gardener, poet, and artist.

Madam Speaker, I would like to recognize Douglas McArthur Nelson for his contributions to our community and for his years of service at Berean Baptist Church.

Madam Speaker, I urge my colleagues to join me in paying tribute to Douglas McArthur Nelson.

WORLD REFUGEE DAY

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. PITTS. Madam Speaker, today is World Refugee Day, a day of honoring the courage and raising the plight of more than 8 million refugees and 23.7 million internally displaced persons around the world. This year, on the sixth anniversary of the United Nations-designated World Refugee Day, organizations in hundreds of countries will come together to focus global attention on those refugees who have been displaced by natural disasters or were forced to leave their homes, native countries, and loved ones due to the political, ethnic or religious oppression and persecution they would have faced otherwise.

The United States historically has led efforts to assist various refugee populations, as exemplified through U.S. efforts to assist Vietnamese refugees in the late 1970s. Now, in the 21st century, the U.S. has a particularly compelling reason to focus on the Iraqi refugee crisis. Approximately 2 million Iraqi refugees have fled persecution, violence, threats of kidnapping and death threats, mostly moving to Syria and Jordan. The threats have been dire for ethnic and religious minorities. At least 1.9 million people are displaced within Iraq. Many of these 3.9 million have been targeted due to their work for the U.S. Government, NGOs or the media.

There have been important steps taken in Congress to address the concerns of refugees related to Afghanistan and Iraq, such as encouraging the provision of special immigrant status for translators or interpreters serving with Federal agencies in Iraq and Afghanistan. However, since 2003, the U.S. Government has allowed only 466 Iraqi refugees to enter the U.S. It is important that the U.S. initiate more active measures to assist these refugees, such as increasing the number of Iraqis that are brought into the resettlement program. During a recent trip to the Middle East, I heard stories of Iraqi refugees and the dire threats that forced them to flee their homeland.

Madam Speaker, in addition to spotlighting the situation of Iraqi refugees, it is vital that the international community continue to shine a spotlight on the situation facing refugees from and displaced persons in Burma. The military dictatorship continues its campaign against the ethnic peoples through forced labor, the use of rape as a weapon of terror, destruction of food sources, destruction of over 3,000 villages in the last few years, and the use of ethnic peoples as human land mine sweepers. Unfortunately, certain countries believe it is in their interest to keep this regime in power—I would heartily disagree. The refugee and displacement crisis in Burma could be resolved immediately if the regime were to step down and allow the rightfully elected leaders of Burma to take office.

World Refugee Day is a day for the international community, governments and citizens alike, to show our common concern for refugees and displaced persons. Most people in the world would love to stay in their homeland, but frequently conflicts and other situations force them to leave. Our country was founded by people fleeing oppression. The U.S. must continue to be the global leader in refugee protection in the Middle East, in Southeast Asia, and around the world.

TRIBUTE TO ROBERT "RED" PENSINGER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. SHUSTER. Madam Speaker, I rise today in remembrance of Robert "Red" Pensinger, former mayor of Greencastle, PA. Mayor Pensinger passed away in his home on Saturday, June 16. Born in Marion, PA, on February 22, 1933, Mayor Pensinger spent his life in the Greencastle area as a civic leader and successful businessman.

"Red," as he was lovingly called, brought great enthusiasm and esteem not only to his office as mayor, but to his many other activities within the community as well. Robert dedicated his life to the betterment of his community, giving his time and energy to various organizations. He influenced and mentored hundreds of young people through his participation in the Boy Scouts of America, of which he was a Scout master, and Kauffman's Little League team, which he managed. Members of the community also looked up to "Red," recognizing and appreciating his devotion to the town, his positive outlook and pleasant demeanor.

The former mayor was also a leader in business, establishing a State Farm Insurance Agency in Greencastle in 1965 and leading it to become the largest agency in Pennsylvania and the fifth largest in the Nation. He served in the State Farm President's Club and was a six-time Legion of Honor winner. In addition to operating his insurance agency, Robert served as vice-chairman of the board of directors for Tower Bancorp Inc. and the First National Bank of Greencastle. He served on the Chamber of Commerce, which awarded him with the 1997 James P. Oliver Award for his leadership and community involvement.

While I could go on listing the countless organizations and people to whom "Red" gave his time and energy, it is safe to say that his contributions to the Greencastle community are endless. Robert touched the lives of thousands and impacted each one of them tremendously. Mayor Pensinger served as a role model for many, and it is my hope that those who were lucky enough to know him will continue his legacy and enthusiasm for bettering the community and the lives of others.

Robert's wife, Nancy, and his family and friends are certainly proud and honored by his remarkable work and devotion to improving the lives of others. His community service and achievements are remarkable, and his presence will be sorely missed. Robert Pensinger was a celebrated leader in business and the community, and words cannot express his value to the people of Greencastle or their love and devotion to their late mayor.

A TRIBUTE TO CAPTAIN COREY PEGUES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor the work and achievements of Captain Corey Pegues. Corey, born and raised in Queens, New York, was a student of the public school system. He graduated from high school in 1986, and subsequently enlisted in the United States Army.

As a member of the Army, Corey assumed the position of Medical Specialist after receiving training at Fort Sam Houston. Corey was assigned to a Calvary Unit in Fort Drum, New York, and remained there until his honorable discharge in 1991. After leaving the U.S. Army, he enlisted in the New York State National Guard, and remained with the National Guard for 14 years. As an example of Corey's devotion to civil service, he also decided to enroll in the New York City Police Academy while still serving in the National Guard.

Corey was able to maintain the same exceptional quality of work that has defined his career, while serving in both the National Guard and the New York City Police Department. The NYPD promoted Corey to the rank of Sergeant in 1998, and Lieutenant in 2002. Captain Pegues assumed many positions within the NYPD, including Lieutenant Platoon Commander, Special Operations Lieutenant and Administrative Lieutenant.

In 2006, the NYPD once again promoted Corey; this time, to the rank of Captain. After 11 months, Corey was transferred to a new police station where he now serves as Commanding Officer. For the past two years, in addition to his role as a law enforcement official, Captain Pegues has also served his community as an Adjunct Professor of Criminal Justice at Monroe Community College.

Corey also serves as the President and Founding Member of the Long Island Chapter of the National Organization of Black Law Enforcement Executives—a nationally recognized organization that consists of many chapters across the country.

Madam Speaker, I would like to recognize the work of Captain Corey Pegues for his constant desire to protect and serve the citizens of the United States.

Madam Speaker, I urge my colleagues to join me in paying tribute to Captain Corey Pegues.

BINGE DRINKING AND LEGAL AGE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. POE. Madam Speaker, in 1984, President Reagan signed the 21 minimum drinking age into law, saying "This problem is bigger than the individual States. It's a grave national problem, and it touches all our lives. With the problem so clear-cut and the proven solution at hand, we have no misgiving about this judicious use of Federal power. I'm convinced that it will help persuade State legislators to act in the national interest to save our children's lives, by raising the drinking age to 21 across the country."

Now, there are some that are advocating—lowering the drinking age back to 18. These people are unfortunately choosing what is easy over what is right and what is effective.

It would be easy to allow 18 to 20 year olds to drink, but we would pay for it with lives. The Centers for Disease Control, CDC, looked at 49 high-quality, peer-reviewed studies of places that changed their drinking age and found conclusively that moving the drinking age up to 21 decreases alcohol-involved crash fatalities by 16 percent and lowering it increases fatalities by 10 percent.

New Zealand is a good example of this. In 1999, New Zealand lowered its drinking age from 20 to 18. Not only did the alcohol-involved crash rate increase among 18 and 19 year olds, but also among 15 to 17 year olds. It is absurd to think that this would not happen in the United States were we to take the easy path.

It would be easy to think that teaching young people to drink would increase responsible drinking habits, but what is easy isn't what is true. Most European countries with lower drinking ages have not only higher drinking rates, but higher binge drinking and intoxication rates. Several of these countries, like the United Kingdom, New Zealand, and Canada, are considering increasing their drinking ages because the 21 minimum drinking age is so effective.

It would be easy to assume that 18 to 20 year olds could drink safely, but in truth, all underage drinking is unsafe drinking. Brain research shows us that the brain continues to develop into the early twenties. The part that controls reasoning and cognitive ability is the last to mature and thus the most vulnerable to damage. The part of the brain responsible for new memories is noticeably smaller in youth that abuse alcohol. Alcohol use in the teen years also is associated with decreased brain functioning, memory, movement, and attention, and these changes may be permanent.

These and many more reasons are why a host of experts, including the CDC, National Highway Traffic Safety Administration, General Accounting Office, Institute of Medicine, Surgeon General, National Institute of Health, and more, support the 21 minimum drinking age.

It is necessary for us as legislators, parents, and responsible citizens to take the hard path and prevent our young people from accessing alcohol—adults facilitate, by selling, giving, providing, or allowing youth access to alcohol, almost all underage drinking. It is necessary to set limits, not open the liquor cabinets. And it is necessary for us as leaders to ignore those who think you can try the same experiment twice and get less fatal results.

And that's just the way it is.

COMMEMORATING WORLD REFUGEE DAY 2007

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. HOYER. Madam Speaker, since 2001, people across the globe have come together on June 20 to show their support for the millions of refugees throughout the world who have fled their homes for fear of persecution, imprisonment or even murder. On this sixth anniversary of World Refugee Day, we make a solemn pledge to these courageous and resilient people that their plight has not gone unnoticed and they do not stand alone.

In April, I led a congressional delegation to Sudan and saw, first-hand, the effects of one of the worst refugee crises facing our world today. In Darfur, I saw mothers and fathers struggling to provide for their children's most basic needs—necessities we often take for granted, such as food, water, clothing and shelter. I saw people fighting to overcome years of physical and mental abuse so severe that they would rather wander the desert than remain in the torturous environment their homeland had become. And I saw things that made me wonder how the world could stand silent while suffering of this magnitude continued.

With more than 686,000 refugees, Sudan is now ranked as the third largest refugee crisis in the world, according to the United Nations High Commissioner on Refugees, falling behind Iraq, where sectarian violence has created 1.5 million refugees—1.2 million fled the country in 2006 alone—and Afghanistan with 2.1 million. And it comes as no surprise that Sudan, Iraq and Afghanistan now also rank first, second and eighth, respectively, on the Foreign Policy Index on Failed States, which was released on Tuesday.

When people are forced to flee from their homes, they leave behind more than just material possessions; they often must trade their dignity, self-respect and hopes for the future for their very survival. And it is not just the refugees themselves that suffer. The instability and mortal dangers that create refugee crises threaten the safety and security of entire regions, if not the entire world.

On this World Refugee Day, I am proud to join with the defenders of human rights who are calling on each of us to not only acknowledge the tragedies suffered by refugees across the globe, but who are also challenging us to step up and do something about it.

A TRIBUTE TO CHAMBERLAIN S. PETERSIDE, PH.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the work and achievements of Chamberlain S. Peterside, Ph.D. Chamberlain is the CEO and founder of the New Era Capital Corporation, a New York City-based financial services group. Chamberlain worked previously as a Certified Financial Manager with Merrill Lynch, Global Private Client Group and HSBC Bank in New York City, where he assisted high net-worth clients and institutional investors in developing strategies for managing their portfolio.

Chamberlain graduated with a Ph.D. in Finance and Economics from Friendship University in Moscow. He carries with him more than 15 years of diverse business development, management consulting and financial advisory experience from his work in Africa, Europe and the United States.

Upon graduation, Chamberlain began his career as a business consultant in his own firm, Value Adding Consulting Group, Inc, with offices located in both Moscow and London. He advised domestic and foreign companies on the intricacies and modalities for expanding their operations in the new markets of Eastern Europe and the former Soviet Union.

Chamberlain received the "40 Under 40" achievement award in June of 2001 from the Network Journal in New York for outstanding academic, professional and community service accomplishments. He has also served as an Adjunct Associate Professor of Finance and Business Management at ASA Institute of Business Management and Advanced Technology.

Currently, through New Era, Chamberlain is instrumental in developing and financing multi-million dollar telecommunication, hospitality, real estate, and oil and gas industries in Africa. He writes on many economic issues in regard to business development, and has appeared on the CNN program "In the Money," where he discussed the need for a new approach in regard to economic reform efforts in Africa.

Madam Speaker, I would like to recognize the work of Chamberlain S. Peterside, Ph.D.. for his countless academic and economic accomplishments. I urge my colleagues to join me in paying tribute to Chamberlain S. Peterside.

IN TRIBUTE TO GERALD WALLACE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize an artistic leader and playwright from the Fourth Congressional District, Gerald Wallace. Mr. Wallace was instrumental in diversifying and enriching Milwaukee's artistic offerings by interjecting the voice of Milwaukee's African American artistic community. A prolific playwright, Mr. Wallace created works that reflected the full range of African American experience in this country.

Mr. Wallace fulfilled his childhood dream when he founded the People's Theater. He created a 20-seat theater in a building located in the heart of the African American community through funds raised by providing evening studio performances in private homes. He expanded understanding of and appreciation for African American theater by both the actors and the audience with performances by People's Theater throughout the city and the State of Wisconsin.

Mr. Wallace provided opportunities and mentored anyone interested in performing or learning other aspects of theater operation. He trained novices in speaking, projection, stage movement, and taught them to explore the depths of their characters in order to present a realistic portrayal on stage. Mr. Wallace exposed Milwaukee to the rich traditions of African American theater with the appearance of legendary actress Claudia McNeil, who performed with the People's Theater in James Baldwin's classic play, The Amen Corner. Many theater actors and actresses from Milwaukee began acting or honed their skills at the People's Theater. In fact, the founder of Milwaukee's African American Children's Theater had her genesis at the People's Theater.

Mr. Wallace introduced students in Milwaukee Public Schools to theater through performances that involved both music and student participation. After observing his work in the community, Adolph Suppan, the former Dean of the University of Wisconsin-Milwaukee's School of Fine Arts, hired Mr. Wallace to provide community outreach through work with the People's Theater.

In later years, Mr. Wallace expanded his artistic interests by founding and operating a gallery showcasing the works by African American artists. Further, he provided classes to aspiring artists; for example Gullah basket weavers from South Carolina taught classes at his gallery. Mr. Wallace passed away on June

11, 2007; his influence and impact will be sorely missed in Milwaukee.

Madam Speaker, for these reasons, I am honored to pay tribute to Mr. Gerald Wallace and his contributions to the artistic culture in the Fourth Congressional District.

THE GENERATING RETIREMENT OWNERSHIP THROUGH LONG-TERM HOLDING ACT OF 2007

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. RYAN of Wisconsin. Madam Speaker, I, along with Congressman ARTUR DAVIS and Congressman JOSEPH CROWLEY, introduce today the Generating Retirement Ownership Through Long-Term Holding ("GROWTH") Act of 2007. This important bill gained the bipartisan support of 73 House colleagues in the 109th Congress. We introduce this important legislation in an effort to address one of the issues making it difficult for today's working investors to save for retirement.

Most of our Nation's mutual fund shareholders report that retirement is the primary purpose for which they are saving. More than 31 million American households are saving through taxable mutual funds, either to realize a greater return on their savings, to supplement their employers' retirement plans, or because they do not have access to such plans. Seventy-two percent of fund investors say that their primary goal is to save for retirement. At the same time, almost half about 75 million of 155 million workers—are not offered any form of pension or retirement savings plan at work.

Mutual fund investors are overwhelmingly middle-income Americans investing for the long term. For many of these investors, mutual funds are the low-cost, professionally managed, diversified way in which they are saving on their own for retirement. Currently, investors who buy shares in a mutual fund and hold for the long term find themselves taxed as they go—even though no fund shares were sold and no income was received. This legislation allows mutual fund shareholders to keep more of their own money working for them longer by deferring capital gains taxes until they actually sell their investment. The "GROWTH" Act makes it easier for these individuals to meet their goals and enjoy a secure retirement.

Those investors who opt in advance to leave capital gains generated by the fund manager reinvested in the fund are doing what so many of us want to see—they are holding for the long term, contributing to national savings, and building up their own retirement nest egg.

The GROWTH Act will encourage Americans to save more and to save for the long term to better prepare for a secure retirement. I urge my colleagues to join us in this effort and cosponsor this legislation.

A TRIBUTE TO GAIL REED-BARNETT, ED.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor the work and achievements of Gail Reed-Barnett, Ed.D. Dr. Reed-Barnett was born and raised in Brooklyn, New York. From a young age, Gail's parents made certain that she understood the value of an education, a lesson that she would carry with her throughout her life.

Dr. Reed-Barnett's educational priorities are reflected in the academic paths she chose. She received her Bachelor's in Psychology at Medgar Evers College and a Master's in Education at Long Island University. She then went on to receive her Doctorate of Education from Nova Southeastern University with a concentration in Child, Youth and Family Studies.

Dr. Reed-Barnett is currently a secondary school counselor and administrator, in addition to serving as an Administrative Adjunct at Medgar Evers College for the College "Now" Program. She has taken her passion for education and used it to teach young people in her community the love and dedication that ought to be devoted to higher learning.

She is aware of the need for committed and dedicated educators and the importance of parental involvement in helping a child achieve maximum academic success. She has been instrumental in bringing many innovative programs to her school community as it relates to developing the "whole child," and building relationships between children and their families.

Dr. Reed-Barnett believes that true power lies in knowing how our educational and judicial system works and making it "work for us, not against us." This belief has been primary in driving Gail to become an active and visible participant in the Brooklyn community. She is a member of Community Board 17 and also serves on its Youth Services Planning Committee. She has worked with State Senator, Kevin Parker, on educational issues and policies. She has also presented valuable information to parents, holding various community workshops on the "No Child Left Behind Act."

Madam Speaker, I would like to recognize the work of Gail Reed-Barnett, Ed.D, for her tireless efforts to educate and empower the youth of our country.

Madam Speaker, I urge my colleagues to join me in paying tribute to Gail Reed-Barnett.

IN HONOR OF WEST VIRGINIA DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. RAHALL. Madam Speaker, I rise on this special day to honor my home among the hills, the great state of West Virginia. It was on June 20, 1863, that West Virginia became the 35th state to enter the Union.

The distinctiveness of West Virginia can be traced to its unique founding, as the only state to have been formed as a direct result of the Civil War, through Presidential proclamation.

In a reaction to Virginia's overrepresentation of eastern planters in the state legislature and complicated further by the swirling political issues of the day, on June 11, 1861, delegates from Virginia's western counties met to nullify Virginia's secession from the Union. Fifty counties (all of present-day West Virginia except for the land that now comprises Mineral, Grant, Lincoln, Mingo, and Summers Counties) constituted the newly formed state and served as the genesis of the vibrant and diverse place we know today as West Virginia.

The Constitution of West Virginia was approved in April of 1862, and in May of 1863, Arthur I. Boreman became our first governor. By June 20, 1863, West Virginia was officially a sovereign state. The sheer beauty of West Virginia now stands in stark and welcome contrast to the ugly conflict from which it was born.

Since its inception, West Virginia has been blessed with a striking landscape, placing it—we West Virginian believe—in a league all its own. The West Virginia state motto—Montani Semper Liberi—"Mountaineers are always free," sums up our powerful love of liberty and pays homage to our beautifully rugged lands that have honed our grit and determination, while attracting thousands of visitors each year.

West Virginia has historically been a leader in steel, glass, aluminum, chemical manufacturing, and natural gas industries. Small family farmers continue traditions that have served them for generations, providing, among other goods, some of the world's best apples. And our miners, who have long produced the coal that made our country strong, continue to dig to keep our national economy running.

But, as the old saying goes "nothing endures but change." And we are seeing a change in West Virginia. In fact, West Virginia's foray into new technology has provided new horizons for her residents, opening West Virginia for business while allowing us to remain wild and wonderful.

West Virginia may be 144 years old today, but it is just beginning to blossom. Our future is as bright as an early summer morning sunrise over the Appalachian hills.

Today, and every day, West Virginians thank the Lord for our bountiful blessings. We are kindred spirits, bound together in loyalty and love for our fine state. And everyday, wherever we may roam, we think of "happy home" and that place among the hills that truly is "Almost Heaven."

A TRIBUTE TO ANGEL ROSARIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. TOWNS. Madam Speaker, I rise today in recognition of Angel Rosario. Angel was born in 1960 in Brooklyn, New York. He graduated from John Jay High School in 1979, where he earned All-City Honors in baseball in 1978 and 1979. After high school, Angel played baseball at Long Island University where he was named a collegiate all-star in 1982.

In 1997, Angel graduated with a Bachelor of Science in Community Health from Empire State College. While working towards his degree, Angel became heavily involved with the New York City Department of Health HIV Bureau. He worked with the Bureau for 9 years, from 1990 through 1999; he spent 7 of those years in the Managed Care field.

Currently, Angel serves as a Marketing Director for Healthfirst which operates in hospitals that are under the direction of the Health Hospital Corporation. Angel has kept himself busy by working closely with his community for the past 25 years. He oversees Summer Day Programs, Beacon Programs and After School Programs. He works with both senior citizens as a Social Service Worker, and with children in a group home for teens. Angel says this is the type of work that makes him happy and encourages him to continue to involve himself with communities in need.

Madam Speaker, I would like to recognize the work of Angel Rosario, as his passion for helping people in need has significantly impacted those in his community.

Madam Speaker, Angel Rosario's work service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unavoidably detained in my district on Monday and Tuesday of this week and missed rollcall vote No. 119 through vote No. 126. Had I been present, I would have voted "yea" on rollcall votes 499, 500, and 501. On Tuesday, June 19, I would have voted "no" on rollcall votes 502, 503, 504, 505, 506, 507, 508, 509, 510 and 511.

HONORING THE NORTH TEXAS FOOD BANK ON THEIR 25TH ANNIVERSARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I would like to recognize a landmark that was achieved by an organization that addresses critical issues of hunger in the north Texas area by securing wholesome foods and grocery products for distribution through a network of charitable organizations. This year the North Texas Food Bank will celebrate the completion of its Oak Cliff warehouse project in time for its 25th anniversary.

The North Texas Food Bank was founded in 1982 and in the first year of operation the food bank distributed 400,000 pounds of food. The food bank is committed to serving the community and has continuously done so by reaching out to all of Texas and the entire Nation.

Recently, the food bank completed an extraordinary renovation and will now be able to store and distribute more food within its 72,000 square foot facility. The food bank is now equipped with an entirely new shelving system, two large freezers and a refrigerator that can hold 400 pallets of food.

Even during all of the reconstruction, which took more than a year, the food bank continued its commitment to food distribution. With the new renovation, the food bank has the capacity to move 50–55 million pounds of food through the warehouse and bring the community into the warehouse.

I am delighted to congratulate the North Texas Food Bank on its 25th anniversary and expansion. The North Texas Food Bank is an important asset to the Dallas area, and their dedication and hard work is seen throughout our community. I would like to thank Jan Pruitt, the Chief Executive Officer, the volunteers and members of the North Texas Food Bank on their dedicated service to the Dallas community and I wish them many more years of success.

HONORING GENEVA HAYDEN AND THE COMMUNITIES UNITED TO REBUILD NEIGHBORHOODS (CURN)

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to Mrs. Geneva Hayden for her creation and development of the Communities United to Rebuild Neighborhoods (CURN) organization. Over the last thirteen years, Mrs. Hayden has reached out to more than five hundred inner city youths, making a significant impact on their lives.

An organization that began in Mrs. Hayden's living room as a makeshift library and homework help center, CURN has grown into an afternoon and summer program, and has positively impacted children from some of Syracuse's most challenged neighborhoods. Mrs. Hayden has organized literacy parades, picnics, and field trips to Boston, Toronto, and Washington D.C., helping to enhance the sense of cultural diversity among the children in her community and increase their exposure to a world of opportunity.

Mrs. Hayden is not only the driving force behind the organization, but is also the heart and soul of CURN. She took it upon herself to rally neighbors to pick up trash, drove drug dealers from the area, provided transportation for neighborhood kids to and from school, and inspired pride in young men and women in her community. Mrs. Hayden's organization instills positive values within today's youth and offers hope for a brighter tomorrow.

A wife, mother, and retired educator, Mrs. Hayden's devotion to the welfare of her community's children is most honorable, and sets an example in which all of us can aspire. I congratulate Ms. Hayden on her achievements and the positive impact she has made on her community and its youth.

HONORING CHARLES KANE

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize Charles Kane, a man who dedicated his life to serving seniors, children and anyone in need. Earlier this month, Mr. Kane passed away after a fight with cancer. With his passing, Bucks County lost a great community leader and a committed advocate for senior citizens.

Mr. Kane was well known for his work in Bucks County, where he led numerous services agencies, including the Area Agency on Aging. By those who had the pleasure of working with him, Charlie will surely be missed, not only for his exceptional talent but his unwavering compassion. He truly cared about the many individuals he helped on a daily basis throughout his impressive career. Madam Speaker, Charlie touched countless lives and his kindness will always be remembered.

Composed and professional, there was never any question about his passion. Charlie Kane had the enthusiasm and creativity to always find a way to get his job done to serve Bucks County. Madam Speaker, there was no challenge too insurmountable and no case too difficult for Mr. Kane. He was a man that the community could rely on.

Mr. Kane will always hold a place in our hearts. Our community must embrace the passion for helping others that Charlie exemplified. Even in this time of sadness and mourning, we must see Charlie and his work as an inspiration. Madam Speaker, Mr. Kane's efforts on behalf of Bucks County residents will have a lasting impact and his legacy will be that of a man who dedicated his life to helping others. Madam Speaker, I thank the other Members of Congress for joining me in celebrating the life and accomplishments of Charles Kane.

HONORING BLUEFIELD ORIOLES 50TH ANNIVERSARY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of the Bluefield Orioles, which, for a half a century has brought America's pastime to southern West Virginia. With the crack of the bats this week, the "Baby Birds" will mark the beginning of their 50th consecutive year as a Baltimore minor league affiliate. This is a historic occasion, as this span of years is believed to be the longest continuous affiliations between a minor league team and the same Major League Baseball franchise. The endurance of this franchise is a testament to the dedication of the team's fans, the support of the Bluefield community, and the strength and loyalty of the Bluefield Orioles organization. I also commend the any longtime ballpark volunteers, including Patsy

Malamisura, who sadly passed away last month. These folks are truly our Most Valuable Players.

A great contributor to the Bluefield economy over the years, minor league baseball has left its strong financial imprint on southern West Virginia. But this is not where this club's influence ends. The talented young players who have gotten their start on this team, including one of the greatest players of all time—Ironman Cal Ripken—have been role models and inspirations to generations. And countless friends and families have been brought a little closer by spending an evening together underneath the bright night lights. I thank the Baltimore Orioles organization for its many contributions and commend them on this great achievement.

May minor league baseball remain alive and well in West Virginia for another 50 years.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. BONNER. Madam Speaker, on Friday, June 15, 2007, and Monday, June 18, 2007, I attended events with Alabama's governor and other elected leaders to recruit significant economic development projects for my district and our state and subsequently was absent for 36 votes. Had I been present, I would have voted "nay" on rollcall 491 and "yea" on rollcall 498.

HONORING SYLVESTER MYERS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. RAHALL. Madam Speaker, today I rise to pay tribute to a native West Virginian who found that talent and ambition together with discipline and determination was a powerful recipe for success. . . . Sylvester C. Myers, President and CEO of S.C. Myers and Associates, Inc.

Today, June 21st, Sylvester celebrates his 75th birthday. He has recently published his inspiring life story in a memoir entitled, "From Coal Fields to Oil Fields and Beyond, A Life in Pursuit of All I Could Be." The book chronicles Sylvester's humble beginnings from the coal-mining community of Keystone, West Virginia to the Kingdom of Saudi Arabia. It is a story of his transformation from country youth to world-traveling businessman, a story that points the way for all who desire to craft their lives to match their potentials.

Sylvester founded S.C. Myers and Associates, Inc. in 1988 after retiring from the U.S. Army Corps of Engineers with 25 years of service. He spent the last 11 of those years serving as the "budget watchdog" of the Corps' $20 billion military construction program in Saudi Arabia.

The company provides construction cost and project management services for government agencies, architectural firms, engineering firms and developers in the private sector. The company has offices in Washington, D.C., Bramwell, WV, Boston, MA and Baltimore, MD. The company currently has long standing projects with Baltimore-Washington International Airport and Washington-Dulles International Airport.

Sylvester was the former President of the American Association of Cost Engineers International (AACEI), National Capitol Section. He served as Director of AACEI Region II; Chairman of the AACEI Government Liaison Committee; member of the D.C. Building Industry Association's (DCBIA) Housing Committee; American Association of Blacks in Energy; the Washington, D.C. Chapter of the Bluefield (WV) State College Alumni Association; and Chairman of the Institutional Advisory Board of Bluefield (WV) State College.

In 1999, Sylvester received the Total Cost Management Excellence Award and Fellow at the AACEI Annual Meeting. He served on the Board of the Architectural Engineering Council of Washington, D.C.; Finance Committee of the Anthony Bowen YMCA in Washington, D.C. In April 1999, Sylvester received a Presidential Citation from the National Association for Equal Opportunity in Higher Education (NAFEO), in recognition of exemplary experiences that honor Bluefield (WV) State College.

Sylvester is an alumnus of Bluefield (WV) State College and a graduate of George Washington University's School of Business and Public Management (Government Contracting and Project Management Master's Certification). Mr. Myers resides with his wife, Janice M. Myers, in Bramwell, West Virginia and they are the parents of five children. I am very proud to have Sylvester and Janice as my constituents.

On behalf of myself and the people of the great State of West Virginia, we thank Sylvester for his years of dedicated and professional service to the Nation and his contributions to the arts and wish him continued success in the next chapter of his personal and professional life. He has been, and will forever remain, a shining example of the willpower and determination that it takes to make dreams come true.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE INCLUSION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mrs. MALONEY of New York. Madam Speaker, this year marks the 14th anniversary of the passage landmark legislation to help Americans balance the responsibilities of work and family, the Family and Medical Leave Act. The Family and Medical Leave Act (PL 103–3), allows qualified workers to take up to 12 weeks of unpaid leave a year to care for newborns, seek emergency medical care for himself/herself, parents, children under 18 or a legal spouse. Since becoming law, it has allowed many tens of millions of Americans to take unpaid leave without the risk of losing their jobs.

But, imagine if your domestic partner, same-sex spouse, adult child, parent-in-law, or grandparent was involved in a serious car accident and had no one to take care of him or her. Then imagine your employer telling you that you can't take a few days off work to care for your loved one because you are not covered by FMLA. This situation sounds preposterous, but there is no protection for you in current law. That is why I am introducing the FMLA Inclusion Act.

The Family and Medical Leave Inclusion Act (H.R. 475 in the 109th Congress) amends the FMLA to permit leave to care for a domestic partner, same-sex spouse, parent-in-law, adult child, sibling, or grandparent if that person has a serious health condition.

I am pleased that the Human Rights Campaign has endorsed this legislation, and I am proud to introduce it with the support of original cosponsors Reps. FRANK, BALDWIN, WOOLSEY and SHAYS.

The FMLA Inclusion Act represents simple fairness, and I look forward to working with my colleagues to ensure that this fairness prevails.

DARFUR

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to speak about the situation in Darfur in western Sudan. As you know, nearly 450,000 people have been killed and over two million have been displaced as the violence continues to rage in this region. Neighboring nations have absorbed hundreds of thousands of refugees who fled their homes to escape the carnage that has unfortunately become a way of life in Darfur. Even humanitarian aid workers have become targets of the violence.

I am encouraged by the recent agreement between the United Nations and the African Union on the make up of a peacekeeping force to patrol the region. This agreement is a step in the right direction, but it is vital that the peacekeeping mission begins soon and the peacekeepers are allowed to carry out their mission effectively. It is important that we support those who are working to restore peace to the millions of innocent people caught in the tragedy in Darfur.

Nearly 3 years ago, on July 22, 2004, the U.S. House of Representatives declared the atrocities in Darfur to be genocide. The vote was bipartisan and unanimous. In the 110th Congress, we have already passed resolutions addressing the situation in Darfur with overwhelming bipartisan majorities.

This issue is not one of partisan politics or ideological differences. It is a moral issue, and we in the House of Representatives are united in our efforts to stop the violence and end the suffering in Darfur.

We can still do more. It is important that we divest funds from companies that do business with the government of Sudan. Divestment is an effective policy tool that would prevent the government of Sudan from receiving financial resources it is using to fund these atrocities. In addition, divestment is the right thing to do. It does not make sense to fund indirectly the very genocide we seek to end.

The crisis in Darfur is a tragedy of our times. I am pleased that the House of Representatives has taken action to ease the suffering of the innocent people in Darfur, and I look forward to continuing to work with my colleagues in the House to bring this terrible chapter of history to a close with a just and lasting peace in Sudan. May God help us all do the right thing.

TRIBUTE TO FATHER TODD UNGER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to a constituent of mine, Father Todd Unger, who is celebrating his 25th anniversary as a Catholic priest later this month. I join the parishioners of St. Peter Church in The Dalles, Oregon in congratulating Father Todd.

Father Todd has served the people of the Diocese of Baker, Oregon with dedication and humility. He was ordained a Catholic priest for the Diocese of Baker, on June 29, 1982 in Redmond, Oregon—the town where he was born. His first assignment was as Associate Pastor in Pendleton, Oregon at St. Mary Catholic Church from 1982–1986. He rose to Pastor in 1986 when he was transferred to St. Elizabeth Catholic Church in John Day, Oregon. He served there from 1986–1990. He served the next 8 years as Pastor of St. Patrick Catholic Church in Madras, Oregon. He undertook his present assignment, as Pastor of St. Peter Catholic Church in The Dalles, in 1998.

In addition to his duties as Pastor at St. Peter Church, Father Todd administers St. Mary's Academy in The Dalles, a pre-kindergarten through eighth-grade school. St. Mary's Academy has been in continuous operation for 142 years providing an educational faith community for students in Wasco County, Oregon. During his 9 years at The Dalles, Father Todd has twice been called upon to assume the additional duties of principal at the school, once for a few months and once for the entire school year.

In addition to all of his church-related tasks, Father Todd has also been an active citizen in every community that he has served. In Pendleton, he was a member of Kiwanis and a Red Cross Swimming Instructor. In John Day, Father Todd again taught swimming for the Red Cross and began what has been a career-long interest in serving as a volunteer firefighter for the community. In Madras, he again joined the Volunteer Fire Department, and in 1994 he was named Firefighter of the Year. He also served as a member of the Central Oregon Council on Aging, was an active member of Kiwanis, and this time he taught first aid for the Red Cross. In The Dalles, Father Todd became a Rotarian, and again joined the Volunteer Fire Department. He was named Firefighter of the Year in 2000.

Everywhere that Father Todd has gone, he has tirelessly ministered to the spiritual and physical needs of the community. He has added greatly to the quality of life in the communities he has served. Father Todd is a sterling example of what it means to be of service. I hope these words in the CONGRESSIONAL RECORD will serve as a small indicator of thanks from the citizens of the Second Congressional District of Oregon and our congratulations on his Silver Jubilee as a Catholic priest.

HONORING RELAY FOR LIFE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Relay For Life, held in Bridgeview, Illinois. The event, sponsored by the American Cancer Society, is considered the organization's signature activity. This year is especially significant as the June 22–23 event at the Bridgeview Park District marks the 15th anniversary of the first Relay For Life event in Illinois.

Relay For Life is an overnight event designed to bring together those who have been touched by cancer in our communities. At the event, participants celebrate survivorship, remember those lost to cancer, and raise money to help the American Cancer Society. Proceeds fund its mission of helping those who have been touched by cancer, empowering individuals to fight back, and saving lives.

Programs such as Road to Recovery, Look Good Feel Good, Support Recovery, and the American Cancer Society's Patient Navigation Services all benefit from the annual event. These programs and services assist patients with educational, technological, logistical, and emotional support, and further the search for a cure.

Through the tireless participation of families, schools, companies, hospitals, and other community groups, Relay For Life has assisted those affected by cancer for well over a decade. Today, I am honored to recognize this important event, its participants, and its worthy mission. I am especially pleased to acknowledge and congratulate the supporters of Relay For Life in Bridgeview, Illinois. The work and dedication of these individuals ensure a brighter future for those affected by cancer and serve as an inspiration to all citizens.

A TRIBUTE TO MEL OLSSON

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize Mel Olsson on his retirement after more than three decades in service of our country's defense and the men and women who build the submarines that protect our national security.

Mel began his career at Electric Boat in Groton, Connecticut as a pipefitter apprentice in 1961. After decades of work at EB, Mel was eventually elected in 1990 as President of the Marine Draftsmen's Association, MDA–UAW Local 571. Serving as MDA President until 2003, Mel served on a number of negotiating teams, and was chief negotiator for eight successful contract negotiations with Electric Boat and Computer Sciences Corporation.

Mel has not only ably represented his colleagues in Local 571, but he has also been a community pillar in eastern Connecticut by serving in state and local organizations. Mel served on the Board of Directors of the United Way, is a member of the Work Force Investment Board, and serves on the Board of Directors of the Charter Oak Federal Credit Union. In addition, Mel is the former Chairman of the Electric Boat Community Services Committee, and is a member of the Stonington Democratic Town Committee.

Mel and his wife, Dorothy, reside in Mystic and have been married for forty-two years. They are the proud parents of their daughter, Alyssa.

Mel retired as a Piping Design Tech at Electric Boat on May 31, 2007, after thirty-six years of remarkable service. The men and women of UAW/MDA 571 and Electric Boat will miss his leadership and vision inside the gates at EB, but I know they will join me in saluting Mel Olsson and his outstanding and unique career in eastern Connecticut.

IN RECOGNITION OF CAROL SCHACHTER, FORMER CHAIR OF COMMUNITY BOARD 6 OF MANHATTAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Carol Schachter, the former Chair of Community Board 6 of Manhattan. Ms. Schachter is being honored this month at the annual dinner of the Board, which plays a critical advisory function in New York City's municipal government on a wide range of matters relating to the quality of life in several neighborhoods on Manhattan's East Side.

Originally appointed to serve on Community Board 6 in 1995, Carol Schachter served with distinction as its Chair from 2004 to 2006. She currently is the Board's Secretary and Chair of its Business Affairs and Street Activities Committee, positions she also held prior to her election as Chair. As Chair of Community Board 6, Carol Schachter helped spearhead the effort to preserve the "Sobriety Garden" at Bellevue Hospital, an initiative she undertook with her husband, John.

Ms. Schachter also ably oversaw the development of the Community Board's 197–A and 197–C zoning and land use plans. With the closing of the Con Edison waterside plant, a large swathe of Community Board 6 will be rezoned. This offers the opportunity to create new parks and open space, as well as new schools. The 197–A and 197–C plans address these important land use issues as well as other significant concerns in the Community Board 6 area. The Board's final submission was thoughtful and inspiring, presenting a promising vision of the future for its neighborhoods.

As the Chair of Manhattan Community Board 6, Ms. Schachter led her fellow Members in carrying out the Board's challenging mission of reviewing and advising municipal government on a broad spectrum of public policies and issues, such as land use, zoning, and the City budget. With firm and effective leadership, Carol Schachter led Community Board 6 as it monitored the nuts and bolts of municipal government, as well, including the delivery of City services. She devoted herself tirelessly to improving the local quality of life on concerns including traffic congestion, deteriorating housing stock, sanitation pick-up and street cleaning, and the oversight of local bars and restaurants. As the Board's Chair, she ably represented the interests of residents and businesses in a large, diverse area of Manhattan stretching from East 14th Street to East 59th Street and from Irving Place, Lexington and Park Avenues to the East River.

In addition to her tireless service to Community Board 6 of Manhattan, Carol Schachter has been a dedicated civic activist. She volunteered her time and effort as President of the Stuyvesant Park Neighborhood Association, serves as a member of the 13th, 17th and 19th Police Precinct Councils, and helped found the organization All Out Arts.

Madam Speaker, I request that my colleagues join me in paying tribute to Carol Schachter for her outstanding service and dedication to the civic life of our nation's greatest metropolis.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. LARSON of Connecticut. Madam Speaker, I regret that I could not vote on rollcall vote No. 502 through roll call vote No. 511, on June 19, 2007. Had I been present, I would have voted:

"Nay" on rollcall No. 502 on agreeing to the amendment to H.R. 2641, to reduce funding for the Army Corps of Engineers investigations by $30 million.

"Nay" on rollcall No. 503 on agreeing to the amendment to H.R. 2641, to reduce funding for the Army Corps of Engineers construction by $481 million.

"Nay" on rollcall No. 504 on agreeing to the amendment to H.R. 2641, to reduce funding for the Army Corps of Engineers Mississippi River and tributaries project by $18 million.

"Nay" on rollcall No. 505 on agreeing to the amendment to H.R. 2641, to reduce funding for the Army Corps of Engineers operation and maintenance by $184 million.

"Nay" on rollcall No. 506 on agreeing to the amendment to H.R. 2641, to Strike section 105 in the bill.

"Nay" on rollcall No. 507 on agreeing to the amendment to H.R. 2641, to reduce funding for the Bureau of Reclamation's water projects account by $55 million.

"Nay" on rollcall No. 508 on agreeing to the amendment to H.R. 2641, to reduce funding for Bureau of Reclamation's policy and administration account by $1.2 million.

"Nay" on rollcall No. 509 on agreeing to the amendment to H.R. 2641, to reduce funding for energy efficiency and renewable energy programs (Weatherization Assistance) by $102 million.

"Nay" on rollcall No. 510 on agreeing to the amendment to H.R. 2641, to redirect $20 million in funding within the Nuclear Energy account to support the Nuclear Power 2010 program from Gen IV reactor program.

"Nay" on rollcall No. 511 on agreeing to the amendment to H.R. 2641, to reduce funding for fossil fuels research and development by $142 million.

THE VISITING NURSE ASSOCIATION OF CENTRAL JERSEY—95 YEARS OF OUTSTANDING SERVICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. PALLONE. Madam Speaker, today I would like to recognize the achievements of the Visiting Nurse Association of Central Jersey. Since its establishment in 1912, this nonprofit, voluntary organization has treated individuals of all needs and ages living in my district and the surrounding region. In its 95 years of service, the organization has undergone numerous successful expansions, helping it to become a top provider of hospice and in-home health care in central New Jersey.

With an original mission to improve prison conditions and approaches to public assistance, the agency over the years has broadened the type of community care it provides. Now it is most well known for its outstanding in-home services. These services are critical to individuals who need frequent and adequate care in order to remain in their own homes.

The association's team of nurses continually strive to keep up with in-home technological advances, ensuring that patients receive the latest in quality care. VNACJ looks after the aging population, founding a local hospice program in the 1980s and 1990s. At the other end of the spectrum, VNACJ also focuses its efforts on the needs of children. The organization has worked to expand handicap services to children as well as establish parenting and nutrition education programs, children's shelters, and well-child conferences.

In addition to treating patients of all ages, the agency attends to all types of health matters. In the 1940s and 1950s, VNACJ played an important role in establishing Monmouth County branches of some of today's most important health care organizations, including the Heart Association, the Cancer Society, and the Cerebral Palsy Treatment Center. The agency also pays particular attention to providing health care services to migrants as well as veterans. Community immunizations and AIDS treatments are just a few of a comprehensive list of services the VNACJ provides.

Under the leadership of its chairman and my friend, Judith Stanley Coleman, and with the help of over 1,000 employees treating 100,000 patients each year, the Visiting Nurse Association of Central Jersey claims a spot among the nation's largest nonprofit in-home health groups.

On a personal level, almost every family in my district has, at one time or another, called upon the Visiting Nurses for help with a pressing health need. The reaction from the families I have spoken with over the years is uniformly positive: they deeply appreciated the warmth, the skill and the professionalism of the visiting nurses who came to their homes and helped their loved ones.

It is with great pleasure that I ask my colleagues to join me in commending the 95 years of quality care the VNACJ has provided to residents of central New Jersey.

IN RECOGNITION OF THE UJA-FEDERATION OF NEW YORK ON THE OCCASION OF ITS 90TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to all the friends, family and supporters of the UJA-Federation of New York on the occasion of its 90th anniversary. Since its establishment nine decades ago, UJA-Federation of New York has provided a voice of compassion and caring as the philanthropic arm of New York's Jewish community. Throughout its history, UJA-Federation of New York has been guided by its precepts of chesed and tikkun olam, while fulfilling its essential and righteous mission of extending a helping hand to those in need. Its extraordinary success in serving the underprivileged and disadvantaged have placed the UJA-Federation in the forefront of efforts to serve poor, the elderly, and people in need in New York, Israel, and throughout the world.

Ingrained with the compassionate and philanthropic spirit that has characterized Judaism throughout its history, UJA-Federation's record of generosity is unparalleled. It is ably led by distinguished civic leaders, including its President, Morris W. Offit; the Chair of the Board, Susan K Stern; and Executive Vice President and Chief Executive Officer John S. Ruskay. UJA-Federation takes pride in its dedication to strengthening communities, advocating for at-risk youths, empowering the disadvantaged, and educating people of all ages. Operating through more than 100 agencies, including some of the leading institutions in New York's 14th Congressional District that I am privileged to represent, such as the 92nd Street Y and Beth Israel Medical Center, UJA-Federation has helped more than 4,000,000 people in New York and throughout the world. UJA-Federation and its affiliated network have provided a vast range of vital services, including home visits to the housebound elderly; social and emotional support for Holocaust survivors in New York; scholarships allowing children from the metropolitan area to attend Jewish sleepaway summer camps; and counseling, peer mentoring, and workshops on education and prevention for women battling breast and ovarian cancer on Long Island.

The UJA-Federation's accomplishments extend far beyond our borders. Using cutting-edge technology, the UJA-Federation of New York has provided assistance to Jewish communities from Belarus to Buenos Aires. The UJA-Federation makes possible initiatives such as teaching Hebrew to Ethiopian Jews immigrating to Israel, providing crisis counselors after the Beslan school hostage crisis, and furnishing 13,600 elderly Jews in the former U.S.S.R. with hot meals and companionship.

The UJA-Federation's compassion is also reflected in its commitment to emergency response and disaster relief. In 2002, the UJA-Federation formally established and funded the Israel Trauma Coalition, an alliance of medical and social service providers working to improve the trauma-response capacity of the Israeli mental health system, a program that has expanded from seven organizations to encompass more than forty agencies. Since the tragic 2004 tsunami that devastated Sri Lanka, India, Thailand and Indonesia, the UJA-Federation's Tsunami Relief Fund has successfully raised more than $3.5 million that was allocated to the American Jewish Joint Distribution Committee to support emergency and long-term aid to affected areas. In the United States, the UJA-Federation's Hurricane Relief Fund has raised more than $5.1 million to provide desperately needed assistance to Gulf Coast communities ravaged by Hurricanes Katrina and Rita in 2005.

The steadfast and enduring commitment of UJA Federation-New York to serving others is reflected in its newly renovated building at 130 East 59th Street in New York City, where the Federation has been headquartered for half a century. The bright new farade, lobby, internal systems and office facilities reflect the dedication and bright future of the UJA-Federation of New York.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the extraordinary success and achievements of UJA-Federation of New York on the occasion of its 90th anniversary.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 21, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

June 22

10 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine a new vision for medical research relating to the fiscal year 2008 budget for the National Institutes of Health.

SD–116

June 25

11 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine excessive speculation in the natural gas market.

SD–106

3 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine pipeline politics, focusing on conflict prevention and the security of supply and transit of oil and natural gas.

SD–419

June 26

9:30 a.m.

Budget

To continue hearings to examine health care and the budget, focusing on the Healthy Americans Act and other options for reform.

SD–608

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact of media violence on children.

SR–253

Energy and Natural Resources

To hold an oversight hearing to examine the preparedness of the federal land management agencies for the 2007 wildfire season and efforts to contain the costs of wildfire management activities.

SD–366

Judiciary

To hold hearings to examine the nomination of William W. Mercer, of Montana, to be Associate Attorney General.

SD–226

Rules and Administration

To hold hearings to examine Smithsonian Institution governance reform, focusing on a report by the Smithsonian's Independent Review Committee.

SR–301

Small Business and Entrepreneurship

Business meeting to consider original bills entitled, "Entrepreneurial Development Act of 2007", "Small Business Venture Capital Act of 2007", and other pending calendar business.

SR–428A

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine ending mortgage abuse, focusing on safeguarding homebuyers.

SD–538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

June 27

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold an oversight hearing to examine the federal death penalty.

SD–226

Veterans' Affairs

Business meeting to markup pending legislation; to be immediately followed by a full committee hearing to examine the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

SD–562

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 793, to provide for the expansion and improvement of traumatic brain injury programs, and S. 1011, to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health, original bills entitled, "Biologics Price Competition and Innovation Act", "Wired for Health Care Quality Act", and other pending calendar business.

SD–628

Homeland Security and Governmental Affairs

To continue hearings to examine violent Islamist extremism, focusing on the European experience.

SD–342

Environment and Public Works

Transportation Safety, Infrastructure Security, and Water Quality Subcommittee

To hold hearings to examine protecting water quality at America's beaches.

SD–406

10:30 a.m.

Aging

To hold hearings to examine the relationship between doctors and the drug industry.

SD–106

2 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009, and Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008.

SR–328A

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1171, to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water.

SD–366

June 28

10 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine financial management systems modernization at the Department of Homeland Security, focusing on systems and processes needed to support the Department's mission and operations.

SD–342

July 9

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To continue hearings to examine excessive speculation in the natural gas market.

SD–342

July 10

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine community services and support, focusing on planning across the generation.

SD–106

July 11

10 a.m.

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).

SD–226

July 17

2:30 p.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense education issues.

SD–562

July 18

10 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH–216

July 25

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

HOUSE OF REPRESENTATIVES—*Thursday, June 21, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the book of Judges, Lord God, the parable of the trees is told to convince Your people they do not want a monarchy. Perhaps the same parable has another meaning for people today living in this constitutional democracy.

In the parable, each tree which wishes to be king over the other trees excuses itself from leadership. The olive tree is reluctant to offer its rich oil; the fig tree, its good fruit; the vine, its intoxicating wine. So all the trees plead with the buckhorn to have authority over all the other trees. But the buckhorn has nothing to offer but its own shadow.

Lord, may each Member of Congress offer his or her very best to the work of governance. This awesome responsibility does cost them dearly. That is why, as Your people, Lord, they need our prayer.

If they do not offer all the gifts of mind and heart they are called to sacrifice for this government by the people, they can only cast a long shadow over a believable democracy.

So speak, Lord, to Your servants and allow Your gifts to flow across this Nation now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. PERLMUTTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H. Con. Res. 76. Concurrent Resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

The message also announced that pursuant to Executive Order 12131, as amended, the Chair appoints the following Member to the President's Export Council:

The Senator from Texas (Mr. CORNYN).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minute speeches from each side of the aisle.

PRESIDENT'S VETO OF STEM CELL RESEARCH

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, President Bush has once again used his veto pen to stifle scientific research. Yesterday, the President vetoed bipartisan legislation passed by this Congress that would have expanded potentially lifesaving stem cell research.

The Stem Cell Research Enhancement Act would have authorized Federal funds to be used for research on embryonic stem cell lines derived from embryos at in vitro fertilization clinics that would otherwise have been discarded.

An overwhelming number of Americans, including doctors, scientists, health organizations, and communities of faith have been vocal in their support for this critical research because of cures it might offer to those stricken with diabetes, Alzheimer's, multiple sclerosis, cancer, spinal cord injuries and countless other ailments.

President Bush's decision to once again veto an expansion of this research that could bring hope to millions with life-threatening and debilitating diseases is dangerous to those who are suffering. This Democratic House will continue to push for Federal funding of this ethical and critically necessary research.

LONESTAR VOICE—GEOFFREY BROWN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Lonestar Voice this week comes from Geoffrey Brown of Baytown, Texas. Here is what he has to say:

"We need to show more sympathy for these people. They travel miles in the heat, they risk their lives crossing a border. They don't get paid enough wages. They do jobs that others won't do or are afraid to do. They live in crowded conditions among a people who speak a different language. They rarely see their families, and they face adversity all day every day. No, I'm not talking about illegals; I'm talking about our troops. Doesn't it seem strange that the (politicians) are willing to lavish all kinds of social benefits on illegals, but don't support our troops and have threatened to defund them?"

Geoffrey Brown echoes the sentiments of many other Americans who wonder why so many people in Washington show more concern for illegals who pledge allegiance to other countries than they do our U.S. troops fighting in the deserts of Iraq and the mountains of Afghanistan.

Supporting the American military and our veterans is more important than expensive giveaway programs to illegals.

And that's just the way it is.

STEM CELL RESEARCH VETO

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this House has repeatedly passed the bipartisan Stem Cell Research Enhancement Act to authorize Federal funds to be used for lifesaving research on embryonic stem cell lines that would otherwise be discarded. This type of research, conducted under strict ethical standards, is supported by an overwhelming number of Americans because of the hope it offers for the potential cures of many diseases, such as diabetes, Parkinson's, Alzheimer's, cancer and MS.

But yesterday, President Bush once again vetoed this important bill. In an attempt to save face, the President instead signed an executive order that will do little to advance essential medical research. The symbolic order is the President's attempt to score political points, but it fails to direct new resources or support for potentially lifesaving research.

A majority of this House and a majority of the American people are fed up with the Bush administration's stifling of this important life-affirming

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

science. Democrats will continue to fight to promote important and groundbreaking research so that we can provide real hope to millions of Americans.

IN APPRECIATION OF ROB PORTMAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in recognition and appreciation of Rob Portman and his service to our great Nation, first, as a fellow Member of the House; then as United States Trade Representative; and, most recently, as Director of the Office of Management and Budget.

Rob has proven to be an outstanding public servant. I know that Jim Nussle will be a competent successor and carry on in Rob's footsteps for the taxpayers. I am grateful my Republican colleagues and I had the opportunity a few minutes ago to thank Rob and wish him well.

Rob was the featured guest for our weekly Theme Team meeting. I appreciate Theme Team chairman JACK KINGSTON and Krista Cole on his staff for bringing a top-notch speaker every week. I wish Rob, his wife, Jane, and their three children, Jed, Will, and Sally, all the best in the future.

In conclusion, God bless our troops, and we will never forget September 11th.

TRADE POLICY

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Mr. Speaker, our current trade policies have had devastating consequences for families and communities in northeast Ohio and across this Nation.

The effects of these damaging trade policies are no longer theoretical; they are real. We need a truly new trade model that addresses the concerns raised by the American people in the last election. Congress must reclaim its constitutional authority over trade.

We must have strong and enforceable standards in our trade agreement. We must address the ever-evolving unfair trade practices used by foreign governments to protect their markets, such as currency manipulation, illegal subsidies and product dumping. We must replace policies that reward businesses for outsourcing jobs with incentives and sensible tax policies that will help our businesses and workers.

We need a new trade model now.

ABSTINENCE/FIDELITY FUNDING PROTECTIONS IN PEPFAR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President's Emergency Plan for Aids Relief, called PEPFAR, has instituted a carefully crafted comprehensive approach to fighting the spread of AIDS.

This approach is based on the ABC prevention model that has proven highly successful in Uganda. This model was developed there by Africans in Africa. A stands for abstinence until marriage; B for be faithful, or monogamy; and C for condoms.

This approach is working to reduce AIDS prevalence. But the Foreign Ops appropriations bill that we vote on today seeks to gut this comprehensive approach. Specifically, the bill does away with funding protections for the abstinence and fidelity parts of the model. It would remove the mandate for the A and B portions in the model.

These are very important components, and these are the most effective in reducing AIDS occurrence. Just look at this chart illustrating the experience in Kenya, proof that abstinence and fidelity work.

I have an amendment to restore funding for these protections in a results-based comprehensive ABC approach. I urge support.

VETERANS HEALTH CARE, DEMOCRATS PROVIDE LARGEST FUNDING INCREASE EVER

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, last week, the new Congress adopted the most significant expansion of veterans health care in the history of the VA.

The real-life story of Lt. Sylvia Blackwood highlights why this is so important. Lt. Blackwood began suffering from PTSD after serving two tours of duty in Iraq. She found the strength to check herself into the VA Medical Center here in Washington. She was suicidal, but instead of receiving immediate treatment, she was directed to a waiting room. When she was finally admitted, she did not receive therapy or relief.

According to an in-depth series published by The Washington Post this week, unfortunately, Lt. Blackwood's story is not uncommon. An estimated one-third of all veterans returning from Iraq and Afghanistan suffer from mental health challenges.

America's servicemen and -women deserve the best care possible when they return from war, both for their physical and mental health. That is why this new Congress last week passed the most significant expansion and improvement in veterans health care in the VA's 77-year history. It's important for all Americans to take pride in that action.

"HOLD ONTO YOUR WALLET" CONGRESS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, well, here we are again. Another day, another several billion dollars in new spending proposed by this "Hold Onto Your Wallet" Congress. They have already passed the largest tax increase in history, and they spend too much money.

Today's tax du jour comes in the form of the Foreign Ops bill. The bloated 2008 spending bill will fork over $34 billion of your tax money, an increase of more than $3 billion. A subtle change means that under the current bill language, the Mexico City policy, which assures that nongovernmental entities that promote abortion would not be provided U.S. funding, could be completely disregarded and these entities would receive U.S. taxpayer funds.

The provision would mandate U.S. subsidies to organizations that actively promote abortion in foreign nations. Abortion has been a tragedy for many women here in the U.S., and it will carry with it the same hurt and trauma when it's used abroad.

If this language stays in the bill, the American taxpayer would be actually paying for an abortion for someone half a world away. I urge my colleagues to vote against new spending and "no" for taxpayer-sponsored abortions.

TWEETSIE RAILROAD 50TH ANNIVERSARY—JUNE 21, 2007

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I rise to celebrate the 50th anniversary of Tweetsie Railroad, a western North Carolina fixture that has been providing fun and excitement to families for the past five decades.

Tweetsie Railroad, founded in 1957, was North Carolina's first-ever amusement park. Nestled in the mountains of Blowing Rock, North Carolina, it is home to the classic steam locomotive Tweetsie 12.

Tweetsie's historic lineage runs deep. This steam engine is the last remaining locomotive that ran a rail line connecting Boone, North Carolina, to Johnson City, Tennessee, through the rugged Appalachians.

The Wild West theme of the park permeates every aspect of the family entertainment that draws families from all over. Tweetsie Railroad is in a category of its own, situated in a beautiful mountain setting.

Away from the noise and rush of everyday life, this North Carolina fixture offers an escape from the worries of today with a glimpse of a bygone era. This retreat of family entertainment is part of a great American tradition, and I wish it many more years of delighting families with wholesome fun.

☐ 1015

JOHN EDWARD DEAN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I rise today in honor of John Edward Dean's 90th birthday. John Edward Dean was born June 18, 1917 in Upshur County, Texas. He grew up in my district, in the town of Gilmer, where he attended Gilmer public schools and graduated from Gilmer High School in 1937. Mr. Dean would often ride horseback to school, and by the age of 15, he was hauling cattle to the Fort Worth stockyards to help provide for his younger siblings.

In 1945 he purchased Snider's sawmill in Gilmer, where the company will turn 70 next year.

John Dean is an American patriot, a servant who so many of us in east Texas have come to respect. He never missed a day of work or church due to an illness, and was never even hospitalized until age 70.

John and the love of his life, the late Jane Holmes, have 3 children, 7 grandchildren, 8 great grandchildren, and has given generously to the Gilmer community. His lumber company is one of Gilmer's largest employers, and was a pioneer in diversity.

He serves as a deacon at First Baptist Church of Gilmer, is a 20-year member of the East Texas Baptist University Board of Trustees in Marshall.

I stand here today to wish John Edward Dean a happy birthday, Mr. Speaker, and to pray that God may continue to bless him and his family for being such a blessing to so many others.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Mr. SIRES. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2764 pursuant to House Resolution 498, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 498 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2764.

☐ 1017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HOLDEN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 20, 2007, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House on that day, no amendment to the bill may be offered except those specified in the previous order of the House of that day, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,820,018,000: *Provided*, That of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, not less than $363,905,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount appropriated under this heading, $5,000,000 shall be available for the Secretary to establish and operate a public/private interagency public diplomacy center which shall serve as a program integration and coordination entity for United States public diplomacy programs: *Provided further*, That of the amounts appropriated under this heading, $4,000,000, to remain available until expended, shall be for compensation to the families of members of the Foreign Service or other United States Government employees or their dependents, who were killed in terrorist attacks since 1979: *Provided further*, That none of the funds made available for compensation in the previous proviso may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That not less than $5,000,000 shall be for the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended): *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

In addition, not to exceed $1,558,390 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $964,760,000, to remain available until expended.

AMENDMENT OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LINCOLN DIAZ-BALART of Florida:

Page 2, line 22, after the dollar amount, insert "(reduced by $36,700,000)".

Page 40, line 26, after the dollar amount, insert "(increased by $36,700,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, my amendment, coauthored by my good friend, Mr. ALBIO SIRES of New Jersey, restores funds for Cuba democracy assistance to the administration's requested level of $45 million by offsetting $36 million from the Department of State General Administration Budget.

Unfortunately, as this chart so well demonstrates, the committee, while generally meeting or far exceeding the administration's requests for the rest of Latin America, something that I support, the bill funds Cuba democracy programs at approximately 20 percent of the President's request of $45 million; 20 percent for assistance for those brave men and women who risk their lives and their families' safety, unarmed, in a hard-line totalitarian police state to peacefully press for democracy in Cuba: human rights activists, independent journalists, independent librarians, independent physicians. This aid goes to them and to their families, to the families of political prisoners.

As explained, Mr. Chairman, in the letter from nine members of the prodemocracy movement to the six Cuban American Members of Congress, they attest and affirm that the assistance is key, and that it reaches them and that it has made and is making a great difference for the pro-democracy movement at this time.

Now, Mr. Chairman, the opponents of this effort asked for a GAO report on these programs, and I thank them for it.

First, the GAO report, after 18 months of thorough investigation, confirmed that the program is working. And I quote from the GAO report. "Dissidents we interviewed in Cuba said that they appreciated the range and types of U.S. democracy assistance; that this assistance was useful in their work, and that it demonstrates the U.S. Government's commitment to democracy in Cuba."

Mr. Chairman, the GAO report detailed many successes, despite emphasizing the great challenges posed by the totalitarian police state for aid distribution. It talked about the GAO report, 385,000 pounds of medicines, food and clothing have been delivered to the pro-democracy movement and their families; more than 23,000 shortwave radios, millions of books, newsletters and other informational material.

U.S. assistance reported independent journalists and including the publication of approximately 23,000 reports by those independent journalists.

Mr. Chairman, I would call attention to the fact that the GAO report, while making absolutely no recommendation for any cut whatsoever in this program, does point out and make clear the case that it is an important and effective program; and after the GAO report, it has been significantly improved.

I call the attention of all of my colleagues to the reply to the GAO report by the administrating agency, the USAID, where it delineates that all the GAO report's recommendations have been implemented. All of the recommendations have been implemented. That has made an effective and important program even more effective and important.

Mr. Chairman, let us not turn our backs on the Cuban internal opposition. They will play a key role in the inevitable democratic transition that is approaching, and we must do all we can so that they can survive the brutality of a totalitarian police state, of violence and terror that, fortunately, to a great extent because of the pro-democracy movement in Cuba, will soon be but a tragic and perverse historical memory.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I claim time in opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from New York is recognized for 10 minutes.

Mrs. LOWEY. Mr. Chairman, the Bush administration requested an increase in economic support funds for Cuba from $9 million to $45.7 million.

Between 1996 and 2005, USAID and the Department of State signed contracts worth $74 million for Cuba programs, according to the GAO's study. The administration is asking for a 1-year, fiscal year 2008 request that is more than two-thirds the size of what was committed over the 10 years, from 1996 and 2005. This request is 500 percent of what USAID received in the last fiscal year. Given how ill-conceived and ill-managed the program is, there is no justification for an aid increase.

My friend from Florida has raised the GAO report and said that it has not recommended that funding be cut. But the objective of the report was not to recommend that funding should be increased or decreased. It was to examine the roles and objectives of the agencies implementing United States democracy assistance targeted at Cuba, and the characteristics and selection of the grantees receiving Department of State and USAID awards, the types, amounts, beneficiaries and methods used to deliver assistance for selected grantees in 2005, USAID's monitoring and oversight of these grantees, and the availability of data to evaluate whether U.S. assistance has achieved its goals.

Although I believe that this program does little to help dissidents, and very little to expand political space in Cuba, we have continued funding at the same level as provided by our former colleague, Jim Kolbe, when he chaired the subcommittee.

The bill has $9 million, and requires USAID and the Department of State to present a plan for improved coordination and for oversight of the Cuba program.

GAO concluded in a November 2006 report that "poor monitoring and oversight of the Cuba program did not provide adequate assurance that funds were properly used."

Administrative costs on the part of grantees were high, oversight of the goods chosen inadequate; specifically, according to the GAO study, there were instances in which cashmere sweaters, Godiva chocolates, Nintendo Gameboys, Sony Playstations were among the items purchased in the United States to be shipped to dissidents in Cuba.

The Cuba program is poorly managed and can be argued to be counterproductive. It is not a productive use of limited U.S. resources, and the result of this program is often to identify Cuban dissidents as U.S. funded opponents of the regime.

I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, at this time I yield 2 minutes to the distinguished coauthor of the amendment, Mr. SIRES.

Mr. SIRES. Mr. Chairman, the funding that has been provided over the past 10 years to support the pro-democracy movement in Cuba has been working. U.S. assistance has provided books, newsletters and other informational material to the people of Cuba, as well as over 385,000 pounds of medicine, food and clothing.

According to a USAID report, U.S. assistance has also funded journalism correspondence courses for more than 200 Cubans, and the publication of about 23,000 reports by independent Cuban journalists about conditions and events in Cuba.

Although the Cuban regime restricts nearly all political dissent, and denies its citizens the basic rights of free expression, association and assembly, our funding and assistance has allowed the pro-democracy and civil resistance movement in Cuba to dramatically increase in recent years.

As evidenced in this chart, from just 2004 to 2005 there was a 54 percent increase in the number of civil resistance actions reported on the island. Some of these civil resistance acts include citizens unwilling to cooperate with regime officials in repressing pro-democracy activities, and citizens boycotting regime control meetings and mass gatherings.

By supporting this amendment, the pro-democracy movement in Cuba can continue to organize, communicate their vision for the future of the Cuban people, and prepare to assume the role in the process of democratic transition.

But it is also important to realize that Cuba now is at the same stage that Spain was many years ago when they had a dictator for 40 years. The world looked to Spain and saw that many of the institutions promoting democracy prevailed. If we don't work to promote dissidents who are pro-democratic dissidents in Cuba, we're not going to have any institution when the changes for a Cuban democratic island will exist.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, the committee recommends $9 million for democracy programs in Cuba. I want to be sure that no one is misled by a claim that this is a cut. This is the same amount that the program received last year.

And last November, as has been noted, the GAO found serious problems with the administration of this program, as well as a lack of accountability which must be addressed, and this has not happened.

The report is entitled "U.S. Democracy Assistance for Cuba Needs Better Management and Oversight." So to increase the funding to almost $50 million, or by about 500 percent, is not just irresponsible, it has an Alice in Wonderland quality about it. Reward mismanagement and incompetence.

□ 1030

No, my friends. The committee has acted wisely and I applaud the committee. It is demanding a spending plan and a strategy for how the funds will be used so we no longer will be sending cashmere sweaters to the tropical island of Cuba. Yes, this actually happened. I know it is hard to believe.

This program does not need any more money. What it needs is what it has never had before, and that is vigorous congressional oversight. Why does it need oversight? There is simply no time to list all of the programs. Read the report in full measure.

But I would note that I found it particularly informative that over a 10-year period, $62 million of the $65 million in USAID grants was provided without competition. That is 95 percent of the money provided in response to unsolicited proposals with no bidding, no public notice, no compensation. No, this program doesn't need any more money. It needs oversight.

And I agree, let's listen to the dissidents like my friend Miriam Lay-VA, who is one of the founders of the Ladies in White. Here is what she says:

"There must be no funds from any government allocated to the dissidents . . . the opposition gets practically nothing and the main thing is that it gives the Cuban Government a pretext to say that we are mercenaries and put us in jail. I'm against any funds from the American Government, and I think that if it wants to help the Cuban people, it should lift the embargo and allow trade, tourism, and academic exchanges, and Cubans should be allowed to travel without restriction to the United States and send money to their families" in Cuba.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I would simply remind my colleagues what if the policies advocated by those who are against this program had succeeded during the 1980s in Poland and Eastern Europe? Just ask yourself that question and remember when we did what we are doing here in the 1980s, what happened in Eastern Europe.

Mr. Chairman, I would like to yield 1 minute to a distinguished leader and human rights activist from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding the time.

I rise in support of the amendment. I would like to first thank the gentlewoman, the chairperson, for the funding she has supplied for this program.

I believe we are at a crucial time in the southern part of our hemisphere. I believe that it will go one way or the other in the years ahead. It will either be a breeding ground for violence, trouble, and difficulty; or it will be a breeding ground for the democratic values that will make us safer and stronger and more prosperous. Cuba is not the only country that will influence that decision, but it is a pivotal country. And I think an investment in the long-term process of promoting democracy and prosperity in Cuba is not only in the best interest of the Cuban people but in the best interest of the American people.

Many of the issues that my friend from Massachusetts talked about have been addressed and corrected. But I think the largest mistake that we could make would be to avoid our responsibility and opportunity to influence positively those who wish to bring democracy and the rule of law to Cuba at this very critical time in her history.

I urge my colleagues to vote "yes" on the amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1½ minutes to the distinguished member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Chairman, I rise in opposition to this amendment, which seeks to send five times the current level of funding to so-called democracy assistance programs for Cuba. Five times the amount of money to programs that are not transparent; smack of cronyism; are noncompetitive; and, frankly speaking, foolish, corrupt, and just plain embarrassing for the United States.

How bad is this program? So bad that Cuba's courageous Catholic Church refuses to work with it. Many dissidents have told me that they think that this program is a bad idea. For Cuban opposition leaders to take money from the U.S. Government subjects them to the charge that they are somehow U.S. agents. That is not the way to promote democracy.

I support the committee bill, which keeps funding level at $9 million. It is the smart thing to do until problems outlined in the November GAO report have been addressed and the program redesigned and better managed so that it might have at least some chance of being effective.

Mr. Chairman, everyone in this House supports the work of Cuba's dissident and pro-democracy community. But we do not need to squander five times more money on leather coats, cashmere sweaters, Game Boys, crabmeat, and Godiva chocolates purchased by groups pretending to support them.

What do Godiva chocolates have to do with promoting democracy in Cuba? Come on, give me a break.

The American people want accountability, and I hope a majority in this Congress will too. Vote "no" on this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the Congressman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, at a time when the Cuban terrorist dictator and dictatorship is ailing, this bill guts the funding for the brave and heroic pro-democracy movement in Cuba.

Now, what has that money been used for in the last 10 years? This is in the report: Medicine, food and clothing for the families of political prisoners; more than 23,000 shortwave radios; hundreds of thousands of newsletters and other informational material, including books; journalism courses to more than 200 independent Cuban journalists who published almost 25,000 reports and publications from within the enslaved island.

I hold in my hand a letter from a diverse group of brave opposition leaders in Cuba making it clear that this assistance is vital and desperately needed in the effort for a free and democratic Cuba.

I read the GAO report, both the classified and unclassified parts of it, and it does state that this assistance does reach the pro-democracy movement in Cuba. And it is important to note that all of the recommendations, every single one in that report, have been implemented, unlike what you have heard today.

This is not the time to abandon those brave men and women, their families, the political prisoners, the opposition leaders, the independent journalists, labor leaders who are heroically and at a great personal risk working for a democratic transition in Cuba. This amendment, which is fully offset and CBO has scored as revenue neutral, will rectify the unconscionable betrayal and abandonment of the brave and heroic dissidents, the opposition leaders who are working under the toughest of conditions for a free and democratic Cuba.

I urge the adoption of this amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentlewoman for yielding.

The speaker just said that unless we have this amendment, this program will be gutted. The truth is the committee keeps the funding level as it is, and I think given the GAO report, that is only proper.

As my colleagues have already mentioned, the GAO report that was commissioned by myself and Congressman DELAHUNT noted that there were items purchased with the money that is supposed to go to dissidents in Cuba: a gas chainsaw, Game Boys, PlayStations, a mountain bike, leather coats, cashmere sweaters. How is that going to help the dissident community in Cuba? I would submit not very much. But yet the same ones who support increasing this funding by five times also will not support allowing individuals to visit their own family members in Cuba and take toothpaste or clothing items or even to take a fishing poll so that poor Cubans might supplement their meager diets. That, according to the group that wants to increase funding here, should be outlawed. We should continue to outlaw that but increase taxpayer funding for a program that the GAO says there was intense mismanagement, cronyism. A scathing report that came out: lack of bank reconciliations, lack of documentation to determine compliance with cost-sharing requirements, questionable travel expenses lacking adequate documentation, questionable expenses paid to family members of a grantee manager, hundreds of dollars of petty cash observed in the grantee's office that was not controlled or properly cured.

This is not a good amendment. If you believe in fiscal sanity, please defeat the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Let's see what the dissidents in Cuba, in a letter and knowing full well the risks they take by sending a letter to Members of Congress about this issue today, what they say about the aid that this program has sent to Cuba and is sending:

"We can affirm that the aid that for many years has flowed to the pro-democracy movement takes into account the vast range of needs, from medicine to keep a political prisoner or dissident from dying, to food, water filters, medical equipment, clothing, shoes, coats, toys for the children of political prisoners who suffer doubly the loss of a loved one and social repression on the streets and in school, essential vitamins, office supplies, the tools of democracy, computers printers, phones, fax machines, among others that account for the long list of articles and materials that have been made possible in Cuba."

And they thank the American people in the same way in which the people of Poland and the people of Eastern and Central Europe will be eternally grateful to the American people, including the Congress of the United States, for the support in their difficult days. The dissidents and the pro-democracy movement in Cuba thank the American people for this aid. And what President Bush has requested for the rest of the hemisphere is either being funded or exceeded, and yet for the only totalitarian police state in the hemisphere, the committee has funded it at 19 percent. That is not justifiable, Mr. Chairman. That is why we are asking for the funding fully offset to be at the requested level by the administration.

Please support this amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, let me just say very briefly, because I don't need to repeat the fact that our taxpayer dollars have spent money for cashmere sweaters, mountain bikes, and the like that really aren't doing good for our dissidents, but I want to also mention the letter that our colleagues from Florida mentioned, the one that USAID sent. It did say that this program that we have is doing some good, which is why I and my colleagues support the funding that we have in the current bill. But what was not mentioned was that in the same letter, the USAID also says that having restrictions on travel to Cuba, restrictions on sending goods to Cuba don't serve the dissidents well. So that begs the question, then. If the letter is important, the letter is important in totality.

I think because of the GAO report and the fact that we do not have good controls on the use of our taxpayer dollars that the old saying that President Reagan said "trust but verify" is very important, and it is time we verify before we send more money.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment.

Just to bring it back, one, this has nothing to do with trade. So the trade issue is not even out here. It also has nothing to do with the issue of travel, and I have asked for a visa to Cuba, and they denied me when I tried to go.

This amendment should be called not the Diaz-Balart amendment. This should be the Sharansky amendment. This should be called the Yelena Bonner amendment. This should be the Havel amendment. I just read the interview with Havel the other day.

What we want to do with this money is the same thing that was done in Eastern Europe during the days of Ronald Reagan when we brought down communism. This is what we did in Romania to bring down the Ceausescu government. So this is a major cut. The Bush administration funds this to the pro-democracy groups in Cuba. They need this for training. They need this for their journalists. They need this for technical assistance.

☐ 1045

They need this for so many other reasons. USAID reported U.S. assistance supported journalism correspondence courses for 200 Cubans; publication of 23,000 reports by independent Cuban journalists, on and on. Dissidents are routinely rounded up.

If this amendment passes, imagine how they will feel in Cuba today to know that the United States Congress stood with them. If it fails, they will be demoralized.

This is really the Sharansky amendment of 2007. This is the Havel amendment of 2007. This is the Yelena Bonner amendment of 2007. This is the amendment that we used to do in the 1980s to bring down communism, to help the civilian side, the dissidents.

This has nothing to do with travel: it shouldn't even be mixed with that. That's a mixed issue; it has nothing to do with trade. It is what do we do to help the dissidents; Armando Valadez has been in jail for almost 19 years.

And so, I would hope that we can come together and send a message that when this amendment is passed, the word goes forth as they listen to their Radio Free Cuba tomorrow to know that the United States Congress stood with them the way that they stood with Havel.

Mr. Chairman, I yield to the gentleman from Florida for the balance of the time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, Mr. WOLF has said it all. This is an amendment not only of conscience, this is an amendment to help people who are risking their lives. Thousands who are in prison, hundreds recognized as prisoners of conscience by international organizations such as Amnesty International. They are risking their lives and their families' lives to peacefully advocate for freedom and democracy as those heroes mentioned by Mr. WOLF advocated and risked their lives in Eastern and Central Europe in the 1980s, and they finally achieved freedom. And have no doubt that the dissidents in the pro-democracy movement in Cuba will be fundamental in the transition. They will be leaders in the future tomorrow, perhaps received in this Congress as the sovereign and elected leader of the Republic of Cuba, perhaps one of those political prisoners, I have no doubt, or those opposition leaders.

So it is time to help them and, as Mr. WOLF said, send a message of solidarity and not retreat at this critical time.

Mr. WOLF. Reclaiming my time, if Sharansky served in this Congress today, if Havel were serving here in this Congress today, if Yelena Bonner was serving in this Congress today, Yelena Bonner and Sharansky and Havel would be for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Before I yield to my colleague, I would like to respond to my good friend, the ranking member, concerning his concern about the impact on the dissidents. I would daresay as an American who is proud of our values, if we open travel and communication and trade between the United States and Cuba, they would really understand what it's like to be an American. And I feel that's the best way to free the dissidents and to create an open and democratic society.

Mr. Chairman, I am very proud to yield to my good friend, Mr. DELAHUNT.

Mr. DELAHUNT. I thank the gentlelady for yielding, and I yield as much time as she may consume to the gentlelady from Missouri.

Mrs. EMERSON. Mr. Chairman, I misspoke, and I need to make a correction for that.

When I was quoting about the restrictions, the people who wanted to remove the restrictions, I meant to say it was a letter from the dissidents, the Cuban dissidents, to us.

And also, I might add that the title of the report that our colleague from Florida cited is entitled, "U.S. Democratic Assistance for Cuba Needs Better Management and Oversight," which is why the committee report funding at $9 million is the right course today.

Mr. DELAHUNT. In response to the ranking member, I don't disagree when he suggests that we listen to the dissidents because they're on the island, they're fighting the good fight, not from the safety of Washington or Boston or Miami, but they're there. Let's start to listen to them.

This was a statement that was released by four of them, prominent and well respected, on the island. It is a statement that was signed by Marta Beatriz Roque, Jisela Delgado, Elizardo Sanchez and Vladimiro Roca. Let's listen to what they say. Let's not reach our own conclusions here in this House without listening to what they say.

"We consider it very important to achieve greater efficiency in the use of these funds. We believe that one possible way to achieve this would be the elimination of a series of existing restrictions on the sending of aid and travel to Cuba, which doesn't at all help the pro-democracy struggle that we are carrying out inside our country."

With all due respect to the gentleman from Virginia, it is about travel, it is about the embargo, because that's what the dissidents are saying to us here, and we ought to listen to them.

Mr. Chairman, I yield to my friend and colleague from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. And not only listen to the dissidents, but listen to the courageous Catholic Church in Cuba, which refuses to participate in this program.

We have had a policy for 50 years that has failed, it has been a failure. This is a continuation of the same old, same old. But even if you want to go down that road, the reason why you should oppose this amendment is because this program has been plagued with corruption and cronyism. We have used taxpayer moneys to buy Godiva chocolates and cashmere sweaters. I mean, come on. That is not a way to support dissidents. That is not a way to support the struggling democratic movement in Cuba. This program has been mismanaged. It is up to the Members of this Congress to make sure we do the proper oversight to make sure that we're not wasting taxpayers' money.

Mr. DELAHUNT. I thank my colleague for the statement.

Mr. FARR. Mr. Chairman, I call on Castro to not fear political dissidents in Cuba, nor free press, nor trade or travel with the U.S. But I also call on our government to consider the following: the U.S. has tried 45 years of an embargo and restrictive travel; the State Department has tried democracy assistance programs; and, the Treasury Department has tried restricting U.S. farmers from easily selling their products to Cuban consumers.

All these U.S. government policies have failed to bring about a change of leadership in Cuba. Unfortunately throwing more money at TV Martí or democracy programs is not going to bring about a real change in Cuba. Real change can only be brought about by revolutionizing U.S. policy towards Cuba. Lifting the travel embargo—allowing for the free exchange of ideas and people between our country and Cuba—that's how we will support Cuban political discourse! That's how we will support freedom of expression in Cuba. Support lifting the embargo—vote against the Diaz-Balart amendment and support a saner policy towards Cuba!

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 2, line 22, after the dollar amount, insert "(reduced by $158,000,000)".

Page 40, line 26, after the dollar amount, insert "(increased by $140,000,000)".

Page 58, line 18, after the dollar amount, insert "(increased by $16,000,000)".

Page 63, line 23, after the dollar amount, insert "(increased by $2,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this restores $156 million of the $458 million that was cut. The amendment that we're going to offer today is in compliance with the Iraq Study Group.

Now, about 226 Members of this body said they favor the Iraq Study Group. What this does is this puts money back in for demining. If you listen to the news today, there were 13 killed with regard to IEDs in the effort for demining. This also puts money in for training for human rights.

Now, whether you want to go out today or whether you want to do whatever you want to do, we still need training for human rights, we still need training for capacity for democracy and governance, we still need ways for reconciliation to bring the parties together. We are always hearing about the differences between the different factions. That's what this money is for.

The administration originally asked for $458 million. We knocked it down. We brought them in and said, what do you really need? They said, this is what we really need.

This amendment is what the Iraq Study Group recommended. The Iraq Study Group recommendation number 6 says, "Building the capacity of the Iraqi Government should be at the heart of U.S. reconstruction efforts, and capacity building demands additional U.S. resources." That's what this is on.

I urge Members on both sides, this ought not be a political issue or partisan issue, to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from New York is recognized for 10 minutes.

Mrs. LOWEY. With great respect for my good friend and ranking member, Mr. WOLF, we have just provided $2.863 billion in emergency supplemental appropriations for Iraq, diplomatic operations and reconstruction.

In addition, there are $3 billion for unexpended IRF funds. This amendment is requesting $140 million in additional funding for democracy, rule of law and governance programs. The supplemental provided $250 million for democracy activities, $67.6 million for civil society, $57.4 million for targeted development, $125 million in governance programs, and $150 million in rule of law activities.

The amendment is also requesting $16 million in additional funding for nonproliferation, anti-terrorism and demining activities. The recently passed supplemental provided $7 million for demining in Iraq.

Additionally, nowhere in this bill is there language restricting funding for humanitarian activities in Iraq. In my judgment, the administration should substantially expend the funds we have provided before Congress provides additional funding for the same purposes.

And lastly, if the situation on the ground changes and our assistance can be used to make substantial achievements, we can address funding for Iraq as the President has requested, $2.893 billion in emergency appropriations for diplomatic operations and reconstruction in Iraq in fiscal year 2008.

So, my colleagues, my good friend is requesting $158 million for purposes that have already been funded in a $2.8 billion supplemental. And there is another $2.893 billion supplemental coming up in September. I know that $158 million can be used for the tremendous needs around the world.

I strongly oppose this amendment, and I ask that my colleagues join me.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. McCAUL of Texas. Mr. Chairman, I rise today in strong support of this amendment offered by Mr. WOLF of Virginia to restore $158 million to this bill for democracy, governance, rule of law and human rights programs. In addition, it will fund nonproliferation and anti-terrorist programs.

Mr. Chairman, the debate in this Chamber over the future of Iraq and the best course of action has been passionate and divisive. Each Member of this House has their own opinion, yet the one thing we should be united on is that our end goal should be the same, a secure and stable Iraq.

Unfortunately, this bill predetermines failure by cutting off all funds to important democracy-building programs in Iraq. The majority has chosen to use this bill, as they have attempted several times already this year, to force a premature end to Iraq's pursuit of freedom and democracy. This will only lead to chaos and instability in the region.

As a consultant to the Iraq Study Group, along with Mr. WOLF of Virginia, we introduced a bipartisan bill, the Iraq Study Group Recommendations Implementation Act of 2007 which provides a comprehensive set of recommendations and a plan of action to succeed in Iraq. Included in these recommendations are suggestions for funding democracy, governance and rule of law, all the items that are funded by this amendment.

This bill has garnered 52 cosponsors from both sides of the aisle, who have recognized the potential we have by implementing these recommendations together and moving forward as a united Congress. If we allow this bill to pass without the money for building an Iraq democracy, we condemn our mission to failure and declare that the sacrifices we made over the past several years were in vain. It will also squander any opportunity we have to give the Iraq Study Group recommendations a chance to succeed.

I strongly urge my colleagues to support the Wolf amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 4 minutes to the vice chair of this committee, my distinguished friend, Mr. JACKSON.

Mr. JACKSON of Illinois. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to this amendment.

We have just provided $2.863 billion in emergency supplemental appropriations for Iraq's diplomatic operations and reconstruction. As the gentleman has accurately noted in committee, the funding in this supplemental is tied up due to benchmarks; benchmarks that reflect the will of the American people and the Congress; benchmarks that presumably reflect the President's concurrence, as he signed them into law; benchmarks that can be argued are in the best interest of Iraq in becoming a stable democracy.

☐ 1100

Furthermore, I believe the gentleman's argument is not valid, as the $2.863 billion we just provided will be available long before this bill comes back from the President's desk signed. Additionally, while I believe we provided sufficient funds for Iraq, I want to point out that the administration should substantially expend the funds that we have provided before Congress provides additional funding for the exact same purposes. Besides, Congress provided an extension of the authority to deobligate and then to reobligate prior-year appropriations to the Iraq Relief Construction Fund, which, as of May 1, 2007, had $3.119 billion in unexpended balances.

In the committee, the gentleman raised the issue of visible support, as my last colleague raised in his remarks. I take a little bit of offense to that, because I think that every day our troops, our diplomats and aid workers are in harm's way, we show the greatest levels of support. What's more, none of the funding in the gentleman's amendment would go towards providing a safer environment for our men and women serving in the country of Iraq. We just provided $2.863 billion.

So let's take the gentleman's amendment apart for a moment and be clear on what we are considering. This amendment is requesting $140 million in additional funding for democracy, rule of law and governance programs. The supplemental provides $250 million for democracy activities; $67.6 million for civil society, and $57.4 million targeted for development, $125 million in governance programs, and $150 million in rule of law activities.

On page 58, line 18, the amendment is requesting $16 million in additional funding for nonproliferation, anti-terrorism, and demining activities. I want to make a couple of points about that.

The recently passed supplemental provided $7 million for demining in Iraq. We do not appropriate nonproliferation, anti-terrorism, demining-related program accounts by country. We appropriate this account by program to allow the administration the flexibility to adjust to emerging priorities and opportunities. This amendment would seek to change that and radically affects how the President performs his duties.

Additionally, this bill, and I want to emphasize this, this bill for the first time fully funds the President's request for NADR, something I would note that my colleagues on the other side of the aisle could not claim when they were in the majority. The humanitarian demining account is funded at the President's requested level of $56.5 million. It does not need further funding.

On page 63, line 23, of the gentleman's amendment, where he requests an additional $2 million, the amendment is requesting this $2 million for foreign language training of Iraqi Security Forces. To date, we have provided $18 billion in training for the Iraqi Security Forces. $2 million. Where does this figure come from? We have provided $18 billion, and, now the distinguished ranking member seeks an additional $2 million.

We have provided sufficient funding. Most of these accounts and numbers are unexpended. The administration should substantially expend those funds we have provided before Congress provides additional funding for the exact same purposes, Mr. Chairman.

Lastly, what is more, none of the funding in the gentleman's amendment would go toward providing a safer environment for our men and women serving in the country of Iraq.

Mr. Chairman, I thank the gentlelady from New York (Mrs. LOWEY) for yielding.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I thank our ranking member for yielding time to me.

Mr. Chairman, while there are many disagreements about policy in Iraq, we can all agree that a military solution is insufficient. More evidence is clearly needed on the political, diplomatic, and economic fronts. But I have concerns about what I am hearing from across the aisle. Given the history, if we look back at the CR at the beginning of the year, there is a lack of clarity about how funds could be used by our State Department.

Furthermore, we saw a marked reduction in human intelligence funding in the Intelligence authorization bill. In the supplemental, economic support funds were basically withheld. But some funding was restored through administration waivers. And now, in this bill, economic stabilization funds were basically zeroed.

Mr. Chairman, I thank our colleague, our ranking member, for trying in subcommittee and in full committee to restore this funding. With this amendment, which I believe is very essential to success in Iraq, he has put forth this effort. This funding is clearly important if we are going to fund the political and economic endeavor in Iraq. The State Department cannot complete its planning and implementation of phase three of putting together these provincial reconstruction teams which are absolutely necessary to the success of the mission. So it is clear that we need for this amendment to pass to allow the State Department to plan and move.

In the post-Cold War environment, we have grave responsibilities as a Nation. Yet we are refusing to fund our State Department worthy of this position of responsibility. The United Kingdom alone, which has one-fifth the population of the United States, has 5,600 diplomats worldwide and 130,000 troops. The U.S. has a mere 6,500 diplomats worldwide with 1.4 million troops, 2.5 million if you count our Reserves.

Mr. Chairman, I urge the adoption of this amendment. Clearly, it is the responsible thing to do to move forward. It restores $140 million in economic support funds, $16 million in nonproliferation, anti-terrorism and demining efforts, a critical, critical piece to this, and $2 million to increase international military education and training.

Mr. Chairman, this amendment is a responsible thing to do. I urge all of our colleagues on both sides of the aisle to support this amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, I have a question for Mr. BOUSTANY, my good friend, and the ranking member. I believe, Mr. BOUSTANY, that you recommended that we fund this $158 million. Yet this amendment takes the money away from the State Department. Ambassador Ryan Crocker is doing a superb job. We just appropriated $2.8 billion in the supplemental. The American people have requested, and this Congress has requested, that we see some response to the benchmarks, that we see some response on the part of the Iraqi Government to the benchmarks that have been put in place.

So if I understand correctly, even though the supplemental funded, and I am not going to repeat it, every single category that my dear friend, the ranking member and my friend, Mr. BOUSTANY, are advocating for, you want to fund $158 million with funds from the State Department which are supporting Ambassador Ryan Crocker and other ambassadors around the world who are doing such an amazing job representing us.

Mr. Chairman, I really think there is a disconnect here. I want you to know that for those of us who are opposing this amendment, with great respect, again, to my ranking member, we feel that the supplemental that has passed and the $2.8 billion that is coming up in September requested by the administration can address these issues if, in fact, there is an understanding that they are not being funded adequately.

So, again, I strongly object to this amendment. I strongly object to taking funds away from Ambassador Ryan Crocker and our other ambassadors around the world and representatives of the State Department.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Virginia. I think it is important to focus on this debate. There is no challenge greater than this facing America right now. It is vitally important that we succeed in Iraq and allow that nation to establish a democracy. I hear on the other side that, well, we have amply funded this already.

We are imposing dramatic increases in spending in thousands of other areas, a 56 percent increase in HIV/AIDS funding alone. What message do we send if we reduce spending in this area at this time? I would argue that whether you want out of Iraq tonight or whether you support the current course, it is vitally important that we send every message we possibly can to the Iraqi people and to our Nation that we are doing everything we can to support democracy.

□ 1115

That is what these funds are for. Of course, other funds have been spent, but these funds continue the effort to tell the Iraqi people we stand with them. These are funds for domestic purposes, for their security, for governance and for rule of law. I believe it is vitally important, indeed critically important for our Nation, that we fund this money now. I rise in strong support of the gentleman's amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just for the record, did the gentleman from Arizona (Mr. SHADEGG) suggest that we decrease the money for HIV–AIDS around the world?

Mr. SHADEGG. Mr. Chairman, if the gentlewoman will yield. No, we are increasing it.

Mrs. LOWEY. I thought you were suggesting that you didn't think that was a good idea; that it was more important to add to the $2.8 billion another $158 million and take it from the HIV funds. If I misunderstood, I apologize.

Mr. SHADEGG. Mr. Chairman, if the gentlewoman will yield further, by no means was I suggesting we should not be doing that. In fact, that is a discussion for another day. What I was suggesting is that there are many places where we are increasing spending even more dramatically than is suggested by the gentleman's amendment here for what I believe is a vitally important purpose, which is democracy, rule of law and governance in Iraq.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, so the gentleman believes that the $2.8 billion in the supplemental is not adequate and we must add $158 million now, even though there is another $2.8 billion supplement requested by the President for the fall.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished chairwoman for yielding me the time.

The question here is one of unexpended balances. The amendment is requesting an additional $140 million for rule of law democracy-related programs, but the supplemental that is still warm on the President's desk provided $250 million for those democracy activities, and they have not been expended; $67.6 million for civil society and $57.4 million targeted for development for $125 million in governance programs, and they still haven't been expended; $150 million in rule of law activities that have not been expended as we move forward with the surge.

So, Mr. Chairman, it is premature to request $140 million additional dollars, page 40, line 26 of the gentleman's amendment, for moneys that have not been expended that the Congress just voted on in this particular bill. The same can be said of the gentleman's request on page 58, line 18, and page 63, line 23, $2 million. We have $18 billion to date appropriated for Iraqi Security Forces. Where does the figure $2 million come from? It comes from nowhere, Mr. Chairman.

Support the chairwoman's request to defeat this amendment.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS). Members should know that Mr. SHAYS has been to Iraq 17 times and has been outside the umbrella of the military four times, and probably understands this issue in the Congress probably better than anybody else.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding.

First I want to salute Mrs. LOWEY. I think you have done a very fine job on this legislation. I know you are focused on a lot of issues, and I congratulate you for that.

We have disagreement on a few items in a very significant bill. I have strong concern about the lack of any dollars for economic development in the fiscal year 2008 budget, and that is what we are talking about. We are not talking about an emergency supplemental, which, by the way, has lots of strings attached, which may mean, ironically, money may not be spent ever.

We Republicans and Democrats, want to succeed in Iraq, economically, politically, socially and militarily. We want to succeed. The challenge is I feel like we are pulling the rug out from under the chance to succeed economically and politically.

The reason why I say "politically" is I have been there before, during and after the elections. This money helped educate the Iraqis on how to have elections. They did their elections better than we do our elections in the United States.

When I was outside the umbrella of the military, people would say, why have you put my father, my uncle, my brother, my cousin, my son out of work, when we abolished all of their military. So when I hear we spent $18 billion to reconstitute their military, that is not a large number. It is money that had to be used because of what we did. We attacked them. They did not attack us.

We have a moral obligation, I believe, to put Iraq in a better place. If we don't do it economically and politically, any effort militarily fails.

I mean no disrespect, but it is almost like there is an interest in having Iraq fail, so all the predictions that it will fail will be proven right. We need to prove ourselves wrong. We need to succeed.

These dollars should be, in my judgment, in the 2008 account, not in an emergency supplemental, whether now or in the future. The administration asked for $458 million. We asked the NGO's to say, what are your absolute needs for economic support, the rule of law, governance and democracy? And they have come back to us and said, we need $158 million.

I just hope that the gentlewoman in her wisdom will reconsider her decisions.

Mrs. LOWEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, with great respect, again, for our ranking member and for my friend Mr. SHAYS, who I know has been to Iraq many times, I do hope that in light of the supplemental, which has been funded at $2.8 billion, and an additional supplemental which will be presented to the Congress in September for another $2.8 billion, we won't cut the rug from under our good friend, the competent Ambassador Ryan Crocker, and take this $158 million from the State Department for several lines that have been funded already in the supplemental. I won't go through that again.

Mr. Ryan Crocker represents us, and I am so proud of his good work. I would like to support him and the other good men and women in the State Department around the world.

So let's defeat this amendment. I urge my colleagues to vote against this amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlelady from Miami, Ms. ILEANA ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I fully support the amendment offered by my good friend from Virginia (Mr. WOLF). This amendment gives vital assistance for demining, counterterrorism, rule of law programs, funding for Iraq military training and international human rights. We must remain committed to assisting the development of Iraq into a nation that is capable of governing itself, sustaining itself, defending itself and independently taking all necessary actions to root out terrorists and militias that seek to undermine the transition to a free and sovereign Iraqi Government, continue to promote democracy and the rule of law, continue to provide necessary services to the people of Iraq and maintain the authority of the Government of Iraq in all parts of its national territory.

My colleagues seek to cut integral components of our effort for cooperation and coordination with Iraqi leaders. Mr. WOLF's amendment correctly is aimed at strengthening the Iraqi Government to make sure that that nation can truly become self-reliant and stable, and not count on the U.S. as a blank check any longer.

Mr. WOLF. Mr. Chairman, reclaiming my time, just in closing, the gentlewoman has been very good, and I appreciate the work of Mrs. LOWEY on a lot of the issues. As Mr. SHAYS said, there are a lot of good things in the bill.

This, in closing, deals with the whole issue of demining, human rights training, criminal justice, rule of law and human rights. None of these things really ought to be controversial for anybody, whatever their position. Also they fit into the recommendations of the Iraq Study Group.

I think to offer an opportunity to heal and to build the private sector, the civilian sector in Iraq on these issues of human rights training is important, so when the United States is out, there will be respect for human rights, there will be criminal justice, there will be rule of law.

Mr. Chairman, I urge an "aye" vote.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding. I guess I am asking him to yield really to a question so I can have a better understanding of the gentleman's amendment.

Is it the intent of the gentleman's amendment that these funds would somehow not be subject to the benchmarks established in the supplemental bill for funding and future funding in Iraq? Is this around the benchmarks?

Mr. WOLF. Mr. Chairman, reclaiming my time, I believe they would be. The reason we did this, I will tell my friend from Illinois, is when the $458 million was cut, we asked the administration to come up and tell us what they really needed, because we said this is a very difficult issue. The gentlewoman put a lot of programs with good money in. What do you honestly need? So everything would be in compliance with the benchmarks. But it would also give them the initial funding. They said, we actually need this $158 million.

But they would be, to answer your question, in compliance.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman would continue to yield, if in fact, I certainly hope the Iraqi Government is able to achieve the benchmarks, but if in fact, for whatever reason, they are unsuccessful in achieving the benchmarks and the Congress of the United States is to recontemplate elements of the supplemental and additional funding for the efforts in Iraq, does this gentleman's amendment appropriate dollars that are not subject to the specific requirements of the benchmarks established in the supplemental? Is this a funding in addition to that funding?

Mr. WOLF. Mr. Chairman, reclaiming my time, this is fiscal year 2008, and these would be all issues that I think everybody on both sides, Republican, Democrat, independent, moderate, conservative, would be for.

If you go out on the street and say do you favor funding in the 2008 bill for demining, I think you would get a 90–10 yes. If you said do you favor funding for human rights training or whatever the case may be, people would say yes. Do you favor funding with regard to the human rights rule of law, they would say yes.

This is what the administration and the State Department, not so much the administration, the State Department really felt they would need.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

Page 2, line 22, after the dollar amount insert "(reduced by $1,000,000)".

Page 17, line 19, after the dollar amount insert "(increased by $1,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would provide $1 million to the U.S. Institute of Peace, referred to as USIP, for the purposes of reestablishing the Iraq Study Group (ISG). We want the ISG to revisit Iraq to evaluate the condition in Iraq 1 year later, to look at their findings and compare them to a year ago, and to look at their recommendations to see where they might alter them. That is what the amendment does.

I have spoken to Richard Solomon at the U.S. Institute of Peace, who said the Institute is prepared to do this, to reconstitute its expert working groups.

This would be done at the same time that we are going to hear from Ambassador Ryan Crocker and General David Petraeus, who will be giving us their findings. But the Institute wanted to make clear they would not be there to look at and evaluate the Crocker-Petraeus findings and recommendations, but it would simply be a report that would be provided at the same time to which people then could compare.

I spoke to one of the principals of the Iraq Study Group, Lee Hamilton. He said he is willing to take this effort on, provided it is to review what they did, to look at what has taken place in Iraq, to review their observations, their findings and their recommendations, but they would not be eager to take the Petraeus-Crocker report and analyze it. It would be done so there would be two instruments that Congress could look at.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in support of the gentleman's amendment and ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, this amendment will move $1 million from the Diplomatic and Consular Programs account to the United States Institute for Peace to reconstitute the Iraq Study Group. Although I feel compelled to point out the likelihood that by the time this bill is signed into law, the study on the effectiveness of the President's surge in Iraq will have passed, but, nevertheless, I support this amendment because I feel there is value added to reconstituting the Iraq Study Group, something that our ranking member continues to deserve kudos for establishing in the first place.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds to say to the gentlewoman, thank you very much. I would point out that the Iraq Study Group was an instrument created by both sides of the aisle, but particularly by Mr. WOLF. It is a bipartisan effort, and it would be good to continue this bipartisan effort.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman.

Mr. Chairman, I want to thank the chairwoman for accepting the amendment. I appreciate it very much. I thank Mr. SHAYS for offering it. I think this is really the way the country is going to go.

There may be a vote here. Mr. UDALL and other Members, along with Mr. SHAYS and Mr. MCCAUL, have a bill in to make the Iraq study the policy for the Nation.

I want to thank the gentlewoman for accepting it and thank Mr. SHAYS.

Mrs. LOWEY. Mr. Chairman, I just want to close by thanking Mr. SHAYS again and my distinguished ranking member, who deserves our praise for establishing the Iraq Study Group in the first place. I thank you both.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today to express my strong support for this amendment.

U.S. Ambassador Ryan Crocker and Multi-National Force Commander General David Petraeus will provide an assessment of Iraq this fall.

The assessment will include the military, economic and political situation in Iraq.

The assessment will be a key determinant for future U.S. involvement.

The debate over what to do in Iraq will continue and the Crocker-Petraeus assessment will be challenged.

If the report is positive Crocker and Petraeus must provide specific signs of progress and lay out in detail how long and how many troops will be needed in Iraq.

If the report is negative then Crocker and Petraeus should provide definitive steps on a phased withdrawal plan that reduces the number of lives lost.

Whatever the outcome of the Crocker-Petraeus assessment we need an independent validation of the assessment.

This is why I am supporting Mr. Shays' amendment to reconstitute the Iraq Study Group.

This bipartisan group, that provided observations and recommendations to the President last December concerning the situation in Iraq would be reengaged and provide the American people a bipartisan perspective of what we can expect for the future of Iraq.

With all the partisan debate we witness week in and week out in Washington, we must reconstitute this nonpartisan group, which has as its only goal, moving forward American interests.

Mr. Chairman, it is time we come together and support this amendment to provide a bipartisan assessment of the situation in Iraq.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I thank Representative LOWEY and Representative WOLF, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

The Clerk will read.

The Clerk read as follows:

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $59,062,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $32,508,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $501,400,000, to remain available until expended: *Provided*, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized: *Provided further*, That of the amount made available under this heading, $6,000,000 shall be transferred to the Fund established by section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151).

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $28,000,000, to remain available until September 30, 2009.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $729,898,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $806,900,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $14,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with funds in the "Diplomatic and Consular Programs" account.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,351,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,354,400,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2008–2009 to exceed the revised United Nations budget level for the biennium 2006–2007 of $4,173,895,900: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 8, line 18, after the dollar amount, insert "(reduced by $20,000,000)".

Page 58, line 18, after the dollar amount, insert "(increased by $20,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, my amendment will increase our funding of international counterterrorist programs, while also calling out the United Nations for its continued reluctance to recognize and fight international terrorism.

We are at war with an enemy whose tactics not only involve the destruction of non-combatants, women, little children, people just trying to work or buying something at the market; their tactics depend on such destruction.

□ 1130

Terrorists disregard the rules of warfare and strike at pure innocents. They wear no uniform and often do not even care about saving their own lives. Despite the fact that the world is in the throes of the violence of terrorism, the U.N. has done so very little to fight this threat on humanity.

The U.N. marks progress against terrorism by how many committees they have formed and how many documents have been signed. We need a world body that does not consider an expanded bureaucracy as success. We need a world body that is a partner in the war on terror.

Instead, the U.N. spends its time passing toothless resolutions on counterterrorism that even countries such as Iran, Libya, and Syria can support. These nations will continue to funnel money to terrorist organizations like Hamas, Hezbollah, and the Mahdi Army knowing that there will be absolutely no repercussions from the U.N.

My amendment proposes to shift $20 million, approximately 3 percent of the U.S. contribution to the U.N., to anti-terrorism assistance programs. If the U.N. is unwilling to join the fight against terrorism, we should reallocate our dollars, reallocate a portion of the funds intended for them to programs which are truly working to bring real peace to the world.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. This amendment would cut $20 million from the contributions for international organizations. The question posed by this amendment is straightforward: Do you want to take funds away from an account that is saving lives every day around the world?

Former Defense Secretary Donald Rumsfeld last year told Senate appropriators that U.N. peacekeeping was an example of the benefit of empowering partner nations, and it would cost the United States taxpayers almost eight times as much.

Mr. GARRETT of New Jersey. Would the gentlelady from New York yield for a clarification?

Mrs. LOWEY. Of course.

Mr. GARRETT of New Jersey. This amendment is not as to where our funds are coming from.

Mrs. LOWEY. I apologize, we were responding to another amendment. Would the gentleman please clarify your amendment so we can direct our debate to the appropriate amendment. Is this the one you are going to offer and withdraw?

Mr. GARRETT of New Jersey. Exactly.

Mrs. LOWEY. I would be delighted to respond to you then. I thank the gentleman for withdrawing the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I have not yet officially withdrawn my amendment. I would appreciate a comment from the gentlelady with regard to her support in general of our ideas on this amendment and the agreeability to work together to achieve what we are aiming for in this regard.

Mrs. LOWEY. Would the gentleman from New Jersey yield?

Mr. GARRETT of New Jersey. I yield to the gentlelady.

Mrs. LOWEY. I really do apologize to the gentleman because the order of the amendments was changed.

Mr. GARRETT of New Jersey. I understand.

Mrs. LOWEY. And international peacekeeping is very important to me, but as soon as I understand what your amendment is that you are going to withdraw, I would be delighted to comment on the gentleman's amendment.

Could the gentleman redesignate the amendment? There seems to be a question. My comments were concerning the amendment to cut CIPA. May I have some clarification on what amendment we are discussing?

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

Mr. GARRETT of New Jersey. Mr. Chairman, hopefully that redesignation is a clarification.

What we are trying to do is not, as in a subsequent amendment where we will be taking funds from the peacekeeping mission, which is what the gentlelady was referring to here, instead is to take money from the U.N. international organization line and redesignate those $20 million to join us in the fight against terrorism.

As my opening comments to the Chair stated, the U.N. has done a woefully poor job when it comes to fighting terrorism around the world. We only have to look at the situation in the Sudan and Darfur, where they are not even able at this late date to define and tell us a genocide is going on. My goodness, the U.N. has not been able to grapple with the definition of what a genocide is, let alone take responsive action to try to bring it to an end.

Likewise in the area of terrorism, the U.N. has again willfully and woefully failed to step up to the plate and be an instrument in fighting terrorism with so many of the world nations, the United States obviously taking a lead in that course.

If the U.N. is not going to be the international body to step up and take affirmative action in these areas, I think it is incumbent upon us here in this House to make sure that our dollars, our limited American taxpayer dollars, do not go to an organization, the U.N., an international body that is not getting the job done; but instead, to reallocate those dollars, to reallocate $20 million. That is only 3 percent of the U.S. contributions to the U.N. to antiterrorism assistance.

Homeland security, fighting terrorism, is one of the hallmark principles that I came to Congress to work on and to achieve end results on, and this amendment to this legislation will go to that end.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentleman from New Jersey.

I do believe that nuclear nonproliferation must be a key focus of this committee and this Congress. In fact, in this bill because of the recommendations of so many members of our subcommittee and Members of Congress, we have increased money for nuclear nonproliferation efforts. So I look forward to working with the gentleman on this issue as we move ahead.

However, I do think that your offset, taking money from U.N. dues, is actually unwise and not a very good policy decision.

Many people have criticized the U.N., want to disband the U.N., want to cut off dues to the U.N., and then when we need the U.N., they wonder: What are we going to do if we didn't have a United Nations?

I look forward to working with the gentleman from New Jersey in strengthening the committees of the U.N. and working together to face the tremendous challenges we have internationally. So I support the gentleman's concerns about nuclear nonproliferation, and I look forward to working with the gentleman; but I strongly oppose taking the money from U.N. dues.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, let me be clear, we are in opposition to the gentleman's amendment. I understand that the gentleman is going to withdraw his amendment, but let me be clear, the various international organizations for which this account is designated and the dues that we pay not only to the U.N. but to other member organizations that our country is a part of, believe me when I tell you, the State Department has made it very clear in each of those organizations that we are in a global war on terror and our contributions to those organizations, part of our mandatory obligations to those organizations for which the gentleman seeks to cut funding, would quite frankly undermine our ability to maintain our own status within those international organizations as we try to direct the global war on terror.

The spirit of the gentleman's amendment, some aspects of it are actually covered in the supplemental bill and some aspects of it are obviously covered in our bill, is something that is very difficult to argue against, an additional $20 million for demining activities. Part of this amendment was offered by the gentleman from Virginia (Mr. WOLF) in his amendment, and it is something in principle that we can support.

Sufficient in this bill are the resources to advance democracy activities and demining activities, but by cutting aid to international organizations and contributions, cutting our contribution, our mandatory contribution to those organizations, is something that I believe the chairman and the majority would reject.

Mr. GARRETT of New Jersey. Mr. Chairman, I respectfully understand there was a misunderstanding as to which amendment we were dealing with, and I appreciate the Chairman redesignating the amendment.

The previous speaker made reference to ending nuclear nonproliferation and the like. Again, this amendment does not go to that point. This amendment simply goes to the point of taking money from the international organizations funds and trying to fight terrorism.

With that, Mr. Chairman, I yield back the balance of my time, and I do not withdraw the amendment.

The Acting CHAIRMAN. All time for debate has expired.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. JACKSON of Illinois. Is my understanding correct that the gentleman was going to withdraw his amendment, and now he is not going to withdraw his amendment?

The Acting CHAIRMAN. The gentleman has not withdrawn his amendment.

Mr. JACKSON of Illinois. Then let me make it clear on behalf of the distinguished chairman and the committee that we rise in opposition to this amendment.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. FOXX:

Page 8, line 18, after the dollar amount, insert "(reduced by $203,082,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, the amendment I am offering would restore the funding level for international organizations provided in this bill to the fiscal year 2007 level.

The purpose of my amendment is twofold. First, it would help bring accountability to organizations that have demonstrated limited effectiveness. Second, this amendment would help control the out-of-control Federal deficit.

This keeps the funding level at last year's level, which was very reasonable. In fiscal year 2006, total interest payments on Treasury debt securities amounted to $405.9 billion, or about 14 percent of Federal outlays. That amounts to 1.7 percent of the U.S. GDP. Translated, that means 1.7 cents of every dollar produced by Americans is used to pay interest on the Federal debt.

As a percentage of GDP, the Federal debt ratio is larger for the United States than it is in Finland, Ireland, Spain, Switzerland and the United Kingdom. By any measure, it should be clear to any responsible fiscal steward that Congress needs to do more to control deficit spending to help reduce the Federal debt.

My amendment would take a small but much-needed step in that direction. With a little help from the majority party in Congress, we could reduce unnecessary spending and return more money to the American people who earned it in the first place.

Second, I wonder what our constituents would think if they knew they were being forced to pay millions for perpetual, never-ending funding increases for organizations such as the International Bureau for Weights and Measures, the International Coffee Association, the International Copper Study Group, the International Hydrographic Organization, the International Lead and Zinc Study Group, the International Rubber Study Group, and the World Organization for Animal Health.

Given the tremendous amount of funding contained in the bill for the United Nations, I am particularly interested in encouraging that body to reexamine its spending habits so it can be more effective at fulfilling its mission.

□ 1145

As most would agree, the purpose of the United Nations is to help promote peace and security throughout the world. However, it has obviously failed miserably in that respect. Iran's nuclear weapons program is still chugging along at a rapid pace, threatening Israel and the entire region. Genocide persists in Sudan. All of the minds at the United Nations can't even agree on a definition for the word "terrorism" in an age where terrorism remains one of the biggest threats to humanity and civilization.

Furthermore, despite the implicit purpose of the United Nations Human Rights Council to promote global human rights, this body has among its membership notorious human rights abusers such as Angola, China, Cuba, Egypt, Russia and Saudi Arabia. Iran serves as the Vice Chair of the U.N. Disarmament Commission, Syria is the Rapporteur of the U.N. Disarmament Commission, Zimbabwe is the Chair of the U.N. Commission on Sustainable Development, and Sudan serves on the Executive Committee of the U.N. High Commissioner for Refugees.

And if that wasn't enough, an examination of a ranked list of countries subject to the most U.N. condemnation for human rights violations in 2006 reveals Israel ranking first, having received 135 actions, nearly twice as many as Sudan, the next country listed, and more than the number of actions directed at Iran, China, Colombia, Cuba, Saudi Arabia and Syria combined. The United States ranks fourth on this list, having been subject to 38 actions. This indicates that the United Nations is more interested in condemning Israel and the United States than it is in horrendous human rights abusers throughout the world.

With that being said, the part of my amendment that should draw support from both sides of the aisle is the fact that my amendment doesn't cut a dollar from U.S. spending on international organizations. My amendment simply maintains the fiscal year 2007 level. By holding the line on spending, Congress can have another year to work on balancing the books and finding other ways to fund the increased spending proposals contained in the underlying bill.

Mr. Chairman, at a time when Americans are being asked to do more with their budgets, it is only reasonable to expect the same out of those who benefit from generous American donations. That is why it should be clear to all of my colleagues why they should support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. This amendment would cut $203 million from our contribution to international organizations. This amendment fails to realistically address the effect our arrears have on our standing in the world community. At a time when the United States is increasingly relying on international organizations to further our security interests around the world, shortchanging our treaty-obligated contributions to these organizations undercuts our foreign policy goals and undermines our reputation around the world. It also countermands our new Ambassador Zalmay Khalilzad's call to pay our dues in full and on time. As of today, the United States is $291 million in arrears at the U.N. for regular budget contributions alone. The United States has chosen to belong to each of these organizations. They leverage U.S. taxpayer dollars and advance a wide range of U.S. foreign policy objectives, including monitoring nuclear proliferation through the IAEA, creating norms for international telecommunications through the ITU, and fending off global pandemics through the WHO.

The administration and the Congress have underfunded and cut this account in recent years. This amendment would continue this trend. The United States has an $80 million deficit in the CIO account and the State Department is paying U.S. dues late or incurring arrears in virtually every organization in this account. Shortfalls to the CIO account in 2006 caused the State Department to pay all of its regular dues to the IAEA almost a full year late, even as we relied on that organization to track nuclear developments in Iran and North Korea; pay dues to our allies in the OECD almost a year late; pay all of our dues to the WHO about a year late, even as we asked WHO to help contain avian flu; and pay the vast majority of our regular dues to NATO a year or so late, even as we relied on that organization to shore up security in Afghanistan.

This amendment has no appreciation of the influence this increasing trend of paying late and underfunding international organizations has on our ability to sway others and it is difficult to justify why our priorities should be given full consideration when we chronically pay our dues late. Paying these international organizations late is counterproductive to achieving

United States international security goals. The increasing trend of paying late and underfunding international organizations confounds U.S. demands for better management in them.

An example of this detrimental effect is seen at the World Health Organization which reports that the arrears owed by the United States are preventing well-managed budgets and resulting in programs not reaching optimal effectiveness for a year or more after they were planned to be fully operational. Further, other dues-paying countries take note when the United States fails to honor its commitments in these international organizations. As a result, our influence on making budgetary and policy decisions in them is lessened. For example, the U.S. consistently wants the Food and Agriculture Organization to increase its capacity to set worldwide food and plant standards, yet it is very difficult to justify why U.S. priorities for the FAO should be given full consideration when the U.S. is chronically paying its dues there about a year late.

Therefore, I strongly object to the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentlewoman from North Carolina has 30 seconds remaining.

Ms. FOXX. Thank you, Mr. Chairman. I appreciate what my colleague has said. But these organizations do nothing to help the security of the United States. The U.N. is an ineffective and corrupt organization and our continuing to provide much of its funding implicitly endorses that corruption and ineffectiveness. If we put this to a vote of the American people, they would say, fund nothing of the United Nations. Keeping this at level funding is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The gentlewoman from New York has 30 seconds remaining.

Mrs. LOWEY. I yield the balance of my time to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the chairwoman.

Well, here we go again, cutting a multilateral account that allows us to hold our head up high in the international community as we organize the international community in the global war on terror in favor of unilateralism.

To fight the war on terror, we must be multilateral and not unilateral. U.S. Ambassador to the U.N. Khalilzad said pay our dues on time and pay it in full. Every time there's a crisis that confronts our country, we run to the U.N., we run to the international community demanding their involvement to help provide security for the American people.

Mr. Chairman, reject this amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the amendment.

Everyone has frustrations. I think the U.N. could do certainly a lot more on Darfur and many of the other things. They stood by and frankly didn't do very much in Rwanda, either. But what this amendment would do, I think, is people have to look at it. This would actually cut NATO fees, and NATO is sort of the backbone of what we're doing in Afghanistan and many other places, but particularly $41 million out of this fund goes to NATO.

Also, on the World Health Organization with regard to avian flu and things like that, this is not the time to do that. Also, there is another issue that I have personally made a cause, of funding the war crime tribunals to bring people to justice. This would cut the war crimes tribunal in Rwanda where over 800,000 people have died between the Hutus and the Tutsis and that whole issue. Also the former Yugoslavia where after the genocide that took place, Milosevic was brought to the court.

So for those reasons, I understand what the gentlelady is trying to do. But I think this would be the wrong place to kind of do it, from NATO and IAEA and the World Health Organization and the war crimes tribunal.

Lastly, this is at the request of President Bush, of the Bush administration. This is what the Bush administration, President Bush, has requested.

For those reasons, I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCAUL of Texas:

Page 8, line 18, after the dollar amount, insert "(reduced by $30,000,000)".

Page 52, line 13, after the dollar amount, insert "(increased by $30,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL of Texas. I thank the chairman.

I rise today to offer an amendment that will partially restore the administration's funding request for the International Narcotics Control and Law Enforcement account in the FY08 State Department and Foreign Operations appropriations bill. This amendment would add $30 million to the account, halfway between the committee funding level and the President's request. This is a bipartisan amendment. I would like to thank my colleague on the other side of the aisle, Mr. CUELLAR, for his support as an author and cosponsor.

Earlier this month I attended the U.S.-Mexico Interparliamentary Group in Austin, Texas, and for 3 days we talked about issues important to the United States and Mexico. The major topic discussed was the issue of increasing violence and lawlessness along the U.S.-Mexico border. The drug cartels have taken control over northern Mexico and law enforcement has become corrupt and ineffective. Since his inauguration earlier this year, President Calderon has begun a renewed effort to reestablish law enforcement's control over his country and their borders. However, the drug kingpins are ruthless in their efforts to retain control and the Mexican Government's law enforcement capabilities are sorely outdated. Just recently, the drug cartels brazenly ordered the assassination of a Mexican state legislator.

I would like to take a moment to commend Chairwoman LOWEY and Ranking Member WOLF for including $27.5 million in the bill for this effort and for recognizing in the report language of the bill the need to address this problem which so devastatingly impacts our southern border, our national security and the citizens of this country. However, I believe that additional funding would go a long way to eradicating the drug cartels.

The offset in this amendment is a $30 million reduction in the contributions to the international organization's account. I believe it's a worthwhile transfer of funds that will benefit not only our border with Mexico but also our counterdrug efforts worldwide. One of the most important international peacekeeping efforts today should be on the southern border against the violent criminal enterprise of the narcotraffickers.

The cartels control the corridor routes into this country, exporting drugs and human trafficking across our southern border. The intersection between these criminal enterprises and potential terrorists could be deadly. In the post-9/11 world, we can no longer continue to ignore this threat.

At a time when the newly elected Mexican Government has stepped forward and made a commitment to reform its law enforcement and combat the drug cartels, it is important that we provide as much funding and resources as possible to the International Narcotics Control and Law Enforcement program.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Again, Madam Chair, I thank you for the time and I also appreciate the work that you have done in making sure that we help the Mexican Government fight the drug cartel problems that they have. We have a perfect opportunity at this time, and I think Mr. MCCAUL understands this since we have been working on this for a while, that they have a President now, President Calderon, that is willing to go ahead and take on the powerful drug cartels. Being from Laredo, Texas, I see what's been happening across the river. We had, talking about one of the Congressmen, my counterpart right across Laredo in Nuevo Laredo, there was an attempt to assassinate him, he ended up in the hospital, his chauffeur got killed, because again he wanted to go ahead and fight the drug cartels.

It is extremely important that we provide this extra funding because if we don't, what you're going to have, you're going to have a bigger problem than what we're seeing right now across the river. It has permeated not only the law enforcement, it has not only permeated also the judiciary, but it has also affected other parts of the society.

□ 1200

The Mexican Government wants to work with us, and I want to make sure that we work on increasing the dollars.

My understanding is, and I am hoping that my colleague will be willing to do that, that if we can withdraw this amendment; I believe we have a commitment from the chairwoman that in conference committee she will go ahead and increase the dollars, because we need more than what's been appropriated so far, what's currently in the bill itself.

I believe we have a commitment that, Mr. MCCAUL, if you are willing to withdraw, together, both of us, we do have a commitment from the chairwoman. She has been very good at keeping her word on this.

Mrs. LOWEY. I thank the gentleman for your important work with Mr. MCCAUL on this issue.

I understand the urgency and the impact of methamphetamine in your areas and the tremendous negative impact on the people you represent.

I have a problem with the offset. Therefore, if you will withdraw this amendment, I would be delighted to work with the gentlemen as we approach our conference in increasing money for this very important need.

Mr. MCCAUL of Texas. I will consider withdrawing the amendment. I would like to get a few assurances from the gentlelady, if I may, and that is that this funding would be directed primarily, would be targeted towards the problem at the U.S.-Mexico border with the drug cartels who have controlled these corridors that I mentioned.

If I could just add, my subcommittee on Homeland Security issued this report on the border last conference confirming the threat. This was given to President Calderon by Secretary Chertoff.

He understands this. I have met with the Mexican Congress. They understand it. Our State Department actually does understand this. While they may not ask overtly, they really could use these funds to confront this threat.

I would ask, in exchange for withdrawing, that we try to come as close as possible to the number I have requested and that that money be directed towards the threat that Mr. CUELLAR and I see so often down in a border State.

Mrs. LOWEY. I would say to the gentleman that in my discussions with Mr. CUELLAR he is very clear about the urgency of this issue and the impact of these concerns on the citizens that you both represent.

I would be delighted to work with you. We will certainly search for funding as close to the numbers you mention as we possibly can.

Again, the only issue with this amendment was the offset, not the important need for the funding.

I thank the gentleman, and I look forward to working with you. I thank you for withdrawing the amendment.

Mr. MCCAUL of Texas. Mr. Chairman, with those assurances, I will withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,302,000,000, of which 15 percent shall remain available until September 30, 2009: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 615 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

AMENDMENT NO. 16 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GARRETT of New Jersey:

Page 10, line 17, insert before the semicolon the following: ", including the prosecution in their home countries of such individuals in connection with such acts".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. First of all, I want to begin by saying that I am pleased that the committee has taken steps to see that the United Nations peacekeeping forces are not or will not be engaged in human trafficking or other sex crimes. But I am concerned that the language in the bill, quite frankly, does not go quite far enough.

The facts are that between 2004 and 2006, 179 peacekeepers from the U.N., under their charge, under their control, were dismissed or repatriated following investigations for sex crimes. Yet only a very few of these have been successfully prosecuted for their crimes.

Earlier this year, The Daily Telegraph newspaper revealed that members of the U.N. force in southern Sudan had abused children as young as 12. Just last year, the U.N. had tried to claim that these reports were just unfounded rumors, but only after these reports did the U.N. admit to repatriating four of these individuals for these crimes. Yet none of these four have ever been prosecuted in their home country of Bangladesh.

Just this week, the Government of Sudan agreed to a substantial peacekeeping force in Darfur. We must ensure the people of Darfur, who have been subject to a systemic rape and violence constituting genocide, do not suffer further at the hands of the people who are there to protect them.

I am concerned that the language in the present bill that the U.N. "hold accountable" these individuals will mean that the U.N. peacekeepers will continue to get away scot-free. All national armed forces have processes for court martial and punishing crimes committed by their personnel. The U.N. must see to it that these countries offering peacekeepers actually apply their system of justice when a crime is committed.

The U.N. is supposedly committed to high ideals of human rights and justice. We are merely asking that they keep them to ensure that their own personnel and others operating under the U.N. flag do not use their position to commit gross crimes. Let us be clear that the United States taxpayers funding these important missions will not stand for this injustice.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I accept the gentleman's amendment.

Mr. GARRETT of New Jersey. I thank the gentlelady for accepting the amendment, because I do believe, as I am sure she does as well, that this is the right thing to do for the people of the world and not only for the people here in the United States as well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $30,430,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $15,725,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,630,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $26,000,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $15,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2008, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2008, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2008, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $80,000,000, to remain available until expended.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $671,632,000: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACK:

Page 14, line 14, after the dollar amount, insert "(increased by $10,000,000) (reduced by $10,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, while we in this Chamber can debate in freedom, and the American people can hear and see our every word, thanks to a free press, in Hugo Chavez's Venezuela, the only thing that people can see or hear are the things that Hugo Chavez lets his media print and broadcast.

Freedom of the press died in Venezuela on May 27, 2007, when Chavez shut down RCTV. This was just the latest in a long line of actions to snuff out free press, free speech, and free thought. By shutting down the largest and oldest TV network in the country, Chavez is sending a message to all other media that he has the power to do anything he wants to with radio and television stations in Venezuela.

The government is targeting opposition voices because of their massive reach, appeal, and influence throughout the country. Chavez said: "I am going to go after those who resist the revolution and eliminate them one by one." This was in reference to one of the only remaining independent voices left in Venezuela.

As the window of independent media in Venezuela closes, Voice of America will play a critical role in getting the truth out about what is happening in the country.

Voice of America must provide and create additional programs. With targeted funding, Voice of America can have an even greater ability and capability to broadcast longer with more programming. Voice of America serves as a significant counter to Chavez's propaganda being exported to Nicaragua, Bolivia, Ecuador, and Cuba.

My amendment would significantly grant the Broadcasting Board of Governors the tools to increase broadcasting to Venezuela and Latin America.

Chavez's communist plans for the future do not include independent media and freedom of the press. We must recognize the war on terrorism is in our backyard. The gang of countries lining up with Chavez is powerful: Bolivia, Ecuador, Nicaragua and others, together with the likes of Iran.

We must recognize a serious threat to our national security. In fact, just this morning, Chavez announced plans to visit Iran in a few weeks, following a long courtship between the two countries.

The window of freedom is closing fast. We cannot turn our backs on the people of Venezuela. We must do more to promote freedom inside Venezuela.

America has always been a beacon of freedom in our hemisphere. Now we must be the pillar of hope for the people of Venezuela and our friends and neighbors in Latin America who fear Hugo Chavez and his communist revolution.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I want to thank the gentleman for bringing this issue to the attention of the House. International broadcasting is an essential component of our Nation's public diplomacy strategy, enjoys broad bipartisan support in our committee.

The bill before the House includes $671.6 million for the international broadcasting operations of the BBG. It restores over $30 million in cuts to BBG language services proposed in the President's budget. It includes program increases requested for high-priority areas such as $2.9 million for broadcasting to North Korea, $.5 million for enhanced broadcasting to Somalia, $1.2 million for Radio Sawa in the Middle East, $5 million to retain BBG's broadcast capability.

The matter of broadcasting to Venezuela is an emerging issue. I commend the gentleman for his amendment and join him in urging its adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. MACK. Mr. Chairman, I want to thank the chairwoman for accepting the amendment.

Venezuela is going down the wrong path, and I think this will help us set a new course so the people of Venezuela can continue to enjoy the freedom and democracy they deserve.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

The amendment was agreed to.

Mrs. LOWEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I yield to my good friend, Mr. SKELTON, for the purpose of a colloquy.

Mr. SKELTON. Mr. Chairman, I rise to engage the chairwoman of the State, Foreign Operations Appropriations Subcommittee in a colloquy on oversight on Iraq funding.

Madam Chairwoman, I want to thank you for your hard work in ensuring that funds spent in Iraq are properly overseen. Your bill on the floor today contains a section concerning the Special Inspector General for Iraq Reconstruction that extends the authorities of that office.

The National Defense Authorization Act, which came out of the Armed Services Committee and passed the House on May 17, contained a provision with similar goals that I had worked out with Chairman LANTOS of the Foreign Affairs Committee.

I want to thank, first, the chairwoman for pursuing this issue so strenuously. Also, I want to express my appreciation that we were able to work out a way forward so that our two committees worked together on the issue, rather than pursuing separate paths.

Rather than contesting it at this time, the inclusion of this authorization language in the State Department, Foreign Operations and Related Programs appropriations bill, I rise to assure you that you will be involved in the Defense authorization conference on the SIGIR issue. I am glad that in return you have offered to drop your provision in conference on your bill so that together we can ensure that there is only one version of the language instead of competing versions.

I yield to the chairwoman for a response.

Mrs. LOWEY. I thank Chairman SKELTON for his hard work on this project.

We included the SIGIR provision in our appropriations bill to ensure that this subject does not fall out somewhere in the process. You and I agree completely on the importance of the SIGIR office.

I look forward to working with you to make sure that the version ultimately included in the National Defense Authorization Act conference report achieves the goals our respective bills laid out. It is my intention to drop section 696 of the State, Foreign Operations appropriations act in conference so that we do not end up with competing versions of the same language.

Mr. SKELTON. Let me sincerely thank the chairwoman. I do look forward to working with you on this issue. I think this is the right way to approach this, and I certainly appreciate it.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,748,000, to remain available until expended, as authorized.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

☐ 1215

Mrs. LOWEY. Mr. Chairman, I move to strike the last word to enter into colloquy with Mr. BLUMENAUER.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. I yield to Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy, as I appreciate the hard work that she and her committee have done bringing forward, I think, a really terrific bill.

I wish to enter into colloquy with you, Madam Chair. At the end of 2005 Congress passed the Senator Paul Simon Water for the Poor Act with broad bipartisan support. At the time it was called landmark legislation.

Unfortunately, today it's clear that the intent and many of the legal requirements in the Water for the Poor Act are not being met by the State Department and USAID.

Earlier this month the State Department delivered its second report on the required drinking water and sanitation strategy. Unfortunately, it continues to be more of a recitation of the work they're doing, rather than a strategic, forward-looking road map to move from the current state of access to achieving the international commitment to cut in half the percentage of people without access to safe drinking water and sanitation.

While our legislation was specifically written so that it would improve aid quality at any level, there was also a call to increase the amount of resources devoted to the very poor. For instance, as part of the strategy, we required an increase in the percentage of assistance going to high-priority countries, defined as countries with the greatest need, and countries in which assistance would be expected to make the greatest difference. Many, if not most of these countries would be in sub-Saharan Africa.

For too long the State Department has used disaster funding to artificially inflate the numbers it used to meet congressional requirements, instead of giving the necessary focus to long-term sustainable access to safe drinking water and sanitation for the poor.

For too long, sub-Saharan Africa has gotten funding that is inversely proportional to the level of need. For too long the State Department has treated Water for the Poor Act as if it were a guideline or a suggestion, rather than a law passed by Congress and signed by the President that they're obligated to fully implement.

I very much appreciate the work of Chairwoman LOWEY and Chairman OBEY, for whom I know this is a particular interest. I deeply appreciate increasing the overall level of funding for water and sanitation to $300 million, and directing that much of it be spent pursuant to the Water for the Poor Act.

I hope for the opportunity, as we move forward towards conference, to work together to ensure that as much money as possible is made available to the long-term development of safe drinking water and sanitation programs in the areas of greatest need, with a strategy needed to ensure that we're make the most effective use of our AIDS dollar.

Most important, I hope that the Appropriations Committee will continue to help with the oversight needed to make the Water for the Poor Act fully implemented and the United States lives up to our international commitment.

Mrs. LOWEY. I appreciate the gentleman's interest in this issue and applaud your work over the past few years. As you have stated, the committee bill increased funding for safe water by $100 million and placed priority on long-term and sustainable safe water programs.

The report provides clear direction to the agency that funding must be provided in accordance with the strategy based on the Paul Simon Water for the Poor Act.

Finally, we share the gentleman's concern about the reliance on emergency programs to meet this recommendation, and will work with the agency in the coming year to ensure that this does not happen again.

I thank you for raising these issues today. I look forward to working together on this issue in the coming year.

Mr. BLUMENAUER. If the gentlewoman will yield.

Mrs. LOWEY. I yield.

Mr. BLUMENAUER. I just can't tell you how much I appreciate what you've done and this commitment. I appreciate your words and everything the committee has done to make our water investments go to the right places in the right ways for the right thing.

I am reassured that your intention that only $80 million of the $300 million level come from disaster assistance. That's an important step in making the necessary long-term investments to deal with this leading cause of preventable death in the world.

I'm particularly pleased by the requirement that funds be spent in accordance with the Water for the Poor Act, which was carefully crafted to provide a framework, a policy and a goal for ensuring affordable and equitable access to safe drinking water and sanitation for the poorest in this world. I look forward to the opportunity to continue to work with you.

There was, at one point, our colleague, Chairman PAYNE of the Africa Subcommittee was going to be here I thought, and I apologize, I don't see him. But I know he has done outstanding work with the subcommittee. And I think between the three of us, great things could happen.

Mrs. LOWEY. I thank the gentleman. And I know of Mr. PAYNE's important work on water, in Africa in general, so many other issues. And I thank you.

The Acting CHAIRMAN. The gentlewoman's time has expired.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. I am delighted to yield 3 minutes to my good friend, Mr. PAYNE, who is really an expert on Africa and all phases of African development, and has a keen interest in water. And I thank you for coming.

Mr. PAYNE. Let me thank Congresswoman, Chairwoman LOWEY and, of course, Congressman BLUMENAUER for the opportunity to join in this colloquy.

As chairman of the Subcommittee on Africa and Global Health, I recently called a hearing on the implementation of the Water for the Poor Act where Congressman BLUMENAUER testified. I agree with him that the State Department, in its 2007 report to Congress, reflects inflated figures and a lack of concrete strategies for providing sustainable access to drinking water and sanitation for the poor.

The Millennium Development Goals, a catalyst for the Water for the Poor, aimed to reduce by one-half the proportion of people without access to basic sanitation and safe drinking water by 2015. Due, in part, to the State Department's inefficient execution of sustainable programs, the MDG target is being missed in sub-Saharan Africa, which has had the slowest rate of improvement in this category compared with all other regions.

Furthermore, the State Department reported that in fiscal year 2006, the U.S. helped 9 million people receive improved access to water. Of the beneficiaries, 75 to 80 percent was in the Middle East, and 25 percent was outside this region. According to the United Nations, most countries in the Middle East and North Africa are on track towards reaching the MDG targets. Our efforts should be directed to regions such as sub-Saharan Africa, which has the highest proportion of people living without access to improved water sources of any region in the world, and is not on track to meet its MDG target. Therefore, of the $150 million appropriated to Africa and the Middle East, I feel that more than 50 percent should be allocated to the countries in Africa, where the need is greatest.

So I conclude by saying also, the State Department's water funding in Africa has primarily been used for emergency relief efforts, rather than water supply and management projects that deliver sustainable results. In maintaining the vision of the Water for the Poor Act, assistance should be focused on improving the sustainable management of drinking water and sanitation.

I agree with Congressman BLUMENAUER and Chairwoman LOWEY that of the $300 million appropriated for fiscal year 2008, a significant amount should be directed towards sustainable water management with programs in Africa.

With efficient execution and adequate funding, the objectives of the Water for the Poor can be accomplished. Access to safe water and sanitation plays a central role in promoting global public health, economic growth, poverty reduction and environmental sustainability.

I look forward to working with Congressman BLUMENAUER and Congresswoman LOWEY in increasing our funding to regions with the greatest need and improving the strategies in place to provide the world's poor with sustainable, safe, drinking water and basic sanitation.

Mrs. LOWEY. I yield 1 additional minute to Mr. BLUMENAUER.

Mr. BLUMENAUER. I would just like to express my deep appreciation, Chairman PAYNE, for what you have done with your Africa Subcommittee shining a spotlight on the international water issue. The hearing that you convened was riveting, and I thought it was the best expression of the needs we've had in Congress.

The prospect of our Subcommittee on Foreign Ops, working with your subcommittee, on Africa, being able to focus on this, I think, is the brightest spot, and it's going to make a difference for millions of lives around the world. I appreciate your leadership and your focus on this, and thank you both for your efforts.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I am pleased to yield to my good friend, Mr. CUELLAR from Texas.

Mr. CUELLAR. Mr. Chairman, again I also want to echo what the other Members have said on your leadership on this particular bill, very important bill.

But what I want to do, Madam Chair, is point out two things that you have selected that are very important to my district, south Texas, the border area. The first one has to do with the funding that has been increased for the International Boundary Water Commission that provides funding for the levees that we have along the U.S. and Mexico border. The current budget right now is at $2 million. You have brought that up now to an amount of almost $16 million. This, again, is appreciated again by my office, my constituents, but also by Congressmen RUBÉN HINOJOSA and SOLOMON ORTIZ that have levees down there. This is an issue that has to be addressed because, again, we don't want to see what happened in another part of the United States. This levee work is very important. It's important to the areas of mission, McAllen and the other areas in south Texas. This will go a long way and, again, Madam Chair, I want to thank you for that.

I also want to thank you for some report language that you added, something that, again, MICHAEL MCCAUL and myself have been very interested in, and that is the issue of the trafficking of human, what we call human cargo, also drugs, cash and of course the missing Americans. As you know, there are people that live in the United States that have gone over across the river into Nuevo Laredo and have been kidnapped and have not been found. We've been asking the Mexican Government for years to provide us information so we can bring some sort of closure to this particular situation. And again, we have not gotten this, and we're hoping that the Mexican government will provide us this information as soon as possible.

But this report language, Madam Chair, that you have added will provide us this incentive and hopefully an incentive to the Mexican Government to work with us to provide us information on the missing Americans.

Again, Madam Chair, I want to thank you very, very much for adding, increasing the amount of the levees from $2 million to almost $16 million. On behalf of Congressmen RUBÉN HINOJOSA and SOLOMON ORTIZ, we thank you very much for your leadership.

Mrs. LOWEY. Thank you very much for your kind words and your important interest in this area. And I look forward to continuing to work with you.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,400,000, to remain available until September 30, 2009.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2.037,000, to remain available until September 30, 2009.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2009.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until September 30, 2009: *Provided*, That for purposes of costs relating to printing and binding, the Commission shall be deemed, effective on the date of its establishment, to be a committee of Congress: *Provided further*, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5314 of title 5, United States Code: *Provided further*, That section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, is amended by striking "June" and inserting "December": *Provided further*, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff: *Provided further*, That section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by striking subsection (g).

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $25,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

ALLOWANCES AND DIFFERENTIALS

SEC. 101. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 102. The Department of State and the Broadcasting Board of Governors shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

EMBASSY CONSTRUCTION

SEC. 103. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

PEACEKEEPING MISSIONS

SEC. 104. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

DENIAL OF VISAS

SEC. 105. (a) None of the funds appropriated or otherwise made available under title I of this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2008.

SENIOR POLICY OPERATING GROUP

SEC. 106. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for Department of State and Related Agencies shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

UNITED STATES CITIZENS BORN IN JERUSALEM

SEC. 107. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

E-GOVERNMENT INITIATIVES

SEC. 108. Any funds provided under title I of this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 615 of this Act.

CONSULTING SERVICES

SEC. 109. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

LIMITATION ON DIPLOMATIC OR CONSULAR POST IN THE SOCIALIST REPUBLIC OF VIETNAM

SEC. 110. (a) None of the funds appropriated or otherwise made available under title I of this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2008.

STATE DEPARTMENT AUTHORITIES

SEC. 111. Funds appropriated under title I of this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 112. None of the funds appropriated or otherwise made available under title I of this Act may be made available to pay any contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

PERSONNEL ACTIONS

SEC. 113. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 615 (a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 114. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

TITLE II—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000, to remain available until September 30, 2009.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2008: *Provided further*, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this or any prior Act should be used for renewable energy and environmentally beneficial products and services.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $68,000,000, to remain available until September 30, 2011: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2026, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2008, 2009, 2010, and 2011: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $78,000,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2008.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NON-CREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $47,500,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2008, 2009, and 2010: *Provided further*, That funds so obligated in fiscal year 2008 remain available for disbursement through 2016; funds obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-Credit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,400,000, to remain available until September 30, 2009.

TITLE III—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2008, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,955,150,000, to remain available until September 30, 2009: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs and pneumonia prevention and treatment programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $374,150,000 for child survival and maternal health; $15,000,000 for vulnerable children; $350,000,000 for HIV/AIDS; $591,000,000 for other infectious diseases; and $375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $250,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated under this heading, $70,000,000 should be made available for a United States contribution to The GAVI Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than six months after the date of enactment of this Act, and must be accompanied by a comprehensive analysis as well as the complete evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

□ 1230

AMENDMENT OFFERED BY MR. PAYNE

Mr. PAYNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PAYNE:

Page 29, line 1, after the dollar amount, insert "(decreased by $25,000,000) (increased by $50,000,000)".

Page 40, line 26, after the dollar amount, insert "(decreased by $25,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from New Jersey (Mr. PAYNE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, I rise today to offer an amendment which increases the amounts available in the Foreign Operations appropriations bill to fight the global spread of tuberculosis by adding an additional $50 million by taking $25 million from the Economic Support Funds account and $25 million from within the Child Survival and Health Programs account.

According to the World Health Organization estimates, someone is infected with the organism that develops into TB every second. Every second. An infected person may not develop full-blown TB, but in 2004, of the 9 million people who were newly infected, 2 million died. The good news is that it is entirely curable.

However, the treatment requires patients to be on a drug regimen for 6 months. If they do not complete the regimen, or if they complete it but take an incorrect number of pills during the treatment, the infection can develop into what is known as multiple drug resistance or MDR–TB. MDR–TB is not responsive to either of the two first-line TB drugs, and the treatments that are available take longer and are more expensive than regular TB medications.

But as news headlines earlier this month have shown, there is an even more deadly threat: extensively drug-resistant TB. XDR–TB is not only resistant to the two first-line drugs but also to three of the six second-line drugs. The treatment required to cure a patient can be radical, including the removal of part of the lung that has been infected.

Earlier this month, a Georgia man who had been diagnosed with a dangerous strain of TB known as extremely drug-resistant tuberculosis, or XDR-TB, traveled through four countries, completely unimpeded. If he had been infectious at the time, there could have been an outbreak across two continents.

We must also keep in mind that XDR-TB has a deadly linkage with HIV and threatens to undermine all of the investments we have made in the global fight against HIV/AIDS. The devastating effect of patients with HIV first gained global recognition last August with reports of an outbreak in a hospital in South Africa where 52 of 53 patients with XDR-TB died. Half of them died within a matter of 16 days.

This tragedy serves as a sobering example of what may happen across Africa if we do not act to prevent another outbreak. Given XDR-TB's resistance to both the low-cost, first-line anti-TB drugs and to several of the classes of second-line drugs used, we are faced with a burgeoning epidemic driven by HIV infection that is lethal.

Since the initial outbreak, South African medical authorities have documented some 400 cases in dozens or more hospitals in South Africa. What is troubling, however, is that no one knows for sure that these 400 cases represent the extent of the outbreak because XDR-TB typically kills quickly and doctors' ability to identify it is severely limited; so many people may have simply died without its even being diagnosed.

Experts believe that XDR-TB has moved beyond South Africa into other countries in the sub-region where the capacity to identify it and control it is significantly weaker than in South Africa and where the HIV/AIDS rate continues to drive the epidemic. As a matter of fact, there are only two laboratories in 48 countries in sub-Saharan Africa that can determine this disease.

All of us here today must work together to take the necessary steps to enhance the ability of the medical establishments in Africa and other developing countries to identify, treat, and stop the spread of drug-resistant TB, primarily in Africa, and to head off further incursions of XDR-TB into the United States. Failure to do so will result in potentially devastating health catastrophes.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that I be allowed 1 more minute.

The CHAIRMAN. Without objection, each side will control 1 additional minute.

There was no objection.

Mr. PAYNE. Mr. Chairman, Ms. ROS-LEHTINEN was strongly supporting this and was hoping to come here, but she is not here at this time.

So I will just conclude by saying that it is my intent that none of the $25 million in this amendment that comes from the Economic Support Fund will come out of Economic Support Fund assistance to countries and programs in the Middle East or ESF-funded programs that support Afro-Colombians or ESF-funded programs for Sudan, Liberia, and Congo, ESF funds that are to be channeled towards the Trans-Saharan Counter Terrorism Initiative, or ESF funds that are for democratic assistance programs. So I wanted to make that clear so that we know exactly where these funds come from.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

On behalf of Ms. ILEANA ROS-LEHTINEN, she wanted to thank you very much for the clarification and she appreciates it very much.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment.

I agree with the intention of the amendment. And I thank my friend for raising this important issue. As we know, tuberculosis is taking a terrible toll on men, women, and children in the developing world, with approximately 3 million people dying every year. The recent highly publicized case of extremely drug-resistant tuberculosis has brought this issue to the forefront, and the additional funding of this amendment will be used to strengthen the global tuberculosis treatment and care network. I appreciate the gentleman's interest in this issue and would be happy to accept this amendment.

Mr. Chairman, I am very pleased to yield to my good friend, the vice chairman of the committee, Mr. JACKSON.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in strong support of the gentlewoman's generosity in supporting the Payne amendment.

I want to just share with the full committee some of the views of the members of the subcommittee, because I think their views need to be taken into account.

While we overwhelmingly support the gentleman's amendment for an increase in $50 million, the offset does have the effect, Mr. PAYNE, of robbing Peter to pay Paul. The committee worked very hard to increase the child survival account, which is another health care account that includes maternal health, that includes malaria accounts, and we worked very hard to increase the ESF account, which does impact profoundly sub-Saharan Africa, Afro-Colombian programs, and Israel and Egypt. And while these funds are extremely important, the subcommittee did the best that it could in the original mark to increase funding for tuberculosis, particularly the extremely drug-resistant strands of tuberculosis.

So I rise in strong support of the gentleman's amendment, and I also rise in strong support of the committee's initial mark, which did everything it could within its power to increase child survival and ESF funds.

Ms. LEE. Mr. Chairman, I rise in support of the Payne amendment and thank my colleague for working with Chairwoman LOWEY in drafting this amendment.

Over the last month the entire country has awakened to the threat of XDR-TB (Extensively Drug Resistant Tuberculosis). The simple fact of the matter is that we can prevent XDR-TB and the less dangerous MDR-TB (Multi-drug resistant TB) with better TB control programs that ensure that people who are taking drugs for TB stay on their medicines, and avoid developing drug resistance.

XDR-TB has already been found in over 37 countries around the world. However, due to inadequate lab facilities around the world we don't truly know how far XDR-TB has spread.

Additional funding provided by the Payne amendment would help us address some of these issues. I want to again thank my colleague Representative PAYNE for offering this amendment and for working with Chairwoman LOWEY to ensure that we increase funding for Tuberculosis programs in the State-Foreign Ops bill this year.

I look forward to continuing to work with both of my colleagues and the committee to ensure that TB continues to get the funding and attention it deserves.

☐ 1245

Mrs. LOWEY. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 34, line 17, after the dollar amount, insert "(increased by $5,000,000) (reduced by $5,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me begin by thanking the chairwoman and her staff and the vice chairman of the committee for working with my office, and of course the ranking member and their staff.

It is evident how hard this committee has worked on a very broadband, wide-reaching initiative as it relates to appropriations in the foreign relations, foreign affairs of this Nation.

As a member of the authorizing committee, we recognize that this committee touches the heartbeat of every aspect of the world's business, and the importance of the United States in creating internationalism for the greater good of the world.

As I listened to Mr. PAYNE, my amendment falls squarely in track of improving the health conditions of Africa and recognizing the need for hospitals that in fact will respond to a number of issues.

My amendment reallocates an additional $5 million to the Child Survival and Disease Fund to increase the amount of funds appropriated for child and maternal health.

The purpose of this amendment is to direct additional funds for technical assistance to provide capacity-building for hospitals in Africa that deal with child-surviving and other relevant needs.

We have been, if you will, screening the research annals across this Congress to try to find out how many full-service hospitals are on the Continent of Africa. Some have said 200, some say I know that there's one in Sierra Leone. Some say they know there's one in South Africa. But I can assure you that the plight of women who are pregnant in Africa is a severe plight. Take, for example, that every minute somewhere in the world, a woman dies from pregnancy-related causes, with 95 percent of those deaths occurring in Africa and Asia. Worldwide, about 529,000 women die from pregnancy-related causes every year. A woman in sub-Saharan Africa has a 1 in 16 chance of dying in pregnancy or childbirth. Part of the care and prevention of such is preventative care, the money that is in this particular account. But I also believe part of it is the importance of building full-capacity hospitals that deal with women in the maternal aspect as well as in the pregnancy aspect. And so this amendment seeks to provide that opportunity.

And I might cite, as an example, the Mutombo Hospital in Kinshasa, Congo. It is a hospital that has 300 beds, three operating rooms, an outpatient clinic, an emergency room, a pharmacy. You cannot find that, Mr. Chairman, across Africa. Therefore, I believe there is a definitive need to provide them technical assistance so that we don't have to guess what number of hospitals are in and on the continent, but we will know that they look somewhat like this, with operating rooms, with expansive facilities to provide treatment for mothers and babies, treatment that will be lifesaving.

Madam Chairwoman, let me simply say that I had an experience in a hospital in Africa. One of my first medical experiences was to require sutures in an accident in Africa. Let me thank those medical professionals who helped me be here today, but I want you to know that I was laying out on a wooden slab and looking through tattered curtains and looking at the sky as the doctors were working on me. That was the hospital that I was in on the continent. I do not say it in degradation or insult. What I say is I would venture to say that if we go to Africa today, and many other countries, the kinds of facilities that are there reflect that kind of lack of resources.

This will help not only in maternal and child survival because of the loss of life of mothers who are pregnant and who give birth with facilities that would provide hospital resources, but it will also, if you will, give encouragement to the continent, as has been done by the hospital in Kinshasa, Congo, Mutombo, who I hope will also be, as they say, "in the mix" on providing opportunities for others to see what can be done.

I hope that this amendment will be accepted because it will go a long way for expanding the lives of mothers and children, but it will also go a long way for ensuring that we believe in good hospital care, excellent hospital care across the Continent of Africa.

Mr. Chairman, I have an amendment at the desk and I rise to speak in support of amendment #2 to H.R. 2764, the State and Foreign Operations Act of 2008. I would first like to thank Chairwoman LOWEY for her extraordinary leadership and guidance in crafting this bill.

H.R. 2764 will play a crucial role in restoring the global respect to this country that many around the world had so eagerly rewarded it in the past for its historical humanitarian efforts. America, that beacon upon the hill, will shine a little bit brighter amongst those who will through this bill, be able to get healthcare, and whose very lives are dependent upon such care. Among these spared lives are many, many children and women who would needlessly perish from the perils of poverty without our support.

Mr. Chairman, sparing lives of children and women starts with ensuring that they have adequate healthcare. That is why I offer my amendment which provides: on Page 29, line 1, after the dollar amount, insert (increased by $5,000,000) (reduced by $5,000,000). In offering this amendment, my intent is to increase the amount of funds appropriated for child and maternal health by $5,000,000. The reason that I urge support for increased funds for child and maternal health is that the greatest threat for the quality of life for our children all around the world is lack of health care for the mother and child.

In the United States, the birth of a child in most instances is a time of joy because the mother and baby go home from the hospital together, healthy and happy. Sadly, however, in poor countries childbirth can be dangerous and potentially tragic for both mother and child. Take, for example, that every minute, somewhere in the world a woman dies from pregnancy-related causes, with 95 percent of these deaths occurring in Africa and Asia. Worldwide, about 529,000 women die from pregnancy-related causes every year—about the number of women and girls who live in Dallas, Texas or San Diego, California. A woman in sub-Saharan Africa has a one in 16 chance of dying in pregnancy or childbirth.

Mr. Chairman, with less than 200 full-service hospitals, Africa desperately needs our assistance because without it, Africa will continue to fall far short of providing the necessary and proper life saving healthcare for its population. About 3.4 million babies die every year due to poor maternal health and inadequate delivery care. In addition, an estimated 100,000 women a year in poor countries develop obstetric fistulas, a condition caused by obstructed labor and creates permanent holes in their bladders that cause continual leaking of urine.

Every year, more than 10 million children under the age of five die from totally preventable deaths. Some are directly caused by illness such as pneumonia, diarrhea, and malaria. Others are caused by indirect causes including conflict and HIV/AIDS. Malnutrition, poor hygiene and lack of access to safe water and adequate sanitation contribute to more than half of these deaths.

What is even sadder, Mr. Chairman, is that two thirds of both neonatal and young child deaths—over 6 million deaths every year—are preventable. Half a million women die in pregnancy each year, most during delivery or in the first few days thereafter. Obstructed labor, hemorrhaging, and infection, can all be averted provided a woman has access to safe and appropriate pre-natal care. Madam Chair, the increased funds from my amendment would be dedicated to providing women with this vital care. Specifically, these funds would contribute to capacity building for hospitals in Africa which engage in child-survival and maternal health programs. We have seen the positive impact that these facilities have made within the health care environment. Professional basketball star Dikembe Mutombo established the Biamba Marie Mutombo Hospital and Research Center, a hospital that provides desperately needed healthcare to the impoverished population in Kinshasa, the capital of the Democratic Republic of Congo. At full capacity, it will include 300 beds and will offer the following services to the population: pediatrics; gynecology/obstetrics/women's health; internal medicine; surgery (general and subspecialties); emergency medicine; intensive care; outpatient care; laboratory services; and radiology.

Existing low-cost, low-technology and high impact interventions such as vaccines, antibiotics, micronutrient supplementation, insecticide-treated bednets, improved breastfeeding practices and adoption of safe hygiene practices can prevent unnecessary maternal and child deaths as well as reduce malnutrition. By packaging services and implementing at scale, high impact and evidence-based maternal, newborn and child survival interventions, we can save millions of lives.

As I stand here today, I reflect upon my visit to Honduras in 2001, and I remember how important the child and maternal health crisis was, and now recall how that it was in part the impetus behind my founding of the bi-partisan Congressional Children's Caucus in 1997. As I have done since 1997, I will continue to make it a priority to support initiatives that protect the health and welfare of children worldwide.

Mr. Chairman, the success in reducing infant and maternal mortality and reducing family size and nutrition strongly depends on support from this noble nation. I strongly urge my colleagues to support this amendment that will go a long way to save the lives of many women and children.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. I thank my good friend for your important work in Africa and for your observations.

I rise to accept this amendment, and I agree with the intention of the amendment. I really do thank my friend for raising this very important issue.

This committee made global health a priority in this fiscal year. We provided a total of $6.517 billion for global health. And I do agree with the gentlewoman that strengthening the public health infrastructure should be central to our global health strategy. So I do appreciate the gentlewoman's interest in this issue, and I look forward to working with you.

Ms. JACKSON-LEE of Texas. Will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I appreciate the accepting of this amendment, and I look forward to working with you as we go to conference, Laying the groundwork for the infrastructure of health care on the continent goes a long way in saving lives.

I thank you for your leadership and the leadership of the ranking member. I ask my colleagues to support the amendment.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,733,760,000, to remain available until September 30, 2009: *Provided*, That $519,000,000 shall be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $35,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated in this Act, $300,000,000 shall be made available for access to safe water and water management programs: *Provided further*, That of the funds appropriated under this heading, $175,000,000 shall be made available for biodiversity and environmental programs: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 1, after the dollar amount, insert "(increased by $5,000,000) (reduced by $5,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. To the chairman of the Foreign Affairs, Foreign Relations Appropriations Committee, let me thank you for your leadership, and to the ranking member as well.

Mr. Chairman, I think we know the story of Liberia. And I want to applaud the new President of Liberia, who has visited us, someone who understands economics and is committed to the success of this nation. She cannot, however, do it without friends.

Liberia has an enormously important nexus to the United States. It was where slaves were returned back to the Continent of Africa after having been enslaved here in the United States. I look forward to reenergizing the relationship, not only with the continent, but also, particularly with the nation of Liberia after a very troubling and very violent time.

Our new President of Liberia is tracking all of the needs, accounting for all of the dollars. My amendment simply seeks to reallocate an additional $5 million for the Republic of Liberia of the $365 million Development Assistance account. The net effect would be to increase developmental assistance to the Republic of Liberia to $35 million. Let me explain why this would be a wise investment.

We have heard recently from Bob Johnson, the former chairman of BET, who has taken a special interest, private sector initiative in Liberia. And if I recall his remarks correctly, he believes that Liberia can be on the precipice of a rebirth. It can be on the precipice, if you will, of a renaissance of economic development, educational achievement and infrastructure repair.

In 2003, 14 years of civil war left Liberia in shambles. Nearly 200,000 civilians have died. Nearly one-third of the population, or 1 million citizens, have been displaced. And 300,000 have fled the country. Women are involved on all sides of the war from combat to slavery to rape. Child soldiers were involved in this terrible, horrific tragedy. Physical violence often accompanied the rape. A highly regarded survey of six selected Liberian counties revealed that roughly 7 percent of women have been raped during the war, although female minors were frequently targeted.

The war ended, and as I indicated, we now have a woman President. Liberian President, Ellen Johnson Sirleaf, underlines this in her statement to the 2006 International Symposium on Sexual Violence. "In studies conducted in many of the countries of Liberia in 2004, a large percentage of women and girls reported that they were victims of various forms of violence."

This reprogramming of dollars will refocus on the need for developmental assistance that will be able to assist those who are making their first steps, their first steps of achievement, both business-wise, education-wise and building up the confidence of women, men and families, turning child soldiers into constructive, giving adults, and participating with President Sirleaf's commitment to moving Liberia forward as a shining star on the continent. I know they know how to do it, but we need to give them the extra added tools, and to be able to emphasize in this bill that their development is key.

I ask my colleagues to consider where Liberia has been, where Liberia is today, and where they will be 20 years from now. I believe in President Sirleaf and the commitment of Bob Johnson, the Clinton Foundation, and many others who have targeted the Liberian people and the Liberian Government as an achievable goal of economic developmental, educational, political democracy that can be again the shining star.

I ask my colleagues to support this amendment that will provide this extra direction for developmental assistance in Liberia.

Mr. Chairman, I have an amendment at the desk and I rise to speak in support of this amendment to H.R. 2764, the State and Foreign Operations Appropriations Act of 2008. But before I do, let me commend Chairwoman LOWEY for her exceptional leadership in shepherding this bill through the legislative process.

The legislation she has so ably crafted is an indispensable measure in restoring America's international prestige and leadership position in the global community. Equally important, this legislation reflects what is good about America: its generosity, its concern for the less fortunate, its commitment to protecting the weak and uplifting the downtrodden, and the recognition that we live in an interdependent world. You will recall the wise counsel of the Rev. Dr. Martin Luther King, Jr., who said, "we will either live together as brothers or we will perish as fools."

Mr. Chairman, my amendment is simple. It simply seeks to reallocate an additional $5 million for the Republic of Liberia out of the $365 million Development Assistance account. The net effect would be to increase developmental assistance to the Republic of Liberia to $35 million. Let me explain briefly why this would be a wise investment.

In 2003, fourteen years of civil war left Liberia in shambles. Nearly 200,000 civilians had died. Nearly a third of the population, or one million citizens, had been displaced, and 300,000 had fled the country.

Women were involved on all sides of the war from combat to slavery to rape. Physical violence often accompanied the rape. A highly regarded survey of six selected Liberian counties revealed that roughly 7 percent of women had been raped during the war. Moreover, female minors were frequently targeted.

The war ended more than 4 years ago but the plight of Liberia's women is still problematic. Rape and domestic violence continue to plague Liberia. Liberian President Ellen Johnson Sirleaf underlines this in her statement to the 2006 International Symposium on Sexual Violence in Conflict and Beyond: "In studies conducted in many of the counties of Liberia in 2004, a large percentage of women and girls reported that they were victims of various forms of violence and abuse. International organization reports show that a large percentage of these women were raped."

Mr. Chairman, traditional Liberian culture stigmatizes rape, so victims often choose to stay silent, hiding what they see as a shameful and incriminating experience from their family and townspeople. Until recently, Liberian government courts had no systems in place to assist rape survivors. Traditional culture around rape was one of shame for women and acceptance for men. But times are slowly changing. And it began with the historic election of President Sirleaf, Liberia's first female head of state.

Raised in Liberia and Harvard-educated, President Sirleaf began her long involvement with the Liberian government as its Assistant Minister of Finance during the 1970s. She went into exile after a military coup destabilized the country in 1980, but returned to Liberia to run for Senate 5 years later. When she was running for Senate, she was briefly imprisoned for speaking out against Liberia's leader at the time, Samuel Doe.

You will remember how she described her capture and close encounter with rape when she addressed a joint session of the Congress on March 15, 2007: "In 1985, after challenging the military regime's failure to register my political party, I was put in jail with several university students who also challenged the military rule. This House came to our rescue with a resolution threatening to cut off aid to the country unless all political prisoners were released. Months later, I was put in jail again, this time in a cell with 15 men. All of them were executed a few hours later. Only the intervention of a single soldier spared me from rape."

Mr. Chairman, I would hope that my amendment would result in additional funding to secure women rights and prevent violence against women.

Securing and protecting women's rights is something the Association of Female Liberian Lawyers fights for every day. AFELL, an organization of female lawyers based in Monrovia, is on a mission to educate and represent women nationwide.

Founded during the first civil war, 1989–1996, AFELL grew in prominence during the second conflict, which lasted from 1999 to 2003. In November 2000, with fighting still active, AFELL won a state patent to prosecute rape cases. Before this, Liberian law only allowed state lawyers to prosecute criminal cases. The patent represented a major success for AFELL.

This was the first in a series of victories. AFELL later collaborated with the government to increase penalties for rape. Resulting legislation led to more punitive rape laws that call for 10 years to life imprisonment for rape.

Mr. Chairman, the Republic of Liberia has made great progress in recent years but still much work remains to be done. Listen again to the words of President Sirleaf: "In the campaign months, I traveled to every corner of our country. I trudged through mud in high boots, where roads did not exist or had deteriorated past repair. I surveyed ruined hospitals and collapsed clinics. I held meetings by candlelight, because there is no electricity anywhere—including the capital—except from private generators. I was forced to drink water from creeks and un-sanitized wells all of which made me vulnerable to the diseases from which so many of our people die daily."

Mr. Chairman, the women and children of Liberia want what we all want for those we love. They want to learn. They want to be safe from violence. They want to be healthy. They want the same chances that men have. They want to be literate. They want their work recognized. They want the right to inherit property. They want protection against rape. They want clean water that won't sicken and kill their children. They want a hopeful future.

I believe my amendment will help hasten the day when these dreams are realized.

Mr. Chairman, thank you this opportunity to discuss my amendment to H.R. 2764. I ask all members to support it. Again, I thank Chairwoman LOWEY for her fine work in bringing this exceptional legislation to the House.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I rise to accept this amendment.

I thank the gentlewoman again for raising an important issue. I agree with the intention of the amendment. Liberia certainly has been a priority for us. And we support the very important work that the President is doing there. We provided a total of $30 million in the Development Assistance account, $30 million above the President's request, and I would be happy to accept the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Will the gentlewoman yield?

Mrs. LOWEY. I will yield.

Ms. JACKSON-LEE of Texas. I believe when we focus the great work that you've done on a particular area, it encourages our newly elected woman President of Liberia, which we hope and pray for her ultimate success for her people and for the Continent of Africa. I thank the gentlelady for accepting the amendment.

Mrs. LOWEY. I thank the gentlewoman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $322,350,000, to remain available until expended, of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $40,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,400,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided*, That funds made available under this heading shall remain available until September 30, 2010.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $625,700,000, of which up to $25,000,000 may remain available until September 30, 2009: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2009: *Provided further*, That none of the funds in this Act may be used to open or close an overseas mission of the United States Agency for International Development without the prior written notification to the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections: *Provided further*, That none of the funds appropriated by this Act or any prior Act making appropriations for foreign operations, export financing, or related programs may be used by the United States Agency for International Development for the rent of buildings and space in buildings in the United States pursuant to the authority of section 636(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That the previous proviso shall not apply to any lease, agreement, or other instrument executed for the purpose of maintaining United States Agency for International Development continuity of operations and to the cost of terminating the domestic lease executed on September 30, 2005.

CAPITAL INVESTMENT FUND OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $87,300,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, not to exceed $75,144,500 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until September 30, 2009, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,656,506,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not less than $415,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and political reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than $135,000,000 shall be made available for project assistance, of which not less than $50,000,000 shall be made available for democracy, human rights and governance programs and not less than $50,000,000 shall be used for education programs: *Provided further*, That $11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than $263,547,000 should be made available only for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than $63,500,000 may be made available for assistance for the West Bank and Gaza: *Provided further*, That $45,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: *Provided further*, That not more than $300,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That the President may waive the previous proviso if he determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: *Provided further*, That such report shall include an analysis of the steps being taken by the Government of Afghanistan, at the national and provincial level, to cooperate fully with United States funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That of the funds appropriated under this heading, not less than $218,500,000 is available only to carry out programs in Colombia and may be transferred to "DEVELOPMENT ASSISTANCE" to continue programs administered by the United States Agency for International Development: *Provided further*, That of the funds appropriated under this heading that are available for assistance for the Democratic Republic of Timor-Leste, up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be made available for programs and activities for the Central Highlands of Vietnam: *Provided further*, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

Page 40, line 26, after the dollar amount, insert "(increased by $50,000,000) (reduced by $50,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Thank you very much, Mr. Chairman, and again, Mrs. LOWEY, thank you for a well-drafted bill, but this is an area in which I have some concern.

Mr. Chairman, my amendment would designate $50 million in Economic Support Funds for the Community Action Programs, also known as CAP in Iraq. The CAP program directly engages Iraqis in reconstructing their own communities while building a nationwide grassroots constituency for democracy. Typical CAP projects use both U.S. and Iraqi funds and resources to rebuild schools, repair water and sewage lines, build health clinics, as well as a host of other infrastructure and development projects.

□ 1300

The CAP agencies are Mercy Corps; IRD, International Relief and Development; CHF International; ACDI/VOCA Counterpart; and in the past, Save the Children. Since 2003, six of USAID's NGO partners have implemented this program in all 18 governorates of Iraq.

In order to maintain the security of staff and win the trust of Iraqi communities, the implementers and USAID have largely run the program under the radar. As a result, not enough people are aware of the remarkable success story that CAP represents.

Here are just a few highlights: CAP has successfully managed more than 6,000 reconstruction and development projects and created more than 2.7 million days of employment and 34,000 long-term jobs with 43 percent of those jobs going to women, Iraqi women.

A January 2005 audit report from the USAID regional inspector general, Baghdad, stated: "Based on tests performed on 89 statistically selected sample projects, the CAP achieved 98 percent of its intended outputs."

I am going to read that again: "Based on tests performed on 89 statistically selected sample projects, the CAP achieved 98 percent of its intended outputs."

Communities are contributing between 15 and 25 percent of the value of each project. That is Iraqis contributing. This contribution is often in the form of labor, in-kind materials, or other provisions.

In my travels to Iraq, I have seen firsthand how the CAP program improves the lives of Iraqis and most importantly how it helps us accomplish our mission of creating a secure environment for the Iraqi people so democracy can prosper.

It would be a terrible waste to turn our backs on such a great investment. In fact, this is exactly the time to nurture and build on the relationships CAP partners have forged with communities. Furthermore, CAP provides the foundation and the constituency at the community level that will help ensure the success of other State Department civil society programs.

The CAP program has enjoyed strong support from the Appropriations Committee, Republicans and Democrats alike, in the past. An amendment we offered during last year's supplemental appropriations act to increase CAP funding by $10 million was accepted by the committee.

The committee noted in its report last year that "CAP provides a vehicle for empowering communities, building community cohesion and providing evidence that the U.S. is committed to improving the lives of Iraqis."

We are asking for $50 million to be designated within Economic Support Funds to ensure the agencies can expand and improve the valuable projects they've been implementing for the last several years.

Mr. Chairman, I urge all my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I reluctantly rise in opposition to this amendment because, as I have explained to Mr. SHAYS, I believe this is a really critical program. I would love to work with you on it.

This amendment would provide $50 million in funding for Community Action Programs. There is no funding in this particular bill for Iraqi operations and reconstruction. As I explained to the gentleman, the reason there is no funding in this bill is because of the $2.8 billion in the supplemental and the $2.8 billion requested in September for the supplemental.

I want to make it very clear that I agree with the gentleman that the Community Action Program and NGO partnership with USAID does really good work. In fact, CAP is the only program of its kind to operate outside the Green Zone in Iraq. I have been a strong supporter of their efforts. I have met with them repeatedly. I know of their good work.

By working from the community level up and assisting Iraqi moderates who have eschewed sectarian and insurgent violence, the CAP partners directly engage Iraqis in reconstructing their own communities. They create employment. They build nationwide grass-roots constituency for democracy.

Congress identified CAP as a priority when it appropriated $100 million specifically for CAP in the fiscal year 2006 supplemental. Additionally, we just provided $95 million for CAP in the 2000 supplemental. I want to make it clear to my good friend from Connecticut that we put the money in after I met personally with representatives of CAP.

I understand the important work that they are doing. I have spoken to the CAP partners. They agreed that they do not need any additional funding in the regular fiscal year 2008 bill. They tell me they have enough to continue operations. As difficult as it is there, they are continuing operations through fiscal year 2008 at the current pace of operation.

They also noted that they worked very hard to stay under the radar in Iraq, which is what makes their great achievements possible. I want to make it clear that they have no interest, from my conversations with them, they don't want to be the foil in an Iraq funding debate. We have made it clear.

Mr. Chairman, I want to make it clear once again that the reason we are not providing additional funding and we cannot provide additional funding to the CAP in this bill is because of the $2.8 billion in the supplemental, the $2.8 billion that is being requested. The CAPs have made it clear they don't need the money now. They are operating under the radar. If we are providing zero funding for Iraq in this bill, they don't want to be part of this debate.

This is not a partisan issue. They are doing very important work. It has nothing to do with any of the other debate on Iraq. It is what is needed now. There are tremendous needs around the world that we are trying to fill in this bill.

So, again, with great respect for my good friend, Mr. SHAYS, we have worked together on many issues. I appreciate your concerns. I agree with your concerns, but not in this bill; and I look forward to continuing to work with you as we move ahead.

I thank the gentleman.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say to you, there is no money in the 2008 budget, fiscal year 2008 budget. The challenge we have is that this is the one program, more than any others, that works. It shouldn't be tied to any benchmarks because implementing this program, expanding it actually, will make it easier for all those benchmarks to be realized.

I am not trying to bring more attention to this program. I just think it needs to be funded and expanded and this is the vehicle to do it.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I thank the gentleman.

Mr. Chairman, Mr. SHAYS has made a good case, and the Chair has made a good case for this. Without mentioning the groups, so we don't call any attention to them, we know the good work that they are doing. Mr. SHAYS lived with one of the groups for a period of time. You saw the schools they were building. So I am just concerned we are getting wrapped up into process that since nothing is in, we are not going to put things in.

This is something that would actually work and have success in Iraq from the civilian side. It would be a great boost to have this in. So I strongly support the amendment.

Mrs. LOWEY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, just to address my good friend, Mr. SHAYS, I agree with everything you said. I agree with all the good work that the CAPs are doing.

That is why we appropriated $100 million and then another $95 million. But I want to make it clear, at least from my interaction from the CAPs, and I have had many discussions with the CAPs, they don't need the money now. They are operating under the radar. They are doing good work. And with the supplemental in 2008 that is coming up in September, they don't need the money now. They certainly welcome, if it is necessary, some additional funding to them.

Mr. Chairman, I would be happy to yield to the gentleman from Connecticut.

□ 1315

Mr. SHAYS. Mr. Chairman, just so the debate is a little more accurate, and we will see how the vote turns out whether I ask for a roll call vote or not, would it not be fair to say that they can live with the money they have, but they would like to have more and they could use more and do more with it? This is not a trick question, but I want to make sure for the record we don't make it seem like they have all that they need and can use well.

If the answer to that first question is yes, my second question would be, would it be the intent of the gentlewoman from New York to consider funding this program at an amount that will enable them to do at least what they are doing now in fiscal year 2008, and possibly more?

Mrs. LOWEY. Mr. Chairman, reclaiming my time, and again with great respect to the gentleman from Connecticut, in my discussions with the CAP, they made it clear that they don't need money now. This is now June. We just passed a supplemental. In September there will be another supplemental. They are doing great work, and we both admire their work.

Given the tremendous needs around the world, which I know you support, be it clean water or HIV-AIDS or peacekeeping, and we can go on and on, the CAP made it clear to me that they do not need the money now. Therefore, I must reluctantly oppose this amendment, because I do not want to take the money from any other urgent needs that exist in the world today.

Mr. SHAYS. If the gentlewoman will yield further, you are making me more concerned rather than less by your honesty. Could I ask the gentlewoman to respond to her intent on how she will be looking to fund this issue? This is the one program that is in fact working in Iraq. No one disputes it. We can dispute everything else, but not this. My interest is what your intentions are in the future as it relates not to Iraq in general or military forces, but the CAP agency program?

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I would like to make it very clear to my good friend from Connecticut, just as they had $100 million and then an additional $95 million in the last supplemental, I certainly would intend to fund this outstanding program in the next supplemental that will be before us in September to continue their important work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIERNEY:

Page 40, line 26, after the dollar amount, insert "(increased by $75,000,000) (reduced by $75,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise to ask support for a rather straightforward budget-neutral amendment that will meaningfully contribute to our campaign against international terrorism and serve the long-term national securities interests of the United States.

My amendment would provide an additional $75 million for basic education programs directly reaching Pakistani children through the U.S. Agency for International Development or provided through local and international nongovernmental organizations offering reliable and effective basic education services. In doing so, the amendment serves long-term United States national security interests by helping to give Pakistani children an educational alternative to extremist, jihadi-teaching madrassas.

I am pleased that the Chair of the Foreign Operations Subcommittee has agreed to accept this amendment. In their bill and committee report, the gentlewoman from New York and the rest of the members of the committee have recognized the importance of basic education assistance to our country's long-term national security interests. This amendment would complement and build off of those important efforts, and I thank the gentlewoman from New York for her willingness to work with me and accept my amendment.

The 9/11 Commission described a "generational struggle" against international terrorism, stressing the importance that any offensive efforts "be accompanied by a preventative strategy." They also noted, "It is hard to overstate the importance of Pakistan in the struggle against Islamic terrorism" and urged the United States Government to support in Pakistan "a comprehensive effort that extends from military aid to support for better education." Unfortunately, we have not yet gone far enough in that regard.

In December of 2005, the 9/11 Commission's Public Discourse Project gave the United States Government a D grade for not doing enough to support secular education. It noted, "United States assistance to Pakistan has not moved sufficiently beyond security assistance to include significant funding for education efforts." And just a few months ago, our own State Department concluded, "Pakistan remains a major source of Islamic extremism."

This is precisely the time that we should be spending substantially more on education, where we should be broadening and deepening our relationship with the Pakistani people with aid that reaches directly into the Pakistani homes.

This amendment is an important first step in this endeavor by providing an extra $785 million infusion for basic education directly to Pakistani children, an extra $75 million that would come on top of Pakistani education funding already in the bill and what we have provided for before.

This amendment provides this additional $75 million for basic education by reprogramming existing funds within the Economic Support fund account; $50 million of the total $75 million will be drawn from that part of the Economic Support fund that provides direct budgetary support for the Pakistani Government.

Over the last several years, the Pakistani Government has been receiving hundreds of millions of dollars per year in a cash transfer. This amendment would ensure that $50 million of those funds be reprogrammed to ensure they reach Pakistani children and not simply be handed over to the Pakistani Government without direction. The other $25 million of the $75 million total would come from the nonbudgetary support component of the Economic Support fund.

All of us hope to support the Pakistani people in their efforts to achieve a stable, prosperous and free nation. But our national security interests here are much more acute. Will we be safe over the next 5, 10 or 20 years as thousands of more young people learn jihad at extremist madrassas instead of learning real-world skills to become productive citizens in their communities and in our shared world?

When asked about this amendment, former 9/11 Commission Vice Chairman Lee Hamilton responded, "Increased U.S. funding for basic education provided by the Tierney Pakistan Education Assistance Amendment will send a powerful message that we are committed to a better future for young Pakistanis and to supporting alternatives to radical Islamic education. Sending this kind of a message is hugely important to the future of America's relationship with the people of Pakistan and our efforts to combat radical Islam."

It is past time to heed the 9/11 Commission's warning by fighting terrorism at its source, by stopping the process of extremism before it can begin, by helping the children of Pakistan to have an alternative to extreme madrassas. That should be at the core of our long-term national security strategy, that is what this amendment is all about.

Again I thank the gentlewoman from New York for accepting this amendment. I look forward to working with her to see that this additional funding for basic education programs directly reaching Pakistani children is retained in conference.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to accept this amendment. I thank the gentleman for his interest in basic education in Pakistan. As the gentleman knows, I have been a firm believer in basic education for a long time. The bill includes a total of $750 million for basic education programs.

The gentleman recently went to Pakistan. I had the privilege of going to Pakistan and visited the earthquake zones, and in fact I had the privilege of opening a school in the earthquake zone. These beautiful young girls looked at me and said, can you send us science teachers? Can you send us computers? We know this experience can be replicated thousands of times around the world.

So I really do appreciate the gentleman's commitment to basic education, and I look forward to working with the gentleman and accept his amendment.

Mr. TIERNEY. Mr. Chairman, if the chairwoman will yield, I want to again say I was in Pakistan at the same time that you were, approximately, and you witnessed, as did we, exactly what you are talking about. This is a great effort, to be able to go in the right direction, to put in public education as an alternative to the madrassas.

I thank you for the fine work you have done, and your committee as well.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. CARDOZA) for the purpose of a colloquy.

Mr. CARDOZA. Mr. Chairman, I want to thank the gentlelady from New York for her work with me on this.

Mr. Chairman, by way of brief background, there is a strong and vibrant minority community of Christians in Iraq. Some the oldest Christians in the world are these various sects: The Assyrian Church of the East, the Assyrian Church of the East Ancient, the Assyrian Evangelical, the Syriac Orthodox, the Syriac Catholic, the Coptic Church, the Armenian Catholic, the Armenian Evangelical, the Armenian Orthodox, and the Chaldean have their origins in Iraq and other Middle Eastern countries such as Iran, Turkey and Syria.

Like other ethnic minorities residing in the Middle East, throughout their history these various sects have been used as pawns by major powers in the region. Unfortunately, their Christian faith has made them targets and they frequently have been subjected to harassment and violence throughout the region.

In particular, the regime of Saddam Hussein was particularly brutal in their treatment of Christians. Because of their religion and because the majority of Christians opposed Saddam's regime, many of their leaders were assassinated and subjected to arbitrary detention.

The war in Iraq exacerbated this situation and further endangers the faith of this group. It is estimated that as many as 40,000 Iraqi Christians, 5 percent of the faithful, have left the country since the war has begun. While Iraqi Christians make up just 3 percent of the overall population, reports are that Christians make up more than 20 percent of the refugee exodus to Syria, and there are mounting fears that if Iraq becomes an Islamic theocracy, the exodus will accelerate.

My congressional district, the 18th District of California, happens to be home to a large Assyrian population. I have heard the horror stories from some in my district, and I am committed to ensuring that the interests of the Assyrians and the broader Christian community are well protected in the new Iraq.

I have taken numerous steps to protect the rights of the minority. In particular I have written a letter on the subject to Secretary Rice and have implored her to use all means available to ensure that the rights of this group are respected.

To further enhance our ability to protect these people, it is my understanding that there is report language in this bill which urges that $10 million in the recently enacted supplemental be targeted towards helping the Christian community in Iraq. I want to work with the chairwoman and the rest of the members of the committee to ensure that this money goes for its intended purpose of protecting this community and does not get diverted to other issues.

Mrs. LOWEY. Mr. Chairman, I thank my friend from California (Mr. CARDOZA) for bringing this important matter to the attention of the committee. This type of government-sponsored terrorism was a hallmark of Saddam Hussein's rule and cannot continue. It was endemic. Unfortunately, it seems that the practice continues, and I continue to worry that our assistance may not be benefiting the intended recipients.

I too am concerned about the plight of the Christian minority, and I am dedicated to using whatever tools we have available to ensure their rights are given due consideration.

Furthermore, I want to note for my colleagues that the recent supplemental included a requirement for a report on the ethnic and geographic distribution of the United States assistance programs reaching the Nineveh Plain region, which should give us a clearer picture of the situation facing Iraqi Christians.

I want to assure my friend that I, and I know my ranking member, who cares passionately about these issues, will work closely with the Congressman to ensure that this $10 million does go for its intended purpose of protecting the Christian minority in Iraq.

Mr. CARDOZA. Mr. Chairman, I thank the gentlewoman for her help on this issue and for her agreement to work towards ensuring that the money goes to alleviate the suffering of the Christian community in Iraq. This community has lived in this part of the world for over 1,000 years, and we must do our part to ensure that they live there for 1,000 more.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman. Congresswoman ANNA ESHOO is interested in this and a lot of others, and I thank the Chair for accepting the Kirk amendment in the full committee.

I looked for you yesterday. What I wanted to ask you to do was to offer an amendment on the floor, and I know the gentlewoman would have accepted it, of another $100,000, or $1 million, for the Chaldean Christians, and get a roll call vote on it; because colloquies are colloquies, but a roll call vote is a roll call vote.

AID has failed to address this issue. We have asked them a number of times. They tell us that we can't be targeting with regard to certain ethnic groups, and it has never been a satisfactory answer. So it is too late now, but it would have been a good thing to do. In fact, this Congress and this government, we have abandoned the Christians in the Middle East. We have pretty much walked away and the Christian community in the Middle East is declining.

So you are on to something, and hopefully you can find a way in another bill or in the supplemental perhaps to offer to work with the gentlewoman to have an amendment, and then you offer an added $100,000 or $1 million or whatever you think is appropriate, and then ask for a roll call vote so the entire Congress is on record, because you are right on target.

I want to thank you, and we will work with you and help you in any way possible. But a roll call vote of 435-0 would send a message to the AID people that they would have to face and focus on.

Mrs. LOWEY. Mr. Chairman, I would like to assure my good friend from California, and, of course, my ranking member, that we together will make it clear that this is an urgent issue, and the amendment in the committee validated the urgency of the issue. I know we will continue to work together to address this.

I thank the gentleman for bringing this up, and, of course, I respect the interest and passion of my ranking member. We will be following up, and there will be attention given to this issue.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman. I think that comment really sends a message. Obviously AID is watching this debate right now, and for the Chair of the committee to say that, they have actually gotten the message. So I thank the Chair.

Mr. CARDOZA. If the gentleman would yield briefly, I would say I did look for the gentleman on the floor yesterday as well, but we must have missed each other in our search. I thank the gentleman for his comments in the Rules Committee where I raised this issue initially. I look forward to working with the gentleman in the future. I will look for opportunities, together we will look for opportunities, to send a continuing message that this population is important, not just to the Middle East, but to this country as well, and it is important for us to assist and invest in this community.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very pleased to yield to my good friend, the gentleman from New York (Mr. MEEKS) for an important statement.

Mr. MEEKS of New York. Madam Chairman, I don't have any amendment at the desk, but I do wish to rise in support of the 2008 State and Foreign Operations Appropriations Act and to commend the committee, particularly the chairwoman from New York, for the fine work that has been done to get the bill to this point.

I want to bring attention to a very important aspect of the bill: funding for trade capacity building. This bill raises the Federal appropriation level to $214 million. That is $87 million more than the administration requested.

Obviously there are many different points of view on trade in this body, but I think all of us can agree that we must do everything possible to enable developing countries to facilitate trade with the world.

Most people think of trade infrastructure projects when they think of trade capacity. But facilitating trade goes well beyond that. These funds will help developing countries with labor and environmental law enforcement and provide technical assistance for better trade access in remote areas.

Trade capacity assistance is a relatively new tool in the trade arena, but it has recently played an important role in the implementation of trade and will continue to play a critical role as we consider several free trade agreements with developing countries that are eligible to receive capacity building from our Nation.

I thank the chairwoman for maintaining the commitment to trade capacity funds in recent agreements, and I hope to work closely with the committee on follow-up and oversight of trade capacity funds, past and in the present.

Hopefully, in the near future, we will have the opportunity to consider this on the floor with countries such as Peru, Panama and Colombia. All of these nations need trade capacity assistance, but Colombia is arguably the country with the most intense and persistent challenges.

I look forward to working closely with the committee and USAID to see that we dedicate some of the increased funds in this bill to help Colombia meet critical needs, like assistance for its Fiscalia, the Office of the Attorney General. The Fiscalia bears the overwhelming responsibility of continuing the progress towards security and peace in Colombia, with investigations of murders and kidnappings, particularly those of labor leaders, and managing the legal process of the demobilization of paramilitaries and the FARC. The Fiscalia needs as much support as we can offer it if it is going to expeditiously carry out the hundreds of investigations and legislative demands that it must meet as an independent agency of justice.

I hope my colleagues who share my concern over violence in Colombia, particularly in remote areas populated by African Colombians and attacks against labor leaders, will support the 2008 Foreign Operations bill and join me in calling for trade capacity funds specifically dedicated to those countries who are cooperating with us to make strides toward a more secure hemisphere.

□ 1330

Mrs. LOWEY. Mr. Chairman, I want to thank my friend from New York for bringing attention to these important issues. As you know, the former Chair of this committee, Mr. Kolbe, has been a leader on trade, and continues to share with us the importance of trade as we move forward in this process.

I thank you very much for focusing on his very important legacy. He was a great partner for me working together on this committee, and I also appreciate your mentioning Colombia and the fact that we changed the balance of funding in this bill, putting more resources in the Fiscalia. When I was there, it was clear to me that they didn't have enough people to enforce the law to go after the narcotraffickers, so this was an important area, in addition to increasing funding for interdiction. Justice, rule of law, interdiction, and funding for the Afro-Colombians, and we know there has been a tremendous need. Thank you for your work. I look forward to working together. I know that my colleagues realize how important these issues are as well.

Mr. MEEKS of New York. I thank the gentlewoman.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I rise to enter into a colloquy about the need for increased funding for the United States contribution to the Comprehensive Test Ban Organization with the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. If the gentlewoman would yield?

Mrs. LOWEY. I am happy to yield.

Mrs. TAUSCHER. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairwoman of the Foreign Ops appropriations bill about the need for increased funding for the United States contribution to the Comprehensive Test Ban Treaty Organization called CTBTO.

I had planned to offer an amendment to fund the CTBTO at least to the administration's request of $18 million for fiscal year 2008; but I would just like to make a few points for the record.

As you know, the administration's fiscal year 2008 budget request calls for $18 million for the U.S. contribution to the CTBTO. Unfortunately, the Foreign Operations appropriations bill would shift $8 million of the administration's already inadequate request to another account, leaving only $10 million for U.S. funding for CTBTO test ban monitoring.

The administration's request already falls well short of what is necessary to make up for past funding shortfalls that threaten to slow or stop the construction and operation of the test ban treaty organization's international monitoring system.

In 2002, the Bush administration unilaterally decided not to support the U.S. portion, approximately $800,000 per year, of the on-site inspection component of the CTBTO verification activities. The administration, which does not support ratification and entry into force of the Comprehensive Test Ban Treaty, argues that because the on-site inspection will only be available upon the entry into force of the treaty, the United States should not contribute.

For fiscal year 2006, the Bush administration requested and Congress approved only $14.4 million for the CTBTO, which was $7 million short of the $22 million assessed by the organization.

The continuing resolution covering most fiscal year 2007 spending set U.S. funding for the CTBTO at the fiscal year 2006 level, which was $9 million short of the United States $23.4 million assessment.

Compounding the problem last month, the Bush administration unilaterally decided to obligate only $10 million of the $14.4 million appropriated by Congress. As a result, the U.S. is now in arrears to a total of $28.3 million.

We are the single largest contributor to CTBTO, and our shortfalls will have a significant impact. The United States failure to pay its share will directly affect the CTBTO's ability to complete construction and certify for use the remaining stations in the international monitoring system, including those in more remote and strategic regions such as Turkmenistan, which lies just north of Iran.

I am sure that the gentlewoman from New York (Chairman LOWEY) shares my deep concern that the United States is underfunding the CTBTO as the danger of Iran's nuclear program grows as these fundings continue to deplete and we are not able to keep up with our obligations.

Unless Congress increases funding for the U.S. contribution, these shortfalls that have accumulated over the last 7 years will continue to undermine the effort to complete a global monitoring network and conduct data analysis designed to detect and deter nuclear weapons test explosions.

Mrs. LOWEY. Mr. Chairman, I am very pleased that my good friend from California brought this issue to our attention.

I really want to thank you for your work on CTBTO, and I agree with you that the United States should show leadership and pay our full share of obligations that it owes to the CTBTO.

The bill tries to draw balance between the various programs funded within the nonproliferation antiterrorism account, but I understand the concerns my friend has raised and these are concerns of the committee. There are many members of the committee who are working very hard on this issue, and it is my intention to continue to work with you as the bill moves through the process.

Mrs. TAUSCHER. Mr. Chairman, I appreciate the chairwoman's attention to this matter and her distinguished and significant leadership on this issue, and I look forward to working with her on this as the bill goes forward and in the conference.

Once again, I appreciate having a colloquy. I think these are very important issues, especially since I hope we will get to ratify the Comprehensive Test Ban Treaty and our obligations are significant to make sure that we have this global monitoring effort.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) The provisions of section 628 of this Act shall apply to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 628 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy SEED Act of 1989.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $15,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2009.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $297,332,000, to remain available until September 30, 2009, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 628 of this Act shall apply to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 628 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy SEED Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $397,585,000, to remain available until September 30, 2009: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than $52,200,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-governmental organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $19,000,000, to remain available until September 30, 2009.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-

533, $30,000,000, to remain available until September 30, 2009: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, (1) in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and (2) a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $333,500,000, to remain available until September 30, 2009: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", $1,800,000,0000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2008: *Provided further*, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, including administrative expenses of the Office of the Global AIDS Coordinator, $4,450,000,000, to remain available until expended, of which $300,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading and under the heading "Child Survival and Health Programs Fund" shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108–25: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2008 may be made available to the Office of the United States Global AIDS Coordinator for technical assistance related to the activities of the Global Fund.

AMENDMENT OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PITTS:

In the item relating to "Global HIV/AIDS Initiative", strike "*Provided Further*, That funds made available under this heading and under the heading 'Child Survival and Health Programs Fund' shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108–25:".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, United Nations program on HIV/AIDS report estimates that there are 40 million people infected with HIV/AIDS worldwide, and like everyone else, I am deeply saddened by this reality.

However, I am also filled with hope because recent evidence indicates that the current prevention strategy is helping to produce behavioral change that has significantly decreased people's risk of contracting this deadly disease.

The current HIV/AIDS prevention strategy was carefully crafted in the PEPFAR authorization bill to reflect a balanced approach, and the good news is that this balanced approach is working.

The PEPFAR authorization bill, which became law in 2003, included a provision that required one-third of the 20 percent for prevention funding, that is approximately 7 percent of the total PEPFAR funds, to be spent on abstinence and fidelity programs.

Prior to the implementation of this spending directive, the U.S. promoted an unbalanced condoms-only approach. The U.S. remains the largest distributor of condoms in the world. But for the first time the behavior factor is getting real attention under the current program rules. And the result: falling HIV/AIDS prevalence rates in 7 of the 15 focus countries.

The current prevention strategy is based on the comprehensive ABC model, first established in Uganda, developed by Uganda. The ABC model stands for A, abstinence; B, be faithful; C, condoms. A comprehensive, balanced approach.

After implementation of this model in Uganda, the number of young males age 15 to 24 reporting premarital sex decreased from 60 percent in 1989 to 23 percent in 1995. For females, the decline was 53 percent to 16 percent. The program actually helped change the behavior in women and men, a fact I hope my colleagues take seriously.

Opponents of this approach claim that behavioral change is unrealistic. Dr. Edward Green, a researcher at Harvard University, was an opponent of the ABC model and in particular of abstinence until he saw what happened in Uganda. He testified before the Energy and Commerce Committee saying: "Many of us in the AIDS and public health communities did not believe that abstinence or delay and faithfulness were realistic goals. It now seems we were wrong."

Not only has Uganda seen a society transformed by behavioral change, we can now add Kenya, Zimbabwe, Ethiopia, Namibia, Tanzania, and Zambia to the list of countries that are experiencing a decrease in HIV/AIDS prevalence rates.

Experts continue to testify to the fact that behavioral change continues to be the key indicator of HIV/AIDS prevention. Yet for some reason, some of my colleagues have decided to make a crucial provision of this successful strategy optional. This crucial provision ensures that the "abstinence" and "be faithful" components are incorporated into the approach. Never mind the fact that PEPFAR is expected to be reauthorized later this year, and never mind the fact that the reauthorization might be the more appropriate forum to debate this critical component that was agreed to.

Some of my colleagues argue that we need a comprehensive approach, but I remind them that abstinence and fidelity education are fundamental to the comprehensive ABC approach.

Some of my colleagues argue that we need an approach that saves lives. I remind them that the ABC model, with the A and the B spending requirement intact, is continuing to save more and more lives. In countries that have relied predominantly on condom distribution, HIV/AIDS prevalence rates have not improved. Meanwhile, countries that promote behavioral change have seen significant improvement.

Mr. Chairman, a balanced, evidence-based approach is essential if we are going to effectively fight HIV/AIDS in Africa. The current policy is the balanced approach. It is the evidence-based approach. It is the approach that is working. Why change what works?

I urge my colleagues to vote for my amendment and keep abstinence and fidelity in the AIDS program, and in doing so, to vote for an approach that is saving lives.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 15 minutes.

Mrs. LOWEY. Mr. Chairman, despite the best efforts of our prevention programs, the HIV/AIDS pandemic continues to grow. In 2006, 4.3 million people were infected with the virus; and for every new treatment patient in 2006, six additional people became infected with HIV. If we do not slow the pandemic, treatment costs alone in 2010 could be as high as $11 billion. Unless this trend is reversed, global efforts to expand treatment will falter and our global effort to address the pandemic will fail.

That is why it is so critical to maximize the effectiveness of the $5.062 billion for HIV/AIDS programs provided in this bill and make sure that our prevention programs work.

A recently released Institute of Medicine report entitled, "PEPFAR Implementation," stated: "The earmark has greatly limited the ability of country teams to develop and implement comprehensive prevention programs that are well integrated with each other and with testing, care, and treatment programs." These congressionally mandated funding restrictions are hampering our overall prevention efforts.

□ 1345

Therefore, and I want to make it very clear to my colleague, the bill allows the President to provide funding for HIV/AIDS prevention at his discretion. It does not change the underlying PEPFAR law, nor does it require that the President change the amount of funding for any particular prevention programs. In fact, it doesn't require the President to change the programs at all. The language simply provides flexibility to design the most effective prevention programs.

Effective HIV/AIDS prevention initiatives must be designed to respond to the local social and cultural conditions. These efforts should include all available options, including abstinence programs, comprehensive prevention programs, condom distribution, and medical interventions such as male circumcision and mother-to-child prevention programs to ensure that we use every tool at our disposal to stop this deadly disease.

We know that the only solution to stop the spread of HIV/AIDS is expanded and effective prevention programs. Our bill language again provides the administration with the flexibility to respond to the ever-changing pandemic in the most effective ways without the restrictions of arbitrary numerical targets.

Mr. Chairman, I reserve the balance of my time.

Mr. PITTS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague, the gentleman from Pennsylvania (Mr. PITTS), and in support of this evidence-based approach to reducing the spread of HIV and AIDS.

The AIDS epidemic in Africa is a serious problem that demands serious results. However, I also had the privilege of seeing firsthand the success of Uganda's ABC program when I traveled to Uganda a couple of years ago to visit my daughter who's a missionary there and also a health educator dealing specifically with HIV/AIDS. Also meeting with who has now become adopted into our family, Mama Nabali, who is a young woman with three children who has HIV as a result of behavior issues related specifically to a husband who was unfaithful in many, many ways.

It has been interesting to note that in Uganda as well as other countries that are now using the ABC program authorized and pushed by the First Lady and the President, President Museveni of Uganda, in each of those cases there is a significant decline in reported numbers of sexual partners, that's the behavior portion of it, and a significant decline in the numbers of unmarried youth who are sexually active, which is the abstinence portion of it.

Authorizing legislation that requires 33 percent of prevention funds to be spent in abstinence-until-marriage programming is the best way to address this problem because it's a proven, successful method of reducing the spread of HIV/AIDS. There is growing evidence that partner reduction is the single most important factor in reducing HIV/AIDS prevalence rates.

According to the PEPFAR Third Report to Congress, "Of the countless developments taking place in the global fight against the AIDS pandemic, perhaps the single most important in recent years is the growing number of nations in which there is clear evidence of declining HIV prevalence as a result of changes in sexual behavior."

Furthermore, no country with a generalized epidemic that has relied on condom prevention alone has reported a decline in HIV/AIDS prevalence rates. Because studies have shown that the abstinence-until-marriage method is producing the best results, I urge my colleagues to consider the merits of the Pitts amendment and support this important and, need I say, life-changing and lifesaving legislation.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from New Jersey, an expert on Africa and so many of the issues that are critical, Mr. PAYNE.

Mr. PAYNE. Thank you very much.

I rise to urge my colleagues to oppose the Pitts amendment that would strike the underlying language that provides flexibility to the President on designing his HIV/AIDS programs.

In 2003, Congress and the President came together to establish the Global HIV/AIDS Initiative. Five years ago, the world was optimistic that we could, with additional funding, start to turn the pandemic around. As we have heard, success has not been as easy as we would have hoped, and over 4 million people were newly infected last year. That is why, in addition to increasing the amount of money we are spending to combat HIV/AIDS, we must take every effort to ensure that we are spending money as wisely as possible.

The chairwoman's bill contains language which gives the President maximum flexibility. There is no empirical data to my knowledge which supports the abstinence-only earmark in P.L. 108–25, the original PEPFAR authorizing legislation. The earmark calls for one-third of all prevention funds to be spent on abstinence-only until marriage. No one has ever explained the rationale for that figure. The provision of flexibility to the President to determine how much money to spend on abstinence-only is way overdue.

I urge my colleagues to vote against the Pitts amendment and to support the chairperson in this endeavor.

Mr. PITTS. Mr. Chairman, at this time I yield to the distinguished gentleman from Florida, Dr. DAVID WELDON, 2 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, may I inquire as to how much time exists on both sides, please.

The CHAIRMAN. The gentleman from Pennsylvania has 8½ minutes. The gentlewoman from New York has 9½ minutes.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Pitts amendment. I am concerned with the change in the abstinence policy in the PEPFAR budget to permissive authority for the administration to give grants to abstinence-based programs. I fear that this is a setback to the work we are doing overseas with AIDS relief.

The best way to stop AIDS is to encourage people to abstain from sexual behavior outside of marriage. Last July, southern African AIDS experts and officials listed, and I'm quoting here, reducing multiple concurrent partnerships as their number one priority for preventing the spread of HIV.

I used to treat AIDS patients. I used to practice infectious disease. The reason AIDS exploded through the gay community in this country in the late seventies and the early eighties was because of this phenomenon, having multiple concurrent sexual partners. And the reason Uganda, and you're going to hear Uganda quoted over and over again, was successful in lowering their AIDS incidence from 18 percent to 6 percent, and there was very little foreign aid going in the country at the time they did this, is because they established an education program.

People are rising on the floor today acting like there is no money for anything other than abstinence education. This is a very modest component of the bill. We have a lot of money for prevention. We have money for mother-to-child prevention. We are simply requiring that a third of the money go to what I think is the most cost-effective venue that we could be using.

I would highly encourage my colleagues to support this amendment. I believe right now under the current law, the President has the authority to waive this requirement if the country team asks for it and as I understand some countries have and they have waived the authority. I believe that this language that they changed in PEPFAR is authorizing and this should have been left to the authorizing debate.

I strongly encourage my colleagues to support the Pitts amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, the language in the bill provides the President flexibility, not mandates. The gentleman's amendment seems to be more interested in bean-counting than saving and treating those with HIV/AIDS. Is it more important to make sure that 33 cents out of every dollar, according to the gentleman's amendment, go to abstinence or that we give the President some flexibility if, that is if, he needs it?

We all know that HIV/AIDS prevention programs must be targeted to the group that we are seeking to influence and when abstinence programs may be appropriate for some groups, including the very young. I want to raise to my colleagues' attention that the underlying language in the bill that provides flexibility enjoys broad support from groups that are working on the ground.

I have a letter from the Elizabeth Glaser Pediatric AIDS Foundation urging a "no" vote on the Pitts amendment.

I have a letter from CARE, one of the world's leading NGOs providing AIDS care and prevention services, urging a "no" vote on the Pitts amendment.

I have a letter from the General Board of Church and Society of the United Methodist Church urging a "no" vote on the Pitts amendment.

I urge my colleagues and their counsel and to vote "no" on the Pitts amendment.

In fact, Mr. Chairman, I would like to quote the distinguished ranking Republican member who said this on the floor last night:

"I believe this bill has the potential to do a lot of good, and I want to say that this bill will help save a lot of lives not only here but around the world. This is the work of the Lord. And I know Members are going to come down here and they're going to be against this bill. And I hope that we can change some of the things to prevent a veto, but this bill eventually when it passes, and it will pass, assuming it will be vetoed, is really about feeding the poor, the hungry, the naked and the sick. Almost a better title would be the Matthew 25 bill. So it has the potential to do a lot of good and I hope to work with the chairwoman to ensure the State Department has what it needs to do these things."

Matthew 25 is very clear, Mr. Chairman:

Then the king will say to those on his right, "Come you who are blessed by my father, take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came after me."

Then the righteous will answer him, "Lord, when did we see you hungry and feed you? Or thirsty and give you something to drink? When did we see a stranger and invite you in? Or needing clothes and clothe you? When did we see you sick or in prison or did we go visit you?"

The king will reply, "I will tell you the truth, whatever you did for one of the least of these, my brethren, you did it unto me."

Mr. Chairman, the people need medicine, not self-righteousness. Reject the Pitts amendment.

Mr. PITTS. Mr. Chairman, I didn't know I was going to get a biblical lesson here, but I would just ask the man rhetorically, is abstinence biblical? Is faithfulness biblical? That's what we're speaking on behalf of.

I yield 2 minutes to the gentleman from Nebraska who is a member of the Africa Subcommittee, Mr. FORTENBERRY.

Mr. FORTENBERRY. Mr. Chairman, I rise in favor of the Pitts amendment. This amendment will save lives. The President's Emergency Plan for AIDS Relief, commonly known as PEPFAR, is the largest bilateral foreign assistance program dedicated to mitigating the HIV/AIDS crisis worldwide. The plan places special emphasis on the 15 countries in Africa, Asia and the Caribbean which account for approximately 50 percent of the world's HIV infections.

If the U.S. is to remain the world's leader in saving lives from the devastation of AIDS, it's time to look at the track record and see what works well. Demographic and health surveys show that HIV/AIDS prevalence rates in at least 7 of the 15 PEPFAR focus countries is declining. Countries such as Uganda, Zambia and Senegal have success stories to showcase and something to teach us. In these nations and others experiencing declines in the prevalence of HIV/AIDS, it is through indigenous programming that respects the local cultural milieu and social norms that figure prominently.

In Uganda, for example, prevalence rates among pregnant women fell from approximately 20 percent in 1991 to 6 percent in the year 2000. Between 1991 and 1998, HIV prevalence rates among 15- to 19-year-olds fell by 75 percent, from approximately 21 percent to 5 percent.

While causal factors behind the prevalence declines are complex and should not be oversimplified, it is clear that the success stories in Uganda, Zambia, Senegal and elsewhere all incorporate the same common denominator, an emphasis on abstinence and fidelity, as critical elements in successful interventions.

□ 1400

As it stands, this appropriations bill would potentially reverse the most significant element of this success by diminishing the emphasis on abstinence and fidelity. This issue is much too serious to prevent the outright dismissal of compelling clinical evidence that in-country programming emphasizing abstinence and fidelity can effectively reduce the prevalence of HIV and AIDS.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished member of the committee, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today to urge my colleagues to oppose the Pitts amendment.

HIV/AIDS is devastating Africa and other parts of the developing world. We all share that. We share that knowledge. We can be proud that the United States is leading the way in addressing the global AIDS pandemic. We are providing support for millions of people through treatment, care and prevention programs.

But we need to take a very practical approach, and the bill before us does that by including the language that gives the President flexibility to implement prevention programs that fit the country's current AIDS pandemic.

I thought it was very compelling to hear the story that was just shared on the floor by my Republican colleague about how a wife had become infected, not because of her behavior, but because of her husband's behavior.

I am particularly concerned about the 40 percent of new HIV/AIDS infections in youth between the ages of 15 and 24. Women and girls make up 60 percent of all the infections, and 76 percent of the infections among those are between the ages of 15 and 24. Now, abstinence could be an option, but we know that marriage is not a protective factor.

Listen carefully to this: over the next 10 years, more than 100 million girls in the developing countries will be married before their 18th birthday, some as young as age 14, mostly to older men, often against their will. These are forced child brides.

These girls will have a significantly higher rate of HIV infection than their peers who are sexually active and their unmarried peers.

We should give these young girls the opportunity to protect themselves, to save their own lives. I believe that we must make sure that our prevention programs address their needs and provide alternatives. For these young girls and women, abstinence is just not an option. They need programs that provide them with full information to protect themselves. We, in Congress, must do all that we can to stop child marriage; but, in the meantime, we need to protect these young women.

I urge my colleagues to oppose the Pitts amendment.

Mr. PITTS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), who is ranking member of the Africa Subcommittee.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the Pitts amendment.

As an original cosponsor of the President's $15 billion, 5-year law to combat HIV/AIDS in Africa, I rise in strong opposition to the language in the bill that undermines and dismisses the successful HIV/AIDS prevention spending requirement in the PEPFAR legislation.

Where the epidemic has spread among the general population, the only successful evidence-based approach to HIV/AIDS prevention is that which emphasizes abstinence before marriage and faithfulness in relationships, and, lastly, where necessary, condoms.

The success of the ABC approach depends on the proper balance between these three elements. The spending requirement is necessary to attain that balance.

The vast majority of PEPFAR's focus countries have generalized epidemics; and those that have emphasized A and B, abstinence and being faithful programming, have experienced significant increases in the number of youth and adults who are either abstaining or being mutually faithful, and, at the same time, they have seen significant drops in those countries, in the percentage of their population infected with HIV/AIDS.

Examples of countries that have aggressively promoted abstinence and fidelity at the national level, backed by real resources, and have experienced decreased HIV rates include Uganda, Senegal, Jamaica, Thailand, Zambia, Zimbabwe, Dominican Republic and Kenya.

On the other hand, no country with a generalized epidemic that has relied primarily on condom promotion has reported a decline in HIV rates. Southern Africa is a tragic example of this.

The Washington Post on March 2 pointed out that "researchers increasingly attribute the resilience of HIV in Botswana, and in Southern Africa generally, to the high incidence of multiple sexual relationships . . . [Western AIDS experts] brought not just ideas, but money, and soon billboards in Botswana touted condoms. Schoolchildren sang about them. Cadres of young women demonstrated how to roll them out. The anti-AIDS partnership between the . . . Gates Foundation and drugmaker Merck budgeted $13.5 million for condom promotion, 25 times the amount dedicated to curbing dangerous sexual behavior. But soaring rates of condom use," The Washington Post went on, "have not brought down high HIV rates. Instead, they rose together until both were among the highest in Africa."

As indicated in The Washington Post report, those who are considered AIDS experts in the West, including some of those who directed U.S. prevention funding prior to PEPFAR, imposed their narrow-minded condom promotion mentality on Africa.

The PEPFAR coordinator, on the other hand, Ambassador Mark Dybul, testified last fall that the 33 percent prevention spending requirement "has helped support PEPFAR's field personnel in appropriately broadening the range of prevention efforts . . . In addition, the directive has helped PEPFAR to align itself with the strategies of the host nations, of which ABC is a key element."

In a letter to the editor of Lancet, June 2006, the Minister of Health of Namibia noted that PEPFAR support for AB, abstinence and faithful, is needed to ensure the balance of the ABC programs that Namibia seeks. That is because, he goes on to say, other international donors support only condoms but not abstinence or being faithful programs.

Finally, let me say that even with the spending requirement, the United States remains by far the largest condom distributor in the world.

If our goal here is to save lives by implementing the strongest evidence-based prevention programs possible, we should be at least maintaining, and I would suggest increasing, the percentage of funding directed to abstinence and to being faithful programs. It works, it has proven that it works, and I support the Pitts amendment.

Mrs. LOWEY. I am very pleased to yield 2 minutes to my distinguished friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentlelady for yielding to me.

I oppose the Pitts amendment. I support strongly the attempt by the subcommittee to give the President flexibility to implement prevention programs that fit the countries' current AIDS epidemic. I salute the President's Emergency Plan For AIDS Relief. I have been to Africa, Uganda, and Tanzania to see how the program works.

Everyone I spoke with pleaded with us to make sure that there was more emphasis on not A, B, but on C, condoms. Young children were asking that this be a factor in their schools. They said sex is going to happen no matter what you say. No matter what you say about abstinence or be faithful, it's going to happen. It is particularly disconcerting to think that someone who has chosen one partner and loves that partner, not knowing that that partner has been unfaithful, and, in fact, has AIDS, transmitting that disease to, in most cases, a young woman.

This makes eminent sense. I would like to think that we could get our religious beliefs out of this issue, not talking practically, but talking realistically. If you want to prevent deaths, you need to allow more condoms.

If you want to save lives, you need to allow more condoms. If you want to prevent pregnancies, you need to allow more condoms. If you don't want so much interest on other things like whether there should be abortion, you need to have condoms.

I weep thinking young kids go to school without teachers and go home without parents. We need to be doing more in Africa to spend our money better.

Thank you, Mrs. LOWEY, for what you have done to give the President of these United States the flexibility with his team that puts PEPFAR into operation.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I rise in support of the Pitts amendment.

First of all there is the flexibility; there is ability to waive. I hope Mr. PITTS will cover that.

Let me read you what Ambassador Mark Dybul said. He said recent data from Kenya, Zimbabwe and urban Haiti show decline in HIV prevalence. A new study has concluded that these reductions and prevalence do not simply represent the natural course of these nations' epidemics, but can only be explained by changes in sexual behavior. This demonstrates the power of behavior changes to save lives and the importance of support for effective behavior change intervention.

If people from my old neighborhood back in southwest Philadelphia heard this debate that the Congress was debating "faithful" in this, is it a good idea or a bad idea, they would say, what is going on?

As Mr. PITTS said, I would argue too that he is right. I think Biblical faithfulness is a Biblical principle. Faithfulness is a very good principle. Does anyone disagree? Now we are debating abstinence? We are saving lives.

So there is flexibility. So there is a fake argument here. There is the ability to waive; and what we are doing here, we could talk about different things, they are underlying agendas. We are talking about basically are we going to save lives. Are we going to save lives.

I will stipulate that Mark Dybul has forgotten more about this than this Congress knows. Because of that, I will urge an "aye" vote for the Pitts amendment to save lives.

Mr. Chairman, I yield the balance of my time to my friend from Pennsylvania.

Mr. PITTS. Mr. Chairman, there is flexibility in the existing program. Countries can apply for a waiver. Every country that has applied has received a waiver. Our friends say that all they want to do is provide flexibility and more condoms.

Well, for 20 years of fighting AIDS, the bureaucrats who run these programs tried the same approach over and over again. It never worked. When Uganda came up with a comprehensive approach that would, they still opposed it.

Well, the buck stops here in Congress, and we told them in 2003 to do what works, and it's working. Without this amendment, this bill will allow them to go back to the failed policies of the passed. So many on the other side are saying we need to listen to the other experts on the ground; we need to follow their advice.

That's true. They even raise this point with the Centers for Disease Control in a letter signed by several of my colleagues on the other side of the aisle, including the distinguished subcommittee chairwoman, Mrs. LOWEY. That letter highlighted the report that was written by the world's leading HIV/AIDS experts, was endorsed by more than 100 leaders from 36 countries, people like the President of Uganda, people like Archbishop Desmond Tutu and the HIV/AIDS director of the World Health Organization, researchers from Johns Hopkins and other leading medical institutions.

Allow me to quote from what these people, the experts, are saying about what's working to reduce AIDS prevalence: "When targeting young people or those who have not started sexual activity, the first priority should be to encourage abstinence or delay of sexual onset, hence emphasizing risk avoidance as the best way to prevent HIV and other sexually transmitted infections, as well as unwanted pregnancies." Abstinence, behavior change, that is what the experts are stressing. I agree, the experts know best.

They are saying that a comprehensive approach that includes behavioral change is crucial to winning the fight against AIDS.

Mr. WOLF. Would the gentleman yield?

Mr. PITTS. I would yield.

Mr. WOLF. Would the gentleman be saying Archbishop Desmond Tutu would be basically supporting your amendment?

Mr. PITTS. That's the quote that I read from the statement he signed.

Mr. WOLF. Nobel Prize winner Bishop Tutu from South Africa supports the amendment.

Mr. PITTS. That's correct.

Mr. WOLF. I mean, is there a greater expert, from both moral and understanding than that?

Did the gentleman say there have been waivers granted?

Mr. PITTS. That's correct. Every country that requested waivers has received one.

□ 1415

Mr. WOLF. Every single country. I think the gentleman has made the case.

I yield to the gentleman.

Mr. PITTS. Mr. Chairman, I submit for the RECORD the copies of the letters and the statement.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 7, 2005.

Hon. JULIE GERBERDING,
Director, Centers for Disease Control and Prevention, Clifton Road, Atlanta, GA.

DEAR DR. GERBERDING: On November 27, 2004, the Lancet published a statement entitled "The Time Has Come for Common Ground on Preventing Sexual Transmission of HIV." Signed by more than 100 religious, political, health and scientific leaders from across the developed and developing world, this statement called for an end to "polarizing debate" and urged the international community "to unite around an inclusive evidence-based approach to slow the spread of sexually transmitted HIV." We are writing to ask whether you support this statement.

The statement describes key elements of successful HIV prevention. These include:

1. Ensuring prevention activities are grounded in the science of epidemiology, supported at the local level, and respectful of human rights;

2. Promoting abstinence among those young people who are not yet sexually active, encouraging mutual monogamy among sexually active adults, and helping individuals who engage in high-risk activities to stop;

3. Encouraging correct and consistent condom use among individuals who are engaging in high-risk activities and those who are sexually active with a partner whose HIV status is unknown;

4. Expanding prevention programs for young people both in and out of school, supporting parents "in communicating their values and expectations about sexual behavior"; and

5. Employing community-based approaches that involve religious organizations, women's and men's organizations, care groups, youth organizations, health workers, local media, and traditional and governmental leadership.

The statement also notes that expanding access to services for testing, counseling and treatment of HIV/AIDS and other sexually transmitted infections, preventing mother-to-child transmission, and enhancing access to family planning services are all essential in order to achieve the prevention, care and treatment objectives of the President's Emergency Plan for AIDS and other global initiatives. It endorses continuing review of potential interventions such as microbicides, new antibiotic treatments, and vaccines.

The statement was written by several of the world's leading HIV experts, and endorsed by more than 100 leaders in the fight against AIDS from 36 countries across a range of disciplines. Notable endorsers include: Uganda's President Yoweri Museveni, Archbishop Desmond Tutu of the Anglican Church of Southern Africa, UN Special Envoy for HIV/AIDS in Africa Stephen Lewis, and HIV/AIDS Director at the World Health Organization Jim Kim.

The statement has also been endorsed by representatives from the World Bank; the Global Fund to Fight AIDS, Tuberculosis, and Malaria; and the heads of HIV/AIDS programs in several countries including Ethiopia, India, Jamaica, and Uganda. Leaders and representatives from major faith- and community-based nongovernmental organizations from the United States and around the world also back the statement.

Given the broad international and domestic support for the Lancet statement and the importance of collaboration in AIDS prevention efforts worldwide, we would like to know whether you, as a key leader in this administration in combating HIV/AIDS, support this statement.

We would appreciate a response by January 24, 2005.

Sincerely,

Henry A. Waxman, Ranking Minority Member, Committee on Government Reform, House of Representatives; Nita M. Lowey, Ranking Minority Member, Subcommittee on Foreign Operations, Export Financing and Related Programs, Committee on Appropriations, House of Representatives; Fortney Pete Stark, Ranking Minority Member, Subcommittee on Health, Committee on Ways and Means, House of Representatives; Sherrod Brown, Ranking Minority Member, Subcommittee on Health, Committee on Energy and Commerce, House of Representatives; Barbara Lee, Chair, Global AIDS Initiative, Congressional Black Caucus, House of Representatives.

Jesse L. Jackson, Jr., Member of Congress; Betty McCollum, Member of Congress; Howard L. Berman, Member of Congress; Lois Capps, Member of Congress; Richard J. Durbin, U.S. Senator.

JUNE 18, 2007.

DEAR REPRESENTATIVE: We are writing on behalf of the United States Conference of Catholic Bishops (USCCB) and Catholic Relief Services (CRS) to express deep concern regarding two provisions in the State/Foreign Operations appropriations bill, which the full House may soon debate. First, the bill would nullify the current 7 percent allocation (one-third of HIV and AIDS prevention funds) for abstinence-before-marriage programs in the President's Emergency Plan for AIDS Relief (PEPFAR). These programs have proven to be very effective in Africa as part of a larger strategy that focuses on overall behavior change. We consider it unwise to abandon this strategy through the Appropriations process and urge you to support any effort to reverse this provision.

The other fundamental defect is language in Section 622 rescinding the Mexico City Policy, which prevents U.S. family planning assistance from being channeled through groups that perform and promote abortion as family planning. On this issue we urge you to follow the counsel by our Bishops' Conference offered in a companion letter.

The Catholic Church is deeply committed to U.S. leadership on the issue of HIV and AIDS prevention and treatment. At home and around the world, and particularly through the experience of Catholic Relief Services in 12 of the 15 PEPFAR focus countries and many others, principally in Africa, the Church is deeply involved in offering life-saving help to people threatened by HIV and AIDS. This is not about ideology; it is about saving lives. In this common effort, we would urge the following steps to advance the U.S. commitment to address the spread of HIV and AIDS: Do not abandon the consensus that underpins U.S. leadership.

PEPFAR, at its heart, is about coming to the aid of some of our most vulnerable sisters and brothers. PEPFAR legislation was carefully negotiated and reflects a consensus on how best to proceed and on what works in HIV and AIDS prevention. By setting aside the requirement that 33 percent of prevention funding focus on "abstinence-before-marriage," Congress is summarily rejecting sound evidence and experience of what actually works in reducing HIV and AIDS.

Abandoning this approach through the Appropriations process, rather than through the process of reauthorizing PEPFAR, is also unwise, premature and counter-productive. This is an important issue that requires careful consideration of evidence and experience accumulated over a period of years. We and others on the front lines look forward to making our full case about the effectiveness of abstinence, behavior change, and partner reduction as ways to help save lives through the regular authorization process of hearings and deliberation. This is where decisions should be made in the interest of sound policy and on behalf of the lives and dignity of those who are most affected by HIV and AIDS.

USCCB and CRS were major supporters of the PEPFAR initiative when it was first announced in 2003. Since then, we have been actively engaged in education and advocacy to support major new investments in the U.S. commitment to fight the global pandemic. As we prepare for the reauthorization of PEPFAR legislation, attempts to abandon the current approach will seriously threaten consensus needed to expand U. S. leadership on this issue. It would be tragic if efforts to abandon this effective approach put at risk the consensus and momentum for increased U.S. commitment and investment in this life-saving initiative.

We strongly urge the Committee to retain designated funding for prevention of sexually transmitted HIV through abstinence and fidelity education.

PEPFAR included a 7 percent allocation (one-third of HIV and AIDS prevention funds) for abstinence-before-marriage programs. The State/Foreign Operations appropriations bill abandons this commitment, even though there is a global shortage of funding available for this critical and effective method for preventing sexually-transmitted HIV.

Since 2003, CRS has been one of the largest and most successful partners in PEPFAR. In its extensive experience and in the documented experience of others, only an approach to sexually transmitted HIV prevention that has sufficient funding for a behavior change strategy based on abstinence, partner reduction, and faithfulness education has yielded meaningful advances in stopping the spread of HIV. Educating youth on the risks they may face and providing them with good "life skills" so that they can make good, sound decisions, actually saves lives. Evidence shows that the HIV and AIDS prevalence rates in at least 7 of the 15 PEPFAR Focus Countries are declining—and in every such case, there is a significant decline in the reported numbers of sexual partners and in the number of unmarried youth aged 15–24 who are sexually active.

There is no evidence that an increase in the use of condoms alone, without abstinence and behavior change interventions, has reduced the rate of AIDS cases. Our experience leads us to strongly reaffirm the need for designated funding for abstinence-until-marriage, funding that was virtually non-existent before PEPFAR. Without funding for such programs, human lives, particularly in Africa, may be further threatened. A recent Washington Post article presents concrete evidence in this regard, affirming that in the case of Botswana, "soaring rates of condom use have not brought down high HIV rates. Instead, they rose together, until both were among the highest in Africa" ("Speeding HIV's Deadly Spread," Washington Post, March 2, 2007; p. A1).

Congress has responded to the health needs of the poor around the world with generosity. We ask that you support any effort to restore the PEPFAR-mandated allocation for "abstinence-until-marriage" funding. In addition, we urge you to fully fund this important investment in preventing HIV infections and saving lives, and not let it be sidetracked into diversionary battles. Now is the time for new investment, not re-fighting old battles.

With appreciation for your continued support for addressing the critical health needs of the poor around the world, we remain,

Sincerely yours,

THOMAS G. WENSKI,
Bishop of Orlando, Chairman, Committee on International Policy.

KEN HACKETT,
President, Catholic Relief Services.

Mrs. LOWEY. Will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman.

Mrs. LOWEY. I would just like to clarify and ask either the ranking member or the gentleman a question. Number one, I'm puzzled that you don't trust the President of the United States and give him the discretion. We're not changing the law. We're just giving the President the discretion. Now, that's Number one.

Number two, I believe both gentlemen said that waivers can be issued. Of course waivers can be issued. I believe the gentlemen know that when a waiver is granted the other countries may make up the difference. So, for example, if waivers are granted to 50 percent of the countries, I think of my trip to Arusha, Tanzania. And there was a hut right in the middle of this community, a Masai village, and there were 15 huts around it. And the chief of that village went from hut to hut to hut to hut, spreading HIV/AIDS.

Now, I'd be interested to know how this would work if the waivers are granted, and many of the other communities around the world have to make up for that waiver, how would this be done.

And the gentleman, Number three, has also talked about a comprehensive program. Well, we may agree. I believe in abstinence. I think it's great. And if it can be implemented in Africa and Asia and all the other countries that are spreading HIV/AIDS like wildfire, I'm perfectly in support. But we're talking about comprehensive programs, including abstinence. And I'm glad the gentleman agrees that this should be comprehensive programs including abstinence. Would you like to respond?

Mr. WOLF. I will yield to the gentleman first.

Mr. PITTS. The only thing your amendment would do is remove the A and the B from the ABC model.

Mrs. LOWEY. No. excuse me. There's confusion in the amendment. My amendment would give the President the authority, the President of these United States, with Ambassador Dybul, to make these decisions. We're not removing anything.

Mr. PITTS. And the President could remove the A and the B. and just have the C. And when Ambassador Dybul was asked if any of the countries wanted waivers, they all said no.

Mrs. LOWEY. May I inquire of the Chair how much time is remaining?

The CHAIRMAN. The gentlewoman has 30 seconds remaining on her time.

Mrs. LOWEY. I move to strike the last word. And I'm pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank our chairwoman for yielding and for her leadership, and just say, as one of the authors of the PEPFAR legislation, I actually helped write the majority of this legislation. I can tell you that while I did not agree nor support the 33 percent earmark, I know for a fact that this does not undo that earmark.

Let me just tell you a couple of things. You probably have heard, and you know that over the next 10 years, more than 100 million girls in developing countries will be married before their 18th birthday, and often against their will.

As currently written, the bill does not change the underlying abstinence-until-marriage earmark. For me that's unfortunate, but it doesn't change that. And it does not require the President to make any changes to current prevention funds. The current language merely provides the President with the flexibility to plan the most appropriate and sensitive and required program for countries per their request.

The fact is, the administration has already waived, you're right, application of the abstinence earmark for certain countries receiving assistance under our global AIDS programs. But I want you to remember, ABC does mean abstinence, be faithful, use condoms.

For many of these young girls, abstinence is not an option. And we must provide them with what they need to protect themselves. ABC is ABC.

The Lowey language provides a very practical, commonsense, 1-year fix, mind you, 1 year. And it gives the President the authority to program global AIDS funding according to local country needs. Ultimately, it will be up to the President to determine whether to exercise this flexibility.

This amendment, Mr. PITTS, it really does render a death sentence to millions of girls and their children and their babies.

So I urge my colleagues to vote against restricting the ability of the President to save lives. And that's what this amendment would do. And so I hope that all of the posturing and all of the ideological debate today really comes down to the fact that we believe, all of us believe in ABC: Abstinence, be faithful, use condoms.

And as I said, I helped write this bill. And I was much opposed to this earmark, but, believe me, I know that this does not remove it.

And so I urge my colleagues to oppose the Pitts amendment.

Mrs. LOWEY. Mr. Chairman, I'm very pleased to yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this amendment, and I thank the chairwoman of the Foreign Operations Committee for her leadership in this area.

My life has been devoted to public health, to bettering it. And this amendment is bad public policy wherever it will affect lives. It forces, actually, bad public health policy and removes the flexibility to opt for better allocation of public health services.

PEPFAR is extremely important to our fight against the transmission of HIV/AIDS and our treatment of the 40 million people living worldwide with this disease. But as the Institutes of Medicine and GAO have both reported, country teams have been greatly limited in their ability to provide effective lifesaving services by the restriction that has been placed for the past several years.

I applaud Chairwoman LOWEY for lifting this restriction by allowing PEPFAR funds to be spent where they are actually needed in order to accomplish the program's goal.

We spent all last week listening to complaints about a lack of responsible spending. Quite frankly, making the amount of funds available for proven effective public health programs dependent upon spending for unproven, ineffective programs is the epitome of irresponsible spending.

So I urge my colleagues to oppose this amendment, to support responsibility.

Mrs. LOWEY. I thank the gentlelady. I believe I have 2 minutes, Mr. Chairman?

The CHAIRMAN. The gentlewoman has 30 seconds under the 5-minute rule, and an additional 30 seconds under her original 15 minutes, a total of 1 minute.

Mrs. LOWEY. Mr. Chairman, I just want to clarify for my distinguished ranking member and my colleague from Pennsylvania that what this does is give the President of the United States of America the authority, the flexibility.

I believe in ABC, abstinence, be faithful, use condoms. But I want to make it very clear to my colleagues, when the administration uses the waiver, then the other countries of the world still have to meet that one-third percent when it comes to prevention, abstinence. All we're saying, again, is abstinence, be faithful, use condoms.

We have to prevent unnecessary abortions. We have to save lives. We have to make sure that we do whatever we can to prevent the spread of HIV/AIDS.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PITTS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word for the purpose of a colloquy with the distinguished former Speaker, Mr. HASTERT.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mr. HASTERT. Mr. Chairman, I rise to engage in a colloquy with Chairwoman LOWEY and Ranking Member WOLF.

I thank the gentlelady and Ranking Member WOLF for working with me throughout this process on an important issue that I have worked on for many years and that's Plan Colombia.

As you know, Colombia is a critical U.S. ally in the region, and it's in our interest to cultivate this partnership to ensure that Colombia remains strong.

I sincerely appreciate the chairwoman's efforts to address my concerns about the overall cuts to the program, particularly given the constraints of the bill. However, I still have concerns about funding levels provided for the Colombian aviation programs, as well as some of the certification requirements contained in the bill.

Alternative livelihood, which the chairwoman is very interested in, and I am too, and other developmental projects are certainly vital to our overall effort in Colombia, but they can only be successful in areas where the Colombian Government maintains territorial control.

That being said, I would like to continue working with the chairwoman and ranking member to address some of these issues as we move forward to conference.

Madam Chairman, once again, I thank you and I look forward to working with you as the process continues.

Mrs. LOWEY. Reclaiming my time, to my friend the former Speaker, I want to thank you for the collaborative way you have worked with me and our ranking member, Mr. WOLF. I would like to commend you for your many years of dedicated and unyielding work on Colombia.

I, as you, have long been deeply concerned about the situation facing us in the war on drugs. We agree that increasing drug interdiction efforts is necessary. We also agree that Colombia is a vital partner and ally of the United States.

I want to say again that I fully recognize the strategic importance of Colombia. In no way does this bill reduce our steadfast support to our friends in Colombia.

I've tried, in this bill, working with my good friend, Mr. WOLF, to strike a more balanced strategy that shifts the aid from the military and strengthens civilian governments, humanitarian assistance and rural development.

I continue to believe that we need to attack the underlying and pervasive poverty that is at the root of the problems in Colombia, as well as the region. I've attempted to increase the social component in our assistance to Colombia and begin Colombianization of the the military package and place a greater emphasis on interdiction rather than eradication.

This bill also increases funding for judges, prosecutors and rule of law and creates jobs in the legal economy.

Again, I say to my good friend from Illinois, I greatly appreciate your advice, the give-and-take you have provided as we drafted this bill. I want to assure the gentleman that the committee will continue to pay close attention to his concerns as we work through the next stages of the process.

Mr. WOLF. Would the gentlelady yield?

Mrs. LOWEY. I would be happy to yield to the gentleman from Virginia.

Mr. WOLF. I want to join my colleagues in continuing to work on the important issue. U.S. assistance to Colombia has been directly responsible for bringing stability to the country. The people of Colombia couldn't travel freely, but now they can. The security is due to Plan Colombia. I appreciate the Speaker's hard work over the years on this issue.

I want to thank Mrs. LOWEY, Chairwoman LOWEY for really being very open and taking all the time to kind of work this out.

Mr. HASTERT. If the gentlewoman would continue to yield, I too would just like to say thank you for your hard work, and I'm honored to continue to work with you on this issue. Thank you very much.

Mrs. LOWEY. I thank the gentleman. And it was a pleasure working with you, and I look forward to continuing to work together on this important issue.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. LINCOLN DIAZ-BALART of Florida.

An amendment by Mr. WOLF of Virginia.

An amendment by Mr. SHAYS of Connecticut.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Ms. FOXX of North Carolina.

An amendment by Mr. PITTS of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

☐ 1430

AMENDMENT OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 170, not voting 13, as follows:

[Roll No. 527]

AYES—254

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Engel
English (PA)
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Gutierrez
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jones (OH)
Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—170

Ackerman
Allen
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Capps
Capuano
Carson
Christensen
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Harman
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pastor
Paul
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Weiner
Welch (VT)
Woolsey
Wynn
Yarmuth

NOT VOTING—13

Abercrombie
Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Granger
Hunter
Ortiz
Pickering
Sanchez, Loretta
Sullivan
Waxman

☐ 1456

Mr. BERMAN and Mr. CONYERS changed their vote from "aye" to "no."

Messrs. HIGGINS, CARNEY, MILLER of North Carolina, JEFFERSON, GUTIERREZ, SCHIFF, MELANCON, RYAN of Ohio, KENNEDY and SPRATT, and Mrs. JONES of Ohio, Ms. BORDALLO and Ms. GIFFORDS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WOLF

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. WOLF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 13, as follows:

[Roll No. 528]

AYES—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—219

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Abercrombie
Bonner
Cramer
Cubin
Davis, Jo Ann
Diaz-Balart, M.
Fortuño
Hunter
Ortiz
Pickering
Sanchez, Loretta
Sullivan
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. There is 1 minute remaining on this vote.

□ 1501

Mr. BUYER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHAYS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 355, noes 69, not voting 13, as follows:

[Roll No. 529]

AYES—355

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watt
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)

NOES—69

Akin
Baker
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Cantor
Cleaver
Coble
Davis, David
Deal (GA)
Dingell
Drake
Duncan
Everett
Fattah
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Goode
Gutierrez
Hayes
Hensarling
Herger
Hinojosa
Israel
Jordan
King (IA)
Kingston
Lamborn
Linder
Lofgren, Zoe
McCotter
McCrery
Mica
Miller (FL)
Murphy, Patrick
Pence
Pitts
Poe
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Shuster
Souder
Tierney
Wasserman Schultz
Waters
Watson
Welch (VT)
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOT VOTING—13

Abercrombie
Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Heller
Hunter
Ortiz
Pickering
Sanchez, Loretta
Sullivan
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

☐ 1505

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 232, not voting 13, as follows:

[Roll No. 530]

AYES—192

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu

NOES—232

Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hunter
Ortiz
Pickering
Rangel
Sanchez, Loretta
Sullivan
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1509

Mr. BOUSTANY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. FOXX

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. Foxx) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 287, not voting 13, as follows:

[Roll No. 531]

AYES—137

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—287

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Bachus
Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hunter
Ortiz
Pickering
Sanchez, Loretta
Sullivan
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1514

Mr. McINTYRE and Mrs. JONES of Ohio changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PITTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. Pitts) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 226, not voting 12, as follows:

[Roll No. 532]

AYES—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce

Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—226

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—12

Abercrombie
Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hunter
Ortiz
Pickering
Sanchez, Loretta
Sullivan
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1518

Mr. ALTMIRE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the chairwoman, and I rise for the purpose of engaging in a colloquy with the gentlewoman from New York.

First of all, Madam Chairman, I would like to thank you for your efforts to increase funding for nonproliferation, anti-terrorism, demining and related programs.

My amendment would have targeted a specific increase for the counterterrorism program within the nonproliferation, anti-terrorism, demining and related programs account. This vital program was only funded at the President's request of $6 million, which is actually a reduction from the $7.4 million in last year's budget.

I appreciate the good work done by the chairwoman and by the committee in meeting the President's request. I understand that. But the President has not done a sufficient job in the area of counterterrorism, and there has been actually a reduction in this area.

As the cochair of the Task Force on Terrorism and Proliferation Financing, I have joined many of my colleagues, including the Chair, in meetings and hearings facing the challenges that we confront in the United States Government in battling terrorist financing.

Since the attacks on 9/11 Congress and this committee have taken significant steps towards utilizing investigation and data collection regarding terrorist financing as a viable intelligence tool for disrupting the financing of terrorist activities. Nevertheless, terrorists' proven ability to move money through innovative means necessitates continued progress in this critical counterterrorism area.

Al Qaeda's strength, for example, rests in its ability to continually adapt to U.S. tactics, and thus it requires greater innovation and greater resources in order to develop new strategies to counter those efforts.

In April, I had an opportunity to organize a trip to the Middle East where we met with high-ranking banking officials to discuss the issue of anti-terrorism financing in Jordan, in Afghanistan, in Iraq and in Istanbul, Turkey. I believe that through international financial pressure, we can effect real change in the policies of other countries towards these terrorist groups.

In the parts of the world where financial restrictions would have the greatest impact, unfortunately, U.S. influence is at its lowest. On the other hand, however, I know from our own experience that these countries do want to participate in the global economy. Thus, we have seen that these countries are more likely to adopt transparency in their finance laws for the purpose of gaining legitimacy in the eyes of global investors rather than simply responding to U.S. pressure. By allocating more resources to induce anti-money-laundering compliance and transparency, we can make significant gains in tracking terrorists and cutting off their funding.

While we made some progress, considerable work remains to be done in regulating, for instance, the hawala system, which is an informal transfer system used extensively in the Middle East, because anytime you have a lack of transparency and a lack of accountability regarding the movement of funds, there is a great likelihood that terrorists and criminals can harness the system for their own gain.

By closing off legitimate financial markets for terrorists, we force them to change tactics that are less secure and oftentimes easier to track. A perfect example is the example of December 14 and the arrest of Palestinian Prime Minister Haniyeh at the border crossing into Gaza from Egypt carrying an estimated $30 million in cash in suitcases for the Palestinian Authority and for Hamas. The reason that Hamas has to operate that way is because financial markets were not available to them. Instances like these highlight the importance and indeed the benefit of focusing on counterterrorism financing efforts.

In essence, I am greatly concerned that the President is not doing enough and that by meeting the President's request, we here are not doing enough to stop the financing of terrorist operations.

Mr. Chairman, I would yield back to the gentlewoman from New York for a response.

Mrs. LOWEY. Mr. Chairman, I would like to thank the gentleman. I agree that the counterterrorism financing program is a vital tool in assisting foreign countries' efforts to identify, freeze and prevent the use of financial institutions, businesses and charitable organizations as conduits for money to terrorist organizations, including giving countries an investigative ability to follow the money trail and arrest terrorists preemptively.

I support the work of the Department of State, the Department of Justice and the Department of Treasury in assisting countries who are at risk to terrorist financing. However, overall budgetary constraints did not provide sufficient opportunity for us to increase the requested funding level at this time.

However, I want to assure you, this is a priority of this committee. This is a priority of this Congress. In fact, I have been a member for years of this same task force, the same committee of which you are cochair, I believe, and I look forward to working with you as the bill moves through this Congress to conference to see if we can bolster those funds.

I really do thank you for bringing this issue to our attention.

Mr. LYNCH. Mr. Chairman, I thank the chairwoman for the courtesy that has been extended to me, and I also look forward to working together on this very important issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $568,475,000, to remain available until September 30, 2010: *Provided*, That during fiscal year 2008, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: *Provided further*, That none of the funds provided under this heading for counter narcotics activities in Afghanistan shall be made available for eradication programs through the spraying of herbicides: *Provided further*, That $12,000,000 of the funds appropriated under this heading shall be made available for demand reduction and drug awareness programs: *Provided further*, That not less than $8,000,000 shall be made available for programs to combat transnational crime and criminal youth gangs: *Provided further*, That of the funds appropriated under this heading, not more than $38,000,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $312,460,000, to remain available until September 30, 2010: *Provided*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds available under this heading for assistance for the Colombian National Police Support for Eradication program, not less than $5,000,000 shall be made available for program assistance to protect biodiversity, indigenous reserves and Afro-Colombian lands subject to spraying in Colombia: *Provided further*, That of the funds available for the Colombian national police support for eradication program for the procurement of chemicals for aerial coca and poppy fumigation programs, exclusive of funds made available pursuant to the previous proviso, not more than 10 percent of such funds may be made available for such fumigation programs unless the Secretary of State certifies to the Committees on Appropriations that (A) the herbicide is being used in accordance with label requirements of the Environmental Protection Agency for comparable use in the United States and with Colombian laws; (B) the aerial fumigation program does not pose unreasonable risks or adverse effects to humans or the environment including endemic species; (C) the social dislocation and changes in vegetative cover caused by the geographic shifts in coca and poppy cultivation resulting from the aerial spraying program have been thoroughly assessed on a regional level, and effective measures are being taken to minimize adverse impacts; (D) all certification reports on the aerial eradication program are being made available to the public in a timely manner in both English and Spanish; (E) complaints of harm to health or licit crops caused by such spraying are being thoroughly evaluated and fair compensation is being provided in a timely manner for meritorious claims; (F) all claims, evaluations, and compensation reports will be disclosed biannually to the public in both English and Spanish; (G) a minimum of 15 percent of sprayed fields will be subject to independent and randomly selected off-target damage assessments; (H) programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities and existing local development initiatives, to provide alternative sources of income in municipalities where security permits for small-acreage growers whose illicit crops are targeted for fumigation; (I) programs to provide food security to affected families are operative in areas where security does not permit alternative development programs: *Provided further*, That funds may not be used for aerial fumigation in Colombia's national parks or reserves unless the Secretary of State determines that there are no effective alternatives to reduce drug cultivation in these areas and that the spraying is conducted in accordance with current Colombian laws: *Provided further*, That of funds provided for interdiction under this heading, not less than 10 percent of airtime allocated for aerial assets, (both fixed and rotary wing aircraft), shall be used annually for major drug interdiction operations, including assaults on large drug processing labs and high value narcotics related targets: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States shall participate in any combat operation in connection with assistance made available by funds provided in this Act for Colombia: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Bolivian military may be made available for such purposes only if the Secretary of State certifies that the Bolivian military is respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights: *Provided further*, That of the funds appropriated under this heading, not more than $17,000,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $829,900,000, to remain available until expended: *Provided*, That not more than $22,500,000 may be available for administrative expenses: *Provided further*, That not less than $40,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $467,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for antiterrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $38,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate or being otherwise discriminated against in any of the activities of that Agency: *Provided further*, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2009.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $18,000,000, to remain available until September 30, 2010, which shall be available notwithstanding any other provision of law that restricts assistance to foreign countries.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $200,300,000, to remain available until September 30, 2010: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration: *Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $85,076,000, of which up to $3,000,000 may remain available until expended: *Provided*, That funds under this heading shall not be available for Equatorial Guinea: *Provided further*, That funds appropriated under this heading that are made available for assistance for Guatemala, other than for expanded international military education and training, shall be available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided further*, That assistance provided under this heading for the Guatemalan Army Corps of Engineers is only available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Guatemalan military, other than for expanded international military education and training, may be made available only if the Secretary of State certifies that the Guatemalan Air Force, Navy and Army Corps of Engineers are respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights: *Provided further*, That funds appropriated under this heading for military education and training for Libya and Angola may only be made available for expanded international military education and training: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available in the previous proviso and funds made available for Haiti, Libya, Angola, the Democratic Republic of the Congo, Guatemala, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of the proposed activities: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, no later than 60 days after enactment of this Act, a report addressing how the Western Hemisphere Institute for Security Cooperation IMET program for fiscal year 2008 contributes to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,509,236,000: *Provided*, That of the funds appropriated under this heading, not less than $2,400,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $631,200,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $200,000,000 shall be made available for assistance for Jordan: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That $5,000,000 of the funds provided under this heading shall remain available until expended and shall not be subject to the sixth proviso of this paragraph: *Provided further*, That none of the funds appropriated pursuant to the previous proviso shall be made available except pursuant to the regular notification procedures of the Committees on Appropriations.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for the Guatemalan Army: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Guatemalan military may be made available only if the Secretary of State certifies that (1) the Guatemalan Air Force, Navy and Army Corps of Engineers are respecting human rights; (2) civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights; and (3) the Guatemalan Congress has adopted and the President has signed the International Commission Against Impunity in Guatemala (CICIG): *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Haiti and Guatemala except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $41,900,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $395,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2008 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2008 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $293,200,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

☐ 1530

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Massachusetts (Mr. OLVER) for the purpose of a colloquy.

Mr. OLVER. I thank the gentlewoman for yielding.

Mr. Chairman, I want to thank first of all Chairwoman LOWEY and Ranking Member WOLF for their good work in bringing this good bill to the floor. But I rise today particularly to commend Chairwoman LOWEY, Ranking Member WOLF, and the subcommittee for their efforts to relieve the humanitarian crisis in Darfur. By providing over $200 million for peacekeeping and humanitarian aid to Darfur, this bill will provide desperately needed support for the 2.5 million people driven from Darfur or displaced within Darfur by the Sudanese's deliberate actions.

Yet even as I acknowledge the significant resources that have been included in this bill, I cannot contain my outrage and frustration that the genocide in Darfur continues. Hundreds of villages and small towns have been razed, burned to the ground, and obliterated, the men killed, the women systematically raped, children slaughtered as if they were vermin, survivors fleeing for their lives into the squalor of refugee camps.

A common tactic of this horror has been to stuff the villages' water wells with the bodies of the dead so there will be no water for people who try to return to their ancestral homes.

Just last week, Sudanese President Omar Bashir agreed, yet again, to the deployment of a joint United Nations-African Union peacekeeping force in Darfur. This proposal calls for 20,000 African Union peacekeepers to be led and paid for by the United Nations. President Bashir has apparently offered his unconditional acceptance to the plan.

But do we have any reason to believe that this latest agreement is anything but one more delaying tactic? After all, President Bashir already agreed to a joint U.N.-A.U. peacekeeping force in November only to renege a couple of months later. Each time the international community moves even timidly towards imposing punitive measures against Sudan, President Bashir briefly acquiesces and then promptly resumes his unconscionable obstruction of peacekeeping efforts. How are we to know if this latest concession is any different?

Just last week, activists representing 36 organizations addressed a letter to the U.N. Security General, Ban Ki-moon, decrying the escalating attacks in Darfur and documenting the flight of aid organizations from the region. The conference on Darfur to occur next week in Paris will provide one more opportunity for the United States, France and other nations to join together in outlining tough consequences for Sudanese failure to accept prompt deployment of the twice-agreed-upon U.N.-A.U. peacekeeping force.

We know that the Sudanese Government responds to international pressure, but it must be fierce and sustained if it is to finally end the vicious and senseless slaughter of the people of Darfur.

I would like to ask simply five questions, Mr. Chairman. How many times in this Congress have we and will we congratulate ourselves for passing virtually unanimously powerless resolutions condemning the Bashir regime's actions in Darfur?

Second, Will President Bush build on the study provision in the House-passed Armed Services authorization for fiscal year 2008 to develop a robust base in Chad for the deployment of peacekeeping forces and for the delivery of food and services to the millions of refugees?

Or three, Is this administration so committed to other dealings with Sudan that all of President Bush's statements about the genocide in Darfur are just words?

Four, Why should America participate in the 2008 Olympic Games in China when China repeatedly obstructs U.N. action on Darfur?

Finally, When will America's 4-year demonstrated impotence be perceived as complicity in the horror of Darfur?

It is time to stop the shilly-shallying, stop the attacks on civilians, and bring peace to Darfur. Today as we again provide funding for humanitarian assistance, let us remember that our lack of more effective action will be judged harshly by future generations who will wonder why we didn't act decisively to stop the genocide in Darfur.

Mrs. LOWEY. I thank the gentleman and I appreciate your constancy and your passion on this issue. I know you are aware that our committee put in over $100 million above the President's request to assist the financing of the African Union mission. And I do hope that at some point in the near future we can talk with equal passion about what is being done to address this disaster.

I yield to the gentleman.

Mr. OLVER. I understand and applaud you and the ranking member for that $100 million above the President's request. That is very commendable, but the atrocity and the genocide continue.

Mrs. LOWEY. Absolutely. I thank you very, very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $106,763,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $950,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $115,306,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $2,037,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $31,919,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $135,684,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,072,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $333,400,000: *Provided*, That section 307(a) of the Foreign Assistance Act shall not apply to contributions to the United Nations Democracy Fund.

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. ROS-LEHTINEN:

Page 72, line 5, after the dollar amount, insert the following: "(increased by $20,000,000) (reduced by $20,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I want to begin by thanking Chairman LOWEY, Mr. WOLF, Mr. OBEY, and Mr. LEWIS for their great cooperation and working with me to find an acceptable compromise on the important issues in this amendment. I am grateful for their agreement to support the amendment text before us today.

This amendment serves two basic purposes. First, it seeks to restore funding for two initiatives: it restores funding for the U.N. Democracy Fund at the administration's requested $14 million level, which had been zeroed out in the committee report.

The Democracy Fund, an initiative proposed by President Bush in 2004, increases cooperation between democratic countries and supports new and transitional democracies. It has been successful in making grants to programs in more than 100 countries around the world to support civil education, voter registration, access to information, and democratic dialogue.

In recent weeks, I have been working with the chairman of Foreign Affairs, Chairman LANTOS, and his staff to ensure that a $14 million authorization for the Democracy Fund stays intact in preconference meetings with the Senate on H.R. 1 and H.R. 982, the Advanced Democracy Act.

I am glad that this amendment provides us with another opportunity to continue our bipartisan support for this critical work. The amendment also would restore $6 million out of the $10 million requested by the administration for the U.N. Innovation and Entrepreneurship Initiative.

This initiative, modeled on the Democracy Fund, is designed as a voluntarily funded, freestanding trust that will make technical assistance grants to promote positive environments for business and innovation around the world.

Second, in addition to restoring those deleted funds, this amendment will strike $20 million from the proposed U.S. contributions to the U.N. Development Program. The past 6 months have brought a series of very serious revelations and questions about the UNDP activities in North Korea, Mr. Chairman, a rogue regime under sanctions by the U.N. Security Council.

While we appreciate the fact that the program has been terminated in North Korea, there has not been sufficient investigation and cooperation from UNDP in answering questions that bear on the fundamental issues that are of national security interest to the United States.

The $20 million cut proposed in my amendment will send a clear signal about our demands and expectations for greater transparency and accountability from the United Nations Development Program while also continuing to make a substantial contribution to UNDP's core programs.

Again I thank my colleagues for their bipartisan support for this important amendment.

Mrs. LOWEY. Would the gentlelady yield?

Ms. ROS-LEHTINEN. I yield to the chairwoman.

Mrs. LOWEY. I understand the intent of this amendment, and we have worked to craft an amendment we both can accept.

As you know, I believe that the United Nations Development Program is a key partner in our efforts to address global poverty. Their programs work to spread democracy, to address global HIV/AIDS, to improve the environment, and to respond to natural disasters and crises. All of these programs are critically important and they are working.

Because of their broad mandate, they often work under very difficult circumstances, and it is their work in North Korea that has led to the recent allegations of inadequate controls on funds to North Korea. These are serious concerns and need to be addressed.

However, I want to point out to my colleagues that UNDP has reacted swiftly to these concerns by suspending its program and closing the office in North Korea. In addition, UNDP is working with its executive board to put new accountability and transparency measures in place.

In light of congressional concerns that have been raised on both sides of the aisle, I worked with the gentlelady to negotiate this agreement which reduces UNDP resources in order to provide support to the U.N. Democracy Fund and the U.N. Entrepreneurship Fund. I appreciate the gentlewoman's interest in this issue and accept her amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment was agreed to.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the chairwoman of the subcommittee, and I want to express my support for the bill and express my appreciation specifically for the significant increases in funding for global health issues, peacekeeping, and trade capacity building, especially in Colombia. And I know that the chairlady shares the frustration that was articulated by the preceding speaker, Mr. OLVER, on Darfur. We wish we could do far more than we are able to on the horrific situation in Darfur.

□ 1545

But I also want to express my support for the work of an international nongovernmental organization, the International Commission on Missing Persons, otherwise known as the ICMP. The ICMP is an organization whose work in Bosnia, Iraq, Vietnam and the tsunami-affected areas has brought relief to thousands of families with missing relatives resulting from armed conflict and natural disaster. This commission, which was established in 1996 from the Dayton Peace Accords, has received U.S. Government support in the past and is widely acclaimed throughout the international community. But is in desperate need of funds in Iraq today.

I would strongly urge the committee to consider this organization for possible congressional support in this year's conference or in future appropriations.

Mrs. LOWEY. I thank the gentleman for his passion. I know you're concerned with so many issues in this bill. I appreciate your comments and I look forward to continue working together.

Mr. MORAN of Virginia. I thank the gentlelady for her support.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent that the bill, through page 95, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of that portion of the bill is as follows:

TITLE VI—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 601. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 602. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to title III of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES REPORT

SEC. 604. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to titles II through V of this Act, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $2,500 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: *Provided*, That no such entertainment funds may be used for the purposes listed in section 647 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $55,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $4,000 shall be available for representation and entertainment allowances: *Provided further*, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 606. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles II through V of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2008 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2009 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the

government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: *Provided further*, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya: *Provided further*, That the prohibition shall not include direct loans, credits, insurance and guarantees made available by the Export-Import Bank or its agents for or in Libya: *Provided further*, That the prohibition shall not apply to funds made available under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" for Libya.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to titles II through V of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 609. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 615 (a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2008, for programs under title II of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 610. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 611. (a) No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act.

(b) Funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation provided under titles II through V in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to titles II through V of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles II through V of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 615. (a) None of the funds made available in this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agencies or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available in this Act for the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", "DEVELOPMENT ASSISTANCE", "INTERNATIONAL ORGANIZATIONS AND PROGRAMS", "TRADE AND DEVELOPMENT AGENCY", "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", "ANDEAN COUNTERDRUG INITIATIVE", "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", "ECONOMIC SUPPORT FUND", "GLOBAL HIV/AIDS INITIATIVE", "PEACEKEEPING OPERATIONS", "CAPITAL INVESTMENT FUND", "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL", "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS", "MILLENNIUM CHALLENGE CORPORATION" (by country only), "FOREIGN MILITARY FINANCING PROGRAM", "INTERNATIONAL MILITARY EDUCATION AND TRAINING", "PEACE CORPS", and "MIGRATION AND REFUGEE ASSISTANCE", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this paragraph shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title III or title IV, of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate Congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles II through V of this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2009.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION" for the Russian Federation, Armenia, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e) In issuing new task orders, entering into contracts, or making grants, with funds appropriated by this Act or prior appropriations Acts under the heading "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

STATEMENT

SEC. 619. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"ECONOMIC SUPPORT FUND";

"ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES";

"ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION";

"ANDEAN COUNTERDRUG INITIATIVE";

"NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS";

"FOREIGN MILITARY FINANCING PROGRAM"; and

"INTERNATIONAL ORGANIZATIONS AND PROGRAMS".

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated under titles II through V of this Act shall be obligated or expended for assistance for Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

AMENDMENT OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MOORE of Wisconsin:

In section 620 of the bill (relating to special notification requirements), strike "Liberia,".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Thank you, Mr. Chairman.

My amendment would repeal a section of U.S. law that requires a report to Congress 15 days before any U.S. assistance can be obligated for Liberia. The obligating agency, whether State or USAID, would be required to submit this paperwork in addition to information they may have already provided in their annual budget documents.

I should note that the only other countries that are currently subjected to this requirement are Sudan, Zimbabwe, Serbia, Pakistan and Cambodia.

Mr. Chairman, as you and many of my colleagues know, for over 20 years, the people of Liberia have been subjected to the ravages of poverty, conflict, coups, and corruption. As one observer put it, "seldom has a country sunk as far as Liberia did under the leadership of Charles Taylor and his predecessors." I do think I need to recount the number of casualties from wars, including the last civil war which only a few years ago with the assistance of U.S. leadership, which killed a quarter of a million of the country's 3 million people and displaced most of the rest.

In 2005, the people of the Republic of Liberia had the opportunity to go to the polls, some lining up for many hours, and open a new chapter in that country's tortuous history. When it was all said and done, Ellen Johnson-Sirleaf was elected President, becoming the first female president of any African country. In recognition of this historic election and the tremendous opportunity presented by these elections, last March, the House welcomed President Johnson-Sirleaf on her visit to the U.S. during which she addressed Congress, the U.N. Security Council, and met with President Bush.

In the year and a half since then, President Johnson-Sirleaf has been busy trying to rebuild the nation's education and health system, devastated by years of war, oversee the deactivation and reintegration of the old security forces and ex-combatants, and accommodate the return of thousands who fled the country during the wars.

Today, I am offering a very small and simple amendment which I believe would help make a difference in helping President Johnson-Sirleaf succeed in the monumental task—and it is monumental—that lays before her.

My amendment would repeal a section of U.S. law that requires a report to Congress 15 days before any U.S. assistance can be obligated for Liberia for any purpose. The obligating agency (whether State or USAID) must submit paperwork for all obligated funds in addition to any information they may have already provided to Congress about these projects in the annual budget documents. I should note the only other countries that are currently subjected to this requirement are Sudan, Zimbabwe, Serbia, Pakistan, and Cambodia.

According to State Department and USAID officials, such requirements impose reporting, program review, and other requirements that, in some cases, substantially slow the disbursement of reconstruction assistance to Liberia. This requirement was placed on Liberia funds beginning in the early 1990's and were put in place to give Congress the ability to exercise additional oversight when the ruthless and corrupt Charles Taylor and his predecessors ran Liberia and when U.S. assistance was relatively small. From 1996–2003, U.S. assistance ranged from $3 to $6 million.

As you know, in light of the recent elections and optimism about the future of Liberia, Congress in the last few years has significantly increased U.S. assistance to Liberia. However, some have expressed concerns, including President Johnson Sirleaf, that the current laws notification requirements are delaying the receipt of these funds for important projects to help rebuild Liberia as it emerges from conflict. According to the State Department, these delays can be as long as 4 to 6 weeks and dependent on the Appropriations Committee being available to receive them—such as in the middle of the August recess. Given Liberia's 6-month rainy season (May to October) when much work cannot be done on many projects, these delays could push projects on the ground much farther behind schedule in reality.

My amendment would prevent U.S. assistance from Liberia from being subjected to these additional reporting requirements in FY 2008. The State Department supports removing Liberia, noting that it will speed up the obligation of U.S. funds to this important country. The State Department notes, as do I, that these reporting requirements have outlived their usefulness with respect to Liberia. In the past, when we were dealing with the regime of Charles Taylor, they were absolutely useful and necessary.

Today, as Congress continues to express its support to President Johnson-Sirleaf and the people of Liberia, including $100 million more in aid in the bill before the House, let us support efforts to speed up—and likewise remove obstacles that would hinder—the establishment in Liberia of social and economic conditions that foster reintegration, economic growth, and rebuilding of infrastructure—including access to basic education and health services.

In these crucial but surprisingly fast moving first few months of President Sirleaf Johnson's administration, it is critical that we not only support her with words of encouragement, but remove bureaucratic obstacles that help prevent needed aid from being timely delivered to implement reforms and show that a democratically elected government can meet the people's needs.

Removal of Liberia would not set a new precedent. Over the years, the following countries have been under and then removed from this reporting requirement: Somalia, Democratic Republic of Congo, Haiti, Colombia, Panama, Peru, Nicaragua, Jordan, and Uganda, just to name a few. It can hardly be argued that Congress exercises less oversight over assistance to those countries now than it did when they were subject to the obligation reporting requirement. Additionally, the FY 2006 Foreign Operations Appropriations bill that was passed by the House removed Liberia from this provision.

Why would we want to delay development assistance such as education funds to a country where more than half of the people today cannot read or write? Where male life expectancy at birth is slightly under 38 years and for females, slightly under 42 years. Infant mortality: 157 infants per 1,000 live births die before there first birthday.

I certainly appreciate the need for Congress to retain and exercise oversight over these funds to ensure that they are being properly used, just as we do with the other nations receiving under this bill. Indeed, most of the countries receiving funding in this bill are not subjected to this reporting requirement. Once removed from these requires, the same regular Congressional Notification process would apply to Liberia that applies to all other countries.

Let me be clear. Removing this requirement does not mean that Liberia is somehow a perfect country without problems or challenges. In fact, removing this requirement would recognize those challenges and serve to remove one more obstacle to ensure that this country and its new leaders have every opportunity to succeed.

As President Sirleaf-Johnson said in her address before Congress last March: "They (the Liberian people) are counting on me and my administration to create the conditions that will guarantee the realization of their dreams. We must not betray their trust. All the children I meet, when I ask what they want most, say, 'I want to learn.' 'I want to go to school.' 'I want an education.' We must not betray their trust."

I know that the gentlewoman from New York, the chairperson of the subcommittee, Ms. LOWEY has been keenly aware of this issue. I certainly appreciate the efforts made by her, her staff, and Members of the Committee as they put together this very important bill and note the Committee's appropriate role in oversight and ensuring that funds are properly spent.

I would like to yield to the distinguished gentleman from North Carolina, Mr. DAVID PRICE, for 2 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of Representative MOORE's amendment striking the requirement of congressional notification for foreign assistance to Liberia.

I joined Ms. MOORE on a recent delegation to Liberia under the auspices of the House Democracy Assistance Commission, which has an ongoing partnership with the Liberian Congress. We are working to support the new democratic government in Liberia, under the leadership of President Ellen Johnson Sirleaf, a government that is attempting to lift Liberia from the wreckage of its recent history of civil war and dictatorship.

We met with President Sirleaf, and she told us that the window of opportunity for this democratic government to demonstrate progress is brief. Liberia is facing enormous challenges: intractable poverty, an unemployment rate of 85 percent, crumbling infrastructure, and a public health crisis. The Liberian government simply must find a way to deliver significant advances if it is to convince its citizens that democracy is a viable option.

Our foreign assistance is critical to helping President Sirleaf show rapid progress. It is supporting the development of the economy, the strengthening of the government, the provision of basic services like electricity, and the reintegration of civil war combatants into productive roles in society.

But the biggest hindrance to our assistance efforts in Liberia is an outdated notification requirement that sets up a series of bureaucratic hurdles, delaying the delivery of our aid, often by several months. With time so critical in accomplishing progress, we cannot afford these delays. I urge my colleagues to support Representative MOORE's well-designed and well-considered amendment to eliminate this outdated requirement and to give Liberia the chance it deserves to succeed.

Ms. MOORE of Wisconsin. Thank you so much, sir.

I just want to acknowledge that this administration has done a great deal for Liberia. Certainly Chairwoman LOWEY has been exceptional. Liberia is a huge priority for her. I noted that my colleague, Ms. SHEILA JACKSON-LEE, earlier, Mr. Chairman, added money to this bill, and as my colleague, Mr. PRICE, has said, this will make or break, I think, this administration that we are all so hopeful of the beautiful democracy that is budding in Liberia. This would be a precedent-setting form of assistance that will cost us no extra money.

Thank you so much.

I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment. I agree with the intention of this amendment and thank my friend for raising this very important issue. As you know, the subcommittee agrees with you that Liberia should be a priority. We support the efforts currently under way by President Johnson Sirleaf to move her country out of poverty. We provided a total of $40 million in the fiscal year 2007 supplemental and in this bill we provide a total of $106.5 million for Liberia.

We look forward to continuing to work with the gentlewoman and others in Congress to support Liberia. I appreciate the gentlewoman's interest in this issue and would be happy to accept this amendment.

Ms. MOORE of Wisconsin. Thank you so much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of titles II through V of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "ECONOMIC SUPPORT FUND" and "FOREIGN MILITARY FINANCING PROGRAM", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as:

(1) justified to the Congress; or

(2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" account, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "DEVELOPMENT ASSISTANCE" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by titles III and IV of this Act that are made available for assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided further*, That of the funds appropriated under title III and IV of this Act, not less than $441,000,000 shall be made available for family planning/reproductive health: *Provided further*, That, in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant which includes funding for the provision of contraceptives in developing countries, shall be denied to any nongovernmental organization solely on the basis of the policy contained in the President's March 28, 2001, Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY:

Page 97, beginning on line 10, strike ": *Provided further*," and all that follows through line 21 and insert the following: ": *Provided further*, That, in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant for the exclusive purpose of providing donated contraceptives in developing countries shall be denied to any nongovernmental organization solely on the basis of the policy contained in the President's March 28, 2001, Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives.".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Virginia (Mr. WOLF) each will control 22½ minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, under current law, the global gag rule, also known as the Mexico City policy, prohibits foreign nongovernmental organizations, NGOs, from receiving any U.S. assistance unless they agree not to use their own funds to perform or refer patients for abortion or to even advocate the legalization of abortion. This policy applies even when abortion is illegal in a country or when NGOs promote the legalization of abortion for cases of rape and incest.

The bill before us keeps the global gag rule intact with one important exception. It would allow for the provision of contraceptives, not direct funding, the provision of contraceptives to foreign NGOs to help reduce abortion, unintended pregnancy and the spread of HIV/AIDS.

Let me repeat that. The intent of the bill is to provide international NGOs U.S.-donated contraceptives, not funds for millions of men and women who desperately need them. The provision provides absolutely no assistance for abortion. It is strictly prohibited in 10 other sections of this bill.

While I have made clear my intent to allow only for the provision of donated contraceptives, some of my colleagues have brought to my attention concerns that the language as currently written could be interpreted more broadly than intended. Therefore, to make it absolutely clear to my colleagues on both sides of the aisle who may have concerns about the language, I am offering this amendment to my own bill to clarify the existing language by narrowing the provision in question by replacing it with the following language beginning on page 97, line 10 of the bill:

"That, in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant award exclusively for the purpose of providing donated contraceptives in developing countries shall be denied to any nongovernmental organization solely on the basis of the policy contained in the President's March 28, 2001 Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives."

This amendment, which replaces the current provision in the bill with the one I just read, can leave no doubt in any reasonable individual's mind that the provision will provide contraceptives. It will not provide funding to foreign NGOs. In fact, this amendment would advance the Bush administration's stated goal of the Mexico City policy "to make abortion more rare" and protect women and children.

Filling the unmet need for contraceptives could prevent 52 million unwanted pregnancies, an estimated 29 million abortions, 142,000 pregnancy-related deaths, and 505,000 children from losing their mothers in just 1 year. These are statistics. How much more evidence do my colleagues need to be convinced that contraception reduces abortion, saves lives? It is simply not enough to say that you support family planning as long as the current restrictions remain in law, denying millions of the poorest men and women around the world access to contraceptives.

In my judgment, support for my amendment represents a good-faith effort to find common ground on this issue. I really do hope that we can all agree that voting against family planning and the provision of contraceptives, which my colleague from New Jersey will ask you to do in a later amendment, and against the opportunity to provide more than 200 million men and women in developing countries with access to contraceptives is the most extreme vote any of us can take.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to oppose the Lowey amendment because it does not address the underlying problem. Whether we support pro-abortion organizations through cash donations or items of cash value, the result is the same. The amendment before us today attempts to undermine the Mexico City policy. The Mexico City policy exists to draw a bright line between U.S. family planning policy and abortion. However, it appears that there are some out there who wish to blur this line. Mr. Chairman, a blurred line is what leads to coercive abortions and forced sterilizations.

The Mexico City policy is critical for several reasons. First, money is fungible. Every U.S. tax dollar or commodity that goes to an abortion provider frees up funds to pay for more abortions and more pro-abortion lobbying. Secondly, our population grantees are seen as representatives of the United States in the countries in which we operate. When organizations prominently associated with United States family planning programs perform and promote abortions, people in these countries logically associate these activities with the United States.

It is important to note that this policy does not in any way reduce funds for family planning. As this chart shows, before Smith-Stupak, there are $441 million for international family planning, including contraceptive commodities. After Smith-Stupak, there will still be $441 million for international family planning, including contraceptive commodities. It simply requires that any foreign nongovernmental organizations that receive taxpayer dollars agree not to perform or actively promote abortions.

□ 1600

I urge my colleagues to oppose the Lowey amendment, support the Smith-Stupak amendment to restore the Mexico City policy and to protect the taxpayers' rights to neither directly nor indirectly fund abortion.

Mrs. LOWEY. It is such a pleasure for me to yield 2½ minutes to the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentlelady.

I just want to make a comment. The money will not change; there is not going be an increase or a decrease with regard to the amendment. This is about where the money is going to go, and there are 20 countries at least where we are not able to get contraceptives to women and men in these countries who need it. This is not about increase or decrease. This is about getting the money to where it needs to be.

The gentleman before me stated, how can we support coercive abortions. There are many prolife Republicans and prolife Democrats who voted for trade with China, to increase investment in China. We all don't have to rehash what China does with their proabortion policy. So the coercive argument needs to at least be consistent.

I just want to share with my friends. I am a prolife Democrat, but I believe that this will reduce the number of abortions around the world. This is the only way to do it.

The example I want to share with my colleagues is Ghana, where abortion is illegal. The oldest and the largest family planning organization in Ghana previously provided a third of the contraceptives in the nation with no abortion services. It has received no U.S. assistance for family planning, which has decreased access to contraceptives by 56 percent.

This has led to an increase of almost 500 abortions in Ghana because we were not providing prevention. The abortion debate in the 21st century needs to be about prevention. That is exactly what this bill does, this amendment does, and what Ms. LOWEY is trying to do.

I also want to share with our colleagues, because we seem to get mixed information, prevention and family planning does reduce the number of abortions. We have many countries where we have implemented this, and it has worked.

In the last two decades, in the last two decades, there have been significant declines in abortion rates in a number of countries like Bangladesh, Bulgaria, Chile, Czech Republic, Estonia, Hungary, Latvia, Romania, Russia and Turkey. In Russia the abortion rate declined by 61 percent between 1988 and 2001 because of an increase of 74 percent of preventive and contraceptive use.

We know prevention works. If you want to reduce abortion, we need to provide the prevention. Mrs. LOWEY just went to great lengths to say we are just shipping the product. This is not money; this is not funds. We are going to ship the product, and then those organizations will be able to take the money they save and buy more contraceptives, not provide abortion, especially in these countries where abortion is already illegal.

I want to support the amendment from the Chair.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Chairman, the Lowey amendment reiterates the unambiguous intention of the underlying language in the bill that Mr. STUPAK and I will seek to strike later on, that, if enacted, provides in-kind U.S. taxpayer assistance to pro-abortion organizations around the world. That's what's happening here, nothing more and nothing less.

Prolife Members, especially some of my colleagues on the other side of the aisle, know and fully understand that in-kind contributions are of no less value than money. In-kind or cash, it is a distinction without a difference.

The intended recipients of the Lowey amendment are precisely those pro-abortion organizations that have refused to divest themselves of abortion and agree to the Mexico City provisions. The Mexico City policy, separates family planning from abortion. The Mexico City policy helps to ensure that foreign nongovernment organizations that want U.S. grants, be they in the form of cash or in-kind commodities contraceptives, only engage themselves in family planning, as advertised.

It stands to reason, if we support pro-abortion organizations, unborn children and their mothers, and the laws that today protect them, will be put into jeopardy; and the violence of abortion will increase and not be diminished.

Let me just note that neither the Mexico City policy, nor the amendment that Mr. STUPAK and I will offer today, reduces family planning by so much as a penny. It simply strikes the language in the bill that carves out an exception to the Mexico City policy for who? The pro-abortion organizations.

As a matter of fact, since the restoration of the Mexico City policy, several countries, including Ethiopia, DR Congo, Nigeria, Uganda, Haiti, Pakistan, have gotten huge increases in contraceptives and family planning assistance. Ethiopia, for example, went from $4.9 million to $19.5 million in 2007 under the Mexico City policy, almost a 300 percent increase.

Congo went from $1 million to $9 million. Pakistan for 1.4 to 16.5. U.S. funding to Nigeria and Uganda doubled while Haiti tripled. USAID has made it clear that it targets what its analysts say is unmet need. Even Ghana has seen its average annual contraception shipment rise, from $1.5 million in calendar years 1998–2001 to $2.3 million for calendar years 2002–2003.

Under the Mexico City policy, the U.S. has remained the largest donor nation by far to international family planning. We just insist and direct that those funds are used in a way and go to the groups that are about family planning and are not double hatted, trying to enable abortionists and abortion lobbyists overseas.

I would point out, as Mrs. LOWEY stated earlier when she talked about lobbying, the Mexico City policy, I have a copy for anybody to read, makes it very clear that when it comes to lobbying, we are only talking about lobbying for abortion as a method for birth control. Exempted explicitly, unlike what she said earlier, are rape, incest and life-of-the-mother provision.

I hope she will correct the record. It is clearly false.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from Rhode Island.

Mr. LANGEVIN. I thank the gentlelady for yielding for the purpose of engaging in a colloquy with Chairwoman LOWEY and the gentleman from Texas (Mr. CUELLAR).

Madam Chairman, thank you for engaging in this discussion to clarify the language related to international family planning and abortion restrictions in the bill. I understand that you have included a provision in the underlying bill that makes certain exemptions for contraceptives from the Mexico City policy.

I further understand that the intent of this provision is to allow international nongovernmental organizations, otherwise known as NGOs, to receive U.S.-donated contraceptives for distribution to the poorest men and women in the poorest regions of the world.

As the chairwoman knows, I do not support providing direct funding to international NGOs that do not adhere to the Mexico City policy. I have concerns that the language, as it is currently drafted, could be interpreted more broadly than intended and could be construed to permit not only the provision of contraceptives, but also the provision of funding directly to organizations that perform or advocate for abortions.

I yield to the gentleman from Texas.

Mr. CUELLAR. Thank you for yielding. I would like to associate myself with the gentleman's remarks and his concerns that the language could, in fact, be interpreted to have a broader application, not only allowing for the provision of contraceptives.

Would the chairwoman explain her provision and clarify her legislative intent?

Mrs. LOWEY. Will the gentleman from Texas yield?

Mr. CUELLAR. I yield to the chairwoman.

Mrs. LOWEY. I do thank my two friends and colleagues for their work on this important issue and for this opportunity to clarify the intent of the provision. I want to be very clear. The intent of this provision is only to allow for the donation of the contraceptives and not to provide funding.

While I disagree with broader interpretations of this language, I wanted to offer an amendment to clarify this provision. My amendment is crystal clear. It would only allow NGOs to receive U.S.-donated contraceptives, not funds, for distribution to millions of men and women across the globe in desperate need of these products.

I hope that our discussion and my clarifying amendment that I intend to offer will alleviate any concerns that you or other Members have about the intent behind this provision.

Mr. CUELLAR. Madam Chairwoman, does your amendment do anything to alter or weaken the 15 provisions currently in the underlying bill that bans U.S. funding for abortions abroad or places restrictions on the use of family-planning funds?

Mrs. LOWEY. Absolutely not. My amendment would not alter or weaken these long-standing provisions which I chose to retain in the fiscal year 2008 bill, 15 different provisions that were offered by various Members of Congress. Every provision is still in this bill that prohibits the use of U.S. tax dollars for abortion or restricts family planning.

Mr. CUELLAR. I thank the chairwoman for clarification and her legislative intent that her amendment would only allow donated contraceptives to be provided to international NGOs and that no funds, no funds in this bill, will be used to provide or advocate for abortions overseas.

I also would like to be clear that I support your decision to retain the long-standing provisions in the bill to prohibit U.S. funds from being used to provide or advocate for abortions overseas and place reasonable restrictions on the use of family planning funds.

Mr. LANGEVIN. I thank the gentleman. I would like to thank the chairwoman for her comments and her willingness to offer this clarifying amendment and to make it absolutely clear that the bill would only allow for the provision of contraceptives and not for direct funding.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the question here is who really gets the money. That's the question. I think that it hasn't been addressed adequately.

I want to say at the outset, I support. I, Frank Wolf, support family planning, period.

A May 22 Washington Post article described a recent crackdown on Chinese families that have violated China's one-child policy. The article stated that Chinese birth control bureaucrats showed up in a half-dozen towns in Guangxi Province carrying sledgehammers and electric cattle prods to destroy the homes and businesses of those who had failed to pay their fines under China's coercive one-child policy. The article described family-planning officials as ransacking businesses owned by parents of more than one child. Those who protested were bloodied in the struggle, and villages reported people being killed in the violence.

Now, I heard that on NPR too. It was brutal. So that's really what we are talking about, because the United States-Mexico City policy prevents funding from going to international organizations that promote abortion as a means of family planning, including in China.

Two prime examples of these organizations are the International Planned Parenthood Federation and Marie Stopes International, both of which are closely tied to the Chinese one-child policy. They are, in essence, the ones that will get this. They never, ever speak out.

In fact, China was the second country to become "officially recognized as a qualified member of the International Planned Parenthood Federation." On its Web site, International Planned Parenthood Foundation recently touted, saluted, just said it was a great thing, China's effort to exploit, its exploitation policy, family-planning policy regime worldwide.

I don't want to get off too far on this, but this is a country getting aid for these groups that are poisoning your toothpaste, poisoning your pets, and, if you read the article the other day, painting Thomas the Tank Engine trains with lead paint that most people here, their children and grandchildren have. This country is the country.

We restrict UNFPA funds to China expressly because China is coercive and this is a coercive government. This is a government that single-handedly could be stopping the genocide in Darfur today.

□ 1615

Organizations that will receive funds under the new family planning language in this bill will be able to help China continue these unconscionable, and, I would say, immoral activities.

I support family planning, but I can't support, will not support giving family planning taxpayer funds to these kind of organizations that not only never speak out, but actually participate.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. WOLF. I'd be glad to yield.

The CHAIRMAN. The gentleman's time has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I offer a unanimous consent request to give the gentleman an additional minute.

The CHAIRMAN. The gentleman still controls time.

Mr. JACKSON of Illinois. I'd like to offer a unanimous consent request to yield the gentleman an additional minute on both sides, and if the gentleman will accept my UC, to yield a minute.

The CHAIRMAN. The gentleman has 14 minutes remaining on his time. He yielded himself 3 minutes. That has expired.

Mr. JACKSON of Illinois. I asked a unanimous consent request to yield both sides an additional minute in the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JACKSON of Illinois. If the gentleman would be so kind as to yield.

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Would the gentleman please share with the committee the specific provision in Ms. Lowey's amendment that says funds are being used for this purpose, the specific provision.

Mr. WOLF. These groups that I just referenced, and Mr. Jackson, if you could have heard the NPR, I will get you the text of the NPR story. In fact, I will get it and I will insert it in the Record.

Mr. JACKSON of Illinois. If the gentleman would continue to yield. I'm asking specifically about the language in the statute that the gentlelady is advancing in her amendment. Could you show us the specific language in the statute, the recommended statute?

Mr. WOLF. Yes. These groups, under this provision would be allowed to get the support that are now active doing this in China.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I just would like to respond quickly, before I recognize Mr. Kirk, to my good friend, Mr. Wolf. As Mr. Wolf knows, no money is going to China. China has no participation in this debate at all. It's very clear. In fact, not only did we not address UNFPA in this bill, we strengthened the prohibition so that not a dime would be spent in China. So I just wanted to clarify that China has nothing to do with this debate on contraceptives.

I am delighted to yield 2 minutes to the gentleman from Illinois (Mr. Kirk).

Mr. KIRK. Mr. Chairman, I want to rise and maybe remove some of the partisan tension as a Republican Member in support of this amendment that otherwise, without action, the global gag rule would cut off critical providers of family planning assistance.

In this Congress the issue of illegal immigration is at the top of our agenda. And women in developing countries consistently report that they would like to have two to three children rather than five to seven.

As population pressures rise, so does the move to enter the United States, legally or illegally. To reduce the illegal immigration pressure on our borders, we need short-term solutions like border enforcement, and long-term solutions like backing voluntary family planning to help women in developing counties have the smaller family that they want.

The global gag rule has been used to cut off the International Planned Parenthood Federation because it used less than 1 percent of its own privately raised funds for abortion-related services. And when we cut off IPPF, we might have another provider of family planning assistance to the women of Mexico for example, like the UNFPA, but we cut them off too.

Mr. Chairman, I would argue that the American people would strongly agree with the principle that if Mexican women wanted to have fewer children, then we should help them.

Voluntary family planning would boost child survival rates. It would also lower the rate of growth of Mexico's population. A slower rate of growth of Mexico's population would improve the economy of Mexico. It would also reduce the environmental pressure on Mexico's ecosystem. But a slower rate of growth would also reduce the long-term illegal immigration pressure on America's borders.

We should adopt this bipartisan amendment. We should help women in developing countries have the smaller families that they want. We should also adopt policies which reduce the population pressure on our own borders with a policy that supports the rights of women and lowers the pressure on our environment.

I commend the Chair for offering this amendment.

Mr. WOLF. Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding. And I want to say that I, Doctor, Representative PHIL GINGREY as a pro-life OB–GYN, in the interest of full disclosure, I want to say that I'm very supportive of family planning, but not family planning that includes definition of abortion as part of family planning.

In the Lowey amendment, which I'm opposed to, I'm not questioning her integrity or intent in what she says in explanation, but I think it's a very confusing amendment. And when we just heard the two Democratic Members engaging in a colloquy with the chairwoman, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Rhode Island (Mr. LANGEVIN), as they said that they were very much in favor of the Mexico City policy and wanted to make sure that no money would be spent, and I think the chairlady tried to explain that.

But then just a second ago, the gentleman from Illinois (Mr. JACKSON), stood up to ask our ranking member if there was anything in the Lowey amendment that spoke to the issue of funding.

But I would say to the gentleman, Mr. Chairman, and my colleagues, funding versus commodity. If you tell me that you're going to give me $75, that's funding, I guess. If you're going to say, no, I'm not going to give you $75, I'm going to give you a tank of gas, it's the same value.

And I think as the gentleman from New Jersey (Mr. SMITH) was explaining earlier with his poster, that you ultimately take money away from the countries that need it. And we don't want to do that.

If you really want to make sure that we don't export abortion to another country, then we're going to have an amendment coming up momentarily, the Stupak-Chris Smith amendment, that strikes the language and restores the Mexico City policy.

Mr. RYAN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I'll be glad to yield to my friend from Ohio.

Mr. RYAN of Ohio. I'd just like some clarification. You said this money is going to come from countries that need it, and it's going to go to other countries. Are you suggesting that those other countries do not need this kind of contraceptives and the preventative care?

Mr. GINGREY. Reclaiming my time, I will quote USAID on this, Mr. RYAN. Twenty countries that currently do not receive USAID family planning would not receive donations under this amendment because the countries in question that you're talking about, have comparatively low need for family planning. And furthermore, they lack USAID presence necessary to monitor compliance with other statutory provisions.

Mr. SMITH of New Jersey. Will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. USAID has done, I think, a remarkable job in focusing on unmet needs, not just in the area of family planning, but child survival, microcredit lending and a whole host of other very important interventions that help poor people.

It's all about prioritization. I showed you earlier one country after another that has had a doubling and a tripling of their money and commodities and contraceptives since the Mexico City policy was reinstated in 2001. It's all about prioritization.

Let me also say, because Ghana was mentioned earlier today, just because Planned Parenthood of Ghana is so obsessed with abortion promotion that it won't sign the policy, other NGOs and other providers have stepped into the breach and provide family planning and not abortions to the people of Ghana.

Mrs. LOWEY. I'm very pleased to yield 2 minutes to my good friend, a distinguished Member of this Congress from New York, Mr. JOSEPH CROWLEY.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by my good friend from New York, Ms. LOWEY, the chair of the Subcommittee on the State Foreign Operations Committee.

And I think we have to make something really clear, perfectly clear; that in this bill, in this bill there are 10 provisions, 10 provisions that specifically outlaw or prohibit the use of U.S. funds in foreign assistance for abortion or the promotion of abortion. We have it right here on these charts. Ten provisions, in total, that prohibit the spending of any U.S. funds on the promotion of abortion or abortion.

This amendment and this legislation is not about abortion. It is about prevention. And there's an opportunity here for our colleagues to support prevention. Here we have the gentlelady from New York, what she's trying to do is prevent 52 million unplanned pregnancies each year, 29 million abortions each year, 1.4 million infant deaths each year, 142,000 pregnancy-related deaths each year, and over a half a million children from losing their mothers each year. That's what this amendment is about. That's what the gentlelady is trying to accomplish.

The other side of the aisle is saying that they're for family planning. Well, here is your opportunity to demonstrate that. Here is your opportunity to show, not only the Congress, but the United States and the world, and especially the developing world, that you are for family planning and helping to extend not only life, but the quality of life in many of these countries.

I think we ought to be applauding what the gentlelady from New York is trying to do today, as opposed to trying to derail that. If you are for family planning, here is your opportunity. If you're for prevention of transmittable sexual diseases here is your opportunity to stand up. Stand up for family planning and support the gentlelady from New York in her motion, in her amendment and the underlying bill as well.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I've always supported the right-to-life position. And I've listened to this debate with great interest.

Money is fungible. Tens of millions of dollars are going to go to NGOs. And these NGOs can take money that they already have and use it for abortions, because they'll have money that they can use for the family planning that they're talking about tonight. They'll be able to free up money to do what we don't want them to do.

Intent is one thing Mrs. LOWEY's talking about. What happens is quite sometimes another.

The American taxpayers who are for abortion, and who are pro-life, don't want their tax dollars used for abortion, across the spectrum. They just don't want it to happen.

No tax dollars can be or should be used for abortion. I've had town meetings, and people who are pro-choice have come up to me and said they don't want their tax dollars used for it. They're pro-choice, but they want people to do it with their own dollars.

I'd just like to say to my colleague, money is fungible, and this will be tax dollars used for abortion.

Mrs. LOWEY. Mr. Chairman, I yield 10 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Just to clarify the record, Mr. Chairman, this is not money. This is a product that will be shipped. And the other side keeps distorting the debate. This is about the product going over there.

You can't say you're for family planning and then we provide some of the contraceptives to ship over, and then they vote against it.

Mrs. LOWEY. Mr. Chairman, I would also suggest before I yield to the gentleman, Mr. LEVIN, that these provisions, the charts disappeared. If you would like to refresh your memory, there are 15 provisions that I left in this bill that make it absolutely clear that no U.S. dollars may go for abortion.

I yield 1½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, over 25 years ago I was assistant administrator of AID, running the population program. This issue of fungibility came up. We were assiduously implementing the Hyde amendment. So we tried through accounting mechanisms to address the fungibility issue.

So then it was said that's not enough. So then Mexico City was proposed and implemented.

This is not a repeal of the Mexico City policy. Whatever one thinks of it, it is not.

☐ 1630

This isn't about abortion, and it really isn't about fungibility.

Mr. WOLF, if you take your position far enough, we should give no military assistance to any country that has a policy on family planning that you don't like because in that sense it is fungible. But that carries it beyond a rule of reason. And what this proposal does is to apply a rule of reason, as has been said, to contraceptives provided in kind to people who need these contraceptives. That is the long and the short of this. And, essentially, you are the ones who are blurring the issue, not us. And if you take your logic to the extreme, you will tie this appropriation process for numerous countries into knots. This is trying to untie a knot, if you want to put it that way, only in the sense of providing products in kind to people who need them. And if you say you are for family planning and you vote otherwise, you are voting against family planning.

Mr. WOLF. Mr. Chairman, I yield 15 seconds to Mr. BURTON to respond to something that was said.

Mr. BURTON of Indiana. Mr. Chairman, I would like to say to my colleagues I understand what you have been saying. You are going to give product to them. But when you give them product, that frees up money that they have for abortions. So you are indirectly going to be funding abortions. That is what I said. And the American taxpayers don't want their money in any way to be used, indirectly or directly, for abortions.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I rise in strong opposition to the Lowey amendment.

Mr. Chairman, the Mexico City policy was first promulgated in 1984 and renewed by the current administration in 2001. This policy simply requires that, as a condition for receipt of U.S. family-planning aid, whether commodities or cash, foreign nongovernmental and international organizations certify that they neither perform nor actively promote abortion as a method of family planning. This is a sound policy, and we should not undermine it in any way.

The Lowey amendment is an attempt to blur this line by diverting contraceptive commodities from organizations that do not promote or provide abortion to those that do.

Abortion is a tragic loss of life not only to the child but to the mother. We know from the affidavits that were produced from the Gonzales v. Carhart case, 180 post-abortive women, what they had to say. Let me give you an example of one:

"How has abortion affected you?"

"My life is worthless to me. There is nothing in it. Shame, guilt, and regret is hard to live with. I am 50 years old now."

Mr. Chairman, the Mexico City policy at issue here establishes a bright line between noncontroversial family planning activities and abortion. We should not blur this line with the Lowey amendment in any way.

Mr. WOLF. Mr. Chairman, how much time does each side have?

The CHAIRMAN. The gentleman from Virginia has 8¼ minutes, and the gentlewoman from New York has 4 minutes.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1¼ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, what we should be doing here is eliminating the gag rule. But that is not what we are doing. All that this amendment does is to allow family-planning organizations to receive free donations of contraceptives and condoms.

Now, instead, the opposition wants to prohibit even this, even though you suggest that you are for family planning. You would never do this to the women of America because they have control over their lives. But the women of the Third World don't have control over their lives, and you know that.

What is going to happen without access to contraceptives is that 52 million unwanted pregnancies will occur, and there will be almost 30 million abortions as a result. Where is the sense in that?

We have got to find a way for women to control their lives in the Third World. The fact is a vast majority of women in the Third World don't have any control over when the sex act is performed. That is not their choice. Most of them are married and most of them are in faithful relationships irregardless of their husband's conduct. They are overwhelmed by the number of children they have to provide for. But you want to deny them the ability to control the number of children in their family?

Not to pass this amendment is punitive. This is punishing of those women. It is wrong. It is immoral, in fact. This moderate amendment certainly should be passed by this Congress in the 21st century.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, I have a parliamentary inquiry about the remaining time on both sides.

The CHAIRMAN. The gentleman from Illinois may inquire.

Mr. JACKSON of Illinois. Specifically, Mr. Chairman, under my unanimous consent request, an additional minute was given to their side and an additional minute to our side, and I wanted to make sure that the additional minute has been calculated in the remaining time.

The CHAIRMAN. The additional time has been added. The time remaining is 8¼ minutes for the gentleman from Virginia and 2¾ minutes for the gentlewoman from New York.

Mr. JACKSON of Illinois. I thank the Chairman.

Mr. WOLF. Mr. Chairman, before I recognize the gentlewoman from Oklahoma (Ms. FALLIN), I would say to my friend, my very good friend, I would increase the funding for family planning. I would gladly increase it. So I think the question is how much money would be good if we could actually increase it with that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, I am listening to this debate today, and it seems to me that the question is not if there is money going to family planning. I understand there is $441 million already allocated, U.S. money, that goes to foreign countries for family planning. But the question is whom is the money going to and do the organizations that receive the money for family planning promote abortion as a method of family planning. And that is what this whole debate is on our side.

And the way I see it, if we supplement the budgets of other organizations in foreign countries who use abortion as family planning by giving them contraceptives, which we already do, by the way, $441 million worth of family-planning help, then we are supplementing their budgets so that they can have freed-up money to continue down the route of doing abortions for family planning. So it is just kind of logical that that is what we are doing here by changing this policy. And that is why I support the Smith-Stupak amendment.

And the gentlewoman has been kind to say that she wants to work in good faith and find common ground, and she has said it is her goal to get contraceptives to other countries. So if that is our goal and our goal is not to help other countries with abortions for family planning, then let's accept this amendment, the Smith-Stupak amendment, and let's pass it and let's show that the United States will not be in the business of exporting abortions to foreign countries.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to Marilyn Musgrave of Colorado.

Mrs. MUSGRAVE. Mr. Chairman, as we are debating this, I think that one thing we have to be mindful of is every Member of Congress knows what an in-kind contribution is. And I would just like to say that we know that we have to account for in-kind contributions and we have to consider this in the Lowey amendment.

I oppose this because I really feel that we need to protect the international family planning integrity. We know what the Mexico City policy was put in effect to do. We know that people in this country do not want their taxpayer dollars used to provide for abortion as a means of family planning.

Another thing that has not been brought into this debate is this amendment really is a poison pill. I think that it undermines the Mexico City policy, and I think that it could possibly subject this bill to a veto. And I think we need to be very mindful of that as we engage in this debate.

And we need to be mindful that this amendment doesn't increase USAID funding for contraceptives. It simply diverts contraceptive commodities from organizations that do not promote or provide abortions as a method of family planning.

So I rise in opposition to the Lowey amendment. I understand the intention. But, again, we all know what an in-kind contribution does, and we know what it does to the budgets of those organizations that promote abortion as a method of family planning.

The Smith-Stupak amendment is the only amendment that removes the poison pill, restores the Mexico City policy, and allows the USAID to continue to direct the U.S. family-planning resources to organizations that are not engaged in pro-abortion activities.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Chairman, I rise in support of the Lowey amendment.

This amendment would clarify existing language in the Foreign Operations bill that would only, and I repeat, only allow for NGOs to receive U.S.-donated contraceptives. This amendment makes it clear that only contraceptives will be donated and made available to millions of men and women around the world. Not funding.

By increasing global contraceptive supplies, this will help many women and men overseas plan their families, protect against sexually transmitted diseases, and minimize at-risk pregnancies.

Mr. Chairman, since the administration reinstated this policy in 2001, 20 nations have stopped receiving U.S. shipments of contraceptives. Women and children in these countries often suffer from high maternal and child mortality rates because of a lack of adequate health care and access to family planning. I believe we must give hope to these women and families by providing them with the contraceptives they need to make their own decisions regarding their families. And I also think it is essential to provide individuals with the tools they need to protect themselves against the spread of HIV/AIDS.

I rise in support, and I urge all the Members to support this amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to the Lowey amendment, although I do want to express my appreciation to Chairman LOWEY for preserving, as she indicated, the 15 different restrictions that are in this bill on the use of American taxpayer dollars overseas to directly fund abortion.

But I want to say respectfully to my colleagues on the other side of the aisle, come on. Legislation that disallows contributions to fund abortions in family-planning organizations around the globe ought to also disallow in-kind contributions to those same organizations.

Money is fungible. We know that. Organizations that receive commodities can take the resources that they would have used to purchase those commodities and use it to promote abortion. We all know. We are adults in this room. We all know that we are seeing here a concerted, sincere, and I would like to say respectfully creative legislative effort to undermine a policy known as the Mexico City policy that I think my colleagues on the other side of the aisle know is broadly supported by the American people.

Whatever the view is on abortion in this country, the American people don't want to see their taxpayer dollars used to fund abortions at home or abroad. They don't want to see their taxpayer dollars used through the foreign aid program to fund organizations that promote abortion as a means of family planning. And the possibility of making tens of millions, if not hundreds of millions, of dollars available to organizations that promote abortion around the globe, making it available in the form of commodities is still making resources available to organizations that promote abortion.

□ 1645

And so I say very respectfully, the American people don't want to see their tax dollars used to fund abortion overseas, and the American people don't want to see their taxpayer dollars used to make in-kind contributions to organizations that fund abortion and promote abortion as well.

Mrs. LOWEY. I am pleased to yield 1 minute to the gentlewoman from Connecticut.

Ms. DELAURO. Chairwoman LOWEY has made it perfectly clear her intent to allow only for the provision of donated contraceptives. Some of our colleagues have expressed concerns that the language, as currently written, could be interpreted more broadly than intended. Therefore, Chairwoman LOWEY is offering this amendment to clarify this provision.

This amendment is crystal clear, my friends. It would only allow nongovernmental organizations to receive U.S. donated contraceptives, not funds, for distribution to millions of men and women in desperate need of these products.

Mr. Chairman, we cannot reduce abortions without contraception. That is a fact. Contraception is about prevention. My colleagues on the other side of the aisle want to talk about prevention, that is the focus of this amendment.

And let me just say this to all of my colleagues; for those in this body who proclaim to want to protect lives and to save lives and that is your mission, you have but one choice in this debate, and that is to support the Lowey amendment.

Mr. WOLF. Mr. Chairman, I have one more speaker in this round.

The gentlelady has the right to close, is that correct?

The CHAIRMAN. The gentleman from Virginia who is in opposition to the amendment has the right to close.

Mr. WOLF. Would the gentlewoman like to proceed, then?

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentlelady.

Mr. Chairman, I just want to make one point. We heard the word "fungible" and "fungibility" more than once today. I just want to apply that logic to China because we've heard about China today.

According to the logic of money being fungible, all of the money that our friends on the other side over the past 6 years who have borrowed from China, allowed China to make money on the interest, and therefore use that money to have forced abortions in China, that's fungible.

Mr. Chairman, I wish the other side was as concerned about forced abortions in China when they were busting the budget over the last 6 years.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

The CHAIRMAN. The gentlewoman is reminded that she is not allowed to yield blocks of time. She is allowed to yield time, but not in set amounts.

Mrs. LOWEY. I yield to the gentleman from Rhode Island.

Mr. LANGEVIN. I thank the gentlelady for yielding.

Mr. Chairman, I am grateful to have this opportunity to rise in support of the Lowey amendment.

I share Chairwoman LOWEY's concerns about the lack of access to contraceptives, the lifesaving tool for disease prevention in the developing world.

The World Health Organization estimates that 80 million women face unwanted pregnancies each year. More than 150 million couples have no access to family planning, and more than 75,000 women die each year due to complications related to unsafe abortion. These staggering statistics reflect the dire situation in countries such as Ghana, Ethiopia, Romania and many others as nations struggle to provide health care and basic services to their citizens.

It is a tragedy that 24.5 million people are living with HIV in sub-Saharan Africa, where more than 12 million children have been orphaned by AIDS. I know that I speak for the vast majority of Americans when I say that we have a responsibility to respond to this crisis.

Like so many of my colleagues, I am opposed to abortion. And this position compels me to work to promote access to contraception and other methods of pregnancy prevention. I also feel that being pro-life means working to protect life at all stages, and to alleviate suffering wherever I am able to do so is an important priority. Rarely has the world known such intense suffering as that faced by sub-Saharan Africa today.

Mr. Chairman, we must do everything in our power to ensure that the money we spend on international family planning, $441 million in this bill, will be used in the most effective way. The Lowey amendment makes sure that we do that.

I want to thank Chairwoman LOWEY for her leadership.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, this debate has been crystal clear. You know, at times we've kind of passed over each other, but it isn't about abortion. I also want to thank the gentlelady for putting clauses on abortion in the bill. And it's not about family planning, because this doesn't change the family planning fund.

There is only one debate here, and that is, should family planning money go to organizations that advocate or perform abortion? And that is really what this is about. Those organizations are restricted under the Mexico City Policy. And that is in fact, in the view of people who are against abortion, providing public funds if you provide the condoms or whatever you're giving in in-kind aid.

Now, for example, as a Republican candidate, I'm not likely to get cash funding from anybody on your side of the aisle. But I have a feeling that if somebody donated stamps to me or donated a mailing to me or donated things in my office, your side would view that the same as a cash contribution. And people back home can understand that money this direct is, in fact, fungible. We have had this debate since I've been in Congress on faith-based. Every time the faith-based argument comes up, your side of the aisle argues that giving money to pay for preachers' expenses, for electricity at a Christian organization, is in fact the same as a direct contribution to those faith-based organizations. You can't have it both ways.

In fact, this is fungible money. The debate if you're against abortion is, you do not believe that money should go to organizations, taxpayer money, taken and collected from people who have a passionate opposition to abortion as well as those who favor abortion, should go to organizations that advocate that. If you're for abortion, you believe that should be allowed. And that's clearly what we've established in this debate. It's crystal clear.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, this is the article that I referred to, Public Radio, I'll put it in the RECORD. It says, Morning Edition, April 23. "During the past week, dozens of women in southwest China have been forced to have abortions even as late as 9 months into the pregnancy, according to evidence uncovered by NPR." It goes on, mentions a family which Liang describes how they told her that she would have to have an abortion. "You don't have any more room for maneuver," he says they told her. "If you don't go to the hospital, we'll carry you." The couple was then driven to Youjiang district maternity ward in Baise City. "I was scared," Wei told NPR. "The hospital was full of women who had been brought in forcibly. There wasn't a single spare bed. The family planning people said forced abortions or forced sterilization were both being carried out. We saw women being pulled in one by one."

Now, in answer to Mr. RYAN's comment, Mr. RYAN, I led the opposition over here in opposition to PNTR. President Clinton was one of the biggest supporters. He accused President Bush, criticized him, and then switched and strongly supported it.

I have sent your office, with due respect, probably 25 letters asking you as a Blue Dog member to cosponsor a bill that I have, and I'll do it again, on the SAFE Commission. On my SAFE Commission I have eight Members from the Democratic Party, eight Members from the Republican Party, and I put everything on the table, tax policy. Someone on your side said there is no Republican over there that would do it. I put tax policy on it. Some of my people don't like it, but we do. We also put all the entitlements to save the country.

I agree with you. God bless you. I agree that the debt that the Saudis hold is terrible. The debt that the Chinese hold. And I would beg you, because I know you're a good person, I watch you in committee, I followed your campaigns, join me in the SAFE Commission. We can get a handle on this deficit that we have in the country. This places a partisan political pit, and both sides are at each other.

So what I want to do is what we did on the Iraq Study Group, get eight Republicans and eight Democrats, give 1 year, this is modeled after David Walker, the GAO, to go around the country and educate and talk to the American people and listen. And then we use the Base Closing Commission concept whereby this Congress has to vote.

You're right. The amount of debt that the Chinese hold is horrible and that the Saudis hold. And I have written you over and over. The fact is, I will say it right now, I've been surprised that I haven't had anybody from your side cosponsor, because I will stipulate you care about the deficit as much as I do, maybe as a newer Member you may actually care about it more. But I agree with you, and the SAFE Commission is the opportunity to deal with this.

If you look at the language in the package I'll send to your office, I put every single thing on the table. And if you would join me, I don't know if we could pass it in this Congress or not, but I think you're exactly right, we could help save this country because we are living off of Chinese money and Saudi money. And keep in mind, the Saudis funded all the madrasses up at the border. There were 15 Saudis funding the Wahhabis. The Saudis are funding radical, anti-Christian, anti-Semitic. So if we could come together and do that.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the ranking member for yielding.

I think that clearly the ranking member is one of the extraordinary Members of this Congress, who has enormous credibility across a wide range of issues. But I think, given that the ranking member's arguments in committee are so substantive and so sound, I want to make it clear, at least for Members, about the context of the debate. And if the chairman would correct me if I'm wrong.

Many of the NGOs that we are talking about are also the same NGOs that provide primary care in many of these villages for which the language is directed. If we provide them with Child Survival funds, are these medicines fungible for the same NGOs? In many of these villages in the Third World, it's not that there are three or four doctors in the village, it's the same doctor. There is a shortage of doctors and nurses. It's the same doctors being sponsored by the same NGOs on the ground in these villages. They're either providing primary care, preventive care, making recommendations to people within the village on how they should behave and/or what are necessary to address their primary care issues.

If we provide them with AIDS treatments, are those same AIDS treatments fungible? And how is it that we can sit here and argue, at least from Washington, a different reality that is taking place on the ground where these issues are taking place? If the chairman would respond. I ask for the committee's indulgence.

Mr. WOLF. The gentleman's concern, and the gentleman is a very good Member, and I appreciate when he speaks a lot of times in committee. I agree with him, and not only do I agree in my conscience, I vote with him, and sometimes I even speak for him. But it is an issue here of going to the groups that are involved, and I will put a copy of the article in the RECORD, but the two that I mention, and to give them the support whereby they would do these things. I can't speak for other people, but I think it would be wrong.

JUNE 21, 2007

CASES OF FORCED ABORTIONS SURFACE IN CHINA

(By Louisa Lim)

MORNING EDITION, APRIL 23, 2007.—During the past week, dozens of women in southwest China have been forced to have abortions even as late as nine months into the pregnancy, according to evidence uncovered by NPR.

China's strict family planning laws permit urban married couples to have only one child each, but in some of the recent cases—in Guangxi Province—women say they were forced to abort what would have been their first child because they were unmarried. The forced abortions are all the more shocking because family planning laws have generally been relaxed in China, with many families having two children.

Liang Yage and his wife Wei Linrong had one child and believed that—like many other couples—they could pay a fine and keep their second baby. Wei was 7 months pregnant when 10 family planning officials visited her at home on April 16.

Liang describes how they told her that she would have to have an abortion: "You don't have any more room for maneuver," he says they told her. "If you don't go [to the hospital], we'll carry you." The couple was then driven to Youjiang district maternity hospital in Baise city.

"I was scared," Wei told NPR. "The hospital was full of women who'd been brought in forcibly. There wasn't a single spare bed. The family planning people said forced abortions and forced sterilizations were both being carried out. We saw women being pulled in one by one."

The couple was given a consent agreement to sign. When Liang refused, family planning officials signed it for him. He and his wife are devout Christians—he is a pastor—and they don't agree with abortion.

The officials gave Wei three injections in the lower abdomen. Contractions started the next afternoon, and continued for almost 16 hours. Her child was stillborn.

"I asked the doctor if it was a boy or girl," Wei said. "The doctor said it was a boy. My friends who were beside me said the baby's body was completely black. I felt desolate, so I didn't look up to see the baby."

Medical sources say fetuses aborted in this manner would have been dead for some time, so the tissue is necrotic and thus dark in color.

"The nurses dealt with the body like it was rubbish," Wei said. "They wrapped it up in a black plastic bag and threw it in the trash."

This was also the treatment given to the stillborn baby of He Caigan. Family planning officials turned up at her house, in the countryside several hours outside Baise, before dawn on April 17 to force her to go to the hospital. This would have been her first baby—but she hadn't married the father, in contravention of family planning laws. She was already 9 months pregnant, just days away from delivery.

"They told me I'm too young, I couldn't keep the child and I should have an abortion," she said. "I'm too young to get a marriage certificate—I'm only 19 and my boyfriend's only 21."

After the forced abortion, her boyfriend left her. She said that she's still in great physical pain and that her life had been ruined.

An eyewitness, who requested anonymity for fear of the consequences, said that he counted 41 occupied beds on just one floor of the maternity hospital in Baise and that he believed none of the women he saw had come to the hospital of their own free will.

Coerced abortions such as these were not unusual after China's one-child policy was first introduced in 1980. But a law passed five years ago guarantees China's citizens a degree of choice in family matters. When contacted for comment, an official at China's State Commission for Population and Family Planning said she'd heard nothing about forced abortions in Guangxi and asked for more details. But in Baise, a family planning official surnamed Nong acknowledged that such behavior would violate regulations. Despite the fact that these allegations refer to events that happened just within the last week, he said an investigation had already been held.

"We were very surprised to hear of these accusations," Nong said, "but our investigation concluded some individuals who were dissatisfied with our family planning policies were fabricating stories. These facts simply don't exist. We really love and care for women here."

Official figures published by the Xinhua news agency shed some light on why a forced abortion campaign might be judged necessary. They show that the Baise government missed its family planning targets last year. The recorded birth rate was 13.61 percent, slightly higher than the goal of 13.5 percent. This is significant because the career prospects of local officials depend upon meeting these goals.

Wei Linrong and her husband Liang Yage, were incensed by their treatment, seeing it as little short of murder.

"I think their methods are too cruel," said Wei, "my heart really hurts. Such a tiny baby, it was innocent. And they killed it."

"Every time we talk about this child, we both cry," Liang added. "We can't bear talking about this child."

Liang and his wife risked further official disapproval by contacting a Christian group overseas to publicize their plight. China may once have depended on its state apparatus of control and fear to silence those who suffer human rights abuses at the hands of its officials. But China's victims are angry, and they want their voices to be heard.

Mr. TERRY. Mr. Chairman, I rise to speak in opposition to the Lowey Amendment to the State Department and Foreign Operations Appropriations bill. This amendment is a poison pill that will result in a veto by the President.

The original Mexico City policy, which was emasculated in the Appropriations Committee, prevents U.S. population assistance funds from going to foreign organizations which "perform or actively promote abortion as a method of family planning." This was done to ensure compliance with the long-standing law that taxpayer dollars cannot be used to finance abortion, except in the case of rape, incest, or danger to the life of the mother. The Stupak-Smith amendment restores the Mexico City policy to its original intent.

On the other hand Mr. Chairman, the Lowey amendment, masks the effort to fund pro-abortion organizations with U.S. tax dollars. This amendment would provide economic support in the form of valuable commodities and other items to organizations that promote and provide abortion as a method of family planning. Additionally, this amendment does not increase USAID funding for contraceptives, as the amendment's supporters have claimed.

In fact, it does nothing to increase contraception and simply diverts contraceptive commodities from organizations that DO NOT promote or provide abortion to organizations that DO promote or provide abortion as a method of family planning.

This "stealth amendment" further undermines the Mexico City policy that President Reagan established in 1984. Prior to the implementation of the Mexico City policy by President Reagan in 1984, organizations which support abortion such as Planned Parenthood kept two sets of books in order to qualify for U.S. funds: one tracking the use of taxpayer dollars for services such as family planning counseling and contraception distribution, and another chronicling the use of private organization funds for abortion-related expenses. Mr. Chairman, we all know that money is fungible. Such double bookkeeping ensured that taxpayer dollars for family planning inevitably subsidized abortion by freeing up more private funds for this purpose. The Mexico City policy was adopted to stop this practice.

Mr. Chairman, while President Clinton revoked this policy, it was reinstated by President Bush to ensure American citizens are not forced to pay for a procedure many find morally abhorrent.

Additionally Mr. Chairman, I would like to point out to my colleagues that the President has threatened to veto any legislation that weakens existing pro-life protections. Opposing the Lowey amendment and supporting the

Stupak-Smith amendment will ensure that the hard work our colleagues have put into this appropriations bill is not for nothing.

I urge my colleagues to oppose the Lowey amendment and support the Stupak-Smith Amendment to restore the Mexico City Policy to its original intent.

Mr. LOEBSACK. Mr. Chairman, I rise in strong support of this amendment and of the underlying bill, which provides overseas family planning providers with a targeted exemption from the restrictions of the Global Gag Rule.

As this amendment makes crystal clear, the contraceptive exemption in this bill allows for only the provision of donated contraceptives—not funding—to NGOs that would otherwise be barred from receiving U.S. assistance. In so doing, this bill will provide millions of men and women with contraceptive products.

Since President Bush reinstated the Global Gag Rule in 2001, U.S. government shipments of contraceptives and condoms have ceased to twenty developing countries, including Cote d'Ivoire and Vietnam—two focus countries of the President's Emergency Plan for AIDS Relief.

Restricting access to U.S.-donated contraceptives and condoms is counterproductive to our country's unprecedented commitment to the fight against HIV/AIDS.

Furthermore, providing modern contraceptives to the 200 million women in the developing world who desire this health care would avert 52 million unwanted pregnancies, prevent 22 million abortions, and would keep 505,000 children from losing their mothers each year.

Put simply, contraceptives prevent unintended pregnancies which often end in abortion, and condoms prevent the transmission of HIV/AIDS. These facts are undisputable.

I commend Chairwoman LOWEY for her willingness to offer this amendment to clarify the legislative intent of this important provision, and I urge my colleagues to support this amendment in order to protect access to common-sense prevention measures that will improve the health and well-being of individuals, families, and communities worldwide.

Mr. TIAHRT. Mr. Chairman, it is unfortunate that the State, Foreign Operations, and Related Programs Appropriations bill, H.R. 2764, contains language that undermines the Mexico City Policy. While the State-Foreign Operations Appropriations Subcommittee Chairwoman NINA LOWEY (D–NY) drafted a bill that included excellent funding levels for foreign nations in need of assistance, her amendment would essentially gut the Mexico City Policy. This will have a devastating effect on women and families overseas.

The Reagan administration, in 1984, restricted U.S. population aid by terminating USAID support for any foreign NGO that was involved in promoting or performing abortions as a method of family planning in other nations. This was called the "Mexico City Policy," named after the location of the United Nations population conference where the policy was first announced. In 1993, President Clinton rescinded the policy imposed by the Reagan and Bush administrations. As his first act in office, President George W. Bush restored the Mexico City Policy on January 20, 2001 and released a letter stating, "I will veto any legislation that weakens current Federal policies and laws on abortion, or that encourages the destruction of human life at any stage."

The Mexico City Policy should not have been weakened. Taxpayer dollars should not, in any way, be used to promote abortion as a method of family planning. The United States should never be active in promoting abortions overseas. Instead, the U.S. should offer family planning programs that support the health of the mother, child and family unit.

There are several known organizations that use U.S. foreign aid funding to promote and provide abortions, as well as sterilizations, overseas. In 1998, newspapers were filled with stories of women participating in U.S. funded family planning programs who were forced to undergo sterilization procedures, especially in Peru. There were also stories of women coerced to participate in family planning programs by threatening to withhold food, clothing and shelter from their family.

In response to these atrocities, I introduced an amendment to the State, Foreign Operations Appropriations bill in 1998 that defined the meaning of "voluntary participation" in family planning programs. It was to ensure the NGOs receiving USAID funding for family planning programs understood what voluntary participation meant and required informed consent for women on the benefits and risks associated with different family planning methods. Since it was enacted for fiscal year 1999, there have been several violations and vulnerabilities in countries receiving funding. These violations and vulnerabilities were identified and corrected by USAID.

Without strong direction from the United States on how taxpayer dollars are spent, we will continue to find violations that are destructive to women and families.

It is due to the Lowey amendment, which undermines the Mexico City Policy, that I will be voting against final passage of a bill that contained important foreign aid for countries in need, such as Israel. It is unfortunate this amendment was adopted, and organizations that promote and perform abortions to the women overseas will be able to receive U.S. taxpayer funding. It is my hope the Senate will take up this bill and strike this harmful language.

Tonight, I will vote against H.R. 2476 on the basis that it clearly undermines good policy and subjects what could have been a good piece of legislation to a veto by the President. I urge my colleagues to vote against final passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

Strike the last proviso of section 622 of the bill.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from New York (Mrs. LOWEY) each will control 22½ minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, someday future generations of Americans will look back on us and wonder how and why such a rich and seemingly enlightened society, so blessed and endowed with the capacity to protect and enhance vulnerable human life, could have instead so aggressively promoted death to children by abortion.

They will note that we prided ourselves on our human rights rhetoric and record, while precluding unusually all protection to the most persecuted minority in the world today, unborn children. They will indeed wonder why it took so long to stop just one hideous method of death, partial-birth abortion—and why dismembering a child with sharp knives, pulverizing a child with powerful suction devices or chemically poisoning a baby with any number of toxic chemicals, failed to elicit so much as a scintilla of empathy, mercy or compassion for the victims.

□ 1700

Abortion is violence against children, Mr. Chairman. It is extreme child abuse. It is cruelty to children. It exploits women. In America, it has destroyed 49 million unborn babies and wounded countless numbers of women.

Now, as in previous years, some Members of Congress want to export the violence of abortion to Africa, Latin America and parts of Asia and Europe by reversing the prolife Mexico City policy and by providing in-kind assistance to some of the most vociferous pro-abortion organizations on the Earth. To counter that, Mr. STUPAK and I are offering an amendment to strike the pro-abortion enabling language contained in this bill.

First announced by the Reagan administration at a 1984 U.N. Population Conference held in Mexico City, hence its name, the current policy simply requires that foreign nongovernmental organizations agree, as a condition of their receipt of Federal assistance for family-planning activities, to neither perform nor actively promote abortion as a method of family planning.

The three exceptions in the Mexico City policy are rape, incest and life of the mother.

Mr. Chairman, today, scores of countries throughout the world are literally under siege in a well-coordinated, exceedingly well-funded campaign to legalize abortion on demand, putting women and children at risk. Most of the pressure is coming directly from foreign nongovernmental organizations like the International Planned Parenthood Federation based in London. IPPF and its country affiliates perform abortions and lobby aggressively for abortion on demand.

IPPF, you will recall, in 1992 adopted an abortion manifesto called Vision 2000, a sweeping "action plan." Vision 2000 says that IPPF and its affiliates, and I quote this, "Will bring pressure on governments and campaign for policy and legislative changes to remove restrictions against abortions." The Mexico City policy puts a stop to enabling IPPF and likeminded groups from doing just that.

So it couldn't be more clear, Mr. Chairman, that if we provide either cash or in-kind contributions to abortion organizations, we empower them and we enable them to campaign to expand abortion. Instead, we should direct our funds and in-kind assistance, including commodities and contraceptives, to organizations committed only to family planning.

IPPF's vision, Mr. Chairman, is what I call a nightmare. Earlier my friend, Mr. JACKSON, was talking about the least of our brethren in found Matthew is Gospel, Chapter 25. Who in this world fits the definition of the least of our brethren more than a helpless unborn child who is being killed by dismemberment or chemical poison? I don't know who. Unborn babies are the most vulnerable people on Earth, I say to my good friend.

IPPF's vision is a world of free abortion and unfettered access to subsidized abortion rights right up until birth. It is all in their documents. They're for abortions for minors even without any parental notification or consent, and they don't like conscience clauses for doctors and health care practitioners, either.

One only has to look at Planned Parenthood here in the United States to understand where their affiliates would take the rest of the world. The Planned Parenthood Federation of America has, for example, colocated family planning clinics with abortion mills. They annually perform 265,000 abortions every year in America, a quarter of all the abortions in our country a staggering loss of children's lives. One organization. They lobby and litigate to stop women's right-to-know laws and parental consent laws. They lobby in favor of partial birth abortion. If that is not child abuse, I don't know what is. Make no mistake about it, Mr. Chairman, that is what they want to do everywhere. We kid ourselves if we don't realize that and appreciate that.

The Mexico City policy, on the other hand, separates abortion from family planning in certain foreign aid programs. It ensures that family planning is the exclusive activity of the organization and not abortion. If we provide other cash or in-kind contributions or anything of value, we again empower, we enrich and we enable these organizations. It is all about whom we give to.

Finally, I would like to say with deep respect to my prolife colleagues, especially on the Democratic side of the aisle, some of whom are under intense pressure to support the other side and to oppose Mr. STUPAK and me, if protecting babies and women from abortion matters to you, and I mean really, really matters to you, there is no way that any of us could work to overturn the Mexico City policy. This is the time to stand for the innocent and the inconvenient ones who can't speak for themselves.

I would remind my colleagues again that nothing in our language today cuts by a penny the money that is allocated in this appropriations bill for family planning. If you look, and we will do this again later, at one country after another, we have seen doubling and tripling, quadrupling even, of money going to countries, especially in Africa, for family planning under the Mexico City policy.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong opposition to the Smith amendment.

Mr. Chairman, the bill before us keeps the global gag rule intact, with one important exception. It would allow for the provision of contraceptives, not direct funding, to foreign NGOs to help reduce abortion, unintended pregnancy, and the spread of HIV/AIDS. The amendment I offer today makes absolutely clear that no funding would be provided to international organizations that do not comply with the Mexico City policy. In addition, the provision provides absolutely no assistance for abortion.

This is strictly prohibited in 10 other sections of the bill. Every provision in this bill has been kept there that forbids U.S. dollars going to abortion.

There are tremendous unmet needs for contraception in developing countries that most need this assistance to address population and health crises, including the spread of HIV/AIDS and unintended and high-risk pregnancies.

The global gag rule has only made matters worse for decreasing access in many countries. U.S. shipments of contraceptives have ceased to 20 developing nations, including in Africa, Asia and the Middle East. In some areas, the largest distribution centers for contraceptives have experienced decreased access for over 50 percent of the women they serve. This decline in access to contraceptives has led to increases in unintended pregnancy and in the number of women seeking postabortion care.

It is clear that withholding contraceptives, my friends, does not reduce abortion. Providing contraceptives is the way to reduce unintended pregnancies and abortions. The numbers speak for themselves. Increased use of contraceptives in the last two decades has been accompanied by significant declines in abortion rates in a number of countries. For example, in Russia, the abortion rate declined by 61 percent, as has been mentioned, between 1988 and 2001, as modern contraceptive use increased by 74 percent.

Proponents of the Smith amendment will make several false claims. They may say that this provision would provide funding or assistance for services and products other than contraceptives directly to international NGOs who are not compliant with Mexico City. It absolutely will not.

□ 1715

They will argue that the Smith amendment will not cut family planning funds in this bill. However, it will dramatically decrease the effectiveness of our international family planning aid by withholding contraceptives to the areas of the world that need them most to prevent unintended pregnancies, abortions and the spread of HIV/AIDS.

The other side will also say that my provision encourages abortion as a means of family planning. Nothing could be further from the truth. Abortion is already illegal in many of the areas that would receive contraceptives under my provision, particularly in African countries. Furthermore, these organizations do not promote abortion as a means of family planning. They provide family planning to prevent unintended pregnancies, thereby reducing abortion.

You may also hear that by providing contraceptives, these organizations will be able to use their own funds for other purposes prohibited by Mexico City. I have already made clear the incredible unmet need for contraceptives. In Uganda alone, the average number of births per woman is 7.1, while the unmet need for family planning is reported by married women at 35 percent. The bill will provide donated contraceptives, not funding, to groups that are unable to provide enough contraceptives in areas with severe shortages.

Furthermore, contraceptives are not fungible. They are used for contraception. Period. By filling the unmet need for contraceptives, each year we can prevent 52 million unwanted pregnancies, an estimated 29 million abortions, 142,000 pregnancy-related deaths, and 505,000 children from losing their mothers.

It is clear that voting for the Smith amendment and against contraceptives is an extreme position that will in fact hurt our efforts to decrease abortion. So if you really want to decrease abortion, if you really say you are for family planning, if you really want to save lives, if you really want to decrease HIV/AIDS, which is spreading throughout the world, vote no on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. STUPAK), the coauthor of this amendment.

Mr. STUPAK. Mr. Chairman, I rise today in support of the Smith-Stupak amendment, which is the only amendment before the House that would restore the Mexico City Policy. This policy is a vital, pro-life provision intended to protect the integrity of U.S. family planning programs around the world by establishing a clear wall of separation between abortion and family planning. By directing support to organizations that agree not to promote or perform abortion as a method of family planning, we ensure that U.S.-supported programs are not in the abortion business.

Let me be clear: Our amendment does not, does not, reduce international family planning funding for services or contraceptives by a single penny. Instead, the policy that we are promoting improves the credibility of international family planning programs by ensuring that they are entirely separated from abortion activities.

Despite misleading statements to the contrary, the previous Lowey amendment is not about contraceptives or HIV. We have provisions in the legislation where that language can be put, and it would be perfectly acceptable to all of us. Instead, the Lowey amendments are a direct assault on the Mexico City Policy.

The Smith-Stupak amendment restores the Mexico City Policy and in no way reduces funding for contraceptives. U.S. family planning funded in this bill at $441 million should be directed to organizations that do not promote or perform abortions.

The effort to prevent unplanned pregnancy by providing contraceptives continues robustly under the Mexico City Policy. As you can see from the chart here before me, U.S.-funded family planning increased dramatically in countries where USAID has found the need to be the greatest.

Mrs. LOWEY claims Ethiopia and some of these others have actually decreased money. It is simply not true. If you look, in Ethiopia funding has nearly quadrupled, increasing from $4.9 million to $19.5 million under the Mexico City Policy. In Uganda, funding has almost doubled, from $5.2 million to $9.8 million.

International family planning is funded at $441 million in this bill, and it will still be funded at $441 million in this bill under the Smith-Stupak amendment.

I would give the previous speaker, Mrs. LOWEY, credit for being ingenious. It is an ingenious amendment which really undermines the Mexico City language.

I urge all Members to support our pro-life and pro-family amendment. Support the Smith-Stupak amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), a distinguished member of the committee.

Ms. McCOLLUM of Minnesota. Mr. Chairman, the Smith amendment does nothing to reinstate the Mexico City executive order. It is an executive order. What is in statute and what continues to be in statute, on page 93 of H.R. 2764, section 618, "None of the funds may be made available to be paid for the performance of abortion as a method of family planning."

On line 13, "None of the funds," and then it goes on to say, "may be used for the performance of involuntary sterilization as a method of family planning or to coerce or provide financial incentive to any person undergoing sterilization. None of the funds may be made available to carry out part of the Foreign Assistance Act of 1961, as amended, that may be used to pay for biomedical research for the performance of abortions or involuntary sterilization." None of the funds. None of the funds. That is all protected in here. The Smith language doesn't change anything.

President George Bush in fact himself has said that one of the best ways to prevent an abortion is to provide quality family planning programs. And here are the facts, folks.

In developing countries, 120 million married couples would like to postpone their next pregnancy or have no more children, but they don't have access to modern contraceptives. In sub-Sahara Africa, 26 percent of the women who desire to delay or end their child bearing remain without access to volunteer family planning and then they risk an unintended pregnancy. Every year more than 525,000 women die from causes related to pregnancy in childbirth, with 99 percent of these deaths occurring in developing countries. An additional 8 million women each year suffer needless complications from pregnancy and birth. And lack of spacing birth, this is really key, because I have spoken to women in Africa and in Latin America, lack of spacing birth results in intervals of 9 to 14 months, which raises the increased maternal death rate by 250 percent.

Vote for voluntary family planning. Vote for 22 more additional countries receiving voluntary planning. Vote against Smith.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Smith-Stupak amendment that guards against policies that would lead to taxpayer funding of abortions abroad. This amendment would ensure that the Mexico City Policy is included in this spending bill.

The Mexico City Policy, first enacted by President Reagan in 1984 and reinstated in 2001, ensures that organizations that do international population assistance work and that promote abortion as a method of family planning do not receive United States funding.

This is a critical policy that underscores the sanctity of human life by telling groups that if they want to promote abortion, they better find a source of funding other than the U.S. taxpayer. It is quite simple: If a group demonstrates a disregard for human life, they don't get funding.

Let me be clear, the Mexico City policy and this funding do not reduce funding for family planning programs. The focus instead is on channeling funds to organizations that agree not to promote abortion. There is, therefore, no overall reduction of family planning funds. Again, the guidelines are simple. If you promote abortion, the U.S. Government will not be giving you money.

Under the current language in the State-Foreign Operations appropriation bill, funding would once again flow to groups that promote abortion. The Smith-Stupak amendment would eliminate language that allows funding to go to even the most aggressively pro-abortion groups.

This amendment is about our Nation's abortion policy. As such, it is entirely focused on ensuring our government does not fund groups that promote abortion. I support this amendment because it wisely guards against any erosion of our protection of the sanctity of human life.

Mrs. LOWEY. Mr. Chairman, I am delighted to yield 2½ minutes to the gentlewoman from California (Ms. LEE), an outstanding member of the committee.

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman for yielding and once again for her very valiant efforts to save lives of women and children throughout the world.

Let me first say I rise in strong opposition to the Smith amendment. This bill includes a very narrow provision to allow foreign NGOs to receive only U.S.-provided contraceptives. Chairwoman LOWEY has additionally offered the amendment that clarifies the existing language in the bill to make it absolutely clear that this provision only allows for the donation of the contraceptives.

This provision has absolutely nothing to do with funding. The bill does not provide financial assistance to clinics or to NGOs. It simply allows those family planning organizations that have been denied USAID family planning funding under the global gag rule to receive contraceptives from USAID and domestic NGOs.

Again, it has nothing to do with providing assistance for abortions, which are already strictly and clearly prohibited in 10 other provisions in this bill, which, I must say, I am very disappointed with. But the fact is that those provisions are there.

By providing contraceptives, we will actually help to reduce abortions, reduce the spread of HIV and AIDS and save the lives of mothers and infants by reducing the number of high-risk and unintended pregnancies.

The negative impact of the gag rule, which, of course, as I said earlier, and you all know this, this bill leaves the gag rule in place, but the negative impact is well documented. Since it was reinstated in 2001, shipments of United States-donated contraceptives have ceased in 20 developing countries in Africa, Asia and the Middle East.

The NGOs most affected are often the ones with the most extensive distribution networks and the largest outreach to young women in rural areas. They often provide the only family planning program in a region and they have suffered severely from the cutoff of contraceptive shipments. The Smith amendment would continue to punish these NGOs for running successful family planning programs and would effectively undermine the goal we all share to reduce abortions and HIV and AIDS around the world.

For the life of me, I don't understand why we are doing this, Mr. SMITH. You know and I know that this does not tamper with, unfortunately, the global gag rule or Mexico City language.

So let's be straightforward. Let's be honest. What we are trying to do today is just save the lives of women and children.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Tennessee.

Mrs. BLACKBURN. Thank you, Mr. SMITH, for the opportunity to speak.

Mr. Chairman, what this is about is a philosophical difference of how we approach things. This is about respect for life, our's and those in other countries. I commend the gentleman on the amendment, and I do rise in support of this amendment and of the Mexico City Policy and making certain that we pass the Smith-Stupak amendment. It will strike the language that would undermine that policy.

It is not going to take away the $441 million for family planning. It is going to put a bright line of separation between abortion and family planning. The U.S. should not be in the business of exporting abortion overseas. It has been a tragedy for women here in the U.S., and it will carry the same hurt, it will carry the same trauma if it is used abroad.

So I commend the gentleman for his amendment. I rise in support.

Mrs. LOWEY. Madam Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, it bears repeating, the statistics we have heard so many times about the language that is in this bill and what is not in this bill. There are at least 10 provisions in the bill that prohibit U.S. foreign assistance from being used to promote or perform abortions. In many of these countries, abortion is illegal. That could not be more clear.

I want to thank Chairwoman LOWEY for her leadership on this bill and for including this commonsense, common ground, family planning provision to include contraceptives only, and not funding.

I rise today in strong support of both the Lowey amendment and of the contraceptives-only provision in the bill, and in opposition to the Smith amendment.

Under current U.S. policy, too many people in the developing world, especially Africa, contraceptives are in short supply, placing the health and well-being of millions of people at risk. President Bush has recognized the crisis and proposed a major Africa initiative.

The very specific and narrowly tailored language of Chairwoman LOWEY's language allows the U.S. to provide contraceptives only so NGOs can provide contraceptives in developing countries. This provision is, as I say, a commonsense, common ground solution to a very real problem. This provision will reduce the number of unintended pregnancies, help prevent abortions and help stem the spread of disease, including HIV/AIDS.

The far-reaching impacts of this provision are immeasurable. This will make a substantive difference in the lives of women and families around the world by allowing them to protect themselves and plan and space their births. It will help slow rapid population growth, which results in poverty and instability. It will help stop the spread of HIV/AIDS.

I urge all my colleagues who are committed to family planning to oppose the Smith amendment, vote to support the Lowey amendment and the underlying bill.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the ranking member of the Foreign Affairs Committee.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by my good friend Congressman SMITH of New Jersey and Mr. STUPAK, which seeks to restore the Mexico City Policy. It is a longstanding guideline for receiving U.S. family planning assistance.

This policy, as we know, prevents U.S. funding for foreign nongovernmental organizations, NGOs, that perform or promote abortion as a method of family planning. This standard is consistent with our domestic policy, as regulations prohibit taxpayer dollars from programs that support abortion as a method of family planning.

The Mexico City Policy applies the same standard of domestic funding to global family planning, and therefore reinforces the belief that the fundamental goal of family planning programs should be to reduce abortions. By eliminating the Mexico City Policy, we are devaluing the importance of other preventative methods of family planning.

As the ranking member of the House Foreign Affairs Committee, I am seriously concerned about the effect that such a policy change would have on our ability to protect the respect for innocent human life and human rights worldwide.

☐ 1730

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Smith amendment.

We have heard it so many times before, but the global gag rule is not about abortion. It is about women dying to the tune of 600,000 a year. That is equal to one or two jumbo jets crashing each day. The fact remains that, since 1973, no U.S. Federal funds have been or are being used around the world for abortions.

My colleagues on the other side of the aisle say that they respect life, but during the time that we have been debating this bill, 65 women around the world will die from pregnancy because of many related complications; and they are dying because they do not have access to the most basic health care such as contraceptives.

I commend my colleague, Mrs. LOWEY, for her commonsense approach to refining the global gag rule. Although I support a full repeal of the global gag rule, it would be unconstitutional in our country, and it is unconscionable that we are exporting it to the world's poorest women.

But the Lowey amendment merely allows NGOs and organizations to receive contraceptives, which are proven to prevent unintended pregnancies, abortions and sexually transmitted diseases. That is what it does. It is family planning.

So I ask my colleagues, what do we tell a Somalian mother whose teenage daughter has just died in childbirth? Do we explain there are some politicians in Washington who do not think that she deserves the same information and health care services that their own daughters have?

These programs are about saving women and girls' lives and helping both men and women get access to reproductive health services. So if you oppose abortion and oppose the spread of HIV/AIDS, it makes common sense, good sense to support access to contraceptives and oppose the Smith amendment. Support the Lowey provision.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, I rise in support of the Smith-Stupak amendment.

I believe women in developing nations, these poor women are not asking help to abort their children. They are asking for help with food, housing and medical care for them and their families. It costs roughly $5 to spray a house with the cheapest insecticide to protect entire families from being infected with malaria.

The drug Nevirapine reduces the risk of prenatal HIV infection by 50 percent. One dose is given to the mother and one to the baby, and these two doses only cost $5.

Mr. Chairman, I believe this is how our foreign aid dollars should be spent, saving lives, not destroying them. Most preventable child deaths are from malnutrition, diarrhea, pneumonia, infections of newborns and malaria.

The United States has contributed more than $1.5 billion in the last 5 years to treat almost 5 billion episodes of child diarrhea with lifesaving oral rehydration therapy, and we have reduced deaths from diarrheal disease by more than half since 1990.

These are the success stories of how U.S. tax dollars are saving lives, and we need to continue to preserve lives. The money in this bill should be spent on newborn care programs and not on destructive abortion procedures destroying the life of the child and harming women.

I believe we need to export lifesaving policy that provides poor women with the food, with the housing and the medicine that they need so desperately.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I rise in opposition to this amendment. Let me say at the outset, I have the deepest respect for the opinions expressed in this Chamber. I may not agree with them, but I respect them.

We are all try to reduce unintended pregnancies. We are all trying to reduce abortion. In contrast to what a prior speaker said, there is nobody here in this Congress, right or left, who doesn't have respect for human life; and that kind of verbiage really ought not to be expressed in this Chamber.

I will say, however, that while I respect my opponents' arguments, the arguments do lose some credibility on the issue of fungibility. The fact of the matter is, as has been stated before, not one penny in Mrs. LOWEY's bill is spent promoting or providing abortion. It is on in-kind contraceptives.

My friends on the other side of the aisle have said, whoa, whoa, but that is promoting the funding of abortion, because every single in-kind contraceptive that is donated means that there is more money by that country to fund an abortion.

Well, if you are going to apply that argument, my friends, then you better just admit defeat on the global war on terror right now. Because the fact of the matter is that many of the same countries that we are providing in-kind military assistance to to help us in the global war on terror allow for legal abortion. Some even provide abortion services.

Here is a map. If you are going to argue the fungibility issue, then in fact every time that we provide funding to Pakistan, we are promoting abortions, because in some cases abortion is legal in Pakistan.

Every time we are providing military funding and assistance to India, we are promoting abortions. Australia, Japan, South Korea. When we are providing funding for the Colombian antidrug initiative, we are promoting abortions in Colombia under that argument. Canada. Russia. When we provide military assistance to secure loose nukes in Russia, under your argument that money is fungible. They can take our assistance, secure the loose nukes and then use that money in order to provide and promote abortions.

If you use that argument, my friends, you need to go back to your districts today and admit to your constituents that every time you have supported that military aid you have supported abortion, because the money is fungible.

The Czech Republic. Many of you support providing military assistance and in-kind assistance to the Czech Republic for the national missile defense system. They permit abortions. Albania, Armenia, Bulgaria, NATO countries, South Africa, the Ukraine.

The fact of the matter is that the fungibility argument has no credibility. You can only have fungibility if you have money. There is no money in this bill for abortion services.

If we are going to have an honest debate on this issue, let's be honest and let's be consistent. What this language does is say we want to reduce unintended pregnancies. We want to reduce abortions. The way to do it is to allow for in-kind contributions of contraceptives. This is important language.

I oppose the amendment, and I urge Members to be consistent.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 10 seconds just to say that the previous speaker's comments missed by a mile what this is all about.

The Mexico City policy does not apply to a single country. It applies to organizations. Countries are expressly excluded from Mexico City policy. It is all about pro-abortion organizations, and whether or not we want to enrich and enable them to expand abortion. We want to put our money and in-kind contributions to those that have divested themselves from the killing of unborn children.

I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Foreign Affairs Committee.

Mr. FORTENBERRY. Mr. Chairman, I rise in support of the Smith-Stupak amendment and encourage my colleagues to support this measure to prevent the U.S.-taxpayer-funded export of abortion.

The purpose of U.S. foreign assistance is to strengthen the foundation for international stability by fostering civil society, supporting institutions that foster self-determination, and helping the vulnerable by bringing healing and hope and basic sustenance.

As a leading provider of foreign assistance worldwide, the United States has made extraordinary strides towards alleviating suffering throughout the world. Unfortunately, an element of the Foreign Operations bill before us today risks undermining this noble legacy.

The Mexico City policy, first announced by President Reagan in 1984, requires that as a condition for receiving Federal funds for family planning, foreign nongovernmental organizations agree that they will neither perform abortions nor lobby to change abortion laws or otherwise actively promote abortion as a method of family planning.

The Foreign Operations bill, as it currently stands, would undo this policy and subsidize abortion providers overseas. U.S. taxpayers should not be forced to do this, nor should other countries be forced to accept it. Abortion is so often the result of abandonment, Mr. Chairman; and I believe women deserve better.

Mr. Chairman, many Americans aren't comfortable about the rightness or wrongness of it. Many Americans are unsure in their heart of hearts about the ethics of abortion. Americans agonize about this difficult issue, and our collective experience as a society demonstrates the grave consequences.

Given these considerations, is abortion really the best we can offer to some of the most vulnerable populations in the world? Is this really how we wish to be identified as a Nation?

Mr. Chairman, I urge my colleagues to retain the long-standing Mexico City policy and not to compromise the reputation and legitimacy of our foreign assistance programs.

Mrs. LOWEY. Before I yield to the distinguished gentlewoman from California, I would like to yield an additional 30 seconds for clarification to my good friend from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentlewoman.

I do seek a clarification. The distinguished gentleman from New Jersey attempted to clarify, but I am now a little more confused. As I understood his argument, he said that when an organization promotes abortion, we are looking to punish it. But when a country that we happen to like promotes abortion, then we can provide them with $300 million or $400 million in budget support.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. First of all, we are not punishing. We are saying that, as a matter of human rights principle, that the killing of an unborn child rises to a sufficient level that we will pick other NGOs to whom we will give our dollars.

Mrs. LOWEY. I yield to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, maybe, just maybe, if a woman has access to contraceptives, abortion will be prevented.

What is wrong with you people? Where do you come from?

Oh, that's right, you come from the United States of America, where all women are allowed, rich or poor, to have access to and choices over family planning. Lucky us.

There are many choices for preventing unwanted pregnancies, and let us not forget prevention of HIV/AIDS. If you are against abortion, at least support prevention. If you are concerned about HIV/AIDS, support contraception.

Our Nation has a long history of generosity and caring. That should not end today. What are we doing? We are up here with the Lowey amendment ensuring that women in the poorest villages in the poorest countries have access to contraceptives. We are doing that by providing medically approved and necessary contraceptives to women who would otherwise have no other means to prevent unwanted pregnancies and/or to prevent HIV/AIDS.

Unintended pregnancies and illegal abortions have been on the rise in areas where access to family planning has been denied. Chairwoman LOWEY's provision is just plain common sense. Let's put women's health above politics and vote "no" on the Smith-Stupak amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise today in support of the Smith-Stupak amendment. The Mexico City policy does not reduce family planning funding at all. It only requires that funds, support and supplies are directed to NGOs that do not promote abortion as part of family planning.

U.S. taxpayers should not be forced to hand their hard-earned tax money over to organizations that practice policies that these taxpayers morally oppose. The Mexico City policy has established that clear bright line that allows us to provide assistance in a morally acceptable manner.

President Bush has clearly indicated his intent to veto this bill if it weakens current Federal policies and laws on abortion or that encourages the destruction of human life at any stage. Enough of us, myself included, have pledged to sustain this veto that it will, indeed, be sustained.

We must ensure that taxpayer funds do not underwrite organizations that perform or promote abortion as a method of family planning. I urge my colleagues to support the Smith-Stupak amendment today.

□ 1745

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I unfortunately must rise in opposition to the Smith-Stupak amendment. I have great respect for the passion displayed by Mr. SMITH and Mr. STUPAK and I share their opposition to abortion. However, in this instance I must strongly disagree with their decision to prevent the distribution of contraception to some of the most poor and needy people and nations in the world.

Mr. Chairman, we are asked to make an important decision in this year's debate on the Foreign Operations bill. Our commitment to providing international family planning speaks volumes about who we are as a nation. These funds reach some of the most vulnerable populations in the world and can literally mean the difference between life and death.

I know that Americans regardless of their position on abortion are horrified by the statistics on HIV/AIDS in Africa and the number of unwanted pregnancies and abortions throughout the developing world. I believe that it is our responsibility, as people committed to the sanctity of life and the basic human dignity of all people, to respond to this crisis. I believe that it is also our responsibility to do so in the most effective manner possible while staying true to our core values. The language that Chairwoman LOWEY proposes makes it possible for the United States to provide developing nations access to contraceptive products, products that save lives. The Lowey language ensures that the organizations best equipped to distribute these products to the neediest, poorest parts of the world are able to do so. Finally, it respects the law of the land that prohibits Federal financial assistance to organizations that provide abortions or abortion counseling.

I know that crafting this language was no easy feat and I commend Mrs. LOWEY for her dedication to moving forward with a bill that reflects the values of our Nation and respects the strong feelings that Members have on both sides of the abortion debate. I urge my colleagues to vote "no" on the Smith-Stupak amendment and allow this critical, lifesaving assistance to reach those who so desperately need it.

I thank the gentlelady for yielding.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida, Dr. DAVE WELDON.

Mr. WELDON of Florida. I just want to clarify a point just made by the gentleman from Rhode Island. Under the Smith language, contraceptive devices will be distributed. This whole debate is about whether we're going to give contraceptives to Planned Parenthood, Parenthood International, aggressively trying to overturn the pro-life laws in countries all over the world.

We have dramatically increased distribution under Mexico City of contraceptive devices. Ethiopia, from 4.9 million to 19.5 million. A big, long list here. This is about Planned Parenthood and their effort to overturn pro-life laws all over the world and we don't want to give money to them. That's what this debate is about.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. First of all, I would like to thank Mr. SMITH and Mr. STUPAK for their leadership on this amendment. What we are doing here on this amendment is no small thing.

Mr. Chairman, I believe it should be noted for the record that most Americans do not believe that abortion is an appropriate form of family planning. To suggest it is simply wrong. It would never be considered proper within the United States and it isn't proper that taxpayers' money be spent for this purpose overseas.

The amendment that we are debating today in question is not anti-family planning. There are a number of alternatives to abortion which do not rise to the level of concern that this proposal engenders. This is only anti-family planning if one considers abortion to be a method of family planning. I reject this way of thinking and urge the adoption of this amendment.

When President Bush adopted our Nation's current policy, he was right. Prohibiting the expenditure of taxpayer dollars to fund abortions outside the United States is a policy that has been in place for many years. Therefore, I urge all of my colleagues who care about the sanctity of human life to vote in favor of the Smith-Stupak amendment.

Mrs. LOWEY. May I ask how much time is remaining on both sides, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York has 30 seconds. The gentleman from New Jersey has 3¼ minutes.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman from New Jersey and the Congressman from Michigan for their work on this amendment and their longstanding commitment to protecting human life.

This is about two fundamental issues that have been talked about here on the floor. First, taxpayer dollars shouldn't go to organizations, whether those dollars are cash or in-kind, shouldn't go to organizations that perform or promote the taking of innocent human life. Second, it recognizes the more fundamental principle, life is precious, life is sacred, and government's fundamental responsibility is to protect the weak from the strong, to protect those innocent individuals whose lives are being taken.

This is good public policy. We should keep it in place. It's consistent, frankly, with our heritage and with our history. I always like to remind folks of what the founders said when they talked about that fundamental document that started this great experience we call America: Life, liberty and the pursuit of happiness.

It's interesting to note the order the founders placed the rights they chose to mention. Can you pursue happiness, your goals and dreams, if you first don't have liberty? And do you ever have true liberty, true freedom, if government does not protect your most fundamental right, your right to live?

This amendment is consistent with the founders' vision, it's good policy, and we should adopt it.

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to my good friend, Mr. RYAN.

Mr. RYAN of Ohio. I just would like to end this debate to say that we all have the same goals here. We all want to reduce the number of abortions. Nobody wants to celebrate it. I'm a pro-life Democrat. I voted for the ban on partial-birth abortion and I'm proud of my vote. But we do have an honest disagreement on how we reduce the number of unintended pregnancies. And to me it is clear that if we do not provide contraception to these poor women in these poor countries, then we will have more abortions. The statistics bear this out, the facts bear this out, and that's why this amendment needs to go down and we need to pass the chairwoman's language here, because I believe that if this amendment passes, there will be more abortions, not less.

And one final comment to the gentleman from New Jersey, we were not pressured to support this position. We came to this position by honestly looking at the facts. No leadership pressured us, me and Mr. LANGEVIN and those of us who have a different voting record than some people over here. So this is our choice. Please vote down this amendment and let's reduce the number of abortions.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia (Mr. WOLF) control the remainder of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

I rise today in support of the Smith-Stupak amendment to strike the language eliminating the vitally important protections of the Mexico City Policy. I just believe it's wrong to force American taxpayers to subsidize organizations who actively promote abortion in foreign nations.

In response to some of the arguments on the other side that this is not about promoting abortion or not, I disagree. It's really not about providing contraceptives. This is about promoting abortion. Because as the gentleman from New Jersey was trying to say before he was cut off, there are NGOs that are in compliance with the Mexico City Policy which means that they neither perform nor actively promote abortions as a method of family planning in other nations. It is they who are eligible for assistance under the Mexico City Policy. It is they who should be getting the benefit, not those organizations that are promoting abortions around the world that can substitute the provision of these contraceptives to then use that money available to go and pursue their other agenda.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

The CHAIRMAN. The gentleman is recognized for 1¼ minutes.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Smith-Stupak amendment to restore the pro-life Mexico City Policy protections that were effectively stripped from this bill.

Human life is a precious commodity and around the globe it is still too often taken for granted. Like millions, in my heart and in my mind, I believe that life begins at conception. And as a Member of this body, I feel I have an obligation to protect the right to life wherever I can. The most effective way to do that now, today, is to support the Mexico City Policy which would prevent our international aid from going to foreign organizations that support or promote abortions.

This policy is based on the simple idea that American taxpayers should not be forced to export abortions with their money. Again, we're talking about taking money away from the American taxpayer and using it to subsidize foreign abortions. For most, this defies common sense. It defies fiscal sense. And it is reprehensible to the millions who believe in the fundamental right to life.

I urge all Members to support the Smith-Stupak amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Stupak-Smith amendment. This amendment very simply ensures that our taxpayer Foreign Operation funds will not be used to support abortion overseas. The Mexico City Policy, which was first instituted in 1984 by President Ronald Reagan, simply states that any U.S. funding for family planning cannot be used to promote abortions as a suitable option in family planning.

As divisive as this issue is among many Americans, this issue is a consensus issue. The American people know whatever your view of abortion, whether it is morally right or morally acceptable, most Americans agree that it is morally wrong to take the taxpayer dollars of millions of Americans who cherish the sanctity of human life and use it to fund and to underwrite organizations that promote abortion overseas.

It is precisely for that reason that I rise today in strong support of this thoughtful amendment and urge my colleagues to preserve the Mexico City Policy and vote "aye" on the Stupak-Smith amendment.

Mr. WOLF. Reclaiming my time, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, recently a new organization formed in the United States called the Silent No More Awareness Campaign.

It is made up entirely of women who have had abortions. One of the women, Dr. Alveda King, niece of the late Dr. Martin Luther King, has had two abortions. She is now one of the most passionate spokeswomen on earth in favor of the unborn child and in favor of protecting women from abortion and assisting women harmed and wounded by abortion. She has pointed out that women in America, and increasingly in the world in countries where it has been legalized, become the walking wounded and carry with them the deep emotional and physical scars of having had an abortion under the cheap sophistry choice. Dr. King used to be on the other side of the issue and she, like the other women in Silent No More, are now adamantly pro-life. Dr. King and so many others call on us today to defend life and not export abortion.

The Appropritions bill on the floor today provides $441 million for overseas family planning. That is in the bill. It's untouched by the Smith-Stupak amendment. But who we give grant money or inkind donations to matters. When you pour in-kind contributions into pro-abortion organizations whose raison d'être, and just read their literature and Web sites and look at what they're doing in those countries, is to legalize abortion on demand and to promote abortion by way of clinics, you realize that a vote against the Smith-Stupak amendment is a vote to enable abortion on demand.

Abortion is child abuse. That may not be something nice to say on this floor, some of you may cringe over it because you think it's all about choice. Choice to do what? Dismember, chemically poison a child. These are children. Welcome to 2007. Ultrasound technology has shattered the myth that an unborn child is not human or not alive. Birth is an event that happens to each and every one of us. It's not the beginning of life.

□ 1800

Prenatal surgery has shattered myths concerning the unborn as well. Unborn children are patients. So let's give the money to the family planners overseas that are all about family planning, not abortion promotion.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

I yield to my good friend, the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I cannot let that go unanswered. We are not promoting abortion. We are trying to reduce the number of abortions by providing contraception.

The fact of the matter is the Republican party has no plan on reducing the number of abortions, none. There is only one way to do it, and you provide contraception to poor people. That's what we are trying to do.

You're right. It's not about who's getting; it's about who's not getting. There are poor women who are not getting contraception and contraceptives. We are trying to provide it.

I commend what you are trying to do. We are trying to reduce number of abortions, and all the explicit details of an abortion procedure are exactly why we are trying to do this.

Mrs. LOWEY. I thank the gentleman.

Mr. Chairman, I want to make it very clear in closing, we all may have different views about abortion. I respect your views. I may differ. Each person is entitled to their own conscience and their own views on abortion.

But this is not about abortion. Every provision forbidding U.S. dollars going to abortion is in this bill, and it remains in this bill. The choice is clear, my friend.

My amendment will provide donated contraceptives, reduce unintended pregnancies, reduce the number of abortions, prevent HIV/AIDS, save lives, save the lives of millions of poor people around the world. This amendment will save lives. Mr. SMITH's amendment will lead to more abortions, put more lives at risk.

My friend, the choice is very clear. If you want to reduce the number of unintended pregnancies, if you want to save lives, if you want to prevent abortion, you vote for the Lowey amendment and against the Smith amendment.

Mr. GINGREY. Mr. Chairman, I rise in strong support of the amendment offered by both the gentleman from Michigan, Mr. STUPAK and the gentleman from New Jersey, Mr. SMITH.

This amendment would simply reaffirm our country's long standing commitment to not using federal taxpayer money to fund or support abortions. More specifically, this amendment would preserve the decades-old, internationally agreed upon Mexico City Policy that defends the sanctity of life by preventing taxpayer dollars from funding overseas family planning organizations that promote or perform abortions.

Mr. Chairman, while many Americans may disagree on the issue of abortion, a vast majority of them do not believe that abortions should be publicly funded. This Mexico City Policy significantly prevents the exploitation of developing nations where some non-governmental organizations aggressively advocate the use of abortion as birth control—birth control, Mr. Chairman. The tactics of these NGOs are simply and utterly unconscionable, and I know Americans don't want their tax dollars funding these activities.

Now, opponents of the amendment have tried to assert that it would take away funding from international family planning. Quite to the contrary, this Amendment does not take one single cent from these activities, but rather maintains the current policy preventing Federal funding of foreign abortions. We must remain resolute in the preservation of this policy.

Having practiced as a pro-life OB–GYN for nearly 30 years, I firmly believe that we have an obligation to protect life at each and every stage—and this obligation does not just apply to unborn Americans.

Any human life—regardless of geography, regardless of circumstance—has the right to exist. Foreign abortions are just as tragic as abortions here at home.

We should not and we cannot allow the Mexico City Policy to be abandoned. Therefore, I urge my colleagues to support Stupak/Smith.

Mr. MANZULLO. Mr. Chairman, today I rise in support of the amendment to reinstate the Mexico City Policy. This policy ensures that U.S. bilateral family planning programs are not conduits for exporting abortions internationally.

Let me be clear from the beginning: the Mexico City Policy is NOT anti-family planning. In no way does this policy reduce the $425 million that the United States provides in family planning assistance. What this amendment does do is to put a wall between contraception and abortion, thereby preventing this Congress from making the American taxpayers an implicit partner in the aborting of unborn children. It sends the message that as Americans, we stand for the life and liberty of all individuals—those whose voices can be heard, and those whose voices cry from the womb.

This Democrat-led Congress has voted to protect roosters from cockfighting and horses from slaughter. Doesn't it would seem logical that this Congress would stand up and protect the fragile lives of the unborn?

But this Congress has shown that it is only selectively sympathetic to the furtherance of life. As when horses are killed, or roosters are hurt. But not when a tiny, human life is stamped out with the approval of our government.

I urge my colleagues to adopt this amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise today in strong opposition to this amendment before us.

The Foreign Operations Appropriations measure in its current form will reduce the number of unintended pregnancies globally, curb the deadly spread of HIV/AIDS, and improve infant and maternal survival rates throughout the developing world.

I want to commend my friend and colleague, Congresswoman LOWEY, for including a provision in this measure which provides a targeted exemption from the Global Gag Rule.

This will allow NGOs to receive U.S.-donated contraception and condoms.

For the past 6 years, the global gag rule has jeopardized access to comprehensive health care for women in developing countries. It has denied NGOs the resources they need to provide necessary medical advice and treatments.

The intent of the Global Gag Rule was to restrict abortion. However, by denying access to contraception and condoms, the Gag Rule denies women the opportunity to prevent unintended pregnancies in the first place.

With population levels rising and efforts to prevent the spread of HIV increasing, the demand for contraception is higher then ever.

More than 200 million women around the world want to control when they have children and protect themselves from HIV, but they can't do so because they lack access to condoms and contraception.

Since the Global Gag Rule was reinstated, shipments of contraceptives from the U.S. government have been denied to 20 developing countries throughout Africa, Asia, and the Middle East. Its effect on healthcare in these nations has been devastating.

In the face of this, the Smith amendment would deny access to contraception and condoms to some of our most valuable NGOs reaching at-risk people of all ages.

What would the impact of this cutoff be?

Consider that access to contraceptives would prevent an estimated 52 million unintended pregnancies each year.

That, in turn, would prevent 22 million abortions. It would also prevent 23 million unplanned births; 142,000 pregnancy-related deaths, and 1.4 million infant deaths.

Family planning helps women to have their children during the healthiest times for both mother and child. It has proved critical to the reduction of infant mortality in numerous developing countries.

Contraceptive access is also critical to disease prevention. According to the WHO, the leading cause of last year's 4.3 million new HIV cases was unprotected sex. Access to condoms is a matter of life and death.

And of those millions, how many were parents? More than 13 million children under the age of 15 have lost one or both parents to AIDS. That is 12 percent of all the orphaned children in the world—more than 10 million children.

Cutting off the flow of contraceptives would be an enormous step back for the health of the world's women, children and families. The underlying bill before us takes a commonsense approach to global health that will reduce unintended pregnancies and the need for abortion. It will also help stop the spread of HIV/AIDS and improve infant and child survival rates.

This amendment would take us in the opposite direction. I urge all of my colleagues to vote no on the Smith/Stupak amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mrs. LOWEY of New York.

An amendment by Mr. SMITH of New Jersey.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 14, as follows:

[Roll No. 533]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—201

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Bordallo
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kildee
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bonner
Cramer
Cubin
Davis (AL)
Davis, Jo Ann
Fortuño
Hunter
Ortiz
Paul
Pickering
Sanchez, Loretta
Simpson
Sullivan
Weiner

□ 1825

Ms. FALLIN changed her vote from "aye" to "no."

Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mr. CONYERS and Ms. SLAUGHTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 218, not voting 14, as follows:

[Roll No. 534]

AYES—205

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Bordallo
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kildee
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—218

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Bonner
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hunter
Ortiz
Paul
Pickering
Sanchez, Loretta
Simpson
Sullivan
Weiner
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1832

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Chairman, I have had conversations with Mr. BLUNT and I have also had conversations with Mr. OBEY, and I want to tell the Members of the House that it would be my intention if we complete this bill and we can complete the Legislative appropriations bill tonight in the next 5½ hours, then it would be my intention that we would not meet tomorrow.

I want all the Members to understand that we will complete the Legislative appropriations bill this week, but if we can complete both of those bills tonight, it would be my intention that we would not be meeting tomorrow.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AFGHANISTAN

SEC. 623. Of the funds appropriated under titles III and IV of this Act, not less than $1,057,050,000 shall be made available for humanitarian, reconstruction, and related assistance for Afghanistan: *Provided*, That of the funds made available pursuant to this section, $3,000,000 should be made available for reforestation activities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: *Provided further*, That of the funds allocated for assistance for Afghanistan from this Act not less than $75,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nonprofit organizations in Afghanistan.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

GLOBAL FUND ACCOUNTABILITY

SEC. 625. (a) Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the

"Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators;

(2) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and Local Fund Agents (LFAs), to enable them to fulfill their mandates;

(3) has a full-time, professional, independent Office of Inspector General that is fully operational;

(4) requires LFAs to assess whether a principal recipient has the capacity to oversee the activities of sub-recipients;

(5) is making progress toward implementing a reporting system that breaks down grantee budget allocations by programmatic activity;

(6) has adopted a policy on the public release of documents produced by the Office of the Inspector General;

(7) is tracking and encouraging the involvement of civil society, including faith-based organizations, in country coordinating mechanisms and program implementation; and

(8) has provided to the Secretary of State a report on faith-based organizations as described in subsection (b).

(b) The report referred to in subsection (a)(8) is a report that provides a description and assessment of grants and sub-grants provided by the Global Fund to faith-based organizations. The report shall include—

(1) on a county-by-country basis—

(A) a description of the amount of grants and sub-grants provided to faith-based organizations; and

(B) an assessment of the extent to which faith-based organizations have been or are involved in the Country Coordinating Mechanism (CCM) process of the Global Fund; and

(2) a description of actions the Global Fund has taken and will take to enhance the involvement of faith-based organizations in the CCM process, particularly in countries in which the involvement of faith-based organizations has been underrepresented.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 626. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 627. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 628. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as non-project sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law, which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or non-project sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Non-project sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 629. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles II through V of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE

SEC. 630. Of the funds appropriated by this Act under the headings "TRADE AND DEVELOPMENT AGENCY", "DEVELOPMENT ASSISTANCE", "TRANSITION INITIATIVES", "ECONOMIC SUPPORT FUND", "INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE", "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS", and "ASSISTANCE FOR EASTERN EUROPE AND BALTIC STATES", not less than $40,000,000 should be made available for building capital markets and financial systems in countries eligible to receive United States assistance.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 631. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-

American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

Sec. 632. None of the funds appropriated under titles II through V of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4) (D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

Sec. 633. (a) Afghanistan, Iraq, Pakistan, Lebanon, Montenegro, Victims of War, Displaced Children, and Displaced Burmese.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles II and III of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) Tropical Forestry and Biodiversity Conservation Activities.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) Personal Services Contractors.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) Waiver.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) Period of Application of Waiver.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) Small Business.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) Reconstituting Civilian Police Authority.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(g) World Food Program.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(h) Extension of Authority.—

(1) With respect to funds appropriated by this Act that are available for assistance for Pakistan, the President may waive the prohibition on assistance contained in section 608 of this Act subject to the requirements contained in section 1(b) of Public Law 107–57, as amended, for a determination and certification, and consultation, by the President prior to the exercise of such waiver authority.

(2) Section 612 of this Act and section 620(q) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance for Pakistan from funds appropriated by this Act.

(3) Notwithstanding the date contained in section 6 of Public Law 107–57, as amended, the provisions of sections 2 and 4 of that Act shall remain in effect through the current fiscal year.

(i) Middle East Foundation.—Of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" that are available for the Middle East Partnership Initiative, may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Foundation, or any other similar entity, whose purposes include to support democracy, governance, human rights, and the rule of law: *Provided*, That such funds may be made available to the Foundation only to the extent that the Foundation has commitments from sources other than the United States Government to at least match the funds provided under the authority of this subsection: *Provided further*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section and the requirement that a majority of the members of the board of directors be citizens of the United States provided in subsection (d)(3)(B) of that section) shall be deemed to apply to any such foundation or similar entity referred to under this subsection, and to funds made available to such entity, in order to enable it to provide assistance for purposes of this section: *Provided further*, That prior to the initial obligation of funds for any such foundation or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis, that any such funds made available pursuant to such authorities are not provided to or through any individual or group that the management of the foundation or similar entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in terrorist activities: *Provided further*, That section 629 of this Act shall apply to any such foundation or similar entity established pursuant to this subsection: *Provided further*, That the authority of the Foundation, or any similar entity, to provide assistance shall cease to be effective on September 30, 2010.

(j) Extension of Authority.—The Foreign Operations Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection(b)(3), before "2007" by striking "and", and after "2007" by inserting, "and 2008," and

(B) in subsection (e), by striking "2007" each place it appears and inserting "2008"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2007" and inserting "2008".

ARAB LEAGUE BOYCOTT OF ISRAEL

Sec. 634. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 635. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained under titles II through V of this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2008, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 636. (a) Funds appropriated under titles II through V of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such designation.

CEILINGS AND DESIGNATED FUNDING LEVELS

SEC. 637. Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 638. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 639. None of the funds appropriated or made available pursuant to titles II through V of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 640. None of the funds appropriated or made available pursuant to titles II through V of this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 641. (a) None of the funds appropriated or otherwise made available by titles II through V of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate Congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 642. (a) Subject to subsection (c), of the funds appropriated under titles II through V of this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than six months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or (ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2007.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 643. None of the funds appropriated under titles II through V of this Act may be obligated for assistance for the Palestine Liberation Organization (PLO) for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 644. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 645. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 646. None of the funds appropriated under titles II through V of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 647. None of the funds appropriated or otherwise made available under titles III or IV of this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" for Informational Program activities or under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", "DEVELOPMENT ASSISTANCE", and "ECONOMIC SUPPORT FUND" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 648. (a) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(b) Of the funds appropriated by this act under titles III and IV, not less than $201,584,000 shall be available for assistance for Haiti: *Provided*, That not less than the following amounts of funds appropriated by this Act under the following heading shall be made available—

(1) $20,000,000 from "CHILD SURVIVAL AND HEALTH PROGRAMS FUND";

(2) $25,000,000 from "DEVELOPMENT ASSISTANCE";

(3) $83,000,000 from "GLOBAL HIV/AIDS INITIATIVE";

(4) $63,394,000 from "ECONOMIC SUPPORT FUND";

(5) $9,000,000 from "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT";

(6) $990,000 from "FOREIGN MILITARY FINANCING PROGRAM"; and

(7) $200,000 from "INTERNATIONAL MILITARY EDUCATION AND TRAINING".

(c) None of the funds made available in this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that:

(1) the United Nations Mission in Haiti has carried out the vetting of the senior levels of the Haitian National Police and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended; and

(2) the Haitian National Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005.

COLOMBIA

SEC. 649. (a) AVAILABILITY OF FUNDS FOR ASSISTANCE FOR COLOMBIA.—Of the funds appropriated in titles III and IV of this Act, not more than $530,608,000 shall be available for assistance for Colombia: *Provided*, That not more than $49,500,000 shall be available from funds appropriated by this Act under the headings "FOREIGN MILITARY FINANCING PROGRAM" and "INTERNATIONAL MILITARY EDUCATION AND TRAINING" for assistance for Colombia: *Provided further*, That not less than $22,250,000 shall be available for rule of law activities from funds appropriated by this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT": *Provided further*, That of the funds appropriated by this act under the heading "ECONOMIC SUPPORT FUND", not less than $218,500,000 shall be apportioned directly to the United States Agency for International Development (USAID) for alternative development/institution building and sustainable development programs, of which not less than $15,000,000 shall be made available for economic development activities in Afro-Colombian and indigenous communities, in consultation with Afro-Colombian and indigenous authorities and community members: *Provided further*, That with respect to funds apportioned to USAID under the previous proviso, the responsibility for policy decisions for the use of such funds, including what activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of USAID in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: *Provided further*, That with respect to funds apportioned to USAID under the third proviso of this section, not less than $16,500,000 shall be available for judicial reform programs in Colombia; not less than $8,250,000 shall be made available for assistance for organizations and programs to protect human rights; and not less than $5,000,000 shall be made available for assistance for the Fiscalía: *Provided further*, That funds made available to furnish assistance to the Government of Colombia in this Act and prior year Acts making appropriations for foreign operations, export financing, and related programs, may be used (1) to support a unified campaign against narcotics trafficking and terrorist organizations and activities; and (2) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That the authority contained in the previous proviso shall cease to be effective if the Secretary of State has credible evidence that the Colombian Government is not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary, illegal self-defense groups, illegal security cooperatives, or other criminal and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 650. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 651. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available under titles II through V of this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 652. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 653. Funds appropriated by this Act, except funds appropriated under the headings "TRADE AND DEVELOPMENT AGENCY", "OVERSEAS PRIVATE INVESTMENT CORPORATION", and "GLOBAL HIV/AIDS INITIATIVE", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

LIBYA

SEC. 654. None of the funds made available in this Act may be used to carry out any diplomatic operations in Libya or accept the credentials of any representative of the Government of Libya until such time as the President certifies to Congress that Libya has taken irrevocable steps to pay, in its entirety, the total amount of the settlement commitment of $10,000,000 to the surviving families of each descendent of Pan Am Flight 103 and certifies to Congress that Libya will continue to work in good faith to resolve the outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of the La Belle Discotheque bombing.

PALESTINIAN STATEHOOD

SEC. 655. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles II through V of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 650 of this Act ("Limitation on Assistance to the Palestinian Authority").

LIMITATIONS ON ASSISTANCE TO COLOMBIA

SEC. 656. (a) WITHHOLDING OF FUNDS FOR ASSISTANCE TO THE COLOMBIAN ARMED FORCES.—

(1) REQUIREMENT TO WITHHOLD ASSISTANCE FUNDING.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the headings "ANDEAN COUNTERDRUG INITIATIVE" and "FOREIGN MILITARY FINANCING PROGRAM" that are available for assistance for the Colombian Armed Forces—

(A) 25 percent of such funds under each such heading shall be withheld from obligation until the Secretary of State consults with, and submits a written certification to the Committees on Appropriations that the Government of Colombia has met the requirements described in subparagraphs (A) through (D) of paragraph (2); and

(B) An additional 15 percent of such funds under each such heading shall be withheld from obligation until July 31, 2008, and shall only be obligated after the Secretary of State consults with, and submits a written certification to, the Committees on Appropriations that, the Government of Colombia is continuing to meet the requirements described in subparagraphs (A) through (D) of paragraph (2) and has met the requirements described in subparagraphs (E) and (F) of such paragraph.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are as follows:

(A) The Commander General of the Colombian Armed Forces is suspending from the Colombian Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Government of Colombia is investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed human rights violations, including extra-judicial killings, torture, or attacks against human rights defenders, or to have aided or abetted paramilitary organizations or successor armed groups, is suspending such members during the course of investigation, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations or successor armed groups.

(C) The Colombian Armed Forces have made demonstrable efforts to cooperate fully with civilian prosecutors and judicial authorities in cases referred to in subparagraph (B) (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Government of Colombia is ensuring that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities, and that the Colombian Armed Forces are appropriately distinguishing between civilians, including displaced persons, and combatants in their operations.

(E) The Colombian Armed Forces have made substantial progress in and are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at all levels, with paramilitary organizations or successor armed groups, especially in regions in which such organizations have or had a significant presence.

(F) The civilian judicial authorities of the Government of Colombia are making demonstrable progress in dismantling paramilitary leadership and financial networks by arresting and vigorously prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided or abetted paramilitary organizations or successor armed groups, by identifying and confiscating land and other assets illegally acquired by paramilitary organizations or their associates and returning such land or assets to their rightful owners, by revoking reduced sentences for demobilized paramilitaries who engage in new criminal activity, and by arresting, prosecuting under civilian criminal law, and when requested, promptly extraditing to the United States, new, re-armed, and non-demobilized members of successor groups, especially in regions in which these networks have or had a significant presence.

(3) CERTAIN FUNDS EXEMPTED.—The requirement to withhold funds from obligation pursuant to subparagraphs (A) and (B) of paragraph (1) shall not apply with respect to funds made available under the heading "ANDEAN COUNTERDRUG INITIATIVE" for continued support for the Critical Flight Safety Program or any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(4) REPORT.—At the time the Secretary of State submits the certifications required by paragraph (1)(A) and (1)(B) of this subsection, the Secretary shall also submit to the Committees on Appropriations a report that contains, with respect to each such paragraph, a detailed description of the specific actions taken by both the Colombian Government and Colombian Armed Forces which supports each requirement of the certification, and the cases or issues brought to the attention of the Secretary for which the response or action taken by the Colombian Government or Armed Forces has been inadequate.

(b) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the requirements contained in subsection (a)(2).

(d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 657. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SUPPORT OF PEACE PROCESS AND DEMOBILIZATION IN COLOMBIA

SEC. 658. (a) ASSISTANCE FOR DEMOBILIZATION AND DISARMAMENT OF FORMER IRREGULAR COMBATANTS IN COLOMBIA.—(1) Of the funds appropriated in title III of this Act under the heading "ECONOMIC SUPPORT FUND", up to $23,000,000 shall be available for assistance for the demobilization and full dismantlement of foreign terrorist organizations in Colombia in accordance with the funding designations contained in paragraph (2) and, in the case of assistance under paragraph (2)(D), the certification requirements contained in paragraph (3).

(2) FUNDING DESIGNATION.—Of the funds made available pursuant to paragraph (1)—

(A) $10,000,000 shall be made available to support the Justice and Peace and Human Rights Units of the Fiscalía for implementation of the Justice and Peace Law;

(B) not less than $5,000,000 shall be made available to support the Fiscalía, Procuraduría, or Defensoría for establishment of a victims' protection program;

(C) not less than $3,000,000 shall be made available to the Defensoría to support legal representation of victims as required by the Justice and Peace Law; and

(D) up to $5,000,000 shall be made available for assistance for the demobilization, disarmament, and reintegration of former members of foreign terrorist organizations (FTOs) in Colombia, specifically the United Self-Defense Forces of Colombia (AUC), the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), if the Secretary of State submits a certification described in paragraph (3) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance.

(3) CERTIFICATION.—The certification required by paragraph (2)(D) is a certification that—

(A) assistance for the fiscal year will be provided only for individuals who:

(i) have verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups;

(ii) are meeting all the requirements of the Colombia Demobilization Program, including having fully and truthfully disclosed their involvement in past crimes and their knowledge of the foreign terrorist organizations structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and

(iii) are not involved in threatening or intimidating human rights defenders.

(B) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, and other violations of United States law, and is immediately extraditing to the United States those commanders, leaders and members indicted in the United States who are credibly alleged to have breached the terms of the Colombia Demobilization Program, including by failing to fully confess their crimes, failing to disclose their assets, or committing new crimes since the approval of the Justice and Peace Law;

(C) the Government of Colombia is not taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and assets, and is vigorously confiscating and returning such land and other assets to their rightful owners; and the Government of Colombia's reintegration programs exclude any projects that would leave illegally obtained land or assets in the possession of FTO members, their associates, or successors;

(D) members of FTOs who receive sentence reductions under the Colombian Justice and Peace Law are serving their sentences in maximum-security penitentiary establishments, under conditions of detention that are appropriate to deter and effectively prevent them from continuing to engage in criminal activity;

(E) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations;

(F) funds are not made available as cash payments to individuals and are available only for activities relating to demobilization, disarmament, reintegration (including training and education), and vetting; and

(G) the Government of Colombia is promptly, impartially, and thoroughly investigating all attacks against human rights defenders allegedly committed by FTOs or other illegal armed groups.

(4) REPORT.—The report accompanying the certification required by paragraph (3) shall specify, with respect to each condition described in subparagraphs (A) through (G) of paragraph (3)—

(A) the action taken by the Colombian Government which supports the certification;

(B) the cases or issues brought to the attention of the Secretary for which the response or action taken by the Colombian Government has been inadequate; and

(C) the views of the Colombian Attorney General and the Inspector General with respect to the Colombian Government's actions in relation to the conditions described in subparagraphs (A) through (G) of paragraph (3).

(5) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights and justice organizations, including organizations representing internally displaced persons, and representatives of victims of demobilized FTOs, regarding progress in meeting the conditions contained in paragraph (3).

(6) FOREIGN TERRORIST ORGANIZATION DEFINED.—In this subsection the term "foreign terrorist organization" means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(7) CONGRESSIONAL NOTIFICATION.—Funds made available in title III of this Act for demobilization/reintegration of former members of FTOs in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(b) ASSISTANCE TO THE ORGANIZATION OF AMERICAN STATES (OAS) MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA.—Of the funds appropriated by this Act under the heading "ECONOMIC SUPPORT FUND", not less than $3,000,000 shall be made available to support the peace process in Colombia, as follows:

(1) not less than $2,700,000 shall be made available to the OAS Mission to Support the Peace Process in Colombia to assist the mission to fulfill its mandate of independent international verification of the paramilitary demobilization process; and

(2) not less than $300,000 may be made available to the Inter-American Commission

on Human Rights to conduct monitoring of the demobilization process.

WEST BANK AND GAZA PROGRAM

Sec. 659. (a) Oversight.—For fiscal year 2008, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "ECONOMIC SUPPORT FUND" for the West Bank and Gaza.

(b) Vetting.—Prior to the obligation of funds appropriated by this Act under the heading "ECONOMIC SUPPORT FUND" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor those that have as a trustee any member of a certified foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which she has determined to be involved in or advocating terrorist activity.

(c) Prohibition.—

(1) None of the funds appropriated under titles II thourgh V of this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committee on Appropriations of the House of Representatives on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) Audits.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2008 under the heading "ECONOMIC SUPPORT FUND". The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Not later than 180 days after enactment of this act, the secretary of state shall submit a report to the committees on appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

CONTRIBUTIONS TO THE UNITED NATIONS POPULATION FUND

Sec. 660. (a) Limitations on Amount of Contribution.—Of the amounts made available under "International Organizations and Programs" and "Child Survival and Health Programs Fund" accounts for fiscal year 2008, $40,000,000 shall be made available for the United Nations Population Fund (UNFPA): *Provided*, That of this amount, not less than $23,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) Availability of Funds.—Funds appropriated under the heading "INTERNATIONAL ORGANIZATIONS AND PROGRAMS" in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) Prohibition on Use of Funds in China.—None of the funds made available under this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) Conditions on Availability of Funds.—Amounts made available under this Act for UNFPA may not be made available to UNFPA unless—

(1) UNFPA maintains amounts made available to UNFPA under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

(e) Report to Congress and Dollar-for-Dollar Withholding of Funds.—

(1) Not later than four months after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate Congressional committees indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under subparagraph (d) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) Nothing in this section shall be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

WAR CRIMINALS

Sec. 661. (a)(1) None of the funds appropriated or otherwise made available under titles II through V of this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate Congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than ten days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) Definitions.—As used in this section:

(1) Country.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) Entity.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) Municipality.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) Dayton Accords.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

Sec. 662. The Secretary of the Treasury shall instruct the United States Executive

Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, treatment and care efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 663. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia and the Government of Montenegro after May 31, 2008, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2008, the Secretary of the Treasury should instruct the United States Executive Director at each international financial institution to support loans and assistance to the Government of Serbia and Government of Montenegro subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Governments of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and the Government of Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, travel, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Kosovo and Montenegro, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 664. (a) AUTHORITY.—Funds made available by title III of this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 665. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) does not engage in a consistent pattern of gross violations of internationally recognized human rights (including its military or other security forces); and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "DEBT RESTRUCTURING".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 666. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "DEBT RESTRUCTURING".

BASIC EDUCATION

SEC. 667. Of the funds appropriated by title III of this Act, not less than $750,000,000 shall be made available for assistance for developing countries for basic education. Of this amount, not less than $265,000,000 shall be provided and implemented in countries that have an approved national education plan.

(a) COORDINATOR.—There shall be established within the Department of State in the immediate office of the Secretary of State, a Coordinator of United States Government activities to provide basic education assistance in developing countries (hereinafter in this section referred to as the "Coordinator").

(b) RESPONSIBILITIES.—That this Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government that provide assistance in developing countries for basic education. The individual serving as the Coordinator may not hold any other position in the Federal Government during the individual's time of service as Coordinator.

(c) STRATEGY.—The President shall develop a comprehensive integrated United States Government strategy to provide assistance in developing countries for basic education within 90 days of enactment of this Act.

(d) REPORT TO CONGRESS.—Not later than September 30, 2008, the Secretary of State shall report to the Committees on Appropriations on the implementation of United States Government assistance programs in developing countries for basic education.

(e) Funds appropriated by title II of Public Law 109-102 and provided to the Comptroller General pursuant to section 567 of that Act shall be available until expended and are also available to the Comptroller General to conduct further evaluations of basic education programs in developing countries under the direction of the Committees on Appropriations.

RECONCILIATION PROGRAMS

SEC. 668. Of the funds appropriated by title III of this Act under the heading "ECONOMIC SUPPORT FUND", not less than $12,000,000 shall be made available to support Conflict Resolution and Reconciliation Programs and an additional amount of $11,000,000 shall be made available to support Middle East People to People Coexistence Programs to promote activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 669. (a) LIMITATION ON ASSISTANCE.—Subject to subsection (d):

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(b) Subsection (a) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias;

(2) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements;

(3) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and the international monitoring team that is based in Darfur and has the support of the United States;

(c) EXCEPTIONS.—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance;

(2) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(3) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(d) DEFINITIONS.—For the purposes of this Act, the term "Government of Sudan", shall not include the Government of Southern Sudan.

(e) Notwithstanding any other law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CRF 120.1 et seq.) if the Secretary of State—

(1) determines that the provision of such items is in the national interest of the United States; and

(2) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Foreign Affairs in the House of Representatives of such determination.

TRADE CAPACITY BUILDING

SEC. 670. Of the funds appropriated by this Act, under the headings "DEVELOPMENT ASSISTANCE", "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", "ECONOMIC SUPPORT FUND", "ANDEAN COUNTERDRUG INITIATIVE", and "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", not less than $525,000,000 should be made available for trade capacity building assistance: *Provided*, That $10,000,000 of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 671. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2008, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.

ASSISTANCE TO COLOMBIA LAW ENFORCEMENT TO COMBAT ILLEGAL ARMED GROUPS

SEC. 672. (a) ASSISTANCE TO LAW ENFORCEMENT AND INTELLIGENCE AGENCIES.—

(1) WITHHOLDING OBLIGATIONS OF FUNDS.—The Secretary of State shall withhold the obligation of funds for assistance to any Colombian law enforcement or intelligence agency, including the Colombian National Police, the Fiscalia, and the Departamento Administrativo de Seguridad (the Intelligence Service), if the Secretary determines that—

(A) there has been significant infiltration of the agency by the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), successor groups, or criminal organizations; or

(B) the agency's leadership has willfully provided any support to such groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) RESUMPTION OF ASSISTANCE.—The Secretary of State may resume the obligation of funds suspended under paragraph (1) if the Secretary determines and certifies to the Committees on Appropriations, based on a careful review of the structure and membership of the agency involved, that it has credibly and effectively eliminated the penetration of individuals associated with illegal armed groups, and removed those leaders and members who were providing support to such groups.

(b) ILLEGAL ARMED GROUPS.—

(1) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to paragraph (2), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(A) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), or successor groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(B) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(2) WAIVER.—Paragraph (1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

CUBA

SEC. 673. None of the funds appropriated by this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" may be made available for assistance to the Government of Cuba.

GENDER-BASED VIOLENCE

SEC. 674. Programs funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials, shall include, where appropriate, programs and activities that address gender-based violence.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 675. (a) None of the funds made available in this Act under the heading "ECONOMIC SUPPORT FUND" may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization ("NATO") member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the

Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

TIBET

SEC. 676. (a) The Secretary of the Treasury should instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law, not less than $5,000,000 of the funds appropriated by title III of this Act under the heading "ECONOMIC SUPPORT FUND" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

WESTERN HEMISPHERE

SEC. 677. (a) Not less than the amounts of funds initially allocated for the fiscal year 2007 pursuant to section 653(a) of the Foreign Assistance Act of 1961 for El Salvador, Guatemala, Nicaragua, and Honduras under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", should be made available for each such country from funds appropriated under such headings by this Act.

(b) Not less than the aggregate amount of funds initially allocated for the fiscal year 2007 pursuant to section 653(a) of the Foreign Assistance Act of 1961 for countries in the Western Hemisphere under the heading "FOREIGN MILITARY FINANCING PROGRAM", should be made available for such countries from funds appropriated under such heading by this Act: *Provided*, That not less than the following amounts from funds appropriated by this Act under such heading shall be made available to enhance security in the Western Hemisphere consistent with democratic principles and the rule of law—

(1) $48,000,000 for assistance for Colombia;

(2) $4,800,000 for assistance for El Salvador;

(3) $500,000 for assistance for Honduras;

(4) $300,000 for assistance for Bolivia;

(5) $250,000 for assistance for Guatemala; and

(6) $100,000 for assistance for Belize.

(c) Funds made available pursuant to subsection (b) shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 678. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2009.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT".

(g) MANAGEMENT REFORM PILOT.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $10,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided*, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES".

(h) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 679. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

REPORTING REQUIREMENT

SEC. 680. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2008, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "FOREIGN MILITARY FINANCING PROGRAM", "INTERNATIONAL MILITARY EDUCATION AND TRAINING", and "PEACEKEEPING OPERATIONS": *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

ANTICORRUPTION PROVISIONS

SEC. 681. Twenty percent of the funds appropriated under title V of this Act under the heading "INTERNATIONAL DEVELOPMENT ASSISTANCE", shall be withheld from disbursement until the Secretary of the Treasury reports to the appropriate Congressional committees on the extent to which the World Bank has completed the following:

(1) World Bank procurement guidelines have been applied to all procurement financed in whole or in part by a loan from the World Bank or a credit agreement or grant from the International Development Association (IDA).

(2) The World Bank proposal "Increasing the Use of Country Systems in Procurement" dated March 2005 has been withdrawn.

(3) The World Bank maintains a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and World Bank projects.

(4) Thresholds for international competitive bidding have been established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers.

(5) All tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding.

(6) Loan agreements between the World Bank and the Borrowers have been made public.

INDONESIA

SEC. 682. Of the funds appropriated by this Act under the heading "FOREIGN MILITARY FINANCING PROGRAM", not more than $6,000,000 may be made available for assistance for Indonesia, until the Secretary of State reports to the Committees on Appropriations on steps taken by the Government of Indonesia on the following—

(1) prosecution and punishment, in a manner proportional to the crime, for members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights;

(2) cooperation by the Armed Forces, at the direction of the President of Indonesia, with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and

(3) implementation by the Armed Forces, at the direction of the President of Indonesia, of reforms to increase the transparency and accountability of their operations and financial management.

ESTABLISHMENT OF THE GROWTH FUND

SEC. 683. ESTABLISHMENT OF THE GROWTH FUND.—

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing women-owned enterprise development;

(B) increasing property rights for women;

(C) increasing women's access to financial services;

(D) increasing women in leadership in implementing organizations, such as indigenous nongovernmental organizations, community-based organizations, and regulated financial intermediaries;

(E) improving women's employment benefits and conditions; and

(F) increasing women's ability to benefit from global trade.

(2) ROLE OF USAID MISSIONS.—The Fund shall be available to USAID missions to apply for additional funding to support specific additional activities that enhance women's economic opportunities or to integrate gender into existing economic opportunity programs.

(b) ACTIVITIES SUPPORTED.—The Fund shall be available to USAID missions to support—

(1) initiatives to eliminate legal and institutional barriers to women's ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home;

(2) microfinance and microenterprise development programs that—

(A) specifically target women with respect to outreach and marketing; and

(B) provide products specifically to address women's assets, needs, and the barriers women encounter with respect to participation in enterprise and financial services;

(3) programs, projects, and activities for enterprise development for women in developing countries that—

(A) in coordination with developing country governments and interested individuals and organizations, encourage or enhance laws, regulations, enforcement, and other practices that promote access to banking and financial services for women-owned small- and medium-sized enterprises, and eliminate or reduce regulatory barriers that may exist in this regard;

(B) promote access to information and communication technologies (ICT) with training in ICT for women-owned small- and medium-sized enterprises;

(C) provide training, through local associations of women-owned enterprises or nongovernmental organizations in record keeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other relevant areas;

(D) provide resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises;

(E) provide incentives for nongovernmental organizations and regulated financial intermediaries to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women's participation in small- and medium-sized business development programs by addressing women's assets, needs, and the barriers they face to participation in enterprise and financial services; and

(F) seek to award contracts to qualified indigenous women-owned small- and medium-sized enterprises, including for post-conflict reconstruction and to facilitate employment of indigenous women, including during post-conflict reconstruction in jobs not traditionally undertaken by women;

(4) programs, projects, and activities for the promotion of private property rights and land tenure security for women in developing countries that are implemented by local, indigenous nongovernmental and community-based organizations dedicated to addressing the needs of women, especially women's organizations that—

(A) advocate to amend and harmonize statutory and customary law to give women equal rights to own, use, and inherit property;

(B) promote legal literacy among women and men about property rights for women and how to exercise such rights;

(C) assist women in making land claims and protecting women's existing claims; and

(D) advocate for equitable land titling and registration for women;

(5) activities to increase women's access to employment and to higher quality employment with better remuneration and working conditions in developing countries, including access to insurance and other social safety nets, in informal and formal employment relative to core labor standards determined by the International Labor Organization. Such activities should include—

(A) public education efforts to inform poor women and men of their legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access opportunities in potential growth sectors in their local economies and in jobs within the formal and informal sectors where women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their income and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women's organizations to effectively research and monitor labor rights conditions;

(6) assistance to governments and organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate their entry into and advancement in the workplace;

(7) training and education to women in civil society, including those organizations representing poor women, and to women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies creating market access, including training on United States market access requirements and procedures;

(8) capacity-building for women entrepreneurs, including microentrepreneurs, on production strategies, quality standards, formation of cooperatives, market research, and market development;

(9) capacity-building to women, including poor women, to promote diversification of products and value-added processing;

(10) training to official government negotiators representing developing countries in order to enhance the ability of such negotiators to formulate trade policy and negotiate agreements that take into account the respective needs and priorities of a country's poor women and men;

(11) training to local, indigenous women's groups in developing countries in order to enhance their ability to collect information and data, formulate proposals, and inform and impact official government negotiators representing their country in international trade negotiations of the respective needs and priorities of a country's poor women and men; and

(12) technical assistance and capacity-building to local, indigenous civil society for—

(A) local indigenous women's organizations to the maximum extent practicable; and

(B) nongovernmental organizations and regulated financial intermediaries that demonstrate a commitment to gender equity in their leadership either through current practice or through specific programs to increase the representation of women in their governance and management.

PEACEKEEPING CAP

SEC. 684. (a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended at the end by adding the following: "(v) For assessments made during calendar year 2008, 27.1 percent.".

LIMITATION ON BASING IN IRAQ

SEC. 685. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 190, line 26, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 190, line 25, insert "permanent" before "basing rights agreement".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this amendment that I bring to the floor of the House under limitation on bases in Iraq is an amendment that addresses the subject matter that we have debated on the floor at least twice before that I recall. And I believe there is a consensus here in this Congress, and certainly there has been a message that has been put forth by the President, that we are not interested in permanent bases in Iraq but we do have bases there and we do have temporary basing agreements.

So as I read through this appropriations bill and it says that "None of the funds made available in this act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq," that language clearly forbids any agreements, however temporary they might be. And so the amendment that I bring to the floor simply adds the word "permanent" to that language. So that now, if the amendment is adopted, it will read that none of the funds may be used to enter into a "permanent" basing rights agreement.

I think it is a matter of language and semantics here but a matter of clarity, too. And I would point out that in our last debate in the 2007 DOD approps, Mr. MURTHA made the statement, what we are saying with this bill is that at this point in time there shouldn't be any permanent bases in Iraq. What I have done is offer an amendment that simply says there won't be any of the funds used to promote permanent bases in Iraq out of this Foreign Ops bill.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I am prepared to accept the amendment. And I want to be clear to my colleague from Iowa we all agree that the United States should not be an occupying power in Iraq, but in no way does my acceptance of this amendment come to my or the American people's acquiescence to establishing any other kind of short- or long-term basing agreements in Iraq. But we are accepting the amendment.

Mr. KING of Iowa. Mr. Chairman, I would say that we may not have the same view on how to proceed in Iraq, but it is my intention to foreclose any permanent bases in Iraq and allow those that are under agreement now and perhaps temporary ones that might be negotiated to get us through this process. I think that is the intent on both sides of the aisle. I think that is the intent of the White House. So I believe we are consistent in our understanding.

Mrs. LOWEY. I thank the gentleman.

Ms. LEE. Mr. Chairman, while I understand that the Chairwoman is prepared to accept it, this amendment causes me great concern.

Given Mr. KING's history in opposition to the underlying provision, I believe that this amendment is nothing more than a backdoor attempt to leaving U.S. troops in Iraq long-term.

The bottom line is, Mr. Chairman, when our troops come home, they should all come home.

And three times, twice in 2006 and once this year Congress passed—and the President signed into law—legislation prohibiting permanent military bases in Iraq.

The prospect of having long-term military bases would send the wrong message to our troops, the Iraqi people, and the world.

The prospect of an indefinite occupation fuels the insurgency by serving as a recruiting tool for insurgents and places targets on the backs of our troops.

The Iraq Study Group has recognized the importance of unequivocally declaring that we have no intention of remaining in Iraq permanently.

Key administration officials, including Secretary Gates have pronounced that we are not going to establish permanent military bases in Iraq.

Even President Bush has declared that we 'do not support an indefinite occupation' in Iraq.

Again, Mr. Chairman, I wish this were a genuine attempt to prohibit an indefinite occupation in Iraq.

I'm concerned that it is not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROHIBITION ON USE OF TORTURE

SEC. 686. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

REPORT ON INDONESIAN COOPERATION

SEC. 687. Funds available under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" may only be made available for assistance for Indonesia if the Secretary of State submits a report to the Committees on Appropriations that describes—

(1) Steps taken by the Indonesian government to deny promotion to and to remove from service military officers indicted for serious crimes; the extent to which the Indonesian Government is cooperating with international efforts to bring current and past officials to justice; and that past and present Indonesian military officials are cooperating with domestic inquiries into past abuses, including the forced disappearance and killing of student activists in 1998 and 1999;

(2) The Indonesian government's response to the report of the Commission for Reception, Truth and Reconciliation in Timor-Leste and the June 2006 report of the report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste in 1999;

(3) Steps taken by the Indonesian government to implement and enforce the 2004 Indonesian law which requires the Indonesian military to divest itself of legal and illegal businesses before 2009; and

(4) The extent to which the Indonesian government has removed restrictions impending access to and travel within the provinces of Papua and West Irian Jaya by United Nations personnel, diplomats, journalists, international non-governmental organization personnel and researchers, humanitarian and human rights workers and others.

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC. 688. None of the funds made available in this Act for the Department of State may be used to provide assistance to the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request.

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 689. None of the funds made available in this Act for the Department of State, other than funds provided under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", may be used to provide assistance to the central government of a country with which the United States has an extradition treaty and which government has notified the Department of State of its refusal to extradite to the United States any individual charged with a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole.

INTERNATIONAL MONETARY FUND BUDGET AND HIRING CEILINGS

SEC. 690. The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice of the United States to ensure that any loan, project, agreement, memorandum, instrument, plan or other program of the International Monetary Fund does not penalize countries for increased government spending on healthcare or education by exempting such increases from national budget caps or restraints, hiring or wage bill ceilings or other limits imposed by the International Monetary Fund.

ENVIRONMENT PROGRAMS

SEC. 691. (a) FUNDING.—Of the funds appropriated under the heading "DEVELOPMENT ASSISTANCE", not less than $501,000,000 shall be made available for programs and activities which directly protect biodiversity and promote clean energy.

(b) CLIMATE CHANGE REPORT.—Not later than 60 days after the date on which the President's fiscal year 2009 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2009, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2007 obligations and estimated expenditures, fiscal year 2008 estimated expenditures and estimated obligations, and fiscal year 2009 requested funds by

the United States Agency for International Development, by country and central program, for each of the following:

(A) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies;

(B) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions;

(C) to promote carbon capture and sequestration measures;

(D) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and

(E) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

(c) Extraction of Natural Resources.—(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place or is taking the necessary steps to establish functioning systems for:

(A) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported;

(B) the independent auditing of such accounts and the widespread public dissemination of the audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2005.

UZBEKISTAN

Sec. 692. Assistance may be provided to the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media, and that a credible international investigation of the May 31, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan: *Provided*, That for the purposes of this section "assistance" shall include excess defense articles.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 693. None of the funds appropriated for assistance under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

WAR CRIMES IN AFRICA

Sec. 694. (a) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(b) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(c) The prohibition in subsection (b) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on:

(1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(2) a strategy, including a timeline, for bringing the indictee before such court; and

(3) the justification for exercising the waiver authority.

COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

Sec. 695. (a) Program Authorized.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) Consultation With World Intellectual Property Organization.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(c) Funding.—Of the amount appropriated or otherwise made available under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", $5,000,000 may be made available in fiscal year 2008 for the program authorized by subsection (a).

OVERSIGHT OF IRAQ RECONSTRUCTION

Sec. 696. (a) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(1) in subsection (h)(1) by striking "pay rates." and inserting "pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section).";

(2) in subsection (o)(1)(B) by striking "fiscal year 2006 or fiscal year 2007" and inserting "fiscal years 2006 through 2008"; and

(3) by adding at the end of such section the following subsection:

"(p) Rule of Construction.—For the purposes of carrying out the duties of the Inspector General, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

(b) Section 1054(a) of Public Law 109–364 is amended by striking "fiscal year 2006" and inserting "fiscal years 2006 through 2008".

UNITED NATIONS HEADQUARTERS RENOVATION

Sec. 697. It is the sense of the Congress that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York, should not exceed $600,000,000: *Provided*, That if any loan exceeds $600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.

NEGLECTED DISEASES

Sec. 698. Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than $18,000,000 shall be made available to support an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, representatives from the relevant international technical and nongovernmental organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization: (1) on the most effective uses of such funds to demonstrate the health and economic benefits of such an approach; and (2) to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of other donors: *Provided further*, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ASSISTANCE FOR EGYPT

SEC. 699. (a) FOREIGN MILITARY FINANCING PROGRAM.—Of the funds appropriated by this Act for Egypt under the heading "FOREIGN MILITARY FINANCING PROGRAM", $200,000,000 shall not be made available for obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt has taken concrete and measurable steps to—

(1) enact and implement a new judicial authority law that protects the independence of the judiciary;

(2) review criminal procedures and train police leadership in modern policing to curb police abuses; and

(3) detect and destroy the smuggling network and smuggling tunnels that lead from Egypt to Gaza.

□ 1845

AMENDMENT OFFERED BY MR. BOUSTANY

Mr. BOUSTANY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOUSTANY:

Strike section 699 of the bill (relating to assistance for Egypt).

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, first let me start by saying I have deep respect for the work that Chairwoman LOWEY and Ranking Member WOLF have done with this bill. I also have shared the major concerns that both of you have with regard to the internal Egyptian reforms that you're advocating. I share those same concerns. I am also deeply concerned about the border situation between Egypt and Gaza and the smuggling of arms that's ongoing.

My amendment takes a step to strike the language in section 699 from the bill that I believe unnecessarily places restrictions on the FMF funding for Egypt. I believe these restrictions are actually harmful to U.S. national strategic interests.

I have to say that clearly Egypt has been a vital strategic partner in the region for many, many years, and this is not the way that the U.S. should treat its friends and reward its friends.

If you look at the record, Egypt has worked with us to expedite the processing of our nuclear warships going through the Suez Canal when otherwise it would take weeks. Also, the Egyptian Government has shared critical intelligence with us across the board, and there has been significant military cooperation for quite some time now.

The other things that have happened is that Egypt has worked hard to maintain the March 1979 Egyptian-Israeli Peace Treaty. And even as we speak tonight, there are plans being facilitated by Egypt to bring Ehud Olmert and Mahmoud Abbas together at Sharm el-Sheikh next week. So clearly Egypt is trying to do what it can to help facilitate the peace process.

I believe this funding is a critical part of keeping the peace with Israel, maintaining balance in this part of the region. And also I believe it's in the interest of Israel's national security as well, in addition to being in our national security interest.

The current language in the bill would place, I believe, unrealistic restrictions. It requires the Secretary of State to provide certain certifications which are going to be very difficult to provide. And it may just simply end up being political cover. And in the interest of good policy, without browbeating our important ally Egypt in this process, I think we can work with them in a more cooperative way as we go forward to achieve the things that we're trying to achieve, such as getting stability on the border with Gaza, reducing the smuggling or arms, and also moving forward on internal reforms in Egypt itself.

This ally is important. I think we need to work with them. We need to understand their timelines, and work with them and respect that timeline as we go forward.

I urge adoption of this amendment.

Mr. Chairman, I yield to my good friend from Nebraska (Mr. FORTENBERRY), who is a member of the Foreign Affairs Committee.

Mr. FORTENBERRY. I thank the gentleman from Louisiana.

Mr. Chairman, I rise in support of his amendment.

Section 699, as proposed in this Foreign Operations bill, risks undermining the significant progress we have made in a vital strategic partnership.

Mr. Chairman, it is critical to remember that our friend and ally Egypt led the Arab world in establishing a model for peaceful cooperation in the Middle East. The Camp David Accords ushered in an unprecedented era of cooperation between Egypt and the United States, as well as between Egypt and Israel. This peace has held for nearly 30 years. The benefits to the world have been very significant, and the consequences, particularly to Egypt, have also been considerable, including the assassination of former President Anwar Sadat.

Egypt has been the cultural and historical center of the Arab world and is poised to play a significant role in fostering peace and maintaining a very delicate balance of stability in the Middle East. Even now, as my colleague mentioned, Egyptian President Mubarak is preparing for an emergency summit with Israeli Prime Minister Olmert, King Abdullah of Jordan, and Palestinian President Abbas to address the potentially explosive situation in Gaza.

Mr. Chairman, I had actually hoped to offer an amendment today to section 699 to help address the serious concerns involving the smuggling of arms, weapons and contraband across the border into Gaza, a pressing concern which has become even more urgent given recent news. However, this amendment would not have been ruled in order.

Mr. Chairman, I fully understand the desire of my colleagues on the Appropriations Committee to see progress on human rights and civil reform in Egypt. I deeply share this concern as well and eagerly look for the right mechanism to achieve this goal. But I oppose the methodology of penalizing our diplomatic and military cooperation efforts.

U.S.-Middle East policy is complex and a delicate undertaking, at best. And despite the good intentions here, I fear that section 699 could backfire and harm one of our best and most vital strategic relationships in the region.

Mr. BOUSTANY. I thank my colleague. I think he's right on the spot.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. My colleagues, this is a difficult and sensitive issue that the House has debated many times before in many different ways.

We all know that Egypt is an important ally of the United States. We all know that Egypt plays a very important role in the Middle East, and that role will even be more crucial in the months ahead. We all know that Egypt was the first Arab country to have made peace with Israel, and that the peace, while not nearly as warm or as forward-leaning as many of us would have liked, has held for close to 30 years. That is why Egypt has consistently received more foreign assistance in this bill than virtually any country other than Israel. And that is true of this year's bill as well.

Nevertheless, there is a frustration level with our very good ally over two key issues, the Egyptian Government's increasingly harsh response to dissent of any kind and the government's failure to take serious steps to stopping the smuggling from Egypt to Gaza.

When Israel withdrew all of its population and military forces from Gaza nearly 2 years ago, one of the biggest concerns was what to do about Gaza's border with Egypt. Some in Israel argued that Israeli forces should remain at the border to ensure that it did not become an opening to allow the smuggling of weapons and terrorists to Gaza. Those who argue that Israel needed to completely withdraw and that Egypt could effectively play that role ultimately prevailed. Israel and Egypt even reworked parts of their peace agreement to allow for an expanded Egyptian force on that border. Unfortunately, however, those forces have not done the job, have not stopped the smuggling.

As was highlighted so vividly during the recent fighting in Gaza, the forces of Hamas are very well equipped. The bulk of that equipment has come through that border. Especially now that Hamas has effectively taken over in Gaza, it is critically important that Egypt do everything within its power, including stopping these armed shipments before they even get to the Gaza border, to put an end to this deadly arms trade.

The language in the bill does not cut aid to Egypt, which many have wanted to do, I can assure you. It simply fences off a portion of Egypt's assistance, pending a report and certification by the Secretary of State that Egypt is taking steps to, one, enact a new judicial law; two, to curb police abuses; three, to detect and destroy the smuggling network into Gaza.

I believe it is a moderate and reasonable approach to two very difficult and important issues that we have discussed on numerous occasions, to no avail, with our good friends in Egypt.

Mr. Chairman, I'm very pleased to yield to my good friend from California, the chairman of the House Foreign Affairs Committee, Mr. LANTOS.

Mr. LANTOS. I thank my colleague for yielding, and I want to speak very strongly to support her position.

The nightmare that is unfolding in Gaza is in no small measure the responsibility of the Government of Egypt.

Egypt has a huge military, and it boggles the mind to assume that the Egyptian military would not have been able to seal Gaza from the constant flow of drugs, weapons and persons being trafficked into Gaza had they attempted to do so.

Now, we all understand that the prime culprit in Gaza is Hamas, the terrorist organization. A secondary culprit is the previous corrupt regime of Yasser Arafat, which led to the parliamentary victory of Hamas. But the Egyptian Government has a heavy responsibility for what is the present situation in Gaza. It is a terrorist-controlled area, weapons flowing in, drugs flowing in, trafficked persons flowing in. And to have the minimum of a certification by our Secretary of State that at the very least Egypt at long last has decided to control this very dangerous border is an extremely modest measure. I would have preferred far more severe measures in this regard, but I strongly support this measure.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

The CHAIRMAN. The gentlewoman's time has expired.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I'm delighted to yield 1 minute to Mr. ELLISON.

□ 1900

Mr. ELLISON. Mr. Chairman, let me thank the gentlewoman and commend the gentlewoman for her good wisdom and excellent intentions behind section 699 which would conditionalize aid to Egypt. However, I must rise in support of the amendment that has been brought by Mr. BOUSTANY because I believe that the impact of this piece in the bill would signal to the region a very hostile and unhealthy message.

The message that we should be sending to allies in the region is that we want to work constructively and productively to seal that border. I would point out that sealing borders is no easy enterprise. But I also believe that with a greater amount of help and with proper resources that the border could well be sealed between Gaza and Egypt.

This conditionalizing sends a signal that Egypt, that it is criticism of Egypt, that Egypt is somehow not putting forth the proper effort. Given that Egypt is such a long-standing and important ally, I think this is not the right message to send.

Mr. OBEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I think it is fair to say that no subcommittee chairman presided over the provision of more financial aid to Egypt than I did during the 10 years that I was chairman of the subcommittee.

I think it is also fair to say that I have, on many occasions, tried to see to it that when this body looked at questions in the Middle East that it looked at the interests of all of the parties fairly. But I rise to oppose the gentleman's amendment.

We have a dilemma. Egypt is an important and welcome ally. I have always considered them to be a friend. They have played a very constructive role in the Middle East. But in recent years, I am sad to say, Egypt has displayed an increasingly brutal repression of freedom that is contrary to everything that America is supposed to stand for. We have seen the beating of demonstrators in Bull Connor fashion. We have seen the jailing of political opponents.

We have to speak out. Unlike some wildly romantic beliefs of some of the neocons in this country, like Paul Wolfowitz, Richard Perle and the Vice President, I do not naively believe that we can force democracy down the throats of a region that has had little experience with it. We have seen in the case of Hamas how democratic forms can be abused and subverted by undemocratic means. But, nonetheless, I do believe that we have an obligation to expect that countries with whom we are so closely associated will perform within certain norms of decency when it comes to the question of human rights.

To indicate our concern, while still expressing our respect for a treasured friend, we have fenced $200 million in military aid until the administration can honesty certify that Egypt has greatly improved its human rights conduct and has done more to effectively prevent the illicit supply of arms from being smuggled into Gaza.

In my view, this is a balanced approach. It does not cut off aid. It leaves options open. It certainly leaves a very large amount of military aid to Egypt unfettered in any way whatsoever, enough to continue all existing ongoing military contracts.

It is a balanced approach. It is a nuanced approach. It is aimed at military aid, because only the military in the Egyptian government, in my view, has the influence to make this come to a responsible and friendly conclusion.

Mr. Chairman, I would urge rejection of the gentleman's amendment so that America can send a message consistent with our values, while still recognizing our geopolitical relationships.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of the committee's language. In fact, I think the language is very moderate, perhaps even, from my own perspective, a little bit too moderate because I think we could have put some other conditions on it.

Ayman Nour is still in prison. I visited Ayman Nour's wife. He is still in prison. He is not very, very well. We have interceded on his behalf, the Congress and everyone else. But Ayman Nour is still in prison.

The Coptic Christians. The life of the Coptic Christians is worse today than it has been for a long while. So if you're a Coptic Christian in Egypt, you're in trouble.

For the Baha'is, the Baha'is in Egypt just live the most miserable life that you can possibly live. They are not even recognized. They cannot even get a card for a driver's license. They are a nonentity. They are not even there. They are not. So they can't move. They can't do anything.

There is anti-Semitic and anti-Christian editorials and cartoons in their newspapers. Just look at what they say. The government controls those newspapers. So if a government controls a newspaper and anti-Semitism and anti-Christian language is in there, does that not mean that someone in the government is saying that?

Also, the language is moderate. They gunned down the Sudanese. I was there shortly after they gunned down the Sudanese. There are many Sudanese that live there, and they gunned them down. There is police brutality.

The Gaza. The gentleman, Mr. LANTOS, was right with regard to the Gaza. They have a powerful military. They could be doing much, much more.

Egypt is a great nation. It is a great nation. They are great people. They are our friends. But friends have to be honest with friends.

Mr. OBEY was exactly right. We have given them, Mr. OBEY would have this figure better than I would, over $15 billion. Martin Luther King said, in the end, we will remember not the words that were of our enemies but the silence of our friend. As a friend, for us not to speak out on this issue, we would be derelict in our duty. We would be derelict in our duty.

So, Mr. Chairman, I rise in opposition to the gentleman's amendment, and in support of it, and would say to the gentlewoman, the Chairwoman, it would have sent a very refreshing message if one of the other conditionalities had been with regard to the Coptic Christians, who are very patriotic people in Egypt and who love their country and who always speak proudly of their country and who always honor their country; and also if we had conditionality language with regard to the Baha'is. But I think Mr. OBEY is right. I agree with the Chairwoman. I would hope that we would defeat the amendment.

Ms. KILPATRICK. Mr. Chairman, during times of crisis, the United States has always supported her friends. Egypt is our friend. Egypt is not only our friend, Egypt is our strategic partner, our peace partner and our military partner in the Middle East. It is shameful how we are treating our friend with the restrictions on military aid to Egypt in this bill. As such, I rise in strong opposition to the amendment by Rep. ANTHONY WEINER removing $200 million in military aid to Egypt, and in strong support of the amendment by Rep. CHARLES BOUSTANY allowing military support to continue to Egypt without conditions. Egypt and the United States have a valuable, key and strategic partnership, one that has been underscored by the recent developments in the Gaza Strip. It would be toxic to the relationship that the United States has with Egypt, and our relationship to those moderate Arab states in the Middle East, for this bill to be adopted with these restrictions.

In April of this year, Secretary of Defense Robert Gates said that: "I have long considered Egypt one of America's most important, even indispensable, partners. . . Security challenges in the Middle East are significant, but can be overcome by Egypt and the United States working closely together in the region." Just last week, the world saw Hamas take over the Gaza Strip. Hundreds, if not thousands, of men, women, children, senior citizens, and the disabled are fleeing this region as refugees, many ending up in Egypt.

In response to this crisis, Egypt's President, Hosni Mubarak, has invited Israel's Prime Minister, Ehud Olmert, Palestinian President Mahmoud Abbas, and Jordan's President King Abdullah II for a summit this Monday, June 25, 2007 in an effort to negotiate peace in this region. I commend to my colleagues the following portion of an article dated June 21, 2007 from the Associated Press that goes into more detail about the summit:

> RAMALLAH, WEST BANK.—Closing ranks against Hamas, Egypt's president invited Israeli, Palestinian and Jordanian leaders to a peace summit, officials said Thursday, the biggest show of support yet by moderate Arab states for beleaguered Palestinian President Mahmoud Abbas.
>
> The meeting will take place Monday in the Red Sea resort of Sharm el-Sheikh, said Israeli government spokeswoman Miri Eisin. Egyptian President Hosni Mubarak has invited Abbas, Israeli Prime Minister Ehud Olmert and Jordan's King Abdullah II. Jordan confirmed Abdullah would attend.
>
> Abbas will call for a resumption of peace talks with Israel, arguing that only progress toward Palestinian statehood can serve as a true buffer against Hamas, which took control of Gaza by force last week, Abbas aide Saeb Erekat said.
>
> "The most important thing to realize is that time is of the essence," Erekat said. "We need to deliver the end of occupation, a Palestinian state. If we don't have hope, Hamas will export despair to the people."
>
> As immediate steps, Abbas will ask Israel to remove West Bank checkpoints that disrupt daily life and trade, and to transfer hundreds of millions of dollars in Palestinian tax funds Israel froze after Hamas came to power last year.
>
> Also on Thursday, Palestinian dual nationals and foreigners working in Gaza were allowed to pass through Israel for other points. About 60 Palestinian-Americans left Gaza for Jordan, and eight World Bank employees left the coastal strip, an Israeli army spokeswoman said.
>
> Late Wednesday, 35 Gazans who had been stuck at the main Gaza-Israel passenger crossing for several days were sent to Egypt via Israel, the spokeswoman said. Among those who left were gunmen from Abbas' Fatah movement, their wives and children.
>
> Hundreds of men, women and children rushed to the crossing after the Hamas takeover, among them Fatah loyalists who feared they'd be harmed by Hamas, despite the militants' offer of amnesty. By Thursday, the passage, rank with the stench of urine and garbage, was nearly empty after it became clear that a mass exit to the West Bank was not approved.
>
> Earlier Wednesday, Israel took in several of the sick and wounded in the crowd.
>
> In Washington, Olmert said he would propose to his Cabinet on Sunday that it unlock frozen funds, though he did not say how much money he thought Israel should free. Israel is holding about $550 million in tax revenues it collects on behalf of the Palestinians.
>
> Despite the talk about peace, however, the Hamas takeover has dealt a setback to statehood efforts, with the Islamic militants in charge of Gaza and Abbas in charge of the West Bank."

This Amendment is even opposed by the President. In a statement of White House policy, the Office on Management and Budget says:

"The Administration opposes the prohibition on a portion of the foreign military financing to Egypt contained in section 699. Military assistance is critical to our strategic partnership with Egypt and has contributed to a broad range of U.S. objectives in the region. Such a restriction will undermine the U.S. relationship with Egypt and send the wrong message to this important ally in the region."

As a former Member of this subcommittee, I personally appreciate the challenges that Chairwoman LOWEY and Ranking Minority Member WOLF not only face, but surpass. This bill provides significant funding increases for many programs that I have, and will continue to, support.

My objection is to Section 699 of the bill, a new provision, which sets conditions on $200 million of the $1.3 billion in military assistance to Egypt. This assistance is pending certification of the Secretary of State that Egypt is taking steps toward enactment of a new judicial law, including the principal components of the law and separation of the budget of the judiciary from that of the Ministry of Justice; steps to review criminal procedures and mass demonstrations by Egypt's police force; and steps to detect and destroy the smuggling network into the Gaza strip.

The Thirteenth Congressional District of Michigan contains one of the highest concentrations of Arabs in the United States. These tax-paying, hard-working Americans demand that the United States respect not just their homeland, but the past, present and future effort that Egypt has made manifest over the years as a strategic partner and toward peace. To remove this key support from Egypt, at this point, would signal an unnecessary reticence by the United States toward one of the few allies we have in the Middle East.

I strongly urge my colleagues to support Egypt, to support peace in the Middle East, and to support the amendment offered by my colleague from Louisiana, Congressman BOUSTANY and oppose the amendment offered by my colleague from New York, Congressman WEINER.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BOUSTANY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

RELIEF FOR THE HMONG AND MONTAGNARDS

SEC. 699A. AUTOMATIC RELIEF FOR THE HMONG AND MONTAGNARDS.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. §1182(a)(3)(B)), is amended by adding at the end the following new clause: "Clause (vi) shall not apply to the Hmong or Montagnards on the basis of any act or event occurring in or before 1975".

TECHNICAL CORRECTION.—(1) IN GENERAL.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. §1182(a)(3)(B)(ii)) is amended by striking "Subclause (VII)" and replacing it with "Subclause (IX)".

REPORT ON ANTI-CORRUPTION ACTIVITIES

SEC. 699B. (a) REPORT REQUIRED.—Not later than May 1, 2008, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Chief Executive Officer of the Millennium Challenge Corporation, shall submit to Committees on Appropriations a report on the level of corruption in each country that receives assistance in this Act under the heading "Development Assistance", "Assistance for Eastern Europe and the Baltic States", or "Assistance for the States of the Former Soviet Union".

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall—

(1) assess the level of corruption in each country's political, economic, and judicial sectors, including detailed information regarding specific acts of corruption;

(2) assess the extent to which recent elections in each country have been free and fair;

(3) include information regarding steps each country has taken to combat corruption;

(4) describe at the program, project, and activity level how the United States assistance is designed to strengthen anti-corruption activities in each country, including specific outcome goals and objectives; and

(5) include an identification of countries that the Secretary of State determines require special scrutiny for fiscal year 2009, including an identification of countries that the Secretary determines are not making significant efforts to comply with minimum standards for anti-corruption activities.

(c) METHODOLOGY.—Not later than September 30, 2007, the Secretary of State shall provide to the Committees on Appropriations a detailed description of—

(1) the methodology for assessing the level of corruption in each country for purposes of preparing the report required by subsection (a) and for evaluating each country's annual progress in fighting corruption; and

(2) the indicators upon which the Secretary will make such assessments.

PROGRAMS TO IMPROVE DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN IRAN

SEC. 699C. Of the funds appropriated in this Act, $50,000,000 should be made available for programs to improve democracy, the rule of law, and governance in Iran.

□ 1915

AMENDMENT NO. 4 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GINGREY:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used for negotiating the participation of additional countries under the visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

The CHAIRMAN. Pursuant to the order of the House of June 20, 2007, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe our Nation needs to secure its points of entry, and specifically I believe that we should prevent additional countries from joining the United States visa waiver program until we have technical and human resources to secure our points of entry. I do not believe our Nation can afford to allow more visitors in the United States without screening them prior to arrival.

This amendment would prevent funds from being used to negotiate additional visa waiver countries. The State Department should not be using funds to negotiate new visa waivers until the machine-readable and tamper-resistant biometric identification standards that were mandated by the U.S. PATRIOT Act as a cornerstone of the entry-exit system are fully operational. We refer to that, Mr. Chairman, as the US-VISIT program. There are currently 27 visa waiver countries, and I believe it is too risky to negotiate additional countries without first having our security screening system in place.

Mr. Chairman, we cannot afford to provide more opportunities for terrorists to breach a loophole in our security. How much time does our Nation have before ICE, the Immigration Customs Enforcement, the air marshals or the TSA, Transportation Security Administration, misses the next Richard Reid?

For example, Habib Zacarias Moussaoui, a French citizen of Moroccan descent, a name we all know very well, actually used his French passport, without a U.S. visa, on February 23, 2001. He flew from London to Chicago and on to Oklahoma City, where he began the flight training at an aviation school.

Fortunately, on August 16, 2001, INS arrested Moussaoui because he had remained in the United States well beyond the 90 days that were allowed under the visa waiver program entrants and he was in violation of the requirement that visa waiver program travelers enter for business or tourism. Had INS and law enforcement not been literally on top of their game, Mr. Speaker, Moussaoui could have been a part of the 9/11 attacks. That was his intent. We stopped him, but he was here on a visa waiver.

A more recent example can be summarized in a June 18, just this month, 2007, ABC News reported about suicide bombers who were sent to the United States and Europe after being trained in Afghanistan. The story references this recent terrorist video where the Taliban military commander, Mansoor Dadullah, is found saying in this video, "These Americans, Canadians, British and Germans, come here to Afghanistan from faraway places." This story further confirms, Mr. Speaker, what we already know: Terrorist forces are recruiting from the Western World, the same countries who are established members of our visa waiver program.

I feel that we cannot continue a loophole that allows homegrown European terrorists access to the United States.

Mr. Chairman, the visa waiver program was only designed to be a temporary program for a small and select group of nations, starting with the U.K., Japan and France. Now, 27 countries participate in the visa waiver program, believe me, enough to keep ICE and TSA exceedingly busy. Do we really need to fund efforts to add a 28th and 29th country to their list of responsibilities?

I just don't want to see our Nation attacked because we couldn't carry through with our commitment to security first. I ask my colleagues, please, support this commonsense Gingrey amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, frankly, I have mixed feelings about this amendment. I don't think that the appropriations bill is the proper place to consider issues that are clearly authorization issues, and yet I know that there is considerable concern about this program.

Let me simply say that in the interests of time and because I think the equities are split, that we would be willing to accept the gentleman's amendment, with the understanding that we would need to give the administration an opportunity in conference to express any concerns about it and consider any adjustments that might be made that would be mutually agreed to.

Mr. Chairman, I yield to the gentleman.

Mr. GINGREY. Mr. Chairman, I thank the chairman of the full committee for yielding, and I certainly appreciate his willingness to understand the necessity of the amendment. Indeed, I appreciate it and will agree to that, and hope the administration will follow through on the amendment. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following new section:

LIMITATION ON USE OF FUNDS RELATING TO RESTRICTIONS ON RELATIONS WITH TAIWAN

SEC. 6xx. None of the funds made available in this Act may be used to enforce any of the provisions in the Memorandum to all Department and Agency Executive Secretaries dated, February 2, 2001, and entitled "Guidelines on Relations With Taiwan".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Tancredo-Chabot amendment would prevent the State Department from expending any funds to enforce several arbitrary and archaic guidelines that inhibit or altogether prevent U.S. officials from communicating with their counterparts in Taiwan. These restrictions range from just silly to downright absurd.

Among other things, the so-called guidelines do not permit meetings with Taiwanese diplomats or elected officials in State Department buildings, the White House or Old Executive Office Building. They prevent executive branch personnel from the Foreign Affairs agencies and those above the rank of GS-14 from attending Taiwan's annual reception in Washington. They prevent executive branch personnel from attending meetings at Twin Oaks, the former residence of Taiwan's Ambassador here in Washington. They prevent travel to Taiwan by officials above a certain rank from the Defense Department and the State Department. They prohibit executive branch personnel from corresponding directly with Taiwan officials.

Mr. OBEY. Mr. Chairman, if the gentleman would yield, I would be prepared to accept the gentleman's amendment, with the understanding that the committee will continue to investigate the effect of the amendment as we take it to conference with the other body later in the year.

Mr. TANCREDO. Mr. Chairman, I would like to yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding, and I will be very brief. I appreciate the gentleman and I don't want to take time here. I would just make a couple of points.

This amendment is long overdue. Taiwan is our friend. It is a longtime democratic ally and a major trading partner. Just across the Taiwan Strait you have Communist China, with its more than 900 missiles pointed directly at Taiwan. China operates under a dictatorship. Its human rights record is abysmal. It ignores the rule of law. It practices religious persecution. It warehouses political prisoners. It carries out an unconscionable coercive abortion policy. Yet when it comes to dealing with the two nations diplomatically, we often treat Taiwan like a pariah nation and kowtow to the Beijing bullies.

So I would commend the gentleman from Colorado for bringing forth this amendment, and I want to thank the distinguished chairman for accepting the amendment.

Ms. BERKLEY. Mr. Chairman, as co-chair of the Congressional Taiwan Caucus, I rise in strong support of this amendment.

Mr. Chairman, for too long, we have allowed China to dictate our relationship with Taiwan. If anything, it should be the other way around. Taiwan consistently holds free and fair democratic elections. Taiwan respects human rights and labor standards. Taiwan is a free, democratic nation.

As the greatest democracy in the history of the world, we have an obligation to support other democracies and nurture them around the globe. We must be a beacon, a light to the world, showing the way forward for other democracies. Only then, will democracy finally flourish—and only if we show the way.

Mr. Chairman, our priorities are backwards when we place China's concerns ahead of a democratic country's. We must end these arbitrary and archaic restrictions on our relations with Taiwan. I urge support for this amendment.

Mr. TANCREDO. Mr. Chairman, I certainly appreciate the gentleman's offer, and I yield back the balance of my time and accept the offer you have made to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MS. HERSETH SANDLIN

Ms. HERSETH SANDLIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Ms. HERSETH SANDLIN:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to carry out the diversity visa program under sections 201(e), 203(c), or 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1151(e), 1153(c), and 1154(a)(1)(I)).

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007. the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment that is cosponsored by my colleague and good friend from Virginia, Mr. GOODLATTE, as well as Mr. DEFAZIO of Oregon, Mr. LAMAR SMITH of Texas, Mr. SHERMAN of California and Mr. TANCREDO of Colorado.

The amendment is simple and straightforward. It would prohibit the use of funds in the bill to implement the Diversity Visa Program otherwise known as the "visa lottery."

The visa lottery program was established in 1990 and awards about 50,000 permanent-resident visas to foreign nationals by conducting a random lottery. In the last Congress, the State Department's inspector general testified before Congress that the Office of the Inspector General "continues to believe that the Diversity Visa Program contains significant risks to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents."

If for no other reason, national security is too important to allow this institutional randomness in our immigration policy. The visa lottery injects a level of unnecessary and responsible uncertainty into the immigration process. Our amendment is a practical provision that will make our Nation safer.

When the House considered its immigration bill in the 109th Congress, the gentleman from Virginia and I joined together to offer an amendment eliminating the visa lottery program, and it passed with strong bipartisan support. I urge my colleagues to provide similarly strong support to this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding and for her leadership in bringing forth this amendment, which corrects a grievous problem with our immigration system.

This visa lottery program is clearly unfair to lawful immigrant applicants who are abiding by our rules and going through the process. It pushes 50,000 people chosen totally at random ahead of hundreds of thousands of law-abiding immigrants waiting to be reunified with their families.

The program is wrought with fraud. The State Department inspector general has said that the visa lottery program is subject to widespread abuse, and that identity fraud is endemic, and fraudulent documents are commonplace.

A simple click on the State Department's visa lottery Web site is very revealing. The first thing you will notice on that Web site is a warning in bold red font about fraudulent websites and individuals. Indeed, a cottage industry has sprung up of individuals using the visa lottery program to take advantage of foreign nationals.

No skills are necessary to enter the lottery. As we look around the country for programs that help meet needs of reunifying families or job skills for which there is a shortage in the United States, we have a program that gives 50,000 visas based on pure luck, and the applicants must only have the equivalent of a high school diploma. But the State Department has indicated they often have very few resources to make even this determination in countries that do not have systems similar to the United States.

Finally, and perhaps most importantly, it is a national security threat. This program of selection purely at random makes it possible for visa lottery participants to be people who are from countries that are known to be state sponsors of terror. Nothing would prevent terrorist organizations from submitting numerous names for the lottery, and, as long as they don't have criminal backgrounds, they can receive not just a temporary visa like the 9/11 hijackers had, but a permanent-resident visa to be permanently in the United States.

Mr. Chairman, I urge my colleagues to support this amendment.

Ms. HERSETH SANDLIN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman. The visa lottery program is based on the absurd notion that the group of people coming to the United States are insufficiently diverse. There has never been such a diverse group of people.

The diversity lottery discriminates against those who live in Mexico, China or the Philippines on the theory, an absurd theory, that an immigrant from Paraguay will add more to American culture than one from Mexico. I think it is time to end this absurd cultural discrimination.

It makes sense for our country to let people come here for family unification or because the immigrant brings special skills. The diversity lottery admits people who bring neither. They need no family ties nor special skills.

Our other immigration programs require that the person either have a job or a family member who will issue an affidavit of support. Those coming here under the visa lottery have neither, and therefore are free to become a charge to our taxpayers.

I look forward to having a comprehensive immigration law so that our immigration laws make sense, but let's kill the one element of our immigration laws that make the least sense now. We shouldn't discriminate against those with family in the United States, those with special skills, or those from Mexico, China or the Philippines, on the theory that somehow we enhance our culture more by admitting immigrants from one country as opposed to another.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Arizona (Mr. FRANKS) for a brief discussion on the issue of the persecution of Coptic Christians in Egypt.

Mr. FRANKS of Arizona. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I just wanted to see a subject touched on here and would hope that Chairman OBEY would be aware that under the State and Foreign Operations appropriations bill for 2008, $200 million of the $1.3 billion military assistance for Egypt will be withheld until the Secretary of State certifies that the Government of Egypt has taken concrete steps to reform its judiciary, to curb police abuses and address concerns about the smuggling of weapons from Egypt to Gaza.

I strongly support this provision, Mr. Chairman, and I would like to request that an additional provision, if the chairman would consider it at some point, be added to ensure that the Government of Egypt also increase protections for human rights according to Egypt's own international human rights commitments, including the religious freedom of members of religious minorities, such as the Coptic Christians and Baha'is, among others.

I just hope, Mr. Chairman, that the chairman of the committee would be so inclined at some point, if we could work with him in any way.

Mr. OBEY. Mr. Chairman, if the gentleman would yield, at this point I am simply standing in for the subcommittee chair, but I would simply say that while I am not frankly as totally familiar with the issue as I am with, for instance, the record of the Egyptian Government in jailing Mr. Nour and other political opponents, I certainly have seen that concern expressed many times, and I would think the conferees would be interested in improving human rights records on Egypt's part with respect to all groups, including Coptic Christians.

☐ 1930

Mr. WOLF. I thank the chairman of the committee and thank the gentleman from Arizona.

The CHAIRMAN. Does any Member claim the time in opposition to the amendment of the gentlewoman from South Dakota?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. With respect to the amendment of the gentlewoman, I have some considerable disquiet about the Appropriations Committee on the basis of 3 minutes discussion pronouncing judgment on complicated matters with respect to immigration, but let me simply say I would be willing to accept the amendment as an expression of concern on the subject and would hope that the administration would deal with the concerns as the committee goes to conference.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

At the end of the bill, before the short title, insert the following new section:

SEC. ___. None of the funds made available in this Act may be expended in violation of section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) (relating to discontinuing granting visas to nationals of countries denying or delaying accepting aliens removed from the United States).

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, my amendment would simply prevent the State Department from continuing to selectively ignore Federal statute.

The Federal statute in question instructs the State Department to discontinue the issuance of immigrant and nonimmigrant visas to citizens of countries who refuse our attempts to repatriate or deport their nationals. As I mentioned, the State Department often chooses to disregard this statute.

In fact, some dozen nations around the world routinely refuse to accept their citizens who have come here illegally or violated the terms of their visas. Iraq is just one example. As a result, Iraqi aliens who would otherwise be deported are free to remain in the United States.

Last year, I sent a letter to Secretary Chertoff asking why an Iraqi national by the name of Gavan Alkadi was not deported but instead was released into the public. Gavan Alkadi have been convicted of an aggravated felony and has been arrested nearly 70 times in Colorado.

Mr. OBEY. Would the gentleman yield?

Mr. TANCREDO. I would yield to the chairman.

Mr. OBEY. As I understand this amendment, it simply indicates that the Department ought to enforce the law. I am not really inclined to object to that. In the interest of time, I am willing to accept the amendment.

Mr. TANCREDO. I appreciate the gentleman's offer.

Mr. POE. Mr. Chairman, I want to thank the gentleman from Colorado for offering this amendment with me. I'll be brief because I don't think many Members here need to be convinced that we need our Government agencies to enforce the laws we give them and that they aren't arbitrary.

Section 243(d) of the Immigration and Nationality Act allows the State Department to discontinue the issuance of visas to nations who fail to take back their nationals who have been ordered removed by our Government.

Unfortunately, this step by our Government has never been taken. Why? The gentleman from Colorado and I joined on a letter to the Secretary of Homeland Security and the Attorney General to ask this very question. The chart I have here indicates the response we received and I quote:

> Department of Homeland Security Response: "While visa sanctions under Section 243(d) of the Immigration and Nationality Act may be an effective tool in obtaining repatriation cooperation, the severity that makes them potentially effective also has the potential to negatively impact other U.S. foreign relations objectives if not used judiciously. When considering the use of 243(d) sanctions, DHS must consider the potential repercussions to U.S. foreign policy. Because the United States is pursuing a number of initiatives with China on foreign policy issues, implementing Section 243(d) sanctions could have counterproductive effects."—Donald H. Kent, Assistant Secretary, U.S. Department of Homeland Security, January 10, 2007.

Mr. Chairman, how this reads to me is that our trade with nations like China is more important than providing for the safety of the American people. Many of the people who we are trying to remove are hardened criminals, violent felons that we want off our streets. Because of two recent Supreme Court decisions, our government is limited in the length of time we can hold them in our jails while working to remove them. If we can't remove them in 6 months, they are to be set free. Now how many are we talking about here? As this chart shows, here are the top offending countries and the number roaming America:

TABLE 14.—BREAKDOWN IN THE NUMBER OF ILLEGAL ALIENS FROM COUNTRIES THAT BLOCK OR INHIBIT REPATRIATION

[As of June 29, 2004]

Eight countries	Detained criminal/non-criminal	Non-detained criminal/non-criminal	Total
Vietnam	352	5,807	6,159
Jamaica	715	11,568	12,283
Iran	105	7,039	7,144
India	253	28,540	28,793
Ethiopia	108	4,454	4,562
Eritrea	21	637	658
China	885	72,315	73,200
Laos	140	3,302	3,442
Total	2,579	133,662	136,241

During FY 2003, the detention of criminal/non-criminal aliens from the top eight uncooperative countries that block or inhibit repatriation consumed 981,202 detention days and $83 million.

Source: DRO.

According to a Department of Homeland Security Inspector General audit in April 2006, "The difficulty that ICE is experiencing removing illegal aliens with final orders has, in effect, created a mini-amnesty program for tens of thousands of illegal aliens that are subject to removal from the U.S. It also encourages individuals from non-cooperating countries such as China, India, and Iran to make attempts to enter the U.S. illegally."

So let me close by again saying this amendment that I and the gentleman from Colorado are offering just says to enforce existing law. Unless these nations believe that they will not obtain a visa in the future, nothing is ever going to change.

Mr. TANCREDO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

Amendment Offered by Mr. LIPINSKI

Mr. LIPINSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> AMENDMENT OFFERED BY MR. LIPINSKI:
>
> At the end of the bill (before the short title), insert the following:
>
> SEC. ___. None of the funds made available in this Act may be used to purchase light bulbs for operations in the United States unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Illinois (Mr. LIPINSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, this amendment says that none of the funds made available in this bill may be used to purchase light bulbs for operation in the United States unless the light bulbs have the "Energy Star" or the "Federal Energy Management Program" designation. What this means is that light bulbs purchased will have to be high-efficiency light bulbs.

Right now, the most common high-efficiency bulbs are the compact fluorescent light bulb, known as a CFL. CFLs use approximately 75 percent less energy than incandescent bulbs to provide the same amount of light. They also last approximately eight to ten times longer. Replacing an ordinary bulb with a comparable CFL saves up to $74 in energy costs over the bulb's lifetime.

Today, Americans are rightly concerned about the impact of foreign energy dependence on our national security and the effect of global climate change on the future of our planet. This amendment helps us address both of these issues, while at the same time saving millions of taxpayer dollars.

Mr. OBEY. Would the gentleman yield?

Mr. LIPINSKI. I yield to the chairman.

Mr. OBEY. In light of the fact that you and the other sponsors of the amendment have worked to narrow the scope of the amendment to just the funds that are involved to operations in the United States, the committee would be happy to accept the amendment.

Mr. LIPINSKI. Reclaiming my time, I would like to thank the chairman for accepting this. This is part of what we are working on.

I introduced a bill to require all GSA buildings to use high-efficiency bulbs. Mr. INGLIS and I introduced this earlier this year. It is included in a comprehensive climate change bill which was reported by the Transportation and Infrastructure Committee yesterday. I am very hopeful we can get this done through that piece of legislation for all GSA buildings, but this amendment here is a good start.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. LIPINSKI).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 17 offered by Mr. BLUMENAUER:
>
> At the end of the bill (before the short title), insert the following:
>
> SEC. ___. (a) LIMITATION ON USE OF FUNDS.—Of the funds appropriated in this Act under the heading "Foreign Military Financing Program", not more than $250,000,000 may be made available for Pakistan.
>
> (b) CORRESPONDING TRANSFER OF FUNDS.—The amounts otherwise provided by this Act are revised by increasing the amount made available for "United States Emergency Refugee and Migration Assistance Fund", and reducing the amount made available for "Foreign Military Financing Program", by $50,000,000.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment which I am offering with my good friends from Washington and New York simply shifts $50 million from military aid for Pakistan to the Emergency Refugee and Mitigation Assistance Account. It would leave $250 million in Pakistani military aid, the same level that appeared in the chairwoman's original mark.

In many areas of Federal spending, Congress has to make tough choices amongst important competing priorities. However, the choice between more military aid for Pakistan and assistance for refugees should be an easy one.

Anybody who has witnessed the news in recent weeks understands the military dictatorship in Pakistan has had serious problems in terms of its treatment of civil society. It is one of the worst nuclear proliferators, which could not occur without the knowledge of the Pakistani government. Yet it has been the third-largest recipient of military aid from the United States since 9/11, receiving $10 billion over the last 6 years.

Despite all that, Pakistan continues to allow the Taliban to operate in many parts of Pakistan and launch attacks against U.S. troops in Afghanistan. In fact, according to CQ Weekly, a U.S. Army officer stationed in Pakistan recently recalled watching a 2-mile-long line of Taliban fighters and suicide bombers walk across the border into Afghanistan unchallenged by Pakistani security forces.

Pakistan even has a "peace agreement" with the Taliban and other terrorists in one province along the Afghan border and agreed to slash military patrols in areas with a substantial al Qaeda presence.

At the same time, Pakistan's military dictator, General Musharraf, has dismissed the chief justice of the Supreme Court of Pakistan and attempted to introduce restrictions on its television media.

Forty pro-democracy protesters recently killed by security forces; and, since 2001, over 1,000 people have disappeared.

On the other hand, Iraq is the fastest-growing refugee crisis in the world. There have been 4 million innocent Iraqis who have been driven from their homes by violence and threats, including tens of thousands who are at risk because they helped the United States.

This humanitarian crisis is rapidly becoming a regional security crisis, as Jordan and Syria are at risk of being destabilized by the millions of Iraqis they have taken in, 2 million Iraqis in Jordan and Syria.

Despite this, efforts to provide assistance in the region are dramatically underfunded. The United States has admitted only 70 refugees since October, only one in April and one in May. It is not getting better. It is getting worse. I think this is a blot on Congress as well as the administration, turning its back on these refugees.

Adding $50 million in Emergency Refugee and Migration Assistance will allow assistance to reach more displaced Iraqis and help mitigate the impacts of the refugee crisis on other countries in the Middle East. This amendment offered by Mr. McDERMOTT, Mr. CROWLEY and myself has the support of the United States Committee for Refugees and Immigrants, Refugees International, the U.S.-India PAC, the U.S.-India Business Alliance and others who are deeply concerned about this humanitarian crisis.

I strongly urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I must very reluctantly lodge a point of order against the gentleman's amendment.

The amendment proposes to appropriate funds in excess of the authorized amount. It therefore violates clause 2 of rule XXI, and I would ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule. The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law.

Section 2 of the Migration and Refugee Assistance Act of 1962, codified at 22 U.S.C. 2601, establishes the Emergency Refugee and Migration Assistance Fund and provides an authorization of appropriation not to exceed $100 million at any given time. The bill appropriates $45 million, and the amendment by the gentleman from Oregon appropriates another $50 million.

Although the amendment would take the total for the fund to $95 million in the bill, and thus ostensibly within the authorized level, the committee report on page 112 states that an additional $55 million was appropriated by Public Law 110–28. Those funds remain available until expended.

Having reviewed this information, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2 of rule XXI.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORBES:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act under the heading "Economic Support Fund" may be made available for Ethiopia.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have at the desk is a simple, straightforward amendment. This amendment says that none of the funds under the Economic Support Fund may be made available to Ethiopia.

In 2005, Ethiopia held democratic elections for the first time. As in any election, there were winners and losers. The opposition party won so many seats in that election that the ruling party immediately moved to limit the power of the parliament, stripping it of the power to craft a budget and allowing discussion exclusively on issues approved by the prime minister.

When protests grew after several members refused to participate in the new government, violence ensued; and the opposition political leaders were arrested. Thousands of protesters were arrested since October 31, 2005; and, thankfully, most of them have been released. However, nearly 2 years later, 38 prisoners from the protest remain incarcerated.

Mr. OBEY. Would the gentleman yield?

Mr. FORBES. I would yield to the chairman of the committee.

Mr. OBEY. The gentleman has persuaded me. I would be happy to accept the amendment in the interest of time.

Mr. FORBES. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I thank the gentleman, and I yield to the gentlewoman from Virginia Beach, Mrs. DRAKE.

Mrs. DRAKE. I rise today to speak about a true freedom fighter, a man whose sense of the rule of law and democracy has kept him in prison for the past 2 years. Mr. Chairman, I rise today to speak for my constituent from Virginia Beach, Dr. Yacob Haile-Mariam.

In 2005, Ethiopia held their national parliamentary elections. Dr. Yacob Haile-Mariam, a citizen of Ethiopia, resigned his position as professor at Norfolk State University and was elected to the parliament as a member of the opposition party.

Soon after the election, Dr. Haile-Mariam was arrested. Last week, the Ethiopian tribunal, adjudicating this matter hastily and without notice, terminated the proceedings and found him guilty of the charges against him. Dr. Haile-Mariam faces sentencing, including the possibility of the death sentence.

□ 1945

Mr. Chairman, the conviction of Dr. Haile-Mariam and other members of the opposition party is adverse to the principles of democracy, freedom and human rights that the United States promotes across the globe. More importantly, the conviction of these individuals is contrary to the commitment Ethiopia has made in recent years to engage in a civil society and establish a democratic government which respects the rule of law, due process and international principles of human rights.

The injustice of Dr. Haile-Mariam's imprisonment has been felt throughout Hampton Roads, most particularly by his loving and supportive family. I have been in contact with his brave wife, Tegist, and officials at the State Department since 2005 seeking a positive resolution to this unfortunate situation. While I do not believe decreasing funds from this particular account would expedite the release of Dr. Haile-Mariam, I could not stand by without speaking for a man whose voice has been taken from him.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. FORBES).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCGOVERN:

At the end of the bill (before the short title), insert the following new section:

LIMITATION ON ASSISTANCE FOR THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

SEC. 6xx. None of the funds made available in this Act may be used for programs at the Western Hemisphere Institute for Security Cooperation located at Fort Benning, Georgia.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a very simple amendment. It ensures that no funds in this bill can be used for programs at the Western Hemisphere Institute for Security Cooperation, otherwise known as WHINSEC. It does not affect the funds in the Defense appropriations bill where the majority of WHINSEC's funding is provided.

Last year was the first debate on the WHINSEC, the successor to the U.S. Army School of the Americas. Since last year, the WHINSEC has made a number of very disturbing decisions that bring into question its much-vaunted commitment to transparency and democratic values.

For example, last year's debate brought to light a number of human rights cases involving WHINSEC students and instructors. Instead of using these cases as an opportunity to review its practices and procedures, instead of strengthening the vetting process and fixing any problems that might exist, the WHINSEC chose to attack the messengers.

It asserted that Salvadoran Colonel Francisco del Cid Diaz, responsible for the notorious 1983 Las Hojas massacre, never attended the WHINSEC. I guess they didn't check their own records because here is his name on the list of 2003 graduates.

They attacked the reputation of the current Bolivian Human Rights Ombudsman, Waldo Albarracin, saying that he has no recollection of the military captain who had him kidnapped and tortured in 1997, the same Major Urzagaste who was at the WHINSEC in 2002. When Mr. Albarracin heard of this slander, he sent me a letter describing what happened to him and the role of Urzagaste.

Mr. Chairman, like similar cases regarding corruption charges against three Colombian officers who attended the school, the WHINSEC dismissed the horror of Mr. Albarracin's torture as without merit because the courts dropped the case. Are WHINSEC officials ignorant about how military officers acted with impunity in Bolivia during the 1990s? Or in El Salvador during the 1980s? Are they ignorant of how the Colombian military benefits from the worst culture of impunity in the hemisphere today? The fact that charges of kidnapping, torture, murder, drug trafficking and corruption are routinely dropped is a major problem with Latin American militaries, not a virtue. Even more disturbing is how the WHINSEC responded to criticism. It chose to build a fortress around itself, to make sure that no one in the public, no human rights organization, no foreign policy analyst, would be able to review the names of WHINSEC's graduates and instructors.

For the first time in the history of WHINSEC, including the 40-year history of its infamous predecessor, the School of the Americas, Freedom of Information Act requests are being denied. I have in my hands the school's response regarding 2005 graduates. Every single name is blacked out. Look at it, 18 pages, completely redacted. Is this anyone's idea of transparency? Of open relations with human rights and other policy organizations? This was a deliberate choice. The practice of secrecy extends to WHINSEC's public relations materials, where not a single solitary name of any of its Latin American students or teachers appears. So blacking out the names of graduates wasn't a mistake. It wasn't an anomaly. It's a deliberate decision to keep information secret, to avoid any kind of independent scrutiny or oversight.

Is this the example we want our Latin American counterparts to copy? I hope not, Mr. Chairman.

With that, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

The Acting CHAIRMAN (Mr. POMEROY). The gentleman from Georgia is recognized for 15 minutes.

Mr. GINGREY. Mr. Chairman, I thank you and I thank the ranking member for yielding to me.

Yes, Mr. Chairman, there is a security fence around Fort Benning, but I would not describe the home of the Infantry as a fortress by any stretch of the imagination, as my colleague just referred.

Mr. Chairman, here we go again. Once more, my good friend, and he is my good friend, from Massachusetts has so confused the record that it's really tough to know where to begin. But let me try.

He argues that we need to shut down WHINSEC because nearly 30 years ago, several graduates of a different program, the School of the Americas, were found to have committed atrocities in their home countries, a tenuous conclusion indeed. I wonder if he would argue that we should shut down Harvard because the Unabomber actually took some classes there. Mr. Chairman, of course he wouldn't. Because my friend knows that when a student does something awful years after graduating, you can't reasonably hold the school accountable. And to do so would let one man's action deny thousands more the opportunity to grow and to learn. Essentially it would be throwing the baby out with the bath water.

So let's set the record straight, Mr. Chairman. Over 60,000 members of Latin American security forces have trained at WHINSEC and its predecessor since the inception of the school; 99.99 percent have served their countries with honor and distinction. This is the fact.

In order to ensure that known human rights offenders are not attending WHINSEC, potential participants undergo background checks by the Bureau of Western Hemisphere Affairs, the Bureau of Democracy, Human Rights and Labor and the Department of State, not vetted by WHINSEC.

So I am proud to say, Mr. Chairman, that not one single credible accusation of human rights violations has been lodged against a graduate of WHINSEC. Not one. And I don't want the gentleman or my colleagues necessarily to take my word for this. I want to submit for the RECORD a letter from the United States Department of State, actually from the Deputy Assistant Secretary, Patrick Duddy, in response to the Chairman of the Board of Visitors, the school board, WHINSEC school board, to Bishop Morlino dated January 7, 2007.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC, January 7, 2007.
Bishop ROBERT C. MORLINO,
Chairman, Board of Visitors, Western Hemisphere Institute of Security Cooperation.

DEAR BISHOP MORLINO: I would like to extend my congratulations on your unanimous selection by the Board of Visitors (BoV) members as incoming chairman for 2007. My representative at the December 2006 meeting has conveyed to me the BoV's request for additional information regarding vetting of attendees at U.S. Government-funded security training covered by the Leahy Amendment. As I mentioned in my previous letter, the Department of State is committed to implementing that law's restrictions on support for security units for which credible evidence of human rights violations exists. The Department has vetted tens of thousands of training participants. We have expanded the scope of our vetting to include individuals as well as units. The vetting process includes a local background check by our embassies, as well as checks by bureaus with regional responsibilities (e.g., the Bureau of Western Hemisphere Affairs) and by the Bureau of Democracy, Human Rights, and Labor. The Department of State maintains the Abuse Case Evaluation System (ACES), which is a central database that aggregates human rights abuse data into a single, searchable location and facilitates analysis of the data's validity. Personnel involved in the Leahy vetting process use this database as a resource for checking abuse allegations when conducting vetting requests. If all checks come back negative, the Embassy is notified that the individual is cleared for participation in training. The Department vetting process is extremely thorough, and one in which WHINSEC itself plays no role.

As we have noted earlier, we find no evidence to substantiate any claims that the individuals in my previous letter were not properly vetted. We have no additional information Colonel Francisco Del Cid of El Salvador. As you will recall, I stated in my previous letter that we have no record of Del Cid participating in any programs subject to the provisions of the Leahy Amendment. Additional information regarding the other cases is as follows:

Captain Filmann Urzagaste of Bolivia attended a WHINSEC program in 2002. It was alleged that he was involved the 1997 kidnapping of Waldo Albarracin, then a Bolivian human rights official. The Bolivian Supreme Court declared the charges to be without merit. Albarracin himself, in a recent interview with U.S. Embassy personnel in La Paz, made no mention of Urzagaste. When directly asked whether Urzagaste had been involved, Albarracin indicated that he had no recollection of Urzagaste. The Bolivian Supreme Court's website may be consulted for further information:
http://www.tribunalconstitucional.gov.bo/resolucion1040.html

With regard to the three Colombian officers mentioned (Captain Dario Sierro Chapeta; Lieutenant Colonel Francisco Patino Fonseca, and Captain Luis Benavides Guancha), we have no record of any allegations regarding human rights violations. Our records indicate that Dario Sierro and Patino Fonseca attended WHINSEC in 2002, followed by Benavides Guancha in 2003. A Colombian police internal investigation into alleged corruption by the three came to light after they attended WHINSEC and were back in Colombia. The three were absolved as the charges were found to be unfounded and described as unsubstantiated allegations. The Colombian Attorney General's office has posted a short article on the case at: http://www.fiscalia.gov.co/pag/divulgainoticias2005/anticorrup/corrupNasNov17.htm.

Thank you for your inquiry.

Sincerely,

PATRICK DUDDY,
Deputy Assistant Secretary.

Mr. Chairman, every year the gentleman from Massachusetts states that participation in WHINSEC is declining as Latin American nations grow weary of our influence. However, the numbers tell a different story. In 2005, 686 students from Latin America attended WHINSEC. In 2006 that number doubled, up to 1,217. And we saw Brazil for the first time, a fact that can't be overlooked as they have begun to participate, and they are the neighbors of who else but Hugo Chavez in Venezuela.

Another important fact the gentleman eschews is that the School of the Americas closed in 1999. That school closed. WHINSEC opened a year and a half later, in 2001, totally revamped its curriculum. The mission for WHINSEC, Mr. Chairman, could not be clearer. It's threefold: to provide professional education and training to military personnel, law enforcement officials and civilians. Number two, foster cooperation among participating nations. Thirdly, to promote democratic values and, let me emphasize, respect for human rights.

Mr. Chairman, WHINSEC has consistently accomplished all of these goals, strengthening security cooperation between the United States and Latin America. In fact, the House Armed Services Committee recognized this as much as 2 weeks ago when we unanimously voted to recommend that the Department of Defense continue utilizing WHINSEC to strengthen security cooperation in the western hemisphere. The fiscal year 08 National Defense Authorization Act, which included this provision, passed this body overwhelmingly by a vote of 397–27.

Mr. Chairman, I reserve the balance of my time.

Mr. McGOVERN. Mr. Chairman, I yield myself 1 minute. The gentleman hasn't been listening to me. The State Department letter that he is quoting is essentially a whitewash. That State Department letter says that Cid Diaz, who I mentioned who is responsible for the Las Hojas massacre, never attended the WHINSEC. I just showed you right here. This is from the WHINSEC. He did. So the State Department was wrong. The State Department letter says that the Human Rights Ombudsman in Bolivia can't remember who his torturer was. I have a letter here from the Bolivian Ombudsman that says he feels he was slandered. So that letter is wrong. And I have proof that it is wrong.

And you talk about accountability. Where's the accountability? This is the first time ever that we can't track the graduates. The school doesn't want to track the graduates. They say they don't have the time. So it has been up to human rights organizations. This is what we get in return. How do we know? How does anybody know? We need to do a better job.

So you didn't listen to my statement, I would say respectfully to the gentleman from Georgia. What the State Department sent to you is wrong and I have the proof.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the amendment and I thank my colleague from Massachusetts for offering it.

By prohibiting any funding in this bill from being used for the Western Hemisphere Institute for Security Cooperation, formerly the infamous U.S. Army School of the Americas located at Fort Benning, Georgia, we can stand up for human rights, we can honor our principles and send a strong message to the world.

The School of the Americas has been associated with human rights abuses, with many of its students linked to Latin American coups and vicious death squads. In 1989, graduates from the school killed six Jesuit priests, a housekeeper and her daughter in El Salvador. And today they have a new name, but they have not changed the school's old patterns of abuse and conflict. The institute continues admitting and graduating known human rights abusers. Yes, Colonel Francisco del Cid Diaz, for example, who commanded a unit responsible for a notorious massacre of indigenous people in El Salvador in 1983, then attended the institute on our own soil as recently as 2003. And there are others just like him. It is clear that the institute continually fails not only to fully investigate the prior history of its students but also to track their activity after graduation. That is why nations like Costa Rica, Argentina and Uruguay have terminated their relationship with the institute. It is clear neither those nations nor this one have anything to gain by supporting an institution with such a marred, violent history.

One hundred sixty-seven U.S. Catholic bishops agree. They have written Congress in support of this amendment and called for the institute's closure, recognizing that many of its graduates have consistently targeted Catholic clergy and lay workers across Latin America. As a Congresswoman, a Catholic and an American, I believe every action that we take sends the whole world a clear message about our priorities and values as a Nation.

I urge my colleagues to support the McGovern amendment, make it clear we are serious about human rights and that the United States of America does not train murderers or killers and that we take the loss of human life seriously.

□ 2000

Mr. GINGREY. Mr. Chairman, I yield 4 minutes to my good friend and colleague from the great State of Georgia. The gentleman represents Fort Benning in Muscogee County, and it gives me great pleasure at this time to yield to my colleague from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend, Mr. GINGREY, for doing this and his tireless work on presenting the WHINSEC good faith that they do.

Mr. Chairman, it's a shame that every year defenders of the Western Hemisphere Institute for Security Cooperation have to fight for its very existence. But the annual efforts of my colleague, Mr. McGOVERN, and others to close this important institution at least gives us a regular opportunity to discuss the great work done at WHINSEC in a national forum.

It also gives Members of the House a chance to show their support for this educational institution that spreads American know-how and American values to our neighbors and allies throughout Latin America.

At least since the administration of Woodrow Wilson, presidents and congressional leaders of both parties have included promotion of democracy throughout our hemisphere and the rest the world as a central tenet of U.S. foreign policy. The last 20 years have witnessed significant global progress in scores of countries. From the southern tip of South America to the northern reaches of Central Europe and throughout the Pacific Rim, the oppressed have become liberated.

From the beginning of our Nation, we have belief that the right to life, liberty and the pursuit of happiness comes not from man or from law; those rights are God-given. Thus, we knows as Americans that we can't take all the credit for the growth of liberty and human rights, but we can take pride that our Nation has served for more than 100 years as the loudest voice, the greatest advocate and the fiercest defender of democracy, liberty and individual determination.

When we must, we wield the stick. We have fought and shed blood for democracy on the beaches of Normandy, the jungles of Vietnam and the deserts of Iraq.

When we can, we wield the carrot. We promote our values to foreign students and our world-leading university system by increasing development through trade agreements and through targeted foreign aid.

WHINSEC is a great example of the carrot approach. It's a positive influence through soft power. In other words, it's a positive influence through education and training.

WHINSEC is based at Fort Benning, the world's largest infantry training center, which is in my district. Fort Benning plays a huge role in training the U.S. Army, the greatest fighting force in the history of the world. Manuals currently used at WHINSEC are identical to those used to train all U.S. Army personnel. WHINSEC operates the most advanced and sophisticated military human rights training program in the world.

Comparable training is not available from any other nation or in any other American training facility. Without WHINSEC, Latin American militaries would not have any access to training in military human rights.

In the past 20 to 30 years, we have seen great transition in the Latin American countries from the chains of totalitarianism towards the freedom of democracy. We have seen democratically elected governments become more stable, we have seen progress on free trade and more open markets, and we have seen economic growth.

It's getting better, but challenges in the region remain. Fidel Castro and Hugo Chavez remain vocal adversaries to freedom in the American values.

The arc of the universe bends toward justice, and these foes of freedom will fail in time, but the United States must continue to be the lighthouse among rocky waters. We must cooperate, educate, and assist our friends and our neighbors in Latin America. We do that best by supporting WHINSEC and the crucial work that is done there.

I urge my colleagues to defeat the McGovern amendment and let freedom ring throughout the Western Hemisphere.

Mr. McGOVERN. Mr. Chairman, there seems to be a disconnect here. Let me again try to be crystal clear.

The problem is that the WHINSEC takes no responsibility for knowing anything about the human rights records of their students before they come to the U.S. or when they return home. They say the vetting process is done by the State Department, and then they say they will not, will not, do follow-up after their students return to their home countries.

How can they then claim that their training is effective? Doesn't that require some kind of follow-up or tracking of graduates? Nobody has addressed the fact that, up until just now, we would have access. There was public access to the people who went to the WHINSEC.

That's how we knew about those who violated human rights, because we had the list. This is now the response that we get from this school about the people who attend the school, not just the students, but the instructors that they bring in. Where is the transparency? Where is the accountability? What's wrong with laying a little sunshine in?

Look, our standing around the world has never been lower. I hate to tell you something, but in Latin America this is one of the most unpopular schools that exists in the United States of America. People think that this is a school responsible for training or at least turning a blind eye to human rights violators, not just from years ago but recently.

But, then again, we really can't tell you accurately and neither can you tell me accurately what the human rights records are of these people who are attending. Because it's all blacked out. I mean, this is not the way a school in the United States that trains for our military should operate.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, may I ask how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Georgia has 6½ minutes.

Mr. GINGREY. Mr. Chairman, at this time, it gives me great pleasure to yield up to 5 minutes to the distinguished chairman of the House Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, we are speaking about today and not 1983.

I have had the opportunity, since being a Member of Congress, to work in the area of professional military education. I must tell you it's important not just for American students, American leaders, American service personnel, but it's important for our friends and allies as well.

I have nothing but great respect, great respect for my friend, my colleague from Massachusetts. I know how strongly he feels in his beliefs. But I must say that we are doing the right thing by keeping this school going and going well.

We do not teach human rights abuse. This school bestows upon its students standards. It teaches them military art. It teaches them military-to-military relationships. It also instructs in the area of human rights.

I have been to Latin America several times. Three weeks ago, I travelled again to the region with Dr. GINGREY and Mr. CONAWAY, visited Colombia and Panama. There we met with President Uribe of Colombia, President Torrijos of Panama, and other senior military and political leaders. Without exception, the leaders of those countries touted the WHINSEC program in Georgia as an exceptional opportunity for their men and women in uniform to gain not only technical knowledge but a deeper understanding of human rights.

Furthermore, spending time in the United States gives them an opportunity to learn of American values, gives them the opportunity to make friends within the American military, with whom they will undoubtedly, in days and years ahead, will have the opportunity to work.

I spoke with our American commanders in the field. They reiterated what I have heard many times before. Individuals who have been trained at WHINSEC performed better on their missions in their host country than those who have not.

Our military commanders also cherished the relationships that they have built with their Latin American counterparts who participated in the program.

In addition to comprehending our military culture and its operations, the school of graduates often are promoted and rapidly rise through the ranks. They understand what it is to have American values, and they understand about human rights which are taught there. The message from everyone was simple: Please keep that school open.

Professional military education is so important, but it's also extremely important to allow our neighbors, our friends to the south. We can't forget them to participate in the professional military education of our country.

Mr. McGOVERN. Mr. Chairman, let me again make a point here that is that last year when we were debating this same issue, an Army officer trained at the School of the Americas murdered a DEA-trained anti-narcotics unit in Colombia. This is still happening every day.

We were told a little while ago that everything, we are referring to the distant past. Well, again, I mentioned the Bolivian ombudsman, Mr. Albarracin, who was tortured in Bolivia in 1997, and his torturer, Major Urzagaste, went to WHINSEC in 2002.

Again, I am going to keep on saying this. I don't have a problem with training foreign militaries. What I have a problem with is this: the secrecy, the lack of accountability, the lack of transparency.

I am going to tell you something. We are going to find out, sooner or later, who some of these people are; and we are going to find out that they are responsible for atrocities. I gave them an example of somebody who was admitted to the school after he had been accused of torture.

I mean, where is the vetting process? We need to do much better.

Mr. Chairman, I yield 2 minutes to the distinguished chairwoman of the subcommittee, Mrs. LOWEY.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment. For years, many Members of Congress and activists, including the Maryknoll nuns based in my congressional district, fought to shut down the School of the Americas. The school's very existence was undermining United States efforts to promote civilian control of the military and respect for human rights in Latin America.

So the Army closed the school of the Americas and reopened it a few weeks later with a new name, WHINSEC. Past questions about the School of the Americas has still not been resolved, giving us no basis on which to build a better, more credible, effective program at WHINSEC. We need to shine the light on the past of the School of the Americas in order to put WHINSEC on track to be a beacon of light for the militaries of Latin America.

I urge my colleagues to support this amendment.

Mr. GINGREY. Mr. Chairman, how much additional time do I have?

The Acting CHAIRMAN. The gentleman from Georgia has 3 minutes remaining.

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from southwest Georgia (Mr. BISHOP), who also represents Muscogee County, Columbus and Fort Benning.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I represent Fort Benning; and I represent the WHINSEC, the Western Hemisphere Institute for Security Cooperation. This is a fine institution. It's designed and it is functioning, created just in 2001 in response to the critique that you have heard today over and over again to promote professional education and training to eligible nations in the Western Hemisphere in democratic principles that are set forth in the charter of the Organization of American States.

You have heard all of this critique, but if you look at the bill itself that we are debating tonight, on page 65, language is put in here specifically to address these concerns. It says, "That the Secretary of State shall submit to the Committee on Appropriations, no later than 60 days after enactment of this Act, a report addressing how the Western Hemisphere Institute for Security Cooperation IMET program for fiscal year 2008 contributes to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces."

Mr. GINGREY. Mr. Chairman, I ask unanimous consent for an additional minute on our side and the proponents' side so the gentleman can conclude his thoughts and we can have our last speaker.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BISHOP of GEORGIA. The points that have been made and the critiques that have been made can all be addressed by the legislation written by the subcommittee, by the full committee in the bill and hopefully will be adopted by the House tonight.

☐ 2015

And so I would urge the defeat of this amendment. I think that we need to proceed. We need to continue promoting democracy in our own neighborhood in the Western Hemisphere, and I think that the Western Hemisphere Institute for Security Cooperation does just that, and I'd like for us to keep it and defeat this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself 30 seconds.

I don't want any more reports. What I want is accountability. I want to know whose going there. I want to know what happens to them when they go back to their country. I want to know their backgrounds before they go to the school.

You know, we knew, we found out that 19 of the 26 trigger men who murdered in cold blood six Jesuit priests in El Salvador were graduates of the school because we had access to the names. We don't have access to the names anymore. And no report is going to give us access to the names.

We want transparency. We want accountability. There are problems here. We need to address them. That's our job.

Mr. GINGREY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I want to thank the gentleman for allowing me to speak in opposition to this amendment.

There are anecdotes for folks who have gone through this school at various stages over the last 50 years or 40 years, who have turned bad and been bad people. But there are hundreds, literally thousands, of men and women who've been trained at these schools, have gone back to their country of origin and taken with them the values that they get here, the respect for civilian authority. The human rights training that's gone on since the WHINSEC was reformulated, that is invaluable.

I've been to Colombia and Panama recently with my good colleagues, Chairman SKELTON and Dr. GINGREY and listened to the firsthand reports from the men and women who serve in our military who tell us that the men and women who are trained in this school come back to those countries better prepared to lead their country down a path that we would respect and we would want them to lead.

So I respectfully ask my colleagues to vote against this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself 30 seconds.

I have great regard for the gentleman from Texas. But my question is, how do you know? Do you track all these people individually? Can you tell me that all these people whose names have been crossed out are pure, that they are following a code of human rights; that they're not guilty of atrocities against their people?

That's the point here. I'm not arguing against the U.S. being involved in training programs. What I'm saying is that there's something fundamentally wrong with a training program where everything is secret; where we're told everybody is great, but yet we can't have access to track down the people who go to that school. We need to change that.

Mr. GINGREY. Mr. Chairman, what is truly disingenuous is that nobody here tonight speaking against WHINSEC, to my knowledge, has ever taken the time to visit the school.

The gentleman, the author of the amendment, my good friend, talked about transparency. It's not because folks have not been invited. WHINSEC is so proud of its operation and record on human rights that it maintains an open-door policy. And Mr. Chairman, that would be true even for the School of the Americas Watch Group. They are welcome at any time to come in and look and talk to Colonel Perez, the director of the school, and look at the curriculum. Any Member of this body can show up unannounced to see for themselves what's being taught at WHINSEC.

Those of us who've taken the time to visit understand the critical importance of engaging the leaders and the law enforcement personnel of our closest neighbors while spreading democracy and respect for human rights. We understand that unlike its predecessor, the School of the Americas, WHINSEC has a substantial human rights component that goes well beyond the training required by law.

In fact, at a recent HASC hearing, Admiral Stavridis, the Commander of Southern Command, referred to WHINSEC as the military's crown jewel for human rights training.

Mr. Chairman, as we've made clear, those who advocate cutting funding for WHINSEC do so in the absence of fact. WHINSEC has a spotless human rights record and a tremendous record of success in the Western Hemisphere.

I urge all my colleagues, please vote "no" on the McGovern amendment.

Mr. McGOVERN. Mr. Chairman, I'm not interested in going to visit a school and having hors d'oeuvres and a cocktail.

I'm interested in who goes to the school. That's what I'm interested in. I want to follow-up who goes to the school, who's admitted to the school. And we used to be able to have access to that information. And even though the school didn't track the graduates, human rights organizations did. We are now being denied access. I mean, where's the transparency? You all talk about all the great graduates of this school. How do you know when you get this in return? This is not an open, transparent process.

Furthermore, more and more countries in Latin America are saying we don't want to have anything to do with this school. Uruguay, Bolivia, Argentina, Costa Rica have all pulled out of the school. They don't want to have anything more to do with WHINSEC.

Mr. Chairman, we've heard a great deal today that without the WHINSEC the U.S. would not be engaged in Latin America. Well, with all due respect, the U.S. trains 15,000 or more Latin American military officers and troops each and every year, less than 1,000 of them at the WHINSEC. We are very engaged in Latin American militaries, and none of these other programs carry the negative baggage that the WHINSEC does.

We have heard that WHINSEC has trained the future leaders of Latin America. But, again, with all due respect, one of Latin America's problems has been that too many of its national leaders were from the military. We should be spending our time and our efforts on strengthening civilian and democratic institutions.

We have heard assertions that that the WHINSEC is transparent and promotes democratic values. But WHINSEC's own actions show those claims to be a lie. What else do you need to see? I mean, what else do you need to see?

Now, I suggest that instead of WHINSEC, we should support the model of Argentina. After separating from the WHINSEC last year, Argentina just opened a new military school where civilian, legal and human rights experts will teach every single military officer about the role of the military in a modern democratic state.

Mr. Chair, America's reputation with the people of Latin America is at the lowest level ever. Cutting the funding for the WHINSEC will send a powerful message to the people of Latin America who, hopefully, will be the real future leaders of their nations, that the U.S. Congress finally gets it.

Mr. Chairman, I would like to just close with a few personal remarks. When I was working for our dear friend and former colleague, Congressman Joe Moakley, six Jesuit priests, their housekeeper, and her 16-year old daughter were murdered in cold blood at the University of Central America in San Salvador.

It made me sick to my stomach when I learned that 19 of the 26 soldiers who murdered these priests are graduates of the School of the Americas. These priests were my friends, and I knew them. And over the years, we have raised concerns first about the School of the Americas and then its successor, the WHINSEC.

We have asked for transparency. We have called for accountability. We have asked for specific follow-up with the graduates.

Let me be perfectly clear. There's a reason why WHINSEC does not share information on its graduates and its teachers. They don't want us to do the follow-up. They don't want us to point out what they should be doing.

Passage of this amendment will send a strong signal to Latin America that we do care about human rights. But it will also send a signal to our own military that business as usual is not acceptable.

Vote "yes" on the McGovern-Lewis amendment.

LA PAZ, BOLIVIA, *June 18, 2007*.

DEAR HONORABLE JAMES MCGOVERN: I am writing to you in regards to the participation of police Captain Filmann Urzagaste Rodríguez in human rights violations in Bolivia, specifically in relation to his involvement in my kidnapping, detention and torture.

The events took place in January of 1997, while I held the presidential seat of the Permanent Assembly for Human Rights of Bolivia (the country's largest non governmental human rights organization). On the morning of January 25th of the aforementioned year I left my residence and hailed a taxi in direction to the University. After traveling approximately 300 meters, the taxi was intercepted by two other vehicles from which a group of men dressed in civilian clothing forced me out of the taxi and dragged me into one of the vehicles. I did not have enough time to count the number of people but I estimate the number to be between 8 to 10 men. Once in the vehicle they proceeded to cover my eyes and forced me to lie face down on the floor of the backseat. The vehicle then drove to the outside of the city, I was able to notice the difference as I felt the dust from the road hitting my face. With the vehicle in motion I was subjected to torture by my kidnappers. I could not see their faces and was unable to identify them. By their actions I concluded that the objective was to physically eliminate me or make me disappear. Nonetheless, during the terrorist operative I noticed a sudden change; I could hear an intensive exchange of communications taking place between the men in the vehicle and another source through hand held transmitters or walkie-talkies. The vehicle made a sharp turn and seemed to head in a direction back towards the city. After approximately two hours I was placed in a closed room, surrounded by silence. After noticing that I couldn't hear anybody breathing close to me I removed the blindfolds and realized that I was in a police holding cell, thus concluding who had carried out the operation, there was no doubt that the police were responsible.

Sometime during the night I was taken from the cell and moved to a police administered clinic due to the lesions on my body (I could feel a few broken ribs and I was unable to move my body). Until that point, neither my family nor the other members of the Human Rights Assembly were aware of my whereabouts, but thanks to one of the doctors, whose identity I guard to this day, who was kind enough to contact them over phone on my behalf. Thanks to this information, a lot of people were informed of my whereabouts within the hour.

Under international pressure and public scrutiny, the then President of the Republic, Gonzalo Sanchez de Lozada, fired the Police Chief. Nonetheless, the government protected the identities of the authors of my kidnapping due to the involvement of Minister Carlos Sanchez Berzain. This is why those responsible have not been brought to justice.

The then Captain of the Bolivian Police, Filmann Urzagaste Rodríguez, played a role in the events. This information was obtained through the Bolivian police force, given that at the time the event became public, high commanding police officers began accusing one another. Unfortunately the officer [i.e.

Urzagaste] and others benefited by the impunity provided by the powers of the political sphere.

This is what I can inform in summary of this particular case.

In my condition as the current Defender of the People of Bolivia [i.e. Ombudsman] and a human rights activist I consider that the work your office has been carrying out to obtain the definitive closing of the institution formerly known as the "School of the Americas" to be of great importance. Said entity is marked by a sad and shameful history in our continent, it was there that the main protagonists and authors of some of the worst crimes against humanity executed in Latin America received instruction. I send you my support and express my unconditional solidarity in hopes that the legislative authorities of the United Status attend to your request.

Sincerely,

WALDO ALBARRACIN SÁNCHEZ,
Defender of the People of Bolivia.

Last Name	2nd Last Name	First Name	Rank	Country	Course
Acevedo	De Arbaiza	Marta	1LT	El Salvador	LDR–4–2
Aleman	Molina	Eduardo	1LT	El Salvador	LDR–4–2
Bolanos	Silva	Luis	1LT	Colombia	LDR–1
Del Cid	Diaz	Francisco	COL	El Salvador	LDR–4–2
Erazo	Ojeda	Sebastian	1LT	Chile	NPME–8–3
Gomez	Dominguez	Fernando	1LT	Chile	DEV–2–6
Ramirez	Donoso	Jose	MSG	Chile	DEV–2–6
Rapiman	Cayul	Oscar	MSG	Chile	NPME–8–3
Toval	Plazas	Javier	1LT	Colombia	LDR–1–2
Acevedo	Mujica	Sebastian	MAJ	Paraguay	CMS–6
Acosta	Lara	Delis	SSG	Venezuela	NPME–8–2
Acosta	Piantini	Catalino	LTC	Dom Rep	CMS–1–2
Acosta	Nunez	Angel	CDT	El Salvador	LDR–4–2
Acosta	Mesa	Fabian	2LT	Colombia	TAC–6–2
Aduvini	Antezana	Jose	MSG	Bolivia	OJT
Aduvini	Antezana	Jose	MSG	Bolivia	DEV–2–3
Aduvini	Antezana	Jose	MSG	Bolivia	NPME–8–2
Aguero	Alder	Pastor	MAJ	Paraguay	CMS–7
Aguerre	Gutierrez	Jorge	PV2	Colombia	TAC–8–2
Aguilar	Rojas	Martin	SSG	Panama	TAC–6–2
Aguilar	S.	Patricio	CPT	Ecuador	TAC–2
Aguilar	Valverde	Juan	CPT	Costa Rica	DEV–2–4
Aguilar	Manzano	Eduardo	PFC	Chile	DEV–2–6
Aguilera	Argueta	Ronald	CDT	El Salvador	LDR–4–2
Aguilera	Miranda	Pablo	PFC	Chile	DEV–2–6
Aguirre	Stoaminga	Edgar	SPC	Ecuador	TAC–6–2
Alarcon	Mirand	Pablo	SGT	Chile	NPME–8–2
Alarcon	Bustos	Jose	PFC	Chile	NPME–8
Alas	Luquez	Hector	MAJ	El Salvador	OPME–5
Albarracin		Antonio	SGT	Colombia	NPME–8–2
Alcantara	Silva	Pablo	CPT	Mexico	CMS–6
Aleman	Sanchez	Llery	2LT	Honduras	LDR–4
Alfonso	Forero	Javier	CDT	Colombia	LDR–1–2
Aliaga	Llantoy	Henrry	SSG	Peru	NPME–8–3
Almeida		Jaime	LTC	Ecuador	CMS–5–6
Altamirano		Gabriel	SGT	Ecuador	TAC–6–2
Alturo	Quintero	Alexadner	SGT	Colombia	NPME–8–2
Alverez	Buitrago	German	1LT	Colombia	CMS–5–8
Alvarez	Ochoa	Javier	MAJ	Colombia	OPME–5
Alvarez	Vejar	Jorge	SGT	Chile	NPME–8–2
Alvarez		Pablo	SGT	Uruguay	TAC–7
Alvarez	Palacio	Rodrigo	2LT	Honduras	LDR–4
Amarista		Victor	SFC	Venezuela	NPME–8–2
Amaya	Gomez	Jose	CDT	El Salvador	LDR–4–2

Mr. Chairman, I yield back my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I yield 1 minute to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. With great respect to the Representative from Massachusetts, I'd be remiss not to say the following:

I have seen in 31 years in our military, us be resisted throughout this world for the power of our economy and the power of our military. But I've watched us be admired for the power of our ideals. And the story I'm about to tell I saw many times over.

In command of a small ship, I pulled into a country. A young officer got underway with us. As we pulled back in, after an overnight, he said Captain, you treat your men, enlisted men, different than we do. I said, what do you mean? He said, you treat them as though they're equal to you. I said, they say yes, sir or no, sir. He said, no, you treat them as though they're equal human beings. We don't.

My only comment is, I have seen that so many times, that that picture of a GI with the candy bar is true. We do make mistakes.

But I truly ask, don't close this school. Improve it. It has made mistakes. It is needed for engagement of a good men and women in a good military to show the ideals of our country.

Mr. WOLF. Reclaiming my time, if I may, Mr. Chairman. I'd like to just yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, once you sift through the mountain of misinformation presented on the floor tonight, it's clear that those who advocate cutting funding from WHINSEC do so, as I say, in the absence of fact. WHINSEC is not the School of the Americas. WHINSEC has a spotless human rights record and is exceeding in helping the United States develop critical relationships with our closer neighbors.

Mr. Chairman, in fact, it is time to let the School of the Americas go, and to give WHINSEC a chance.

And so I urge all my colleagues to vote "no."

Mr. WOLF. Mr. Chair, I yield back the balance of my time.

Mrs. LOWEY. I move to strike the last word, and I'm pleased to yield to my colleague, Mr. MCGOVERN.

Mr. MCGOVERN. Let me say to the gentleman from Georgia, their record isn't spotless. We presented five cases last year. I mean, maybe you weren't listening to the debate, but we did. And the problem with this year is this is what the WHINSEC gave us, so we can't follow up.

And to the gentleman from Pennsylvania, who I have great respect for, you know, I'm not against military training. And yeah, we need to do better. My amendment, by the way, doesn't cut off all funding for the WHINSEC. Most of that money is in the Defense bill. It only cuts off the money that is under the jurisdiction of this bill.

And yes, it does need to be improved. I don't know how anybody can vote against this amendment in light of the fact that this is their, WHINSEC's, example of transparency. How do we follow up on the graduates? How can we follow up on whether the people that are going there are human rights abusers when we get this in return?

Even under the infamous School of the Americas, we were given the names. That's how I found out that 19 of the 22 trigger men who murdered the Jesuit priests were graduates of the School of Americas. If I got this I never would have known that. This is what they have given us.

Now, this is not transparency. This is not accountability. You want that school to do better, we need to send a message on the floor of the House today that we're not satisfied with business as usual, and the way to do that is vote for the McGovern amendment.

I urge all my colleagues to vote for the McGovern-Lewis amendment. Let's take a stand for human rights. If this country stands for anything, it needs to stand out loud and four square for human rights, and this is one way to prove it. Vote for this amendment.

Ms. LEE. Mr. Chairman, I rise in strong support of the McGovern-Lewis amendment.

This important amendment will prohibit funding to the infamous Western Hemisphere Institute for Security Cooperation (WHINSEC) formerly known as the School of the Americas.

We all know the history of this Institute that has long been associated with human rights abuses and many of its students have been tied to death squads and international coups.

Despite assurances to the contrary by supporters of the WHINSEC, the continuing legacy of blood and terror by these graduates calls into question how these candidates are recruited and vetted.

Mr. Chairman, at a time when our occupation of Iraq has greatly damaged our credibility and standing in the world, the last thing we need to be doing is funding an organization like WHINSEC that is drenched in a legacy of secrecy, terror, and violence.

I urge my colleagues to support the McGovern-Lewis amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the McGovern-Lewis amendment. It is time to close the School of the Americas, or WHINSEC. After so many decades of human rights abuses and threats to democracy, the U.S. should not be giving a privileged position to Latin American militaries by maintaining a special school in the United States just for them. Nearly every month in Latin America, a perpetrator of human rights crimes, corruption, or drug-trafficking is found to have attended the School of the Americas. There's a reason that the SOA has been called the "School of the Atrocities."

WHINSEC, as well as current U.S. foreign policies, are making the United States lose ground with the people of Latin America. Our relations with Latin America are at their lowest ebb in several decades. The Abu Ghraib scandal, the doctrine of preemptive war, secret prisons and the debate over detentions in Guantanamo Bay are reported widely and critically in Latin American media. I have traveled to Latin America and seen for myself that the WHINSEC, as the direct heir of the School of the Americas, is viewed throughout Latin America as a symbol of the U.S. priority of strengthening brutal military regimes instead of encouraging development.

Suspending part of the aid to the WHINSEC would show that the United States wants to avoid repeating the mistakes of the past. Such a move would be a significant and positive step forward in repairing our damaged image and credibility. It would also be a blow to those who have strengthened themselves politically by accusing the United States of hypocrisy on human rights and democracy. A more cooperative, less unilateral foreign policy, including the suspension of funding for WHINSEC, will clearly demonstrate our respect for international human rights standards and would help the United States regain influence and build connections in Latin America.

The United States should work with Latin American nations on common solutions to common problems, and our programs should invest in helping Latin American communities help themselves. Instead of providing funds to train human rights abusers, we should provide assistance for clean water, vaccinations for children, micro-credit, technical assistance for small farmers and small business, shelter for refugees and generous disaster relief to build goodwill with our neighbors.

Just last month Nobel Peace Prize Recipient Oscar Arias, President of Costa Rica, announced that Costa Rica would no longer send its police to the WHINSEC for training. We should join Costa Rica (and other Latin American countries who have withdrawn their police from training at WHINSEC) in changing course by withdrawing funding from this criminal training ground.

Mr. MCGOVERN. Mr. Chairman, I rise today in support of the amendment to close down the Western Hemisphere Institute for Security Cooperation. It is time to stop and examine our history so that we can avoid repeating the mistakes of the past. Our relations with our neighbors in Latin America are at their lowest ebb ever. The people of Latin America think the U.S. is more concerned with achieving goals through military means no matter the consequences. They think the U.S. is not concerned with human and democratic rights in Latin America. We need to start winning over the citizens of our planet and show them our desire to bring human rights to everyone.

The time has come for our country to cease our support of this Institution, to put down the swords, and instead show our neighbors in Latin America that our actions adhere to our preaching. U.S. assistance has been increasingly weighted towards harsh and ineffective counter-narcotics and military aid.

After so many decades of human rights abuses and threats to democracy, why is the U.S. Government still giving so privileged a position to Latin American militaries, such that it maintains a special school in the United States just for them? Our neighbors need assistance for clean water, vaccinations for children, micro-credit, technical assistance for small farmers and small business, shelter for refugees and generous disaster relief builds good will with our neighbors.

If we end this Institute once and for all, we will show that the priorities of the United States are with democratic and civil institutions. A more cooperative, less unilateral foreign policy that clearly demonstrates respect for international human rights standards would help the United States regain influence around the world.

It is time to sow the seeds of peace; we must stop sowing the seeds of war. As a great Nation and blessed people, we must heed the words of the spiritual—"I am going to lay my burden down, down by the riverside. I ain't gonna study war no more." We do not need this school. My colleagues, I urge you to vote in favor of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. ROS-LEHTINEN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of State as a contribution for the United Nations Human Rights Council.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007 the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I want to begin by thanking the gentlelady from New York, the chair of the subcommittee, Ms. LOWEY, and my dear friend from Virginia, Mr. WOLF, for agreeing to accept this amendment and for their support and their leadership on this and other human rights issues.

I also want to recognize my good friends, my esteemed colleagues who joined me in offering this amendment: Mr. ROHRABACHER, Mr. STEARNS, Mr. MCCAUL, and Judge POE.

This amendment makes clear that the United States will not spend millions of U.S. taxpayer dollars to support the travesty of the U.N. Human Rights Council, more appropriately named the Human Wrongs Council. It does not cut off U.S. contributions to the U.N. regular budget, but actually prohibits them from being used to support the Council in any way.

Two days ago the so-called U.N. Human Rights Council celebrated its first birthday by giving gifts to repressive dictators and Islamic radicals, by halting unfinished investigations into human rights conditions in Cuba and Belarus, and creating a permanent agenda item relating to Israel.

The actions against Israel took place as news reports documented the horrific actions by Hamas against innocent Palestinians, including those in Gaza clamoring to enter Israel. The Council has been fatally flawed from its inception in the year 2006, and has proven even more problematic than the already discredited U.N. Human Rights Commission that it was designated to replace.

□ 2030

Instead of becoming part of the solution, Mr. Chairman, the United Nations

Human Rights Council continues to perpetuate intolerance, serving as a forum for hateful attacks against Israel by some of the worst violators of human rights.

To cite just one of many examples, the Iranian representative to the Human Rights Council stated on December 12 of last year: "There is an Israeli holocaust against Palestinian people here on a daily basis for more than 60 years, which was already noted by three special sessions." This is a human rights activist?

In contrast, the Council has failed to condemn the genocide in Darfur, has failed to condemn the sprawling gulag in North Korea, has failed to condemn the political and human rights daily abuses in China and the bloody repression in Burma and Zimbabwe.

Simply put, the U.N. Human Rights Council is a failure. We were right to refuse to dignify this poisonous talk-shop with our membership, and we must refuse to support it with our tax dollars.

Mr. Chairman, I am pleased to yield the balance of my time to my colleague from Florida (Mr. STEARNS), who has taken for many years a leadership substance on this issue.

Mr. STEARNS. Mr. Chairman, let me thank my distinguished colleague for yielding.

And I think her comment about the "human wrong commission" is appropriate, and I think that is a very apt way to explain it. When you talk about all the work they did, and she mentioned Darfur, that the Human Rights Council of the U.N. was unable to even pass a simple resolution dealing with it, that is unbelievable.

But where did they spend most of their time? That is a good question we could ask. Do you know where they spent most of their time? Condemning Israel. The Council's sole country-specific resolution censured Israel and adopted a decision to discuss human rights violations committed by Israel in the Palestinian territories permanently and in all the Council's meetings. Every Council meeting would discuss Israel's alleged abuses against Palestinians, without mentioning Palestinian provocations or their aggression. It is just unbelievable. In fact, the Council adopted a resolution that strongly condemned Israel for "violations of human rights and breaches of international humanitarian law in Lebanon." In Lebanon, without reference to provocations by Hezbollah. Talk about a "human wrong commission." This is it.

So I am so gratified that this amendment has been accepted. I have a bill, H.R. 225, that outlines this amendment. I had an amendment last year on this subject in this appropriations process. We got 163 votes. But we lost. And I think a lot of people said, well, the U.N. is starting reforms in house. Let's give it a chance with its Human Rights Council. So we said, okay, we'll give it a chance. But, by all assessment it failed. In fact, the words of Peggy Hicks, the global advocacy director of Human Rights Watch, sums it up when she said: "The new Human Rights Council must be more than the dysfunctional old commission by another name."

So from that, to the comment of the Miami Herald when they wrote, "Why should these wolves guard the hen house?"

I ask that we pass this amendment, and I thank my colleagues.

Take the so-called reforms to the membership of the council. The original proposal by the former Secretary General Annan (AH-NON) was to reduce membership to enable the council to be smaller and more agile in acting against human rights offenses. Indeed, the UN did reduce the number of members—from 53 down to 47. These 47 UN members are elected to three-year terms on the UNHRC. The new geographic quota system ensures a majority of membership slots for the world's least democratic regions. The African and Asian regional groups control a 55% majority—even more than they did on the former commission. Governments that routinely violate fundamental freedoms in their own countries shouldn't be setting the standards for anyone else.

Under the new council, a country can be suspended from council membership due to continuing human rights abuses only if two-thirds of the members of the General Assembly agree to do so. That is the only protection against human rights abusers being elected to the council. However, in practice this provision is useless. Less than half of the General Assembly agreed that Sudan is guilty of any human rights violations. If the General Assembly cannot agree on such a blatantly clear cut case of human rights abuse, how can we expect them to agree on suspending membership of countries that are human rights? The answer is, we can't. Known abusers like Russia, China, Azerbaijan, Cuba, and Algeria were all elected members this last session.

Finally, let us look at their actions. Under a General Assembly resolution, the Council has responsibility for "promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner" and it must "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon." There have been several opportunities for the Council to act with numerous cases of human rights abuses around the world. In Darfur, there are 2.5 million people displaced by the violence, 385,000 people in immediate risk of starvation, and over two million dead in the 22 years of violence. But the Human Rights Council was unable to pass a resolution on Darfur. Neither did it act regarding the lack of civil and political rights across China, the 13 million women in Saudi Arabia who live in fear of beatings if they go anywhere alone, or the dire human-rights conditions of 23 million people in North Korea. It also failed to address the Iranian President's incitement to genocide or the fact that his country's legal system includes crucifixion, stoning and amputation as viable punishments.

Ambassador Bolton stated at the creation of the new council, "We want a butterfly. We're not going to put lipstick on a caterpillar and declare it a success." As a result, the Administration announced that it would not seek a seat on the council in 2006 but would continue financial support, and may seek membership in 2007 if the Council proves effective.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

I agree with the intention of the amendment and thank my friend for raising this very important issue.

I want to reiterate my support for the United Nations. I strongly believe in the mission of the United Nations. That plays an indispensable role in the world today. In fact, it has often been said that if the United Nations did not already exist, we would surely need to invent it.

The U.N. plays an important role in maintaining international peace and security, promoting economic and social development, alleviating hunger, championing human rights, and supporting efforts to address humanitarian crises.

However, the U.N. is by no means perfect. It is often too slow to act in times of crisis, and too often the U.N. is a reflection of the lowest common denominator, rather than the best and the brightest.

A perfect example of the problems with the U.N. is the Human Rights Council. My friend and I agree that there are problems, and I want to assure my friend that as we move toward conference that we will ensure that none of the funds in the CIO account will go toward paying the costs of the United Nations Human Rights Council.

And, again, I thank my friend.

Mr. Chairman, I am very pleased to yield to my friend (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I want to particularly thank our subcommittee chairman, NITA LOWEY. I think she has done a remarkable job throughout the day and during her entire service in the United States Congress.

And to my good friend ILEANA ROS-LEHTINEN, I want to thank her for her leadership on this issue.

Mr. Chairman, the time has come to put an end to the shenanigans at the United Nations. While murderous and dictatorial regimes in North Korea, Zimbabwe, and Sudan have starved and burned and raped and killed hundreds of thousands of their own countrymen, the United Nations Human Rights Council focuses its attention on the only democratic country in the Middle East: Israel. Israel, with a free press, a country with free elections, a vibrant economy, and an open society; a nation that has to defend itself from terrorists and terrorism, terrorists who would wipe it from the face of the Earth if they had half a chance. Now that is a human rights issue worth looking into.

Mr. Chairman, the United Nations' Orwellian hypocrisy on human rights is so well known it has become a cliche. This body must take a stand against this mockery of a Human Rights Council. Let us cut off funding for this shameful and outrageous organization.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POE:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to provide an immigrant or nonimmigrant visa to a national or citizen of a country with which the United States maintains diplomatic relations and the central government of which has notified the Secretary of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, as a former prosecutor and felony court judge in Texas, I tried a lot of cases where the victims of homicide were peace officers. Like any victim, these officers came from all ages and all races. The murder of a peace officer is one of the most serious crimes that can occur in any community.

Unlike other victims, Mr. Chairman, peace officers carry the daily burden of protecting their communities from crime, everything from petty theft to the most violent and vicious of crimes. Every day these defenders of our cities put their lives on the line. They have asked to be in harm's way, and then when one is killed in the line of duty, their loss is deeply felt by the entire community.

There are cases, however, when peace officers are killed and their killers happen to be immigrants from foreign countries, some legal immigrants, some illegal. And there are many cases where the home countries of these immigrants refuse to send them back to the United States to face their charges once they are requested to be extradited to the United States from their home country.

In 2002, a Los Angeles County sheriff was murdered by a Mexican citizen who was illegally in the country. However, the Mexican government refused for 5 years to extradite him to the United States to stand trial, and it only occurred this January when the charge was reduced.

The same occurred in Denver in 2005 when a police officer by the name of Donnie Young was murdered, and only after the charges were reduced was the killer extradited back to this country.

Killing police officers seems to also be a popular pastime for a few immigrants in Texas. In my hometown, a Houston police officer by the name of Rodney Johnson was shot four times and killed by an illegal immigrant in September of 2006. In fact, the last three law enforcement officers shot in Harris County, Texas, were shot by people who were illegally here in the United States.

Fortunately, each of these killers were captured before they fled to their home country, and they will have their day in court. But what about the ones that don't get caught and flee to some other country? This problem is only increasing in States that border Mexico, where travel across the border is easy; and now violent drug cartels rule the area and certainly have no qualms about shooting at American peace officer.

So this country should not be spending money toward admitting immigrants to the United States from any country that refuses to allow the United States to try police killers by harboring those killers in their country.

I ask my fellow Members of Congress to join me, along with the Fraternal Order of Police that has endorsed this amendment, to support limiting funds in this bill to be used for issuing visas to nationals or citizens of countries that have notified our State Department of their refusal to extradite to the United States an individual indicted for killing a peace officer in this country. We owe this to our peace officers and their families.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I rise to express reservations regarding the gentleman's amendment.

I do share his deep concern over the refusal of certain countries to extradite to the United States any individual indicted in the United States for killing a law enforcement officer. I certainly do not condone the refusal of those governments to extradite those accused of murdering a law enforcement officer in order to allow the families of fallen law enforcement officers to see the person or persons involved face justice.

However, the remedy that the gentleman is proposing is not targeted at the central government but at all persons from those countries applying for a visa. I just have some reservations about punishing the people of a country because their government is doing something objectionable that goes against the way we would like to be seen in the world.

But I am prepared to accept the amendment and bring this matter to conference.

Mr. POE. Mr. Chairman, reclaiming my time, I understand the chairman's concerns about this amendment, but it will be an effort to, of course, get those people back in the United States who are charged with the specific crime of killing a peace officer.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I know it has been accepted, but this is an important amendment. My father was a policeman for 20 years in the city of Philadelphia.

If a country isn't prepared to send somebody back, then we ought to do what the gentleman from Texas said. We ought to deny them the visa. And I will push for this when we get to conference. I think this is a good amendment.

We just can't go to all these meetings and say we love our police officers and we honor them and then all of a sudden we walk away from them. The gentleman is exactly right. Let's pass this. I appreciate its being accepted. But I think we ought to pass it because they think we are a patsy.

We also had a young man in my district who was run over and killed around Christmastime. And the guy left and went back to El Salvador, and that family hurts, are in pain every day, and they can't get this guy back. So I think if there is any deficiency in it, it probably ought to cover every felon but at least peace officers.

So it is a good amendment, and it has been accepted. But, frankly, I think we should have asked for a roll call vote to get every Member on record for it. But since it has been accepted, let's keep it in the bill.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUNT:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used for the International Seabed Authority or the Enterprise of the International Seabed Authority.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June, 20, 2007, the gentleman from Missouri (Mr. BLUNT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, nearly 25 years ago, President Ronald Reagan was given the option of signing what was at that time a little-known international treaty promising to bring the world's countries together to seamlessly and equitably manage the vast expanses of ocean covering the Earth.

That accord, all 17 parts, 320 articles, and 9 annexes of it, was known the United Nations Convention on the Law of the Sea. It was presented to the President as a key national security imperative, an important economic opportunity, and a powerful message of cooperation and trust to send to our current and future friends around the globe.

Mr. Chairman, it didn't take President Reagan more than a few days to separate the rhetoric from the reality. He rightly interpreted the Law of the Sea Treaty, LOST, as a direct affront to American sovereignty and envisioned, presciently, as it turned out, that it might some day be used as a tool by foreign governments to exercise direct authority over American interests, activities, and industries.

□ 2045

President Reagan not only refused to sign the treaty, he fired the staffers that were responsible for negotiating it in the first place.

More than a generation later, there is talk in the U.S. Senate that they may dust off this stale treaty once again and bring it to a vote. Before it does, I believe this House has an obligation to take a close look at one element of this accord, which will impact the way American companies invest in new technology, it will impede their ability to produce new energy, and has long-range implications.

Mr. Chairman, the amendment I have at the desk tonight will ensure that none of the funds spent in the State and Foreign Operations budget are used to support what's called the International Seabed Authority. It's a semi-autonomous, unelected body of the United Nations with authority to directly levy taxes and fines against American operators with or without their approval. Worse still, it would have the power to force a direct transfer of minerals and technology rights from the American companies that develop them to any competitor it sees fit.

The Treaty's collision course with autonomous American Government is obvious. Mr. Chairman; the Seabed Authority is not only an obvious and very direct example of a U.N. effort to raise revenue without the input of the United States Government, but the Authority would also disincentivize private investment in offshore energy exploration which, in our current energy climate, is something this Congress should be working to avoid at all costs.

We need all the energy we can get, whenever and wherever we find it. Submitting ourselves to an unelected, unaccountable, international ocean bureaucracy when it comes to distributing what American companies rightly explore doesn't strike me as the thing to do 25 years ago or today.

Tonight, Mr. Chairman, I've come to the floor to ask my colleagues to consider the implications of ceding unprecedented authority to an agency of the U.N. without proper oversight, without legitimate safeguards, and without a whole lot of concern about the economic and security well-being of the United States.

I urge adoption of this amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I rise to accept the amendment, and I thank you.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUNT. I thank the gentlelady for accepting, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. BLUNT).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $2,956,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Ohio (Mr. JORDAN) and the gentlewoman from New York (Mrs. LOWEY) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Thank you, Mr. Chairman.

Mr. Chairman, Members of the House, I don't pretend to know exactly how the billions of dollars in the Foreign Operations bill should be exactly split up and allocated, that's the work of the committee. And I appreciate the work of the Chair, the ranking member and those Members of the Congress who are part of that important committee.

What I do understand is this: Government spends too much money. In fact, if you would talk to the American people, go out and poll the American people, talk to the families across this country and ask the simple question, does government spend too little or does government spend too much, is government too small or is government too big, does government take too much of your money in taxes, my guess is the vast majority of Americans across this country would say government is too big, takes way too much of my money and spends way too much.

This amendment simply says this: We're not going to cut anything. We're just going to say it's appropriate for government to live on last year's level, just like all kinds of individuals, all kinds of families, all kinds of businesses across this country have to do.

Specifically it would do this: It would reduce the total appropriations in the bill by $2.9 billion, taking it right back, keeping it right where it is at last year's spending level, while providing discretion for the administration to avoid any reductions in funding for the State of Israel. In simple terms it says this: We understand that special bond that the United States has with the State of Israel, and we're going to protect that; but we also understand government spends too much money, and it's appropriate that we say enough is enough, we have to hold the line on spending.

And here's why it's critical: There is a financial crisis around the corner waiting for the United States, the people of this great country. Read Pete Peterson's book, "Running on Empty," talking about the entitlement problems, what's happening with us, if we don't get spending under control, what it's going to mean to our economy in the future.

Read today's Washington Post, front page of the business section, the entitlement column has pictures of the six leading Presidential candidates, three from each party. It says, "Stumping for Attention to Deficit Disorder." It talks about this very problem.

There is a financial crisis around the corner that we have to deal with. It's important we start now by simply saying let's hold the line.

Second big thing why this is so important. Spending inevitably leads to tax increases. Spend, spend, spend leads to tax, tax, tax. The American people are overtaxed, we don't want to tax them anymore. In fact, we need to lower taxes so we can compete in the international marketplace we're in right now.

We've got to deal with the financial situation that confronts us. We've got to hold taxes down. That's why it's important for us to start here and simply say we're going to hold the line on spending. Millions of families, millions of individuals, millions of businesses across this country are doing that very thing. It's not too much to ask the

United States Congress to do the same thing.

With that, Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I think this amendment is fiscally irresponsible, it will harm our national security, and I strongly oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 3 minutes to the minority whip, the gentleman from the great State of Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding.

This amendment is really another test of the Congress' commitment to fiscal discipline.

Today we're considering a State and Foreign Operations bill that is close to another record increase. I think it is below the President's number, but I've voted on a number of bills over the last several years that were below the President's number. And the fact is the President's number was too high, 9½ percent increase over last year's spending is too high. We can cut more than that, we can cut back to last year's spending, we can cut a percent, we can cut 2 percent, we can cut, go maybe even below last year's spending, but 9½ percent over last year's spending is too much money for this bill at this time.

Not very many American families saw an increase last year of 9½ percent. First, you have to figure out where these massive increases are going. Fourteen and 15 percent increases for the U.S. Agency for International Development, $203 million, or a 17.6 percent, increase for the United States contribution to various international organizations.

Second, you have to look at where this wasteful spending is going. We're funding things in this bill at increased levels like the International Copper Study Group in Lisbon, Portugal; the International Lead and Zinc Study Group at Lisbon, Portugal; the International Hydrographic Organization at Monte Carlo; the International Rubber Study Group in London, England; the International Tropical Timber Organization at Yokohama, Japan. A 9½ percent increase in a budget that American families will pay for, where not very many American families got a 9½ percent increase.

We're going to have some legitimate debates about increases on spending in this country. I think increases on spending in other countries at this level are unacceptable. This is an important debate to have, it's an important vote to have. I encourage the gentleman to continue to make these kinds of principled stands.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentlelady for yielding.

Mr. Chairman, I rise in strong opposition to this amendment. I don't plan to use all of the 2 minutes.

This amendment jeopardizes greatly the national security of the United States. It devastates program increases in key diplomatic functions that the Secretary of State has requested, in particular in the State Department.

This bill is already $700 million below the President of the United States' request. And for the gentleman to offer an amendment to cut this bill $2.9 billion across the board has profound implications for the committee product.

I would encourage Members of Congress on both sides of the aisle to reject this amendment.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman for yielding.

Mr. Chairman, this bill increases funding in the Foreign Operations bill to foreign countries almost at 10 percent. And as already stated, most Americans did not get a 10 percent increase in their income last year, but yet we are going to spend money in foreign countries. And much of this money is waste, total waste that Americans should not be funding at all. It gives money also to nations that constantly and consistently vote against us in the United Nations.

It's important to note, however, none of this funding decrease will affect aid to our strongest ally to the Middle East, Israel; money that is well spent for the security of not only Israel, but the United States.

So, increasing funding in this Foreign Operations bill is not acceptable. All we're doing in the gentleman from Ohio's amendment is to put in it at last year's level, and that's a good idea.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, at this time I want to talk about an amendment that I would have offered but won't do so because I understand it's subject to a point of order.

Pakistan is scheduled to have crucial parliamentary elections in the fall of 2007 and the early winter of 2008. My amendment would withhold a portion of military aid to Pakistan unless those elections occurred and were free, fair and democratic.

Specifically, the amendment would have withheld $175 million out of a total of $250 million that's allocated under this bill for foreign military financing in Pakistan. These funds would be released when the Secretary of State determined, giving due consideration to the credible, independent judgment of reliable agencies that elections in Pakistan were free, fair and democratic. The amendment also asks that all steps of the election process, from voter registration on through vote tabulation, be reviewed in reaching any such judgment.

This amendment would send a powerful message to the people of Pakistan about the importance the United States places on the democratic process. Instead of just talking about the importance of democracy and saying that all peoples of the world should have these rights, the amendment quite literally would give Congress a chance to act consistently with its word.

Since the coup in which he rose to power 8 years ago, President Musharraf has taken some positive steps, but his record is, at best, mixed, especially recently. Today, President Musharraf is fighting the most serious challenge to his 8-year dictatorship. The United States is supporting him fully, and I guess that means that the message from the United States to the Pakistani public would seem clear: The Bush administration sees the war on terrorism as topping everything, even support for democracy.

On March 9, President Musharraf suspended Iftikhar Mohammed Chaudhry, the Chief Justice of the Supreme Court, who was apparently seen as threatening to President Musharraf's plans to consolidate his power. That triggered street protests demanding Musharraf's resignation, followed by a government-led crackdown on lawyers, the opposition political parties, and the media. Thousands of lawyers nationwide have led marches joined by women's groups, journalists and opposition politicians.

The roots of this crisis go back to a blind bargain that Washington made after 9/11 with a general and the army that had, up until then, been the main patrons of the Taliban. The administration ignored Musharraf's despotism in return for his promises to crack down on al Qaeda and the Taliban. Now, despite $10 billion in U.S. aid to Pakistan since 2001, that deal is shattered.

In December of 2005, the 9/11 Commission's Public Discourse Project issued a report card noting that Musharraf has made efforts to take on the threat of extremism, but has not shut down extremist-linked madrassas or terrorist camps.

Taliban forces still pass freely across the Pakistan-Afghani border and operate in Pakistani tribal areas. These border groups gained political legitimacy last year when President Musharraf signed a series of dubious peace deals with the Pakistan Taliban.

Extremist madrassas remain, and the extremism only becomes more pervasive and dangerous. Madrassa students are burning books, CDs and DVDs. Women in Islamabad have had acid doused in their faces for their failure to wear burkas, and have been harassed for driving cars.

The military has refused to put a brake on their extremism. As terrorism author Ahmed Rashid said, Musharraf promised the international community that he would purge pro-Taliban elements from his security service and convinced the Bush administration that his philosophy of "enlightened moderation" was the only way to fend off Islamic extremism, but Pakistan today is still the center of global Islamic terrorism. Our own State Department concluded the same thing several weeks ago.

Mr. Rashid is correct in saying that instead of confronting this threat, the army has focused on keeping Musharraf in power. In trying to spook the West into continuing to support him, he exaggerates grossly the strength of the Islamic parties and warns that they might take over his nuclear-armed country.

□ 2100

Mr. Chairman, the fact is the United States would be far safer if we supported a truly representative Pakistan government that could marginalize the Jihadists rather than placing all of its eggs in a Musharraf basket. A better outcome for all would be that everybody participate in free and fair elections, and we should act in favor of democracy with those policies.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for his willingness to withdraw the amendment. I know we'll work together on these very important issues. The discussion certainly will continue between this Congress and the administration as we move forward. I thank the gentleman again for withdrawing.

Mr. JORDAN of Ohio. Mr. Chairman, I will just say I appreciate the gentleman's speech and his passion, even though it had nothing to do with the subject at hand.

Mr. Chairman, I would yield 2 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Mr. Chairman, I would like to thank my friend from Ohio for yielding.

It is interesting as I hear this debate, I am a new Member of Congress. I have been here 6 months now. I've heard speakers on the majority side talk about "your amendment is irresponsible." I have a hard time understanding that.

Quite frankly, coming from Tennessee, holding the line on spending is not irresponsible. I heard another speaker talk about cuts. Well, actually there is no cut. What your amendment actually does is hold it at the levels of last year's spending. That is not a cut.

I have not gotten used to "Washington speak" yet, coming from the mountains in East Tennessee. In East Tennessee, a cut actually means you spend less money this year than you did last year. Your amendment says you're going to spend the same amount of money. We are talking about $34.2 billion. In East Tennessee, that is a lot of money. That goes a long way.

Actually, what we are looking at in this appropriation bill is a 9.5 percent increase in spending. When the rate of inflation is less than 3 percent, this is a growth in spending of almost three to four times the rate of inflation.

We have men and women all around America right now sitting at their kitchen tables trying to decide how they are going to balance their budgets. Why in the world are we in Congress trying to grow our budgets almost 10 percent when we have people across America that are trying to just balance their budget? Gas prices are high. They are worried about increases in taxes.

The least we can do, the very least we can do, is just hold the line on spending. That is not a cut. That is not how I learned about cuts back in East Tennessee.

I just hope that we will do everything we can to support your budget. I encourage support of your amendment. I encourage my colleagues to do so. Still, we are looking at, again, $34.2 billion. I think that is enough spending. We need to hold the line. Thank you for your amendment.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, I notice as I walk down the halls of the House office buildings these easels and these poster boards, I have been seeing those for last 3 or 4 years, talking about the national debt and what percentage of it is attributed to every man, woman and child in this country. I think that national debt is something like $8.77 trillion now. It is $29,000 for each man, woman and child.

Well, the Democrats have come with these 11 spending bills, Mr. Chairman, to increase that spending an additional $23 billion. If my math is correct, then that raises the amount of debt for every man, woman and child in this country from $29,000 to $30,000.

But wait just a second, Mr. Chairman. The way they are going to avert that is, you guessed it, raising taxes. They are going to put the largest tax increase in United States history on the backs of the American people. That is why the gentleman from Ohio has such a good amendment, to just simply say, let's go back to 2007 levels.

Our hardworking men and women in this country, many of them, if not most of them, during this past year probably got no raise. Their cost of living went up. It didn't go down. So they are in a negative situation.

Let's not make the matter worse by putting additional tax burden on the backs of the American people.

Mrs. LOWEY. Mr. Chairman, I want to remind the gentleman that this bill is $700 million below the President's request. We all understand that the Nation is at war. We have tremendous challenges. This bill provides important resources to address these challenges internationally. It is absolutely irresponsible, in my judgment. It is not in the national security interests of the United States of America. I strongly oppose this irresponsible amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia.

At the end of the bill (before the short title), insert the following:

SEC. ___. Appropriations made in this Act are hereby reduced in the amount of $342,430,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Georgia (Mr. PRICE) and the gentlewoman from New York (Mrs. LOWEY) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the opportunity to offer this amendment. This amendment is what is affectionately referred to as the Hefley amendment. Former Congressman Hefley, who served in this body, offered an across-the-board decrease in spending in appropriations bills by 1 percent in an effort to try to bring about some fiscal responsibilities. I commend him at this time.

I also want to recognize Congresswoman BLACKBURN, Congressman HENSARLING, Congressman FEENEY and Congressman CAMPBELL for also offering similar amendments and commend them for their fiscal responsibility.

There has been a lot of talk about money, and properly so, during this appropriation season. It is important, Mr. Chairman, however, to remember where that money comes from. That money comes from hardworking American taxpayers. It is their money. It is not the government's money. It is their money. It is easy here in Washington to lose sight of that fact.

□ 2115

But it is imperative that we remember with great responsibility and act with great reason as we move and spend the hard working American taxpayers' money.

The big picture in this bill is that last year in this area of the Federal budget we spent as a Nation $31.2 billion. That is with a B, Mr. Chairman, $31.2 billion. The proposal today is to spend $34.2 billion. That is an increase of 9.5 percent. This amendment would decrease that by 1 percent. By 1 percent. One penny out of every dollar savings for the American people. A savings of $342 million.

I would suggest, Mr. Chairman, that this is a small step, a symbolic step but is an important step, to let the American people know that, yes, we do believe that we respect the hard work that they do, and we also believe that it is important for Washington to get its fiscal house in order.

I encourage my colleagues to support this amendment. I am pleased to have the support of so many of my colleagues in this House on this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LOWEY. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. Now is exactly the wrong time to cut funding for foreign assistance programs. This is not the way to balance the budget. Instead of an overall cut, we should work to decrease instability worldwide and address the underlying problems that cause that instability.

The programs in this bill are pivotal to winning back the hearts and minds overseas. They address the most difficult problems in the world today, HIV/AIDS, famine, disease and disasters. The bill includes programs that work to address the root causes of global instability that require us to devote so many of our tax dollars to failed and failing states to ensure that we protect our Nation. It is these problems that have gotten us into the disastrous deficit that we are in and it is these problems that the programs in this bill will address.

This bill is a carefully crafted, bipartisan measure. It is currently $700 million below the President's request. We have already cut enough from these important foreign assistance programs, and this amendment would cut an additional $324 million.

Think about the most vulnerable and susceptible among us. This amendment would take $51 million from addressing global HIV/AIDS. Our goal is to turn the tide on this horrendous pandemic, not turn our backs. This bill currently has the funding to ramp up treatment, care and prevention activities. We can't turn around now.

I strongly oppose this irresponsible amendment. It is not consistent with our national security. I urge my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate those comments. However, only in Washington by this majority party can a cut be an actual increase of $2.56 billion. Adopting this amendment would result in an increase of $2.56 billion. It is just a decrease in the slope of the increase.

Mr. Chairman, I am pleased to yield 2 minutes to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman from Georgia for yielding and I thank him for his leadership.

Again, how amazing. What an amazing place this is, when you are debating whether or not you are going to increase something called Foreign Operations 9.5 percent versus 8.5 percent growth, and somehow that is called a cut. Only in Washington, DC can you call an 8.5 percent increase a cut.

Now, the only thing that I see that is being cut is the family budget of hard working American families as our friends on the other side of the aisle want to enact the single largest tax increase in American history. The average family in America, when this tax increase plan is complete, will have to pay an extra $3,000 a year in taxes. Mr. Chairman, that is a cut.

Mr. Chairman, somehow I have heard that this amendment, the gentleman from Georgia is irresponsible for offering such an amendment. People who work hard for their paychecks in America would be lucky to have an 8.5 percent increase.

We are dealing with Foreign Operations here. Maybe we ought to be thinking about family budget operations. Already the Federal Government is spending $23,289 per American family. Our friends on the other side of the aisle now, as we are debating this appropriation bill, have a plan to spend an extra $23 billion in non-defense discretionary, on top of the $6 billion in the omnibus, on top of the $17 billion in the war supplemental, all to be paid for by the single largest tax increase in history. And it is irresponsible to only increase Foreign Operations 8.5 percent?

Let's protect the family budget from the Federal budget and support this amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman for yielding. I rise in strong support of this bill and in opposition to this amendment.

Mr. Chairman, it is very important the record be clear about this endless rhetoric about tax increases. Here are the facts: The budget resolution that was adopted by the House does not raise taxes in this fiscal year or the next on anyone.

When the tax cuts that the erstwhile majority enacted expire at the end of 2009, our budget resolution calls for us to look at the state of the economy, the state of the budget and the state of the situation, and, unlike the erstwhile majority, make a choice as to what to do. There is no tax increase in this fiscal year or the next one.

What there is in this amendment is a strange sense of irresponsibility, that in a world where we are threatened by all kinds of threats and difficult problems, in a budget that is going to spend less than 1.5 percent out of every dollar we spend in improving our relations with countries around the world, that we have an irresponsible proposal like this.

There is no tax increase this year. This amendment should be defeated.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to my good friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman.

Mr. Chairman, here we are tonight, 6 months under control of the Democrat majority, and what has that majority wrought? The largest tax increase in U.S. history, an attempt in the past to change the rules of the House that have been in place since the times of Jefferson. And, of course, last week we saw the creation or attempted creation of slush funds to conceal where they wish to spend their increase of dollars.

The gentleman from New Jersey who just spoke a moment ago said, quite candidly, that there is no tax increase this year or next year. What he didn't finish in his statement, of course, was, Mr. Chairman, that there will be a tax increase within the budget cycle that is before us.

And these are not just my words, Mr. Chairman. I quote from the New York Times, who has looked at the budget that the Democrats have given us, and they have looked at that budget increase and the spending increase, and they too have said and agree with us that there is a tax increase coming on the American public and they even gave us numbers. If you are an average family in the State of New Jersey, a family of four making $70,000, you will see a tax increase of upwards to $1,500 on you because of the budget of Democrats who are now in charge.

In the bill before us, I come to the floor right now to commend the gentleman for his modest proposal to simply reduce the increase by the Democrats of 1 percent, a mere, in terms of Washington, $342 million.

Mr. Chairman, we are still looking at an increase in spending for foreign aid of almost 10 percent, around an 8.5 percent increase for foreign aid. Quite honestly, when I go back to my districts and talk to my constituents, their interest is in their families here at home, in Sussex County, Bergen County, Passaic County and Warren County in the good State of New Jersey. They are asking, why are we increasing to such a dramatic extent for all this money on foreign aid when we have problems right here at home?

Mr. Chairman, how many times have you heard from the other side of the aisle when they rail against spending for our brave men and women overseas on our military aid, when they say we should be spending those dollars here at home? We concur when it comes to foreign aid, we should direct those funds here at home.

I support the gentleman's amendment.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from Illinois (Mr. JACKSON) to shed some light on the misinformation that we have been hearing this evening about tax increases.

It seems to me, Mr. JACKSON, that we have this huge deficit that has been brought about by the Republican majority in the past 10 years, at least. Would you like to comment on it for 3 minutes?

Mr. JACKSON of Illinois. I thank the gentlelady for yielding.

While talking about how we arrived at this deficit for new Members who are joining the body can be long and drawn out, but the number of tax decreases that we have voted on in this Congress under their leadership which greatly contributed to the enormous deficit that we presently confront, it would require several hours of discussion and probably pull some scabs off of some wounds that aren't worthy of discussion.

I do want to talk about the implications, however, of this particular cut on this bill.

This bill is already $700 million beneath the President's request. The last I checked, the President of the United States is not from the majority party. The President of the United States is from the minority party. He is already suggesting that the bill itself is beneath the funding levels that he is requesting for the national security of the United States.

But don't believe me. Believe the ranking member of the committee, Mr. WOLF, who said last night that he believes this is a good bill, that this bill has the potential to do a lot of good.

I quote him: "And I want to say that this bill will help save a lot of lives, not only here but around the world. This is the work of the Lord. And I know Members are going to come down here, and here they come, and they are going to be against this bill. And I hope that we can change some of the things to prevent a veto. But this bill eventually, when it passes," as the ranking member said, "assuming it will be vetoed, is really about feeding the poor, about the hungry, the naked and the sick. Almost a better title would be the Matthew 25 bill. So it is has the potential to do a lot of good, and I hope to work with Chairwoman LOWEY to ensure that the State Department has what it needs to do these things, the war on terror, to provide humanitarian assistance to the most needy, and to improve human rights around the world."

And the gentleman offers a cut to the ranking member's acknowledgment of how important this product is.

So, Mr. Chairman, if this is the Matthew 25 bill, according to Matthew 25, which I repeated earlier, and these gentleman who obviously have come down here at the 11th hour to message on this bill, they missed this part of the statement when I read it earlier, but I will be happy to read it again:

Then the king will say to those on the right: "Come you who are blessed by my father. Take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat. I was thirsty and you gave me something to drink. I was a stranger and you invited me in. I needed clothes and you clothed me. I was sick and you looked after me. I was in prison and you came to visit me."

Then the righteous will answer him: "Lord, when did we see you hungry and feed you? Or thirsty and give you something to drink? When did we see you a stranger and invite you in? Or needing clothes to clothe you? When did we see you sick or in prison go to visit you?"

The king will reply: "I tell you, whatever you have done for the least of these, my brethren, you have done it unto me."

Reject the gentleman's amendment. The gentleman's amendment goes to the heart of this bill, which is designed to feed the hungry, clothe the naked and liberate the captive.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not wanted to take any more time this evening, but I was in my office and I heard several silly suggestions that somehow bills like this are going to seriously add to the deficit and require a tax increase and all of that other frothy nonsense.

I would simply like to quote from a document by the Center on Budget and Policy Priorities, one of the most respected organizations in this country in terms of keeping everybody honest about budget facts. This is what they said in a report issued today:

"The main dispute between the administration and Congress is over a $21 billion difference in domestic appropriations. The administration proposes to cut these programs $16 billion below the 2000 levels after adjusting for inflation and threatens to veto bills that do not contain these cuts. Congress would reject these cuts and instead provide a modest increase to these programs of $5 billion or 1.4 percent."

The report then goes on to say the following: "Some 81 percent of the increases in appropriations under the emerging bills consist of increases for military and homeland security programs that the President himself requested. Less than one-tenth, or $5 billion of the funding increases reflected in the congressional targets for the 2008 appropriation bills, are for increases for eight domestic appropriations bills."

Then it goes on to say, "Under the planned appropriations, those bills would increase a modest 1.4 percent above the Congressional Budget Office baseline."

Then, get this: "In real per capita terms, that is, after adjustment for both inflation and population growth, funding for these programs would barely increase at all."

And as for the nonsense that somehow these bills will require a tax increase or add to the deficit, the report goes on to say, "As a share of the economy, funding for these programs would actually edge down slightly." Then it points out also that the increases in these bills rise more slowly than the expected increase in revenues.

What that means, for anybody who has been through second-grade math, is that you cannot add to the deficit, if that is the case, unless you decide to pass further tax cuts paid for with borrowed money, as the former majority so blithely did over the past 5 years.

I would also say one other thing. It is easy for any citizen and any Member to demagogue foreign aid. I chaired that subcommittee for 10 years. And let me tell you, there is no piece of legislation that this Congress passes each year that saves the lives of more children than this bill. If you take a look at what we do for children's health, if you take a look at what we do through immunizations and these other programs, there is no program that we pass that saves the lives of more children.

We spent a lot of time talking about the right to life today. Well, this bill is a whole lot more effective than lectures from politicians about celibacy or any other matter. This bill actually delivers the goods in terms of the practical things we can do to help our fellow creatures on this planet.

I want to say one other thing. My religious values teach me that we are not Americans because of any special merit that we have. We were just lucky enough that God decided to infuse our soul in a body born in the USA. He could just as easily have made us a child born in Bangladesh, Sudan, or any of the other most troublesome spots in the world, the most agonized spots in the world.

□ 2130

Any idiot can put together an across-the-board cut. All that means is that you don't think. This is supposed to be not the mandatory part of the budget, but the discretionary part of the budget. It means you are supposed to think and apply your values to what you do. That is what this bill does, and I urge you to reject these amendments.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, I would just ask a parliamentary inquiry of the Chair, if the Chair might opine as to words that might offend and be inappropriate to the decorum of the House being spoken, and the Chair might want to admonish individuals to refrain from making those kind of statements.

The Acting CHAIRMAN. The Chair would remind all Members to refrain from any disparaging remarks of a personal character against another Member.

Mr. PRICE of Georgia. And I thank the Chair for that.

Mr. OBEY. Would the gentleman yield?

Mr. PRICE of Georgia. I think you are able to get time on your side. I don't believe I have time to spare.

The Acting CHAIRMAN. The gentleman from Georgia controls the time.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I do appreciate the chairman's passion and also appreciate his reference to "frothy nonsense." I would suggest that frothy nonsense in my district and across this Nation comes due in the form of a tax bill when we increase spending across this Nation and that my constituents, and I suspect constituents around this Nation, would prefer that we decrease the frothy nonsense going on here in Washington.

I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, this is quite a debate that we are having tonight, and I appreciate the vigor and the energy that colleagues on both sides are bringing to this debate.

Mr. Chairman, I do have to stand and really oppose some of the things that are being said here. How interesting it is that we are hearing spending reductions called irresponsible, that we are hearing that it is jeopardizing our foreign operations, that it is devastating.

You know, what we may want to do is reframe this debate. I want to commend the gentleman from Georgia for trying to make a 1 percent reduction.

Now we heard this referred to as the Matthew 25 bill. Maybe we should make it the Genesis 1:1 bill and go back and look at the beginning and talk about how did we get where we are today.

They want to talk about deficits. Well, it is historically what my colleagues on the left have done to grow a huge bureaucracy that continues to need to be fed and programs that grow and grow and grow.

Now one of the things that we have heard is that we are going to have to fix this now. My colleagues only want to talk about today, yesterday or the day before. They don't want to go back and talk about previous administrations where we have piled on, we have piled on, we have piled on, and now we want to grow this budget 9½ percent. We want to pay for it with the largest tax increase in history.

I would offer to my friends that, yes, indeed, let's go back and make it a Genesis 1:1 bill and look at the very beginning. You tax too much; you spend too much. And it is right that we would choose to find a 1 percent reduction. What we are irresponsible to is the American taxpayer who is sick and tired. They are truly ill and fatigued when it comes to paying more and more of their budget.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank the chairwoman.

I just cannot let this go. Pile on and pile on and pile on? Let me tell you what has been piled on, $3 trillion in debt, piled on by the other side.

Growing government? The other side was in charge for the past many years. Their party ran the White House, the Senate and the House of Representatives; and they piled on $3 trillion of debt.

And now we hear the unmitigated audacity of suggesting that we are the problem. Mr. Chairman, we are not the problem. We are trying to solve the problem.

And I would say with all due respect to the gentlewoman and to those on the other side who believe that this foreign operations bill is too expensive, is the gentlewoman advocating cutting by 1 percent foreign military financing or international military education and training? Is the gentlewoman suggesting to her constituents that we should slash budgets to professionalize other militaries to assist us in the global war on terror, to make sure that they have the technology and the equipment to help win the global war on terror?

Because if you are suggesting a 1 percent cut or 2 percent cut or 3 percent cut in this bill, you are suggesting a cut in our national security. You are suggesting reducing the amount of military assistance, education, and foreign military sales that we are providing to our allies around the world.

Mr. Chairman, they are costing their own congressional districts jobs, defense contractors who are part of this Nation's defense. We will lose revenues because of these cuts to foreign military financing.

This is not just a foreign operations bill. This is a national security bill. It is a homeland security bill. They go hand in hand, and we should not be advocating slicing off one of those hands while we are fighting a global war on terror surrounded by threats.

We Democrats believe that we need a robust ability to meet that threat, not cut defense budgets as the other side is suggesting.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I yield to the gentlewoman from Tennessee (Mrs. BLACKBURN) to finish her speech.

Mrs. BLACKBURN. Mr. Chairman, I thank the gentleman from Virginia.

Mr. Chairman, as I said, what an incredibly wonderful debate we are having. It is a philosophical debate. Government is not the answer. Government many times is the problem. More spending is not the answer. It is priorities and where you choose to put that money. That is where you find your answers in this.

Now one of the things that we are saying is make a reduction. My goodness, look at the States. Many of our States have made across-the-board reductions. You know what? Across-the-board reductions work.

My State of Tennessee, oh, my goodness, we were going to have to have an income tax. Oh, my goodness, they were going to shut down every program in the State, had to have it, had to raise taxes. You know what? We defeated that income tax, Mr. Chairman. The people of our State said, no, we have had it. We are not putting another penny into the State treasury.

Now what we see is a, believe it or not, Democrat Governor who came in and took what we Republicans had said and made across-the-board cuts. Not 1 percent. Not 2. Not 5 percent. 9½ percent. 9½ percent. And I would encourage my colleagues to know that greater efficiencies were there, that they now have record surpluses.

One of the things that we have to realize, the American taxpayer is tired of sending money to Washington and see it go into a bureaucracy and know that they are not seeing the results that they get.

Mr. Chairman, maybe it is because I have the old Davy Crockett district. I know that what you have to do is be very careful with the money that you have to spend. You have to make priorities.

And yes, indeed, national security is a priority. We know that. We know that border security is a priority. We know that. But what we have to realize is we have to be a good steward of the taxpayer dollar.

Maybe it is time for the bureaucracy to start to tighten its belt. Maybe it is time for the bureaucracy to realize it cannot grow. Maybe it is time for the bureaucracy to realize we need to be responsible to the taxpayer and reduce what we are spending at the Federal level. They are tired of paying for the largest tax increase in history. They know that government spends too much. They know that this budget is bigger than it ought to be, and they don't like it, and we are hearing about it.

What my colleagues and I are saying is, you know what, let's find some ways to make some reductions. Let's make certain that we are good stewards of every dollar that comes our way.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentleman from Georgia has 1 minute remaining.

Mr. PRICE of Georgia. Mr. Chairman, I yield that minute to my good friend from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank the learned orthopedic surgeon from Georgia for yielding me this time.

I want to say something to the chairman of the Appropriations Committee. When he was talking about an idiot can offer a 1 percent cut amendment, I certainly hope he wasn't talking about my good friend from Georgia.

Now if you want to talk about fuzzy math and idiots, we can do that here tonight. Because this bill increases the spending 9½ percent. What the learned surgeon's amendment does is cut that by 1 percent.

Now you can say this isn't going to cause a tax increase, you can say it is not going to cost people more money, you can say anything you want to, but the people of this country are smarter than that because they know every day that if they spend more money it is going to cost somebody at some point.

So they can say anything they want to. They can talk about all of the fuzzy math, whether it is going to be a tax increase or not a tax increase. But when you spend 10 percent more money, somebody is going to pay for it.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has already exercised the prerogative of striking the requisite number of words and was recognized for 5 minutes in that regard.

Mr. PRICE of Georgia. Mr. Chairman, I ask unanimous consent that each side be granted an additional minute.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for yielding.

We are having a debate here about whether we should cut spending. Most American families go through a process of trying to decide what it is they can afford in their family budget. The American people send us here to make the same kind of decisions. But when we just add spending and add spending and add spending, which we have done all year, guess what, we don't have to make decisions.

That is exactly what is happening here. The majority wants to denigrate this amendment because they think it is frivolous. They think it is an across-the-board 1 percent cut; you don't have to think.

The point I am trying to make and my colleagues are trying to make, we are sent here to make decisions; and if the majority isn't going to make decisions, we are going to try to make the decisions easier. Let's just have a 1 percent across-the-board cut, bring this budget in line with what the President requested on behalf of the American people.

I have been hearing all year from my friends on the other side that we heard the electorate and we heard the message they sent to us. Well, I have to tell you that one of the messages they sent to us is that we here in Congress need to be more fiscally responsible.

We are going to have a debate over spending all summer. We are going to have a debate over spending all fall. Because, at some point, how much government do we need? How much of the American family budget to we need to take in taxes?

I think my colleague has a very good amendment here. I urge my colleagues to support the gentleman's amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, talk about crocodile tears. This bill is $700 million below the amount requested by the President of the United States. The other side cries about the fact that it is $2.9 billion over last year, and they say this is the baby that is going to break the bank.

This is the same crowd that has supported over $600 billion, all borrowed money, to pay for the most misguided, misbegotten, destructive war in the modern history of the United States, all paid for with borrowed money.

□ 2145

I didn't hear any cries about fiscal responsibility then. No, no, no. They spent it blindly, and now they are saying that this bill, which is really an attempt to clean up a lot of the world's messes left over from past wars, that somehow this bill is the one that broke the bank. That is so silly, I would laugh if it wasn't so serious.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. I am pleased to yield to the majority leader.

Mr. HOYER. I thank the gentlelady for yielding and I congratulate her for the work she has done.

First of all, this bill is $700 million below what the Republican President asked us to spend. All of this stuff about how we're the big spenders, when this bill is $700 million less than President Bush asked us to spend. Number one.

I have been in this House for 26 years. Eighteen of those years we have had Republican Presidents. During those 18 years, we have run up $4.5 trillion of deficit spending. One person in America can stop spending: a President. During those 26 years, a veto of a President that was vetoed because we spent too much money has never been overridden. Not once. $4.5 trillion of deficit spending under Ronald Reagan, George Bush I, and 6 years of George Bush II.

Now, Bill Clinton was President for 8 years during those 26 years that I have served. And we ended up with a $62.5 billion surplus in those 8 years. And perhaps if you come to this floor and say it enough, the big lie said over and over and over and over again, just like Frank Luntz wrote it for you, maybe the American public will believe it. Isn't it a shame, however, that Frank Luntz can't fix the figures in your budget document.

You have been in control, of course, for the last 6 years of everything. And guess what happened? We doubled the rate of spending from the Clinton administration to the last 6 years. Doubled it. And we, I can't know what the geometric figure is in terms of escalating the debt and going from a $5.6 trillion surplus which George Bush, President of the United States, said Bill Clinton left him, and you turned that into a $3 trillion deficit in 72 months. I daresay nobody in the history of the world has done that. Nobody in the history of the world has been that fiscally irresponsible. And for the large part you did it without a single Democratic vote. And you didn't need us to vote, because you were in control of everything.

And I sit there and listen to this, and I won't characterize it as my chairman characterized it, although I can't say that I come here and disagree with my chairman, but I won't characterize it. But honesty at some point in time has a virtue. You ought to try it. Just for a little bit.

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Chairman, point of order.

The Acting CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. PRICE of Georgia. Are comments not supposed to be addressed to the Chair?

The Acting CHAIRMAN. Members are reminded that their remarks shall be addressed to the Chair.

The gentleman from Maryland is recognized.

Mr. HOYER. My remarks are always addressed to the Chair, in case you need interpretation. Just assume that I am addressing the Chair.

Now, if any of my friends when they hear about me talking about irresponsibility would take that personally, understand that it is meant simply to be addressed to the Chair.

But if the shoe fits, put it on.

My friends, you have been a part for the last 6 years of the most fiscally irresponsible leadership in our history. The facts speak to that. Your budget book speaks to that. And what did you do, this family budget leadership group that we hear talking about? They jettisoned, they abandoned, they eliminated PAYGO provision which, by the way, was adopted in a bipartisan fashion in 1997 after we adopted it in 1990 in a bipartisan fashion. But you said, no, we can't live within PAYGO. That's too tight for us. Families might have to live in that, but we can't live in it.

So what did you do? You simply eliminated PAYGO. Well, we've reinstituted PAYGO, and our budget reaches balance. And we don't raise taxes. You like to say we raise taxes because, after all, Frank Luntz told you, Just say they're raising taxes. Doesn't matter whether it's true. The American public will believe it.

Ladies and gentlemen, this debate is designed to mislead the American public, because they don't read the budgets and the fine print. They perhaps do not remember that in 18 years, Republicans ran up $4.5 trillion of deficit spending while under Bill Clinton's administration we created a $62.5 billion net surplus with 4 years of surplus, the first time that has happened in the lifetime of anybody in this Chamber.

So I say to my friends that we can debate the substance of this bill, which is $700 million less than your President asked us to spend. The gentlewoman from New York has brought a responsible bill to this floor. The problem with these across-the-board cuts and what Mr. OBEY really meant, Mr. Chairman, is that it is simple to say cut across the board, because you don't have to make any decisions. You don't have to defend any premise. You just have to say cut 1 percent. And as was pointed out earlier by Mr. ISRAEL, does that mean 1 percent in defense spending? Does that mean 1 percent in military financing? Where they purchase, by the way, weapons from the United States of America. Does it mean a 1 percent cut in salaries or administration of critical programs that might be small programs? You don't have to decide. It's so simple. One percent. Won't hurt anybody. Fine. Then say where you want to cut.

I was an appropriator for 25 years and I don't like the across-the-board cuts because they are simplistic, imprecise, and cut the good with the bad. May there be bad in this bill? There may be. Offer an amendment to cut the bad and let's debate that, whether it's good or bad.

So, my friends, don't talk to me about fiscal responsibility. I've been here too long and I know too many of the facts. You cannot fool me. You can fool some of the people some of the time. You didn't fool them last November. And I don't think you're going to fool them in the future.

This is a responsible bill. If you don't like some portions of it, we've had 50-plus amendments for you to strike certain portions of it. But don't come to the floor and pontificate on fiscal responsibility. And, by the way, my friend, the government today is larger than the government when you inherited it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following new section:

ACROSS-THE-BOARD REDUCTION

SEC.   . Each amount appropriated or otherwise made available by this Act (other than for assistance for Israel) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentlewoman from New York (Mrs. LOWEY) each will control 10 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, this debate has gotten very interesting. There are some of us in the Chamber, Mr. Chairman, that have been concerned about fiscal discipline for a long time. We have been called things like budget hawks. Mr. Chairman, we were willing to take on our own party on that issue and we were also willing to take on our colleagues on the other side of the aisle, because, Mr. Chairman, when I think about this debate tonight and I think about the national debt being over $8.8 trillion, you know, I would have to think that there are people around this Nation tonight watching this debate and wondering why in the world Congress, and there have been many mistakes in the past, why Congress can't get serious about the way we spend taxpayers' dollars.

My amendment would offer an across-the-board cut. And I know that has been criticized by my friends on the other side of the aisle, but, you know, sometimes an across-the-board cut makes a lot of sense. And I am interested to think about spending levels where we cannot cut 50 cents out of each $100 that we spend.

I offered an amendment that was not accepted in the unanimous consent agreement that would have highlighted one of the more egregious forms of waste and abuse of the funding in this bill, and this was an article in the Boston Globe that I read, and they broke a story last February about the former executive director of the Global Fund and how he used Global Fund dollars. I want to tell you what the Global Fund is supposed to do. It's an organization that is supposed to combat global diseases like AIDS and malaria and tuberculosis.

Let me tell you how he spent our American tax dollars. He spent between $91 and $930 a day for limousines in London and Paris and Washington and San Francisco, averaging almost $400 a day for limousines. He spent $1,695 for a dinner for 12 at the United States Senate Dining Room here at the Capitol. Then he spent $8,780 for a boat cruise on Lake Geneva in Switzerland; $8,436 for a dinner in Davos, Switzerland; and then they had champagne and expensive meals. I wonder if the American taxpayer thinks that this is frivolous nonsense. You know they do. They would be outraged to think that they get up, go to work every day, work for their children, work to pay for their home, work to buy the college education for those kids that they dream of, and people are spending their tax dollars like this.

You know, I think an across-the-board cut sounds great. I would like a larger one, but I'm asking for a modest half of 1 percent, 50 cents out of $100. You know, when you look at your children and you look at your grandchildren, Mr. Chairman, and you think about that debt, and I don't care who you want to blame it on, Republicans, Democrats, Republican Presidents, Democrat President, we at this time in history have an opportunity to be responsible with the American taxpayers' dollars and cut this increase in this budget from 9.5 percent to 9.

I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, we have expressed our real concerns about these cuts and I strongly oppose this amendment.

In addition to the cuts that have been mentioned by my colleagues, I wonder if my colleagues on the other side of the aisle, the gentlewoman from Colorado in particular, really understands the impact of this across-the-board cut.

First of all, this bill has already been cut 2 percent from the President's request. Two percent. Now you are recommending another half percent.

You support a $120 million cut for Israel, Mrs. MUSGRAVE? You support a $120 million cut in aid for our ally Israel? You support a $250 million cut for HIV/AIDS?

□ 2200

You support $200 million for foreign military financing; and my colleague, Mr. ISRAEL, talked about the impact on the military that these cuts would cause.

My colleagues, this is a bill that is in the national security interest of the United States of America. We have heard many people on the other side of the aisle that we have to fight it over there. We don't want to fight it over here.

Well, when you are funding HIV/AIDS, when you are preventing avian flu, when you are funding our colleagues in the war on terror, we are fighting it over there rather than fighting it over here.

I strongly, strongly, would not support the cuts which you are recommending. I strongly oppose them.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I would like to correct a statement I made. I referred to a cut.

My amendment would take a 9.5 percent increase in funding in this bill over the last one to a 9 percent increase.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana.

Mr. PENCE. Mr. Chairman, I thank the gentlelady for yielding and for bringing this creative amendment to the floor.

While I address the Chair, let me also acknowledge there may be others looking in. I want to be very clear on the point that what we are asking here is for this foreign operations budget to get by on only a 9 percent increase instead of a 9.5 percent increase.

Back in Indiana, we just call this a haircut. But it is a haircut, as the gentlelady from Colorado said, that is a reduction of the increase.

As I listened to the distinguished majority leader, who I enjoy and admire more than anyone else in this Chamber, he said if the shoe fits, wear it.

I understand the frustration of looking across the aisle and seeing many of my colleagues in my party who voted for an awful lot of government programs over the last 6 years complaining about government spending, but then there is another saying that says if it does not fit, you must acquit.

I would offer that for many of us asking for this very small haircut tonight, it does not fit us. We fought these budget increases. We fought the creation of new entitlements. Now we are coming before this majority in a spirit of collegiality and asking might we not do with $171 million less. Might we not do with just, instead of a 9.5 percent increase, how about a 9 percent increase.

Mrs. MUSGRAVE. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, may I ask you the time remaining on both sides?

The CHAIRMAN. The gentlewoman from New York has 8 minutes remaining; the gentlewoman from Colorado has 5 minutes remaining.

Mrs. LOWEY. I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I would like to thank my colleague from New York and also my colleague from Indiana.

Mr. Chairman, you know, it's interesting to have that discussion about what is a haircut. At this very time this would lead, if I am not mistaken, this actual amendment would lead to about a $150 million cut to assistance in Israel. At no time is there a more precarious moment in Israel's history since the founding of the State of Israel, since you have now a war in Lebanon that is affecting the security of the State of Israel. You have the Gaza strip, which has been turned over to Hamas, an enemy of the United States. There is no time that is a more precarious moment in Israel's security.

You have what's going on in Lebanon on its northern side. You have what's going on in Iraq, Jordan, dealing with over 1 million Iraqi refugees; Gaza being taken over by Hamas, which is committed to Israel's destruction.

And what do our Republican colleagues recommend? A cut in assistance to the only democracy in the Middle East that is facing its most serious threat on its northern border, its southern border and, in fact, what's going on to its near eastern border. This is a precarious moment in Israel security.

I do believe there can be cuts. I find every time we want to cut assistance to big oil companies, you guys can't find the will. But when it comes to cutting assistance to Israel, you find the will to do that. When it comes to cutting assistance, when it realizes with our military commitment to our allies around the world, you know what, since everybody wants to make a quote, talk is cheap. Talk is cheap when it comes to standing next to your allies. We must put our resources to the only democracy in the Middle East.

This would directly affect Israel. It would directly affect Egypt. It would directly affect the countries we rely on as the bulwark against the spread of terrorism in the Middle East.

I would hope you understand. I see the politics. I know a little bit about politics. I see the politics in a simple half-percent cut. It happens to be politics at the expense of our allies who are on the front line in the fight against terrorism.

I would think better of you, of what you have always said rhetorically on the floor about your commitment to democracies in the Mideast.

Mrs. MUSGRAVE. Mr. Chairman, I would like to make it perfectly clear that if you had read the amendment you would see that no assistance to Israel is cut. We have common enemies, we have common values, and I am a strong supporter of Israel.

If the gentleman who just made the remarks would look at the amendment, he would see there are no cuts to Israel.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to thank the gentlelady for offering this amendment, which is offered as one of a series of amendments put forward by the fiscal conservatives in this House in a modest effort to try to restrain spending when the new majority has adopted a budget that assumes the largest tax increase in history by assuming that the Bush tax cuts are going to go away.

On the contrary, the President's budget, which we are trying to stay within, assumes that those tax cuts are going to stay in place.

So it's important, Mr. Chairman, for everyone listening to know that these cuts, which we are offering in spending, which are very modest, can also be seen as tax cuts. Every dollar we save in this appropriations process is a dollar that will not be spent in the future, which the Democrats assume in their budget is going to come from the repeal of the Bush tax cuts.

So I applaud the gentlewoman from Colorado for offering this amendment, and it's important to remember, also, as we go through this debate, that all of the Members who are offering these amendments voted against most of those big spending increases over these last many years. I, for one, got reelected because I voted against most of those big new entitlements and spending increases.

I know that the gentlewoman from Colorado, the gentleman from Georgia, my colleague from Georgia, my colleague from Indiana joined me, along with many other members of the Republican Study Committee, in voting against those big spending increases. So the shoe indeed does not fit these conservative Members.

We are proud to stand up here to try to do our best, one brick at a time, to control the out-of-control spending by Congress and to prevent the biggest tax increase in American history.

Mrs. LOWEY. I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

Mr. Chairman, I rise to put a little bit of a face on this across-the-board cut, squeeze and trim, the sort of idiotic approach to spending here in this United States government, particularly in this budget.

We happen to have a global war of terrorism going on. In that global war, there are a lot of people that don't like the United States.

But there is a program that the United States has that they very much like. They like it because countries are asking at an all-time high, send us more; we want more. More countries signing up wanting more people.

What is that program? It's the Peace Corps. And guess what? It's funded in this program.

You know what? The American public out there wants to join the Peace Corps at an all-time high. No, it doesn't matter. Just cut the program. Cut the program. Don't separate the good from the bad. Just cut it.

Well, this is why it's also idiotic. Because, as you have heard, this program funds an international military education program.

A few months ago at this roster, we had a Joint Session of Congress; and giving that address was King Abdullah of Jordan. Guess where King Abdullah found his love for the United States? Studying at the Naval postgraduate school in Monterey, California, where 500 foreign officers come and study along with our officers every year.

But, no, that doesn't count. We want to work on trying to get mutual understanding to our allies. Cut that program. Cut it across the board.

Ladies and gentlemen, we have heard from a lot of cut, squeeze and trim fiscal conservatives on the other side of the aisle tonight. I would hope that their hometown press is looking whether they, example of leadership, are cutting their own budgets from what they have spent last year. If they have done that in their own offices, cut their own spending, then they have a leg to stand on. But to come up here and tell everybody else we ought to cut across the board foreign aid is a danger to Americans all over the world.

Mrs. MUSGRAVE. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentlewoman from Colorado has 3 minutes remaining, and the gentlewoman from New York has 4 minutes remaining.

Mrs. MUSGRAVE. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New Jersey, a member of the subcommittee, Mr. ROTHMAN.

Mr. ROTHMAN. Mr. Chairman, what would my Republican friends have said if the Democrats had offered to cut the President's requested spending on foreign affairs by $700 million last year when they were in the majority? They would have said that the Democrats were irresponsible.

This year, now that the Democrats are in the majority, we are proposing to cut $700 million from President Bush's request for spending on foreign aid. The Democrats, to cut $700 million from President Bush's request for spending, and that's what we are proposing.

But my Republican friends, who were in the majority all those years rubber-stamping the out-of-control Bush budgets every single year, rubber-stamping those budgets, they say that this year, when the Democrats want to reduce President Bush's spending on foreign aid versus his request by $700 million, should be doing it another $170 million more if we Democrats were really serious.

I think people can see through that as the political argument that it is, the partisan attack when there is nothing else going for you.

Because, after all, this is the same group that says there is going to be a tax increase under the Democratic majority this year. They say it over and over again.

But, of course, that's not true. So why would someone keep repeating something, attacks on the Democrats, saying we are raising taxes this year, when it's not true? Why would the Republicans continue to say that time and time again?

Well, you would have to say, well, they must not have much else to talk about, other than to make up something that's not true.

Well, how about this for values, my friends? They talk about values. The Democrats' proposal on foreign aid will fund training of foreign troops to help us fight the war on terror, aid our allies like Israel, fighting HIV/AIDS all over the world and feeding the hungry all over the world. And they say we cut $700 million from the President's request, we should cut even more if we are responsible, when they rubber-stamped their President's high budgets before.

They are criticizing $170 million in spending, which we think is essential. They are spending $50 billion, not $170 million, they are spending $50 billion on tax cuts for Americans with incomes of $1 million a year. Americans with $1 million a year get $150 billion in tax cuts. I think the values are wrong on the other side.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1½ minutes to my friend from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentlelady from Colorado.

Mr. Chairman, the other side has been very good tonight, as they are most every night since they have been in the majority of retelling and retelling over and over the sins of the past.

Quite frankly, those sins are hard to deny, given the empirical evidence is there. We have spent a lot of money and raised the size of this government.

That being said, though, my colleagues' arguments seem to rest on the premise that, because the Republicans were spending more and screwing this thing up, that somehow this gives the Democrats, gives them some license to continue that process, to continue building on this growing government and spending more money in fiscal 2008 than we will bring in.

Now, we have heard some arguments that this is not deficit spending, but, quite frankly, there will be more money spent under this budget in 2008 than we will take in. In the simplest form, that is a deficit.

I am not, personally, a big fan of across-the-board cuts. I agree with some of the arguments said on the other side that it's mechanical, but, quite frankly, we need to start somewhere on the path to fiscal responsibility, and this is a modest start down that path.

I urge support for that amendment.

□ 2215

Mrs. LOWEY. I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I think that we're all beginning to figure this out now. When this original amendment was offered, it was advertised as a cut to the foreign assistance budget, despite the fact that Democrats already cut the foreign assistance budget.

Then we were told, oh, except it doesn't really include Israel. We're exempting Israel.

Then we were told, oh, it's Israel, and also, any appropriations that are not required to be appropriated or otherwise made available by a provision of law.

And so we start off with a cut, and then we say, well, not really a cut. We're going to void this and ignore that and sequester this and sequester that.

We're down to Secretary of State licensed chauffeur, my colleagues. That's what we're down to. We're down to the linens at state dinners. If you want to do a cut, do a cut. If my colleagues want to do a cut, do a cut. But don't try and fool the American people.

All we've heard from the other side is we have to ferret out waste, fraud and abuse, except we can't exactly find it, so we'll let you figure out.

Well, the American people have figured it out. You said you don't want to hurt national security, and yet this is a cut to foreign military financing.

You've said you want to win the global war on terror, and yet this is a cut to international military education and training.

You've said you want to cut, but not here, there, or anywhere else.

As our distinguished majority leader said previously, the truth is important, and it ought to be tried every once in a while.

What we have heard over the past several minutes is nothing but a hoax on the American people, and they're not going to fall for it.

Mrs. MUSGRAVE. Mr. Chairman, some people would not call it a hoax if we save 50 cents on every $100 dollars that we spend, that the hardworking taxpayers of this country have provided for us.

I yield 1½ minutes to my friend from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I love coming down and listening to the majority leader when he comes down. You know, I was a real estate salesman. I felt like I was a pretty good real estate salesman. And a good salesman loves to hear another salesman. And I think the majority leader could sell an Eskimo ice cubes.

But let me say this. He made a statement that the Republicans did not fool the people in November. We didn't. Y'all did. And I think the joke is up. I think the gig is up. I think the foolish is up, because now the ratings of this Congress are at 13 percent, which is about half of what they were when the Republicans in charge.

So you're right. You can fool some of the people some of the time, but you can't fool all the people all the time.

Mrs. MUSGRAVE. I would like to recognize the ranking member.

Mr. LEWIS of California. I thank the gentlelady for yielding. And I would like to recognize, if I can, ROY BLUNT for whatever time he may consume. And I will ask to strike the last word to do so.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. I'd like to yield to my colleague, Mr. BLUNT.

Mr. BLUNT. I thank the gentleman for yielding. And this is a good debate. It's a little more spirited at moments than I think it could be. In fact, I didn't mean to speak again on this until I heard the second-grade math explanation from my good friend, Mr. OBEY. And I did pretty good in second-grade math. I even did fairly good in 12-grade math. And I did okay in college math. But second-grade math was a little bit of a stretch, I thought, because I tried to follow the second-grade math outline we had on why this was actually, according to some group, a cut in spending.

According to my friend, Mr. OBEY, if I heard this right, if you took inflation, and then you took the population growth of the world, I thought that was an interesting element to the equation, and then if you took the deficit as a percentage of the economy, that that actually might be a cut.

This spending is 9½ percent over last year's spending. I've never seen the President's numbers so praised by our friends on the other side as it's been tonight. It may be the only time that the President had either a perfect number or a number that was just slightly too high.

In fact, I understand this is $700 million less than the President's number. That's a lot of money. But it's not as much money as the $2.6 billion this is over last year's spending. That's a lot more money.

Now, this is a 9½ percent increase. And somebody else said, is this going to be the baby that's going to break the bank? Probably not. But if every one of these bills goes up, it's going to have a big impact.

And my good friend, Mr. HOYER, said the government today is larger than the government you inherited, pointing at us. And then I guess the point is, and we're going to make it bigger. I didn't get that at all. The government's larger than the government you inherited, he said, pointing to us. So we're going to increase these spending bills, this one by 9½ percent.

Very few American families got a 9½ percent increase last year. And almost none of them got to take the rate of inflation, the population growth somewhere, and whatever they had as a percent of the entire national economy and decide how that number added up.

This is a 9½ percent growth in the foreign assistance part of the budget. This amendment says, let's just do a little less than we did last year and see if we can't make up with that with efficiency. One of the other amendments said, let's just do what we did last year.

But this is a $2.6 billion growth. Let's not anybody be confused that that's a cut, or it relates to some complicated formula, or somehow if you didn't understand second-grade math, you would realize this wasn't a real increase. This is an increase. This is too much of an increase.

We need to start doing the kinds of things on this bill and the other bill that hold the line, as we did hold the line on the discretionary non-defense budget in the past Congresses. We looked at the entitlement programs in the past Congress. None of that's happening in this Congress. So those programs are going to grow until we're told the budget's balanced.

And by the way, in 35 of the last 39 Congresses, the budget wasn't balanced. And in seven of those, that was our fault, and the circumstances we dealt with. In the other 28, the majority party's party was in control.

We need to be doing better. We need to start now. This is real growth that families couldn't just pass off as some complicated formula. We shouldn't either. We should be able to cut this budget by the one-half of 1 percent that the gentlelady from Colorado has suggested.

Mrs. MUSGRAVE. Mr. Chairman, tonight I again am amazed that our President's numbers have been so highly esteemed by my colleagues on the other side of the aisle. And I don't believe I've ever heard a debate where so much Scripture was quoted by the folks that constantly talk about the separation of church and state. So it's been quite an amazing evening here.

When the American people see all this, perhaps their heads spin as we talk about all these things, and maybe they don't understand everything we say because we're in this political arena. We're serving in Congress. And they're working hard every day trying to provide for their families.

But I think what the American people would understand, Mr. Chairman, I have 2 quarters in this hand. This is 50 cents. In this other hand I have a dollar bill, a $100 bill. The American people know that government spends too much money. All I'm asking for in this amendment is for us not to spend this 50 cents.

I yield back the balance of my time.

Mr. OBEY. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I won't take the 5 minutes. But let me say that I find it rather humorous that our good friends on the other side of the aisle would utter not one peep when this President decides to spend over $600 billion on a war in Iraq which he misled the country into, which he didn't have a clue of how to get out of, and now he's asking us to make a commitment that will lead over the next 20 years to the expenditure of at least $1 trillion more for that same misguided cause. Not a peep; most of their buttons wired right to the White House, wired right to Karl Rove's desk.

And yet, it's the same crowd that will then make a Federal case out of the fact that when we cut the President's budget for foreign aid we didn't cut it quite enough. And so they're making a Federal case out of one-half of 1 percent.

My good friend, Archie the Cockroach observed once, "Remember the importance of proportion. Of what use is it for a queen bee to fall in love with a bull?"

Think about it. If you do, you'll realize just how silly and misguided this debate is, because this is a crowd who spent willingly $600 billion on the most damaging war in recent American history, and yet are now objecting to the President's request to fund a bill which is traditionally meant to repair our relationships around the world and to pay a little bit of the cost of citizenship on a planet where many millions of people are a whole lot less fortunate than we are.

I'm also amused by the fact that we hear a constant cry from the other side of the aisle, "We need bipartisanship. Politics ends at the water's edge." And then when we try to demonstrate a little bipartisanship by giving the President most of what he asked, but not all, we then get the White House complaining because we've cut this bill too deeply, and we get their supporters in this House crying that we didn't cut it deeply enough. I get whiplash trying to follow the direction of a party that is that schizophrenic.

So with all due respect, we understand that this is a marginal debate. It is a debate ginned up to try to find any excuse whatsoever to bring down this bill.

It's not going to do it. Let's get on with the public's business. Let's be responsible. Let's reject this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. None of the funds made available in this Act may be used to fund nongovernmental organizations, specifically named in the report accompanying the Act, outside of a competitive bidding process.

Mrs. LOWEY. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2230

Mr. FLAKE. Mr. Chairman, I recognize that a point of order has been lodged and will prevail, and I will withdraw this. But let me just make the point here.

This bill, like previous years' bills making appropriations for the State Department and for foreign operations, doesn't include earmarks in the traditional sense. In other words, it doesn't direct agencies to fund specific programs for parochial interests.

However, the report accompanying the bill makes reference to several nongovernmental organizations by name. I think it is most accurate to refer to these as "soft earmarks."

Scattered throughout the report is language which reads as follows: "The committee is aware of the work of," and you can insert your favorite organization here, "and encourages USAID to consider supporting such work in fiscal year 2008."

I would suppose that, given the agencies we are funding, some of these NGOs are based overseas or are international organizations, and I have no doubt that many of them are doing good work. But why are they any more worthy than the hundreds of other organizations that are not named?

My amendment does not strike funding for any NGO. Rather, it simply would remove any funding preference for any of the organizations that are listed in the bill over organizations that are not listed in the bill. This amendment simply would prevent funding from going to any of these organizations outside of a competitive bidding process. With the efforts to shine more light on the earmarking process, I am concerned that we might see increasingly creative ways to steer funding to recipients of funding that Members of Congress want to see it go to.

I would like to know how these organizations managed to get mentioned by those named in the report. Who made these requests? Was it the administration? Was it Members of Congress? Was it the committee as a whole? Or the organizations themselves? Will the committee disclose this kind of information? Are these agencies going to be under any undue pressure to give preference to these organizations? Will there be any accounting for whether they have received funding or whether they had gone through a fair bidding process? Are we going to see similar soft earmarking in the future now that there is a brighter spotlight on earmarking in Congress?

I would welcome any answers to this question now or I would like to work with the committee to understand the rationale for this type of soft earmarking.

With that, unless the chairwoman would explain this or enlighten me as to what these soft earmarks are doing or how they come about, I would be glad to withdraw this amendment.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, as I understand it, the committee is going to follow the House rules, and I understand the gentleman is going to withdraw the amendment.

Mr. FLAKE. Yes.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, perhaps I will not use the entire 5 minutes, because the amendment I present tonight is one similar to what I offered previously on other sessions of this Congress which have passed on voice vote in a bipartisan manner.

This is an amendment which simply looks to the number of U.S. Government employees who attend international conferences.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I want to advise the gentleman that we are happy to accept the amendment.

Mr. GARRETT of New Jersey. I appreciate that.

And I will just conclude then, Mr. Chairman, by pointing out what the purpose of the amendment was. And that is there have been certain cases where upwards of 150 employees of single government agencies have attended international conferences such as in Africa and other places, and we are just simply saying that it is not wrong for U.S. Government agencies to send their valuable employees over to these international conferences, but we should put some limit on them. Just as small businesses and families have to rein in their budgets and decide what is appropriate as far as their staff going to conferences and the like, so should the Federal Government.

And I appreciate the gentlewoman for accepting the amendment.

I will conclude by saying that perhaps, maybe not in this session but in future sessions, that these amendments may not be necessary on the floor; and I will be glad to work with the gentlewoman in the future to incorporate such language similar to this in the actual underlying bill.

Mrs. LOWEY. We are happy to work with you in the future on this amendment or any other amendments, and I am pleased that we are accepting this amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

DEFICIT REDUCTION

SEC.   . It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

Mrs. LOWEY. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, the amendment is pretty straightforward.

We have heard hours and hours today of debate on whether or not we should cut spending out of this proposed appropriations bill that has been brought forward. The elephant in the room that we don't talk about is, under the mechanics of the law under House rules, were any of these amendments that we will be voting on in a few minutes to pass, they would not actually reduce spending. The amounts would still remain within the 302(b) allocation and would be spent somewhere else within the subcommittee's jurisdiction.

What my amendment would do would be to say that, instead of that being the occurrence, the savings would actually go against the deficit; and should we ever have a surplus, it would actually include that surplus.

I intend to withdraw the amendment. I understand the point of order. But, before I do, Mr. Chairman, I want to make one other comment.

Mr. Chairman, I am a Christian, and I take very seriously the instructions in the New Testament, particularly verses like Luke 12:48 that says, "To whom much is given, much is required." I understand the parable of the sick and the unclothed and the jailed. But I see those instructions to me personally, to take my personal assets, my personal wealth, and deal with those issues for my fellow man. I see no instruction that tells me to take someone else's blessings and wealth to fix those problems.

So I would urge my colleagues to be very careful when they invoke those instructions.

Mr. Chairman, I ask unanimous consent to withdraw my amendment if I could have some help from the other side in working towards a solution that would allow spending cuts that actually are voted on and passed to reduce deficits and increase surpluses, rather than staying within the 302(b) allocation.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PENCE:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to provide direct aid to the Palestinian Authority, except as otherwise provided by existing law.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation before us today includes in various ways tens of millions of dollars that would be directed to advancing U.S. interests in areas known as the West Bank and Gaza.

Given the recent violent and tragic events in the Palestinian territories and the strong commitment of this body to prevent taxpayer funding from reaching the hands of terrorists, I offer an amendment that reinforces previous prohibitions on funding Palestinian terrorist organizations and offer it for my colleagues' consideration on both sides of the aisle.

Mr. Chairman, my amendment simply states: "None of the funds made available in this Act may be used to provide direct aid to the Palestinian Authority, except as otherwise provided by existing law."

So what is existing law? The Foreign Assistance Act of 1961 was amended by the Palestinian Anti-Terrorism Act last year, in 2006. It was signed into law in December. It states that, "No ministry, agency or instrumentality of the Palestinian Authority effectively controlled by Hamas" would be eligible for funding unless it meets the basic preconditions of civil society, namely, recognition of Israel and the renunciation of violence.

The purpose of this amendment today is to clarify that assistance may be provided to the Fattah elements of the PA government, assuming such elements are not engaged in the terrorism or compromise by the terrorism of Hamas. Concern about the application of this provision may have led the distinguished subcommittee chairman, Mrs. LOWEY, to put a hold and request information from Secretary Rice about her intent to release funding to the PA.

Now, these safeguards and other relevant laws are critical because they prohibit assistance to terrorists, including to a Hamas-controlled Palestinian Authority, but they permit assistance to a PA government that is in compliance with the principles of recognition of Israel, previous peace agreements, and a renunciation of violence.

Why is it necessary? Well, because, given the systematic instability, we simply don't know what shape the Palestinian government will take in the coming months. Large portions of the Palestinian territories are in virtual anarchy at this moment. Even worse, Gaza is completely dominated by Hamas, a universally recognized terrorist organization. We cannot permit one red cent of U.S. dollars to find its way to Hamas.

After lengthy discussions with the Department of State, including Secretary of State Rice herself, I would like my colleagues to know that this amendment is not opposed by the State Department. In fact, I had a warm and candid conversation today with the Secretary of State, and I told her then that it is critical that we clarify that the Palestinian Anti-Terrorism Act of 2006 is still the law of the land and reiterate its intent, namely, to deny funding to terrorist entities within the Palestinian leadership.

Mr. Chairman, we cannot permit any ambiguity to exist on this subject. This body should be on the record today, as we have before, that no American tax dollars can be delivered to any authority within the Palestinian territories that is compromised or even tainted by Hamas or other terrorist interests.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am prepared to accept this amendment.

It is my understanding that it reiterates the restrictions on direct aid to the PA that are already in current law that are clearly included in this bill. I certainly expect the administration to abide by these restrictions, and I thank the gentleman for his amendment. In fact, I am wondering why the gentleman is offering the amendment if it is already included in the bill.

I also understand that my good friends on the other side of the aisle are whipping against this bill. This bill provides millions of dollars for Israel and for many good causes all around the world. So for those who are standing up as friends of Israel and want to protect Israel, I wonder why you are whipping against a bill that is providing millions of dollars for Israel.

And I thank the gentleman for your amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I want to thank the gentleman from Indiana for yielding.

He makes a good point. I am actually for this bill coming forward, but we need to send an important signal.

The administration has said that they are going to provide direct aid to the Palestinian Authority and provide $40 million to the U.N. Relief and Works Agency in Gaza. U.S. taxpayers should not be forced to finance a culture of "welfare terrorism."

This morning, Secretary Rice agreed to work with us in upgrading the auditing regime of UNRWA, and we hope that that will include an end to Cash Assistance payments to terrorists and martyr families, with a full independent audit of UNRWA programs outside the U.N. structure.

We have looked in the past at our errors, in the 1990s, when the U.S. poured hundreds of millions of dollars into assistance for the Yassar Arafat government and the return on taxpayer investments was very low indeed. In haste, we should not repeat our errors made just a few short fiscal years ago.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I yield myself the balance of my time.

Let me thank the distinguished chairman of the subcommittee for her support of this amendment. Let me also say to the gentlewoman that I intend to support the underlying legislation and appreciate her strong work in support of Israel.

□ 2245

The reason for bringing this bill, to answer the gentlelady's question, Mr. Chairman, is very simple. In recent days, the State Department has indicated its intent to "lift restrictions on aid to Palestinians." And the Pence amendment today will simply say that any aid that would go to the Palestinian Authority must, with an exclamation point, only go to the Palestinian Authority under current restrictions in current law. That is my sincere intent.

The Acting CHAIRMAN. The gentleman's time has expired.

Mrs. LOWEY. I want to thank the gentleman for his amendment. I also am delighted to know that you will support the bill. It is a good bill. The ranking member and I worked very closely in a bipartisan way. I have the greatest respect for my friend and ranking member, Mr. WOLF. It was really disappointing for me to hear that the whip's office was working against the bill.

I thank you so much. It's a good bill. I appreciate your support, and I'm happy to accept this amendment because the current restrictions, which you rightly suggest, are in this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I won't take the 5 minutes. I simply want to say that I appreciate the fact that the committee has accepted this amendment. But let me simply make one point.

Because we have heard on this side of the aisle that the minority party is whipping against the bill, let me simply say that I would hope that there are no Members of this House who would engage in an act which would give hypocrisy a bad name by voting for this amendment, which in essence simply repeats existing law, and then use that as cover as an excuse to then vote against the bill in final passage. I don't think that friends of Israel would be conned by that. And I would hope, and I have full confidence, that no Member of this House would engage in such hypocrisy.

Ms. BERKLEY. Mr. Chairman, I want to thank the gentleman from Indiana for his leadership on this issue. I am proud to associate myself with his efforts though I believe it does not go far enough.

Mr. Chairman, I would like to ask my colleagues when we will learn from our mistakes?

Did we learn anything when Arafat took our money and stashed it in his Swiss bank accounts instead of providing for his own people?

Did we learn anything when Fatah was exposed as nothing but a corrupt gang of thugs?

Did we learn anything when Abu Mazen refused to rout Hamas when he had the chance and showed that his backbone is no stronger than a wet noodle?

Did we learn anything when Israel unilaterally withdrew from the Gaza and Fatah failed to build one school, one hospital, one road, did one thing to improve the lives of its own people, but still came to us with their palms open for more money?

Did we learn when the Palestinian Finance Minister Salam Fayad admitted that hundreds of millions of dollars of foreign aid had been siphoned off, thanks to corruption and malfeasance?

Mr. Chairman, let's stop throwing good after bad. We should cut off funding to the corrupt and ineffectual Palestinian Authority. If I have learned anything it is this: If the U.S. gives Abu Mazen 50 cents or $50 million or $500 million more dollars he will be incapable of uniting the Palestinian people, leading the Palestinian people or bringing peace to a very troubled part of the world. I thank the gentleman from Indiana again for addressing this important issue and I yield back.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. BERKLEY:

At the end of the bill (before the short title), insert the following:

PROHIBITION AGAINST ASSISTANCE TO SAUDI ARABIA

SEC.   . None of the funds appropriated or otherwise made available pursuant to this Act—

(1) shall be obligated or expended to finance any assistance to Saudi Arabia; or

(2) shall be used to execute a waiver of section 571 or 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa or 2364) with regard to assistance to Saudi Arabia.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. I thank the Chair.

Mr. Chairman, I rise today on behalf of Mr. WEINER, Mr. CROWLEY, Mr. FERGUSON and myself to offer an important amendment to cut off funding to the Saudi Arabian regime.

Mr. Chairman, there are many reasons that we need not be sending foreign aid to Saudi Arabia. First, Saudi Arabia does not need our money. They are one of the wealthiest countries in the world, with a GDP of over $286 billion a year. With poor countries begging us for help, why are we giving money to this oil-rich kingdom? Is not 60, 70, $80 a barrel enough?

Second, Saudi Arabia exports and funds terrorists and terrorism. Need I remind anyone in this body that 15 of the 9/11 hijackers were Saudi? But the story goes on. By 2005, over 2,500 Saudi youths had entered Iraq to wage jihad against the Americans. That's waging jihad against us. By last month, 3,000 Saudis had been killed or captured in Iraq. Why are all these Saudis fighting in Iraq? Because their government is financing and teaching terrorism.

Israeli officials believe that over half of Hamas' budget comes from Saudi Arabia. Just this week, two indictments were served against Saudi charities that are accused of funding Hamas. Their textbooks still teach Saudi children that Jews are apes, Christians are pigs, and that every other religion other than Islam is false. Their newspapers print anti-Semitic cartoons depicting the Jews as thiefs, and, most insulting of all, as Nazis. Already this year our State Department has counted 14 human rights abuses in Saudi Arabia, including beatings, arbitrary arrests, violations of religious freedom, and limitation on workers rights.

The Saudis are not our allies. They are not our friends. King Abdullah called our invasion of Iraq an illegal foreign occupation. Those are not the words of a friend.

Mr. Chairman, we cannot trust them and we should not fund them. That is why every year more and more Members of this body vote to cut off funding to the terrorist regime. And yet, despite all this, the funding for Saudi Arabia has increased. Let me repeat that. It has increased each year because of an obscure loophole in the Foreign Assistance Act, up to $1.5 million in 2006. Well, this year we're closing that loophole. Our amendment will ensure that funding to Saudi Arabia is cut off once and for all.

Enough is enough. Let's come to our senses and end this senseless promotion of terrorism. I urge support for the Weiner-Crowley-Ferguson-Berkley amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition?

Mr. WOLF. I am not opposed to the amendment. I am for the amendment. So I will strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. FERGUSON. Thank you, Mr. Chairman.

I thank the gentleman from Virginia for the time. And I of course rise in strong support of this amendment. I am delighted to, once again this year, work with Mr. WEINER, Mr. CROWLEY and Ms. BERKLEY.

We've offered this amendment in the past. And each year that this Foreign Operations bill includes funding for Saudi Arabia we've offered this amendment, and each year we gain more and more support. Obviously we're disappointed that this bill does include some money for Saudi Arabia, but I'm pleased that offering this bipartisan amendment with broad support on both sides of the aisle, once again we will seek to strip that money.

The bill before us provides $115,000 in foreign aid for a country that has time and time and time again proven that it doesn't deserve one cent of American taxpayers' dollars, not only because Saudi Arabia is one of the wealthiest countries in the world, but also because it's not a partner with the United States and other nations in our efforts to combat terrorism.

Saudi Arabia has a pretty poor record on a number of fronts. It's not just a poor record in joining with other allies around the world to combat terrorism. They have a pretty terrible record on human rights, pretty poor record on religious freedom, and they continue to support and participate in the Arab League's boycott of Israel. Now, even recently there was an Arab League boycott meeting in Damascus. The Saudi Government continued to participate in that meeting. All of this despite Saudi Arabia's repeated promises to dismantle the boycott and to support most-favored-nation status for Israel. And Israel, of course, our closest and most important ally in the Middle East, Saudi Arabia continues to undermine the efforts that we are building in the Middle East.

Clearly, Saudi Arabia is not a country that is struggling to make ends meet. Saudi Arabia doesn't need financial support from other nations. And they certainly can't be considered a strong ally of the United States or the global war on terror.

Last year, more than 300 Members of the House supported this amendment. I am really looking forward to continued broad bipartisan support for this amendment once again this year. And I'm really delighted, once again, to be working with Mr. WEINER and Mr. CROWLEY and Ms. BERKLEY in offering this amendment.

I thank you for yielding.

Mr. WOLF. Reclaiming my time, perhaps the amendment really doesn't go far enough in the sense that to do something that really matters, there is a real concern that many American Ambassadors to Saudi Arabia are now out working for the Saudi Government. And I have an amendment that we're trying to get through the Rules Committee. Mr. LANTOS and I are working on asking various groups to look into this. There are actually, I understand, CIA station chiefs, American CIA station chiefs who were station chiefs in Saudi Arabia that may be now working for the Saudis.

The Saudis funded the madrassas up along the Pakistan-Afghan border. There were 15 Saudis on the aircraft, one of them went into the Pentagon and killed 30 people from my congressional district. The first person killed in Afghanistan was Michael Spann, a CIA agent from my district, because of the activities of the Saudis.

The Saudis are funding anti-Semitic, anti-Christian activities in some of the schools. This is Wahhabism. I've been kind of shocked. This is a milquetoast amendment. This is a weak amendment. There should be something really strong to get control of this Wahhabism that is spreading.

So, yes, let's pass it. But I would hope the next time we really do something that really can make a difference because this is dangerous. Had they not funded those madrassas, frankly maybe what took place on 9/11 may have never taken place.

With that, Mr. Chairman, I yield back the balance of my time.

Mrs. LOWEY. Mr. Chairman, I'm pleased to accept the amendment from the gentlelady from Nevada.

Ms. BERKLEY. I want to thank the gentlelady from New York and thank Mr. WOLF. It's nice to be on the same side of an issue for a change, and this is certainly one that I appreciate your support. Perhaps next year we can work on an amendment that will be even stronger than this. I quite agree with you.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Mrs. Berkley).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

LIMITATION ON FUNDS FOR TRAVEL BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO COUNTRIES THAT ARE STATE SPONSORS OF TERRORISM

SEC. 6 . None of the funds appropriated or otherwise made available in this Act may be used to fund or support travel by the Speaker of the House of Representatives to Cuba, Iran, North Korea, Sudan, or Syria.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Thank you, Mr. Chairman.

My amendment is a fairly simple amendment. It goes into the section and limits the funds for travel by the Speaker of the House of Representatives to countries that are state sponsors of terrorism. And it simply says none of the funds may be used to support travel by the Speaker to the nations specifically of Cuba, Iran, North

Korea, Sudan or Syria. And the reason for that, Mr. Chairman, is that there are two constraints on the Speaker of the House. One of them is a constitutional constraint that vests the authority of foreign policy into the President of the United States. And that's clear. And that's established in the Constitution and codified by our founders specifically so there wouldn't be a division of messages, that we would speak with one voice on foreign policy.

And when they had problems with that even after the ratification of the Constitution, then they passed the Logan Act, which has been in law for over 200 years. And the Logan Act prohibits anyone representing the United States, without the authority of the administration, to conduct foreign policy. And it's clear that's what happened in Syria, and it was reported in newspapers all over this country in April.

And so this legislation, this appropriation, without my amendment, would allow taxpayers' dollars to support what I believe is unconstitutional behavior and statutory violations.

I urge support of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LANTOS. Mr. Chairman, first I would like to thank my good friend from Iowa for providing comic relief at this late hour of this debate.

This carefully constructed, exquisitely constructed absurdity masquerading as an amendment, and on the west coast there are still children watching this program, and I hope they are watching it because this is a rare moment in the history of the Congress of the United States.

There are 435 Members in this body, every single one of us elected by our constituents. The Speaker of the House, at the moment, happens to be the Representative from the Eighth District of California. Now, if the gentleman were to offer an amendment saying that 434 Members may travel to Cuba and Sudan and Iran and Syria, but the Representative from the Tenth District of Illinois or the Seventh District of Texas may not, he would be laughed out of court. But that is precisely what this so-called amendment purports to do. It says nothing about any other Member of the Congress of the United States.

☐ 2300

We are free to travel to Syria. We are free to travel to North Korea. But one of our colleagues, who happens to represent the Eighth District of California, may not.

Now, San Francisco happens to have two Representatives; Ms. PELOSI, who represents the Eighth District, and I represent the Twelfth District. The absurdity that you pretend is an amendment allows the person representing a part of San Francisco to travel to North Korea, to travel to Syria, to travel to Sudan, but the person representing the other part of San Francisco may not.

Now, I really don't think that this amendment can be taken seriously at its face value. There is a hidden message here. That hidden message is a low blow, a pathetically low blow, aimed at our most distinguished Speaker of this body.

I was with the Speaker on her visit, not only to Syria, but to Lebanon and Saudi Arabia. She represented the United States with eloquence, dignity and distinction. It turns my stomach that this sickening partisan attempt to get at the Speaker's performance of her legitimate duties is presented here as an amendment.

Let me, however, deal with the underlying issue. The underlying issue relates to travel to countries with which we disagree. May I point out, Mr. Chairman, that beginning in 1981, at the height of the Cold War, I was appointed chair of our Parliamentary Liaison to the European Parliament. It became obvious to me that most of our colleagues in 1981 had never traveled in the Soviet Union or behind the Iron Curtain. So, every year I took it upon myself to lead a congressional delegation to the Soviet Union and to all the Communist countries of the Soviet bloc.

Many of my colleagues at that time had no passport. But as a result of year after year after year going to these Communist countries, many Members of this body became familiar with the circumstances. Their commitment of anti-Communism was enhanced, and their understanding of the Soviet Union and the Central and East European satellites became much clearer.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank the distinguished chairman of the Appropriations Committee.

Mr. Chairman, the primitive, absurd, stupid notion that we should not allow Members of Congress to travel to countries with which we have disagreement is really beneath contempt. This know-nothingism has no place in this body. The discriminatory approach of allowing 434 Members of the House of Representatives to travel to the Sudan, to look at Darfur and the tragedy unfolding there, but not to allow the Speaker of the House of Representatives to see with her own eyes the genocide which is taking place in Darfur is not worthy of this body.

I hope that my friend from Iowa will withdraw this pathetic absurdity masquerading as an amendment. It is not an amendment. It is a low blow at the distinguished Speaker of the House of Representatives. I hope that if the gentleman does not withdraw it, it will be overwhelmingly defeated.

This body is a body of adult men and women who are prepared to go to Syria, Sudan, Cuba, North Korea, and, if the Iranians will let us in, to Iran: At this moment, the Ahmadinejad government does not offer visas to any Member of Congress. I have been attempting to go there for well over 10 years. I hope, one of these days, a group of us will go there.

But the notion of proposing an ostrich policy aimed at the Speaker of the House of Representatives, that she may not go to Cuba, while scores of Republicans and Democrats go, while scores of Republicans and Democrats go to the Sudan and to Syria, is a cheap partisan blow. Days before we went to Syria, three Republican colleagues were in Syria, and I salute them; days after we went there, another Republican colleague went there.

Mr. OBEY. Mr. Chairman, reclaiming my time, I think after that speech, there is absolutely no need to say anything more. The amendment says a whole lot more about the gentleman from Iowa (Mr. KING) than it says about the Speaker of the House.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment for three reasons. One, I would hope in the next Congress we have a Republican Speaker, and so I wouldn't want to see that side limit our Speaker. That is number one.

Number two, Senator SAM BROWNBACK and I were one of the first ones to go to Darfur. I wish more Members would go to Darfur. I think it is genocide. I think one of the problems is that this place hasn't moved fast enough because people haven't seen it. They couldn't smell it. They just couldn't feel it. And so to say you couldn't go to Darfur where there is a genocide taking place now is just not a good idea. I have been to Sudan five times. Certainly you couldn't limit the Speaker to go some place that I, as a lowly Member, could go to.

The third reason is that I was one of the Members who went to Syria. Now, I am not a weak person. I used to go to the Soviet Union during the days of Communism and speak out for the dissidents. CHRIS SMITH and I went into Perm Camp 35 and interviewed Sharansky's cellmate and did a lot of things that really made a difference.

When I went to Syria, here is what I said to Assad. With me was ROBERT ADERHOLT, not exactly a liberal Member of the House; JOE PITTS, again, God bless him, a very conservative Member of the House, a good person. Here is what we said to Assad four times, and it was good that he heard it. I said it twice, and Mr. PITTS said it once, and Mr. ADERHOLT said it once. We said, one, stop allowing foreign fighters to come and transit your border. I am not saying it is because of our effort, but 2 weeks after that, the Commanding General in Afghanistan said that the foreign fighters had slowed down. They actually saw the results.

Secondly, Israel's right to exist. Assad should have heard Members. More Members should go tell Assad, Israel has the right to exist.

Thirdly, I said stop supporting Hezbollah and Hamas. We were 4 feet from him. We looked at him directly in the eye and said no more support. We know and they know where Hamas and Hezbollah have their offices. They're in Damascus.

Lastly, we said to them with regard to this, stop interfering in Lebanon's right to exist.

So, I am of the mind, and I may be in the minority of my party, I take the Ronald Reagan approach. Ronald Reagan, when he called the Soviet Union the evil empire, his greatest speech was to the National Association of Evangelicals, Orlando, Florida, 1983. He called them the evil empire. But as he called them the evil empire, he sent people out to talk.

If you recall his speech he gave at Danilov Monastery, where he talked about freedom. Gorbachev was there. Ronald Reagan defeated the Soviets because he went and engaged, not in weakness. He put the Cruise Missiles in in Europe in 1983 when people complained. But he was able to do it.

So, one, I hope we have a Republican Speaker, and I would hope everyone on our side agrees when we have a Republican Speaker in the next Congress.

Two, I went to Sudan. I think everybody in this body ought to go to Sudan. They ought to go to Darfur. Maybe it was because of the failure of people to go to Rwanda. Maybe that wouldn't have taken place.

Lastly, intellectually it would be impossible to say this was a good idea if I was one of the ones that went. I think by going I served the interests of our Government. I was criticized. I had people criticize me.

□ 2315

But I thought it was good that Assad heard that.

Lastly, I met with the leading dissident in Syria, and I said, "Should we put your name in our release?" And he said, "Please, put my name in." Sharansky used to tell us, "When you spoke out for me, when you said things for me, my life got better."

This dissident said, "Mention my name. Mention my name. I will stand with you," because, he said, "nobody else is coming to meet with me and stand with me." We stood with him, and when we left Syria, after we left, the Syrian Government criticized us for the tone of what they thought we said.

But, God bless, I would hope that every Member of this body would go to Syria and sit down with Assad and say, stop the foreign fighters; Israel's right to exist; stop the support for Hezbollah and Hamas; and stop messing around in Lebanon and let these people who want freedom to have freedom.

For that reason, I urge a "no" vote on the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would point out that no one here that has traveled to a foreign country has announced a new foreign policy but the Speaker of the House. No one here has pointed out how it is you can contravene the Constitution. We all take an oath, solemnly swear to uphold this Constitution. And no one here has pointed to a law that supersedes the Logan Act.

Mr. Chairman, I yield 2¼ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentleman.

Mr. Chairman, in all due respect to my good friend from California who knows I have a great deal of respect for him, this is not a sickening or pathetic amendment. It is not primitive, stupid or absurd, as it was described. It is not an ostrich amendment. And this is not a low blow, nor is anyone saying that the Speaker of this House is not an eloquent speaker and Representative as she goes forward out into the world as Speaker of this institution.

Nor would I tell my colleagues, is this an amendment about Member travel. No one says that we should not be about educating ourselves so that we can better effect public policy here in our roles as Members of this Congress and as Representatives of the constituents that elect us.

What this is about is about travel by an individual who is second in line to the President of the United States. Like it or not, for the 434 others of us, it does mean something different when the Speaker of the House goes somewhere.

As my friend from Iowa indicates, all reports say when the trip to Syria occurred, that somehow it was perceived on the ground and in the region that somehow the United States was embarking upon new foreign policy.

Frankly, Mr. Chairman, I would say from Iran's hot pursuit of nuclear weapons to Syria's eagerness to stir violence against our interests in the Middle East, America faces a growing list of terrorist states, as my good friend from California is well aware. And amidst such threats, the United States must speak forthrightly and with one voice.

Iran, Syria, North Korea, Sudan, Cuba, they all are feeble states whose interests are diametrically opposed to ours. Their regimes are vulnerable to international sanction, and they will not change until America and its allies apply enough pressure to endanger their regimes.

I would just say when the Speaker of the House goes to these nations and it is perceived that somehow we are capitulating, it goes against our interests. That is what this amendment is about.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time to conclude.

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I take us to this path where we are, and I haven't heard the response to the issue of the constitutional constraints that we all have.

I have traveled foreign and I have sat in there in diplomatic discussions and debates and I have heard us get off track. I have heard us put our national security at risk, because sometimes the people that were there on the codel weren't tuned in with the administration's policy. I have not seen us take us to the crisis moment, but I have seen the precipice of the crisis moment.

But our founders understood this clearly and that is why they laid that responsibility in the hands of the President of the United States to conduct our foreign policy. That is why he appoints the Ambassadors. That is why he negotiates the treaties. That is why 200 years of tradition and history and constitutional law takes us down this path.

And if we can ignore our oath to the Constitution, then on top of that, how can we ignore the Logan Act, which is the only controlling Federal statute that we have? The Logan Act says no citizen of the United States shall take foreign policy into their own hands.

Our Speaker clearly traveled to a terrorist-sponsored state against the express wishes of the President of the United States.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I offer an amendment. Unfortunately, I will shortly withdraw it, for reasons I will explain.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAMBORN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for assistance under the West Bank and Gaza program may be made available to or through any individual, private or government entity, or educational institution that does not expressly recognize the right of the State of Israel to exist.

Mrs. LOWEY. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Wednesday, June 20, 2007, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, my amendment would have ensured that none of the funds made available in this bill under the West Bank and Gaza program may be made available to any individual or entity that does not expressly recognize the right of the State of Israel to exist. I brought this amendment to the floor to emphasize the strong sense of this Congress and the United States that the peace process in this region requires all participants to publicly acknowledge the fundamental right of the State of Israel to exist.

Funding an organization that fails to recognize Israel is not acceptable and should not be tolerated by this Congress.

While there have been many opportunities for the Palestinian Liberation Organization in particular to officially recognize Israel's right to exist, it has failed to do so. Until it is held accountable for its failure to make recognition of Israel a formal part of its charter, we as a Nation and in this Congress must be careful not to reward and enable this organization.

Because Hamas controlled the Palestinian Authority after the recent elections, the last Congress felt the need to pass a law, the Palestinian Antiterrorism Act of 2006, to ensure that U.S. funds would not be provided to this terrorist regime. This law, however, does not go far enough, because it fails to make Israel's right to exist part of the law as it applies to the PLO.

In contrast, my amendment would have created a simple formula for determining where to provide assistance and who would be eligible to receive funds by making the recognition of Israel's right to exist as well as refraining from terrorism a prerequisite for U.S. funding of all organizations.

For the peace process to be successful, and everyone here sincerely wants this, it is imperative that all of the parties involved expressly understand and recognize the rights of the other parties. Until this happens, true peace, Mr. Chairman, cannot be achieved.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank my distinguished chairwoman.

Mr. Chairman, I want to thank the gentleman for bringing this very important amendment to the floor. I think it is a critical reminder to the Palestinian Authority that they need to get their act together and that we are losing patience with them. I want to thank the gentleman for a very constructive dialogue earlier today.

Mr. Chairman, I was at the border of Israel and Gaza when the gate fell down. The Israeli people said to the Palestinians, "You can take this. You can have it. Try and build capability here. Try and build a country here. Try and build peace here."

Do you know what they did with it? They sent rockets over the border into Israel. They violated every commitment they made. They didn't develop a capability. They developed Qassam rockets.

Israel is surrounded by threat in the north with Lebanon, where Hezbollah violated the border, kidnapped Israeli soldiers, rained rockets on the north; in Gaza, which has imploded; has an existential threat from Iran, which is our threat as well. In between all those places, you have people running around with grenades strapped around their bodies blowing up themselves and everybody else they can take with them.

Israel has tried to negotiate and negotiate and negotiate, and every time it has negotiated, the result has been an interlocutor that has said, we can't really keep our promises nor can we keep the peace.

So the gentleman's amendment is very, very important, and I want to pledge to work with the distinguished chairwoman, who has had these concerns and who has led this Congress in these concerns for as long as she has been in Congress, with Mr. WOLF, the ranking member, who has led the fight on these concerns, and with the gentleman, so that the Palestinian Authority gets the message that we are losing patience and we will not continue to sit by and allow them to pursue a policy of destructiveness.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman, and I thank the gentleman who offered the amendment. I appreciate your offer to withdraw the amendment. I pledge to continue to work with you and Mr. ISRAEL and the other members of the committee and the Congress. We thank you very much for your intent and your willingness to withdraw.

Ms. BERKLEY. Mr. Chairman, I thank the gentleman for yielding and I rise in strong support of this amendment.

Mr. Chairman, is it too much to ask, after nearly 60 years, that Israel's neighbors recognize its basic right to exist. There is simply no reason for the U.S. to be funding entities that do not recognize Israel, the Middle East's only democracy and our staunch ally.

Mr. Chairman, we can argue about the Palestinian Authority and whether we should fund that corrupt and ineffectual government. But there should be no debate when talking about terrorist organizations whose singular purpose is to wipe Israel off the map.

We must send a clear and firm message to Hamas and Hezbollah: as long as you are committed to Israel's destruction, we will commit ourselves to not aiding your survival. End of story.

I thank the gentleman for his clear sighted amendment.

Mr. LAMBORN. Mr. Chairman, I want to thank the gentlewoman and the gentleman, both from New York.

Mr. Chairman, knowing that this amendment is vulnerable to a point of order because it goes beyond appropriating and into the legislative realm, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. BOUSTANY of Louisiana.

Amendment No. 7 by Mr. MCGOVERN of Massachusetts.

An amendment by Mr. JORDAN of Ohio.

Amendment No. 52 by Mr. PRICE of Georgia.

An amendment by Mrs. MUSGRAVE of Colorado.

An amendment by Mr. PENCE of Indiana.

An amendment by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BOUSTANY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 74, noes 343, not voting 20, as follows:

[Roll No. 535]

AYES—74

Ackerman
Aderholt
Alexander
Bachus
Baird
Baker
Bishop (UT)
Boehner
Boustany
Brady (TX)
Buchanan
Campbell (CA)
Cannon
Carter
Chabot
Clarke
Davis (KY)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ellison
English (PA)
Everett
Flake
Fortenberry
Gillmor
Gingrey
Granger
Hayes
Herger
Hoekstra
Issa
Jackson-Lee (TX)
Kilpatrick
Knollenberg
LaHood
Lee
Mack
Marchant
Marshall
McCotter
McCrery
McDermott
McHenry
McKeon
Meeks (NY)
Miller (FL)
Miller, Gary
Neugebauer
Nunes
Pearce
Petri
Price (NC)
Radanovich
Rahall
Rogers (MI)
Ruppersberger
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Taylor
Terry
Thornberry
Tiahrt
Walberg
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—343

Abercrombie
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—20

Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Gordon
Hastert
Hunter
Johnson (GA)
Maloney (NY)
McGovern
Meehan
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Sullivan
Weiner

☐ 2347

Messrs. REHBERG, KLINE of Minnesota, BILIRAKIS, CULBERSON, McHUGH, DELAHUNT, BARTON of Texas, Mrs. BACHMANN and Mrs. DRAKE changed their vote from "aye" to "no."

Messrs. WILSON of South Carolina, McDERMOTT, ENGLISH of Pennsylvania, McKEON, MEEKS of New York, EVERETT, Ms. JACKSON-LEE of Texas, Mrs. SCHMIDT, and Ms. LEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MCGOVERN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from gentleman from Massachusetts (Mr. McGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 214, answered "present" 1, not voting 19, as follows:

[Roll No. 536]

AYES—203

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Carnahan
Carson
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL).
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—214

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)

Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Edwards
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Patrick
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Christensen

NOT VOTING—19

Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Meehan
Melancon
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Scott (GA)
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 2352

Mr. CARDOZA changed his vote from "aye" to "no."

Mr. ENGLISH of Pennsylvania and Mr. MICHAUD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded the remaining votes in this series will be 2-minute votes, and are advised to remain in the Chamber for the execution of their votes.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 268, not voting 17, as follows:

[Roll No. 537]

AYES—152

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOES—268

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—17

Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Meehan
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 2356

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 52 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 252, not voting 17, as follows:

[Roll No. 538]

AYES—168

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—252

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—17

Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Meehan
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

☐ 0001

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 241, not voting 17, as follows:

[Roll No. 539]

AYES—179

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—17

Berman
Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 0005

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PENCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 30, not voting 17, as follows:

[Roll No. 540]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—30

Baird
Capps
Capuano
Carnahan
Carson
Christensen
Clay
Cleaver
Dingell
Ellison
Gilchrest
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaHood
Lee
McDermott
Miller, George
Moran (VA)
Rahall
Slaughter
Stark
Waters
Watt
Welch (VT)

NOT VOTING—17

Bonner
Bordallo
Costello
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Napolitano
Ortiz
Pickering
Rangel
Sanchez, Loretta
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in the vote.

☐ 0009

Mr. BISHOP of Georgia changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 337, not voting 16, as follows:

[Roll No. 541]

AYES—84

Bachmann
Bachus
Barrett (SC)
Bilbray
Bishop (UT)
Blackburn
Boehner
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Cole (OK)
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Everett
Fallin
Feeney
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Graves
Hayes
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
LaHood
Lamborn
Latham
Lewis (KY)
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Radanovich
Reichert
Rogers (AL)
Sali
Schmidt
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Tiahrt
Turner
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOES—337

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—16

Bonner
Bordallo
Cramer
Cubin
Davis, Jo Ann
Fortuño
Hastert
Hunter
Johnson (GA)
Napolitano
Ortiz
Rangel
Ros-Lehtinen
Sanchez, Loretta
Sullivan
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

☐ 0013

Mr. HERGER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as "The Department of State, Foreign Operations and Related Programs Appropriations Act, 2008".

Mr. VAN HOLLEN. Mr. Chairman, I'd like to congratulate the Appropriations Committee for putting together a bipartisan bill that provides assistance for such important issues as global health, humanitarian assistance in Sudan, the environment and peacekeeping operations around the world.

The 2008 State and Foreign Operations Appropriations bill reinforces the notion that foreign policy is about more than the use of military force and that foreign assistance and humanitarian aid are important components of foreign policy making.

The bill provides $949 million for Sudan, of which $210 million is for critical humanitarian and peacekeeping programs in Darfur. The remaining funds are for development assistance and to strengthen democratic institutions in southern Sudan.

Global health efforts also receive funding in this bill. The bill provides $5 billion for HIV/AIDS treatment, prevention and care programs around the world.

The bill also includes $501 million for clean energy and biodiversity programs worldwide. Educational and cultural exchanges receive more than $500 million to fund participation of over 42,000 individuals in educational, cultural, and professional exchange programs including Fulbright exchanges.

The bill also contains funding for programs in many countries around the world, including Pakistan.

The U.S. appreciates Pakistan's effort in the fight against global terrorism. However, President Musharraf's decision to enter into a non-aggression pact with tribal leaders in the Waziristan region appears to have provided a safe haven for the Taliban and has led to an increase in Taliban and al Qaeda attacks inside Afghanistan. We should encourage the Pakistani Government to reconsider this policy.

As we provide additional support to Pakistan, we must also make it clear that we stand with those calling for free and fair elections. The firing of the Chief Justice of the Supreme Court Muhammad Chaudhury raises serious questions about President Musharraf's commitment to an independent judiciary and the rule of law. The U.S. must make clear to the people of Pakistan that we support the democratic process and expect President Musharraf to honor his pledge to abandon his dual role as both head of state and head of the armed forces.

The United States has long stood as a beacon for human rights, democracy, and the rule of law. That beacon has been dimmed as a result of the Bush administration's blunders and abuses in places like Iraq and Guantanamo Bay. These practices have created a perception that the United States has a double standard when it comes to the rule of law and the promotion of democracy. We must speak with a clear and consistent voice on these issues or we will continue to lose our credibility, erode our ability to influence decisions, and weaken our national security.

Mr. HOLT. Mr. Chairman, I rise today in support of the Fiscal Year 2008 State-Foreign Operations Appropriations bill and also to congratulate Chairwoman LOWEY for her impressive job in crafting a spending bill that meets our important commitments to the international community.

I would especially like to thank Chairwoman LOWEY and the State-Foreign Operations Subcommittee for including language in the Committee Report that I requested regarding the science and technology literacy and capacity in the U.S. Department of State. Additionally, the Committee Report includes language I requested supporting the variety of science fellowship programs in the Department of State, including the science-diplomacy fellows of the American Association for the Advancemnt of Science (AAAS), the professional society fellows, and the recently established Jefferson Fellows Program.

The Office of the Science and Technology Adviser to the Secretary of State (STAS) has played an important role at the Department of State since 2000. As the chief scientist at State, the Adviser has brought greater visibility to "science for diplomacy" and "diplomacy for science." STAS has increased the number of PhD scientists and engineers employed at the Department, including AAAS fellows, professional society fellows, and most recently, Jefferson Science Fellows program.

I am glad that the Committee Report includes language applauding the work of the STAS for continuing to promote the essential role of science and technology in diplomacy. More importantly, the committee strongly encourages the Department to continue to increase science and technology capacity and literacy within the Department and the role of science and technology in our Nation's foreign policy. And the committee requests that the Secretary of State be prepared to report during hearings on the Fiscal Year 2009 request on progress made during the 2008 fiscal year.

I look forward to working with the State Department and the Appropriations Committee to ensure that advances are made to achieve these stated goals during this upcoming fiscal year.

Second, language included in the Committee Report supports the JSF and the other science fellowship programs in the Department of State and makes clear that the committee believes they are valuable programs that should be expanded in the years ahead.

As a former AAAS science fellow I know first hand about the important role that science fellows serve in helping policymakers better understand and are able to advance science and technology as a major component of diplomacy.

One such program, the Jefferson Science Fellows (JSF) program was established Secretary of State Condoleezza Rice in 2003. By providing 1-year fellowships to tenured academic scientists and engineers from our Nation's colleges and universities, the JSF program works to incorporate the American science, technology, and engineering communities into the formulation and implementation of U.S. foreign policy. Each Jefferson Science Fellow is hosted during their fellowship at the Department of State or a foreign embassy abroad. Jefferson Science Fellows are now contributing their scientific expertise to such challenging problems as nuclear non-proliferation, assessments of nanotechnology, pandemics like avian flu, and extreme weather. As the JSF program matures, this growing cadre of practicing experts with first-hand knowledge of the workings within the Department of State will be an increasingly important resource throughout the government.

Again, I would like to thank the committee for including this language and I look forward to working with the committee as we build the role of science in our Nation's diplomacy.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Fiscal 2008 State and Foreign Operations Appropriations Act and to express my appreciation for the significant increase in funding for trade capacity building.

This bill raises the Federal appropriation to $214 million, $87 million more than the administration requested.

Regardless of one's position on trade, helping our trading partners, particularly those in developing countries, with the financial assistance to improve enforcement of their labor and environmental laws is a good thing.

I would encourage the State and Foreign Operations Subcommittee to consider holding a hearing to assess how these funds have been effective at building capacity in these developing countries.

I think there is a good story that should be told.

Looking forward, however, we have several free trade agreements that we will be asked to consider in the next few months, Peru, Panama, Colombia, and Korea.

Three, Peru, Panama and Colombia, are with developing countries that are eligible to receive trade capacity assistance.

And while none of these agreements is a done deal, Colombia appears to be the one with the greatest level of concern.

A number of our colleagues are rightly concerned about Colombia's record on human rights and the alarmingly high number of labor leaders that have been killed in recent years.

Given this concern, I would like to see this appropriation clarify that some portion of the $214 million should go specifically to the Colombian Government, the attorney general's office, which is charged with investigating these killings and bringing the perpetrators to justice.

The attorney general has is no easy task.

President Uribe's effort to disband the paramilitary groups and bring about a peace agreement with the insurgents has made progress, but it has also overwhelmed the attorney general's office and the courts with a backlog of petitions to adjudicate.

Thousands of cases of former paramilitary soldiers and insurgents must be investigated before any seeking amnesty can be pardoned.

Only those proven innocent of any human rights abuses are granted amnesty.

I understand that the killing of labor leaders is being investigated, but the progress is slow and complicated by competing demands to clear the backlog of requests for pardons and amnesties.

I think Colombia would welcome our financial assistance to expedite the investigations into human rights abuses and killings of labor leaders.

I also think an offer of assistance would be a tangible demonstration of our willingness to help them address our concerns.

I encourage you to consider this request when you begin your discussions with the Senate on a final conference agreement.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today to strongly object to the reduction in assistance to Colombia and the significant redirection of funding for counternarcotic programs in this legislation.

Now is not the time to turn our backs on one of our most important democratic allies in the Western Hemisphere. We need to reaffirm, not dismantle, our commitment to these programs, to the people of Colombia, and to American citizens.

The drug trade in Colombia is a major factor in the instability in Latin America; it is killing Americans every day, and is a source of funding for terrorism in the hemisphere.

I have traveled to Colombia several times over the past few years and can say firsthand our significant investment is beginning to pay dividends. Under the leadership of President Uribe, Colombia has experienced success in fighting narcoterrorism and bringing democratic stability to the country.

Now is not the time to cut funding—when progress is being made.

We must recognize the difficult work of President Uribe and the challenges he faces with guerillas, paramilitary groups, drug traffickers, and terrorists.

Despite these difficulties, Uribe has rescued his country from a near-failed-state status and has reestablished state presence in areas of the country that for decades lacked it. Drug traffickers are being captured and extradited to the U.S. for prosecution, kidnapping rates have decreased significantly, and the Colombian people finally feel safe traveling within their own country.

We are also seeing tremendous results in illegal crop eradication, and Plan Colombia's efforts have produced record reductions in coca cultivation and in the destruction of drug labs. Each week brings news of new seizures of cocaine and heroin—interdictions that are usually the result of U.S. supplied intelligence.

Of course obstacles remain, and progress may be slower than my colleagues on the other side of the aisle would like it to be.

But now is not the time to turn our backs on this battle which is so intrinsically tied to our war on terrorism and the scourge of illegal drug use. The Uribe administration is committed to this war but it needs U.S. assistance to improve mobility, intelligence, and training.

Congress must continue to provide sustained funding for Plan Colombia and Andean Counterdrug Initiative programs and approve a free trade agreement.

The administration requested $589 million for promoting development and fighting drugs in Colombia.

Full funding of programs coupled with a free trade agreement is critical to sustaining our success in Colombia, fostering development and investment, and protecting our interests in Latin America.

It's simple, Mr. Chairman, we cannot win this war on drugs and drug-supported terrorism without the proper tools and resources.

Colombia is a key ally in an increasingly anti-American region—we must do everything we can to ensure it remains a political and economic partner.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 2764, the State-Foreign Operations Appropriations for FY 2008 and to commend Chairwoman LOWEY for her exceptional leadership in shepherding this bill through the legislative process.

I strongly support this legislation because it is an indispensable measure in restoring America's international prestige and leadership position in the global community. Equally important, this legislation reflects what is good about America: its generosity, its concern for the less fortunate, its commitment to protecting the weak and uplifting the downtrodden, and the recognition that we live in an interdependent world. You will recall the wise counsel of the Rev. Dr. Martin Luther King, Jr., who said, "we will either live together as brothers or we will perish as fools."

Mr. Chairman, I support H.R. 2764 because it rests upon a solid foundation supported by four pillars or guiding principles: (1) the United States must respond to humanitarian suffering and health crises; (2) the United States should set an example for the world in providing development assistance because development efforts play a crucial role in increasing global stability; (3) the United States must continue to make addressing global HIV/AIDS a key priority; and (4) the United States must increase its efforts to support its allies in the global war on terror. This legislation accomplishes all of these goals and does so in a fiscally responsible manner. In fact, the $34.2 billion dollars appropriated in H.R. 2764 is substantially less—$700 million less—than the amount requested by the administration.

Mr. Chairman, as founder and co-chair of the Congressional Children's Caucus I am constantly reminded of the importance of programs to enhance the health of women and children the world over. In fact, the best way to improve the life chances of poor children living in the poorest countries is to elevate the quality of maternal health of their mothers.

In Sub-Saharan African countries, 1 out of every 14 girls entering adolescence will die before the end of her childbearing years. More than 11 million children will die before reaching their fifth birthday from preventable causes like pneumonia, diarrhea, measles, malaria, and malnutrition. That translates to about 30,000 children deaths a day. It is unconscionable to lose these lives when they can be saved with low-cost interventions.

Mr. Chairman, during my last visit to the United Nations I was proud to attend the United Nations Special Session on Children, where I pledged my commitment to improving the lives of children over the next decade. H.R. 2764 takes a big step toward fulfilling this commitment.

The bill provides $1.9 billion for the Child Survival and Health Programs Fund, intended to reduce infant mortality and to improve the health and nutrition of children, especially in the poorest nations. This is an increase of 25 percent over the administration's short-sighted request. In addition the bill allocates $750 million in grants to organizations that support basic education programs, $300 million for safe water programs, and $501 million for environment and clean energy programs.

Mr. Chairman, perhaps nowhere on earth is America's commitment to its fundamental values more on trial than in the crucible of human misery and suffering that is Darfur in Sudan. Since 2003, we have witnessed a systematic campaign of displacement, starvation, rape, mass murder, and terror in the Sudanese region of Darfur. In the years since the conflict began, we have commemorated the 10th anniversary of the 1994 Rwandan genocide and the 60th anniversary of the liberation of Auschwitz, but promises of "never again" ring empty as genocide is allowed to continue in Sudan. As violence persists despite peace treaties and African Union peacekeeping efforts, now is the time to follow admirable rhetoric with definitive action to stop the violence in Darfur.

The Government of Sudan, through both support of the Janjaweed militia and direct military action, is responsible for systematic assaults against civilians belonging to the Fur, Zaghawa, and Masalit ethnic groups. In the past 4 years, the genocide in Darfur has claimed more than 450,000 lives and has displaced well over 2 million civilians. While some of these have made their way to overcrowded refugee camps in neighboring Chad, most remain trapped within Sudan. These displaced persons are completely dependent on international aid for their survival, the arrival and distribution of which has been impeded by the Sudanese Government.

It has been nearly a year since the United Nations Security Council adopted Resolution 1706, authorizing the deployment of 20,000 U.N. peacekeepers to bolster the 7,000-strong African Union force already active in the area. It has now been over a year since I traveled to Chad and walked across the border to Sudan. I had the opportunity to meet with these African Union troops, who pleaded for expanded peacekeeping authority and the resources to protect the refugees from violence.

In addition to the ongoing suffering of civilians within Sudan, the violence has now spilled across the borders into both Chad and the Central African Republic, and is undermining any prospects for stability in the entire region. Relations between Chad and Sudan have rapidly deteriorated, and, in addition to the flood of refugees moving across the border, the two nations have become locked in a proxy war. Chadian rebel groups, based in Darfur and supported by the Sudanese Government, have been launching cross-border attacks on civilians in Chad since late 2005. Similarly, fighting between rebels and government troops has displaced over 70,000 people in the northeastern region of the Central African Republic. The situation in these neighboring nations has deteriorated to the point where the United Nations is working towards the deployment of a peacekeeping force to these two countries.

In short, the humanitarian crisis in the Darfur region of Sudan also continues. International observers, including the Bush administration, have determined what is taking place in Darfur is genocide. As we demonstrated in Kosovo, once roused to act in the face of evil, America will be resolute and triumphant. That it is why I am so pleased that H.R. 2764 provides $210.5 million for critical humanitarian and peacekeeping programs in Darfur, which is 90 percent above the President's request.

The bill also provides an additional $738.8 million, $4 million above the President's request, for Sudan, primarily for development assistance to build the economic base and strengthen democratic institutions in southern Sudan. The bill prohibits any funds for the Sudanese Government unless the Secretary of State certifies that Sudan has ended all support for Arab militias attacking black Muslims in Darfur and unless Sudan allows unimpeded access for humanitarian assistance.

Likewise I welcome the $1.3 billion in funding provided in the bill for U.N. peacekeeping missions. These funds will support peacekeeping operations throughout the world. The bill also provides $293 million, which is 31 percent above FY 2007 and 33 percent above the President's request, for targeted peacekeeping operations, missions that are of particular interest to the United States. This total includes an additional $100 million, not requested by the President, to provide critical support to the African Union Peacekeepers in Darfur.

Mr. Chairman, when it comes to HIV/AIDS, we are talking about a tragedy of epic proportions, domestically and internationally. In my home State of Texas 3,298 new AIDS cases were reported in 2006, fourth highest in the country. Texas also claims the fourth largest population living with AIDS, nearly 30,000 people or 14.7 per 100,000. Of these new cases in Texas, nearly 42 percent involved African Americans. HIV/AIDS is an issue that affects all of us, according to the U.N., 2.9 million people died of AIDS in 2006; further there are now 39.5 million people living with HIV around the world.

The $5.1 billion provided in H.R. 2764 for HIV/AIDS prevention, treatment, care programs, TB and Malaria assistance programs is desperately needed to resolve human suffering. It is also 33 percent above FY 2007 and 13 percent more than the President requested.

Mr. Chairman, as a member of the Foreign Affairs Subcommittee on the Middle East and South Asia, I know how important it is for the United States to be engaged in the quest for peace in the Middle East. That is why I am pleased that the bill provides $2.4 billion in assistance for Israel, our strong ally, and the only flourishing democracy in that region.

Another key ally, Egypt, warrants our continued assistance. H.R. 2764 provides $1.3 billion for military grants and $415 million in economic assistance. However, the bill withholds $200 million of the military grants until the Secretary of State certifies that Egypt is taking steps to address human rights concerns by reforming its judiciary and training its police, as well as addressing concerns about smuggling of weapons from Egypt to Gaza. Since Egypt has proven itself over the years to be a reliable friend and partner in the search for peace, I am confident that the Secretary of State will soon be able to make their required certification.

While there will be those who have the view that the war in Afghanistan is over and we should shift our view, the truth is that Afghanistan is as vital to our Nation now as it was shortly after September 11. Operation Enduring Freedom was a success in removing the Taliban leadership and giving the Afghan people new hope; however our work there is far from done. We must ensure that Afghanistan has a bright and productive future ahead of itself, in which peace and prosperity will be possible. The bill provides $1.1 billion in humanitarian, reconstruction and related assistance to Afghanistan—including $235 million in counternarcotics funding and $75 million for programs specifically related to helping women. The measure withholds all but $225 million of the economic support funds until the Secretary of State certifies that the national and local governments in Afghanistan are fully cooperating with U.S.-funded narcotics eradication and interdiction efforts.

Although there is legitimate concern about what appears to be the Pakistani Government's disappointing progress in the area of democratic governance and the rule of law, we must remember Pakistan has proven to be a strong ally during both the cold war and the current global war on terror. Pakistan's strategically important location and the firm support of President Musharraf have played a major role in toppling the Taliban regime and preventing it from regaining power in Afghanistan. Pakistan is an important part of our national security and critical to regional stability. The bill provides $350 million for general economic assistance and $300 million in foreign military financing for Pakistan.

Additionally, through various cooperative efforts between the United States and Pakistan, there has been a marked improvement in such fields as economic trade and investment, health care, democracy human rights, education, and science and technology.

Colombia is a vital partner and ally of the United States. Recognizing the strategic importance of Colombia as I do, I strongly support the $530.6 million provided for drug interdiction and eradication efforts in Colombia, coupled with economic development assistance for drug-affected communities in Latin America.

Finally, Mr. Chairman, let me speak approvingly about the bill's funding of key State Department operations. H.R. 2764 fully funds the President's request of $1.8 billion for ongoing security upgrades to ensure that our embassies remain safe and secure for the tens of thousands of military and civilian staff serving in roughly 260 posts worldwide. Additionally, the bill provides $501 million, which is 11 percent above FY 2007 and 3 percent above the President's request, to fund the participation of over 42,000 individuals in educational, cultural and professional exchange programs worldwide. I know the value of these exchange programs. In fact, last year I attended the 6th Annual Doha Forum in Qatar as an invited panelist at a special symposium focusing on this very subject.

To conclude, Mr. Chairman, I strongly support H.R. 2764 because it is an indispensable measure in restoring America's international prestige and leadership position in the global community. I thank Chairwoman LOWEY on her fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Mr. HOLT. Mr. Chairman, I rise today in opposition to two destructive amendments to the State-Foreign Operations Appropriations bill for fiscal year 2008.

First, I oppose the amendment offered by my colleague from Pennsylvania, Mr. PITTS.

This amendment will strike an essential provision in this bill for preventing the spread of HIV and AIDS around the world. Mr. PITTS' amendment would strike a provision included in the bill which give the President greater flexibility and the ability for U.S. funded HIV/AIDS programs to better respond to the epidemics in each country.

This does not have to be a pro-choice or pro-life debate. In fact, it is short-sighted for us to think of it that way. This debate should be about prevention. It should be about providing necessary tools for proper prevention including providing contraception, ensuring access to condoms and providing educational information to those in need.

We have the ability to reduce the number of cases of HIV/AIDS around the world by allowing for greater flexibility in how we implement prevention funding. Instead of taking an approach where we require that one-third of all HIV/AIDS prevention funds be spent on abstinence only programs, that are not only ineffective in preventing sexual activity, but in fact harmful to the health and well being of young women, we should be allowing for greater flexibility in how we allocate these essential funds.

The statistics on the number of cases of HIV around the world are startling. In 2006, there were 4.2 million new HIV infections. According to UNAIDS, women and girls make up half of all HIV infections worldwide. And according to the World Health Organization, unprotected heterosexual sex is the leading cause of HIV infections around the world and 80 percent of new infections in sub-Saharan Africa.

Clearly, calls for abstinence alone are not working. We must admit to ourselves that young people, whether by choice or through coercion, are engaging in sexual activity. We have the tools to prevent less unintended pregnancies. We need to use them efficiently and effectively.

In order for any HIV/AIDS prevention program to be successful, we must make sure that we use proper prevention tools like condoms and contraception. I urge my colleagues to oppose the Pitts amendment.

Further, I rise today in strong opposition to the amendment offered by my colleague from New Jersey, Mr. SMITH and my colleague from Michigan, Mr. STUPAK.

Access to contraceptives and condoms is essential to stop the number of cases of HIV/AIDS around the world. With good reasons, the Subcommittee under the leadership of Ms. LOWEY from New York has included a provision that will allow foreign organizations that are currently prohibited from received family planning assistance under the global gag rule to receive in kind contributions of condoms and contraceptives.

I believe that the global "gag rule" is onerous and should be lifted because it not only bans foreign non-governmental organizations, NGOs, from using their own funds to engage in free speech and assembly activities on a woman's right to choose, but it also prevents health care providers from counseling the world's poorest women about all their legal health care options.

But the provisions in this bill do not lift the global gag rule. What these provisions do is promote proper family planning information and services. As a basic prevention form of healthcare, family planning services can improve maternal and child health in developing countries, lead to better diagnosis and treatment of sexually transmitted diseases, and reduce the incidence of unintended pregnancy and abortion. The global gag rule has stopped U.S.-donated contraceptives from reaching 16 countries with people in desperate need in Africa, Asia and the Middle East. Simply allowing access to contraceptives is a small and necessary step in prevention.

I urge my colleagues to oppose the Smith amendment.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Fiscal Year 2008 State and Foreign Operations Appropriations bill, through which this Congress and this government speak to the world about our international priorities.

The past decade has seen this nation pull into a shell like a turtle, something the rest of the world took as not caring about the fundamental challenges elsewhere in the world . . . before those challenges became full-fledged hot spots. We are a great Nation, a leader among nations. We must only act in that fashion. Today, we begin a new direction in foreign policy.

While this Foreign Operations bill deals specifically with our global footprint, it also has benefit for those that live near international borders. For instance, I am pleased the bill includes $15.5 million for the Rio Grande Flood Control System Rehabilitation, a matter my border colleagues and I have been working on for several years.

These funds will allow the International Boundary and Water Commission to begin repairing and restoring the 270 miles of levees along the Rio Grande River. This is only a first step to fully restore the integrity of the levees, the cost for restoration is estimated at $125 million. These funds were requested by the South Texas Delegation, including Congressman HINOJOSA and Congressman CUELLAR.

Over the last few years, budget limitations have not allowed the IBWC to properly maintain the levees. Used by Border Patrol to patrol the border and farmers to manage their land, the levees have severely deteriorated to the point that some areas are flat. In their current form, the IBWC is unable to certify the levees meaning the 1.3 million residents along this area are in danger of severe flooding. Hurricane Katrina showed us the awesome and dangerous power of Mother Nature. This funding is critical to prevent an international flooding disaster . . . a disaster that will remain possible until all the levees are repaired so IBWC can certify them. This is—quite literally—the least we can do to begin to fix this damage.

I thank the appropriators for including this funding and their recognition of the danger that is as far away as a powerful flooding event. I urge the House negotiators to keep this amount of funding included in this bill through conference.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the realignment of funding for Colombia in the FY2008 State and Foreign Operations Appropriations bill. I would like to begin by thanking Chairwoman LOWEY for her leadership on the issues facing Colombia and for crafting such a forward-thinking piece of legislation.

I visited Colombia a few years ago, and learned so much about that beautiful country. On that trip I heard chilling accounts of the tragedy that our policies have created. A lot has changed since my trip, but many of the fundamental problems still exist, and in some cases, have worsened.

I heartily support the new balance of aid in the FY2008 Foreign Operations bill. As outlined in the bill, now 55 percent of aid for Colombia will go toward military functions while 45 percent will go to rural development, social development, and strengthening the judicial system. This new approach is a dramatic change that will help remedy the problems that our policies have caused.

Just this month, the Office of National Drug Control Policy announced that more than 387,900 acres of coca were detected in Colombia in 2006, an increase of 32,120 acres from the previous year. The increase in coca production is a huge blow to the proponents of Plan Colombia, which was created in 2000 to reduce drug cultivation.

This Foreign Ops bill recognizes the failure of past policies—especially our counter-drug initiatives, and moves U.S. policy in the right direction. The funding in this bill will help families persecuted by paramilitaries, farmers struggling to grow crops other than coca, those displaced by fighting, and the Colombian justice system, which is valiantly struggling to bring justice to victims of violence.

Thank you, once again to Chairwoman LOWEY. I urge all of my colleagues to support this important legislation.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of H.R. 2764, the FY08 Department of State, Foreign Operations, and related appropriations Act.

I am pleased that the bill includes $75 million in funding for programs that address the needs of Afghan women and girls including the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nonprofit organizations in Afghanistan. The Committee directs $15 million of these funds to be made available as grants to support training and equipment to improve the capacity of women-led Afghan NGOs as well as their activities. This funding builds upon funding for Afghan women and girls included in an amendment that I offered to the FY2004 Emergency Supplemental Appropriations bill and funding included in subsequent appropriations bills.

During the past several years, the United States has invested in the reconstruction and development of Afghanistan both because it is the right thing to do and because it is critical to our security. However, I, like many of my colleagues, am troubled by the circumstances facing women in Afghanistan. We have heard from Dr. Sima Samar, head of the Afghan Independent Human Rights Commission, that Afghan women are losing ground. Many women continue to endure hardships including targeted violence, limited mobility, illiteracy, and a high rate of maternal mortality. I also am very concerned about reports that schools continue to be targeted for violence, including dozens in the past year. Clearly, we have more work to do.

While I hope that all the aid for Afghanistan will help women, I commend the Appropriations Committee for continuing to recognize the needs of Afghan women.

I would also like to commend Chairman LOWEY for her commonsense approach to refining the Global Gag Rule. Though I support a full repeal of this harmful policy, the Lowey provision is a first step toward eliminating the Gag Rule altogether—it will allow organizations to receive contraceptives which are proven to prevent unintended pregnancies and sexually transmitted diseases, It makes sense and it's the right thing to do.

As a co-chair of the Human Trafficking Caucus and a long-time proponent of increased efforts to combat this global human rights travesty, I am pleased to note the language regarding trafficking in the report that accompanies this bill. Earlier this year, I sent a letter to the Department of State and Foreign Operations Subcommittee expressing my support for these critical initiatives to combat trafficking. The committee report includes a recommendation that the Trafficking in Persons (TIP) Office at the Department of State retain control of the monies appropriated for TIP programs and not be subject to decentralized influence of field posts and to enable the TIP Office to disburse the necessary anti-trafficking funding to grantees more quickly. The committee also recommends the addition of six full-time equivalent (FTE) positions to the TIP office so that it can effectively monitor its anti-trafficking grants and can effectively fulfill the vital, congressionally assigned responsibility given to the Senior Policy Operating Group, which it chairs, of monitoring and coordinating the domestic and international anti-trafficking grants and policies of all U.S. agencies.

The committee also has directed $14,000,000 to the Trafficking in Persons program; which is $5,300,000 above the President's request, and $6,000,000 in INCLE (International Narcotics Control and Law Enforcement) funding for activities to prevent trafficking in persons. I have worked closely with Ranking Member WOLF on this issue over the past few years, and I thank him for his leadership in the fight against trafficking and human rights abuses worldwide.

Finally, as a co-chair and co-founder of the Hellenic Caucus, I am pleased that the committee has restored funding for the Greek desk at Voice of America. Because Greece is located at the crossroads of Europe, Asia, and the Middle East, maintaining this critical program is vital to U.S. interests in this important region of the world.

I commend Chairwoman LOWEY and Ranking Member WOLF for their work in bringing this bill forward, and I urge my colleagues to support this legislation.

Mr. SALI. Mr. Chairman, I am dismayed by the votes on issues related to abortion and foreign aid.

I joined with all but 12 of my colleagues on my side of the aisle and 25 Members of the Majority in voting against legislation that would overturn what commonly is known as the "Mexico City" policy.

First enacted by President Reagan and sustained by the first President Bush, this policy has been, for the past 6 years, the policy of our country under our current President. Put simply, the policy says this: Federal resources provided to international family planning organizations cannot be used by them to pay for abortion or efforts to overturn pro-life laws in the countries where such groups operate.

This is entirely consistent with the Hyde Amendment, which prohibits the use of American taxpayer dollars to pay for abortions in our own country.

Yet now, only 6 months into the new Congress, the majority has decided that tying federal funding of abortions in other countries to family planning assistance is somehow acceptable.

Moreover, my friends across the aisle have enacted within the Foreign Operations Appropriations bill a provision that would make optional the requirement that 33 percent of all prevention funding be used for abstinence and marital fidelity programs.

Mr. Chairman, abstinence and faithfulness to your spouse are the only sure ways of preventing the spread of HIV/AIDS and a large number of sexually transmitted diseases. Yet now we are giving programs and groups that work against such diseases the opportunity to rely more on condoms than common sense and commitment to sexual probity.

Additionally troubling is that the State/Foreign Operations bill contained $2.4 billion for the State of Israel. This funding is especially imperative given the fact that Hamas has just gained control of the Gaza Strip.

I voted against the Foreign Operations bill because of its strange insistence that American taxpayers fund overseas abortions. That's morally wrong. It affronts the convictions of tens of millions of our fellow citizens. It is an expression of ideology, not sound foreign policy.

Mr. Chairman, Israel has no stronger supporter in Congress than me. I have cosponsored legislation to counter Iran's efforts to obtain nuclear weapons and another measure recognizing the 40th anniversary of the reunification of Jerusalem and calling upon the President to begin the process of relocating the United States Embassy in Israel to Jerusalem. I have worked closely with my friends in Idahoans United for Israel and am proud of my association with supporters of Israel across the political spectrum.

Mr. Chairman, I urge you to bring a clean bill to the House floor so that my colleagues and I can vote for Israel and for funding for our State Department and its vital mission and for so many other important foreign relations-related programs.

The American people are weary of the legislative process being used to score political points. Both sides are guilty of this kind of maneuver and it needs to change. Support for Israel is too important for it to be held up by the vagaries of domestic politics. Let's have a clean bill and a clean vote.

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Foreign Affairs Appropriations bill passed last week, which included language authored by myself and Congressman MARK KIRK ordering the State Department to report to Congress on the feasibility of restricting gasoline to Iran. Restricting refined gasoline to Iran is one way to pressure the regime to give up its efforts to develop nuclear weapons.

Due to economic mismanagement by the Iranian government, this leading OPEC nation now heavily depends on refined gasoline from abroad to run its economy. One Dutch company, Vitol, is the main broker of Iranian gasoline imports and one British company, Lloyd's of London, insures most of the tankers transporting gasoline to Iran.

I have long advocated for economic sanctions against Iran as part of an international diplomatic effort to halt the regime's pursuit of nuclear weapons in defiance of the United Nations. An international restriction on the supply of gasoline would serve as a critical diplomatic tool to deny Iran the ability to further its efforts to acquire nuclear weapons. Therefore, I strongly urge the State Department to advocate for a gasoline embargo on Iran as a sanction at the United Nations Security Council.

Mrs. LOWEY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 498, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 542]

YEAS—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Ramstad
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Stupak
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bonner
Cramer
Cubin
Davis, Jo Ann
Hastert
Hunter
Johnson (GA)
Napolitano
Ortiz
Rangel
Sanchez, Loretta
Sullivan
Weiner

☐ 0031

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Georgia (at the request of Mr. HOYER) for today after 7:30 p.m.

Ms. NAPOLITANO (at the request of Mr. HOYER) for today after 8:00 p.m.

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today from 2:30 p.m. until 4:30 p.m.

Mr. SULLIVAN (at the request of Mr. BOEHNER) for today on account of a long-standing family commitment.

Mr. BONNER (at the request of Mr. BOEHNER) for today and tomorrow on account of traveling to Alabama with the President of the United States and the First Lady.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 20, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 57. To repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. To amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

ADJOURNMENT

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes a.m.), the House adjourned until today, Friday, June 22, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2277. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD-055-FOR] received June 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2278. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Reporting Requirements and Conservation Measures [Docket No. 061127309-7100-02; I.D. 110706D] (RIN: 0648-AU72) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2279. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Interim Rule Extension [Docket No. 061213334-6334-01; I.D. 120806B] (RIN: 0648-AV05) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2280. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2007 Deep-Water Grouper Commercial Fishery [Docket No. 040205043-4043-01] (RIN: 0648-XA46) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2281. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Section 506 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003—Limitation on Charges for Services Furnished by Medicare Participating Inpatient Hospitals to Individuals Eligible for Care Purchased by Indian Health Programs [CMS-2206-F] (RIN: 0917-AA02) received June 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2282. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—United States-Singapore Free Trade Agreement [USCBP-2007-0057; CBP Dec. 07-28] (RIN: 1505-AB48) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2283. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Industry Director Directive #1 on Backdated Stock Options [LMSB Control No. 04-0407-036 Impacted IRM 4.51.5] received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Science and Technology. H.R. 2313. A bill to establish research, development, demonstration, and commercial application programs for marine renewable energy technologies; with an amendment (Rept. 110-202). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 2304. A bill to direct the Secretary of Energy to conduct a program of research, development, demonstration, and commercial application for geothermal energy, and for other purposes; with an amendment (Rept. 110-203). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1980. A bill to authorize appropriations for the Housing Assistance Council (Rept. 110-204). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1982. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; with an amendment (Rept. 110-205). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 2139. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; with an amendment (Rept. 110-206). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOYLE (for himself and Mr. TERRY):

H.R. 2802. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ (for herself, Ms. BEAN, Mr. BRALEY of Iowa, and Ms. CLARKE):

H.R. 2803. A bill to amend the Small Business Investment Act of 1958 to establish the Angel Investment Program; to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2804. A bill to repeal the prohibitions on United States assistance to countries that are parties to the International Criminal Court; to the Committee on Foreign Affairs.

By Mr. BECERRA (for himself, Mr. CASTLE, Ms. DEGETTE, Mr. KIRK, Mr. SESSIONS, Mr. UPTON, and Ms. CASTOR):

H.R. 2805. A bill to amend title XVIII of the Social Security Act to authorize expansion of the population of Medicare beneficiaries eligible for Medicare coverage of medical nutrition therapy services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCCOTTER, Mrs. CAPITO, and Mr. GERLACH):

H.R. 2806. A bill to reform the Federal unemployment benefits system, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES (for himself and Mr. LIPINSKI):

H.R. 2807. A bill to intensify stem cell research showing evidence of substantial clinical benefit to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself, Mr. EHLERS, Mr. HOLT, Mr. GUTIERREZ, Mr. ORTIZ, Mr. WEXLER, Mr. LYNCH, Mr. VAN HOLLEN, Mr. DINGELL, Mr. TIERNEY, Mr. MEEHAN, Mr. COHEN, and Mr. HASTINGS of Florida):

H.R. 2808. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. VAN HOLLEN, Mr. LANGEVIN, Mr. HONDA, Mr. SMITH of Washington, Mr. SCHIFF, Mr. DELAHUNT, Mr. ELLISON, Ms. BALDWIN, Mr. HINCHEY, Mr. FATTAH, Mr. ISRAEL, Mr. JEFFERSON, Mr. EMANUEL, Mr. DAVIS of Illinois, Ms. LEE, Mr. SHAYS, and Mr. WEINER):

H.R. 2809. A bill to ensure that the United States leads the world baseline in developing and manufacturing next generation energy technologies, to grow the economy of the United States, to create new highly trained, highly skilled American jobs, to eliminate American overdependence on foreign oil, and to address the threat of global warming; to the Committee on Energy and Commerce, and in addition to the Committees on Rules, Ways and Means, Education and Labor, Foreign Affairs, the Judiciary, Financial Services, Science and Technology, Oversight and Government Reform, Natural Resources, Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON (for himself, Ms. NORTON, Mr. BUTTERFIELD, and Mr. MELANCON):

H.R. 2810. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for biomethane produced from biomass which is equivalent to the credit allowed for electricity produced from biomass; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. CONYERS):

H.R. 2811. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself and Mr. BRADY of Texas):

H.R. 2812. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. LoBIONDO (for himself and Mr. ANDREWS):

H.R. 2813. A bill to address the risks of exposure of children to mercury from mercury-contaminated industrial sites; to the Committee on Energy and Commerce.

By Mr. MARCHANT:

H.R. 2814. A bill to authorize the Secretary of Energy to provide loan guarantees for 100 percent of the cost of construction of new domestic nuclear power production facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN:

H.R. 2815. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida (for himself, Mr. HERGER, Mr. BLUMENAUER, and Mr. ABERCROMBIE):

H.R. 2816. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Ms. DELAURO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. MCGOVERN, Mr. STARK, Mr. UDALL of New Mexico, and Mr. WAXMAN):

H.R. 2817. A bill to amend the Federal Election Campaign Act of 1971 to provide for expenditure limitations and public financing for House of Representatives general elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. FILNER, Mr. MICHAUD, Mr. KENNEDY, Mr. SALAZAR, Mr. WEXLER, and Mr. LAMBORN):

H.R. 2818. A bill to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself, Mrs. EMERSON, Mr. HINCHEY, Mr. TOWNS, Mr. MCNULTY, Mr. BOSWELL, Mr. FARR, Mr. MOORE of Kansas, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. GRIJALVA, Mr. RUSH, Mrs. TAUSCHER, Mr. UDALL of New Mexico, Ms. CARSON, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Mr. TANNER, Mr. GORDON, Mr. MCGOVERN, Mr. SNYDER, Mrs. BIGGERT, Mr. KIND, Mr. STARK, Mr. THOMPSON of California, Mr. ELLISON, Mrs. CAPPS, Mr. WAXMAN, Mr. MORAN of Virginia, Ms. LEE, Ms. WATSON, Mr. SERRANO, Mr. HONDA, Mr. PETERSON of Minnesota, Mr. WELCH of Vermont, and Mr. JEFFERSON):

H.R. 2819. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H.R. 2820. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mrs. CUBIN, and Mr. BOREN):

H.R. 2821. A bill to amend section 122 of title 17, United States Code, and the Communications Act of 1934 to permit satellite carriers and cable operators to retransmit the signals of local television broadcast stations to their adjacent markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 2822. A bill to establish an Independent Ethics Commission within the House of Representatives composed of former Federal judges; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2823. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements, and to amend such Code to deny any deduction for direct-to-consumer advertisements of qualified prescription drugs for a two-year period; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself, Ms. NORTON, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. CONYERS, Mr. CLAY, Ms. LEE, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. FATTAH, and Mr. FALEOMAVAEGA):

H.R. 2824. A bill to sever United States' government relations with the Cherokee Nation of Oklahoma until such time as the Cherokee Nation of Oklahoma restores full tribal citizenship to the Cherokee Freedmen disenfranchised in the March 3, 2007, Cherokee Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 2825. A bill to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina (for himself, Mr. CLYBURN, Mr. PASCRELL, Mr. WILSON of South Carolina, Mr. INGLIS of South Carolina, Mr. BARRETT of South Carolina, and Mr. SPRATT):

H. Con. Res. 172. Concurrent resolution honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007; to the Committee on Oversight and Government Reform.

By Mrs. JONES of Ohio (for herself and Mrs. CHRISTENSEN):

H. Con. Res. 173. Concurrent resolution supporting the goals and ideals of the First Summit of Caribbean Ministers of Health; to the Committee on Foreign Affairs.

By Mr. SAXTON:

H. Res. 508. A resolution recognizing the strong security alliance between the Government of Japan and the United States and expressing appreciation to Japan for its role in enhancing stability in the Asia-Pacific region and its efforts in the global war against terrorism; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Mrs. BOYDA of Kansas, Ms. CARSON, Mr. BACHUS, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CLAY, Mr. COBLE, Mr. DUNCAN, Mr. FILNER, Mr. GINGREY, Mr. HIGGINS, Mr. HINCHEY, Mr. SAM JOHNSON of Texas, Mr. KENNEDY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Ms. NORTON, Mr. SERRANO, and Mr. SNYDER):

H. Res. 509. A resolution supporting the goals and ideals of National Zoo Keeper Week, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

85. The SPEAKER presented a memorial of the Senate of the State of Oregon, relative to Senate Memorial 1 urging the Congress of the United States to exercise its appropriate constitutional authority to oppose the administration's escalation of United States forces in Iraq; jointly to the Committees on Armed Services and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. HARE and Mr. MCNERNEY.

H.R. 180: Mrs. NAPOLITANO.

H.R. 181: Mr. MCNERNEY.

H.R. 207: Ms. ZOE LOFGREN of California.

H.R. 216: Mr. RANGEL.

H.R. 217: Mr. RANGEL.

H.R. 243: Mr. LAHOOD.

H.R. 245: Mr. MCINTYRE.

H.R. 281: Mr. PRICE of North Carolina.

H.R. 303: Ms. DELAURO and Mr. WILSON of Ohio.

H.R. 315: Mr. HENSARLING.

H.R. 601: Mr. HOLDEN.

H.R. 748: Mr. LEWIS of Georgia, Mr. BARTLETT of Maryland, Mr. CUMMINGS, Mr. PERLMUTTER, and Mr. ELLISON.

H.R. 760: Mr. SARBANES.

H.R. 767: Ms. HERSETH SANDLIN.

H.R. 777: Mr. DELAHUNT.

H.R. 809: Mr. MOLLOHAN and Mr. PAYNE.

H.R. 810: Mr. PAYNE.

H.R. 840: Mr. FILNER and Mr. HARE.

H.R. 864: Mrs. WILSON of New Mexico, Mr. MOORE of Kansas, and Mr. BOYD of Florida.

H.R. 876: Mrs. BOYDA of Kansas.

H.R. 900: Mr. MOORE of Kansas.

H.R. 1000: Mr. NADLER, Mr. COSTELLO, Mr. BOSWELL, Mr. YOUNG of Alaska, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CARSON, Mr. KAGEN, Mr. TAYLOR, Mr. COHEN, Mr. HALL of New York, Mr. CARNEY, Mr. MITCHELL, Mr. ARCURI, Mr. SHULER, Mr. BAKER, Mr. PETRI, Mr. PLATTS, Mr. CUMMINGS, Mr. BAIRD, Mr. BISHOP of New York, Mr. ALTMIRE, Mr. SHUSTER, Mr. BROWN of South Carolina, Mrs. TAUSCHER, Mr. HOLDEN, Mr. MICHAUD, Ms. HIRONO, Ms. MATSUI, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. SALAZAR, Mr. BOUSTANY, Mrs. MILLER of Michigan, Ms. FALLIN, Mr. BUCHANAN, Mr. MACK, Mr. DENT, Mr. GERLACH, Mrs. CAPITO, Mr. BOOZMAN, Mr. CARNAHAN, Mr. EHLERS, Mr. SPACE, Mr. WALZ of Minnesota, Mr. HIGGINS, and Mr. LATOURETTE.

H.R. 1091: Mr. BOYD of Florida.

H.R. 1102: Mr. YOUNG of Alaska, Mr. GONZALEZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1108: Mr. RYAN of Ohio.

H.R. 1110: Mr. MCCAUL of Texas, Mr. KELLER, Mr. ORTIZ, Mr. LOEBSACK, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. CONYERS, and Mr. WILSON of Ohio.

H.R. 1125: Mr. LAHOOD, Ms. JACKSON-LEE of Texas, Mr. SHIMKUS, and Mr. MEEK of Florida.

H.R. 1127: Mr. RYAN of Wisconsin.

H.R. 1176: Mr. RANGEL.

H.R. 1239: Ms. KILPATRICK.

H.R. 1380: Mr. MCNERNEY.

H.R. 1399: Mr. LINDER, Mr. ALEXANDER, Mr. GRAVES, Mr. GERLACH, Mr. DENT, Mr. GILLMOR, Mr. KINGSTON, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. ROYCE, and Mr. WALZ of Minnesota.

H.R. 1416: Mr. BOSWELL.

H.R. 1418: Mr. RYAN of Ohio, Mr. FILNER, Mr. TERRY, and Mr. SESTAK.

H.R. 1437: Mr. REHBERG.

H.R. 1459: Mr. LARSON of Connecticut.

H.R. 1567: Mr. PRICE of North Carolina, Mr. DOYLE, and Mr. DELAHUNT.

H.R. 1576: Mr. LARSON of Connecticut.

H.R. 1614: Mr. BLUMENAUER, Ms. SLAUGHTER, and Mr. DEFAZIO.

H.R. 1646: Mr. HOLT.

H.R. 1647: Mr. UPTON.

H.R. 1650: Mr. KIND and Mr. INGLIS of South Carolina.

H.R. 1667: Mr. MCGOVERN.

H.R. 1671: Ms. ZOE LOFGREN of California and Mr. MCNULTY.

H.R. 1687: Mr. PICKERING.

H.R. 1693: Mrs. CHRISTENSEN.

H.R. 1707: Mr. BRALEY of Iowa and Mr. WALZ of Minnesota.

H.R. 1709: Mr. BOYD of Florida.

H.R. 1732: Mr. DAVIS of Illinois.

H.R. 1738: Mr. BRADY of Pennsylvania and Mr. SOUDER.

H.R. 1754: Ms. GIFFORDS and Mr. DONNELLY.

H.R. 1759: Mr. BERMAN, Mr. BOUCHER, and Mr. WEXLER.

H.R. 1767: Mr. BERRY.

H.R. 1818: Mr. GOODE.

H.R. 1845: Mr. BISHOP of Utah and Mr. BOREN.

H.R. 1866: Mr. LAMPSON, Mr. KUHL of New York, and Mr. HARE.

H.R. 1915: Mr. EHLERS.

H.R. 1937: Mr. MANZULLO, Mr. COHEN, Ms. HOOLEY, Mr. CALVERT, Mr. TERRY, Mr. BROWN of South Carolina, Mr. GALLEGLY, Mr. YOUNG of Alaska, and Mr. SESSIONS.

H.R. 1938: Mr. HARE.

H.R. 1964: Ms. GIFFORDS and Mrs. NAPOLITANO.

H.R. 1975: Mr. MCNULTY and Mr. BRADY of Pennsylvania.

H.R. 1992: Mr. MURTHA, Mr. KUCINICH, and Mr. CONYERS.

H.R. 2045: Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Mr. PASTOR, Mr. ROTHMAN, and Mr. OLVER.

H.R. 2053: Mr. PICKERING, Ms. ESHOO, and Mr. SAXTON.

H.R. 2065: Mr. MORAN of Virginia.

H.R. 2105: Mr. GENE GREEN of Texas.

H.R. 2106: Mr. POE, Mr. PAUL, Mrs. MYRICK, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2142: Mr. HOLT.

H.R. 2163: Mr. SHUSTER.

H.R. 2164: Ms. DEGETTE.

H.R. 2165: Mr. BRALEY of Iowa.

H.R. 2166: Mrs. BOYDA of Kansas.

H.R. 2172: Mr. FILNER.

H.R. 2210: Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Ms. SHEA-PORTER, and Mr. BRADY of Pennsylvania.

H.R. 2211: Mr. DEFAZIO, Mr. DINGELL, and Mr. ELLISON.

H.R. 2265: Mr. LARSON of Connecticut, Mr. POMEROY, Mr. CAPUANO, Mr. LARSEN of Washington, and Mr. LANTOS.

H.R. 2266: Mr. BRALEY of Iowa and Ms. HERSETH SANDLIN.

H.R. 2286: Ms. JACKSON-LEE of Texas.

H.R. 2295: Ms. DEGETTE, Ms. HARMAN, Mr. HILL, Ms. BERKLEY, and Mr. BOUCHER.

H.R. 2304: Mr. WALDEN of Oregon.

H.R. 2305: Mr. HERGER.

H.R. 2319: Mr. PLATTS.

H.R. 2398: Mrs. BOYDA of Kansas and Mr. COSTA.

H.R. 2405: Mr. SHERMAN and Ms. JACKSON-LEE of Texas.

H.R. 2421: Mr. CLYBURN.

H.R. 2443: Mr. MCNERNEY, Mr. CLEAVER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2461: Ms. DEGETTE.

H.R. 2493: Mr. KLINE of Minnesota.

H.R. 2499: Mr. COHEN.

H.R. 2508: Mr. COSTELLO.

H.R. 2518: Mr. DAVIS of Illinois and Mr. SHIMKUS.

H.R. 2537: Mr. MCINTYRE.

H.R. 2566: Mr. CUMMINGS.

H.R. 2567: Mr. SOUDER.

H.R. 2583: Mr. GINGREY.

H.R. 2593: Mr. REYES.

H.R. 2596: Mr. BERMAN.

H.R. 2625: Mr. MICHAUD.

H.R. 2627: Mr. PASCRELL and Mr. HOLT.

H.R. 2630: Mr. MITCHELL.

H.R. 2660: Mr. BRALEY of Iowa, Ms. CARSON, Mr. COHEN, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. RUSH.

H.R. 2662: Mr. GERLACH.

H.R. 2677: Mr. OLVER, Mr. WHITFIELD, and Mr. ROTHMAN.

H.R. 2715: Mr. SMITH of Washington and Mr. PALLONE.

H.R. 2723: Mr. MCNULTY, Mr. DAVIS of Illinois, and Mr. JEFFERSON.

H.R. 2725: Mr. DAVIS of Illinois.

H.R. 2727: Mr. BOREN.

H.R. 2746: Mr. GRIJALVA, Mr. MCNULTY, and Mr. DAVIS of Illinois.

H.R. 2750: Mr. KIND, Mr. ALLEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOYER, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mr. MELANCON, Mr. SARBANES, and Ms. WATSON.

H.R. 2762: Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. MCHUGH, Ms. NORTON, Mr. PICKERING, Mr. MCNULTY, Mr. BOSWELL, Mr. DICKS, Mr TIBERI, Mr. VAN HOLLEN, Mr. YARMUTH, Ms. BERKLEY, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. PASTOR, and Ms. ZOE LOFGREN of California.

H.R. 2765: Mr. DENT.

H.R. 2772: Mr. GOHMERT.

H.R. 2784: Mr. BROWN of South Carolina.

H.R. 2787: Mr. BACHUS.

H. Con. Res. 48: Mr. PLATTS.

H. Con. Res. 104: Mr. MORAN of Virginia.

H. Con. Res. 162: Mr. MCINTYRE.

H. Con. Res. 169: Ms. NORTON, Mr. BUTTERFIELD, and Mrs. CHRISTENSEN.

H. Res. 106: Mr. MEEK of Florida, Mr. MITCHELL, and Ms. BORDALLO.

H. Res. 121: Ms. SUTTON, Mr. REICHERT, and Mr. LANTOS.

H. Res. 143: Mr. MOORE of Kansas and Ms. LEE.

H. Res. 186: Mr. CUMMINGS, Mr. SCOTT of Virginia, and Mr. GALLEGLY.

H. Res. 257: Ms. SCHAKOWSKY, Mr. MARSHALL, and Mr. FERGUSON.

H. Res. 339: Mr. CONAWAY.

H. Res. 353: Mr. RUPPERSBERGER, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. SESTAK, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. ELLISON, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, and Mrs. JONES of Ohio.

H. Res. 389: Mr. CONYERS and Ms. LEE.

H. Res. 427: Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. FARR, and Ms. BERKLEY.

H. Res. 470: Mr. BURTON of Indiana, Mr. SESSIONS, Mr. REYES, Mr. MCNULTY, Ms. BORDALLO, and Mr. KENNEDY.

H. Res. 477: Mr. SOUDER, Mr. SKELTON, and Ms. BORDALLO.

H. Res. 482: Mr. CROWLEY, Mr. CAPUANO, Mr. MORAN of Virginia, Mr. BROWN of South Carolina, Mr. HINCHEY, Mr. ENGEL, and Mr. HASTINGS of Florida.

H. Res. 494: Mr. RAHALL and Ms. MOORE of Wisconsin.

H. Res. 501: Mr. DAVIS of Illinois, Mr. MCCOTTER, Ms. GRANGER, Mr. SMITH of Texas, Mr. GOODE, Mr. MCCARTHY of California, Ms. JACKSON-LEE of Texas, and Mr. FLAKE.

H. Res. 504: Mr. SMITH of Washington and Mr. TAYLOR.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. 482–07 urging the Florida Legislature to pass legislation that protects the identities of people who report elder abuse or neglect; to the Committee on Education and Labor.

82. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R–483–07 urging the Florida Legislature to designate NW 135th Street from NW 7th Avenue to NW 27th Avenue as Bishop Victor Tyrone Curry Boulevard; to the Committee on Oversight and Government Reform.

83. Also, a petition of the Washington State Democrats, relative to Resolution No. 329 calling on the House of Representatives to start the process of investigation for the purposes of determining the articles of impeachment that are justified by the acts of George W. Bush as President of the United States and also as Commander-in-Chief of the Armed Forces and the same process be instituted in regard to Vice President Richard Cheney; to the Committee on the Judiciary.

84. Also, a petition of the Wisconsin Broadcasters Association, relative to a Resolution opposing the proposed merger of the only two satellite radion companies, XM and Sirius; jointly to the Committees on Energy and Commerce and the Judiciary.

85. Also, a petition of the Nebraska Broadcasters Association, relative to a Resolution opposing the proposed merger of the only two satellite radio companies, XM and Sirius; jointly to the Committees on Energy and Commerce and the Judiciary.

86. Also, a petition of the Kansas Broadcasters Association, relative to a Resolution opposing the proposed merger of the only two satellite radio companies in the country, XM and Sirius; jointly to the Committees on Energy and Commerce and the Judiciary.

87. Also, a petition of the City Council of Carson, California, relative to Resolution No. 07–020 supporting an increase in the federal budget for low income home energy assistance; jointly to the Committees on Energy and Commerce and Education and Labor.

88. Also, a petition of the City Commission of Hallandale Beach, Florida, relative to Resolution No. 2007–22 supporting S. 1115 aimed at improving energy efficiency and reducing green house emissions; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Science and Technology, and Oversight and Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2764

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 61: Page 29, line 1, after the dollar amount, insert "(increased by $5,000,000) (reduced by $5,000,000)".

H.R. 2764

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 62: Page 34, line 17, after the dollar amount, insert "(increased by $5,000,000) (reduced by $5,000,000)".

H.R. 2764

OFFERED BY: MR. PENCE

AMENDMENT NO. 63: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide a United States contribution to the United Nations Relief and Works Agency (UNRWA).

H.R. 2764

OFFERED BY: MR. PENCE

AMENDMENT NO. 64: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide direct aid to the Palestinian Authority, except as otherwise provided by existing law.

SENATE—*Thursday, June 21, 2007*

The Senate met at 10:30 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain, Pastor Linda Arey, New Harvest Church, Waynesboro, VA.

The guest Chaplain offered the following prayer:

Let us pray.

Father God, we acknowledge You as the Ruler of all nations and we pray for peace and justice in our world.

We pray First Timothy 2:1–4:

> I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings; and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Savior, who will have all men to be saved and to come unto the knowledge of the truth.

Father, I pray for our President and First Lady. Bless them this day and give them the wisdom to do all that is set before them.

I pray for the Senate, to have Your wisdom to accomplish all that is set before them. Bless them for their commitment to serve the people of our Nation and to carry out their duties.

Father, in Jesus' name I call this United States of America blessed. In Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 21, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable BARACK OBAMA, a Senator from the State of Illinois, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. OBAMA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PRESIDENTIAL VETOES

Mr. REID. Mr. President, Senator ENSIGN and I hold, every Thursday, in a room right off the Chamber, in the Johnson Room, the LBJ Room, a breakfast where we have Nevadans come and visit with us.

Today it was a larger crowd than we usually have because school is out. Even if it were not a larger crowd, there were a lot more kids there.

One of the young people who was there is Anna Ressell. Anna is from Sparks, NV. She came to see me the day before yesterday with some other Nevada girls because she is a diabetic. She was there today with all of her family—a wonderful child. She is 13 years old.

During her lifetime, this young lady has had 20,000 finger pokes, 35,000 injections. She is a diabetic, I repeat. Think about that. When we go to the doctor and they draw blood or give you a shot, we always wince because it hurts. We try to have a backbone of steel, but it hurts. This young lady has had 20,000 finger pokes to determine what her blood sugar levels are and 35,000 injections.

That is why it is so sad, when we see this young girl with her family, that that hope has been taken away. She came here with these other girls to talk about the need for stem cell research.

The President, yesterday, in his message to the Senate, snuffed out hope for tens of thousands of people in Nevada, people such as Anna and many others suffering from Parkinson's, Alzheimer's, spinal cord injuries—millions of Americans. Their hope was snuffed out with the President vetoing this bill. It is too bad.

I also think it is so important that I mention to everyone, as I said on the floor—I get up every morning and do my exercises and listen to public radio. I get the news at the top of the hour and the middle of the hour. I try to be up to date on what is going on in the world today that is not in the morning newspaper.

It was not on the morning news this morning, the tragic, sad news from Iraq, that 14 more of our soldiers were killed in the last 36 hours—14. I don't know if any are from Nevada.

Meanwhile, we see further evidence that the Iraqi leaders are frozen in an increasingly dangerous stalemate. The Vice President resigned. The fact is, our troops are caught in the middle of this civil war in faraway Iraq, trying to give Iraqi leaders the space and security to bring their country together. We have 160,000 to 180,000 troops there now, protecting the Shias, protecting the Sunnis, protecting the Kurds. They are all after our soldiers.

Unfortunately, Iraq's leaders continue to drag their feet, while our troops are getting killed; 14 more brave American soldiers.

But the problems aren't just in Iraq. The Middle East is engulfed in civil war in Lebanon, civil war in Iraq, civil war among the Palestinians. The Israelis do not know where to turn. Iran is thumbing its nose at us.

That is why we have fought so hard, as Democrats, and will continue to fight, to change the course in Iraq. We need a new mission, one that is aligned with our strategic interests. We need to begin redeploying our troops from Iraq so we can reduce our large combat footprint and extricate forces from this Civil War.

We need more than two Republicans to help us. We have had two, and I so appreciate that. They made it so we were able to pass a bill, send it to the President, and he vetoed it. We need more.

I have signaled to my colleagues that the Defense authorization bill will be coming up shortly. We intend to wage our battle on Iraq, changing the course of the war in Iraq.

SCHEDULE

Mr. REID. This morning, under an order entered yesterday, the Senate will resume the energy legislation. We will have 70 minutes of debate on the matter of the Kyl amendment, which is No. 1733, and a motion to invoke cloture on the Baucus-Grassley energy tax amendment, with that time equally divided and controlled. Once the time is used or yielded back, the Senate will conduct two rollcall votes: The first vote will be in relation to the Kyl amendment, followed by cloture on the Baucus-Grassley amendment. As Members are aware, if cloture is invoked on the Baucus amendment, then post-cloture time runs and the second-degree amendments which have been timely filed and are germane postcloture are in order. The filing deadline for germane second-degree amendments is 11 a.m. this morning, 20 minutes from now.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

ORDER OF BUSINESS

Mr. KYL. Mr. President, to advise those on the other side how Senator DOMENICI and I intend to divide our time, I have 15 minutes. I think what I will do is take 5 minutes right now and then defer to Senator DOMENICI for his 20 minutes. Then I will conclude. Of course, the majority will be fitting their time in there as well. That is what we intend to do.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Will the Senator suspend to allow the Senate to report pending business.

Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Corker amendment No. 1608 (to amendment No. 1502), to allow clean fuels to meet the renewable fuel standard.

Cardin modified amendment No. 1520 (to amendment No. 1502), to promote the energy independence of the United States.

Collins amendment No. 1615 (to amendment No. 1502), to provide for the development and coordination of a comprehensive and integrated U.S. research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change.

Baucus amendment No. 1704 (to amendment No. 1502), to amend the Internal Revenue Code of 1986 to provide for energy advancement and investment.

Kyl-Lott modified amendment No. 1733 (to amendment No. 1704), to provide a condition precedent for the effective date of the revenue raisers.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 70 minutes of debate equally divided prior to a vote in relation to amendment No. 1733, offered by the Senator from Arizona, Mr. KYL, and the motion to invoke cloture on amendment No. 1704, offered by the Senator from Montana, Mr. BAUCUS.

The Senator from Arizona is recognized.

AMENDMENT NO. 1733

Mr. KYL. Mr. President, resuming debate on the amendment which I offered, the amendment is very straightforward. It simply says that notwithstanding the tax increases, $28.6 billion in tax increases in the amendment pending on the floor, they shall not take effect unless the Secretary of Energy certifies that those tax increases will not increase retail gasoline prices or the reliance of the United States on foreign sources of energy.

The point of the amendment is to make it clear that sometimes tax increases on business can be passed on to consumers. If that happens in this case, we are going to see higher gasoline prices at the pump, not lower prices. One of the concerns many of us have with the underlying bill is it doesn't produce any new energy. Yet it spends $28.5 billion. To make up for that spending, it taxes an additional $28.6 billion.

Somebody has to end up paying that tax. Most people in America know that when you put a tax on a business, that gets passed on to the consumers who buy the product—in this case, gasoline. So instead of reducing gasoline prices, this bill, if the underlying amendment passes, is going to add to the cost of gasoline.

Yesterday I mentioned a Heritage Foundation study that confirmed that what I was saying was not simply my opinion but the facts as a result of a study that the Heritage Foundation had done. I would like to expand on that a little bit because we actually have the figures for two States, the State of the chairman of the committee, Montana, and my State of Arizona, to illustrate the point.

The study projects that gas prices in Montana, for example, in May averaged at $3.17 per gallon. They would be $3.48 per gallon next year as a result of the Energy bill before the Senate. A Montana taxpayer would see spending on gasoline increase by $1,632.95 next year, as a result of the bill.

In Arizona, we are paying about $3.09 per gallon. That would go up to $3.40 next year as a result of this bill, so Arizona taxpayers will see spending on gasoline increase by $1,140.51 next year as a result of this Energy bill. That is a huge increase in consumers' payment for gasoline. When we realize that for many people driving is not a luxury, it is a requirement—to get to work or perform work—it is clear we are costing the American consumer a huge amount of money that is important for our economy and for them to make a living. That is an unintended consequence of the tax increases embodied in this bill but real nevertheless.

What we are saying is, if that is the result of tax increases, then those tax increases would not go into effect. I think that is an important principle for us to establish.

I would like to respond to a couple of points made by opponents of my amendment. The chairman of the Finance Committee argued the tax increases in the underlying bill are simply loophole closers, but that is not true. The largest tax increase in the bill is a brandnew tax. It is not a loophole closer, it is a new 13-percent tax on new oil production in the Gulf of Mexico. How is that going to help bring down gasoline prices? I suggest it is not. It will help to raise prices.

The second largest tax increase in the bill raises the corporate tax rate. That is not a loophole closer either, it is simply needed to pay for the other costs of the bill, so it was a ready source of revenue that they decided to tap.

This is a raise in the corporate tax rate for oil and gas companies, which would then make it higher on those companies than others in manufacturing—something we were trying to promote when we passed the bill 2 years ago.

Raising the corporate tax rate is obviously not a loophole closer. I suggest when you raise marginal tax rates, you either get less production or higher prices—more likely, both—not good results from raising taxes.

Finally, the Senator from Oregon argued yesterday that with oil over $55 a barrel, oil companies should not need incentives to drill for new oil and gas. I certainly agree with that; they do not need any new incentives to drill for oil and gas. I have always been against those kinds of targeted incentives or taxpayer subsidies for any form of energy. But imposing a new tax or raising the corporate rate is not the same thing as repealing targeted incentives, which is what we should be doing. Moreover, with oil over $60 a barrel right now, renewable energy companies should not need any further taxpayer subsidies either. The market is providing all the incentives necessary to produce hybrid cars and advanced fuels.

These tax increases are not necessary. They are going to be counterproductive to our economic growth. They are going to hurt our producers vis-a-vis foreign producers, they are going to further increase our dependence on foreign oil and, most importantly, they are going to raise the cost of gasoline at the pump for American consumers.

All my amendment says is if that happens, then these tax increases should not go into effect. If it doesn't have that effect, then the tax increases would go into effect.

I urge my colleagues to support my amendment.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise today to oppose the Baucus amendment and urge my colleagues to vote against cloture.

There are only two things wrong with the Baucus amendment: One, it raises taxes in the wrong places; and, secondly, it spends these taxes on the wrong policies. I want to make two points upfront before I start my remarks.

When we speak of American big oil, let me remind people that America's five big oil companies hold less reserves than Hugo Chavez, the state-owned company of Hugo Chavez in his country.

My second point is, very seldom does the United States tax businesses that are in competition overseas. Let me repeat that. We in America hardly ever tax American businesses that are in competition overseas. Of course, that is exactly what we have done here, and what is going to happen is not going to be good. It is not going to help the American consumer one bit.

There are only two things, as I indicated, that are wrong with the Baucus amendment. I would repeat: It raises taxes in the wrong places, and then it spends them on the wrong policies.

I cast this vote, and I think it is an informed vote based on my experience. It is with a deep sense of responsibility to do what is right, with a keen interest and understanding of energy policy, because I have been forced to work on it with many who know a lot about it. With a real appreciation of the importance of this vote, I will oppose cloture.

The tax provisions in this bill will increase the cost of gasoline at the pump for Americans, increase electricity bills for families, and work severe hardship on our natural gas supply. Additionally, this amendment could seriously harm our economy. The Federal Reserve Chairman, Ben Bernanke, recently noted that: A significant increase in energy prices can simultaneously slow the economy, and raise inflation.

I cannot vote for that consequence. I urge that my colleagues not do so either. I do not cast this vote lightly, and I arrive at the decision after a great deal of reflection. There are many good and important provisions contained in this amendment. In the area of renewable energy, while there may be questions about how long certain tax credits should be extended, there should be no doubt that in the past I have supported renewable energy.

In the Energy Policy Act of 2005, with Senator BINGAMAN, we passed the largest tax incentives for renewable energy, a variety of renewable energies, than we ever have in American history. My friend and colleague Senator ALEXANDER has often referred to the bill that we passed as the "Clean Energy Act." He is right. In 2005, in the Energy Policy Act we provided renewable energy production tax credits, automobile tax credits, and we can keep going. We provided tax credits for energy efficient improvements, biodiesel, and for ethanol. We included tax credits for installing alternative refueling property, tax credits for the installation of solar. The world demanded cleaner energy, and the Energy Policy Act answered the call.

Between 2004 and 2006, global private capital investment in clean energy rose from around $30 billion to $60 billion a year. It rose because we set the framework into law, and it was invested on the private side. In the public market and in venture capital and in private equity, in corporate research, development, and demonstration, and government research and development and asset financing, the answer has been the same. Both the private and public sector are excited about the future of clean energy, and they are busy, under our 2005 act, investing heavily in it.

The weakness is in the amendment I am talking about. Without question, some of the tax incentives in this bill could have a positive impact on the landscape of American energy future. To deny that would be to debate unfairly the merits of this amendment.

Cellulosic ethanol production credits, plug-in hybrid vehicle credits, and clean coal energy bonds are smart financial incentives, and those tax policies complement many of the goals we have sought to achieve in the previous legislation. I think that is good.

Supporting the great things that we accomplished together in the Energy bill 2 years ago made us all feel good. However, the tax incentives in this bill focus on too narrow a field of energy policy. The Finance Committee has reported this amendment with a pricetag of $32.1 billion, a very large tax increase. In a few minutes I will speak about the troubling revenue-raising proposals in this amendment.

But, first, I ask myself and I ask others, so our people would get a feeling of what $32.1 billion is, what it can be better used for or what it might be used for in the American economy if it were free to be invested or other things bought with it: $32.1 billion would purchase 15 biorefineries, 16,000 barrels-per-day coal-to-liquid refineries, 5 gasoline refineries, and 4 nuclear powerplants, 10 bio-energy research centers, and 500 miles of transmission lines.

Now, I am not suggesting we would buy them with this bill, but I am suggesting that everyone should know the huge size of this tax, taken out of the economy, and what it would invest in similar dollars, that it could invest in the American economy. I just told you what they were.

We could use this money for commercial demonstrations in oil shale, fund demonstrations for energy from coal using IGCC, and we all know we must do that. We do not have any money to do them, and we are having difficulty getting loans from the Government, and here we are taking $32 billion and not providing anything for these kinds of investments that we must do if we are going to keep pace with China, which is going full speed ahead with all of those things, including nuclear power, and nuclear powerplants in this country. We must get there also.

But in the meantime, we are taking an awful lot of revenue flow out of the economy, right away from the energy companies that know how to invest it, where to invest it, how to pick up reserves, and how to keep the price of oil as much within bounds as the world market will permit.

Without question, the revenue-raising proposals in the amendment will increases the cost of exploring for and producing our Nation's oil and gas and natural gas. As a result, Americans will pay higher prices for gasoline at the pump, and we will suffer increased electricity costs as our Nation's natural gas supply is weakened. We will pay higher prices, obviously, for natural gas.

The excise tax on oil and gas exploration increases taxes $10 billion over 10 years on producers on our Nation's Outer Continental Shelf. Frankly, I believe that entire tax is wrong. We should not be taxing the most productive—the places where more money is being put for exploration than anywhere else, the Outer Continental Shelf. Yet one-third of the taxes here come from imposing a fee, a very high fee, on the Outer Continental Shelf. Who would have thought it? The place in America where we have a chance of producing, we have imposed a heavy tax. Proponents of this amendment claim these tax provisions only affect the five largest U.S. oil and gas companies. Not true. But I have already told you who they are and what they represent in the world markets.

In fact, there are 40 lessee companies. Nearly 75 percent of all entities leasing on the OCS hold leases that would be subject to a 13-percent punitive tax. I hardly thought I would see that on the floor of the Senate. Yet here it is, bragged about as a very big source of money that we can do other things with, without regard to the prices the American people are going to pay in the increased prices for oil and gas coming from the shelf.

This is the lifeblood of our domestic oil and gas production. It makes absolutely no sense to advocate for independence from foreign oil, and then turn right around and raise taxes on our domestic companies that are producing America's oil and natural gas.

It will mean higher prices for consumers.

Oil and gas production in the Outer Continental Shelf amounts to approximately 1.7 million barrels of oil per day, and 12½ billion cubic feet of natural gas. Annually, this production equals approximately 600 million barrels of oil per year and 4.7 trillion cubic feet of natural gas per year.

Now, that is good. They are doing fine. So why don't we put a tax on them of 13.5 surtax? It makes no sense. The price will go up, production will come down. These amounts produce 30 percent of our domestic oil production per year, and 23 percent of our domestic natural gas. Placing a punitive tax on this production is serious business backed by very serious facts, and I say serious consequences.

Activities on the OCS provide an average of over $6 billion a year in revenue to the Treasury. In the future the offshore will be even more important. The Minerals Management Service estimates about 60 percent of the oil and 40 percent of the natural gas resources estimated to be contained in remaining undiscovered fields in the United States are located where? Where might you guess? In the Outer Continental Shelf, upon which we are going to place a very stiff, very high tax.

Furthermore, the intent of the OCS excise tax and the effect of this tax is crystal clear. The provision charges 13 percent of the removal price of taxable crude oil and natural gas, with a credit available to those who have price thresholds on their oil and natural gas leases. In plain English, this amendment seeks to legislatively breach valid contracts from 1998 and 1999, because the Clinton administration failed to include a term in these agreements.

In other words, there was no fault of the companies. The Clinton administration either made a mistake or did not want to put the fee on; it just didn't happen. So for those 2 years, we have royalty leases with no royalty thresholds.

Congress cannot rewrite contracts after the fact merely because we do not like the contracts or the results. I predict when we are all finished, the courts of the land are going to say: This part of this tax is illegal and unconstitutional, and out the window will go a very large portion of this tax because the rights are clearly there. We have to think about it and think about what we are doing.

I do not like the idea of the United States of America going back on its contracts. It sounds and looks and smells like some foreign country. But we are close to doing it here in the name of some new answer, and at the same time saying it is going to yield revenues for us to use for various things in this bill.

As we consider this amendment, the Senate should be on notice that legal precedent would not be on our side. The U.S. Supreme Court and Federal circuit court precedents suggest that the Government cannot avoid the obligations of its contracts by using its taxing power to take back benefits it has given up pursuant to an agreement. I suggest to the Senate that a Federal court will recognize this tax for what it is and, therefore, this $10 billion we are counting on in this bill will be lost.

The Department of the Interior has already testified before Congress expressing its concern about protracted litigation over this issue and the potential for a loss of billions in revenue as well as the delay of oil and gas production.

There are 2 other provisions among the revenue raising proposals that are very troubling. One provision would amend the Job Creation Act of 2004, which created tax relief for more than 200,000 U.S. corporations and businesses. This proposal increases taxes by almost $10 billion over 10 years.

Instead of the Jobs Creation Act, we could call this provision the Jobs Destruction Act.

Finally, the increase in taxes by the U.S. Government on American companies competing overseas—through the foreign oil tax provision—increases taxes $3.1 billion over 10 years.

This amendment also attacks American interests and cedes control to foreign interests. It says we would rather buy energy from the likes of Hugo Chavez in Venezuela than produce it ourselves.

To put the proper context on this, Saudi Aramco, the Saudi Arabian state-owned oil company, has nearly 3 times more daily output per million barrels per day than the largest U.S. oil company and holds nearly 10 times the oil and natural gas reserves.

To make it more difficult for American companies to compete overseas for this global commodity at a time when oil prices are nearly $70 per barrel is simply wrong. The Senate should reject this political expediency that will hurt American businesses, and the American consumer.

I began my remarks by conveying to this Senate the seriousness with which I cast this vote.

In my judgment, this amendment will have significant negative consequences on America's energy security. The Baucus amendment will increase the cost of producing oil and gas in America and will undermine the ability of American businesses to compete against state-owned oil companies run by foreign governments. The result for our Nation will be a greater reliance on crude oil from hostile regions of the world and an increase in the price of gasoline for the American people.

That is an unacceptable consequence and not what the American people expect of us.

For the reasons that I have stated, I must vote no on the motion to invoke cloture on the Baucus amendment, and I urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Idaho.

Mr. CRAIG. How much time remains?

The PRESIDING OFFICER. Eight minutes.

Mr. CRAIG. I thank the Senator for yielding.

I come to the floor to oppose the tax that has been proposed and is now before us brought by the Finance Committee.

It is very easy politically to stick it to the big boys, and that is the political game which is being played out on the floor of the Senate as we speak. Stick it to the big boys. OK, we are going to stick it to the big boys, $32.1 billion worth of taxes. What will it do for us? Will it change the price at the gas pump today? No. In fact, we have just heard the Senator from New Mexico say it could possibly raise the price of gas in the long term. Hasn't this Senate heard the plea of the American consumer over the last 6 months about $3 gas? Don't we get it today or do we just want to play petrol politics? That is what the Finance Committee has done; they have played petrol politics. They are sticking it to the big boys, and they are going to put it in the green machine. The green machine may yield some energy in the future, but it sure isn't going to change the price at the gas pump tomorrow or the next day or next week or next year. If they argue in disagreement with me, my answer is simple: Prove it. Prove that you will change the price at the pump. Or will the big boys simply try to pass it through to the consumer? We will find out, won't we, if this bill passes. That is why I am going to have to oppose cloture on the Baucus provision of taxes, the petrol politics of this issue.

Let me show you the petrol politics of the real issue. Here is where the reserves in the world exist today. Here are the big boys of America—Exxon, Chevron, Marathon. Do we really think if we stick it to these three and more we will change the world? No. The world today from the standpoint of energy is controlled over here on the left-hand side of the chart. It is controlled by Saudi Arabia, Iran, Iraq, and so on down the line. They control the known reserves. They control the world's oil supply. They are the big boys. We are not sticking it to them. In fact, we are handing them a golden leaf. We are saying: You control the world oil supply, and we are dependent upon you for 60 percent of our supply. But we are going to penalize our producers because of the petrol politics of this issue.

There is another petrol game being played out. Petrol politics is being played out on the floor of the Senate, but petrol nationalism is being played out by these companies and countries of known reserve. Every one of these producers controls their supply; their nation's government and their nation's government's companies control the supply of oil. They can turn the valve on or off. Every time they do, the American consumer ultimately pays more. That is called petrol nationalism. I believe when we talk about the war of energy today, that is what we are involved in. We are involved in a war on who can produce energy and can we become energy secure so that we don't have to be dependent upon Saudi Arabia and Iraq and Iran.

We know what is happening in that area of the world today, the phenomenal instability. Not only do these nations play petrol nationalism, they also play with something else: They have the weapon of mass disruption. Let me repeat that. These nations hold the weapon of mass disruption. You change the price at the pump a couple of dollars because you turn the valve off in these countries, and you hit this economy like a freight train.

What are we going to do today? We are going to tax it a little more. That is all this Congress really knows how to do, is tax. They don't know how to produce. We don't produce. We get out of the way of production. We encourage production, but this bill will not produce one barrel of oil. ExxonMobil will produce a barrel of oil. Chevron will. Marathon will. The rest of these countries will. But we don't. We are now stepping in the way of that production. We are now penalizing that production.

The senior Senator from New Mexico talked about where the greatest reserves of America lie today—offshore. Yet we are saying: If you want to play out there, if you want to go out, find it, drill, we are going to tax you. We are going to penalize you instead of encourage you and incentivize you to discover, to bring it to the wellhead and to bring it to America's shores and to refine it for the American consumer.

Anybody in a reasonable way who doesn't want to play the political game being played out on the floor as we speak—petrol politics—needs to vote no on cloture.

If the American consumer thinks these companies are going to pay the $32.1 billion in taxes, they have it wrong. They are going to pay it at the pump. The Baucus bill pumps tax dollars out of the back pocket of the American consumer. It does not allow oil to be pumped out of the ground. It does not allow us to hold a stronger political position in the world of petrol nationalism. That is the debate we are going through right now. It is about windmills. It is about cellulosic. It is about all the things I like. But it really isn't. It is antiproduction. It is anticonsumer. It is anti-American to deny our Nation's economy access to the world energy supply. That is what we are doing. Let's allow Saudi Arabia and Iraq and Iran to grab us by the gas nozzle and jerk us around every time they choose. This tax package suggests that could start again tomorrow because we are not going to get ourselves back into the business of production.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a very interesting series of statements we have heard in the last 15 minutes, half hour, statements basically trying to lead Americans to believe that this Finance Committee tax package, as well as the provisions of the tax package to pay for incentives so we can wean ourselves away from OPEC, away from all these countries, is going to result somehow in some cataclysmic event; namely, gasoline prices are going to go up, according to statements we have heard. We have also heard that we are going to reduce domestic exploration and development of American oil companies; we are putting ourselves in the hands of foreign countries. The fact is, the exact opposite is the case. These statements are amazing. It is good political rhetoric, but it has nothing to do with the facts.

First, it is more important that people understand that the amendment offered by the Senator from Arizona, Mr. KYL, basically delegates to the Secretary of Energy whether $30 billion worth of tax provisions will be enacted. I am astounded that anybody in the Senate wants to delegate that decision to the Secretary of Energy instead of the U.S. Congress deciding whether the tax needs to be imposed.

The Kyl amendment basically says that unless the Energy Secretary can determine that the effect of this will not increase the price of gasoline at the pump, that he, the Energy Secretary, or she, the Energy Secretary—whoever the Energy Secretary is—will automatically be forced to rescind the pay-fors in this bill. That is astounding. It is basically delegating to the Energy Secretary a policy which should be made by the Congress, and that is a huge dereliction of responsibility. I am appalled that anybody would dare suggest it. But that is a fact.

Second, if we look at the whole bill, the Finance Committee package in the Energy bill and also the Kyl amendment, several things are striking. The first is the major underlying Finance Committee bill is designed to accomplish the objective that the Senator from Idaho is complaining about. The Senator from Idaho is complaining that this amendment transfers power to Venezuela or to Saudi Arabia, other countries. The whole point of this bill is the exact opposite. It is to wean ourselves away from OPEC, wean ourselves away from those countries, so that we Americans are in a better position to determine our own destiny, in a better position to get more energy production here in America.

How do we do that? The committee bill does that through all kinds of incentives. It reduces taxes in lots of different ways for alternative energy, renewable energy, cellulosic development, encouraging more American clean coal technology so we can tap into our vast reserves of coal. It has lots of ways we could help America be more self-sufficient and wean ourselves away from these very high gasoline prices we are forced to pay partly because OPEC is forcing us to pay those prices; the truth is, partly because the major oil companies are charging whatever the market will bear. That is why they are charging such high prices to the American consumer. What evidence do I have of that? It is very simple and direct.

I was stunned because of the candor of the CEO of ExxonMobil when he made this statement. This was last year at a Judiciary Committee hearing. I was not there; I was watching on C-SPAN. At that hearing, the exchange was essentially between the Senator from Wisconsin, Mr. KOHL, and the CEO of Exxon. I think Senator KOHL asked the question. This was an open hearing.

He said: Sir, why are gasoline prices so high now?

The answer: Well, Exxon has to pay more because OPEC is charging us more. So we to have pay more, and we transfer those price increases down to the American consumer.

The Senator from Wisconsin asked the head of ExxonMobil: Explain this to me, please. At the same time, your profits have exploded. They have gone up about $35 billion this year. Your profits have expanded.

Senator KOHL said: I am a businessman. Ordinarily, if my costs go up, my profits go down. Please explain to me why you would say your costs are going up because OPEC is charging you more and yet your profits are going way up. Why?

His answer was very illustrative of the point here. He said, in all candor: Senator, my responsibility is not to the American consumer; my responsibility is to my stockholders. I will charge whatever the market will bear because I have a duty to protect my stockholders and get whatever I can for my stockholders. I am going to charge whatever I can.

That is why profits are so high, because Americans can't put milk in their car or their truck. They can't put in water. They have to put in diesel fuel or gasoline. Americans are stuck. The majors are passing on through their distribution system these very high gasoline prices because they can get away with it and because it fattens profits and because they are beholden to stockholders, not the American consumers.

What about these provisions which the Senator from Arizona wants to strike. There are three of them. It is very simple, and there is a reason why they are there and why they will not have the disastrous effect the Senator from Arizona claims.

The first one is to rescind a tax break we gave to the five major oil companies back in 2004. It is called section 199.

We gave that tax break, frankly, to all American domestic manufacturers, including the oil companies. It was as a response to a WTO ruling a year or two earlier which said our American tax laws—which gave incentives for American products to be exported—were WTO illegal. So we came up with a backup plan. The backup plan was basically section 199 in the code, enacted in the 2004 Jobs Act, which says, OK, we will give an extra little break to domestic production in the United States. If they export the products, fine; if they do not, that is fine. We will still give them a break. That is what that is.

What has happened to domestic oil production in the United States since that was enacted in 2004? Well, one would think it probably increased a little bit because the major oil companies get a little tax break. The fact is, the exact opposite has happened.

Let me quote a couple statistics. In 2004, when that provision was put in effect, domestic production was about 170 million barrels a month. It was 170 million barrels a month in 2004. Well, you would think it would go up because of that tax break for domestic production. Oh, no, that is not what happened. It actually went down. It is down to about 160 million barrels.

Look at the price of oil. Back in 2004, the price of oil was $40 a barrel. Now it is about $65 a barrel. Well, gee, you would think—that is more money in the oil companies' coffers—they would want to use that for more exploration, more development. No. Again, there is less domestic production, even with the price of oil so high over that period of time and even though they have had a tax break. I might add, too, the price of gasoline at the pump back then was about $2 a gallon. Today, it is above $3 a gallon. So that did not help.

So, gee, we thought: We will take that away. It did not help, so we will take it away. So, therefore, it seems to me it is not going to cause an increase in the price of gasoline at the pump.

I might say, the statistics cited by the Senator from Arizona are based on the Heritage Foundation. I am not going to get into the question of who financed that study—I have an idea who financed that study; and, therefore, it drove the results they would like to get—but that is the same organization that said Iraqi oil is going to pay for Iraq reconstruction too. They were dead wrong then, and they are dead wrong now. They are an organization which, frankly, I think is not the most objective, independent organization in the world. That is the first one. That is why we made that first change.

The second provision in the Finance Committee bill the Senator's amendment wants to strike is a loophole closer. We are trying to close a loophole. The Joint Committee on Taxation said—that is a bipartisan organization, the Joint Committee on Taxation, which serves both the House and the Senate, Republicans and Democrats—their independent study shows there is a big loophole the major oil companies take with respect to foreign tax breaks in this area; that is, ordinarily a company gets to reduce its income taxes in the amount of the foreign taxes that company pays to a foreign country.

Now, the law is different between exploration costs and distribution downstream costs. The companies game the system. They offset one against the other. Joint Tax saw this big loophole. Let's close it. That is the second provision. Also, I do not see how anybody could argue against that. It is a big loophole closer. It makes the Tax Code more fair.

Then we get to the third provision. This is the so-called confiscatory excise tax on the oil produced in the Gulf of Mexico. Let's be honest. First of all, the President of the United States, himself, believes there is insufficient revenue paid to Uncle Sam on these OCS leases. The best evidence: The President of the United States, himself, has enacted a 6⅔-percent royalty on all new leases in the gulf. He thinks they are not paying enough. He has increased the current royalty—it was 12 percent. The bill has a 13-percent severance tax. The President, himself, has enacted a whole new higher royalty provision on new leases in the gulf. He thinks they are undertaxed. Right now it is about a 12-percent royalty. This provision in our Finance Committee bill says a 13-percent severance tax.

Clearly, Congress has the power to enact a tax. The royalties paid by any company are credited against the 13 percent, and so it is a net lower than what the President thinks the amount should be in revenue paid by the oil and gas companies in the gulf.

I might also say the General Accounting Office has done a study of how much America taxes oil and gas compared with how other countries tax oil and gas. What is the result of the GAO study? The result of the GAO study is we Americans basically tax oil and gas less than other jurisdictions around the world—or other States. The State of Alaska is taxing more. Other countries tax more now. We Americans are pretty easy and soft compared to other countries on how much we tax oil and gas revenues.

So this argument that somehow, oh, my gosh, America is going to tax oil and gas companies with these provisions—that it is confiscatory; they are going to go overseas—it is just nonsense. It is just total nonsense because, already, oil and gas revenue in the United States is not taxed as much as it is in other jurisdictions. It seems to me, therefore, it is not unfair to enact this provision.

The main point is if the Kyl amendment passes, then the Finance Committee tax title of this bill is dead because we are not paying for it, effectively. That is because the Energy Secretary, under the Kyl amendment, probably would rule that maybe prices might go up at the pump, given the politics of it all, and that means we do not have a bill anymore.

Therefore, I urge Senators to say: OK, let's do what is right. Let's start to wean ourselves from OPEC. Let's start to give some incentives to American domestic producers of alternative fuels, renewable fuels, and have more conservation measures to help America again take control of our own destiny.

This is not a perfect bill. Nothing is perfect. But it is a good bill. It is a very good bill. It helps put America back on track, helps America turn the corner toward more energy independence, and enhances our national security so we are less reliant upon OPEC, less reliant upon those countries to which some Senators say this bill gives a break. It does not. This bill does the exact opposite. It helps America become America again.

Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The senior Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I want to address why we should have cloture on this bill to get to finality—and that is going to take 60 votes—and why you should not support the Kyl amendment.

In the debate on some of this bill, particularly in committee, we had the issue of, well, we are taxing oil companies to promote renewable fuels; that this is an industrial policy, and it is bad for Congress to be involved in industrial policy. Basically, I agree.

But, remember, throughout the history of this country, Congress has been involved in a lot of industrial policy. There would not be a farmstead today that would have electricity if we did not have rural electric cooperatives. Railroads would have a monopoly on hauling things if we did not have river improvements so that barges could work as well. Railroads would still be hauling most of our commerce if we had not built an interstate system. Airports and airlines are all about the Government promoting competition.

Also, we are involved in where we are, taxing the oil industry to get a renewable energy industry started—as we have been for 20 years now just with ethanol, and expanding it beyond ethanol, but we would not have an ethanol industry today if we had not had tax incentives over the last few years. There will be, someday—just like we are saying to the oil companies today: You got your start because of tax policy, a lot of tax benefits, because the oil industry was infant at one time and needed to get started. The same thing is true of alternative energy. If we do not give some tax incentives to get alternative energy—and I mean beyond ethanol: biodiesel, wind energy, things that maybe we do not even have on our mind today—we are talking a little bit about cellulosic ethanol, but it is around the corner yet—we are not going to develop these industries to the strong capability they need to be when there is less and less and less transportation provided by petroleum products.

So I think we ought to look at the reality of how a gigantic oil industry got started in the United States—through tax incentives. We are talking about tax incentives to get alternative energy started. That is why I hope you will abide by the decisions the Committee on Finance made to have these situations where there is some tax on oil companies for the benefit of tax credits for alternative energy.

I hope you also appreciate the fact that maybe a lot of us would like to have the tax incentives without offsets, but we are in an environment of pay-go. We are not in a reconciliation situation. We are in a situation where we have to provide the necessary offsets in order to get this legislation through.

So I hope you will think of the history of where we have been with tax policies to promote an industry that is out there now. I hope you will understand that God only made so much fossil fuel and there has to be a follow-on if we are going to have the growth of our economy.

I would like to state this one last point that I have heard the President of the United States make many times when I have been to the White House in the Oval Office to talk energy. The President has said many times that with these high prices of oil the way they are, we do not need any more incentives for the oil companies to get more energy.

The President has been a friend of alternative energy, most often expressing his support of ethanol, but a supporter of alternative energy, and I hope he is in support of this legislation as well.

Mr. President, I yield the floor because I think the Senator's time is about up. Thank you.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague from Montana. I want to publicly state what I have stated several times in the last few days, and that is my appreciation to Senator BAUCUS and Senator GRASSLEY for their leadership in putting this tax package together that has been reported favorably by the Finance Committee on which I am privileged to serve.

Let me speak, briefly, about the Kyl amendment and then talk about the tax package more generally and why we should vote to invoke cloture on this tax package and proceed.

On the Kyl amendment, my first concern is the obvious one: that adoption of the Kyl amendment would be totally irresponsible as a fiscal matter. The Kyl amendment says "notwithstanding any other provision of the subtitle," the subtitle being those provisions that raise revenue to pay for this. We are in a pay-go situation in the Senate under our budgetary arrangements, so if we are going to provide tax credits and tax benefits to some parts of the economy, we need to pay for that. We need to find some way to obtain the revenue. The way the committee has found is to reduce the tax benefits that some other parts of the economy are enjoying today.

So Senator KYL's amendment says "notwithstanding the provisions of"—the provisions in the tax package that raise revenue—none of this shall "take effect unless the Secretary of Energy" positively decides, that is, "certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy."

So, essentially, we are saying it is up to the Secretary of Energy whether we pay for this set of tax provisions. I do not think it is responsible for this Congress to take that position. I mean it is great, and I know everybody likes to be able to go home and say: I didn't oppose the production tax credit extension which is in the bill, I didn't oppose the investment tax credit for solar energy which is in the bill, I didn't oppose the provisions that would incentivize more biofuels production; all I opposed was the idea that we should pay for them. I don't think that is a responsible position for us to take.

On the general tax package and the cloture issue, let me say, the arguments I have heard are three. Some have argued this is going to reduce production; some have argued it is going to increase the price of gas; some have argued this is going to hurt the energy companies. Let me address each of those points briefly.

On reducing production, I don't think this is going to reduce domestic production of oil and gas. I think Senator BAUCUS made the point very clearly that the two big items that are being used to pay for this tax package are this section 199 provision, which was not even in the law until 2004. We are taking that away as it applies to certain large companies.

Then, of course, the severance tax provision. Let me talk a minute about that. I wasn't here last evening when Senator BUNNING was speaking, but I noticed he referred to it as Senator BINGAMAN's "scheme" in his comments last night. The severance tax proposal is not that, it is a 13-percent tax which would apply prospectively; there is nothing retrospective about it. It is prospective. It applies to all production of oil and gas that occurs in the Outer Continental Shelf and in the Gulf of Mexico. It is designed so it will not be unduly burdensome on any company that is producing in the Gulf of Mexico. I think we have done a good job in accomplishing that. It does not abrogate contracts. It is a forward-looking tax provision which I think is eminently reasonable.

It would raise some revenue that is sorely needed if we are going to extend these tax provisions, including the production tax credit, the investment tax credit, and the other provisions that are in this bill. I feel very strongly that we should keep it in place, and it is an appropriate way for this Congress to proceed.

The second argument we heard was if we adopt this, we are going to see an increase in the price of gas. The truth is we all know the price of oil is determined on the world market. Our producers produce something like 5 percent of the oil that goes into the world market. So the idea that for us to raise some revenue here is going to affect the price of gas at the pump is not true. If the world price of oil goes up, we wind up paying more at the pump; if the world price of oil goes down, we wind up paying less at the pump. I think American consumers have watched that occur year after year and they understand that is the circumstance.

The other argument is this is going to hurt our energy companies, that this is an undue burden on them. When you look at the reality, the reported profits of the top five integrated oil and gas producers last year were over $111 billion. I don't begrudge them that, but that is 1 year, and that is 5 companies. If profits continue at somewhere in that range, we can reasonably expect very conservatively that producers—large producers of oil and gas—will have over the next 10 years over $1 trillion in profits.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. BINGAMAN. I ask unanimous consent for 1 additional minute.

Mr. BAUCUS. I yield 1 minute to the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Montana.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. So we have $1 trillion of profits over the next 10 years. This package calls for raising $27 billion over the next 10 years. So that is something in the range of 2.5 percent of profits, a much smaller percentage of revenues, of total revenues. So I point out that is not an undue burden on anyone, and I think all of these screams that this is the end of the world for the oil and gas industry are not founded on any kind of basis in fact.

I think the whole purpose here is to do some very good things in the Tax Code, which I compliment the Senator from Montana and the Senator from Iowa for proposing, and to do so by—under our pay-go rules, find revenue where it will reduce production at the very least, and I think they have done an excellent job in accomplishing that.

I urge my colleagues to support the tax package and vote for cloture on the tax package when it comes up for a vote following the Kyl amendment, and obviously I urge all Members to oppose the Kyl amendment.

Mr. BAUCUS. Mr. President, I very much thank the chairman of the Energy Committee who I think has put together a very good energy bill. I thank him very much for his instructive comments here. They are very helpful.

Mr. President, I yield 3 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, when oil was $55 a barrel, President Bush said oil companies don't need taxpayer subsidies to drill. Oil is now just under $70 a barrel, and certainly oil companies truly don't need taxpayer subsidies to drill for oil.

The Finance Committee amendment begins to reverse decades of policies that equated what was good for the major oil companies was good for America, and that oil companies would get us cheap and plentiful energy supplies here in America. The reality is, if you go to the gas pump today, you see gas is not cheap. If you look at the impact of a refinery fire or a pipeline problem or a cold snap and the impact on heating oil prices, you see energy is not plentiful. If you look at the growing level of oil imports from countries around the world that don't have our best interests at heart, you will see that what has been good for the major oil companies has not been good for the well-being of the citizens of America.

The Kyl amendment is just the latest in a long line of arguments that has been advanced on the theory that we ought to keep subsidizing the oil industry or energy prices will go up, oil imports will go up, and America will be less secure.

The fact is our people and our country have now experienced the results of past policies based on the idea that we ought to send billions and billions of dollars of subsidies to the major companies. It is time to end those subsidies. It is time to stop the major oil companies from fleecing taxpayers when they drill for oil on public lands, and it is time to embrace the very different vision of a more positive energy future, largely constructed by the chairman of the Finance Committee and the chairman of the Energy Committee.

I urge my colleagues to vote against the Kyl amendment and to support the work of the Finance Committee.

Mr. ENZI. Mr. President, I would like to take this opportunity to discuss my opposition to a few of the provisions in the Finance Committee-passed energy tax package. Before I begin, I would like to take a moment to thank Chairman BAUCUS and Ranking Member GRASSLEY for their work on this amendment. I know they have exerted an incredible amount of energy to get this legislation to the floor so that we can debate it as part of this Energy bill.

The package we are debating includes a number of important provisions. It includes additional funding for clean renewable energy bonds, which are important to rural electric cooperatives who seek to build clean generation. It includes accelerated depreciation for carbon dioxide pipelines, which will encourage more carbon sequestration. It also includes a carbon capture credit that will make it more economical for some carbon dioxide to be used in enhanced oil recovery and for some carbon dioxide to be sequestered. These are important provisions, and I am pleased to see them included in this package.

Although that is the case, I have grave concerns about the impact of this tax package. I am specifically concerned about its impact on consumers. When taken as a whole, I believe that the package will lead to increased gas prices and will have a detrimental impact on our country's quest to become energy independent by discouraging domestic energy production.

The amendment contains approximately $28.6 billion in "revenue raisers" over the next 10 years. The phrase "revenue raisers" is Washington speak for tax increases, and I find it hard to believe that we can increase taxes by $28.6 billion and have no impact on the price of gasoline at the pump for the average American. Businesses are in business to make money, and when we increase their taxes, they pass that increase along to the consumer.

It is not ExxonMobil or Shell or BP that will pay for these tax increases. It is the senior citizen on a fixed income who fills up her station wagon. It is the soccer mom who drives her children to school. This tax title is not punishing the companies. It is punishing the American people who rely on energy to fuel their daily lives.

Specifically, I am concerned that three provisions of this bill will increase gas prices and will discourage energy production at a time when our Nation's supply does not meet our Nation's demand. Last week, I joined a number of my colleagues in a letter to the Senate Finance Committee that urged the committee not to repeal the section 199 manufacturing deduction, and I am disappointed to note that this was included. The Joint Tax Committee estimates that the repeal of the section 199 deduction will raise $9.43 billion over a 10-year period. That is $9.43 billion that will be passed along to the American people.

I am also disappointed that the legislation includes a new 13-percent severance tax for oil produced in the Outer Continental Shelf, OCS. The OCS represents one of America's greatest energy sources, and raising taxes on those who hope to produce in the OCS will most certainly not encourage the domestic energy production that we all believe is so important.

Finally, I am concerned that this legislation changes what is known as the foreign tax credit. This change, which amounts to double taxation, will increase taxes by $3.2 billion over the next 10 years. Someone has to pay for that tax increase, and I am concerned that it will be the American people.

While I appreciate the work of my colleagues, at the end of the day, I am extremely concerned that this legislation will slow domestic energy production and increase the prices paid by consumers. There are a number of good provisions in this bill that I do support. However, at the end of the day, raising taxes is not the way to increase energy production and decrease energy prices. I would urge my colleagues to oppose cloture on this amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Montana has 4½ minutes and the Senator from Arizona has 8 minutes.

Mr. KYL. Mr. President, I would be happy to take half of my time right now and then let the Senator from Montana close, and I will close after that.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to respond to some of the arguments that have been made. First, I do appreciate the candor of both the Senator from New Mexico and the Senator from Iowa. Rather than arguing that these tax increases are loophole closers, as has been suggested, they candidly acknowledge the reason for the tax increases is to pay for the costs of the bill. As the Senator from Iowa said, we want to avoid offsets, but we can't. We have to pay for the costs of the bill. So, so much for the argument that these tax increases are loophole closers. They are, very plainly, necessary to pay for the cost of the bill, so they are tax increases. I appreciate that.

Another bit of candor: The Senator from Montana quoting—or paraphrasing, anyway—the former chairman of Exxon Oil Company, essentially argued that it is OK to add these taxes on oil companies because they make too much money, and they make too much profit, so we are justified in taxing them.

I am not going to argue with that theory. If they make too much money, we are going to tax them, if that is the argument for imposing these new taxes. All I say is as long as it doesn't raise the price of gasoline for American consumers, then I guess the question would be: Who cares? But if they do raise the cost of gasoline for American consumers, then I think we should care. That is all this amendment does. It says: If it doesn't raise the cost of gasoline, go ahead and impose the tax. If these oil companies are making too much money, go ahead and tax them. But if the result of it is not just to hurt the oil companies but to hurt the American consumer, then Congress says: Wait a minute; not so fast. We are not going to allow that to happen. That is all this amendment does. So we don't say you can't tax. What we say is, you can't tax if it has a negative impact on the American consumer.

Now, there was a question about the Heritage study. I noticed there was no attack on the numbers, no refutation of the numbers, just: Well, who paid for the study? I don't know who paid for the study. I presume Heritage paid for the study. It is their study. What does it say and why is it such a burr under the saddle of those who oppose my amendment? Well, it found that the tax provisions in this bill, setting aside the other mandates, will likely increase gas prices by 21 cents per gallon over the next 8 years, and taking all of the provisions of the bill together, it can increase the price of regular unleaded gas from $3.14 a gallon to $6.40 a gallon in the year 2016, over the next 10 years. That is a 104-percent increase.

If that is the case, even if it is only half that much, it is a huge hit to the American consumer and we shouldn't even be thinking about that kind of a hit on the American consumer.

I ask unanimous consent to have printed in the RECORD at this point a letter from the Chamber of Commerce of the United State of America. It is dated June 20, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
Washington, DC, June 20, 2007.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports the Kyl amendment, to H.R. 6, the "Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007."

This amendment would require the Secretary of Energy to certify that the tax provisions included in H.R. 6 will not lead to increased reliance on foreign oil or higher gasoline prices for American consumers.

The Chamber strongly opposes the tax title of this bill because it contains many proposals that amount to little more than a modern-day Windfall Profits Tax. When that tax increase was enacted in 1980, it resulted in higher prices for consumers, long waits at gasoline lines, and increased consumption of foreign oil.

The economic reality is that oil and gas are necessities for the nation's economic growth and well being. Even assuming the development of viable alternatives and increased efficiency, the U.S. will continue to rely on these traditional energy sources. It is imperative that the Senate ensure that the American consumer not be saddled with higher prices due to the consequences of the tax changes included in H.R. 6.

Sincerely,

R. BRUCE JOSTEN.

Mr. KYL. This is a letter from R. Bruce Josten, who makes the point that the U.S. Chamber of Commerce opposes the tax increases in the bill and supports the amendment which I offer, which would condition that tax increase on not hurting American consumers.

He says:

> This amendment would require the Secretary of Energy to certify that the tax provisions included in H.R. 6 will not lead to increased reliance on foreign oil or higher gasoline prices for American consumers.

As a result, they support the amendment, and I believe they will key it as a key vote.

He goes on to say:

> The Chamber strongly opposes the tax title of this bill because it contains many proposals that amount to little more than a modern-day Windfall Profits Tax. When that tax was enacted in 1980, it resulted in higher prices for consumers, long waits at gasoline lines, and increased consumption of foreign oil.

That is what we are concerned about here. If the tax increases don't have that effect, then nobody has to worry about it. But if they do have that effect on the American consumers, they would not go into effect.

My penultimate point is the argument that we have to do something to wean ourselves from OPEC, so what do we do? We slap a new 13-percent tax on the production of new oil. How does that help wean us from OPEC? What it does is to say to the producers of oil: You go out and find some, and by the way, if you do, we are going to hit you with a new tax. This is a perverse incentive, not a proper incentive.

Mr. President, I also ask unanimous consent to add Senator CORNYN as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I note that the U.S. Chamber of Commerce and Americans For Tax Reform I expect will also key vote the Kyl-Lott amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes 20 seconds.

Mr. BAUCUS. Mr. President, I yield 2 minutes and—how many seconds?

The PRESIDING OFFICER. Ten seconds.

Mr. BAUCUS. I yield 2 minutes 10 seconds to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I thank the Senator from Montana and the Senator from New Mexico for all of the work they have done.

I think the argument we are hearing today is we should have trust in the oil companies and that ExxonMobil and their friends are staying up nights and days worrying about high gas prices in the best interests of the American people. If anyone believes that, I think we have some good bridges to sell you right now.

The truth is the oil companies are ripping off the American people. This moment in American history is a time that our country needs to radically change the way it does energy, and the Finance Committee, in a bipartisan way, and the Energy Committee, in a bipartisan way, are making some very clear statements.

What they are saying is that global warming is a huge problem for this Nation today, and if we do not get a handle on it, that problem will only intensify in years to come.

What we must begin to do, and what this legislation is making clear, is that we have to break our dependency on fossil fuel, we have to move to energy efficiency, we have to move toward sustainable energy, and in that process not only can we substantially lower greenhouse gas emissions but we can also create millions of good-paying jobs for the American people.

As the chairman of the Energy Committee made clear a moment ago, the oil companies, year after year, are making recordbreaking profits. I for one do not stay up nights worrying about ExxonMobil, when a few years ago they were able to provide a $400 million retirement package to their former CEO.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. SANDERS. I thank the Senator for yielding me the time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I will take the remaining 2 minutes. This whole debate boils down to something pretty simple and basic; that is, do we as Americans want to begin to become more self-sufficient in our energy production? Do we want to be less reliant on OPEC? Do we want to give incentives to new clean energy industries to develop in America—not just renewables and alternatives but also clean coal technologies and other ways to help America be more self-sufficient?

Congress, for many years, has provided some very significant tax incentives to the oil and gas industry to help America be strong, to make sure we as Americans have a strong industrial base and a strong energy base to fuel our industries. That was probably the right thing to do over the years from 1926, and the various provisions that have helped America. I think the time has come for us to give incentives to other industries, alternative energy, renewable fuels, clean coal technologies, cellulosic, and so forth—the same kinds of incentives that the oil and gas industry have enjoyed for decades and decades.

We are not taking away these incentives from the oil and gas industry at all. We are just saying the time has come for us to give incentives to make America more self-sufficient in the production of energy. This bill helps accomplish that result, and the way we do that is very fair and balanced. It will not have the horrible results that are claimed here. I urge our colleagues to begin to take—we will still have huge breaks for the oil and gas, but we give help on the margin to new independent energy sources in America.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, in closing the debate on this amendment, I will respond to the point that both the Senator from Vermont and the chairman have just made, and that is the need to promote renewable energy and to give incentives to those producers. That is a fine sentiment, but my amendment has nothing to do with that. My amendment doesn't affect these incentives one iota. It doesn't speak to them at all. So that is a straw man, just as it is a straw man to argue that we ought to have the right to sock it to the oil companies because they are making huge profits. I am not arguing that proposition. In fact, yesterday, I offered an amendment to eliminate a real loophole in one of those subsidies that one oil company is going to be taking advantage of, and both of the Senators whom I mentioned voted to support that subsidy. I voted to eliminate it.

I am not trying to protect the oil companies, obviously. I am trying to protect the American consumer. My amendment says if the American consumer comes out OK, tax the oil companies. My amendment says if the American consumers are going to lose, then we say no, and then there are unintended consequences to these sentiments of socking it to the oil companies, creating subsidies for renewable energy producers and so on, fine. But if it adversely affects American consumers and increases our dependency upon foreign oil, then does anybody argue that we should do this? Wouldn't they instead try to find another way to achieve the objective? I think the answer is yes.

My amendment says: Do what you want to do here, but if it adversely affects the American consumer or increases our dependence on foreign oil, that is where we say no, we need to find another way to do this.

My amendment doesn't affect the underlying subsidies and doesn't say that you cannot impose additional taxes. These arguments are straw men. All I say is, if the American consumers end up being the losers, as they sometimes have been with our tax policies, if these are the unintended consequences and we become more dependent upon foreign oil, then we say no. That is all this amendment does.

I urge my colleagues to think carefully about this, and I hope they will support my amendment. We are going to vote on it right now, but first I think the chairman wants to raise a point of order. I yield the floor at this time for him to do that.

The PRESIDING OFFICER. The question occurs in relation to the amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Senator BINGAMAN regarding a study by professors of law John Leshy and Brian Gray.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW,
San Francisco, CA, June 18, 2007.

Re proposed severance tax on oil and gas production in the Gulf of Mexico.

Hon. JEFF BINGAMAN,
Chairman, Subcommittee on Energy, Natural Resources, and Infrastructure, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: At your request, we have examined your proposal for a severance tax on production from federal oil and gas leases in the Gulf of Mexico with an eye toward potential constitutional takings and breach of contract issues. We also have reviewed the June 14, 2007, memorandum from the Congressional Research Service on this subject.

We are thoroughly familiar with the legal issues posed. Professor Leshy teaches them as part of his law school course in Federal Lands and Resources Law. In fact, he includes a section on these takings and contracts issues in the standard law text that he co-authors on the subject: Federal Public Land and Resources Law, 6th Ed., 2007 (which will appear next month). Professor Gray has litigated several cases that involved similar takings and breach of contract questions, including *Madera Irrigation District* v. *Hancock*, 985 F.2d 1397 (9th Cir. 1993); and *Peterson* v. *Department of the Interior*, 899 F.2d 799 (9th Cir. 1990). He also has written several articles on the subject and teaches these materials in his own courses.

In our judgment, the argument that this proposal raises a serious takings issue has a steep uphill climb. The Supreme Court has long been reluctant (for good reason) to give much scrutiny to takings arguments in the context of federal tax proposals. See, e.g., *Houck* v. *Little River Drainage Dist.*, 239 U.S. 254, 264–65 (1915) (special tax assessment not a taking "unless the exaction is a flagrant abuse. and by reason of its arbitrary character is mere confiscation of particular property"); *Cole* v. *LaGrange*, 113 U.S. 1, 8 1885) ("the taking of property by taxation requires no other compensation than the taxpayer receives in being protected by the government to the support of which he contributes"); *County of Mobile* v. *Kimball*, 102 U.S. 691, 703 (1880) ("neither is taxation for a public purpose, however great, the taking of private property for public use, in the sense of the Constitution").

Even if a court were to apply the basic *Penn Central* takings analysis to the proposed severance tax, we believe the proposal would easily satisfy that test. The tax is for an important public purpose: funding of clean energy tax initiatives, including renewable energy, energy efficiency, and other clean energy programs. The proposed 13 percent royalty is modest and would leave the lessees significant net revenue from the production of oil and natural gas. And the tax, of course, would not physically encroach on the companies' property. See *Penn Central Transportation Co.* v. *New York City*, 438 U.S. 104, 123–28 (1978); cj. *Lingle* v. *Chevron U.S.A.*, 544 U.S. 528, 538–40 (2005) (confirming the *Penn Central* standards as the general takings test).

The contract question is slightly more complicated, because the severance tax proposal contains a provision that allows lessees to credit against the severance tax the royalties they pay on oil and gas production from their federal leases. While companies with leases that require them to pay less royalty to the United States than other lessees might argue that the credit provision effectively rewrites their leases, we believe this argument also would not withstand careful legal scrutiny.

The proposed legislation does not target these leases. Rather, it is aimed at a generic category of activity—Gulf of Mexico OCS production—to serve a general and important public policy—viz. raising revenue for green energy tax initiatives. In our judgment; the severance tax therefore falls within the standard government contract principle, recognized for more than a century by the United States Supreme Court, that protects "public and general" acts by Congress from breach of contract claims.

In *Merrion* v. *Jicarilla Apache Tribe*, 455 U.S. 130 (1982), for example. the Court upheld the application of a severance tax on oil and natural gas production to long-term leases. The lessees claimed that the tax effectively increased the royalties on oil and gas production set forth in their contracts with the Tribe. The Supreme Court rejected this claim inter alia on the ground that "Contractual arrangements remain subject to subsequent legislation by the presiding sovereign. Even where the contract at issue requires payment of a royalty for a license or franchise issued by the governmental entity, the government's power to tax remains unless it 'has been specifically surrendered in terms which admit of no other reasonable interpretation.'"

Id. at 147–48 (citations omitted); see also *Bowen* v. *Public Agencies Opposed to Social Security Entrapment*, 477 U.S. 41 (1986). In *United States* v. *Winstar*, 518 U.S. 839 (1996), the Court modified this principle of contract interpretation in suits for damages—allowing certain government contractors to sue for breach of contract on the ground that a new law altered the terms of performance of their existing contracts with the United States. The Court maintained the sovereign acts/unmistakable waiver doctrine in cases involving new taxes however, because the consequence of refunding tax payments in the form of damages would be to nullify the tax. In the Court's words: "The application of the doctrine will therefore differ according to the different kinds of obligations the Government may assume and the consequences of enforcing them. At one end of the wide spectrum are claims for enforcement of contractual obligations that could not be recognized without effectively limiting sovereign authority, such as a claim for rebate under an agreement for a tax exemption. Granting a rebate, like enjoining enforcement, would simply block the exercise of the taxing power, and the unmistakability doctrine would have to be satisfied."

Id. at 994 (citation omitted).

There is nothing in the existing OCS leases that purport to waive or to limit Congress' sovereign taxing authority. Accordingly, we conclude that existing lessees that are not presently paying royalties for deep water oil and natural gas production would be unlikely successfully to challenge the proposed severance tax on grounds of breach of contract.

Please let us know if we may be of any additional assistance.

Sincerely yours,

JOHN D. LESHY,
Harry D. Sunderland, Distinguished Professor of Law.

BRIAN E. GRAY,
Professor of Law.

Mr. BAUCUS. Mr. President, I raise a pay-go point of order that the pending Kyl amendment would worsen the deficit, in violation of section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. KYL. Mr. President, I move to waive the applicable points of order with respect to my amendment, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 55, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—38

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Roberts
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—55

Akaka
Baucus
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—6

Boxer
Brownback
Coburn
Johnson
McCain
Sessions

The PRESIDING OFFICER. On this vote, the ayes are 38, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

TRIBUTE TO SENATOR FRANK LAUTENBERG

Mr. REID. Mr. President, a few minutes ago, a record was broken. Senator FRANK LAUTENBERG has passed Senator Clifford Case's record for the most votes cast by a Senator from the State of New Jersey.

Senator LAUTENBERG's career can't possibly be summed up, though, on numbers alone. I have had the good fortune of serving with this man in the Senate since I came here. Sometimes the term "American Dream" is thrown around, and probably a bit too much, but if there were ever a Member of this body who exemplifies the American Dream, it is FRANK LAUTENBERG, the Senator from New Jersey.

FRANK LAUTENBERG was born without privilege to immigrant parents. He served his country bravely in World War II and put himself through Columbia University on the GI bill. He is an example of what the GI Bill of Rights did for America.

FRANK LAUTENBERG achieved great personal success in the business world, but he wanted to do more than be a successful businessman. And he was a successful businessman, both in reputation and in the ability to make money in our great free enterprise system. He was an exemplar of that.

He decided he would seek public service, and, very unusually, he shot for the top. He ran for the Senate—and ran and ran and ran—and was elected in 1982. Senator LAUTENBERG's legislative record is fantastic. It is terrific. He has been a titan here.

Guns and crime: Author of the Domestic Violence Ban, and sponsored countless laws to make neighborhoods safer.

Health and safety: He led the fight regarding drunk driving by toughening Federal laws and penalties relating thereto in the States.

The environment: I had the good fortune of serving with him on the Environment Committee from the first day I arrived in the Senate, and I do say to FRANK, and he knows this, that as a result of his having a very short retirement, voluntarily, I was fortunate enough to be able to become the chairman of that committee twice. Had he been here, he would have been the chairman on those two occasions.

But no one, and I say it without any reservation, has a better environmental record in the history of our country than FRANK LAUTENBERG. He sponsored countless laws to reduce pollution; clean up Superfund sites. One of the real battles of the Senate in recent years was the battle he and the ranking member had—and the chairman, they went back and forth—as to what would happen regarding the Superfund in the Environment and Public Works Committee. He has followed that like no one else has ever followed it.

He has promoted recycling by legislation. He has done legislation to protect our drinking water. Very importantly, he has ensured the public's right to know about environmental hazards in our communities.

For me, personally, the legislative accolade that I wish to give him relates to what he did regarding smoking cigarettes. I have five children, and traveling back and forth to Nevada as we have done, one of my boys was terribly affected by cigarette smoke. They tried something where you could only smoke in certain parts of the airplane, but that didn't work. If you are allergic to cigarette smoke, that didn't work. And my boy, Key, suffered as a result of people smoking in those airplanes.

When FRANK LAUTENBERG took on this battle, people actually made fun of him—why would he take on the tobacco industry; and if he did, did he mind losing? Well, he lost a few battles, but he won the war, and my boy is extremely happy he did win that war. Today they do not even have ashtrays on commercial airlines anymore.

The list is longer than I can possibly enumerate of his legislative accomplishments, but one of the things that is not a legislative accomplishment that I so admire about FRANK LAUTENBERG is his sense of humor. There is a story he tells, and he tells a number of stories, and I would go around and ask him, would you tell your story again, and he would tell it just as good as the last time. The one reason I so admire his humor is he reminds me of Red Skelton, because even though he has retold those jokes many times, in my presence, he laughed harder each time at his own jokes.

Suffice to say, when the day has come, and it will come, when historians write about Senator FRANK LAUTENBERG, he will be hailed as a great legislator for the State of New Jersey, a legend in the Senate, and a foremost legislator of great repute standing up for the health, safety, and welfare of every single American, not just those from New Jersey.

His record-breaking vote is reason enough to honor him, but his tremendous record is an accomplishment that will endure for many generations to come. Congratulations, FRANK.

(Applause.)

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Baucus tax amendment No. 1704 to H.R. 6, the Energy bill.

Max Baucus, Jay Rockefeller, Kent Conrad, Jeff Bingaman, John Kerry, Blanche L. Lincoln, Charles Schumer, Amy Klobuchar, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Ken Salazar, Daniel K. Akaka, Daniel K. Inouye, Sheldon Whitehouse, Sherrod Brown, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 1704, offered by Mr. BAUCUS of Montana, to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 36, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Crapo
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—36

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Martinez
McConnell
Murkowski
Reid
Shelby
Stevens
Sununu
Vitter
Voinovich
Warner

NOT VOTING—6

Boxer
Brownback
Coburn
Johnson
McCain
Sessions

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, if I could have the attention of Senators?

The PRESIDING OFFICER. The Senate will come to order.

HONORING SENATOR ROBERT C. BYRD ON HIS 18,000TH VOTE

Mr. REID. Mr. President, the man seated behind me, ROBERT BYRD, just voted for the 18,000th time, more than any other Senator in history.

Let me tell a couple of things that are important to me about my relationship with this unusually brilliant man.

I had returned from Nevada to Washington. I was a new Senator. I asked Senator BYRD what he had done that weekend—he was standing back here. He said: I have been studying the Roman Empire. I am reading, for the third time, Gibbon's "The Decline and Fall of the Roman Empire."

He said: What did you do? I was a little chagrined. I said: Well, I grabbed a little pocketbook out of my library at home. It was "The Adventures of Robinson Crusoe."

He looked—we all know Senator BYRD when he is thinking about something. He rolled his head back, and he looked up and he said:

> Robinson Crusoe, let's see. How long was he on that island? Twenty-eight years, two months, two weeks, and five days.

I looked at him like: What are you talking about? I just read the book. I didn't know how long he had been there. So I went home that night and looked. Senator BYRD was right. Robinson Crusoe had been on that island 28 years, 2 months, 2 weeks, and 5 days. I bet he hadn't read the book in 45 or 50 years, but he remembered that.

All of us will remember how he disliked the line-item veto. He came to the Senate floor once a week for 10 weeks and gave a lecture on the evils of the line-item veto. But he did it in a unique way because it was all about the fall of the Roman Empire. His thesis was that the Roman Empire fell because the executive took power away from the legislative branch of government. He gave 10 lectures, every lecture lasting exactly 1 hour.

There is not a professor who teaches Roman history who could give the detailed lecture on the Roman Empire that Senator BYRD did, but he gave it. It was so good. At the University of Las Vegas they had a political science department, and they took those lectures and turned them into a course, a graduate course.

What was quite remarkable is he did it without a note. He just walked out here and gave his lecture. As we know, he referred to the Emperors and how long they were there and the battles that took place and the times they took place.

I said: Senator BYRD, tell me how you do that without a note.

He looked at me and said, "I memorized what I was going to say." So he gave 10 hours of lectures, and every word of it he memorized.

I could tell stories about this man for a long time. Let me just tell one more. I was a fairly new Senator. Some of the Senators may be listening to this who went on this little trip we took to West Virginia. He invited the British parliamentarians to meet with us, a few Senators, in the hills of West Virginia. It was beautiful. They had bluegrass music there. It was a festive occasion for a relatively small number of British parliamentarians and Senators. He even sang.

I can still remember him singing: "There's More Pretty Girls Than One." Senator BYRD sang that. But the music stopped, and he said: OK, if anybody hears anything that I have said that is wrong, I have given a little notebook and pencil. You write it down and we'll talk about it later.

He proceeded to tell us and the British parliamentarians about the reign of the British monarchs, starting from the beginning. Remember, he has no notes, he is just standing there, starting from the beginning. If it was necessary, he would spell the name of the monarch. Every one of them he gave the years they reigned. If it was something interesting that happened during their reign, he would tell us about it. It took him about 1 hour and 20 minutes to do this.

The British parliamentarians were dumbfounded. Here is this American Senator telling them far more than they knew about their own country.

This man has been such an inspiration to all of us, with his mind, this incredible mind. I just finished reading Walter Isakson's "Einstein"—a wonderful book, 528 pages, that talks about this brilliant genius. I did not know and I did not have the opportunity to meet Albert Einstein, but I had the opportunity to meet this genius. He has an unparalleled knowledge of the Rules of the Senate. He has a reverence for this institution that is unsurpassed. One of the things that I think is so important is that he believes in the Constitution. I have here with me—the other one is worn out, but I have here, with a very nice inscription that I prize—I have it with me virtually every day—signed by the Senator from West Virginia, ROBERT BYRD.

These gifts he has been given by the Almighty bring to my mind words from Ralph Waldo Emerson in his "Essays on Self-Reliance," which was 10,000 words long. Now, Senator BYRD, if he were familiar with this, would recite it. I cannot. I can't give you 10,000 words, but I am going to give you the last paragraph of this brilliant essay by Ralph Waldo Emerson, which I think talks about who this man is.

> Use all that is called Fortune.
>
> Most men gamble with her, and gain all, and lose all, as her wheel rolls.
>
> But do thou leave as unlawful these winnings, and deal with Cause and Effect, the chancellors of God. In the Will work and acquire, and thou hast chained the wheel of Chance, and shalt sit hereafter out of fear from her rotations.
>
> A political victory, a rise of rents, the recovery of your sick, or the return of your absent friend, or some other favorable event raises your spirits, and you think good days are preparing for you.
>
> Do not believe it. Nothing can bring you peace but yourself. Nothing can bring you peace but the triumph of principles.

So said Ralph Waldo Emerson. I congratulate the Senator from West Virginia, ROBERT BYRD, for accomplishing all he has done as a Member of the Senate.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, of all the many milestones along the way of the extraordinary career of Senator ROBERT BYRD—and, by the way, we have celebrated a few of those on the floor of the Senate since I have been here, as he achieves more and more distinction by setting more and more records about Senate service, I am always reminded that Senator BYRD said his greatest accomplishment was his extraordinary marriage to Erma for a longer period of time than many Americans live. I would suspect that if Senator BYRD were to list his most important achievement, it would be his incredible, successful marriage to his beloved Erma.

Mr. President, let me add, on behalf of those on this side of the aisle, our congratulations to the distinguished senior Senator from West Virginia.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the filing deadline be extended until 2 p.m. for second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid substitute amendment No. 1502 to Calendar No. 9, H.R. 6, the Energy bill.

> Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1502, offered by the Senator from Nevada, Mr. REID, to H.R. 6, a bill to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "nay."

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 32, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—61

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NAYS—32

Alexander
Allard
Bond
Bunning
Burr
Chambliss
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lott
McCaskill
McConnell
Pryor
Roberts
Shelby
Stabenow
Vitter
Voinovich

NOT VOTING—6

Boxer
Brownback
Coburn
Johnson
McCain
Sessions

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we are all partisans here, but I really do believe this vote we just took is going to change the complexion of the Senate. The American people are upset at us—Democrats and Republicans—because we are not getting things done. We have to get over that.

I so appreciate Democrats and Republicans doing what is good for the country on this vote. There are still things with this bill I do not particularly like. There are things my colleagues on the other side of the aisle do not like. But we have to start legislating. I really do say—and I repeat—I think this could be the beginning of our being able to legislate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The majority leader.

Mr. REID. Mr. President, I withdraw that suggestion so the distinguished

Senator from West Virginia can be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Maryland, Ms. MIKULSKI, be allowed to follow the statement by Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

18,000TH ROLLCALL VOTE

Mr. BYRD. Mr. President, each Senator—every Senator—has a responsibility to vote. The people of West Virginia expect me to do the job they sent me here to do, and I am doing it. This 18,000th rollcall vote is a testament to their faith in me and to my work for them.

I love this Senate. I love it dearly. I love the Senate for its rules. I love the Senate for its precedents. I love the Senate for the difference it can make in people's lives.

The Senate was viewed by the Framers as a place where mature wisdom would reside. The Senate was intended to serve as a check on both the House of Representatives and the Executive. The longer terms, the older age requirements, the special functions delegated to the Senate regarding treaties, appointments, impeachment—all of these are indicative of the intent by the Framers to have the Senate be the stabilizer, the fence, the check on attempts at tyranny, and the calmer political passions. Partisanship was not viewed as necessary or constructive in that day in time so long ago, nor, may I say, is total devotion to partisanship constructive in this day in time or in any day in time.

I have served in this Chamber for nearly five decades—nearly 50 years. Times have changed. The world has changed. But our responsibilities, our duties, as Senators have not changed. We have a responsibility, a duty, to the people to make our country a better place. The people send us here to do a job. They do not send us here to score political points or to advance our personal agenda.

If I could have one wish as I cast this 18,000th vote, it could be that the Senate could put aside the political games, roll up our sleeves, and get back to work for the great people of this great country of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, today, the Senate is trying to come up with an energy bill. I know Senators have been working very hard on all sides of the aisle to come up with consensus legislation we can support, and I really do support them. I wish to particularly call to the attention of the Senate the efforts of Senators PRYOR, LEVIN, and STABENOW to try to come up with a compromise on the CAFE. But we are now where we are. We are at a very important juncture in our history.

You know me. I am a blue-collar Senator. My heart and soul lies with the blue-collar American. I spent most of my life in a blue-collar neighborhood. When Bethlehem Steel went on strike, my dad gave those workers credit. When UAW was having a hard time, my father and mother tried to smooth the way by helping them in the grocery store. My career and my public service is one of deep commitment to the working people. So when automobile manufacturers told me they could not meet the increased CAFE standards, I listened. I listened year after year, and now I have listened for more than 20 years. When they told me they needed more time, I agreed. When they told me an increase in CAFE standards was unattainable with existing technology, I voted against the increase to give more time so we could come up with attainable and existing technology.

But 20 years have gone by since the last increase in fuel efficiency standards. I was here when we voted for those CAFE standards. Now, after 20 years, I firmly do believe it is time for a change—not any kind of change—a smart change, a feasible change, an affordable change. That is why I support the Energy bill that is before us. I support the framework that has been generally presented by Senator FEINSTEIN of California. I know that American automobile manufacturers and their workers are true patriots. They want what is best for our Nation. They have faced challenges before and they have met them and I believe they will face these challenges now. I believe they want to build vehicles that are safer and more energy efficient.

The time has now come to increase fuel efficiency standards. We need a national effort. We need a national standard. It is time for our automobile industry to make the changes because they need to be able to do that to help their own industry survive and also for the interest of the Nation.

I believe our world and our Nation is facing a crisis. When you look at the increased gas prices at the pump, it is hurting every single one of us. When you talk to families, you learn it now costs $90 to fill up a minivan. A commuter who has no other way to get to work than an automobile is now paying more to get to work than they are for their food bill in certain areas. As the Presiding Officer knows, small businesses need those vans to make those deliveries, whether they own a flower shop, whether they are a heating and air-conditioning guy, whether they are a plumber or whether they are the person delivering pharmaceuticals to nursing homes. In my own State right now, the watermen, those fishermen are out on the Chesapeake Bay trying to harvest ever-diminishing crabs with ever-increasing fuel prices.

It is time to conserve our energy resources and to deal with the crisis we are facing. We know that energy and gasoline and petroleum products are in limited supply and are going up. We know that America's dependence on foreign oil presents a very serious national security challenge.

I am on the Intelligence Committee, and I know what these transnational threats are. I know that energy independence is absolutely crucial to fighting the global war against terrorism. If we follow the money, we know that every time we are putting money into the tank, we are putting money into the pockets of the petro jihadists, those petro jihadists who are trying to undermine us everywhere around the world. They are undermining and attacking our troops in Iraq. They are funding Hezbollah so they can attack Israel; Hugo Chavez, shake, rattling, and rolling in Latin America. Do we want our money going to the petro jihadists who want to plot and destroy not only American lives but the American way of life? I don't want to support al-Qaida by buying more gasoline than I have to, but this is what Iran, Venezuela, and others are doing.

We need to reduce our dependence on foreign oil, and that is one of the most important ways we can as the public is by fighting the war against terrorism. There are 150,000 men and women fighting in Iraq today. The temperature is 110 degrees. We already have lost 14 more military. While we are doing that, though, there are 300 million of us who don't have to share in the sacrifice of the battle in Iraq, but we can share in that sacrifice if we embrace energy conservation and are serious about it. At the same time, we know there is a dangerous increase in the climate crisis that affects the life of our planet. It, too, is a national security issue because, make no mistake, the climate crisis will affect our food supply and will create a climate in which infectious disease will grow and natural disasters will increase.

What can we do about it? How can we sign up to have a safer America, a safer planet? Well, I believe the most sensible foundation of an energy plan must begin with conservation. We have to make better use of what we have in our homes, in our businesses, in our cars, and in our airplanes. We also need incentives for new renewable energy and energy-efficient technologies that we can use in our homes and in our businesses and an increase in fuel efficiency standards for our vehicles on the road and our vehicles in the air.

Now, in considering any fuel efficiency standard, otherwise known as CAFE, I come back to where I began: My heart and soul lies with the American worker, so I believe anything we do must preserve American jobs, but it also must achieve real savings in oil consumption. It also has to be realizable and achievable. That means a real technological ability to accomplish it. That means a reasonable lead time to adjust our production.

I also believe we have to create incentives to enable companies to achieve those goals. I don't believe in an industrial policy where we pick winners and losers, but if we are going to pick a winning energy policy, we have to provide some type of help to the industry to help them get where we need for them to go.

In the 1950s, when part of the world saw the Iron Curtain come down and they went into communism, many against their own will, such as Poland, Latvia, and Estonia, there was a whole other world that chose to go with what they called a Socialist tendency. We saw industrial democracies such as England, France, and Canada develop a national health system. We said: Oh, no, we are Americans. We don't want to go that way. We don't want to have a national health system. So we said to the private sector: Provide health care, provide pensions, and we will support that. So our American manufacturing base went to a defined benefit. They did provide health care. They did provide pensions. Now, they should not be penalized for it. Yet you look at the fact that our American manufacturers and our automobile industry itself does carry the legacy cost of health care; we asked them to do it and they did do it. General Motors provides more health care than the VA system. They provide more health care than some countries around the world. They have legacy costs to retirees. So if we are going to make the move in CAFE, we have to acknowledge that issue and how that impacts their competitiveness.

Let's put our thinking caps on. Let's not only help one industry. Maybe this is the time to motivate us to get serious about having universal health care and a real prescription drug benefit so we don't dump it on the private sector to do.

I also know, when we look at this in terms of preserving jobs, we need to also make sure that the technology is achievable, and I believe it is. I believe also there are certain waivers in this bill that help them achieve—that deal with the fact that if they cannot increase some of these standards, the mandates can be waived. But you don't get an energy policy by mandates alone. We can't mandate and regulate our way out of this.

I am going to vote to raise fuel efficiency standards, only because I am so convinced it is in our national security interests. But I do not want to ignore the economic impact that this is going to have on the automobile industry. We can't just mandate and we can't just regulate. So I say to my colleagues, if we are going to go energy, then let's go to health care. If we are going to go energy, then let's fix the prescription drug benefit and don't talk about vetoes and filibusters. Let's now work in our national interests. Let's now work for our manufacturing base.

Out-of-control health care costs mean that companies are less able to be innovative and invest in technology. Our current President likes to talk a lot about relieving the tax burden, but to our business community, the cost of health care is a tax because we have not gotten serious about how to provide affordable health care, both to the people who want to buy it and businesses who want to provide it. So let's get rid of that health care tax on American business and come up with universal health care. Last year we made some progress in helping manufacturers meet their pension obligations, and we can do it in health care.

The time has come to raise the CAFE standards, but the time has come also to put our thinking caps on, to be an innovation society, and to come up with new ideas for efficiency, new technologies for energy efficiency, new composite materials to make cars lighter but keep them safe, and at the same time to seriously come to grips with health care.

This is not an easy vote for me. I am telling you, this is not an easy vote for me. I have always, for 20 years, stood with colleagues such as Senators LEVIN and STABENOW. I stand with them now. But I also know that if the American automobile industry is going to survive and that if we are going to deal with the petro jihadists, we need to get serious about fuel efficiency. Let's get serious about the legislation. Let's get serious about health care. Let's be serious about the American workers, and let's get the job done the people want us to do.

So today, I know we voted for cloture on the bill, but we have to continue to speak up on what we need to do to make us a safer country, but to keep a stronger economy, and for God's sake, could we start to be smarter about it.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to speak as if in morning business, the time to be charged to the time allotted for cloture. I will probably take up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. LAUTENBERG. Mr. President, the first thing I want to do is take a minute to publicly thank the majority leader for the kindness he extended to me earlier when he announced the fact that I have cast the second-highest number of votes of any Senator from the State of New Jersey.

Mr. President, I am as surprised as anybody in this Chamber that this event took place and that kind of longevity has been extended to me by the people of New Jersey. I now enter the middle of my 23rd year in the Senate and I want to continue to serve. But that is a discussion for another time.

The majority leader was very generous in his comments about me. Coming from a person who has provided so much by way of leadership and contribution to the country as HARRY REID, it is a touching experience. We are busy, but Senator REID took time out of the business of the day to note the fact that I had achieved that record.

The biggest surprise of all is, for me, the fact that I have been in this Chamber as long as I have been. I spent 30 years building a company with a couple of colleagues.

That is the legend of America—what can happen even if you are born poor but you have some assistance. I wore the uniform of this country proudly during World War II. I was a beneficiary of the GI Bill of Rights. That is how they defined the educational opportunity that was given.

Mr. President, my surprise—my awe, if I may—was that I was able to go to Columbia University, a distinguished educational facility, which was something I never dreamed possible because of the humble roots that my family had. They gave me values—nothing of value but values. My parents' admonition throughout my life was to always be honest, always tell the truth, always work hard, and remember one thing, son: There are people as poor as we are. As difficult as it is at times, there are always people less fortunate.

My grandmother had a little bank in the house, which we shared with her many times, in which we would put small coins, to be used for—I cannot say charity but for others who were less fortunate.

So I stand in this Chamber at this moment, and I want to talk about something related to roots—to my roots. My father and my mother struggled to make a living. My father worked in the silk mills of Paterson, NJ, a textile city. Others like my dad and mother were brought to this country by their parents, hoping for an opportunity to make a living and to have some degree of opportunity.

My father worked in the silk mill with a dear friend of his who was later very active in union organization. My father made a plea to his foreman for a holiday off. It was an important religious holiday. He wasn't looking for any pay, Heaven forbid. He just wanted to have the time off for observance of the holiday. He and his very close friend asked the foreman if it would be all right if they took the day off for the observance of the holiday, which was the week following. The reply was very quick: Oh, sure, you can take the day off, but don't come back to work here anymore. With that, you can imagine the view of my father and his friend not being able to continue a job that was scarce and difficult to get. So they waited, hat in hand.

In those days, people would wear hats to work in common labor at a mill. They described that, hat in hand, the two of them nervously waited for the owner of the company to come by. They would not let them go into the owner's office. Heaven forbid, that is no place for people like you. But the owner was a kind, generous man. When he walked out, they stopped him and explained that they desperately wanted to take the holiday off, but they needed their jobs. The owner was a kind, sympathetic person, and he said: Take the time off, and you are going to be paid for that holiday.

That was the beginning days of union representation in this country—very active, very confrontational, very difficult, and sometimes violent. But my father saw and his friend saw that they had to have a better way to do things than stand hat in hand and beg for a day off. Fortunately, they found a kind man who listened and gave them the day off. But the experience was searing, and they never forgot that working people had to have representation.

Both of them then became active in union organization. Those were difficult days. We have all heard stories about employees who wanted some representation, wanted a voice in how they were paid, wanted a voice in what conditions were like.

My father worked in a mill. My father was a health faddist even in those days. He took very good care of himself. He was a man with muscles. He would go to the gym, and he would lift weights. He belonged to the local Y. He never smoked, was light on coffee, and no liquor. He died when he was 43 years old. He contracted cancer when he was 42. The cause was almost undeterminable, but they realized that there were materials they used when they worked with the silk to keep the silk brittle and to keep the machinery working that ultimately caused my father's cancer. His brother died at age 56 also from cancer. Their father died at age 52 also from cancer induced by the environment at the factory in which they worked.

The fact is that people who work in places like this should have a voice—and we see disparities, such as taking 10 years to raise the minimum wage.

It is time to give unions, to give working people a chance to have a voice in their work or their opportunity to take care of their families, or the opportunity, as my father said, to hold your head high, be proud, be proud you are a worker, be proud you are contributing something to your country.

What we see now is distressing, which is why we are discussing freedom of choice for workers, to give them a chance have their voice heard without having to go through a hassle about whether they are organized. I have seen what happens. I ran a very big company. When I left the company, it had 16,000 employees. Today it has 40,000 employees, a company I started with 2 other poor kids from the neighborhood. We were always very conscious of our responsibility to our employees. That is why the company was so successful. It had the longest growth of any company in American history of 10 percent or more on the bottom line.

We had a case in New Jersey where a bus driver was fired for being a union supporter and giving testimony to the National Labor Relations Board. Even as we gather here, we see that employers are still using all kinds of tactics to harass, threaten, or fire workers who try to exercise their right to form a union. Ninety-two percent of employers make their employees sit through one-sided, anti-union presentations, according to a study by Cornell University.

The Cornell study also said that 78 percent of employers have supervisors hold repeated closed-door, one-on-one meetings with workers to intimidate them to oppose the union.

I don't think those kinds of tactics are appropriate. Decent jobs are ever more scarce in this country as we ship so many jobs abroad, as technology—and I come from the computer business; I know something about technology—as technology takes jobs away from people whose only skills are manual skills, and they need a way to make a living. You don't have to be a new immigrant to need a job where you use your hands, use your body, or use your strength to make a living. But these jobs are going further and further afield because of the technology.

We should not allow employers to prevent workers from having a greater voice in their workplace on issues of pay and benefits and working conditions.

We can improve this situation by passing the Employee Free Choice Act to protect workers and to protect their rights—again I use the expression—hold their heads high, know they can provide for their families, know they don't have to apologize to their kids for having to work as hard as so many do, two jobs in many cases.

The bill that is in front of us will let employees select a union if a majority signs cards saying they want representation. They don't want to take over the ownership of the company. They don't want to deprive senior executives from making their salaries or their benefits. When we see what is happening in America today, there is a frightening specter out there, and I talk as someone who came from the corporate boardroom. I can be accused of being a tree hugger because I care about the environment. I can be accused of other things. But I can't be accused of not understanding what it is like to run a business, a successful business.

If people want representation, when we see that there are people in this country making $1.8 billion for a single year's work, and many others earning $240 million or more. The salaries are adequate enough, as they said in an article in the New York Times a couple of weeks ago, that if you took the combined wages of people who made $240 million or more in the year, you could pay 80,000 school teachers in the city of New York for 3 years.

There are disparities, and what has to happen is that people who work for a living have to understand their work, their effort, their contribution to the country. We have Tom Brokaw here for lunch right now. He wrote a book, "The Greatest Generation." What was it? It was working people who made the contribution. It was working people who on D-Day—I didn't arrive in Europe on D-Day; I arrived a little bit later—those who were there, those who were the heroes, those who saved their companions, working people. They are entitled to be heard.

Workers cannot be hassled or harassed to be kept from expressing their interests in a union. This bill says employees can select a union as soon as a majority signs a card saying they want representation. Current law allows for this majority signup, but only at the employer's discretion. The employer can instead demand an election and use that time before that election to scare workers away from joining a union.

The Employee Free Choice Act will protect and enhance the right of workers to join a union, and there is good reason for some to choose a union. As President Bush helps the wealthy get wealthier, helps the corporations develop ever more earnings, I see nothing wrong with that as long as there is a fairness, an equity. When a company such as ExxonMobil earns almost $40 billion in a year, and Americans pull up to the pump and very often they are giving away a significant part of their purchasing power at that gasoline pump, we have to be sure we don't totally demoralize the working people of this country.

Union wages can help low- and middle-wage workers earn their way to new opportunities and financial stability. Everybody knows it costs more to live these days. It costs more to send a kid to college. It costs more to get health care. It costs more for gasoline. It costs more for mortgages. It costs more for everything.

We have to make sure that the people who work for a living, who do the building, who do the lifting, are able to make a living.

When it comes to wages, union wages are almost 30 percent higher than nonunion wages, and union workers are almost twice as likely to have employer-sponsored health benefits.

In 2005, 1.3 million New Jersey residents were uninsured for health. That is 300,000 more residents than 5 years ago. Union membership can make a huge difference to them and their families. Hard-working Americans deserve these benefits. We need the Employee Free Choice Act so workers can express themselves without intimidation. They have to be certified if they make that kind of choice. But we also want employers to be accountable when they violate the law. This bill will strengthen penalties for employer violations of the National Labor Relations Act so that employers are deterred from breaking the law.

Workers deserve an atmosphere where they can choose a union without intimidation or coercion. They need a strong law to allow them to make their own choice without interference from management. The Employee Free Choice Act is that law. It will give employees a stronger voice in shaping the workplace and will help employees earn more money, benefits, and improve their futures.

I am proud to support this bill for New Jersey's and America's current union members and for those who want to unionize.

I urge my colleagues to support the bill. Permit people to make their choice and make it freely and not have to be worried about intimidation or harassment. If you want to join a union, simple: Fill out a card. Why should they be deprived from doing so for their future? I don't think they should be.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

HEROES OF CHARLESTON

Mr. GRAHAM. Madam President, my colleagues have been very kind to me in passing on their condolences from the people of their States regarding Charleston. I publicly acknowledge all the kindness they have shown to me and Senator DEMINT regarding the loss of the firefighters in South Carolina. It was a huge blow to the community of Charleston. Nine very brave souls lost their lives trying to protect their fellow citizens. Senator KENNEDY spoke very eloquently of the life of a firefighter. Senator DODD and so many people have offered their condolences.

There will be a memorial service tomorrow in Charleston. I will be going with other members of the delegation, and we will have a resolution before the Senate tomorrow honoring these heroes.

I learned, talking with Senators KENNEDY and KERRY, that there were six or seven firefighters lost in Worcester, MA, not that long ago. I have been told the Charleston fire was the largest loss of life among firefighters since 9/11.

Those who have been to Charleston, SC, know what a wonderful, beautiful community it is. It is one of the most open, welcoming communities in the country. To the families, we grieve with you. We can only imagine the pain you are going through. I hope you do realize you have so many people in your corner saying prayers for your well-being and deeply appreciative of the sacrifice your loved ones made.

It is human nature for most people to run away from fires. Only firemen run into them. Thank God people are willing to do that, go off and serve in the military, be policemen, EMTs, many of the other jobs that require self-preservation to take a backseat to the common good. Self-preservation is a strong instinct. I know parents would do anything for their children, and that is a very understandable emotion, taking care of your loved ones and your family. That probably trumps self-preservation—most of the time, anyway. Doing it for somebody you don't know makes you a hero. When you are willing to give your life, risk your life for someone you don't know, that is where the term "hero" applies.

To the families who have lost loved ones, I do hope you have some comfort knowing that what your loved one was doing was so important. In this case, there was a belief that a civilian was left in the warehouse unaccounted for, so the firemen went back in to look for this person. Unfortunately, the worst happened. The building collapsed on them, and there was a tremendous tragedy.

There are so many ways to thank firemen, and I am very inadequate in that regard.

Similar to most young kids, I thought being a fireman was about the top of the pyramid. It seemed like the neatest job in the world. But as you get older, you realize how dangerous it is. It is one of those occupations, such as being a policeman or other occupations—but particularly firemen—that every day is a real risk you take.

To the people of Charleston, SC: I know you are banded together. I know you are mourning together. You have the wishes of this body. All the Senators—Republicans and Democrats—very much have you in their prayers.

To the families: Tomorrow will be a difficult day. It will be a very touching day. It will be a day of remembrance and mourning. It will also be a day of celebration, celebrating the lives of those brave firefighters who represent the best of my State and the best of humanity.

I would like to end this statement with the understanding that there is nothing we can do to replace your loss. But we can and we will be there by your side as you move forward.

God bless.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I make a point of order that the pending amendments are either nongermane or are drafted improperly and are out of order.

The PRESIDING OFFICER. Without objection, the majority leader may make a combined point of order against the pending amendments.

The point of order is sustained, and the amendments fall.

Mr. STEVENS. Mr. President, is the pending business the Reid substitute?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1792, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that my amendment No. 1792 be called up and modified by amendment No. 1843.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 1792, as modified.

The amendment is as follows:

On page 239, beginning with line 16, strike through line 5 on page 277 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting

"PRESCRIPTION OF STANDARDS BY REGULATION.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is

amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term "alternative fuel automobile" means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

Mr. STEVENS. Mr. President, the fuel economy compromise that I filed yesterday, as now amended, is a step toward addressing our energy crisis. I thank my dear friend chairman INOUYE and his staff for working across the aisle to ensure a bipartisan measure. I support the notion articulated by the President in his State of the Union Address that we need to modernize the Nation's fuel economy program, and save a significant amount of fuel over the next decade. I believe the provision we now consider would effectuate that policy goal in a thoughtful and functional way.

Once again, our Nation stands at a crossroads in our history. The United States faces an energy crisis, but we find ourselves trapped in a vicious cycle which will only make its consequences more severe. While our Nation is blessed with enormous natural resource potential, inconsistent government policies discourage their exploration and development. As a direct result, the amount of oil imported each year is increasing, and our Federal lands, including those in my home State of Alaska, are being withdrawn from oil and gas development and exploration. These policies have been—and will continue to be detrimental to our national security and long-term environmental economic health. The time has come for those of us in Congress, as the custodians of the public trust, to make the difficult energy policy decisions that will serve to benefit future generations.

Those who advocate a one-approach-fixes-all solution are misleading the American public. The only way our Nation will achieve energy independence is through a combination of initiatives. Conservation, domestic production, and the development of alternative sources of energy are all parts of the broader solution. The end to our crisis lies in the balance between them, and the advancement of each will also reduce greenhouse gas emissions. One initiative without the others will simply not be enough to achieve our energy objective.

The fuel economy provisions of this bill would enhance conservation. The measure would remove the legal ambiguity that for years has inhibited the Secretary of Transportation from raising fuel economy standards for passenger cars, and mandate significant fuel economy increases for both passenger cars and light trucks.

By providing authority to increase standards for passenger vehicles, and challenging automobile makers to invest toward the achievement of a specific fuel economy target, this amendment would provide consumers with fuel savings at the pump, limit our Nation's dependence on foreign oil, and significantly reduce greenhouse gas emissions.

I am fully aware of the aggressiveness of the target standard set forth in this bill and the challenges involved with reaching the fuel economy standard for the domestic vehicle fleet. And I thank Chairman INOUYE for agreeing to allow regulatory flexibility in the event that the targets set forth by this legislation are not feasible. But the overall charge to the auto industry set forth in this measure is not unfamiliar to the industry during times of geopolitical instability. In fact, the CAFE program was born out of very similar circumstances in 1973, during the Arab oil embargo. At the time, our Nation recognized that it was in our national interest to reduce our dependence on foreign sources of oil by demanding better fuel economy from our automobiles. History has now repeated itself and a combination of events, including the aftermath of Hurricane Katrina and geopolitical unrest, has precipitated once again the need for difficult energy conservation determinations.

Mr. President, the terrorist attacks waged on this country on September 11, 2001, and the ongoing turmoil in the Middle East have brought into focus the need to reduce our dependence on all foreign oil. The United States imports almost 11 million barrels of crude oil every day, compared with only 5 million produced here at home. And more than 2 million imported barrels arrive from the Persian Gulf each day. Domestic consumption has increased since 1993 from 17 million to 21 million barrels per day. The savings achieved by increasing fuel economy standards for the entire domestic passenger vehicle fleet is an essential component of our comprehensive strategy to increase our energy independence and national security.

But any change to fuel economy standards requires the careful balance of many factors, including national security, consumer preference, domestic employment, as well as the need for powerful and durable vehicles in rural America, including my home State of Alaska. While the fuel economy provisions in this amendment would set aggressive goals, they would also provide the Secretary the authority to balance these market and national security considerations, and to make the appropriate and necessary fuel economy increases.

By significantly improving fuel economy in our passenger vehicle fleet, we will inherently reduce greenhouse gas emissions. While the cause of global climate change has yet to be fully determined, its speed and impacts are more evident in Alaska than anywhere in the country.

Many believe global climate change is attributable partly to manmade activities. Temperatures are rising in the Arctic region at more than twice the rate of the rest of the world, according to the 2004 Arctic Climate Impact Assessment, and many impacts in Alaska such as erosion and flooding exacerbated by climate change require immediate attention and planning of responses.

Mr. President, our Nation needs a new energy paradigm. The 21st century will be the proving ground for our commitment to achieve both energy independence and a clean, sustainable environment. The fuel economy provisions in the amendment address conservation and are intended as an aggressive first step of a more holistic energy policy.

The current energy crisis cannot be resolved through conservation alone, and we cannot suspend the law of supply and demand while we anticipate alternative technologies and energy sources. I remain steadfast in my belief that allowing for the development of our domestic resources, particularly in my State of Alaska, is an essential component of a successful energy policy.

While my colleagues in the past have narrowly defeated efforts to effectuate that calling, I will not give up on advancing the need for such production. The development of our domestic resources would generate billions of dollars for the Federal Government, which could aid in our quest for alternative sources of energy if we use this new revenue to invest in research efforts and infrastructure development.

Mr. President, I ask for action on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1792), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the managers of the bill, Senators BINGAMAN and DOMENICI, are now going to try to see if there are amendments that can be called up, so that a quorum call will be entered into. Hopefully, we can have other amendments in this matter as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the sponsors of the amendment that has just been adopted be myself, Senator INOUYE, Senator FEINSTEIN, Senator LOTT, Senator KERRY, Senator CARPER, Senator HAGEL, Senator SNOWE, Senator DORGAN, Senator ALEXANDER, Senator CANTWELL, Senator CORKER, Senator DOLE, Senator CRAIG, and Senator SUNUNU, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in this downtime, the managers are working. At this time, what we are trying to do is clear amendments. There are a number of amendments that have been filed, some of which are germane. We are working to see if we can clear amendments without a lot of determination at this time as to whether they are germane or not. Managers are working on this real hard and speaking to the individual Senators and staffs.

Senator DOMENICI has been notified of this situation. Senator CRAIG is here from the committee representing the minority at this time. We hope they can expedite the clearing of some of these amendments, and then we will make a determination after that to see if there are any other votes we have to have on some of these germane amendments.

Mr. CRAIG. Will the leader yield?

Mr. REID. I will be happy to yield.

Mr. CRAIG. Mr. President, on behalf of our colleagues, is it possible at this time for the leader to give us some timeframe as it relates to the packaging and possible activity this evening and into tomorrow?

Mr. REID. I thank the Senator from Idaho very much. I say to my dear friend from a neighboring State of Nevada, we are trying—and I have had a number of conversations this afternoon with the Republican leader—to see if we can expedite the time. It is very possible that we could move forward on this legislation and not have to work the weekend because a lot of the weekend would be spent just standing around.

If we can accomplish what we need to do without a lot of standing around time, we would be better off, and then we can move early next week to finish the debate on immigration. We have a limited number of items left to do. We have to finish the germane amendments. I have already indicated the managers are willing even to take a look at some nongermane amendments. We need to finish the germane amendments, and we have to have cloture on the bill if, in fact, that is required. Sometimes it isn't. Most of the time it isn't. I said that earlier. And then we would have final passage on the bill. Then we would have 20 minutes on card check. That is the time for the vote. There would be no debate on that. I have a strong suspicion that cloture will not be invoked on that legislation. Following that, we would move to immigration.

Mr. CRAIG. I thank the leader.

Mr. REID. One of the proposals, I say to my friend, was to start immigration on Monday and maybe some other odds and ends around here on this matter. The other proposal Senator MCCONNELL and I have talked about is starting everything Tuesday morning. We would arrive at the same end time. It would just be we wouldn't have to be in session with people standing around guarding to make sure somebody isn't going to do something when the quorum call is on. We could wind up at the same place and accomplish just as much. That doesn't take away how difficult it is going to be once we get on immigration.

There are meetings being held on that today and progress is even being made.

I suggest the absence of a quorum.

I withhold for a minute. We are going to be in a quorum call. If someone wants to give a speech for 10 minutes, recognizing they will speak as in morning business just for that 10-minute period, that would certainly be appropriate. But we are not going to do any business on this bill until the managers give us some direction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is the floor is available for some discussion while we are waiting for the managers to work on amendments and perhaps clear amendments, and I wanted to take a few minutes along with my colleague Senator CRAIG to talk about some information in a piece of legislation we have previously introduced called the SAFE Energy Act, Security and Fuel Efficiency Energy Act.

That legislation represents legislation trying to reduce the oil intensity of the American economy. The calculation of where we are with respect to oil in this country is that we are dangerously dependent on foreign sources of oil, dangerously dependent on oil that comes from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela, and more. That dependence now is over 60 percent. In other words, over 60 percent of the oil we need to run this country's economy comes from other parts of the world, much of it very troubled.

If, God forbid, tomorrow a terrorist were to interrupt the supply of oil coming to this country, our economy would be flat on its back. So how do we reduce the oil intensity in this country? Well, you do a lot of things. I mentioned that 60 percent plus of our oil comes from outside of our country. About 70 percent of the oil we use in this country is used in vehicles. So while 60 percent comes from other countries, 70 percent is running through a carburetor or fuel injector to make our vehicle fleet go, and we are in a hopeless pursuit of becoming less dependent on foreign sources of energy if we don't make our vehicle fleet more efficient.

So that is one. You have to make your vehicle fleet more efficient. We have just passed a piece of legislation that moves in that direction. But you need a lot of things: You need efficiency, you need conservation, you need renewable energy, you need additional production of energy; yes, even fossil fuels, but done in an environmentally acceptable way. So conservation.

We misuse, we waste, an enormous amount of energy in this country. The cheapest form of energy available to us is through conservation. There is no question about that. Efficiency. Almost everything we do in this country, from the time we get up in the morning until we go to bed at night, we are using all kinds of appliances that require energy. We flip on a switch and a light bulb turns on. We plug in a razor and shave and use electricity. We jump in the shower and that water is heated by electricity or perhaps natural gas. But the fact is everything we do can be made more efficient.

There are strange terms, such as SEER 13 standards for air conditioners. Some don't know what that means. I know it is kind of an arcane language, talking about SEER 13 standards, but it means much more efficient air conditioners. We fought for a long time about that and finally got a SEER 13 standard, and it is going to use much less electricity and be much more efficient.

So conservation, efficiency, renewables. The bill on the floor of the Senate is a significant piece of legislation dealing with renewable energy, solar energy, biomass, wind energy, and then the biofuels, including ethanol, biodiesel, and all of these issues that deal with renewable energy. That is another significant step toward being less dependent on foreign sources of oil. Conservation, efficiency, renewables.

But there is another piece that has received too little notice, in my judgment, too little notice on the floor of the Senate, and that is additional production. We are going to use additional coal. As chairman of the Energy and Water appropriations subcommittee that funds those energy accounts, we are going to use clean power and clean coal technology to, I hope one of these days, be able to have a coal-fired electric generating plant that is a zero-emission coal-fired electric generating plant. I believe we can get there through technology and better science. We have all these issues we are working on.

With respect to fossil fuel, coal, oil, and natural gas, we need to find additional ways to produce additional quantities of oil here as well. As I look at this issue, and my colleague Senator CRAIG and I have evaluated this issue, there are quantities of oil offshore—yes, in Alaska and on the west coast, in the gulf—and the largest quantity is in the Gulf of Mexico. We know we have passed some legislation in the last 2 years, within the last year and a half or so, opening up what is called lease 181. It was modified, through the work of the Senators from Florida and others, in a way that was acceptable to them.

We opened up a portion of the Gulf of Mexico for additional production. Senator CRAIG and I believe there are additional tracts and significant tracts that can be open for additional production of oil, oil and natural gas, and that such production can be done without destruction of our environment. That production can be done by expanding the supply, which must be part of the answer to addressing this energy problem we have.

The oil intensity in our country makes us dangerously dependent on foreign sources of oil, and so as we look at how we deal with that, we deal with it in a lot of ways, but one of those ways must, in my judgment, include some additional production with proper and certain environmental protections. That can be done. That should be done, in my judgment.

Now, Senator CRAIG and I understand that portion of the plan we introduced here in the Senate that deals with offshore production is controversial. We understand when you try to do something such as that, people come to the floor and put up a pretty vigorous fight. I might say the Presiding Officer, being from Florida, has been very active and very aggressive in protecting his State's interests, and very effective at protecting his State's interests. Both Senators from Florida have been active and involved in that. We understand that.

We also understand it is not likely at this point that we have the votes here in the Senate at this moment to expand the kind of production we wish to expand in the Gulf of Mexico, but that doesn't mean we shouldn't be discussing and considering how at some point in the future we access those significant additional quantities of oil and natural gas our country needs, and how we access them with the kind of certain protections for our economy and our environment that would be necessary to accompany that.

That is why Senator CRAIG and I introduced a piece of legislation that has this production side to it, and we feel it has not been much discussed on the floor of the Senate. Everything else has been—conservation, efficiency, renewables—all of which I support, all of which I am excited about, all of which I think advance this country's interest, but the production side has not been discussed in as significant a way as I believe it should. So I wanted to simply take this moment to say that the proposal offered by my colleague from Idaho and myself is one that believes that whether it is now or in the future, the construct of how we put together a comprehensive energy plan to reduce the dangerous dependence we have on foreign sources of oil must include some additional production, and the most likely place, with the greatest potential, if you look at all of the potential areas, is in the Gulf of Mexico.

Mr. President, I yield the floor so my colleague from Idaho can express himself as well.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank the Senator from North Dakota for a very succinct presentation about the reality of why we have spent the last couple of weeks debating energy in the Senate.

There is another reality check that I think most Americans fail to understand when it comes to why they are paying $3-plus at the pump, and that reality is that clearly demand in this country has outstripped supply by a significant amount. We have increasingly, since the 1950s, begun to have to go elsewhere than just in and around our country to meet the hydrocarbon or the crude oil needs of our refiners and, ultimately, the gasoline needs of our consumers. As that dependency has grown on foreign sources of energy, I would argue that America became increasingly less secure.

Now, I am one who in the 1980s, and probably the early 1990s, thought it would be just production, production, and more production. I have changed. I have spent a lot of time looking at the energy equation of our country over the last couple of decades and said, no, you have to do a variety of different things.

Production is important. Our President said we are hooked on hydrocarbons. We are "gasaholics," if you will. We are and we will be for an extended period of time. We have been there a long while. We have a multi, multibillion dollar infrastructure that supplies that energy out to the suburban access points, and you don't change those overnight. You don't change the technology that ultimately gets you there, but you do change. And America must change.

Some say you don't need anymore production, you can go to efficiency, you can go to new technology, and that alone will change the equation fast enough to save America's consumers and the economy.

I disagree with that. I think we are going to go there. In fact, the Senate by a voice vote a few moments ago passed a new efficiency standard for automobiles that I support. I am a Senator who has never supported that in the 27 years I have been in the Senate. So while I may be asking the Presiding Officer from Florida to change a little bit as it relates to the resources that are offshore Florida because I now know the technologies can bring those resources out without damaging the environment, here is a Senator who has changed also because I do believe that when you get to a fleet that burns less fuel, you are going to get to an America that needs less hydrocarbons over time.

That is why the Senator from North Dakota and I introduced legislation earlier this year that talked about conservation, and it talked about innovation, but it also talked about production and the reality of having to get more production out of our own resources instead of relying on one of the most unstable, riskiest areas of the world to gain that production.

If the world were at total peace today and the world's oil supplies were managed by companies and not countries, my guess is crude would not be at $60-plus a barrel. It would be at $40-plus a barrel and the American consumer would probably be paying a dollar less at the pump. But that is not reality. Reality is reflected at the pump and therein lies one of our greatest problems.

Earlier in the day, we had a great debate about a tax bill, to tax the oil companies by about $30 billion. Somehow that was going to change the equation; it was going to make the world a safer and better place. It was not going to change the price at the pump, not one dime. In fact it had the potential of taking it up.

Here is the reason why. It did not change this equation. What is this equation? These are the known reserves of oil on the globe. Here are the big boys, as we think of them—the big companies. Here is Exxon and here is the British Petroleum and here is Texaco and over here is Marathon.

You can hardly see them on the chart. They don't own the world's oil supply. They manage and own very little of it.

Who owns it? Hugo Chavez, Venezuela—who would love to jerk this country around by its tail—Saudi Arabia, Iran, Iraq. I have named some of the most unstable areas of the world. They own the oil today. We need it because we are dependent on it, because we have done very little about it. That is why the Senator from North Dakota and I said we have to go where the oil is in our country, and the oil is not onshore anymore. The oil is not onshore. It is offshore. We know it is, and we know there is a substantial supply of it. But we have allowed States to put on moratoria and establish a political environment that denies the Federal Government access to its own resources, so the taxpayers of Idaho are paying a higher price for gasoline, in part, because the State of California—the Senator from California is here, the State of Florida, and other States have said you can't drill off our shore. No. No. Even though in California, with the old leases, they are still drilling in the State waters—not drilling but producing—the ghost of Santa Barbara is long gone. There are some who still like to talk about it, but my guess is these young folks sitting around here tonight, who are our pages, don't even remember Santa Barbara or the oilspill that resulted from the catastrophe of a wellhead blowing off offshore years ago.

The reason you don't is because it doesn't happen anymore. The technology of today, the safety of today, the regulations of today have changed the equation.

The Senator from North Dakota talked about a compromise the Senator from Florida worked with us on this past year. This is lease sale 181, where there may be millions of barrels of oil and trillions of cubic feet of gas. We don't know. There is a pretty good idea it is there and it can be produced and pushed into the current infrastructure and America, for a moment in time, will be a little bit more energy secure.

What I am proposing and what many are talking about is what about this area? What about the rest of the eastern gulf? Ought we not be talking about that? Looking at it? Understanding what is there, if technology allows us to produce?

Here is where America's oil is being produced today, in the Gulf of Mexico. We are finding more and more out there as the technologies improve and as we can get deeper into the waters. That is reality. There are those who will give a lot of different arguments about why you should not do it. But I will argue you can do it and that the oil is there and America ought to know about it and they ought to be asking why we are not going there but, instead, why are we increasingly dependent upon foreign nations for our source of oil?

It is a reasonable question to ask. Right now, America has grown increasingly angry because of the price it is paying at the pump. People are not accustomed to using their disposable income for the price of energy as we know it today. That is not what we have done in an economy such as ours. But that is where we are today.

Here is what happens when we rely on other countries to produce our energy for us. We are at war with terrorism today around the globe. This is the French oil tanker off the coast of Yemen in October 6 of 2002, when an al-Qaida suicide boat hit it and set it afire. Here is the vulnerability of all of our oil moving on water. I suggest the ecological problems resulting from this are greater than from any drilling that could occur offshore America today because we expose ourselves to a high risk by the shipment of oil on our ocean surfaces around the world.

That is why I think it is important that we keep talking and allowing America to understand we are not without oil and not without oil reserves. The progressive and environmentally sound development of them over time will help us in this period of transition that will take several decades to move to flex-fueled cars—hydrogen cars, electric cars, all of the kinds of things we think America wants and that in public policy and incentivizing the marketplace we are moving America toward.

It will not happen overnight. In that period of time, while it is happening, America remains extremely vulnerable. Our economy is at risk. There is no question about it. What I have said is this picture demonstrates something that ought to be repeated and repeated again: The weapon of mass "disruption" in this country is an al-Qaida suicide boat hitting the side of an oil tanker, time and time again. That is the weapon of mass disruption. The high risk involved, the driving up of the oil prices, the movement of gas by $2 or $3 a gallon in this economy creates havoc everywhere. Certainly, in my State of Idaho it creates tremendous problems.

It is important that I and other Senators recognize that you do not conserve your way out of an energy crisis. You do not innovate your way out of an energy crisis. You do not produce your way out. You do all three.

I am going to continue to work while I am in the Senate to encourage this Senate in public policy to do all three. I think it is in the best interests of America, our economy, and our national security that we do so. As an American today, I am not only frustrated, I am sometimes angered and embarrassed that we, through public policy, have allowed our country to become so dependent on other parts of the world.

Great nations should not allow that to happen, but we have. Then we make excuses all around us why we can't produce. Petropolitics is a fascinating thing. America gets it. The consumer understands it, and the consumer will grow increasingly angry when they understand that public policy doesn't allow the marketplace to do what it can do best in an environmentally sound way, to provide our country with the kind of energy it needs.

Again, as we debate this bill on the floor and finalize it, my guess is we will do a lot about conservation, we will do a lot about innovation, but we will do little to nothing about production. In the next 5 to 6 years, production is where it is. As we work on innovation, as we move technology from the laboratory to the street to commercial use, production still remains critically important.

I call upon my colleagues to stand up and be counted in all three of these areas. It is important for our country. It is important for our economy. Without question, it is important for our national security. The rest of the world should not tell America what its foreign policy is or will be based on their willingness or lack thereof to produce the oil supply our economy needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senate works in strange ways. I think there is no question about that. Some of us were upstairs holding a press conference on the fact that we had come together around a substitute amendment, and Senator KERRY, who had participated, came back up and said the amendment was agreed to.

For me, I began this in 1993, so it has been a very long time. Senator SNOWE and I have worked, first, for the SUV loophole closer and then for this ten-over-ten bill for 6 years now. So it was adopted by the Senate, and there are some people I would like to thank.

I would like to begin thanking Senator SNOWE, who has been the cosponsor of this legislation—10 miles improvement in mileage efficiency over 10 years—since we started; the chairman of the committee, Senator INOUYE; the ranking member, Senator STEVENS; Senator CARPER, who was so helpful all the way along; Senator DORGAN, who had one part of the legislation, who agreed to a change and came into the compromise; Senator KERRY, who worked very hard with Senator CANTWELL on the flex-fuel part of this; Senator LOTT, Senator CORKER; Senator KLOBUCHAR; and many others. You, Mr. President, we thank you for being a cosponsor of this compromise effort as well.

We have pushed the rock for so long I think it is hard to feel anything once the rock goes over the hill. But the amendment was adopted and it is in the base bill. For this, we are very grateful.

I would quickly like to say what this agreement does. It increases the fleetwide average fuel economy for all cars, SUVs, and light trucks by 10 miles per gallon over 10 years or from 25 miles per gallon to 35 miles per gallon by model year 2020.

Second, it requires the National Highway Traffic Safety Administration, which we call NHTSA, to establish an attribute-based system that sets mileage standards based on size, weight or type of vehicle. This is important because it creates a level playing field for all automobiles.

From 2011 to 2019, the National Highway Traffic Safety Administration must set fuel economy standards that are the maximum feasible and ratchet these standards up, making steady progress to meet the 35-miles-per-gallon fleetwide average by 2020. The fleetwide average must be met unless NHTSA determines, based on clear and convincing evidence, that a 35-mile-per-gallon fleetwide average would not be cost effective for the Nation.

From 2021 to 2030, NHTSA must set fuel economy standards that are the maximum feasible and ratchet even these standards up at a reasonable rate.

In addition, the agreement establishes a credit system that NHTSA would design, run, and operate. This would allow automakers to buy credits if you exceed the standard, and essentially sell those credits to those who cannot make the standards in a given year. So the credit trading program gives an automaker a financial incentive to exceed the standard.

It can bank its credits also for up to 5 years. That is insurance if it falls below the standard in a later year. If an automaker cannot meet the standard in a given year, it can purchase credits, use banked credits or borrow from projected surpluses in future years.

This provision was strongly recommended by the National Academy of Sciences in 2002. In part of the negotiation we negotiated with the two Senators from Michigan, both distinguished Senators, Ms. STABENOW and Mr. LEVIN. And I want to say this: There are no two Senators from any single State that I have seen fight harder for their State's industries than Senator STABENOW and Senator LEVIN. We could not reach an accommodation. Those of us who have watched this fight for CAFE standards and participated in it for the last 13 years, I have just found, for me, the automobile industry has never responded. They have fought everything we have proposed every time. When this happens, when an industry is not forthcoming and does not come to you and say: Look, I cannot support this, but I can support that, could you make some changes, just something—instead, it is a stone wall. It is: No, it does not work in this agreement, the arena, with those of us who feel strongly.

I come from a huge State. We have two nonattainment pollution areas, the central valley of California and the Los Angeles area. We are having a huge problem meeting the attainment standards. If we do not, it can stop everything dead.

Therefore, this, which reduces pollution, which reduces carbon dioxide, reduces global warming gases, and saves oil to the tune of 1.2 million barrels a day, is something that is going to happen when you try, try, try year after year and decade after decade.

I am very sorry we could not make an accommodation with these two Senators. But those of us who have worked on this felt so strongly that after all these years, 23 years, where Detroit has said: No, no, no, the time had come to say: Yes, yes, yes.

I, for one, want to help with leap-ahead technology. I, for one, want to help with financing, wherever I can, to make it possible. I believe I speak for all of the cosponsors of this bill. I believe we all want to help. So I hope the next step these Senators will take is to say: Here is a bill that we want to help on, that will provide the leap-ahead technology, and here is something that would help financially the American automakers meet these standards.

We who have worked on this, we who asked in the early 1990s—I was the one who asked for the National Academy of Sciences study. They took a period of years to do it. We have read it. I think those of us who have been at that for so long gave up any hope that we could work with the automakers. We do not believe this will stifle the American auto industry. We believe the technology is now available, we believe it is cost effective to use this technology. It is not just based on reducing weight; there are new materials, new engineering strategies, new types of engines that can be employed.

I want to summarize by saying with this amendment, 206 million metric tons of carbon dioxide will not be pumped into the air in 2020; between 345 million metric tons and 428 million metric tons by 2025. We estimate savings for consumers at the pump, at $3-a-gallon gasoline, to be $55.6 billion in 2020, and $93 billion to $116 billion by 2025. As I said, oil savings of 1.2 million barrels per day, or 438 million barrels per year in 2020, and between 2 and 2½ million barrels per day by 2025. That is about what we import from the Middle East.

I thank everybody who participated. There are some of those Senators on the floor. I want to particularly thank Senator CANTWELL for her efforts on flex fuel. She is extraordinarily knowledgeable. She is also determined. She perseveres. Her amendment was added as a modification to the amendment that passed.

I thank Senator CARPER for his steadfast help. The Senator from Delaware has been there every step of the way, in every meeting.

Most of all, I thank the chairman of the Commerce Committee. What can I say about this chairman? Well, I can begin by saying how lucky we are to have you, DAN INOUYE. You run a fine committee. We are so grateful for your leadership in this matter. I do not believe it would have happened had you not, A, been chairman of the committee; B, been committed to this legislation; C, wanted us to come together and find a solution. You were so right, because we did come together, and the solution happened quicker than any of us might guess.

I also want to, if I might, thank your staff. David Strickland is a technological wizard on this. He also has the dedication. He is sitting here today. I know he has worked very long hours. But we are very grateful for his help.

Mr. Chairman, I say thank you very much.

I would be remiss if I did not thank my staff, particularly John Watts, who has been with us for some time, as my environmental counsel, and has worked on this issue; and Matthew Nelson, who is new to our staff, but came in and got his feet wet very fast. I am very grateful to both of them as well.

Mr. President, I ask unanimous consent to add Senator BILL NELSON as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I know others want to speak. This is one of the great days in the Senate. When you work on something for a long time, and you find yourself cut out year after year, you are determined you are going to persevere to find new ways to do it, and for Senator SNOWE and for me, it is a very special day. I thank everyone for making it possible for all of us in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. While Senator FEINSTEIN is still on the floor, I would tell her: In my life, as I have had a chance to meet great leaders in this country and in other places, other countries, in all walks of life, I have taken over the years to asking those leaders: To what do you attribute your success—whether they happen to be a leader in business or academia or government. More often than not they say to me, among other things, I work hard. They also say: I don't give up. I don't give up.

I say to my colleague Senator FEINSTEIN, to my colleague OLYMPIA SNOWE: You do not give up. And we are going to be a better country, a country less dependent on foreign oil because of those efforts, a country with a cleaner environment, a country and a world less threatened by global warming because of your efforts.

If we are smart, we will pull together and find ways to make sure this legislation, rather than being the death knell for the auto industry in this country, can be like a second wind and help to restore us to the kind of vigor we once enjoyed.

Thank you very much. Thank you for your kindness in giving so many other people credit. I echo Senator FEINSTEIN's comments with respect to our staffs, committee staff, and there are a bunch of them sitting back here. David and the first team are back here. I want to say you have done a remarkable job.

I have been in the Senate for 7 years. This is my first year on the Commerce Committee. I have never seen staff as helpful, Democratic and Republicans, like one team working together, and Beth Osborne, who works on my personal staff, continues to rave about the great support we get from the committee staff. I think they key off Senator INOUYE, our chairman, and Senator STEVENS, the senior Republican. It is a wonderful kind of relationship, the way this place ought to work. When it does, we get the kind of results I hope we are going to get with respect to fuel efficiency for our cars, trucks, and vans.

I believe it was Thomas Edison who said, and I am going to paraphrase Thomas Edison, that: Sometimes people miss opportunity. And they miss opportunity because it comes wearing overalls and looks a lot like work.

There is opportunity in the legislation we are prepared, I believe, to pass with respect to fuel efficiencies for our cars, trucks, and vans. I think there is an opportunity here for the U.S. domestic auto industry. We have to help make sure that opportunity is not missed.

We have all seen the Home Depot commercials where the folks from Home Depot say: You can do this; we can help. And with respect to meeting the goal of 35-miles-per-gallon fuel efficiency standards for cars and trucks by 2020, that is an aggressive goal. But for the auto industry, Ford, GM, and Chrysler, it is important for us to be there to help them to meet that goal. If you look closely at the legislation we are preparing to pass here in the next—maybe tonight, maybe in the next day or two—if you look at the legislation, there is a variety of ways where we do help. I will mention a few of those now, if I might.

One of those is the infusion of Federal dollars in research and development with respect to new battery technology. The coolest car I saw at the Detroit auto show in January of this year was a Chevrolet. It is called a Chevrolet Volt. It is a flex-fuel plug-in hybrid vehicle. The mileage it will get is probably close to 75, 80, 90 miles per gallon. You plug it in your garage at night, go out the next day, drive 40 miles or so on the battery, push on the brakes, and recharge the battery. But also it comes with an auxiliary battery unit. It can be biocell, it could be flex-fuel diesel, it could be flex-fuel ethanol powered, internal combustion engine, recharging the battery and getting this remarkable fuel economy from what I call an elegant solution.

That is the kind of creativity we have in this country; not just Chevrolet, not just Ford, not just Chrysler, but all of us together, working together. It is a wonderful concept, as that car is. It is not going to be a reality in 2010 or 2011 or 2012 if we don't have the next generation lithium ion battery to be able to plug in the garage at night and provide the kind of charge to carry us 30, 40 miles the next day, plug it in at work, and on and on.

We have an opportunity, I think we have an obligation as the Federal Government, to make sure tax dollars are appropriately spent. Fifty million dollars a year at least for the next 5 years goes to help fund the technologies so that vehicle and other flex-fuel plug-in hybrid vehicles can be built and get us, if not ahead of the rest of the world, at least at the starting line with them as we begin this next part of the race, the competitive race for market share in the world.

One way we can help within the Federal Government is through our R&D investment. A second way we can help is by using our Federal purchasing power to commercialize these new technologies as they come to market. We do that in this legislation in one way, by calling for the development of major steps toward a game plan as early as 2009 for the Federal Government to use its purchasing power to buy new technology, highly energy-efficient vehicles.

In the underlying language of this bill, it actually says that 70 percent, up to 70 percent of the vehicles that GSA, General Services Administration, purchases on the civilian side for the Federal Government have to be highly energy efficient, next-generation kind of technology—70 percent.

In a week or two we are going to take up legislation on the reauthorization of the Defense bill. If we are smart, we will put a similar kind of requirement in there for the defense side of our Government to do what we are preparing to do in this legislation for the civilian side of our Government in terms of purchasing power, to say to the Department of Defense, when they go to the marketplace and they are buying cars, trucks, and vans, and they buy a lot of them, to make sure that early in the next decade maybe 70 percent of what we are purchasing on the defense side is these new technology energy-efficient, low-emission vehicles.

That is a smart thing to do. That is the second thing we can do, use the Federal Government's purchasing power to commercialize new technologies.

The third thing we can do is make sure our tax policy marries up with the goals we are setting for more highly energy-efficient, low-emission vehicles. In 2005, we passed legislation that said when people buy hybrid-powered vehicles, they can earn a tax credit from about $300 to up to $3,500. That tax credit brings down the cost of the energy-efficient hybrid vehicles and encourages people to buy them. Unfortunately, most of the hybrids people are buying these days happen to be built in other countries. That is going to change very soon, as GM product comes on the market. Chrysler product comes on the market early next year, and we will have the opportunity to buy not just hybrid vehicles built in other countries but a lot of hybrids built here. We have a Tax Code that is set to infuse and encourage American consumers to buy those vehicles as soon as they hit the road.

There is also a provision in the 2005 Energy bill that incentivizes consumers to buy low-emission, highly efficient diesel-powered vehicles. The full effect of that will not be felt until 2009. But Chrysler, in a partnership with DaimlerChrysler, is beginning to bring to the roads a highly energy-efficient, far lower emission diesel that increases performance by 40 percent or more in terms of fuel efficiency. It reduces the emission of bad stuff, including CO_2, into the air. Beginning in 2009, when emissions really go down on diesel, the tax policy is there to incentivize folks to buy those vehicles. That is a smart thing to do.

The fourth area we tried to work into this legislation—and we need to do more—deals with the kind of infrastructure we have for folks who buy fuel cell-powered vehicles in this decade and the next. We don't have a hybrid highway. It is not as if you can take your fuel cell vehicle and go to the corner gas station and fill up, even in this city or its neighboring States. We in the Federal Government have an obligation, particularly if we want to encourage people to get into fuel cell-powered vehicles, hydrogen-powered vehicles, to make sure the infrastructure is there so people can fill up. The same is true with biodiesel, ethanol. It is no good for us to have vehicles run on biodiesel or ethanol if there is no place to fill up. We tried, in the context of this legislation, to fix that problem.

I am sure our present Presiding Officer remembers when we were trying to get folks to buy unleaded cars powered by unleaded gas. Finally, we said: Every gas station has to have at least one pump where you can get unleaded gas. We made it a mandate. Today it is hard to find a gas pump that has leaded gas. But it took a while to do that. We need a similar kind of approach with respect to biofuels and ethanol, not that they would supplant completely the petroleum products—that is not going to happen any time soon—but to make sure people have the fuel to meet the kinds of needs of their vehicles.

Those are four things we can do in the context of this legislation. We are going to find ways to do more. The best way to do that is to ask the auto industry: How can we help? We want you to meet these goals. We realize you think they are maybe difficult to achieve, some would say impossible to achieve. I don't think so.

This is the United States of America. This is the Nation which invented cars. This is the Nation which invented airplanes. This is the Nation which invented televisions and CD players. This is the Nation which invented the Internet, computers. This is the Nation which unleashed the power of the atom. This is the Nation which put a man on the Moon, did it in less than 10 years, when we said we were going to do it. This is the United States of America. We are creative, hard working. We are smart. If we are really smart, we will find a way to make this new approach to fuel efficiency for our cars, trucks, and vans work; to make it work for the domestic auto companies as well as for others who come to our shores; to make it work for the shareholders and for their employees; and, most importantly, to make it work for our Nation so that we will have reduced our dependence on foreign oil, reduced the amount of harmful emissions put into the air, and made this country a little better place to live.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I congratulate Senator FEINSTEIN for her quest over a number of years and thank all of our colleagues on the Commerce Committee, Members and staff, for bringing this possibility about. It came about as a result of the other side not having the votes. All they had to get was 41 votes. Fortunately, that did not occur. It allowed us to come together and massage the bill a little bit more with these amendments. Thus, we get the end result.

This Senator has filed an amendment for 40 miles per gallon. It simply wasn't practical. We weren't going to have the votes for that because we were trying hard enough to get the votes for 35 miles a gallon in 13 years, in 2020, and then with the compromises that were made, instead of thereafter being at a 4-percent increase in miles per gallon per year, which would compound, leaving it to NHTSA, with the criteria of what is practically feasible. That is a reasonable compromise.

Then totally apart from that, on a separate issue, flex-fuel vehicles, wherever we can encourage that, it is certainly to our advantage because the more we can have a fuel that is something other than derived from oil, the better off we are. If we have the vehicles that use E85, then the question is, Do we have the gas stations that have the ethanol distributed to them in order to get E85? We have to start working on that. As a matter of fact, in my State of Florida, we have one company that is seriously thinking about ethanol plants all over the State so that it could then have the ability to get the ethanol distributed to the gas stations.

While the chairman of the Commerce Committee is here, I wanted to say, in handing out all of these congratulations, under his leadership, under his tutoring, under his mentoring, and under his encouragement, he has allowed the committee to come forth with this work product that is a signal achievement. Now if we can get the Energy bill passed on final passage and then if we can survive the process, if the House can pass an energy bill, in conference committee, then, of course, if we can survive not having a veto by the President, this is all doable now because we are where we are thanks to the leadership of the chairman of the Commerce Committee.

I wanted to make another comment on another subject in response to my colleagues, Senator DORGAN and Senator CRAIG from Idaho. Senator CRAIG puts up a chart there as if all the oil in the United States is in the Gulf of Mexico off of Florida. That is not what the geology says. To the contrary, over the last 50 years where they have drilled, they have come up with a number of dry holes.

That was why last year this Senator was willing to compromise for those who wanted a lease sale called 181 that basically had boiled down to about 2 million acres, to be able to expand that to 8.3 million acres but to keep it away from the coastline of Florida, where we happen to have a $50 billion-a-year tourism industry that depends on pristine beaches, but equally as important, that kept it away from the military mission line, which is the edge of the largest testing and training area in the world for our military. It is there where we are doing significant testing of weapons systems and new sophisticated technology, often with live ordnance. Over and over, the Secretary of Defense has issued letters and said: You can't drill in this area because oil rigs are incompatible with live fire and testing of live ordnance on new weapons systems.

Senator CRAIG in his comments would have us believe the answer is drill, drill, drill. By his chart, he was suggesting drilling off the coast of Florida. That simply is not true. It is interesting that he said that at the very time in which we are on this Energy bill through which we are now doing something about lessening the consumption of oil by the amendment we just adopted, an amendment that goes to the very heart of where we consume most of our oil, and that is in the transportation sector. Where in transportation is it most consumed? It is in our personal vehicles. Thus, we are doing something about that tonight.

I wanted to add these comments while we are still on the Energy bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. WEBB. Mr. President, I rise in support of the Employee Free Choice Act, S. 1041. This bill was introduced by our esteemed colleague, Senator KENNEDY, along with myself and 45 other Members of the Senate.

This bill takes the long overdue step of returning to workers a measure of negotiating power and ensuring that workers have a free choice and fair chance to form a union. Everyone needs an agent, and for too long workers have not had an agent in the Congress or, in many cases, in the workplace.

The bargain this country has promised workers—that if you work hard, you will get ahead—is broken. Hardworking Americans are losing ground. Real wages are lower today than in 1973, despite the fact that productivity has risen over 80 percent. The benefits of rising productivity are going to the richest members of our society. CEO compensation today is 420 times what it is for our workers. Medical costs have skyrocketed. Good manufacturing jobs are being sent overseas. Many workers are squeezed between the impact of corporate outsourcing on the one hand and wage-depressing effects of immigration on the other. In Virginia, real median hourly wages fell by 3.6 percent just in the past 2 years. Hundreds of thousands of Virginians, just like millions of Americans, have no health insurance.

As I heard so often during my campaign for the Senate last year and what I continue to hear since I took office, our workers are under tremendous pressure. Only 38 percent of the public says their families are getting ahead financially, and less than one-third believes the next generation of Americans is going to be better off than this generation.

Our unions have historically provided a ladder for workers to get ahead. According to a national survey by Peter Hart Research, 60 million Americans report, right now, they would join a union if they could. The Bureau of Labor Statistics reports that workers who belong to unions earn 30 percent more than their nonunion counterparts and are 63 percent more likely to have employer-provided health care.

Unfortunately, many workers who try to form unions in this country are being blocked by employers. In an analysis of union organizing drives in Chicago, the University of Illinois found that 30 percent of employers tended to fire prounion workers, that 82 percent of employers hired consultants to fight union organization drives, and that 78 percent of employers required supervisors to deliver antiunion messages to their workers. Union membership in this country is now at an alltime low, just comprising 12 percent of our workforce.

The ability to form a union should not require heroic efforts. Yet American workers all too often face employer coercion and run the risk of losing their livelihoods simply because they want to organize their workplace in accordance with existing law. Hardworking Americans should have the freedom to make their own choice about whether to join a union, and they should be able to make that choice freely and fairly. The best opportunity for hard-working Americans to get ahead is to join their coworkers and negotiate in one way or another for better wages and benefits.

We can help workers improve their bargaining position. The National Labor Relations Act already permits workers to form unions through majority signup. In fact, more workers join unions through majority signup than through National Labor Relations Board elections. Employees of Cingular Wireless joined the Communications Workers of America following a majority signup that was supported by the company.

This bill makes the much needed change of allowing workers to form unions by majority signup where employers oppose the union. This bill also levels the playing field for workers by strengthening penalties against employers that coerce or intimidate employees. The fundamental sense of fairness that runs so deep in our Nation's character demands that we take this step on behalf of our working men and women.

Let us measure our success in the Senate by the number of hard-working Americans we bring back to the table, the number of families with health care, the number of workers with pensions and fair wages, and the number of children who are able to go to college. Passing the Employee Free Choice Act puts us on the road to achieving this type of success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise tonight because we are on the precipice of passing new energy legislation—new energy legislation that will point our country in a new direction, on an energy strategy that is about cleaner, renewable alternative fuel, and, yes, on research and development, on many other ways that will help us, as Americans, be energy leaders again.

It is exciting to be here tonight on the Senate floor as new legislation is being adopted that does change the direction in ways my colleagues have been fighting for many years and many of the staff who are behind me have been fighting for much of their legislative careers on the Hill. But we are here tonight because Senator REID, early this year, asked six different committees to come up with energy legislation and point our country in a new direction. He asked each of those committees to put those proposals on the Senate floor by passing them out in a bipartisan fashion, and those committees have done so.

Now, while we have not gotten all those packages together, we do have a proposal before us that would save the United States 20 percent on the oil consumption of today. That is a great goal. It does it in two fundamental ways: by making sure we produce alternative fuel—and what is before us tonight is 36 billion gallons of alternative fuel, mostly done by advanced technologies of cellulosic that will be a much bigger reduction of CO_2 emissions than corn-based ethanol, and that is a huge direction change—and the amendment of the Senator from California to make sure we have fuel-efficient cars.

For the first time in decades, we are passing legislation that will allow Americans to get more out of a tank of gas. In fact, with this new standard for fuel efficiency, Americans, when they fill up their tank, will be able to go anywhere from 100 to 150 more miles on that tank of gas when these fuel efficiency standards are fully implemented.

Because we are also including a flex-fuel provision, we are giving Americans a chance to have their automobiles run on two different fuel choices: fossil fuel or new advanced green renewable fuels that will be a great reduction of CO_2 and carbon emissions and will help in the reduction of demand for gasoline and thereby help lower the price of gasoline. This is exactly what America wants us to do in a new energy direction.

We should also emphasize that the underlying bill tonight also has protections for consumers on price gouging and to make sure the Federal Trade Commission stops any manipulative practices. It also has a provision that the Federal Government do its job as one of the leading energy consumers in America. It says they have to use 30 percent less electricity and 20 percent less fuel.

Now, while I would like to see the provisions the Finance Committee passed that literally take the incentives which have been given to the fossil fuel industry in the past—take those and apply those to renewable technologies—we will have to wait another day for that battle to occur.

I certainly join my colleagues in wanting to see more of our electricity grid supplied with green energy technology, to incentivize solar, to incentivize wind. I believe this is one of the best ways we can keep our electricity costs down in the future. Right now, we are too dependent on natural gas, for which we have seen a 70-percent increase in the last several years. Natural gas, which is also used in fertilizer as a product, is putting pressure on our electricity grid prices. We do not want to be just dependent on natural gas and coal for electricity generation.

So coming back to this renewable standard and getting more of our national grid to rely on clean energy is very important to help consumers keep down price in the future. But those two provisions, we will have to come back to. We were not able to reach agreement on those.

But in this landmark legislation, we are going to give Americans more for their tank of gas by passing fuel efficiency and passing the opportunity to fill up their gas tank with something other than fossil fuel. Driving down the price of fossil fuel is a great accomplishment. We would not have gotten here if it was not for the chairman of the Commerce Committee and the ranking member, Senators INOUYE and STEVENS, who worked very hard to make sure this was bipartisan legislation, as did Senator SNOWE, working with Senator FEINSTEIN, making sure this legislation made it the full way through the process.

While this is only the Senate taking action tonight, we are clearly turning our country in a new direction. This is a greener energy bill than the Senate has passed before but rightly so because the 2005 bill did set us on a course of making sure we were investing in alternatives. The fact that we were putting a downpayment on those alternatives has led to job creation, not just in my State, Washington State, but throughout the country. But it is time for us to accelerate that, to bring job opportunities to Americans across the country, by making sure these new technologies are implemented. We are well poised to do that tonight.

I hope my colleagues understand the significance of this new energy direction. I thank all of the chairs of the various committees who have worked hard on a bipartisan basis—the Finance Committee, the EPW Committee, the Energy Committee, the Commerce Committee, and even the Homeland Security Committee—in making sure our Federal Government is more energy efficient. This is a great time for us to continue the bipartisan effort in working not just across the aisle but working with the House of Representatives in making sure this energy legislation passes as soon as possible.

Again, I applaud the great work of my colleague, Senator FEINSTEIN, for her perseverance over at least 10 years in trying to close the loopholes that have existed in CAFE, the car efficiency standards, by making sure the loopholes for SUVs were closed. Even though she did not win that battle, she persevered tonight to make sure this new efficiency standard, applied across the Nation, can bring real savings to American consumers.

I thank the Presiding Officer, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN DARFUR

Mr. DURBIN. Mr. President, for the last several months, I have come to the floor on a weekly—a regular basis—to remind my colleagues about the crisis in Darfur. I would like to highlight two recent developments. Last week, the regime in Sudan finally agreed, after months of international pressure, to accept a joint African Union-United Nations peacekeeping force for the Darfur region.

If my colleagues will recall, this is a region where our Government has declared a genocide. We know at least 200,000 people, maybe 400,000 people, have been brutally murdered, over 1 million have been displaced, and the killing and displacement, the raping and the pillaging continues.

For years after the declaration of this genocide, many people around the world have lamented this tragic state of affairs, but so little has been done. We have tried through the United Nations to send a peacekeeping force to protect innocent people from the jingaweit militia force that is killing on a wanton basis, but we have been unsuccessful. There has been resistance from the Sudanese Government in Khartoum. Unfortunately, a lot of lip service has been made, but very little attention has been paid to resolving this issue.

Last week the Sudanese said they would accept a joint African Union-United Nations peacekeeping force for that region. Well, the Government of Sudan has agreed to allow 17,000 to 19,000 troops. That is a good sign, or at least good words.

Let's not forget the Sudanese regime has agreed to similar plans in the past, only to renege on its promises and allow the suffering and killing to continue. It is critical at this moment in time that the Bush administration and our allies continue to pressure the Sudanese to take actions beyond their words. Darfur has been on the agenda for the European Union summit this week, and the Chinese Government made positive statements as well. I encourage the Bush administration to keep pressuring all of our allies and the United Nations to act.

Next week there is a prime opportunity. Secretary of State Rice has just announced plans to attend an international meeting in France that will focus on the crisis in Darfur. Representatives from the Chinese Government and other places have committed to join her. I urge the Bush administration to use this opportunity to ensure that the global community continues to act on this crisis and to fully support the rapid and full deployment of U.N. forces to Darfur. Only a unified message from the international community will succeed in convincing the Sudanese Government to meet its obligations. Only then will the crisis begin to come to an end. This crisis must end immediately.

I have said on this floor many times that as a young college student, I found it hard to understand how the Holocaust could occur and people would know of it and not try to stop it. Now I understand. This genocide in Darfur was declared by our Government years ago and little or nothing has been done.

Last week, the United Nations World Food Programme did launch a highly complex operation to try to bring in emergency food supplies to the over 2,600 refugees from Darfur who recently crossed into the remote northeast corner of the Central African Republic. The Director of the World Food Programme and the Central African Republic, Jean-Charles Dei, said the following:

> These people are in one of the least accessible regions in the world, but they need help now. This is just the latest example of how the conflict in Darfur has a destabilizing effect across the region.

It is certainly positive that food is on the way to these starving refugees, but the need for this airlift is symbolic of how bad the crisis has become and how destabilizing the situation is becoming for the whole region.

The United States and civilized nations around the world who acknowledge this genocide and this humanitarian disaster must act.

What can we do in the Senate? As a start, we can pass the Sudan Disclosure and Enforcement Act. I introduced it 2 weeks ago with bipartisan support, and after consultation with the Bush administration. The act provides the administration and all Americans with more resources and information so that we can use our investments as individuals and as institutions to strike a nonviolent blow for peace in Darfur. It creates real financial consequences for those companies that bear some complicity in the bloodshed by supporting the murderous Sudanese regime of Khartoum. Most important, it requires members of the administration and the relevant congressional committees to meet in about 3 months' time to reassess the steps that are being taken to end the crisis and decide what we should do beyond them.

To repeat what the bill does for the benefit of my colleagues who are considering supporting it, here is a summary.

First, it expresses the sense of the Congress that the international community should continue to bring pressure against the Government of Sudan to convince that region that the world will not allow this crisis to continue.

Second, it authorizes greater resources for the Office of Foreign Assets Control within the Department of Treasury to strengthen its capabilities of tracking Sudanese economic activity and pursuing sanctions violations.

Third, it requires more detailed SEC disclosures by U.S.-listed companies that operate in the Sudanese petroleum sector so that investors can make informed decisions regarding divestment from these companies.

I might add that during the course of researching this issue, I learned that my own company that I have had my family mutual fund investments with for 20 years sadly was one of the largest—it was a company with one of the largest holdings in Petrochina, the Chinese oil company whose parent company does the most business in Sudan. I contacted this major company, asked them if they were going to change their policy, and they said no. I then removed my investments from that company. I am in the process of making sure they are all transferred to another company. It is a small thing, and it probably won't make a big difference to anyone, but I feel better that at least I am trying to do a small part—and I hope others will too—to ask important questions, whether your brokerage house, your mutual fund has holdings in Petrochina, which is this Chinese oil company whose parent is the major oil company in Sudan whose revenues support this Government.

Fourth, this bill dramatically increases civil and criminal penalties for violating American economic sanctions to create a true deterrent against transacting with barred Sudanese companies.

Fifth, it requires the administration to report on the effectiveness of current sanctions and recommend additional steps to Congress to end the crisis.

I look forward to working with Chairman CHRIS DODD of Connecticut, the chairman of the Banking Committee, to send this to the President for his signature.

I will repeat again what President Bush said in April:

> You who have survived evil know that the only way to defeat it is to look it in the face and not back down. It is evil we are now seeing in Sudan—

President Bush said—

> and we're not going to back down.

I completely agree with President Bush's remarks. The African Union and the United Nations forces should be on the way soon, but we still must do more. Every Member of Congress and everyone interested in doing something meaningful to end this genocide must take action and not allow this to continue.

The President once said he didn't want the moral burden of this genocide on his conscience, on his watch. The President's watch is coming to a close. It is time for those of conscience and those who care not only in our Government, but around the world, to act to spare those who are victims of this genocide in Darfur.

I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise today to speak on the successful adoption, moments ago, of the Stevens Amendment, which I have cosponsored. Its incorporation into the underlying bill clears the way for passage of the most significant fuel efficiency legislation the Senate has seriously considered in decades. If this legislation is eventually adopted by the full Congress, it will be the first time since 1975 that effective fuel efficiency legislation will have been enacted.

First of all, I want to thank my good friend and colleague, Senator DIANNE FEINSTEIN, for her unrivaled leadership on the issue of fuel economy standards. We have worked together for 6 years to bolster CAFE standards and her commitment and passion for implementing critical and long-overdue changes has only grown. Our efforts have culminated this year in the introduction of the Ten in Ten Fuel Economy Act, which is the key component of the underlying energy bill that currently sits before the Senate. All of us in this fight can be deeply appreciative of her voice and her tireless advocacy.

I also want to express my deepest appreciation to Senator TED STEVENS, the author of this amendment, who has shown strong resolve on this issue by working to forge a compromise in the face of obstacles that often seemed insurmountable. I likewise want to thank and commend he chairman of the Commerce Committee, Senator INOUYE, who has been instrumental both as an original cosponsor of the "Ten in Ten" bill and in deftly shepherding this bill through his committee and on the floor. Both gentlemen have again demonstrated that compromise is possible in this body and, without their bridge building, this day would not have been possible.

Likewise, I want to recognize the principled leadership of Senators LOTT, CARPER, ALEXANDER, DORGAN, KERRY, CANTWELL, KLOBUCHAR, CRAIG, all of whom have been critical in arriving at the consensus fuel efficiency legislation which we have before us today.

The Senate now stands at a landmark moment. Thirty-two years have passed since Congress last took action on fuel economy standards, dating all the way back to 1975. It has been an entire generation since we said that—as a Nation—we can and must do better when it comes to saving fuel, saving money at the pump, and saving our environment.

We have a lot of catching up to do. From 1985—the last time fuel economy standards were administratively increased for passenger vehicles—not by Congress, mind you, but administratively—oil imports have increased substantially from 4.3 million barrels a day to 13.8 million barrels a day, while our efficiency standards have virtually been stagnant. Indeed, over the past 25 years, fuel economy standards in the "light truck" category have only increased by a measly 4.7 miles per gallon—that's an average of two-tenths of a gallon improvement every year.

Let me repeat that—it's taken a quarter of a century to wring a grand total of an additional 4.7 miles per gallon out of light trucks—which currently include SUVs—for a current average of just 22.2 mpg. Meanwhile, think about this—in that same period of time since 1982, we have gone from land-lines to cell phones, from record players to CDs to Ipods, from big mainframe computers to minuscule handhelds, from encyclopedias to the Internet. So are we really to believe that over the next 10 years we can't manage an average of 10 additional miles per gallon of gasoline across America's entire fleet of passenger vehicles?

Indeed, as a Nation built on innovation, built on the "can-do" spirit, we ought to be asking ourselves exactly how it is we couldn't have done better already—never mind questioning if we can do better in the future.

That's why Senator FEINSTEIN and I introduced legislation 6 years ago to close the SUV loophole, whereby SUVs were exempt from increased fuel efficiency requirements because they were classified as light trucks. It's also the reason we introduced this year a bipartisan measure to raise the average fuel economy standards for all vehicles, including SUVs, from a combined 25 miles per gallon to 35 miles per gallon by model year 2020.

As I will explain more in-depth, this legislation was carefully crafted to reflect not what we wish we could achieve, but what we know we can actually achieve. And I'm pleased that mandate was embraced and passed in the Senate Commerce Committee; now, it is vital that this provision in the underlying bill be preserved.

Now, we have heard mischaracterizations of this measure—there have been omissions when it comes to describing this bill from those who oppose this measure—so let me just begin by stating plainly what this bill will do. Let me repeat, it requires that the average fuel economy standard for all vehicles under 8,500 pounds reach 35 miles per gallon by model year 2020. This bill has no such requirement for vehicles over 8,500 pounds.

With respect to those vehicles, we allow the Secretary of EPA and Energy to determine an appropriate fuel efficiency improvement program. Again, there are no specific mandates for vehicles over 8,500 pounds—just a direction that the standards are set at the maximum feasible level—we assign no numerical goal.

Furthermore, we preserve the separate standard for fuel efficiency or the existing light truck category until 2011—recognizing that our manufacturers already have these vehicles in the works for the next three model years and it would be impossible, as a practical matter, for them to reengineer those vehicles at this juncture.

After 2011, there will no longer be separate categories for light trucks and passenger vehicles, as the legislation switches to a fleet-wide standard based on vehicle attributes such as weight, as I just described. The world has already adopted this system because it is the most efficient framework. In fact, Taiwan, Japan, China, and South Korea have all established an attribute-based system that is either based on size of the engine or the weight of the vehicle. Now, the U.S. Congress must expand the framework of our attribute-based system to a structure that does not distinguish between passenger cars and light trucks but that does create an efficient and logical system.

And let me emphasize, this is a change that automakers themselves have sought, because it provides them greater flexibility and choices across product lines to achieve the overall goal of a fleet-wide fuel efficiency standard.

And let me elaborate on that point. Not only will manufacturers no longer have to contend with specific CAFE targets for specific vehicle segments, they won't even have to meet a specific target for their specific company. So how do we achieve the goal? That will be up to NHTSA to determine—not Congress—which is yet another change that the auto industry has sought.

In other words, the industry has asked that the arbitrary and artificial lines between vehicle categories be eliminated; this bill does so. Even the alternative amendment filed by my friend and colleague, the junior Senator from Arkansas, also incorporates our "attribute-based" approach precisely because that's what the industry is seeking. The industry has also asked that the experts—and not Congress—determine specifically how fuel economy standards are met, and by placing those decisions in the hands of NHTSA this bill does so on that score as well.

The bottom line is, our bill provides our car companies with the flexibility they require. It doesn't place a mandate on vehicles over 8,500 pounds. It absolutely will not mean the end of light trucks. That is a red herring, Mr. President, and as I will detail in a few moments, the experts tell us that an additional 10 miles per gallon in 10 years over the entire American fleet of passenger vehicles is achievable.

Of course, there are some who argue that Congress shouldn't even be in the business of setting these fuel economy requirements. Well, first of all, let's look back at what happened the last time Congress became involved.

In the wake of the 1973 oil crisis, Congress delivered a long-term significant increase in CAFE standards, which the New York Times has labeled as the most successful energy-saving measure this country has ever seen. The congressional challenge in 1975 worked to reduce our Nation's demand for energy. Does anyone seriously believe that the fuel economy for America's vehicles would have improved by 40 percent from 1978 to 1985—just a seven year period—if Congress hadn't stepped in? And just imagine where we'd be today if our energy independence efforts hadn't been dormant for the past 22 years.

Moreover, there should be no question of the critical national security component to reducing our dependence on foreign oil. Every day, we import 2.1 million barrels of oil from the Persian Gulf. Every day, our rising gas prices shift billions of dollars from the American consumer to authoritarian governments in some of the most volatile regions of the world. Reflecting the critical involvement of energy security in our national security, an organization called the Energy Security Leadership Council has formed in an effort to advance a fundamental shift of our national energy policy.

The Energy Security Leadership Council is a nonpartisan organization that aims to build bipartisan support for policies to reduce our Nation's dependence on foreign oil and improve our energy security. The Council is cochaired by Frederick W. Smith, chairman, president, and CEO of FedEx Corporation, and Retired General P.X. Kelley, the 8th Commandant of the U.S. Marine Corps. The Membership consists of generals, admirals, and a former Secretary of the Navy. These are prominent, experienced, and highly credible leaders who understand the consequences of a reliance of foreign oil. The Energy Security Leadership Council has recommended for increasing fuel economy standards, and has endorsed this bill before us. They understand that our Nation must finally curtail our energy demand from these volatile regions.

Mr. Smith testified just last week before the Senate Small Business Committee on the impact of rising gas prices. Noting that most oil shipments pass through a handful of maritime chokepoints such as the Suez Canal and the Strait of Hormuz, Mr. Smith observed that "a mere 4 percent shortfall in global daily oil supplies could push the price of oil to more than $120 per barrel." What's the solution? According to the Energy Security Leadership Council, it is the bill before us today. Mr. Smith testified that "the Senate has made great strides . . . through bipartisan support for" the Ten-in-Ten bill. Mr. Smith further applauded our bill's use of an attribute-based system, noting that "[t]his focus on attributes will also ensure that Americans will still be able to purchase different types of vehicles that cater to different transportation needs." He concluded, "This is truly path-breaking legislation that merits broad support."

Similarly, General Kelly has recently articulated, "Current events only serve to confirm the unacceptable security risks created by our extraordinary level of oil dependence. Significantly, reducing the projected growth in U.S. oil consumption must become a compelling national priority." We ought to heed General Kelly's assessment and protect American security. I ask my colleagues, since when should Congress excuse itself from issues of vital national security?

As the 2002 National Academy of Sciences report stated, the trade-offs on these vital matters "rightly reside with elected officials". Furthermore, they also conclude that it is "appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone." So we ought to get beyond the question of the proper role for Congress in this debate. We have an indispensable and undeniable role to play.

Now, there are some who are concerned that we will inadvertently limit consumer choice, and let me say emphatically that we address those concerns.

From 1978 to 1985 vehicles did not disappear from the road and during that period we witnessed a 40 percent increase in fuel economy. In fact, I would argue the American consumer finally had the opportunity to purchase the more fuel efficient cars they wish they had years earlier.

But most importantly, let me reiterate this bill before the Senate does not mandate a certain fuel economy for any specific type of vehicle. Rather, it ensures that all of America's vehicles improve, in the aggregate, to the 35 mile per gallon standard while leaving the specifics on how to attain that requirement to the experts at the Department of Transportation and, specifically, the National Highway and Traffic Safety Administration. As a result, the engineers and economists at NHTSA are empowered to ensure that we accomplish the oil savings in the most efficient mechanism. And what does this mean for consumer choice?

Because the bill doesn't mandate particular fuel economy targets for any specific category of passenger vehicle, there is greater flexibility in how the 35 mpg mandate can be reached. For example, the Secretary of Transportation may decide that pick-up trucks can't realistically achieve any substantial gains, but other segments have that capacity. Manufacturers will have greater latitude in how they contribute to the attainment of the overall target of 35 mpg. So this bill will not remove any vehicles from the road, but it will abate the sting at the pump.

Our approach in this bill also addresses another concern we share—that increased fuel efficiency doesn't translate to unaffordable sticker prices on America's new vehicles. Figuring in the cost-savings based on $1.50 per gallon of gas, the 2002 NAS study outlined that any initial cost in additional technology that saves gasoline would be recovered over the life of the vehicle.

Of course, with fuel costs now more than double that amount, it's logical to assume the savings on fuel costs of more efficient vehicles will be even greater. In fact, even at $2.00 per gallon, the net consumer savings would be

$20 billion in 2020. In short, as the Congressional Research Service summarizes the NAS report, it "concluded that it was possible to achieve more than a 40 percent improvement in light truck and SUV fuel economy over a 10 to 15 year period at costs that would be recoverable over the lifetime of ownership."

If there's any doubt about the importance of this, just take a look at the example of the impact of fuel economy—or the current lack thereof—on Pottle Transportation, based in Bangor, ME.

Owner Barry Pottle stated this past year that their fuel economy has drifted from between 4 miles per gallon to 7 miles per gallon in the 25 years that he has led his company. I have a chart which indicates the gallons of consumption over a year for one vehicle and the corresponding cost as a result of current diesel prices. The aggregate cost over a year just for an increase of 2 miles per gallon is a staggering $20,000 for each truck. This bill will finally consider these heavy trucks in the fuel economy framework for the very first time in history. As indicated from Pottle Transportation, it is perfectly clear that these fuel economy increases will result in substantial dividends for America's small businesses.

The fact is that the current system does not provide fuel efficient vehicles on the market for large commercial and heavy duty trucks greater than 8,500 pounds. Just last week before the Senate Small Business Committee, Janet Myhre of Chuckals a company that distributes office products, stated that "fuel cost impact each and every transaction that our organization manages and is the third largest expense item on our financial statement."

Ms. Myhre was then asked if the company had considered switching to more efficient vehicles or alternative vehicles for their delivery trucks to minimize fuel costs. Ms. Myhre responded that Chuckals had investigated the market and found that there were "no commercial options" available for these vehicles. The market has not provided companies with the options of utilizing fuel efficient vehicles and for the sake of our Nation's small businesses, this Congress must begin to increase standards for vehicles over 8,500 pounds.

Still others have argued that this bill would place our domestic automobile manufacturers at an unacceptable disadvantage, but that is simply not the case it would be regrettable to view this debate in terms of fuel efficiency versus the future of our auto industry. When did energy independence and the strength of our domestic companies become mutually exclusive?

For those who say our proposal is unrealistic and unreachable, the National Academy of Sciences reported 5 years ago that it is feasible to reach a 40 percent increase in fuel economy in 15 years—and that is with existing technology. Relatively simple improvements such as hybrid technologies, variable valve engines, high strength steel and aluminum, and continuously variable transmissions are all advancements the experts say could be implemented now.

So do we really want to argue we don't have the technological wherewithal to make our vehicles travel more miles per gallon? Is it really the American Way to say, "We can't do that?" To the contrary, we should have already witnessed progress in these areas. If we had, perhaps our auto makers would be in better financial shape today. In fact, I certainly wish it were an American automaker who had recently announced surpassing the one million mark in sales of hybrids. In fact, in 2006, Toyota's Prius was the company's third best-selling passenger car. So someone out there must want to buy more efficient vehicles. Talk about providing consumer choice, if anything consumers will have more choices for more cost-effective cars and SUVs and light trucks.

Indeed, there are auto company business models that have demonstrated that consumers value fuel economy. In testimony before the House Energy and Commerce's Subcommittee on Energy and Air Quality on March 14 of this year, Toyota's North American president, James Press, remarked, "2007 marks the 10th year of the Prius, our first hybrid. I am happy to say the introduction of Prius was a sound business decision."

Furthermore, let me reiterate, we do not mandate any fuel economy increase for any specific model or any specific car company. Rather, we crafted the legislation so that the entirety of America's passenger fleet—cars, light trucks, and SUVs—must increase from an average of 25.2 miles per gallon now to an average of 35 miles per gallon by the year 2020. What we don't mandate is how exactly we get there.

Right now, each company is required to meet a corporate average fuel economy. Currently those standards are 22.2 miles per gallon for light trucks and 27.5 for passenger vehicles. However, the problem with fuel economy standards does not reside in one company; it exists throughout the entire transportation sector. As a result, we initiated a fleet-wide solution rather than a piece-meal, company-by-company approach. In fact, the corporate average fuel economy standard actually ceases to exist under this bill; rather, it focuses results for the entire industry—a fleet wide average as opposed to a corporate average. This is a much broader and more flexible framework that will help domestic automakers.

Indeed, some opponents have maintained that any legislation must not be "discriminatory against our companies," and that the "numbers should be set . . . by experts who understand what can and cannot be done from a technology standpoint." Well, we couldn't agree more—and, once again, this is exactly what our initiative accomplishes by leaving the details to the experts at NHTSA.

Our bill ensures that NHTSA will establish a mathematical function that alters fuel economy requirements based on attributes, like weight. Because I agree that companies that focus on larger vehicles should not be unfairly punished, we have provided maximum latitude to preserve our domestic manufacturers, foster consumer choice, and improve fuel economy.

The bottom line is, this measure navigates the narrow waters between doing less than we should, and more than we realistically can. In contrast, the amendment advanced by opponents of this legislation would only raise standards to an estimated fleetwide average of 30.6 by 2020. Furthermore, their proposal retains rigid categories for cars and light trucks and assigns different efficiency targets for each—36 miles per gallon by 2022 for cars, and 30 miles per gallon by 2025 for trucks. But if you calculate for the entire U.S. fleet overall, accounting for the number of vehicles in each category estimated to be on the road at that time, you arrive at 30.6 miles per gallon by 2020 under this amendment.

In other words, the proposal advanced by my colleague from Arkansas is a 5 mpg increase in 10 years, while our proposal is 10 miles per gallon in 10 years. And at the end of the day, the amendment would save, at best, merely 400,000 barrels of oil a day in 2020—accounting for just 3 percent of our daily import of oil—a mere drop in the bucket. So the ramifications between the proposals are significant, with ours saving 1.3 million barrels each day by 2020. Furthermore, in roughly 2023 this bill will save 2.1 million barrels of oil each day—the equivalent to what we are currently importing from the Persian Gulf.

Mr. President. This is clearly not a time for timidity. The current gas prices in Presque Isle, ME, right now is $3.13; in Arkansas, $2.99; in North Dakota, $3.14. These prices have and are continuing to raise transportation costs and the price of goods and services. Lower-income families and small businesses are financially strained beyond their capacity. It's been estimated that every time oil prices increase 10 percent, 150,000 Americans lose their job.

And the critical relevance to our environment is unambiguous, with the Intergovernmental Panel on Climate Change report this year dispelling any doubt about the reality of human induced climate change, and the reality that while the U.S. represents 4.6 percent of the world's population, we emit

23 percent of the planet's CO_2. Our legislation would remove 358 million metric tons of global warming emissions in 2025 alone. This is nearly the same amount that India's entire economy current emits. As the Washington Post stated just yesterday in advocating for this bill, "There's a climate crisis brewing, and the transportation sector, which accounts for 33 percent of global warming pollution, must do its part to combat."

Mr. President, shouldn't we be leaving a better legacy than that? Shouldn't we be striving to challenge and harness the innovative and entrepreneurial spirit that built America to the greatest extent possible, rather than settling for less? Just look at where our Nation has come with cell phones. This technological revolution has occurred, while our fuel economy standards have stagnated. We can do better. The underlying bill does do better while providing an achievable solution.

I applaud today's result and look forward to continuing to push for full adoption of this legislation into law.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise to speak about the compromise amendment that has been offered by Senator STEVENS. I appreciate the hard work and the long hours expended by the proponents of this amendment to craft an approach that bridges the significant differences on this issue. I commend all who were involved for their good work, their diligent work.

This amendment is a good start, and I intend to support it. I also believe we can and should do more to improve the fuel efficiency of our cars and our trucks. With this bill, we have a great opportunity to finally end a 20-year stalemate and accomplish something that will benefit all of us—require our cars to go further on a tank of gas. This is the moment. The window is open, and I believe a bold approach is needed to achieve a major reduction in our Nation's dependence on foreign oil and the emission of greenhouse gases. A bold approach is what made all of the difference almost three decades ago when Congress first established the Corporate Average Fuel Economy, or CAFE, program. At the time, auto executives protested, much as they protest today, saying there is no way to increase fuel economy without making cars smaller. One company predicted Americans would all be driving subcompact cars as a result of CAFE. Anyone can see today that some of our SUVs are the size of about three or four subcompacts put together.

The fact is, CAFE worked. It nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 miles per gallon in 1985. The increase in fuel economy saves us almost 3 million barrels of oil per day and prevents the emission of over 1 million tons of carbon dioxide per day.

But our oil dependence has only gotten worse, and that is why we need a major improvement in fuel economy standards. Americans are now paying more than $3 a gallon for gas. We are importing 60 percent of our oil, much of it from the Middle East. Osama bin Laden has identified this dependence as a weakness, urging his supporters to "focus your operations on oil, especially in Iraq and the gulf area, since this will cause [the Americans] to die off."

The environmental effects of our oil dependence are also severe. The oil used in transportation accounts for a third of our Nation's emissions of greenhouse gases. Just in the last few months, we heard from a panel of top climate change experts from around the world that global warming is a certainty and that most of the temperature increase is likely due to rising greenhouse gas concentrations.

All this, and yet the CAFE standards have not changed in 20 years. This deadlock deepens our dependence on foreign oil and impedes our efforts to address global climate change. Since 1985, efforts to raise the CAFE standards have been blocked by opponents who argued Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in a sacrifice of safety.

I am confident we could achieve higher fuel efficiency standards, and we could do this in a cost-effective manner without sacrificing safety. According to a recent report by the International Council on Clean Transportation, technologies exist today that can improve light-duty vehicle fuel economy by up to 50 percent over the next 10 years without any sacrifice in safety, through improvements in engines, transmissions, aerodynamics, and tires. Fuel savings would be more than enough to cover the cost of these improvements when gas is at $3 per gallon.

Last year, I first joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, HARKIN, COLEMAN, and DURBIN to introduce the Fuel Economy Reform Act. This bill set a new course by establishing regular, continual, and incremental progress on fuel economy standards, targeting a 4-percent annual increase but preserving some flexibility for the National Highway Traffic Safety Administration to determine how to meet those targets.

I also believe we should look for ways to help automakers meet higher CAFE standards. The Health Care for Hybrids Act that I introduced is an example of how we can offer constructive assistance. This bill would establish a voluntary program in which automakers could choose to receive Federal financial assistance toward their retiree health care costs in return for investing the savings into developing fuel-efficient vehicles. This proposal could jump-start the industry's efforts to develop new technology, improve the competitiveness of U.S. automakers in the growing market for hybrid vehicles, and help auto workers to get the health care they have been promised.

Today's agreement makes long overdue progress on weaning America off our dependence on foreign oil and fighting climate change. It is an important step forward but bolder action will be necessary if we want to solve the dual problem facing our country.

I will support this bill and this increase in fuel efficiency standards.

Again, I commend all those who have worked so diligently to move this amendment forward. I do have to say, though, that I regret we have missed an opportunity to do more today. I will continue to work in the months to come to see if we can make some further progress on this front.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mrs. CLINTON. Mr. President, I come to the floor on two very important issues, issues that really do go to the heart of the kind of economy and future that our Nation will have. One is the Employee Free Choice Act, which we will be voting on in the next day or two, and the other is the very important Energy bill that we have been debating.

With respect to the Employee Free Choice Act, for me, this is about preserving, supporting, and growing the American middle class. The middle class is the backbone of the American economy, and our unions are the backbone of the American middle class. It is time we passed into law the Employee Free Choice Act to give unions a level playing field so they can organize for fair wages, safe working conditions, and the hard-won rights and responsibilities that American workers demand and deserve.

This is a moment of profound challenge for our country. There is a deep sense of concern that I have certainly heard and listened to as I have traveled throughout America. Americans know they cannot win in the global economy unless the middle class wins, but there is a feeling that some people are betting against the American middle class. Some people have assumed that in a global economy one of the changes that will have to be made is that the middle class will have to shrink; that inequity is inevitable; that globalization is a harsh phenomenon that we have to accept. Well, I do not, and our families are right to be concerned.

In 2005 all income gains went to the top 10 percent of households. The vast majority of people—the other 90 percent—saw their incomes decline. Health care costs are up, gas prices are up, the cost of college is up, and for 6 straight years worker productivity, which means how hard people work—because American workers are the hardest working people in the world—has gone up. But wages have either been stagnant or falling. 2005 was the first year since the Great Depression that average personal savings were negative for a whole year. There is a sense that we are losing something in America; that basic bargain that allowed our country to succeed: if you work hard, you and your family can reach the middle class. You can have that American dream.

So it is not surprising that we are seeing the weakening of the American middle class at the same time we see unions under assault. In the early years of the National Labor Relations Act, the majority sign-up procedure was the presumptively valid way in which employees could choose a union. Over the years, however, culminating in the 1960s, a number of decisions shifted us to a new regime, a regime where employers can choose to require their employees to vote for unions through a one-sided election process, dominated by employers, in order to secure collective bargaining rights. Some employers even began to make efforts to push unions out of the workplace.

Just consider these comparative facts: In the 1950s, companies illegally fired or punished during organizing campaigns, or they otherwise violated National Labor Relations Act rights, fewer than 1,000 employees. The number increased to 6,000 workers in 1969. And now, today, it is 31,000 workers who have been illegally fired or otherwise punished for wanting to exercise a fundamental right, one that we believe people should be able to exercise not only here in our country but around the world. As the number of labor violations have increased, we have seen it become harder and harder for workers to organize.

In 1956, unions represented 35 percent of the private workforce. The number today is only 7 percent. Our middle class, which unions helped to build in the 1930s, the 1940s, the 1950s, and the 1960s is suffering as a result. Studies show that the decline in union membership has been responsible for at least 20 percent of the rise in income inequality over the last three decades. I think it is probably much more than that, but that is what we can quantify.

It is time, therefore, that we modernize labor laws that are stacked against working people and stacked against their right to unionize. Right now, employers have unlimited access to employees in one-sided union representation elections. Employers are given every opportunity to dissuade workers in mandatory one-to-one meetings. They can delay votes for years. There are no fines or penalties or sanctions if an employer illegally fires or discriminates against a worker for collective bargaining.

At most, the worker is reinstated with backpay, an award that is, on average, so small that many employers regard it as a cost of doing business. Finally, 32 percent of workers who choose to unionize, still do not have a contract after a year of making that choice.

The system is broken. It is not only our collective bargaining and unionization system, it is our economy as it affects our middle class. Our country needs reforms that will bring balance to our labor laws, and our workers need the opportunity to unite with their coworkers to obtain the protections and benefits of America's labor movement.

Union wages are 20 percent higher than nonunion wages. Union members are almost twice as likely to be covered by health insurance and to participate in employer-provided retirement plans.

Unions improve safety conditions. For example, deaths in nonunion mines are almost twice as likely as deaths in mines where the workers are union members.

Unions certainly provide opportunities for women and minorities. Women in unions earn an extra $179 per week. African Americans in unions earn an extra $187 per week. Latinos in unions earn an extra $217 per week. Nonunion employees benefit from the efforts of the unions to seek benefits and protections. That is why it is so important we pass the Employee Free Choice Act.

It is long past time to enact real financial penalties against those employers who illegally fire or retaliate against workers during an organizing campaign. It is long past time to allow employees to decide if they want to use majority sign-up to organize.

Finally, it is long past time to allow either employers or employees to request mediation if they are unable to negotiate a contract after 90 days of collective bargaining.

These changes will finally give employers an incentive to bargain in good faith and to avoid situations where years, and even decades, can pass without a bargaining agreement.

I believe in the basic bargain. I believe that unions help keep that bargain for America's working people. I hope this Congress will uphold its end of that basic bargain; that this Congress will pass the Employee Free Choice Act; that the Senate will join the House, which has done so, to give employees the real, fair chance to garner the protections and benefits of unions and to give unions the opportunity to help bring workers into the middle class.

That is part of the equation: to respect and protect the rights of those in the workplace and to give them the opportunity to unionize. The other part of the equation is to have good jobs, good jobs with rising incomes. We need a source of new, good jobs in America. That is why this Energy bill is so important. Much of the debate about the Energy bill has been, rightly so, about the need to reduce our dependence on foreign oil—which I agree with 100 percent; the need to begin, finally, to address seriously global warming—which I think is way overdue.

But there has not been enough talk about why this Energy bill is critical to the economy of the United States in the way it will help to create millions of new jobs. As the Presiding Officer knows, he and I offered an amendment, which we are pleased the managers accepted, to provide incentives for training and equipping and preparing the workforce to do what are called green-collar jobs. These are jobs that can't be outsourced, by and large. If we finally get serious—and I hope we will get back to visit some of the financial incentives that need to be in this bill that unfortunately we were unable to include—we will begin to join other countries that have gotten smart about this.

Germany gets a lot of its electricity now generated by solar—you know, panels on the roofs of residences and offices. The last time I checked, Germany was not a tropical climate, but they have taken advantage of government-incentives to move the market toward using solar.

Denmark is also moving toward more wind energy. The United Kingdom, which went into Kyoto when our country left it, has created tens of thousands of new jobs weatherizing homes, installing new energy technology such as solar, such as wind. We could do this many times over. We believe we could create millions of new, good-paying jobs for hard-working Americans.

Every so often we have to regenerate our job creation in America. During the 1990s, we had a lot of new jobs that were related to telecom and information technology. We saw the creation of 22 million new jobs between 1993 and 2001. We saw more people lifted out of poverty than at any time in our country's history. We saw shared prosperity—not what we are seeing today, where the bulk of the benefits go to a very small sliver of us.

This Energy bill is about jobs, it is about creating new, good-paying jobs for hard-working Americans. What I am looking at when I think of the Employee Free Choice Act and when I think of this Energy bill is how we get back into balance, how we get back to where the economy works for everybody, where the market is not stacked against those who are not already privileged, where unions can once again be a vehicle for people moving into and staying in the middle class and, comparably, where we can have a new source of jobs.

We also have to recognize how we have to look at the jobs that are already in the economy and how the Energy bill will affect them. I am hopeful we will think seriously about lifting the health care costs off a lot of our labor-intensive, energy-intensive, capital-intensive industries in America, such as the automobile industry, because laboring under the costs of health care is an uncompetitive position for them in the global economy.

There is a lot to be done. I wish to be sure that as we look at the economy and begin to try to get it back into that balance that works best for America, that we vote for the Employee Free Choice Act, which is a way of giving employees the choice to have a better life for themselves and their families. There is a lot to be done in our country. I am very optimistic we can begin tackling our challenges. But so much of what we have to do to create the framework for our people to have that better future has to come from this Chamber.

Let's look at the future together. Let's make decisions that will give the tools to our people to show they are the best workers and the most competitive and productive people in the world, to unleash that dynamism in the American economy, and to demonstrate clearly that we stand with the American middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in this body we are on the brink of something that is momentous, and that is significant energy legislation to reduce our dependence on foreign fuels. The bill before us will break new ground. We will have fuel efficiency standards increased for the first time since 1975. This is the result of compromise, of principled compromise that advances the cause of reducing our dependence on foreign fuel.

Last year I introduced the BOLD act, Breaking Our Long-term Dependence. That was perhaps the most comprehensive energy legislation introduced in this body all last year. It had many provisions, many provisions to encourage further development of ethanol and biodiesel and wind energy and solar energy—all the renewables. But more than that, it had provisions to expand domestic production of oil and gas in a responsible way; also providing clean coal incentives because, after all, over 50 percent of our electricity in this country comes from coal. That is not going to fundamentally change anytime soon. So we have to take measures to increase the environmentally friendly aspects of coal usage and to improve our ability to produce and use that resource in a clean way.

While I am delighted we are on the brink of passing something significant and the beginning of something that could be much bigger, I am very disappointed the provisions that passed the Senate Finance Committee on an overwhelming bipartisan vote did not get the 60 votes required to advance. Those provisions would have also taken us in a new direction, and they contained many of the provisions contained in the BOLD Act that I introduced last year.

Those provisions shifted our incentives away from fossil fuels because, with the high price of fossil fuels, incentives aren't required there. Instead, we took money that had previously gone to fossil fuels and shifted the funds to renewables and conservation—again, in a vote that passed on a bipartisan basis, a very strong vote out of the Senate Finance Committee.

Let me say there are some who have argued it costs too much money to have those incentives for renewables and for conservation. It is true, that bill costs $28.6 billion over the next 10 years—$28.6 billion over the next 10 years. But we are going to spend, over that same period, $3,000 billion on imported oil. In fact, that is probably a low-side estimate because last year alone we spent over $270 billion importing foreign oil, much of it from the least stable parts of the world.

Yes, $28 billion is a lot of money over 10 years. But $3,000 billion on imported oil dwarfs it. It is over 100 times as much. Isn't it a good investment to spend 1 percent of what we are going to spend importing foreign oil to develop our own resources in this country? How much better would it be for a President of the United States, instead of depending on the Middle East, to be able to look to the Midwest of this country to help grow our way out of this crisis by using ethanol and biodiesel? Instead of sending $270 billion to places that are unfavorable to us, to spend $270 billion right here in America—how different would our country look if that money, instead of going abroad, was staying at home?

No one should think we are not going to have another possibility on the legislation that came out of the Finance Committee. There will be another opportunity. We will have a chance in the House of Representatives, in the conference committee, to add back those provisions that passed on a strong majority vote, not only in the Finance Committee but on the floor of the Senate.

We didn't have a supermajority, we didn't have the 60 votes. We had 57. Of course the leader changed his vote to be on the prevailing side so he could move to reconsider. We are missing another Senator because of a family obligation and, of course, we are missing our colleague, Senator JOHNSON, because of his illness. But Senator JOHNSON will be back, and the Senator who was missing because of a family obligation will be back. And Senator REID will switch his vote. Then we will have the 60 votes necessary.

No one should be under any illusion that we are not going to take this opportunity to strengthen our country and to reduce our dependence on foreign oil because we will have that additional opportunity and the votes will be here and we will have a comprehensive energy package to take to the Nation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I wonder, while the Senator is still standing, if I could ask him a question. I was standing someplace where I caught an echo on your last 2 or 3 minutes. Could you maybe repeat it, because it hit my ear wrong. I did not quite get it. What did you talk about when it went to the House and came back and what?

Mr. CONRAD. What I am saying is there will be another opportunity to vote on the package that came out of the Finance Committee.

Mr. DOMENICI. When is that? When you come back from the House?

Mr. CONRAD. When we come back from conference committee.

Mr. DOMENICI. The same people who voted here will vote again then, will they not? Are you expecting some Senators to leave in the meantime from this side?

Mr. CONRAD. No. It is unfortunate the Senator did not hear my remarks. I made it very clear in the remarks what I think will happen. We were missing one Senator because of a family obligation, missing another Senator because of illness. Senator REID, of course, changed his vote to be on the prevailing side. That will provide the 60 votes required.

Mr. DOMENICI. I see.

Mr. CONRAD. I think with the passage of time, I say to my colleague and friend, we will have more votes as people think about the consequences of the failure to get a stronger package; that there is time now to work out an agreement to add votes.

Mr. DOMENICI. I see. Well, it would be good if you would add to that there might be a little opportunity to work together on that, too, you know. If you get a few people a little anxious, you might find you could not get cloture again. That could happen.

Mr. CONRAD. It could. I prefer to be an optimist. I prefer to think of the extraordinary vote we had out of the Finance Committee, a bipartisan vote, very strong, and the fact that we have more than a majority here with votes missing. Those votes are going to come back.

Mr. DOMENICI. Yes.

Mr. CONRAD. I hope. I believe before this year is out, we will have a chance to have a more comprehensive package than the one we will be able to move on this floor in the next several days. I believe it will be a package that will enjoy strong bipartisan support, just as the package did that came out of the Finance Committee.

Mr. DOMENICI. Well, you are inviting some of us not to approve anything tonight, to have another cloture, and you have nothing going to conference.

Mr. CONRAD. Well, that would be a tragedy for the Nation, and those who would engage in that tactic, I think, would pay the consequences.

Mr. DOMENICI. Senator, you know, you and I have been here long enough that we go through these tragedies every now and then. But they get worked out. Then as long as you do not try to defy reality—there were a lot of people who didn't want this to happen; a lot of people did. That is the Senate. Now we will see.

Mr. CONRAD. That is the great thing about our country. Some people do not want to advance on the question of reducing our dependence; some want to stay stuck where we have been; others want to move forward. I believe those who want to move forward are ultimately going to prevail.

Mr. DOMENICI. So do I.

Mr. CONRAD. That is a good thing for this country. I welcome this debate, because I think the American people think it is long overdue that we make this advance, and it is to the credit of this body that we are prepared to move forward tonight.

Mr. DOMENICI. Well, there is no doubt in my mind we are going to move ahead. We have had some terrific movement ahead in the past 3½, 4 years. Some of us who are questioning how you think it is going to happen have been part of that over the last couple of years. We are not—nobody is going to sit here and say: There is one way, only one group of Senators knows how to do this. We did our share in this pretty good bill you voted for a couple of years ago. Had we implemented the provisions of that with financing that went with it, we would already be a long way toward the development of both supply and conservation; supply of the type you want, and supply of the type some others want. We would already have that going. Instead, we do not, because we haven't financed it. We should have. You were with us on the financing. It should have happened.

Mr. CONRAD. I say to my colleague and my friend, I was proud to support that bill. I was proud of the leadership shown by the Senator from New Mexico on that legislation. I am proud of the leadership shown by the Senators from New Mexico on this bill. I just think, at the end of the day, we are going to have even stronger legislation before we complete our work this year. That was the point I was making in my earlier remarks. Look, we all know the genius of this body is that there are those who agree and those who disagree; those who favor, those who oppose. Tonight we can celebrate together. We are making progress. That is important for the country, but more needs to be done.

I don't think any Senator would leave here tonight saying this legislation alone is all we can do. We can do more this year, and we should.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. CRAIG. Mr. President, I oftentimes laugh. It is either Iowa, or Ohio, or Idaho. The other side of that equation with the late Craig Thomas, I am LARRY CRAIG, Craig Thomas. His wife is Susan, my wife is Suzanne. It was not at all unusual that sometimes we would get mixed up. People would come to my office looking for Craig Thomas, and would find out they needed to be on the other side of a mountain range and out across a rather wide expanse of land toward Casper, Wyoming, instead of Boise, Idaho.

But I understand. Thank you very much, Mr. President.

I will be brief. We are very close, I believe, toward the final passage of an energy bill that many of us have spent a good deal of time with.

I want to thank a few folks who have spent a lot more time with this issue than I or than the principals on it. Cory McDaniel on my staff, legislative LA for energy, who has spent a great deal of time over the last good many months as we have fashioned the SAFE Act, as we have fashioned a clean portfolio standard versus a renewable portfolio standard, I thank Cory for that effort.

I also thank Frank Macciarola, the minority staff director, and Bob Simon, the majority staff director. We worked closely with them as we have worked our way through this issue. Sam Fowler, counsel for the majority, and Judy Pensabene, minority counsel, have all been very helpful.

I have worked closely with Senator DORGAN and his staff. Franz Wuerfmannsdobler and Nate Hill on his staff have been very helpful; also Colin Jones, a fellow from the National Lab in Idaho on my staff, and Darren Parker, a research assistant, have been extremely helpful. A couple of interns, J.C. Dunkelberger and Brian Riga, have been very helpful throughout all of this effort.

I think those of us who have been in the Senate a long time know this work gets done certainly by us in some instances but by our staff in most instances. They spend a lot of time, they develop a level of expertise in working with us on some of these issues.

I thank these men and woman for their assistance in a complicated process. I hope we can finish and produce a work product that will come back to us in a reasonable form that many of us can support.

I am frustrated we are potentially moving a bill out of the Senate that does not have any production. It is all about the future and the outyears. I do not think America worries about the outyears when they go to a pump and pay $3 and 10 or 15 or 20 cents a gallon. They worry about tomorrow and next year and the next year. That is what I think all of us have voiced in this debate.

Somehow it is not right anymore to drill holes in the ground and pull out oil and refine it. I do believe that still fits into the equation and will for several decades to come, as we move to flex fuel, as we move to hybrids, as we move to hydrogen, as we move to electricity, as we are, and as we will continue to, and we must.

But in the meantime, it is a reality that this Nation has to continue to produce. As loudly as I and some on the other side have spoken about it, the Senate collectively does not want to seem to go there anymore. My guess is the American consumer, tragically enough, is going to pay the price. I hope that ultimately we do get some more production built into this legislation or other public policy as we move down the road because it is the reality of where we are. While we work our way away from it and take this great economy and start shifting it and moving it around to new economies in the field of energy, it takes a great deal of investment that the private sector will make, and it takes the kinds of incentives, and it takes a substantial amount of time that I do not think is as reflected in this policy as I would hope, and as I have hoped it would be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor to speak tonight as we get close to the point hopefully of passing an energy bill here in the Senate.

I first acknowledge the leadership of both Senator BINGAMAN and Senator DOMENICI. When we look at where we are today on energy, much of it started, the bipartisan cooperation, between Senator BINGAMAN and Senator DOMENICI, in the passage of the 2005 Energy Policy Act. I know there have been critics of that act, but it was a creation that was put out in a bipartisan fashion, a significant step forward on energy.

This legislation that came out of the Energy Committee, which is included in the bill which we are about to vote on, in large part is a very good step forward in terms of trying to address the goals we had in that particular legislation.

I also congratulate both Senator STEVENS and Senator INOUYE. I think when you think about the people who have made such a mark, an imprint on the Senate today and on our country, two of our national heroes are TED STEVENS and DAN INOUYE. I never get tired of hearing the story of Senator INOUYE and his service to our country. Every time I see him and I remember his great contribution and sacrifice to our country, I remember those are the greatest of the greatest generation, and certainly both Senator STEVENS and Senator INOUYE embody that greatness.

I also thank the chairman and ranking member of the Finance Committee for their great work. As a member of the Finance Committee, we worked very hard to come up with legislation that would help us move forward in dealing with the reality of getting energy independence.

While I am disappointed that part of the package is not included as we move forward toward final passage here, it nonetheless represented the best of our thinking about how we could invest in this new imperative of America, and gets us to a new energy future for the 21st century.

I also thank the rest of my colleagues who were involved in some of the discussions that have been underway today. Let my say that from my point of view, there is no more important issue we must deal with here in Washington, here in the Congress, than the issue of energy.

If we look at the big issues of our time in the 21st century, I think in my mind there are three issues we have to deal with. We have to deal with the issue of foreign relations and how we put the world back together again and restore America's greatness in the world.

We also need to make sure we embark on a new clean energy future for the 21st century.

We also need to deal with other issues that are very difficult, the enormous challenge that we face with the health care in America today. That issue is bankrupting America's families and America's businesses day by day. So how we move forward with those three issues is very important.

But tonight we are at the doorstep of taking a significant step forward on one of those huge issues; that is, the issue of energy and moving forward to establishing a clean energy future.

Now, when I often talk about energy, I think back to what happened in the early 1970s and through the 1970s with both President Nixon and President Jimmy Carter, where President Nixon declared the need for us to be energy independent, and coined that term.

Then following him, President Carter spoke about energy independence as being something that was the moral equivalent of war. Well, the fact is that in those days the driver for those statements and the coining of that term came from the economic volatility that was caused by the formation of OPEC and their ability to be able to influence the world markets on oil.

I think today we have three inescapable forces that drive us to look at the clean energy future as the imperative of the 21st century. Those inescapable forces are, first and foremost, our national security. When we see what is happening in the Middle East with Hezbollah and in Lebanon with Hamas in the Gaza, you know that terrorist organizations such as those are being funded by the very oil that is being consumed by the free world.

So for us to become energy independent is our way of making sure we are not held hostage to those kinds of organizations, to the oil barons and sheiks of this world. It is an imperative we do that from a national security point of view.

Secondly, I think it is now beyond argument in our world today that the issue of global warming is here, and we will have some debate that will come on down the road with respect to how we address the issue of global warming here in America and across the world.

It is inescapable that we must do something about global warming if we are to save civilization for our children and grandchildren and save this planet we have been given the humble privilege of inhabiting. That is an inescapable force that will drive us to a clean energy future in the 21st century.

Last is the economic opportunity and dealing with the economic volatility that happens when you are hostage to someone who controls supplies such as OPEC can today. The economic opportunity is one that you already see happening throughout our great Nation.

In my State of Colorado, where 2 years ago, before passage of the 2005 act, there was really nothing going on in terms of renewable energy, we have totally turned that around. We have now ethanol plants in places such as Fort Morgan and Yuma. We have a number of other ethanol plants springing up in Windsor and Devon, down in the southern part of the State, places which were part of the forgotten rural America which had been hanging on by a shoestring just to keep their communities alive. There is a new breath of activity, a new breath of hope and opportunity and optimism in rural America, in large part because we believe we can grow our way to energy independence.

I believe strongly we are headed in the right track with the legislation that has been put forward. I am hopeful that we will move forward and conclude our effort on this energy legislation tonight.

I want to go back for a minute and reflect upon the legislation that came out of the Energy Committee which was led in a remarkable fashion by Senator BINGAMAN, with the support of Senator DOMENICI. It was a bipartisan effort that focused on three major issues, all of which are included in the underlying legislation.

The first of those was moving forward with alternative fuels. If you think about what we have done with the renewable fuels standard, we will be quintupling the amount of energy we create from biofuels. We will be opening a new chapter with cellulosic ethanol that will make the biofuels targets a reality.

Secondly, the efficiency measures are important to make sure we stop wasting the energy we consume. When we look at what the experts tell us, from the Department of Energy, the National Renewable Energy Lab, we know we waste 60 percent of the energy that is consumed in America today. Therefore, the lowest hanging fruit for all of us is to move forward with efficiency measures. We are doing that in the part of the legislation that was created in the Energy Committee. We also are doing it very much with the CAFE standards, the fuel efficiency standards that were negotiated today with the leadership of Senators STEVENS and INOUYE, Senator FEINSTEIN, and many others who were involved. That will help us achieve the oil savings targets and goals we have set forth in this legislation.

Finally, we take some movement forward in terms of dealing with the issue of carbon by making sure that we are dealing with carbon sequestration mapping in the United States and that we develop the way forward in terms of how we sequester carbon. There has been debate about coal. Not everybody agrees on how we ought to move forward with respect to coal. I believe it is important that we look at coal as a possible resource because it currently generates about 50 percent of our electricity today and it is the most abundant resource we have in this country. We have enough coal resources for the next 200 years of energy for America's use. Coal is to the United States what oil is to Saudi Arabia. So it is important that we not turn a blind eye and say we are a nation that is not going to look at all at coal.

Some of the new technologies we have with respect to IGCC—the creation of electricity in a way that can help us with the hybrid plug-ins—will open a whole new chapter today and build on the 2005 act. That will all be very important. Carbon sequestration needs to be a part of the equation. We know there are formations throughout this country where, in fact, we can sequester carbon. The technology is not all that complex. The enhanced oil recovery efforts and the technology we have with EOR is technology that has been used in the oilfields for decades. We know there are formations out there where we can, in fact, store carbon. So we can find ways of utilizing this abundant fuel we have in the United States to help us fuel the energy needs of the country.

In addition to the many Members who have worked on making this a possibility—and I hope we do get the 60 votes we need—there have been a lot of people on many staffs on both the majority side and the minority side who have worked to make this happen. I thank each and every one of them for getting us to the point we are today. I know the countless hours and nights and days they have spent working on this issue. Without them, we would not be where we are tonight.

I thank the people in my office who have been working hard on this legislation for a long time, both in the Energy Committee and in the Finance Committee. I say thank you to Steve Black, who has been an enormous player on the energy issue, in 2005 as well as today; Matt Lee-Ashley, Suzanne Wells in my office, Grant Leslie, and Sam Mitchell, who have done an enormous job pulling all of this together.

This is a major step we are about ready to take. I look forward to being a part of the celebration when we get this all done, hopefully in the not too distant future before we go into the wee hours of tomorrow morning.

EFFICIENCY TITLE

Mrs. LINCOLN. Mr. President, I applaud the efforts of the Energy Committee, its chairman and ranking member, in crafting this bill. However, I have concerns about some aspects of the efficiency title specifically as they relate to regional standards for heating and cooling products and the possibility of more than one energy standard such as SEER or EER being applied to these products. I sincerely hope that we can work on resolving these issues following the passage of this legislation.

Mr. BINGAMAN. I am happy to work with my colleague from Arkansas to improve this bill, and will work with her on this issue following the passage of this legislation.

Mrs. LINCOLN. I appreciate the chairman's good-faith commitment to work with us on this issue. I raised these concerns when this bill was being discussed in the Energy Committee, and I continue to have reservations about how the language, as written, can be implemented.

RPS

Mr. BINGAMAN. Mr. President, I would ask the majority leader, through the President, if he is in agreement with me on a matter of some importance. I offered an amendment last week to require that 15 percent of the electricity sold in the Nation come from renewable energy resources by the year 2020. We have not been able to get an agreement to have a vote on this amendment, or on other forms of it that might have provided more flexibility to States in meeting the goals of the amendment. We would have been agreeable to accepting a supermajority threshold for passage of the amendment. We still could not reach agreement. That implies, to me, that opponents of the measure believe that 60 or more Senators support the amendment. I believe that they may be correct in assuming so.

This amendment would have been as significant an amendment as we could have added to the bill. Such a standard would increase the generation of renewables in the Nation from something over 2 percent to a much greater share of our generation supply. We have tried again and again to provide, in law, mechanisms to allow renewable energy technologies to take the place in the market that they deserve. The Senate has passed similar amendments three times. This provision would result in cleaner electricity generation, be the source of extensive creation of new jobs, enhance our energy security, lower the price of natural gas, and could even result in lower electricity prices.

Given the importance of this provision of the Nation, and the clear, strong support for it in the Senate, I would ask if it is the intention of the majority leader, should we conclude business on the Energy Bill without passing it, to seek another vehicle for the passage of the renewable electricity standard?

Mr. REID. Mr. President, I would answer the chairman of the Energy Committee, who has done great work in managing this complicated energy bill, that I agree with him as to the importance of this amendment to the Nation, and on the broad support that it enjoys in the Senate.

There is little that we could do in the electricity sector that would bring more benefits—in terms of consumer savings, reducing natural gas demand, and slowing the growth of greenhouse gas emissions. We have sought in this bill to broaden the range of energy resources that we depend on for motor fuels to include renewable resources. We must do the same for our electricity supply. I share his strong belief that enactment of a national renewable electricity standard is critical for the Nation's efforts to become more energy independent and to reduce the risks of global warming, as well as create new jobs in the clean energy industry. I promise to work with him to see that proposal gets fair consideration, a vote and, if at all possible, enacted into law this Congress.

Mr. LAUTENBERG. Mr. President, right now, people are at gas stations across America, filling up cars and trucks to get to work, take their kids to school, and run their errands.

In May of 2002, a gallon of gas cost $1.40. Today that same gallon of gas costs $3.22. In just 5 years, the price of gas has more than doubled.

Gas isn't the only energy cost that has spiked in the last 5 years. In New Jersey, individuals, families, and businesses are paying 25 percent more for electricity than they were just 5 years ago. These high prices are hurting our families—families whose budgets are already stretched thin.

We also know that our energy policies are hurting our environment. The emissions from our cars and trucks, electric utilities, and factories are causing global warming—a fact recently verified by a United Nations Panel on Climate Change. The energy bill before us marks the first serious attempt in years to address our energy crisis.

First, it takes a measured but appropriate approach to improving CAFE standards governing the fuel efficiency of our cars and trucks. Right now, Japan leads the world in fuel efficiency. Many of their cars and trucks get more than 40 miles per gallon. The United States is far behind. Our passenger cars have been stuck at CAFE standards of 27.5 miles per gallon since 1990—and our light trucks get just 21.6 miles per gallon. We must do better, and with this bill, we will.

Our energy bill calls for increasing fuel efficiency to 35 miles per gallon by the year 2020. As we improve our fuel efficiency, we decrease both the amount of gas Americans have to pay for and the greenhouse gases our cars emit. But despite what many think, greenhouse gases don't only come from cars and trucks. Buildings have a significant impact on the environment and on the health of every American—accounting for nearly 40 percent of America's greenhouse gases. The Federal Government is the largest owner and renter of buildings in the Nation and is one of the largest emitters of greenhouse gases in the world.

In addition, poorly designed schools can cause the air inside to be unhealthy. This poor air quality increases childhood asthma.

More than 67 percent of schools have a design problem that contributes to asthma. For those reasons, I introduced the High Performance Green Buildings Act, which is now included in the Energy bill. This legislation focuses on making our Federal buildings "green" and improving the environmental and health impacts of our schools. I worked with our former colleague, Senator Jeffords, on this bill in the past—and the language now in the Energy bill represents a collaborative effort between myself, Senator BOXER, and Senators SNOWE and WARNER.

In comparison to standard buildings, the average green building has better air quality, uses 30 percent less energy, and results in nearly 40 percent fewer emissions. Green buildings also have smaller electric bills, which saves owners and tenants on their bottom lines.

The Federal Government must lead by example and achieve those results for its buildings. Accordingly, my green buildings bill will direct the General Services Administration to use a green building certification that all Federal buildings should achieve. It also provides grants and voluntary guidelines for schools to lessen their environmental impacts—and improve the health of the students, teachers, and staff inside them.

Finally, the bill calls for demonstration projects to show the public that green buildings are environmentally sound, benefit people's health, and are both cost-effective and practical.

The States are doing their part. New Jersey and 21 other States have already signed bills similar to my legislation. Many private companies are doing their part as well. For example, Bank of America is building a new highrise office tower in Manhattan—a building that will be entirely green. It is time for the Federal Government to do its part.

We need a solution to our energy problems: one that protects the American pocketbook, improves our CAFE standards, reduces our dependence on foreign oil, and promotes green building. This energy bill will be an important step forward toward achieving these goals.

AMENDMENT NO. 1792

Mr. INOUYE. Mr. President, I rise in support of amendment No. 1792, filed by Senators STEVENS, SNOWE, ALEXANDER, and CARPER, and cosponsored by Senators FEINSTEIN and KERRY, among others. This bipartisan compromise reflects the input of Members, industry, and consumers, and is good policy for our Nation.

I particularly wish to congratulate Senator DIANNE FEINSTEIN for her dedicated efforts over the years to update our Nation's fuel economy standards. The success of the amendment today is a tribute to her tenacious and skilled advocacy.

At every step of the legislative process following the introduction of S. 357, the Ten in Ten Fuel Economy Act, by Senators FEINSTEIN and OLYMPIA SNOWE, the authors and cosponsors of S. 357 and members of the Senate Commerce Committee have worked together in a bipartisan manner to address the concerns of the automotive industry. In particular, this group worked hard to ensure that automakers will not face a significant burden when meeting the first improvements to fuel economy standards in more than 30 years.

I am pleased that Members from both sides of the aisle continued to work together to produce the amendment adopted today. While addressing a number of the concerns raised by automakers regarding the Feinstein-Snowe Ten in Ten Fuel Economy Act as reported by the Commerce Committee, the amendment preserves the core goals and fuel savings of Ten in Ten.

The amendment directs the Secretary of Transportation to increase fuel economy for automobiles to 35 miles per gallon by 2020, as in Ten in Ten. But in the years that follow from 2021 to 2030, the Secretary shall increase fuel economy at a maximum feasible rate instead of at a pace of 4 percent per annum.

If we have a breakthrough in battery technology, then 4 percent per year may well be too low. If there are unforeseen problems, 4 percent may be too high. The amendment will allow the Secretary to set an appropriate standard in the future.

The Kerry-Cantwell second degree amendment to the Stevens-Carper-Feinstein-Snowe-Kerry amendment also directs the Secretary to establish and implement an action plan to ensure that 50 percent of the vehicles for sale in 2015 are alternative fuel automobiles. We must encourage manufacturers to improve their fleets' fuel economy by exploring new technologies and producing alternative fuel vehicles. I commend Senators KERRY and CANTWELL for developing this compromise amendment that addresses this important goal.

By adopting the bipartisan compromise amendment and H.R. 6 as amended, we will place the country on a path toward reducing our Nation's dependence on foreign oil, protecting the environment, and helping consumers deal with rising gas prices.

Finally, I wish to express my appreciation for the excellent efforts of the dedicated staff on the Senate Commerce Committee including David Strickland, Alex Hoehn-Saric, Ken Nahigian, Mia Petrini, and Jason Bomberg.

Mr. DODD. Mr. President, I rise today to speak on the pending energy bill and the future of energy in the U.S. I commend Chairman BINGAMAN for crafting this compromise bill and bringing it before the full Senate for consideration. Like many of us, he recognizes that the energy crisis we face will be long-term and life-altering, and that we must enlist all Americans, and the cooperation of governments worldwide, to solve it.

Let's be honest. We have only gotten to this critical point because we have put off for too long momentous energy decisions. In fact, the main answer to our energy dilemma from the party across the aisle while they were in power in Congress was the 2005 energy bill, a scandalous mix of billions in drilling subsidies and other giveaways to big oil companies which even some of them admitted were unnecessary. That effort was doomed from the start: While we consume 25 percent of the world's oil, we only hold 3 percent of its reserves—so we can't, we never could, drill our way out of the problem. The results of that bill in the last 2 years haven't been surprising: skyrocketing oil and gas prices; no slackening of demand; increased U.S. dependence on foreign oil; underfunding of renewable energy initiatives; and slashed conservation funding. This bill takes us in a much better direction, with progressive new policies. And that is critical. If we are to address honestly the threat posed by America's addiction to carbon-based fossil fuels, and especially imported oil, it is long past time to move in a better direction, and to make some difficult choices.

We have known for a long time about the three-fold threat—to our national security, our economic vitality, and our environmental health—posed by our over-reliance on foreign oil. To our national security, because we now import about 60 percent of our oil from some of the most politically unstable regions of the world, governed by authoritarian regimes, some serving as breeding grounds for terror. To our economic vitality, through high gasoline prices, rising home heating costs, and electricity price spikes which strain family budgets, burden businesses, and make our Nation less competitive. To our environmental health, due to smog, climate change, increased asthma risks, cancer and other diseases caused or exacerbated by pollution. We continue on this path to our peril. A better way forward is to embark now on a course of dramatic change in our energy policies, including setting clear long-term goals and enforceable benchmarks; backing our rhetoric on conservation, renewable energy and other initiatives with real funding; scaling back wasteful oil industry subsidies, and including all Americans in energy conservation efforts. If we do it right, Middle East imports will decline and vital U.S. interests will be made less vulnerable; our air will be cleaner; new jobs in the renewable sector will be created, our rural communities will be revitalized through energy innovation, and our relationships with allies and overall position in the world will be strengthened.

Our over-reliance on foreign oil, especially from the Middle East, makes us vulnerable to price spikes, supply disruptions, and market uncertainty. We also, sadly, pay for the privilege of propping up authoritarian regimes that use oil reserves to bolster their own power, insulate themselves from demands for political and economic liberalization, and protect themselves from the need to improve their human rights records—what NYT columnist Tom Friedman calls "petro-authoritarianism." This is why the government of Iran can suppress its own people; it's why Russia can crush Chechnya and intimidate its neighbors; it's why China, a major owner of Sudan's main oil consortium, can continue to block effective U.N. action on Darfur. We are effectively financing them to do it through our oil purchases.

And we have been doing this for decades. I was first elected to Congress in 1974, in the wake of an energy crisis prompted by an OPEC oil embargo. It was a summer of gas lines and shortages, of steps large and small taken to address the problem. And now here we are, fighting another uphill battle to enact a good energy bill, which contains an important set of incremental steps to address these problems. I would like us to go much farther than this bill does. But at least with its passage we would finally be headed in the right direction.

I think almost everyone in this Chamber would agree that the future of energy in this country, to the maximum extent possible, should be clean, green, domestic, and renewable. We know that our dependence on foreign oil leaves us vulnerable, increases our trade deficit, and creates volatility in energy prices and hardships for American consumers and businesses. We know that emissions from fossil-fuel fired powerplants cause unnecessary illnesses and deaths. And we know that our emissions of greenhouse gases are causing global climate change, which is leading to higher sea levels, melting glaciers, shifting ecosystems, and ocean acidification.

Our national energy policy must be retooled to address those threats directly, and to encourage the development and deployment of technologies that will encourage the use of clean, domestic, renewable energy. This bill, modest as it is, does that. I applaud Senators STEVENS, INOUYE, FEINSTEIN, and others for crafting a compromise on fuel economy standards, though we must recognize that it is a compromise: the new fuel economy standards contained in this bill do not do enough to achieve the full potential of current technologies to increase fuel efficiency. Even so, setting the CAFE target at 35 miles per gallon by 2020, is an important advance for a Congress that has not managed to increase standards at all for over 20 years. There was no increase in fuel economy standards to blame for the decline in American auto manufacturers' market share from 73 percent in 1986 to 55 percent in 2006; the future strength or weakness of those manufacturers will depend far more on the extent to which they transform themselves by taking advantage of new green vehicle technologies in the coming years. The same arguments we have heard for many years—that the technology is unavailable to enable these higher standards, that they will make cars less safe, that we will hurt our own manufacturers—are the ones made in the late 1970's; they are no more true now than they were then.

We have spent much of this debate on a few contentious issues, but there are many significant provisions in the bill that have not been as widely discussed, including creating research and demonstration programs for carbon capture and sequestration, substantially increasing appliance efficiency standards, and making the Federal Government a leader in the use of renewable energy and green construction. Moreover, this legislation puts the Senate on record in our support of engagement with other countries, especially those in the Western Hemisphere, to better coordinate energy security and assure diverse and reliable energy supplies. While it is not perfect, it is a step in the right direction.

Mr. President, let me say a final word about the elephant in the room, which we have scarcely acknowledged thus far in this debate about energy policy: climate change. Climate and energy policy are inextricable—any energy policy we adopt will have an enormous impact on the climate. I recognize that this body is not yet ready to adopt a comprehensive measure to substantially limit emissions of greenhouse gases, or to take the bold step of imposing some form of a comprehensive corporate carbon tax. If we were honest with the American people, that is the kind of bold step we would take to help resolve our energy dilemma.

The truth is that, on energy and climate issues, Americans are ahead of their political leaders. They understand the serious, long-term cumulative threat climate change poses to their children and grandchildren; they're willing to make tough choices to address it. They understand that cleaner energy is possible; they know that fuel-efficient vehicles and appliances are within reach—but they're worried that American manufacturers are falling behind. Americans overwhelmingly support the development of alternative energy, higher mileage standards, hybrid vehicles, and incentives to produce and install more energy efficient appliances. They see the potential for savings generated by energy-efficient technologies, both for their families and for a more efficient, more effective use of their tax dollars by government. And they want change. They understand that the threats of climate change are not geographically remote or far off in time; they are real and urgent. I hope that the day when we can take up and pass tough new controls on carbon dioxide and other greenhouse gases arrives soon. But however we address emissions and efficiency, conservation, bio-fuels, fuel economy, and other important provisions, I urge my colleagues to support this bill, and to start us on the road towards a future of clean, domestic, and renewable energy.

Mr. LEVIN. Mr. President, I regret that I cannot support the Energy bill that we are voting on tonight. I will vote against cloture on the bill and against final passage. There are many good provisions of this bill—particularly in the areas of energy efficiency and renewable fuels—but at its core, the bill contains CAFE provisions that will needlessly harm the American auto industry.

I believe we had a real opportunity to make significant strides in improving fuel economy and reducing our dependence on foreign oil, and doing it in a sensible way that would support American manufacturing and American workers. Instead, the bill before the Senate tonight has chosen the path that is most likely to harm our workers by combining trucks with cars for new standards that are overly aggressive and unachievable and may have a particularly harmful effect on those manufacturers who produce a high percentage of light trucks and produce small cars in America.

America has lost 3 million manufacturing jobs since 2001, over 200,000 jobs in the automotive sector. Our companies face enormous competition in the global marketplace without support from the U.S. Government. Our companies are not competing against companies overseas they are competing against other governments that strongly support their manufacturing sectors with currency manipulation and trade barriers against our products. American companies must compete against those who are protected from import competition by their government, have cheap labor costs, do not pay health insurance and legacy costs, or do not have to meet our strict environmental standards. Our manufacturers can compete with anyone on a level playing field but right now that field is tilted against them.

Tonight, we are choosing to follow a path that will continue that uneven playing field for our manufacturers through our own regulatory process—no other countries would do that to its companies. The proponents of these provisions—a combined car-truck standard of 35 miles per gallon by 2020 claim that these standards will be easy to meet with new advanced technology and suggest that these fuel economy numbers are supported by the National Academy of Sciences. But that is simply not true. In fact, the National Academy of Sciences, in its 2002 report that is frequently cited, specifically stated that the conclusions it drew about technologies should not be interpreted as fuel economy recommendations.

There was a better way. An amendment sponsored by Senator PRYOR that I cosponsored, along with Senators BOND, VOINOVICH, STABENOW and MCCASKILL, offered that alternative approach. Our amendment would have taken bold steps forward to improve fuel economy, reduce our dependence on foreign oil, and protect the environment. We did that in our amendment by establishing aggressive, yet achievable, new and different fuel economy standards for cars and light trucks and by setting clear interim milestones for reaching these new standards.

Our amendment would have required a thirty-percent increase in fuel economy standards for cars by 2022 and a thirty-five-percent increase in standards for trucks by 2025, and our amendment would have provided certainty that these standards will be met. It also would have provided the predictability needed by our auto companies to plan ahead and utilize new advanced technology to the maximum extent possible. Our amendment would have provided the National Highway Traffic Safety Administration, NHTSA—the agency that would set these standards—tools necessary to establish the standards in a sensible way that would have ensured the standards would be at the maximum feasible level, even if that level proved to be higher than the number included in this amendment. To ensure that the technology would be available to meet these standards, our amendment also would have provided a significant new infusion of Federal dollars to support advanced technology research, development, and demonstration programs across a wide spectrum of technologies—from advanced batteries and lightweight materials to advanced clean diesel, hybrids, plug-in hybrids, and fuel cells. Our amendment also would have put more advanced technology out on the road immediately by requiring each auto manufacturer to make a certain percentage of their new vehicles either flexible fuel vehicles or advanced technology vehicles—increasing to 50 percent of their fleets by 2015.

To be sure, meeting the new fuel economy standards under our amendment would have been a stretch and a challenge for all of our country's auto manufacturers—both our traditional American manufacturers, who built the foundation of the auto industry in this country, as well as manufacturers such as Toyota, Mazda, and Mitsubishi. But it would not have pushed our companies to the breaking point, as I fear the provisions of this legislation will do.

So I cannot support this bill tonight, and I regret that we did not take a different path. I was encouraged that the Commerce Committee leaders were willing to take some of our suggestions and make some improvements in their bill. Through our negotiations, we received a few significant concessions. Specifically, the standards in the final bill are for the industry as a whole and not standards to be met company by company, ending a procedure which has discriminated against the domestic industry. The bill also makes clear that NHTSA is required to set standards according to an attribute based system that will look at the different attributes of cars and trucks, and make clear that the fuel economy standards after 2020 will be set at the maximum feasible level rather than requiring an arbitrary and unrealistic increase of four percent annually and was true with the Commerce Committee bill.

I believe that we can reduce our dependence on oil, reduce our greenhouse gas emissions, and improve the overall fuel economy of our vehicles on the road while supporting our American manufacturers in the global market place. To do that, we need a major public-private partnership and major investments in leap-ahead energy technologies, including advanced technology vehicles. We need a huge infusion of resources and a commitment from both the private sector and the Federal government to support efforts to reach these important goals. At a minimum, we cannot have our government act in ways that will unfairly disadvantage our American manufacturers against their global competitors.

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to support the improvements to vehicle efficiency that are included in H.R. 6. It is time for us to make reasonable, achievable, and meaningful increases to the corporate average fuel economy standards.

In the past 2 weeks I have spoken repeatedly about the national security, economic security, and environmental security implications of the energy debate that we are holding. The converging and growing risks of our overdependence on foreign oil are well understood among Americans, who see the impacts of our failed energy policy on a daily basis.

At the gas station, consumers see prices spike at OPEC's whim or with the threat of supply disruptions in countries like Venezuela or Nigeria. In their businesses, Americans feel the pain of soaring oil prices—fuel prices for farmers are so high that some do not know if they will be able to complete the harvest in the fall. And in their land, air, and natural surroundings, Americans are beginning to understand the impacts that global warming could have over the coming decades.

This week we have already made significant progress in our quest to reduce our dependence on foreign oil. Not only is the underlying bill an important step forward, but we have passed several amendments that strengthen the foundations of a new, clean energy economy for the United States.

So far we have increased the oil savings targets in this bill by 50 percent, so that by 2016, we are saving as much oil as we are currently importing from the Middle East. We have passed provisions from the DRIVE Act that will bring high-efficiency vehicles, such as plug-in hybrids, to consumers. And we set a goal of producing 25 percent of our energy from renewable sources by 2025. These are important improvements that will accelerate the pace at which we are moving toward energy independence.

Today, though, I want to talk more specifically about a provision of this bill that has been a point of intense debate for some time. Vehicle efficiency standards in this country have been stagnant for too long. Although our vehicle manufacturers have made impressive improvements to the safety, strength, and power of our vehicles, the average fuel economy of new cars and trucks was actually lower in 2006 than it was 20 years ago. Passenger cars sold in the U.S. only get around 27.5 miles per gallon on average.

The result? American consumers and businesses are suffering disproportionately from $3-a-gasoline. $50 and $80 visits to the gas station are now the norm, and transportation costs are taking a growing slice out of family budgets.

People who live in rural areas are hit the hardest by low fuel-efficiency standards. They drive around 15 percent more miles than people who live in cities, they rarely have the choice of using public transit, and they use work vehicles, like pickups, that get fewer miles to the gallon. As a result, gas bills in rural households have risen almost $1,300 in the past 5 years.

The question of how to improve vehicle efficiency standards is not an easy one, and is not to be taken lightly. But today the path forward is clearer than it has been in some time. Not only is the need for improved efficiency evident, but we have the technological know-how to make these changes to our vehicle-fleet in a safe and cost-effective manner.

The bill before us raises the CAFE standards for cars and light trucks to 35 mpg by 2020. This is a reasonable and appropriate goal for efficiency. The bill also gives manufacturers tremendous flexibility to meet the standards. The National Highway Traffic Safety Administration, NHTSA, will have the ability to set a national fleet-wide average fuel economy standard of 35 mpg by 2020 that will be tailored to the weight, size, type of use and towing capabilities of each car type. Under this flexible system, the standards for light trucks will likely be significantly lower than the standards for passenger cars, and standards will vary for passenger cars: smaller cars will have higher standards than larger cars.

The bill also includes an important exemption for work-trucks between 8,500 and 10,000 pounds—these are the trucks that are essential to the daily operations of farmers, ranchers, and small business owners.

The CAFE standards in this bill are achievable by incorporating a group of modest, proven conventional technologies into vehicles. The technologies would add about $1,100 to the price of an average vehicle in 2019, an investment that would be recovered in less than 3 years of driving, assuming that gasoline costs $2.00 per gallon. Over the lifetime of the vehicle the owner would save a total of more than $3,600 in gasoline costs.

And the technologies are only getting better. Our national labs and universities are making breakthroughs in research that will allow us to make even greater advances in fuel efficiency. At the Colorado School of Mines, for example, researchers are developing a way to cast metal alloy composite materials for high strength, lightweight vehicle parts. This technology will reduce the weight of vehicle components by as much as 60 percent without compromising vehicle performance, cost, or safety.

While I am a champion for the responsible development of our domestic energy supplies and I firmly believe that we need to make smart investments in a renewable energy economy, improving efficiency is the cheapest, cleanest and quickest way for us to extend our energy supplies, get a handle on rising gas prices, and reduce our dependence on foreign oil.

I am proud of the responsible, bipartisan approach we have taken to improving vehicle standards. I want to again thank Senator BINGAMAN and Senator DOMENICI for their leadership on this bill and I look forward to passing it as soon as possible.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. REID. First of all, Mr. President, the distinguished Republican leader and I apologize to everyone.

However, I ask unanimous consent that at 11 p.m. tonight the substitute amendment be agreed to; the bill be read a third time, and the Senate vote on cloture on H.R. 6; that if cloture is invoked, the Senate vote immediately on passage of the bill with the preceding all occurring without any intervening action or debate; further, that the cloture vote on the motion to proceed to H.R. 800 occur at 11:30 a.m. on Tuesday, June 26; that if cloture is invoked, the motion be agreed to and the Senate vote immediately on cloture on the motion to proceed to S. 1639, the immigration bill; that if cloture is invoked, the motion be agreed to; and further that if cloture is invoked on S. 1639, it be in order upon the disposition of all postcloture debate time there be 20 minutes equally divided for debate only on a motion to waive the Budget Act in response to a budget point of order against the bill made by Senator JEFF SESSIONS or his designee; further, that on Wednesday, if the Senate is considering the immigration bill, Senator SESSIONS be recognized for debate only for up to 2 hours.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I would just like a few minutes to look at the language.

Mr. REID. I renew my consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to my colleagues on the other side of the aisle, and they are concerned about some ability to get in conference the cloture motion; that is, the tax aspects of the Energy bill that was defeated. It is not part of this matter we are working on now. As I told my friend, the distinguished Republican leader, if he could figure out a way to do it, he should let me know. I want everyone to cool their jets. The Republican leader and I have had a pretty good agreement on matters that pass this body, as to what goes to conference.

Now, we have preconferenced—we don't need to run through the things we have preconferenced, but I think the Republican leader will tell everyone here that I have been on the level with him, and I intend to be on this matter. So if anyone is concerned about some trick to put this energy tax package in the bill in conference, they need to tell me how to do it because I don't know how. It takes three cloture votes for me to get to conference. I have been through that. They are procedural votes. Although I wish I had the magic wand to tell a lot of you how to vote on the procedural votes, I haven't been too successful so far.

So everyone just relax on that issue. I don't know what more I can say. I have told the Republican leader personally about that. That is how I feel.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, what I assume my good friend, the majority leader, is talking about is that there are three filibusterable motions prior to going to conference. What he is suggesting here is, in fact, the case, which is that rather than simply going to conference without any discussion of what might come out of conference, the matter could be discussed in some detail before we go to conference. I know that is what my good friend, the majority leader, was talking about.

Our concern, of course, was that Senator CONRAD said, right here on the floor of the Senate tonight—I won't read it word for word, but these are direct quotes from the floor of the Senate tonight—that was the game plan, to simply put the tax component, which was defeated earlier today, back in the measure. That created a considerable amount of angst on this side of the aisle for obvious reasons. There was substantial opposition to this massive tax increase which would have been added to the bill.

So we will have a lengthy discussion before going to conference. Let me just say, as one of the States that does not find much to applaud in the bill in any event, there are ample reasons for voting against cloture. I certainly am going to vote against cloture and would hope that a number of our colleagues, sufficient to deny cloture, would have a similar vote.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to my friend the Republican leader, I hope we would proceed on the basis—I gave a little speech here earlier today, after cloture was invoked, talking about a new day having arrived. I hope people would vote the way they have in the past on this issue earlier today. It would be a real bad day for this Congress now, after the progress we have made, not to pass this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1639; 1677; 1798; 1698; 1568, AS MODIFIED; 1569; 1597, AS MODIFIED; 1624; 1764, AS MODIFIED; 1799; 1602; 1660; 1513, AS MODIFIED; 1683; 1729, AS MODIFIED; 1675; 1687, AS MODIFIED; 1688; 1689; 1525, AS MODIFIED; 1567, AS MODIFIED; 1717; 1710; 1759, AS MODIFIED; 1797, AS MODIFIED; 1702; 1706, AS MODIFIED; 1595, AS MODIFIED; 1676, AS MODIFIED; 1679, AS MODIFIED; 1615, AS MODIFIED; 1520, AS MODIFIED; 1700, AS MODIFIED; AND 1724, EN BLOC

Mr. BINGAMAN. Mr. President, I ask unanimous consent that it be in order to consider en bloc the list of cleared amendments at the desk that have been approved by Senator DOMENICI and his staff and myself and my staff, that they be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc.

Mr. DOMENICI. Mr. President, we have reviewed the amendments and cleared them on our side. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1639

(Purpose: To make certain technical edits to title III)

On page 180, line 7, insert "and storage" before "of carbon".

On page 180, line 11, strike "the compression" and insert "advanced compression".

On page 180, line 18, strike "and".

Beginning on page 180, strike line 19 and all that follows through page 181, line 9, and insert the following:

"(v) research and development of new and improved technologies for—

"(I) carbon use, including recycling and reuse of carbon dioxide; and

"(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

"(vi) research and development of new and improved technologies for oxygen separation from air.

On page 181, line 10, strike "(3)" and insert "(2)".

On page 182, line 2, strike "and".

On page182, line 4, strike the period and insert "; and".

On page 182, between lines 4 and 5, insert the following:

"(vii) coal-bed methane recovery.

On page 183, line 8, strike "(4)" and insert "(3)".

On page 183, line 12, insert "involving at least 1,000,000 tons of carbon dioxide per year" after "tests".

On page 183, line 14, insert "collect and" before "validate".

On page 184, line 1, strike "(5)" and insert "(4)".

On page 184, line 7, strike "(6)" and insert "(5)".

On page 184, line 11, strike "(7)" and insert "(6)".

On page 186, strike lines 18 through 20 and insert the following:

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

On page 189, strike lines 14 through 18 and insert the following:

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

On page 190, line 25, strike "or".

On page 191, line 2, strike the period and insert "; or".

On page 191, between lines 2 and 3, insert the following:

(G) manufacture biofuels.

On page 191, strike lines 10 through 15 and insert the following:

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

On page 192, line 7, insert "carbon dioxide by volume" after "95 percent".

AMENDMENT NO. 1677

On page 7, line 11, insert "(including landfill gas and sewage waste treatment gas)" after "biogas".

On page 7, strike lines 13 through 16 and insert the following:

biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

On page 9, line 13, strike ", boiler fuel,".

On page 9, line 20, strike ", boiler,".

On page 10, lines 17 and 18, strike "motor vehicle fuel, home heating oil, and boiler fuel" and insert "motor vehicle fuel and home heating oil".

On page 11, line 11, strike "built" and insert "that commence operations".

On page 44, lines 4 and 5, strike "local biorefineries" and insert "local biorefineries, including by portable processing equipment".

On page 44, lines 13 and 14, strike "local biorefineries" and insert "local biorefineries, including by portable processing equipment".

On page 47, strike lines 9 through 15 and insert the following:

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

AMENDMENT NO. 1798

Beginning on page 79, strike line 8 and all that follows through page 80, line 4, and insert the following:

"(6) ENERGY CONSERVATION STANDARD.—

"(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

"(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

"(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

"(iii) for clothes washers and dishwashers—

"(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

"(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

"(B) INCLUSIONS.—The term 'energy conservation standard' includes—

"(i) 1 or more design requirements, if the requirements were established—

"(I) on or before the date of enactment of this subclause; or

"(II) as part of a consensus agreement under section 325(hh); and

"(ii) any other requirements that the Secretary may prescribe under section 325(r).

"(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.".

Beginning on page 87, strike line 16 and all that follows through page 90, line 25, and insert the following:

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

"(5) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

"(B) PUBLIC COMMENT.—The Secretary shall—

"(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

"(ii) publish a response to each comment so received.

"(C) WITHDRAWAL OF DIRECT FINAL RULES.—

"(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

"(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

"(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

"(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

Beginning on page 91, strike line 20 and all that follows through page 95, line 25, and insert the following:

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

"(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

"(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

"(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product."; and

(3) in paragraph (4) (as so designated), by striking "(4) An" and inserting the following:

"(4) APPLICATION OF AMENDMENT.—An".

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking "(6)(A)(i)" and all that follows through the end of subparagraph (A) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.".

Beginning on page 96, strike line 22 and all that follows through page 98, line 13, and insert the following:

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(H) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).".

On page 157, line 5, strike "and if" and insert the following: "the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and".

On page 106, line 23, strike "2012" and insert "2015".

On page 106, line 24, strike "2012" and insert "2015".

On page 107, line 3, strike "2012" and insert "2015".

On page 147, line 20, strike "from a public utility service".

On page 166, line 15, insert ", Indian tribal," after "State".

On page 166, line 18, insert "of Indian tribes or" after "activities".

On page 166, line 21, insert ", Indian tribes," after "States".

On page 167, line 12, insert ", INDIAN TRIBES," after "STATES".

On page 167, line 17, strike "70" and insert "68".

On page 167, line 18, strike "and".

On page 167, line 19, strike "30" and insert "28".

On page 167, line 19, strike the period and insert "; and".

On page 167, between lines 19 and 20, insert the following:

"(iii) 4 percent to Indian tribes.

On page 169, between lines 11 and 12, insert the following:

"(D) DISTRIBUTION TO INDIAN TRIBES.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

"(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

On page 170, line 1, strike "(B)(ii) or (C)(ii)" and insert "(B)(ii), (C)(ii), or (D)(ii)".

On page 170, lines 10 and 11, strike "(B)(ii) or (C)(ii)" and insert "(B)(ii), (C)(ii), or (D)(ii)".

On page 171, line 7, insert "tribal," after "State,".

On page 171, line 20, insert ", Indian tribes," after "States".

On page 171, line 24, insert "Indian tribe," after "State,".

AMENDMENT NO. 1698

(Purpose: To modify the definition of renewable biomass)

In section 102(4), strike subparagraph (A) and insert the following:

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

AMENDMENT NO. 1568, AS MODIFIED

At the appropriate place, insert the following:

SEC. . COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term "planned refinery outage" means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term "planned refinery outage" does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term "refined petroleum product" means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term "refinery" means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

AMENDMENT NO. 1569

(Purpose: To provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals)

At the appropriate place, insert the following:

SEC. ____. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

"(I)(aa) to remove at least 99 percent of sulfur dioxide; or

"(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;".

AMENDMENT NO. 1597, AS MODIFIED

On page 22, strike lines 1 through 17.

Beginning on page 56, line 17, strike through line 4 of page 59.

On page 277, between lines 5 and 6, insert the following:

SEC. ——. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

AMENDMENT NO. 1624

(Purpose: To expand the scope of the applied research program on energy storage systems to include flow batteries)

On page 127, line 5, insert "(including flow batteries)" after "batteries".

AMENDMENT NO. 1764, AS MODIFIED

At the end of title II, add the following:

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 281. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) Exclusion.—Except as provided in subsection (a)(3), the term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 282. RESEARCH AND DEVELOPMENT.

(a) Program.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 283. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) In General.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) Evaluations.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) Location.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) Coordination.—Prior to carrying out any activity under this section in waters subject to the juridiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

AMENDMENT NO. 1799

(Purpose: To reduce emissions of carbon dioxide from the Capitol power plant)

On page 192, after line 21, add the following:

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading "Public buildings", under the heading "Under the Department of the Interior"—

(1) by striking "ninety thousand dollars:" and inserting "$90,000."; and

(2) by striking "*Provided*, That hereafter the" and all that follows through the end of the proviso and inserting the following:

"(a) Designation.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

"(b) Capitol Power Plant Carbon Dioxide Emissions Demonstration Program.—

"(1) Definitions.—In this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(B) Carbon dioxide energy efficiency.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

"(C) Program.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

"(2) Establishment of program.—

"(A) Feasibility study.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

"(i) the availability of carbon capture technologies;

"(ii) energy conservation and carbon reduction strategies; and

"(iii) security of operations at the Capitol power plant.

"(B) Competitive grant program.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

"(3) Requirements.—

"(A) Provision of grants.—

"(i) In general.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

"(ii) Factors for consideration.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

"(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

"(II) the carbon dioxide energy efficiency of the proposed project; and

"(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

"(B) Requirements for entities.—An entity that receives a grant under the program shall—

"(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

"(I) by not less than 3 other facilities (including a coal-fired power plant); and

"(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

"(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

"(C) Consistency with Capitol power plant modifications.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

"(4) Incentive.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

"(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

"(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

"(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

"(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.".

AMENDMENT NO. 1602

(Purpose: To provide transitional assistance for farmers who plant dedicated energy crops for a local cellulosic refinery)

At the appropriate place, insert the following:

SEC. ____. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term "cellulosic crop" means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term "cellulosic refiner" means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term "cellulosic refinery" means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term "qualified cellulosic crop" means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

AMENDMENT NO. 1660

(Purpose: To modify sections to provide for the use of geothermal heat pumps)

Strike sections 402 through 404 and insert the following:

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) Grant Program.—

(1) In general.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) Cost sharing.—

(A) In general.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) Waiver of non-federal share.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) Maximum amount.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) Guidelines.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) Requirements.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) Compliance With State and Local Law.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) Reports.—

(1) In general.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) Final report.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) Termination.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) Cost-effective lighting technology.—

(A) In general.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) Inclusions.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) Cost-effective technologies and practices.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) Operational cost savings.—

(A) In general.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) Inclusions.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) Exclusion.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) Geothermal heat pump.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA facility.—

(A) In general.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) Inclusion.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) Exemption.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

AMENDMENT NO. 1513, AS MODIFIED

At the appropriate place, insert the following:

SEC. . ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

"(h) Administration.—

"(1) Personnel appointments.—

"(A) In general.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

"(B) Authority of Federal Coordinator.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) Compensation.—

"(A) In general.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

"(B) Maximum level of compensation.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

"(C) Applicability of section 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

"(3) Temporary services.—

"(A) In general.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

"(B) Maximum level of compensation.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

"(4) FEES, CHARGES, AND COMMISSIONS.—

"(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

"(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.".

AMENDMENT NO. 1683

(Purpose: To implement the Convention on Supplementary Compensation for Nuclear Damage)

At the end of title VII, add the following:

SEC. 7___. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall

participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) Effect of subsection.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) Effective Date.—This section takes effect on the date of enactment of this Act.

AMENDMENT NO. 1729, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

(a) Leases, Easements, or Rights-of-Way for Energy and Related Purposes.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by inserting after "Secretary of the Department in which the Coast Guard is operating" the following: ", the Secretary of Commerce,";

(2) by striking paragraph (3) and inserting the following:

"(3) Competitive or noncompetitive basis.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

"(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58);

"(B) the lease, easement, or right-of-way—

"(i) is for the placement and operation of a meteorological or marine data collection facility; and

"(ii) has a term of not more than 5 years; or

"(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists."; and

(3) by adding at the end the following:

"(11) Clarification.—

"(A) In general.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the Outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

"(B) Transmission of power.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).".

(b) Consideration of Certain Requests for Authorization.—In considering a request for authorization of a project pending before the Commission on the Outer Continental Shelf as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(c) Savings Provision.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project on the Outer Continental Shelf for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

AMENDMENT NO. 1675

(Purpose: To provide for a study on the effect of laws limiting the siting of privately owned electric distribution wires on the development of combined heat and power facilities)

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) Study.—

(1) In general.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) Requirements.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

AMENDMENT NO. 1687, AS MODIFIED

(Purpose: To express the sense of Congress that the Department of Energy should be the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States)

On page 293, line 6, insert the following:

(4) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

AMENDMENT NO. 1688

(Purpose: To require the President to submit to Congress an annual national energy security strategy report)

On page 313, strike lines 20 and 21 and insert the following:

SEC. 707. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) Reports.—

(1) In general.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) New presidents.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) Contents.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) Classified and Unclassified Form.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 708. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

AMENDMENT NO. 1689

(Purpose: To amend the National Security Act of 1947 to add the Secretary of Energy to the National Security Council in recognition of the role energy and energy security issues play in the United States national security)

After section 706, insert the following:

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

AMENDMENT NO. 1525, AS MODIFIED

On page 161, between lines 2 and 3, insert the following:

SEC. 269. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.".

AMENDMENT NO. 1567, AS MODIFIED

On page 133, between lines 9 and 10, insert the following:

SEC. 246. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term "advanced insulation" means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term "covered refrigeration unit" means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109-58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

AMENDMENT NO. 1717

(Purpose: To require the Secretary of the Interior, acting through the Director of the Minerals Management Service, to conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf)

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

AMENDMENT NO. 1710

(Purpose: To clarify the purposes of the energy and environmental block grant program)

On page 166, strike lines 17 through 19, and insert the following:

"(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

AMENDMENT NO. 1759, AS MODIFIED

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term "terrestrial ecosystem" means any ecological and surficial geological system on Federal land.

(B) INCLUSIONS.—The term "terrestrial ecosystem" includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) Federal forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2005"; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

AMENDMENT NO. 1797, AS MODIFIED

On page 141, after line 23, add the following:

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the "Secretary"), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the "Commission"), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to consider voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable state and federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111 (d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) total costs;

"(ii) cost-effectiveness;

"(iii) improved reliability;

"(iv) security;

"(v) system performance; and

"(vi) societal benefit.

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(e) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(17) SMART GRID CONSUMER INFORMATION.—

AMENDMENT NO. 1702

(Purpose: To authorize loans for renewable energy systems and energy efficiency projects under the Express Loan Program of the Small Busines Administration)

On page 161, between lines 2 and 3, insert the following:

SEC. 269. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) an energy efficiency project for an existing business.".

AMENDMENT NO. 1706, AS MODIFIED

(Purpose: To establish a small business energy efficiency program, and for other purposes)

On page 161, between lines 2 and 3, insert the following:

SEC. 269. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the "Efficiency Pilot Program") to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the "Telecommuting Pilot Program").

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

"(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

"(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

"(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

AMENDMENT NO. 1595, AS MODIFIED

On page 122, between lines 19 and 20, insert the following:

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

AMENDMENT NO. 1676, AS MODIFIED

On page 161, between lines 2 and 3, insert the following:

SEC. 26_. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

AMENDMENT NO. 1679, AS MODIFIED

On page 26, strike lines 19 through 21 and insert the following:

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

AMENDMENT NO. 1615, AS MODIFIED

At the end of title III, insert the following:

SEC. 305. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleo-climate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

AMENDMENT NO. 1520, AS MODIFIED

At the end of subtitle D of title II, add the following:

SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 256. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "National Commission on Energy Independence" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

AMENDMENT NO. 1700, AS MODIFIED

At the end of subtitle B of title I, add the following:

SEC. 13_. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term "fuel emission baseline" means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;
(2) $50,000,000 for fiscal year 2010;
(3) $55,000,000 for fiscal year 2011;
(4) $60,000,000 for fiscal year 2012; and
(5) $65,000,000 for fiscal year 2013.

AMENDMENT NO. 1724

(Purpose: To modify the deadline by which the President is required to approve or disapprove a certain State petition)

On page 21, line 17, strike "90" and insert "30".

The PRESIDING OFFICER. Under the previous order, amendment No. 1502, as amended, is agreed to.

The amendment (No. 1502), as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—62

Akaka
Alexander
Baucus
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Dorgan
Durbin

Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray

Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NAYS—32

Allard
Bayh

Bennett
Bond

Bunning
Burr

Chambliss
Cochran
Cornyn
DeMint
Dole
Domenici
Enzi
Hagel
Hatch

Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lott
Martinez
McCaskill

McConnell
Pryor
Roberts
Sessions
Shelby
Stabenow
Vitter
Voinovich

NOT VOTING—5

Boxer
Brownback

Coburn
Johnson

McCain

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question is, Shall the bill pass?

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SHELBY).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—65

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan

Durbin
Ensign
Feingold
Feinstein
Grassley
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)

Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NAYS—27

Allard
Bennett
Bunning
Burr
Chambliss
Cochran
Cornyn
DeMint
Dole

Enzi
Graham
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu

Levin
Lott
Martinez
McCaskill
McConnell
Roberts
Stabenow
Vitter
Voinovich

NOT VOTING—7

Bond
Boxer
Brownback

Coburn
Johnson
McCain

Shelby

The bill (H.R. 6), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Ms. KLOBUCHAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, due to a family obligation, Senator BOXER was unable to attend today's session. Had she been present for the vote to invoke cloture on the Baucus energy tax package, she would have cast a vote of "aye". She would have also cast a vote of "aye" on the motion to invoke cloture on the Reid substitute, cloture on the underlying bill, and on final passage of H.R. 6.

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. DURBIN. Mr. President, I want to join Senator REID, and all of my colleagues, in congratulating Senator ROBERT BYRD on reaching yet another historic milestone in his lifetime of public service.

To have the privilege of casting even one vote in the U.S. Senate is an honor. To cast 18,000 votes in this Senate is a legend.

It is a feat that has never been achieved before, and very likely never will be again.

His 18,000 votes in this Senate are more than a singular statistic. They are yet another measure of ROBERT C. BYRD's lifetime of devotion to his state, our Nation, this institution, and to the U.S. Constitution.

Senator BYRD is, of course, a great student of history—and the author of the definitive work on the history of the U.S. Senate. In fact, one could say that ROBERT C. BYRD is Senate history.

Think about this: In addition to being the only Senator ever to cast 18,000 votes, Senator BYRD is also the first U.S. Senator ever to cast 15,000 votes.

Senator BYRD has served with—not under, with—11 Presidents.

He has served as majority leader and held more leadership positions than any Senator in history.

To help put the length of his service in perspective, consider a few facts: When Senator BYRD cast his first vote in the Senate—on January 8, 1959 his colleagues included Senators John Kennedy and Lyndon Johnson. Vice President Richard Nixon was the presiding officer. Hawaii was not yet a state. And a state-of-the-art computer would have taken up half of the space of this Chamber and had roughly the same amount of computing power as a Palm Pilot.

Today, Senator BYRD is a hero among bloggers and so many others because of his unyielding dedication to our Constitution and his obvious love of our Nation and the principles for which it stands.

He is the unrivaled expert on Senate rules.

He has been a candidate for election 12 times—9 times as a candidate for the U.S. Senate and 3 times as a candidate for the U.S. House. He won every time.

And he has become perhaps the most popular political figure in West Virginia history. He was named West Virginian of the Century by the residents of his home State.

It is an honor to serve with this giant of Senate history, and to share with him this milestone. Again, I commend him and congratulate him.

Mr. ROCKEFELLER. Mr. President. I stand today to honor my dear friend and colleague, Senator ROBERT C. BYRD.

Few of us can truly hold claim to the title of living legend—but ROBERT C. BYRD can. This afternoon he cast his 18,000th vote. A remarkable record that reflects his years of dedicated, passionate and heartfelt service to the people of West Virginia and the Republic he so loves.

Eighteen thousand is an impressive number. But what is more impressive is the change that those votes had on America. He voted to strengthen Social Security for all Americans. He voted to turn the dream of college education into a reality for all students. He voted to ensure that those who put in an honest day's work receive an honest day's wage. He voted to protect the health and safety of coal miners. And, he voted to ensure that those who serve in uniform would get the benefits they deserve. Quite frankly, his voting record, and its impact on the fabric of our country, is immeasurable.

Along the way, his votes and his voice became the conscience of the Senate. Reminding us all that change is never easy, and that following the rules matters. That we can disagree with each other, even an administration, but we can ill afford to be disagreeable with each other.

It is impossible to picture the history of the last 50 years without thinking of ROBERT C. BYRD's impact and influence on all of our lives. I am incredibly honored to serve every day with my dear friend and colleague—he is an inspiration to us all.

S. CON. RES. 21 CHANGES

Mr. CONRAD. Mr. President, section 309 of S. Con. Res. 21, the 2008 Budget Resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels and limits for legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000, makes changes to the Payments in Lieu of Taxes Act of 1976, or both, so long as that legislation does not worsen the deficit over the period of fiscal years 2007 through 2012 or fiscal years 2007 through 2017.

I find that Senate amendment No. 1704 offered by Senator BAUCUS to Senate amendment No. 1502 satisfies the conditions of the deficit-neutral reserve fund for county payments legislation. Therefore, pursuant to section 309, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Energy and Natural Resources Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,901.520
FY 2008	2,018.073
FY 2009	2,114.167
FY 2010	2,169.484
FY 2011	2,350.294
FY 2012	2,489.580
(1)(B) Change in Federal Revenues:	
FY 2007	−3.186
FY 2008	−32.723
FY 2009	7.241
FY 2010	5.763
FY 2011	−44.256
FY 2012	−107.516
(2) New Budget Authority:	
FY 2007	2,376.348
FY 2008	2,496.522
FY 2009	2,517.896
FY 2010	2,570.370
FY 2011	2,685.483
FY 2012	2,719.714
(3) Budget Outlays:	
FY 2007	2,299.749
FY 2008	2,468.780
FY 2009	2,566.479
FY 2010	2,600.013
FY 2011	2,692.447
FY 2012	2,703.920

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION

[In billions of dollars]

Current Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,071
FY 2008 Outlays	4,757
FY 2008–2012 Budget Authority	25,838
FY 2008–2012 Outlays	24,730
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	565
FY 2008 Outlays	565
FY 2008–2012 Budget Authority	3,745
FY 2008–2012 Outlays	3,745
Revised Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,636
FY 2008 Outlays	5,322
FY 2008–2012 Budget Authority	29,583
FY 2008–2012 Outlays	28,475

TRAGEDY IN CHARLESTON, SOUTH CAROLINA

Mr. DODD. Mr. President, I rise briefly to speak for a few moments about the horrible tragedy we witnessed Tuesday morning in Charleston, SC: the death of nine firefighters: Captain William "Billy" Hutchinson, Captain Mike Benke, Captain Louis Mulkey, Engineer Mark Kelsey, Engineer Bradford "Billy" Baity, Assistant Engineer Michael French, Firefighter James "Earl" Drayton, Firefighter Brendon Thompson, and Firefighter Melvin Champaign.

Clearly, this loss is one of profound sadness for the Charleston community and, indeed, for the entire Nation. My thoughts and prayers go out to these firefighters' loved ones, families, friends, and colleagues.

These nine brave men died while fighting a horrific multialarm fire in which two people were ultimately saved. In other words, they selflessly gave their lives while ensuring the safety and well-being of others. This is the ultimate sacrifice of a firefighter—a sacrifice that has been made by 3,148 men and women since 1981.

We must never forget the dangers firefighters across our Nation dauntlessly face each and every day—dangers that have their roots in nature or mankind. Whether responding to fires, natural disasters, or acts of terrorism, our firefighters risk and give their lives extinguishing fires, delivering lifesaving emergency medical services, conducting search and rescue missions, and responding to and handling hazardous biological and radiological agents. Our Nation's firefighters certainly do not perform these duties for any self-glorification. They perform these duties because each and every one of them answers a noble call to serve this country and protect its people from harm.

Woodrow Wilson once wrote that ". . . loyalty means nothing unless it has at its heart the absolute principle of self-sacrifice." Clearly, the loyalty of these nine firefighters—loyalty to duty, country, and each other—were tragically demonstrated overnight Monday. May we mourn them and draw inspiration from their actions. May we never forget them.

Mr. BIDEN. Mr. President, tomorrow in Charleston will be a citywide day of mourning for the nine firefighters who died, rushing into the blazing furniture store to try to save a life. I rise to pay my respects to those fallen heroes and to their families.

The other day, when I heard the fire chief, Rusty Thomas, say he lost nine of his best friends, I know what he meant. So does every Senator in this Chamber because firefighters are the best things our communities have.

They risk their lives every day we lay a heavy, heavy responsibility on them. But think of how many countless lives are saved because of their dedication, because they will find the people trapped inside a burning building.

I remember when our former colleague from Charleston, Senator Hollings, had the terrible fire that burned his home, it was those same South Carolina firefighters who came to help one of our own.

Whether they are in Charleston or the volunteers in Claymont, DE, where I come from, when they are done putting out a blaze, you can find them organizing the little league teams or grating the baseball diamonds or taking care of the boy and girl scouts. They are the grit that makes this country great.

What happened in South Carolina reminds all of us just how important firefighters are to our communities, how brave these people are, and how dangerous their work is.

We saw it during Hurricane Katrina, when 1,000 firefighters who themselves lost their homes and their cars, whose whole lives were turned upside down, spent day after day rescuing people from rooftops.

We saw it on September 11, when that grizzled fireman came out of the debris of human flesh and cement and steel to become the face around the world of America's determination.

Three hundred forty-three firemen were lost on that terrible day. And the tragedy in Charleston is the single greatest loss of firefighters in the nation since then.

Just as the spirit of those firefighters on September 11 helped lift America off our knees, I hope that the grief Charleston feels this week will be lifted by the legacy of their fallen heroes.

HONORING OUR ARMED FORCES

STAFF SERGEANT MICHAEL A. BECHERT

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of the brave staff sergeant from Indiana. Michael Bechert, 24 years old, died on June 14 from injuries sustained on May 30, 2007, in Baghdad, Iraq, when his vehicle encountered an improvised explosive device. With his whole life before him, Michael risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

An Indiana native, Michael last resided in Germany where he met his wife Daniela. In addition to his military service, Michael was a devoted husband and the father of their 20-month-old boy, Branden. "He was a great father, husband. A young, fresh young man. He fought for his country and died for it," said Daniela. Along with his wife and son, he leaves behind his father Michael L. Bechert and his grandparents George and Doris Bechert who raised him.

Michael was assigned to C Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division in Schweinfurt, Germany. He was killed during his second deployment in Iraq, while serving his country in Operation Iraqi Freedom. During his first tour of duty he was injured and deservingly awarded the Purple Heart.

Today, I join Michael's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Michael, a memory that will burn brightly during these continuing days of conflict and grief.

Michael was known for his dedication to his family and his love of country. Today and always, Michael will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Michael's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Michael's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Michael A. Bechert in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Michael's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Michael.

SPECIALIST FIRST CLASS DAVID A. WILKEY, JR.

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of the brave specialist first class from Indiana. David Wilkey, 22 years old, died on June 18th, 2007, from injuries sustained on June 17th, in Baghdad, Iraq, when an improvised explosive device detonated near his dismounted patrol. With an optimistic future before him, David risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Although David was extremely proud of his military service, he prided himself most on his family. He was a devoted husband to Melinda and loving father of 4-year-old stepson Christian Clark and 1-year-old son Blayke. They also have another child due in October. David's love for his family drove him to enlist, in order to continue his support of them. David is also survived by his mother Cindy, his father David Sr., stepmother Margaret, as well as two sisters and a brother.

David was on his first deployment in Iraq and had been there since February 2007. Assigned to C Company, 1st Battalion, 28th Infantry Regiment, 1st Infantry Division, Fort Riley, Kansas, he was killed while serving his country in Operation Iraqi Freedom. "He had a big heart, and he's a son that any father could be proud of," David Sr. said.

Today, I join David's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

David was known for his dedication to his family and his love of country. Today and always, David will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring David's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of David's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David A Wilkey, Jr. in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with David.

WORLD DAY OF REMEMBRANCE

Mr. DODD. Mr. President, I am proud to add my voice in support of H. Con. Res. 86, a resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

Each crash might seem to us, in its immediacy, like an isolated tragedy, but when we step back, we see that each has its part in a global crisis that is deepening year by year. The day of remembrance—set by the United Nations General Assembly for the third Sunday of November—is not just for the 40,000 people who die in road crashes each year in America. It is for the 1.2 million who die in crashes in every part of the world and for the staggering 20 to 50 million who are injured. In fact, the World Health Organization predicts that, by the year 2020, the death rate from crashes each year will surpass the death rate from AIDS.

True, many of these crashes are unique disasters, but that leaves many more whose causes are systemic and preventable. Unsafe roads, poor medical facilities, and inadequate driver education all contribute their share to the death toll. Unsurprisingly, the toll is highest, and rising, in middle- and low-income countries. Road safety, then, is an issue of economic justice.

On the world day of remembrance, we will recall all of the victims of road crashes; we keep their families in our thoughts, and we pray for the full recovery of those still living. But our compassion for individuals must not obscure the bigger picture. "We have to change the way we think about crashes," said Diza Gonzaga, the mother of a car-crash victim in Brazil. "The majority of people think that crashes are due to fate. We have to think of a crash as a preventable event."

EMPLOYEE FREE CHOICE ACT

Mr. HARKIN. Mr. President, I have always supported organized labor, for a simple reason: When workers join together and act collectively, they can achieve economic gains that they would never be able to negotiate individually. History tells us this: Union members were on the front lines fighting for the 40-hour workweek, the minimum wage, employer-provided health insurance and pensions. Organized labor led the way in passing legislation to ensure fair and safe workplaces and in championing many other employee safety nets, including Social Security, Medicare, and the Family and Medical Leave Act.

Unfortunately, continued forward progress is not inevitable. We have seen this in recent years, as union membership has declined, wages have stagnated, the numbers of uninsured have risen, and private companies have been allowed to default on their pensions, threatening the retirement security of millions of Americans. It is clear to me that to rebuild economic security, we must first rebuild strong and vibrant unions. And to rebuild strong unions, we must first reduce unfair barriers to union organizing.

To rebuild the promise of health care and pension benefits, we must reduce unfair barriers to union organizing. A recent study by the Institute for America's Future confirms this. By comparing organizing campaigns in the United States and Canada, the study found that more worker-friendly certification rules increase union participation.

Of course, this is all just common sense. If you reduce the barriers to workers joining unions, more workers will join. But what does it mean? Well, as this study makes clear, by passing the Employee Free Choice Act, and by making it easier for workers to band together, more than 3.5 million Americans would be able to secure health coverage, and nearly 3 million more Americans would have access to employer-based pensions.

Middle class families in this country have an increasingly difficult time making ends meet. More than 47 million Americans lack health insurance—including 251,000 Iowans—and even those with coverage find that if often covers less and less. This should not be happening in America. When productivity rises, everyone should see their fair share of that gain, but in the past several years, increasing productivity has gone hand-in-hand with a growing wage gap. According to the nonpartisan Congressional Research Service:

> Adjusted for inflation, average worker pay rose 8 percent from 1995 to 2005; median CEO pay at the 350 largest firms rose about 150 percent over the same period.

In my home State of Iowa, real median household income fell by 3.4 percent between 1999 and 2005, dropping from $48,142 in 1999 to $46,500 in 2005.

By passing the Employee Free Choice Act, by giving workers a seat at the table, we can start to reverse this negative trend. Union participation in the workplace means everybody wins. When employees have a voice—not just to ask for better wages and benefits, but to make suggestions about how to do things better—employers benefit, too. Union employees take pride in their work and work to get more training. And they are happy to help find other efficiencies in the operation, because they get a share of the savings.

Unfortunately, scaremongers are trying to tell us that the Employee Free Choice Act takes away employee rights to a "secret ballot." Nothing could be further from the truth. This bill does not establish a new election process; it merely requires employers to honor employee choice. Right now, the company gets to decide whether it will recognize a majority sign-up vote. Under the aptly named Employee Free Choice Act, the employees get to decide. If the workers want to use the National Labor Relations Board process, they are perfectly free to do so. But, as we know from hard experience, that process can be threatening and intimidating to many employees.

In addition to making it easier to form a union in the first place, the Employee Free Choice Act provides for arbitration for the first contract. I know from personal experience how simply stalling negotiations of a contract can bust a union and cause major economic hardship for people. My brother Frank was a proud UAW member for 23 years. He worked at the old Delavan manufacturing plant in Des Moines. In 23 years, he missed only 5 days of work—all of them because of blizzards. He made a good living. He was a dedicated employee. During those 23 years, there was never one strike or work stoppage. Delavan made good money.

But then Old Man Delavan decided to retire and sell the company. A group of investors bought it. And one of the new owners bragged that, "If you want to see how to get rid of a union, come to Delavan, and we'll show you how."

He made good on that boast. When the contract came up, the company put forward conditions that no union could agree to in good conscience. The owners refused to budge, and the UAW local had no choice but to go out on strike for the first time. When they did, the company brought in replacement workers. It was a long, bitter strike. And after 1 year as allowed by labor law—they had a decertification vote. Who votes to decertify the union? The workers who are there—the replacement workers. They didn't want to lose their jobs, so they voted to decertify.

So after 23 years Frank was out of a job. He lost his union job with excellent pay, vacation time, and a pension. And what does a 54-year-old deaf man do in a predicament like that? He got a job as a janitor at a shopping mall—working nights for minimum wage, with no benefits and no vacation time. It didn't just destroy his livelihood. It broke his spirit.

My friends, that is what happens when unions are weakened and destroyed. It jeopardizes our standard of living and our whole middle-class way of life. And, my friends, that is exactly what is happening, today, to tens of millions of people all across America.

I quote a December, 2005 letter signed by 11 Nobel Peace Prize laureates calling for greater international labor rights:

> Even the wealthiest nation in the world—the United States of America—fails to adequately protect workers' rights to form unions and bargain collectively. Millions of U.S. workers lack any legal protection to form unions and thousands are discriminated against every year for trying to exercise these rights.

It is time to level the playing field for workers in this country. It is time to give them a truly free and fair election process to decide if they want representation in the workplace. It's time to pass the Employee Free Choice Act.

HONORING AUNG SAN SUU KYI

Mrs. FEINSTEIN. Mr. President, I rise today with Senator McCONNELL and the cochair of the United States Senate Women's Caucus on Burma, Senator KAY BAILEY HUTCHISON, to introduce a resolution honoring Nobel Peace laureate and leader of Burma's democratic opposition, Aung San Suu Kyi.

We are joined in this effort by Senator BOXER, Senator McCAIN, Senator MIKULSKI, Senator CLINTON, Senator LINCOLN, Senator MURKOWSKI, and Senator DOLE.

Our resolution: honors Aung San Suu Kyi for her courage and devotion to the people of Burma and their struggle for democracy, and; calls for the immediate release of Suu Kyi and other political prisoners by the ruling military junta, the State Peace and Development Council.

Two days ago, we celebrated the 62nd birthday of Aung San Suu Kyi. Sadly, she spent the day as she has for most of the past 17 years: alone and under house arrest. And just last month, the State Peace and Development Council renewed her sentence for yet another year.

Yet I am heartened to know that the Senate and the international community are coming together to ensure that the abuses and injustices of the military junta in Burma do not go unnoticed.

Earlier this year, 45 United States Senators signed a letter to United Nations Secretary General Ban ki-Moon urging him to get personally involved in pressing for Suu Kyi's release.

In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino President Corazon Aquino, former Czech President Vaclav Havel, former British Prime Minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi.

They correctly noted that "Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups."

The calls for Suu Kyi's release are also coming from Burma's neighbors.

The Association of Southeast Asian Nations, ASEAN, now recognizes that Burma's actions are not an "internal matter" but a significant threat to peace and stability in the region. At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release.

Last month, the women of the United States Senate came together to form the Women's Caucus on Burma to express our solidarity with Suu Kyi, call for her immediate release urge the United Nations to pass a binding resolution on Burma.

At our inaugural event, we were pleased to be joined by First Lady Laura Bush, who added her own voice to those calling for peace and democracy in Burma.

And last week, Senator McCONNELL along with 58 of our colleagues introduced legislation to renew the import ban on Burma for another year.

Our message is clear: We will not remain silent, we will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma.

I urge my colleagues to support this resolution.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE RALPH BURNETT

• Mr. CARDIN. Mr. President, today I honor the memory of the Honorable Ralph M. Burnett, a Maryland district court judge and a pioneer in the fight against prostate cancer. He was an exemplary citizen of our State, and his contributions to the Maryland judicial system and the advocacy groups he worked with will not be forgotten. On May 9, 2007, Judge Burnett died from complications related to prostate cancer at the age of 64.

Judge Burnett was born in 1943 in Seneca Falls, NY. After graduating from St. Paul's High School in 1961, he earned a bachelor's degree from Dickinson College in 1965. A Vietnam veteran, Judge Burnett was stationed in Korea as a first lieutenant in the U.S. Army until 1969. After returning to America, he enrolled in the Baltimore School of Law, where he received his law degree in 1972.

Judge Burnett began his private practice in Oakland, MD, in 1972 and he lived in the Oakland area until his passing. He served as Garrett County's State attorney from 1974 until 1978, and in December 1993, he was appointed as an associate district court judge for Garrett County by then-Maryland Governor William Donald Schaefer. Judge Burnett was a member of the executive committee of the Maryland Judicial Conference and served on the editorial board of Justice Matters until his death.

After being diagnosed with prostate cancer in 1996, Judge Burnett became a devoted advocate and tenacious leader for the prostate cancer community. In 1997, he was elected to the board of the National Prostate Cancer Coalition, NPCC, and served as chairman of the organization from 1999 until 2001. Under Judge Burnett's leadership, the National Prostate Cancer Coalition tripled in size during his tenure. After stepping down as chairman, Judge Burnett remained active as a member of the board and continued to pursue patient rights and greater treatment options for men with prostate cancer.

Judge Burnett was an advocate for Johns Hopkins University's Specialized Program of Research Excellence, SPORE, and also served on Department of Defense, DOD, research panels. As a member of the DOD Prostate Cancer Research Program Integration Panel, Judge Burnett worked to find the best ways to leverage the Department's investment in prostate cancer research. He was also a committed member of the Consortium Panel of the Congressionally Directed Medical Research Program, which discovered the lethal phenotype that causes prostate cancer.

Mr. President, I ask my colleagues to join me in extending condolences to Judge Burnett's family and friends and in expressing appreciation for his life of community service and his commitment to prostate cancer research.•

125TH ANNIVERSARY OF EDINBURG, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 6–8, the residents of Edinburg will gather to celebrate their community's history and founding.

The town of Edinburg is located on the edge of the Red River Valley and the western prairies. Although it is a small town, Edinburg has the drive, dreams, and heart of cities ten times its size. The father of Edinburg was a Norwegian by the name of Christian Buck. He became the first postmaster of Edinburg when the post office was established in 1882. The town of Edinburg was named in honor of the university where Mr. Buck obtained his college education. The first establishments in Edinburg included a blacksmith shop and a drug store.

Despite a significant fire that destroyed nearly all of the town's businesses in 1900, Edinburg has grown and flourished since its beginning. Known as the Bird Capital of North Dakota, Edinburg offers many opportunities for bird enthusiasts to observe nature at its finest. A city park offers the chance for family gatherings and picnics. The Edinburg Fire Department is boasted as one of the best in the area.

The town of Edinburg is a beautiful place for people to live and visitors to visit. To celebrate its 125th anniversary, the town will hold an all school reunion, a street dance, a parade and fireworks.

I ask the U.S. Senate to join me in congratulating Edinburg, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Edinburg and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Edinburg that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Edinburg has a proud past and a bright future.●

125TH ANNIVERSARY OF HOPE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 5–8, the residents of Hope will gather to celebrate their community's history and founding.

Founded in 1882, Hope is a small town in Steele County located in eastern North Dakota. The post office was established in 1881, and it became a city in 1904. The community was named in honor of Hope A. Hubbard Steele, wife of E.H. Steele, for whom the county was named.

The residents of Hope describe their town as an active and close-knit community. When a function or task needs to be completed, the residents work together to accomplish it. Many of the recreational facilities, such as the outdoor swimming pool and the nine hole golf course, are supported by local organizations and the community. The local Sportsmen's Club purchased a building from the community for one dollar and converted it into a 24-hour youth recreational facility. A further investment into the community was made by residents when they purchased La Rinascente Pasta, a New Jersey based pasta company, that was relocated to Hope.

The residents are excited to commemorate their upcoming anniversary with a weekend celebration that will include a parade, a Texas Hold 'em Tournament, a tractor pull, and many other activities. In addition, there will be a Veterans Memorial dedication that will feature a cannon from the Civil War.

I ask the U.S. Senate to join me in congratulating Hope, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Hope and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hope that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hope has a proud past and a bright future.●

100TH ANNIVERSARY OF LIGNITE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 6–8, the residents of Lignite will celebrate their community's history and founding.

Lignite is a vibrant community located in northwestern North Dakota. It was founded in April 1907 as a coal town. The first post office followed within the same month. Today the name Lignite pays tribute to the coal veins located in and around the town. Lignite is also the first town in North Dakota to drill an oil well within the city limits.

Today, Lignite remains a small but thriving town with a strong sense of community. Many different local organizations are proud to call Lignite home. These include local chapters of 4-H, FFA, American Legion, and the Boy and Girl Scouts of America.

There are also many recreational opportunities for the citizens of Lignite, from quilting to hunting, camping to golf, softball to ice fishing. The town also boasts a large public park for residents and campers alike. For its centennial celebration, Lignite has planned a four-day-long festival that includes softball and golf tournaments, a day-long street festival, and a local fashion show.

I ask the U.S. Senate to join me in congratulating Lignite, ND, and its residents on their first 100 years and in wishing them well in the next century. By honoring Lignite and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Lignite that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Lignite has a proud past and a bright future.●

125TH ANNIVERSARY OF PETERSBURG, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13–15, the residents of Petersburg will gather to celebrate their community's history and founding.

Petersburg is a vibrant community in the northeastern part of North Dakota, not far from Grand Forks Air Force Base. Petersburg holds an important place in North Dakota's history. Founded by Levi Peterson and Martin N. Johnson, the name of the community was determined by a coin toss. Peterson won the coin toss and declared the city name Petersburg in honor of his birthplace in Petersborg, Norway.

Today, Petersburg is a farming community with an assortment of clubs. Some of these organizations like the Sons of Norway, Red River Valley Scandinavian Singers Association, and the Norwegian Singers and Association of America are keeping the region's Scandinavian culture alive. Petersburg also takes much pride in its curling club.

For those who call Petersburg home, it is a comfortable place to live, work, and play. The community has planned an exciting 125th anniversary weekend. There will be a parade, food, bands, dancing, a craft show, flea market, magicians, games, an all school reunion, and much more.

I ask the U.S. Senate to join in me congratulating Petersburg, ND, and its residents on their first 125 years and wishing them well in the future. By honoring Petersburg and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Petersburg that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Petersburg has a proud past and a bright future.●

COMMENDING THE EFFORTS OF DAVID JOSEPH LYNCH

● Mr. CRAPO. Mr. President, today I pay tribute to a very special Idahoan who has undertaken a very important and challenging mission. Many people are moved by a cause; few are inspired to take action and leadership in support of such cause. David Joseph Lynch is one of the few. In 2004, Mr. Lynch was moved by the plight of Israeli schoolchildren—Jewish, Muslim, Druze, Bedouin, Baha'i and Christian—who do not have ready access to English language books because of limited financial resources and demands on the Israeli government in its ongoing war against terrorism. He read an article about the Jade Bar-Shalom Books for Israel Project and knew immediately that this was his calling.

This grandfather of three and great grandfather of four who will be 89 next month, founded the Idaho flagship of the international Books for Israel project.

Between 2004 and 2006, Mr. Lynch gathered over 10,000 books from Idaho schools to send to Israel for the schoolchildren there. His goal is to have books donated from all the counties in Idaho. Mr. Lynch has enlisted supporters from the community including school officials, bookstore owners, a restaurant franchise, Office Depot, Boise State University, and even members of the criminal justice community in Boise.

I commend Mr. Lynch on his outstanding efforts and thank him also for his esteemed service in the U.S. Navy before and during World War II. Clearly, David Joseph Lynch embodies a life of service and a commitment to improving humanity. He is an inspiration to all—a man whose singular efforts are felt across the globe by our friends in Israel.•

SVIHOVEC FAMILY TRIBUTE

• Mr. DORGAN. Mr. President, this year marks the 100th anniversary of the last great wave of homesteading upon the prairies of America. Mr. President 1907 was the high water mark of the western boom, the last real chance for entrepreneurs and pioneers to capture 160 acres of free land.

Homesteading was one of those singular inventions that proved a triumphant success—one that gave families of modest means a genuine opportunity to share in the American dream.

Among the tens of thousands who surged west to take part in this great enterprise was a family of Bohemian emigrants—the Svihovecs. They are particularly intriguing because seven brothers homesteaded side by side. While it was not unusual for family groups to homestead near each other, the uniqueness of seven brothers doing so was unprecedented in homesteading history.

Although only two decades removed from their near feudal farm existence in the Austro-Hungarian Empire, the Svihovecs were shrewd enough to strategically locate their homesteads to nearly surround a section of railroad-owned land, thereby protecting it for their own use and future purchase.

These brothers and their equally hearty Czech spouses were Frank and Rose Svihovec, Charles and Anna Svihovec, Vincent and Anna Svihovec, Joseph and Annie Svihovec, Emil and Barbara Svihovec, and two single brother, James, and Louis. Their homesteads were in southwestern North Dakota, along the Hettinger and Adams County line. Two more brothers, Rudolph—and his wife Nellie—and Edward—and his wife Terezie—opted to become businessmen, one in Minneapolis and other in the New York City area.

The homesteaders' beginning was inauspicious. There was a train wreck on the way west. Upon their arrival, they were met by the blackened desolation of one of the great western prairie fires which had burned the expected winter feed for their livestock. Snowbound the first winter, they ran out of food.

There were other setbacks and tragedies, but a life was created for themselves and almost 40 offspring, so many children that the school became known as the Svihovec School.

A hundred years later, descendants of these Svihovec pioneers are scattered from London to Los Angeles. A number still remain near the homesteads, in the communities of Mott and Hettinger, and one couple, John and Arlyce Frieze, still actively farm and ranch part of the original homestead lands. Most of the original homesteads, in fact, remain in the ownership of one of the Svihovec families.

It is a remarkable saga, a tale of grit and courage, one that illustrates the kind of strength of character and hardy determination that has served America so well for so many years. The Svihovec tribe has a proud, vital, and continuing legacy that I am honored to acknowledge and salute today in the Senate.•

TRIBUTE TO SUPHADA ROM

• Mr. LEAHY. I want to speak briefly about a remarkable event that happened last Friday, June 15, 2007, in the small town of Windsor in my home State of Vermont. But first a bit of history.

In January 1989, a member of my staff, Tim Rieser, traveled to the Thai-Cambodia border to locate a young Cambodian woman whose mother and two brothers, all of them survivors of the Khmer Rouge holocaust, had resettled in Vermont. The woman, Rhumdoul Rom, had been kidnapped and smuggled back into Cambodia, but she had escaped and was in a Thai refugee camp.

When Rhumdoul was located she was holding her 5-day-old baby daughter, whose name was Suphada. A few days and several long airplane rides later, the two of them arrived in Vermont where they were reunited with the rest of their family. Sadly, Suphada's grandfather and other family members were among the 2 million Cambodians who were murdered or starved to death by the Khmer Rouge. One of Rhumdoul's sisters survived, and is living in Cambodia today.

Adjusting to Vermont was not easy. Imagine traveling for the first time on an airplane and arriving from the tropics in a foreign land in the middle of winter, ice and snow everywhere, and not speaking a word of English.

But the family persevered, supported by the generosity of the Windsor community. As the years passed, Rhumdoul learned English, graduated from high school and then community college, and became a skilled medical technician, at the same time that she was raising her daughter as a single mother.

Suphada, coming to America so young, learned English easily and over time became an outstanding student and athlete. She won a prize for her writing, learned to play the flute, served meals at a local nursing home, and this year she was the captain of the Windsor girls' basketball team. She is also a very outgoing and friendly person.

Recently, tragedy struck the family again, when Rhumdoul's mother and Suphada's grandmother, Prak Soy, died suddenly of meningitis. My wife Marcelle and I had the privilege of meeting Prak Soy, for whom living in the Unites States was not easy. I will always remember her as a selfless person who cared deeply for her children and grandchildren. They meant the world to her.

This is a family that has experienced great loss, but they are also an example for those of us who have never known what it is to live through something as horrifying as genocide.

On June 15, Suphada graduated from Windsor High School, and I understand that she has been accepted to several colleges, including, I am proud to say, my own alma mater, St. Michael's College in Colchester, VT. It is also the alma mater of another accomplished Cambodian refugee, Loung Ung, who years ago resettled in Vermont and has since become a world renowned author for her book "First They Killed My Father," and a tireless campaigner against the scourge of landmines.

I, Marcelle, and my staff would have liked to attend Suphada's graduation, but it was not possible due to the Senate's schedule and other commitments. But I want to congratulate her and her mother for her outstanding scholastic and athletic achievements, and wish her the best in the coming year at whichever college she chooses.•

HONORING JOSEPH SIMUNOVICH

• Mr. MENENDEZ. Mr. President, today I honor Joseph Simunovich for his leadership, dedication, and accomplishments at Hackensack University Medical Center and the New Jersey Turnpike Authority. Joe retired as chairman of the board of these great New Jersey institutions earlier this year.

Joe's life of public service spans more than three decades. In 1972, he was elected to serve as a Hudson County freeholder, a position he held for 12 years, 3 of them as director/chairman of the board. In 1986, Joe was appointed by New Jersey Governor Thomas Kean to serve on the New Jersey Economic

Development Authority. Reappointed by Governors Jim Florio and Christine Whitman, for a total of six consecutive terms, Joe is the longest serving member in the organization's history.

In 2002, Joe was chosen by Governor James McGreevey to serve as the chairman of the New Jersey Turnpike Authority, where he led the organization through the consolidation with the New Jersey Highway Authority. Additionally, Joe oversaw the remediation of New Jersey's E–Z Pass system, and the introduction of Express E–Z Pass.

Over the past 17 years of Joe's service on the Board of Governors of Hackensack University Medical Center, no one has had a greater hand in making Hackensack the respected and sought out institution it is today. As chairman of the board, Joe has worked tirelessly to raise money for the expansion of hospital programs. This money means more access to medical treatments, increased technology, and better financial assistance for low-income patients.

Additionally, Joe has dutifully served on numerous boards of directors, including New Jersey City University, the New Brunswick Development Corporation, the National Association of Water Companies, and the National Council for Public-Private Partnerships. As a result of his hard work, Joseph Simunovich has helped improve the quality of life for thousands of families living throughout New Jersey.

Dedicated to both his community and family, Joe is married and has two children and several grandchildren. He received his bachelor's degree from Colgate University and masters in business management equivalent from Fairleigh Dickinson University, and completed postgraduate coursework at the Carnegie Institute and guest lectured at Rutgers University School of Business.

There is no doubt Joseph Simunovich is an exemplary leader and a profoundly committed individual who is a true role model for the nation. Therefore, I am pleased to pay tribute to Joseph Simunovich, and know my colleagues will join in wishing him continued success.•

TRIBUTE TO WARNE NUNN

• Mr. SMITH. Mr. President, one of the privileges of representing Oregon in the U.S. Senate is having the honor of serving in the seat held for 30 years by Mark Hatfield. During his nearly half century of service to the people of Oregon as a State Representative, State Senator, Secretary of State, Governor, and U.S. Senator, Mark Hatfield earned a reputation for honesty and integrity. He also earned a reputation for having an outstanding staff—staff who often went on to outstanding careers in public service in their own right.

I rise today to pay tribute to one of the most distinguished of the "Hatfield Alumni," Warne Nunn, who passed away earlier this week in Oregon at the age of 86. Warne Nunn served as chief of staff to Mark Hatfield during his 8 years as Oregon's Governor, and when Oregonians sent Mark Hatfield to the U.S. Senate in 1966, Warne Nunn came east to help open up the Senate office.

Mr. Nunn's heart, however, was in his beloved Oregon, and he soon returned home, where he was to make numerous positive contributions for four more decades. As a long-time executive with Pacific Power and Light, Warne Nunn was a respected leader in Oregon's business community. It was, however, through his philanthropic leadership where Warne Nunn left a legacy that should inspire us all.

As a long-time member and chairman of the Willamette University Board of Trustees, Warne Nunn was a passionate advocate for quality education. His commitment to education could also be seen in the leadership he provided as a long-time trustee of the Meyer Memorial Trust, one of the largest and most generous philanthropies in the Pacific Northwest. During its 25-year history—throughout which Warne Nunn has served as a trustee or trustee emeritus—Meyer Memorial Trust has donated nearly $420 million to countless worthy causes.

Senator Hatfield once told me of a journey he made to the Calcutta slums with Mother Teresa. During that journey, Senator Hatfield asked Mother Teresa how she could go on day after day, knowing that for every life she touched, there were thousands of lost souls she would never reach. She responded by saying: "God does not call us to be successful. He calls us to be faithful."

There can be no doubt that Warne Nunn lived a successful life. But his family and friends will tell you that more important to Warne was the fact that he lived a faithful life. He was a faithful husband, father, grandfather, and great-grandfather. He was a faithful friend. He was a faithful businessman, public servant, and philanthropic leader. Above all, he was a faithful servant of God. I join many fellow Oregonians in paying tribute to the life and legacy of Warne Nunn, and in extending my sincere condolences to his wife Delores and his entire family.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills:

H.R. 923. An act to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 2284. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians.

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution calling on the United Nations Security Council to charge Iranian leader Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his call for the destruction of the State of Israel.

The message further announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. DEFAZIO of Oregon, Ms. LORETTA SANCHEZ of California, and Mr. LAMBORN of Colorado.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2284. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 21. Calling on the United Nations Security Council to charge Iranian leader Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and United Nations Charter because of his calls for the destruction of the State of Israel; to the Committee on Foreign Relations.

MEASURE DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor and Pensions, and referred as indicated:

S. 1650. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2366. An act to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2316. A communication from the Publications Control Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Law Enforcement Reporting" (RIN0702-AA56) received on June 18, 2007; to the Committee on Armed Services.

EC–2317. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance Appeals; Clarification of Enforcement Authority of the NCUA Board" (12 CFR Parts 745 and 747) received on June 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2318. A communication from the President and Chief Executive Officer of the Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2006 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2319. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, legislative proposals relative to the National Aeronautics and Space Act of 1958 and the NASA Transition Act of 2007; to the Committee on Commerce, Science, and Transportation.

EC-2320. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on the Progress of the Federal Government in Meeting the Renewable Energy Goals of the Energy Policy Act of 2005"; to the Committee on Energy and Natural Resources.

EC-2321. A communication from the Deputy Secretary of the Interior, transmitting, the report of draft legislation entitled "Cooperative Conservation Enhancement Act"; to the Committee on Energy and Natural Resources.

EC-2322. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard; Clarification" (FRL No. 8328-6) received on June 19, 2007; to the Committee on Environment and Public Works.

EC-2323. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerance" (FRL No. 8135-5) received on June 19, 2007; to the Committee on Environment and Public Works.

EC-2324. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactofen; Pesticide Tolerance" (FRL No. 8132-9) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2325. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance" (FRL No. 8133-6) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2326. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving" ((RIN2060-AN44)(FRL No. 8330-1)) received on June 19, 2007; to the Committee on Environment and Public Works.

EC-2327. A communication from the Deputy Secretary of the Interior, transmitting, the report of draft legislation entitled "Conservation Grant User Equity Act"; to the Committee on Finance.

EC-2328. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deemed IRAs in Governmental Plans/Qualified Nonbank Trustee Rules" ((RIN1545-BG46)(TD 9331)) received on June 19, 2007; to the Committee on Finance.

EC-2329. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Burmese Sanctions Regulations" (31 CFR Part 537) received on June 18, 2007; to the Committee on Finance.

EC-2330. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment, including 15 F-5 A/B aircraft spare parts, valued at $14,000,000 or more; to the Committee on Foreign Relations

EC–2331. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms sold commercially under contract in the amount of $1,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC-2332. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of Gunner's Thermal Systems for Norway; to the Committee on Foreign Relations.

EC-2333. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the transfer of defense articles, technical data, and defense services for the LITENING Advanced Targeting Pods in support of the Australian F/A-18 Program; to the Committee on Foreign Relations.

EC-2334. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles and services in the amount of $50,000,000 or more for the manufacture of selected components, and the assembly of the Korean Electro-Optical Tracing System for use by the Republic of Korea; to the Committee on Foreign Relations.

EC–2335. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Presidential Determination that suspends certain limitations contained in the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC-2336. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report summarizing the Department's activities during fiscal year 2006 under the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act of 1998; to the Committee on Foreign Relations.

EC-2337. A communication from the Chairman, Labor Member, and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Health, Education, Labor, and Pensions.

EC–2338. A communication from the Chairman, Labor Member, and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2007 Annual Report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-138. A joint resolution adopted by the General Assembly of the State of Colorado concerning the 2007 Farm Bill, and, in connection therewith, continuing support for the Federal food stamp program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 07-003

Whereas, the provisions of the federal "Farm Security and Rural Investment Act of 2002" (Farm Bill) that govern national food assistance programs are set to expire this year; and

Whereas, the Food Stamp Program (Program), our nation's first defense against hunger and a major component of the Farm Bill, bolsters the efforts of the national emergency food assistance system; and

Whereas, the Program is efficiently targeted to reach the urgent needs of people who have the most difficulty purchasing adequate food; and

Whereas, over 95% of benefits from the Program go to households with incomes below the poverty level, 80% of which benefits go to families with children, and nearly all of the remaining beneficiaries are elderly or disabled; and

Whereas, the error rates for overpayment and underpayment to beneficiaries under the Program have steadily declined for the last six years and are now at an all-time low; and

Whereas, the federal government fed some 26 million low-income people at a cost of $31 billion, nearly double the federal expenditure for welfare cash assistance programs; and

Whereas, $323 million in federal food stamp funds are currently received by Colorado, yet, if an additional 185,000 eligible individuals participated in the Program, as much as an additional $158 million from federal funds would flow into the state; and

Whereas, the United States Department of Agriculture estimates that, for every $5.00 in food stamp benefits, an additional $9.20 is generated in local economic activity; and

Whereas, the Program pays dividends for low-income consumers, food producers and manufacturers, grocery retailers, and communities; and

Whereas, as food stamp purchases made with Program benefits flow through grocery checkout lines, farmers' markets, and other outlets, those benefits generate almost double their value in economic activity, especially for many hard-pressed rural and urban communities desperately in need of business and job stimulus; and

Whereas, hunger has adverse consequences for all Coloradans, particularly for children and mothers; and

Whereas, too many people in our communities lack the resources to consistently put food on their tables for themselves and their families; and

Whereas, while the Program has substantially decreased malnutrition in our country and helps prevent the problem of hunger from becoming worse in our communities, the Program currently reaches only about one-half of eligible low-income working families; and

Whereas, food stamps outreach and nutrition education programs are useful tools in the fight against hunger, but these efforts need more resources in order to fully reach their potential; Now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein,

(1) That we, the Colorado General Assembly, support the passage of the 2007 Farm Bill;

(2) That we strongly urge Congress to place top priority on implementing a section of the Farm Bill on nutrition that would renew the provisions of, and improve upon, the Program; and

(3) That we further urge Congress: To improve the adequacy of benefits to help reduce hunger and ensure that everyone in the Program has the resources to assist them in purchasing and preparing a nutritionally adequate diet; to simplify the Program for clients and their caseworkers; and to continue to simplify and streamline the administrative aspects of the Program; and, be it further

Resolved, That copies of this Joint Memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Senator Tom Harkin, United States Representative Collin Peterson, the Colorado Anti-Hunger Network, and to each member of Colorado's Congressional delegation.

POM–139. A resolution adopted by the Legislature of the State of Arizona urging Congress to take action regarding space exploration; to the Committee on Commerce, Science, and Transportation.

SENATE MEMORIAL 1005

Whereas, the United States is a nation of explorers; and

Whereas, when Christopher Columbus made his voyages across the Atlantic in the fifteenth and sixteenth centuries his ships carried the inscription "Following the light of the sun, we left the Old World"; and

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope and economic stimulus, from New World pioneers and American frontiersmen to the Apollo program; and

Whereas just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous nineteenth century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; and

Whereas, the desire to explore is part of our character and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise economic contributions through new markets, commercial products, education, inspiration, leadership, increased security and a legacy for future generations; and

Whereas, Arizona has been a leader in the exploration since the dawn of the space age, accounting for hundreds of millions of dollars in direct contracts in the entire state; and

Whereas, our nation's new vision for space exploration charts a new, "building block" strategy to explore destinations across our solar system with robots and humans, allowing our nation to remain competitive in the new industry of space commerce.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States enact and fully fund the proposed vision for space exploration, as submitted to Congress in the fiscal year 2008 budget of the United States government, to enable the United States to remain a leader in the exploration and development of space.

2. That the Secretary of State transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Congress from the State of Arizona.

POM–140. A joint resolution adopted by the House of Representatives of the State of Maine urging Congress to raise the weight limit on Interstate 95; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

Whereas, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

Whereas, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate Highway System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–141. A joint resolution adopted by the Legislature of the State of Maine urging Congress to enact the Social Security Fairness Act of 2007; to the Committee on Finance.

JOINT RESOLUTION

Whereas, Social Security is a trust fund that is intended as a compact between generations, yet it has not always been treated in a manner similar to other trust funds; and

Whereas, Maine's educators, transportation workers, police, firefighters and other civil servants, as well as their spouses, have collectively contributed tens of billions of dollars to Social Security and should in good faith receive such benefits as have been projected to them annually in their personalized Social Security statements; and

Whereas, the federal "government pension offset provision" and the federal "windfall elimination provision," enacted, respectively, in 1977 and 1983, have effectively treated state government pensions as if they were a provenance of Social Security, which they are not, and have in this treatment appropriated hundreds of billions of dollars previously entrusted to Social Security by the civil servants of 15 states and by their spouses; and

Whereas, by unfairly taking these hundreds of billions of dollars from just 15 states, including Maine, these twin federal policies have adversely and disproportionately affected Maine's ability to attract and retain effective and qualified workers, as well as Maine's overall economy, its schools, its tax base and its taxpayers and other residents; and

Whereas, the State of Maine has worked hard, over generations, to attract, retain and provide for its state workers in their retirement and has scrupulously guarded and invested the funds entrusted to its retirement system, bringing those reserves to 100 times the value they had just 4 decades ago; and

Whereas, federal legislation has been introduced entitled the Social Security Fairness Act of 2007, proposing to repeal these unfair takings from Maine and from other states; and

Whereas, all Members of the Maine Congressional Delegation are cosponsors of this legislation, along with more than 200 other members of Congress as of mid-February; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress enact the Social Security Fairness Act of 2007; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United State, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 225. A resolution designating the month of August 2007 as "National Medicine Abuse Awareness Month".

S. Res. 230. A resolution designating the month of July 2007 as "National Teen Safe Driver Month".

S. Res. 235. A resolution designating July 1, 2007 as "National Boating Day".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. OBAMA, and Mr. BROWN):

S. 1672. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. BINGAMAN, Ms. CANTWELL, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. HARKIN, Ms. LANDRIEU, Mr. ROBERTS, Mr. DORGAN, Mr. ENZI, and Mr. PRYOR):

S. 1673. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 1674. A bill to amend the Food Security Act of 1985 to give preference to local communities in the application consideration process for the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself and Mr. MCCAIN):

S. 1675. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1676. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

By Mr. DODD (for himself, Mr. SHELBY, Mr. BAYH, Mr. BUNNING, Mr. CARPER, Mr. BROWN, Mr. CASEY, and Ms. STABENOW):

S. 1677. A bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. CONRAD, Mr. SMITH, Ms. MIKULSKI, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. OBAMA):

S. 1679. A bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; to the Committee on Rules and Administration.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. STEVENS):

S. 1681. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 248. A resolution honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 156

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 582

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 604

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 630

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 630, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 704

At the request of Mr. NELSON of Florida, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 704, a bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 773

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 813

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 813, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 838

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 969

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1026

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1028

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1028, a bill to require the Secretary of Energy to establish a strategic refinery reserve, and for other purposes.

S. 1215

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to extend and improve certain authorities of the Secretary of Veterans Affairs, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1282

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1409

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1409, a bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 1418

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1431

At the request of Mr. BROWN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1431, a bill to provide for a statewide early childhood education professional development and career system, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1482

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1482, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1514

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1588

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1592

At the request of Mr. BROWN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1606

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1649

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1649, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1658

At the request of Mr. GREGG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1658, a bill to amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

S. RES. 242

At the request of Mrs. MURRAY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 242, a resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls.

AMENDMENT NO. 1561

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1561 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1627

At the request of Mr. KOHL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 1627 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1694 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1695 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1704

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1704 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1731

At the request of Mr. SUNUNU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1731 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1733

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1733 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1771

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 1771 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1792

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Nebraska (Mr. HAGEL), the Senator from Idaho (Mr. CRAIG) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 1792 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1792 proposed to H.R. 6, supra.

AMENDMENT NO. 1793

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1793 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1794

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1794 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1795

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1795 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1799

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1799 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. BINGAMAN, Ms. CANTWELL, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. HARKIN, Ms. LANDRIEU, Mr. ROBERTS, Mr. DORGAN, Mr. ENZI, and Mr. PRYOR):

S. 1673. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am proud to introduce legislation with Senator MIKE CRAPO, House Ways and Means Chairman CHARLIE RANGEL, and Congresswoman JO ANN EMERSON to help open a promising market to American exports. That market is Cuba.

For too long, we have maintained ideologically driven restrictions that have undermined our export competitiveness in a market 90 miles away from us.

Just beyond our shoreline, our trading partners—especially Canada and China—are making multi billion-dollar investments in a Cuban economy that is growing at a rate of 7 to 12 percent per year. But the United States just stands by while these and other countries capitalize on opportunities in our own backyard.

Our economic policy toward Cuba simply is not working. This bill changes that.

The greatest opportunities exist in Cuba's agriculture sector. When Congress passed legislation allowing food and medicine sales to Cuba in 2000, some people said Cuba would never buy. Fidel Castro himself predicted that Cuba would buy "not one grain" from the United States.

But Mr. Castro was wrong. Agricultural sales happened. In 2004 alone, Cubans bought more than $375 million in American agricultural products. And, today, nearly every state in the union wants to get into the largest agriculture market in the Caribbean.

I have worked tirelessly to market Montana's high quality agriculture products, and it has paid off. In 2003, I inked a $10 million deal with Cuba. After we completed that deal, I went back to Havana and signed another deal—for $15 million. We have sent Montana wheat, beans and peas to Cuba, and that is just the beginning.

But it has not been easy. In 2005, the Treasury Department issued a rule to undermine the will of Congress. In landmark legislation, Congress in 2000 facilitated agriculture exports to Cuba by authorizing the use of cash basis sales. But the Treasury rule made such transactions impossible. Instead, sellers had to resort to foreign letters of credit, which are time-consuming, complicated, and expensive, especially for smaller exporters.

The Treasury rule stunted what had been meteoric growth in American agriculture exports to Cuba. This rule flies in the face of the law, and it will not stand.

Today's bill overturns the Treasury rule. It clarifies that not only do we intend to let these cash basis sales go forward, we mean to expand and promote them. This bill also ensures that exporters and commodity groups looking to get into the Cuban market get help from the Department of Agriculture. And it would require our Agriculture Department to promote American agricultural exports for Cuba.

Increased agriculture sales will allow Cubans to become familiar with more and more American branded food products. But a little-known provision of U.S. law—known as section 211—invites Cuba to withhold trademark protection from these and other American food exports. Today's bill also addresses that problem.

Section 211 bars U.S. courts from hearing claims of foreign nationals to trademarks similar to or associated with expropriated properties. It also forbids the United States from allowing foreign nationals to register or renew such trademark rights. In other words, it denies trademark protection to Cuban assets. If we are not going to recognize Cuban brands, why should Cuba, in the future, recognize American brands?

The World Trade Organization has already struck down section 211 as inconsistent with U.S. international trade obligations. It is time for this Congress to do the same. My bill repeals this wrong-headed and WTO-inconsistent provision. It ensures the continued security of thousands of American-owned trademarks already registered in Cuba.

I am a big proponent of getting American food products into Cuba. But I also fundamentally believe that we should never use food and medicine as a weapon against a people, no matter what we think of their government.

Many of my colleagues agree with me on this. This is why Congress, in the 1992 Cuban Democracy Act, authorized medicine and medical supplies sales to Cuba. But, at that time, we didn't get it quite right. We passed a law with good intent but loaded it up with so many restrictions that we have made medical sales to Cuba more difficult than medical sales to Iran or North Korea.

My bill will correct this lopsided and inhumane policy. It will allow Cubans access to our medicines and medical products—which are the best money can buy—on the same terms that we offer to other regimes. There is no sound reason to deny our products to our Cuban neighbors but allow such sales to Iran and North Korea.

I have taken Montana farmers and ranchers to Cuba to explore export opportunities. But such opportunities are rare because our government, with limited exceptions, does not permit travel to Cuba. And those exceptions are so riddled with red tape as to discourage applicants from making use of them.

Many Americans are ready and willing to travel to Cuba, and not just to make agriculture sales. Religious organizations have deep roots on the island—since before the Castro government. They are a lifeline, bringing hope, help, and brotherhood to their counterparts in Cuba. American academics and professionals engage in thoughtful exchanges of research and ideas. American students visit with Cuban students, and they learn lessons a teacher cannot imbue.

Nearly everyone in Cuba has a dear friend or relative living in the United States. Tens of thousands of Cubans who found their way to America save their hard earned dollars on frequent trips home, their bags packed with medicine, vitamins, and clothing.

Rather than encourage these meaningful contacts between Cubans and Americans, our government stifles our interaction. Rather than unite the Cuban family, our government seeks to divide it further.

Americans do not benefit from this policy. The Cuban people do not benefit from this policy. Only those who seek to keep Americans and Cubans apart benefit from our misguided policy of isolation.

It is time to reach out to the Cuban people. It is time to restore Americans' fundamental right to travel anywhere they want. It is time to lift the travel ban.

I am proud of our bill. It spells out the right policy during this fundamental transition in Cuba. It helps farmers and ranchers in Montana and elsewhere seek opportunities in a nearby market. And it affords our citizens the opportunity to spread American generosity, assistance, and values to Cuba.

I look forward to working with Senator CRAPO, Chairman RANGEL, Congresswoman EMERSON, and others to put our trade relationship with Cuba on the right path.

By Mr. DODD (for himself, Mr. SHELBY, Mr. BAYH, Mr. BUNNING, Mr. CARPER, Mr. BROWN, Mr. CASEY, and Ms. STABENOW):

S. 1677. A bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce the Currency Reform and Financial Markets Access Act of 2007 on behalf of myself, Senator SHELBY, Senator BAYH, Senator CARPER, Senator BROWN, and Senator CASEY.

Nearly two decades ago, the Senate Banking Committee enacted legislation which required the Treasury Department to identify countries that manipulate their currency for purposes of gaining an unfair competitive trade advantage and to take prompt action to eliminate the unfair trade advantage when manipulation is found.

One of the very first actions that I undertook as chairman-elect of the Senate Banking Committee in December 2006 was to write a letter with then-Chairman Shelby to the Treasury Secretary about the report required under this legislation, the International Economic and Exchange Rate Policy Report and the inaugural U.S.-China strategic economic dialogue, SED. In that letter, we expressed our concern that the Treasury Department had not cited China, and potentially other nations, as currency manipulators.

At one of the very first hearings I held as chairman, in January 2007, Treasury Secretary Paulson provided his first congressional testimony since his confirmation, on the SED and the exchange rate report. At that hearing, Secretary Paulson testified that China did not meet the technical requirement for designation as a currency manipulator and that the SED is the "best chance to get some progress [on the currency issue]."

Senator SHELBY and I wrote to Secretary Paulson in advance of the most recent exchange rate report and the May SED urging him to consider steps beyond dialogue to eliminate the unfair trade advantage resulting from China's ongoing currency manipulation and discriminatory market access practices. But instead of taking action, the Treasury Department once again chose not to cite China as a currency manipulator in its latest report to the Senate Banking Committee, despite acknowledging "heavy foreign exchange market intervention by China's central bank to manage the currency tightly."

Secretary Paulson's efforts to engage the Chinese through dialogue are commendable, but after two meetings of the strategic economic dialogue, numerous congressional hearings, and the shortcomings of the most recent exchange rate reports, it is clear that dialogue alone is not enough to make progress and legislative action is needed.

Therefore, Senator SHELBY and I are today introducing the Currency Reform and Financial Markets Access Act of 2007 which will provide the Treasury Department and Congress new, tough authority to recognize and remedy currency manipulation without ambiguity or delay.

Under current law, Treasury claims that no countries meet the technical finding of intent to manipulate their currencies. Treasury reiterated this point in its most recent exchange rate report, stating:

> The Department of the Treasury concluded that, although the Chinese currency is undervalued, China did not meet the technical requirements for designation under the terms of Section 3004 of the Act during the period under consideration. Treasury was unable to determine that China's exchange rate policy was carried out for the purpose of preventing effective balance of payments adjustment or gaining unfair competitive advantage in international trade.

The Currency Reform and Financial Markets Access Act of 2007 requires a Treasury designation of currency manipulation based on objective data, and without regard to subjective factors such as purpose or intent, removing a technicality that the Treasury Department has been using to defend its inaction.

Once currency manipulation is found, the bill requires the Treasury Department to submit a detailed plan of action to the Congress within 30 days of such finding. The plan of action sets specific timeframes and benchmarks, with the goal of remedying the manipulation. The bill also requires the Treasury to initiate both bilateral and multilateral negotiations, including immediate IMF consultations and to use the Treasury's voice and vote at the IMF to address the manipulation.

Our bill also provides new authority for the Treasury to file a WTO article XV case to remedy currency manipulation if the goals and benchmarks for progress are not met within 9 months of designation.

If the Treasury continues to avoid designating countries as currency manipulators, our bill creates a new process by which Congress, led by either the Senate Banking or House Financial Services Committee, can originate a joint resolution of disapproval of the Treasury's inaction and provides for an expedited process for such a motion through the floors of both Chambers.

Finally, the Currency Reform and Financial Markets Access Act of 2007 promotes market access for U.S. financial services firms to level the playing field for American businesses and to help develop the financial sector reform needed to support a freely floating currency in China. It also requires the Treasury Department to report on the progress of the SED, as well as on opening foreign markets to American financial services firms. It is time for American firms to be afforded the same open and fair treatment abroad that our country provides to foreign firms in the United States.

I am confident that in a free and fair environment American business and entrepreneurship will flourish. Our bill will require Treasury to assume its responsibility as a referee and will fight to level this playing field by identifying and addressing unfair practices and market access barriers.

During the SED events in Beijing, Federal Reserve Chairman Bernanke talked about the market distortions that result from "an effective subsidy that an undervalued currency provides for Chinese firms that focus on exporting." I agree with Chairman Bernanke that undervalued currency is an export subsidy causing market disruptions and fully dealing with such subsidies can involve some trade remedies that are not within the Banking Committee's jurisdiction and hence not within the scope of this bill. But, remedying countervailable export subsidies is a policy that could be fully appropriate and supported by myself and my colleagues through other legislative proposals.

I ask unanimous consent that the text of the bill, a one page summary of the bill, and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Currency Reform and Financial Markets Access Act of 2007".

TITLE I—EXCHANGE RATES AND INTERNATIONAL ECONOMIC POLICY COORDINATION ACT OF 1988

SEC. 101. STATEMENT OF POLICY.

Section 3003 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5303) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the United States, and other major industrialized countries, should, where appropriate, work together, through bilateral and multilateral discussions and international economic institutions, to ensure that the rate of exchange of the currencies of the major trading nations and the United States dollar—

"(A) reflect economic fundamentals and market forces; and

"(B) contribute to the growth and balance of the international economy; and

"(6) the United States should take all appropriate and necessary measures to ensure that the major trading partners of the United States are not engaged in hidden or unfair subsidies through management of their currency or international exchange rates.".

SEC. 102. FAIR CURRENCY.

(a) IN GENERAL.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended to read as follows:

"(b) BILATERAL NEGOTIATIONS.—

"(1) ANALYSIS.—The Secretary of the Treasury shall analyze on an annual basis the exchange rate policies of foreign countries, in consultation with the International Monetary Fund, and consider whether any country, regardless of intent, manipulates the rate of exchange between its currency and the United States dollar in a manner that—

"(A) prevents effective balance of payments adjustments;

"(B) gains an unfair competitive advantage in international trade; or

"(C) results in an accumulation of substantial dollar currency reserves.

"(2) DETERMINATION.—The Secretary shall make an affirmative determination that a country is manipulating its currency and take the action described in paragraphs (3), (4), and (5) with respect to any country the Secretary considers is manipulating its currency as described in paragraph (1), if that country—

"(A) has a material global current account surplus; and

"(B) has significant bilateral trade surpluses with the United States; and

"(C) has engaged in prolonged one-way intervention in the currency markets.

"(3) ACTION.—

"(A) IN GENERAL.—In the case of any country with respect to which the Secretary makes an affirmative determination under paragraph (2), the Secretary shall, not later than 30 days after the determination is made, establish a plan of action to remedy the currency manipulation, and submit a report regarding that plan, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

"(B) BENCHMARKS.—The report described in subparagraph (A) shall include specific benchmarks and timeframes for correcting the currency manipulation.

"(4) INITIAL NEGOTIATIONS.—The Secretary shall initiate, on an expedited basis, bilateral negotiations with each country with respect to which an affirmative determination is made under paragraph (2) for the purpose of ensuring that the country regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payment adjustments and to eliminate the unfair competitive advantage.

"(5) COORDINATION WITH THE INTERNATIONAL MONETARY FUND.—The Secretary, within 30 days of the determination made under paragraph (2), shall instruct the Executive Director to the International Monetary Fund to use the voice and vote of the United States, including requesting consultations under Article IV of the Articles of Agreement of the International Monetary Fund, for the purpose of ensuring that each country with respect to which an affirmative determination is made under paragraph (2) regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payments adjustments and to eliminate the unfair competitive advantage in trade.

"(6) FOLLOW-UP REPORT.—Not later than 300 days after an affirmative determination is made under paragraph (2), if the country with respect to which the affirmative determination is made continues to manipulate the rate of exchange between its currency and the United States dollar and the benchmarks in the report required under paragraph (3) have not been met, the Secretary shall initiate action pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes annexed to the WTO Agreement to address the country's currency manipulation and violations of the country's obligations under article XV of GATT 1994.

"(7) EXCEPTION.—The Secretary is not required to initiate action in any case in which the President determines that the action will have a serious detrimental impact on the vital economic and security interests of the United States. If the President makes a determination under the preceding sentence, the President shall inform the chairman and the ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives of the President's determination.".

(b) DEFINITIONS.—Section 3006 of the Exchange Rates and International Economic Coordination Act of 1988 (22 U.S.C. 5306) is amended by adding at the end the following:

"(3) GATT 1994.—The term 'GATT 1994' has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)).

"(4) WTO AGREEMENT.—The term 'WTO Agreement' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.".

SEC. 103. REPORTING REQUIREMENTS.

Section 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305) is amended—

(1) in subsection (a)—

(A) by striking "In furtherance" and inserting the following:

"(1) IN GENERAL.—In furtherance"; and

(B) by striking the last sentence; and

(2) by adding at the end the following:

"(2) APPEARANCES BEFORE THE CONGRESS.—The Secretary shall appear before the Congress at semi-annual hearings to provide testimony on the reports referred to in paragraph (1)—

"(A) before the Committee on Banking, Housing and Urban Affairs of the Senate on or about October 15 of each even numbered calendar year and on or about April 15 of each odd numbered calendar year;

"(B) before the Committee on Financial Services of the House of Representatives on or about April 15 of each even numbered calendar year and on or about October 15 of each odd numbered calendar year;

"(C) before either Committee referred to in subparagraph (A) or (B), upon request of the Chairman, following the scheduled appearance of the Secretary before the other Committee.".

SEC. 104. CONGRESSIONAL DETERMINATION OF CURRENCY MANIPULATION.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is amended by inserting after section 3004 the following:

"SEC. 3004A. ACTION BASED ON COMMITTEE RESOLUTION.

"(a) IN GENERAL.—In this section, the term '*joint resolution*' means only a joint resolution introduced in the period beginning on the date on which the report referred to section 3004(b)(3) of the Exchange Rates and International Economic Policy Coordination Act of 1988 is received by the Committee on Banking, Housing and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than

3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves of the determination of the Secretary of the Treasury relating to the finding of currency manipulation as described in section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 in the report relating to ______________, submitted on ______________.', with the first blank space being filled with the name of the country (or countries) to which the determination relates and the second blank space being filled with the date the report was submitted.

"(b) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

"(1) ORIGINAL RESOLUTIONS.—Resolutions of disapproval shall be original resolutions, which—

"(A) in the House of Representatives shall originate from the Committee on Financial Services and, in addition, be referred to the Committee on Rules; and

"(B) in the Senate shall originate from the Committee on Banking, Housing, and Urban Affair.

"(2) FLOOR CONSIDERATION.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the provisions of subsections (d) through (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(d) through (f)) (relating to floor consideration of certain resolutions in the House and Senate) apply to a joint resolution of disapproval under this section to the same extent as such subsections apply to joint resolutions under such section 152.

"(B) MODIFICATION OF SECTION 152.—Section 152(f) of the Trade Act of 1974 shall be applied—

"(i) by substituting 'described in section 3004A of the Exchange Rates and International Economic Policy Coordination Act of 1988' for 'described in section 152 or 153(a), whichever is applicable,' in paragraph (2); and

"(ii) by substituting 'a joint resolution described in section 3004A of the Exchange Rates and International Economic Policy Coordination Act of 1988' for 'a joint resolution described in subsection (a)(2)(B)' in paragraph (3).

"(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

"(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.".

TITLE II—FINANCIAL REPORTS ACT OF 1988

SEC. 201. SHORT TITLE.

This title may be cited as the "Promoting Market Access for Financial Services Act".

SEC. 202. REPORT ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.

The Financial Reports Act of 1988 (22 U.S.C. 5351 et seq.) is amended—

(1) in section 3602—

(A) by striking "QUADRENNIAL" and inserting "ANNUAL" in the heading; and

(B) by striking "not less frequently than every 4 years, beginning December 1, 1990" and inserting "beginning July 1, 2008, and annually thereafter.";

(C) by striking "to the Congress" and inserting "to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives";

(2) in section 3603—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a), the following:

"(b) REPORT ON SED.—The Secretary shall include in the initial report required under section 3602 a summary of the results of the most recent US-China Strategic Economic Dialogue (SED) and the results of the SED as it relates to promoting market access for financial institutions. The reports required under section 3602 shall include a progress report on the implementation of any agreements resulting from the SED, a description of the remaining challenges, if any, in improving market access for financial institutions, and a plan, including benchmarks and timeframes, for dealing with the remaining challenges. Each report shall specifically address issues regarding—

"(1) foreign investment rules;

"(2) the problems of a dual-share stock market;

"(3) the openness of the derivatives market;

"(4) restrictions on foreign bank branching;

"(5) the ability to offer insurance (including innovative products); and

"(6) regulatory and procedural transparency.".

THE CURRENCY REFORM AND FINANCIAL MARKETS ACCESS ACT OF 2007—
JUNE 12, 2007

The Dodd-Shelby legislation would take significant new action to recognize and remedy currency manipulation by China and other countries, which has been harming the American economy, hurting our manufacturing base and driving record U.S. trade deficits. The bill also promotes Treasury's role in enhancing the competitiveness of U.S. financial services firms.

Strengthens Treasury's ability to find currency manipulation: Strengthens the definition of currency manipulation to identify countries that have both a material global current account surplus and a significant bilateral trade surplus with the United States as currency manipulators, without regard to intent.

Requires Treasury to address and remedy currency manipulation: Requires the Treasury Department to submit a detailed plan of action to the Congress within 30 days of a finding by Treasury of manipulation. The plan of action shall set specific timeframes and benchmarks, with the goal of remedying the manipulation; Requires Treasury to engage in bilateral and multilateral negotiations with countries that manipulate their currency. The Treasury must immediately seek IMF consultations when manipulation is found and requires Treasury to use its voice and vote at the IMF to that end; Provides Treasury the authority to file a WTO Article XV case to remedy currency manipulation if the goals and benchmarks are not met within 9 months.

Authorizes a Congressional disapproval process: Creates a process by which Congress, led by either the Senate Banking or House Financial Services Committee, can originate a joint resolution of disapproval when Treasury fails to cite manipulation. Provides for an expedited process for such a motion through the floors of both chambers.

Promotes market access for U.S. financial services firms: Requires Treasury to annually monitor and report to the Senate Banking Committee and the House Financial Services Committee on market access barriers for U.S. financial services firms, to identify challenges, and to develop plans to address those barriers; Requires the Treasury's initial report to include the status of the US-China Strategic Economic Dialogue (SED) as it relates to financial services firms. This would become the only congressionally required report on the progress of the SED.

THE FINANCIAL SERVICES FORUM,
June 21, 2007.

Hon. CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN DODD: We are writing to applaud the focus you have given to market access in Title II of the Currency Reform and Markets Access Act of 2007. We commend your bipartisan effort to introduce legislation that recognizes the importance of further access for U.S. financial services firms to China's markets.

The Forum is encouraged by the Senators' interest in the U.S.-China Strategic Economic Dialogue and efforts to remove market access barriers for U.S. financial services firms.

A more open, modern, and effective financial sector in China is a prerequisite to successfully addressing issues that have complicated the U.S.-China economic relationship such as currency reform and the trade imbalance.

The fastest way for China to develop the modern financial system it needs to achieve more sustainable economic growth, allow for a more flexible currency, and increase consumer consumption—thereby opening new markets for U.S. products and services—is to import it by opening its financial sector to greater participation by foreign financial services firms.

We look forward to working with all of Congress in continuing to draw focus and attention to this key issue for economic reform and financial modernization in China and other emerging markets.

Sincerely,

DONALD L. EVANS.

CHINA CURRENCY COALITION.
Washington, DC., June 21, 2007.

CHINA CURRENCY COALITION WELCOMES INTRODUCTION OF DODD-SHELBY BILL AS A HELPFUL STEP TO ADDRESS CURRENCY MANIPULATION

(WASHINGTON, DC).—The China Currency Coalition ("CCC"), an alliance of industry, agriculture, and worker organizations whose mission is to support U.S. manufacturing, voiced its support of the Dodd-Shelby bill introduced today as a positive development in on-going efforts needed by the United States and the international community to rein in dangerous trade imbalances attributable to currency manipulation.

"Enactment of the Dodd-Shelby bill would be a key step forward in addressing the China currency issue," said David A. Hartquist, counsel to the CCC. "The Treasury Department and the International Monetary Fund should make every effort to discourage and correct protracted undervaluation of countries' currencies as a monetary problem," he continued, "and the Dodd-Shelby bill is a significant help in this regard. We appreciate that Chairman Dodd recognizes that additional legislation may be appropriate to address countervailable subsidies resulting from China's currency manipulation."

"At the same time," noted Hartquist, "when a currency is seriously undervalued for a protracted period of time, as China's has been since 1994, there are very damaging effects on trade. It is vitally important that the hybrid nature of this sort of exchange-rate misalignment is acknowledged so that both the negative monetary and trade aspects of such behavior by a country are addressed. That is why the CCC continues to urge passage of the Bunning-Stabenow-Bayh-Snowe bill, S. 796, and its counterpart in the House, the Ryan-Hunter bill, H.R. 782. These bills recognize that undervalued exchange-rate misalignment by China or any other country is countervailable prohibited export subsidy under U.S. and international law. The CCC is very grateful to Senators Bayh, Bunning, and Stabenow and to Congressmen Ryan and Hunter for their leadership on this important issue."

The China Currency Coalition's co-chairs are AFL-CIO Secretary-Treasurer Richard L. Trumka and Doug Bartlett, Chairman of Bartlett Manufacturing Company, Inc., in Cary, Illinois, and also Chairman of the United States Business & Industry Council. David A. Hartquist is a senior partner at the Washington, D.C. office of Kelley Drye Collier Shannon where he heads the international trade practice.

For more information on the China Currency Coalition, visit www.chinacurrencycoalition.org.

By Ms. COLLINS (for herself, Mr. CONRAD, Mr. SMITH, Ms. MIKULSKI, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself, Senator CONRAD, Senator SMITH, Senator MIKULSKI, and Senator INOUYE, to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare Program.

Nurse practitioners, physician assistants, certified nurse midwives, and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small rural town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a 2-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America.

I urge my colleagues to sign onto this legislation as cosponsors. I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN NURSES ASSOCIATION,
June 6, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. GORDON SMITH,
U.S. Senate, Washington, DC.

DEAR SENATORS COLLINS AND SMITH: I am writing on behalf of the American Nurses Association, ANA, to express support for the Home Health Care Planning Improvement Act of 2007. ANA is the only full- service national association representing registered nurses, RNs. Through our 54 state and territorial nursing associations, we represent RNs across the nation in all practice settings.

ANA applauds your efforts to improve access to home health services. Advanced practice registered nurses, APRNs, are playing an increasing role in American health care delivery. Nurse practitioners, clinical nurse specialists, and certified nurse midwives can practice independent of physicians in most states. Many studies have shown that APRNs provide cost-effective, high quality care. In addition, they are often willing to provide services in areas where access to physicians is limited.

Medicare has recognized the independent practice of APRNs for nearly two decades, and these health care professionals now provide the majority of skilled care to home health patients. Unfortunately, a quirk in Medicare law has kept APRNs from signing home health plans of care and from certifying Medicare patients for the home health benefit. In areas where access to physicians is limited, this outdated prohibition has lead to delays in health care delivery. These delays in care inconvenience patients and their families. In addition, delays can also result in increased cost to the Medicare system when patients are unnecessarily left in more expensive institutional settings.

The Home Health Care Planning Improvement Act of 2007 would address these problems by specifically allowing nurse practitioners, clinical nurse specialists, and certified nurse midwives to certify home health services. ANA looks forward to working with you to support the enactment of this important legislation.

Sincerely,

ROSE GONZALEZ,
MPS, RN Director,
Government Affairs.

AMERICAN COLLEGE OF
NURSE-MIDWIVES,
Silver Spring, MD, June 14, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the certified nurse-midwife, CNM, and certified midwife, CM, members of the American College of Nurse-Midwives, ACNM, I am writing to express strong support for the legislation you plan to introduce this week to ensure appropriate and timely access to necessary home health services for women that might be in the care of a certified nurse-midwife or other primary care provider.

As you know, currently Medicare only allows a physician to order home health services for Medicare beneficiaries. ACNM believes this is an antiquated requirement that fails to recognize the role advanced practice nurses, including certified nurse-midwives, play in the delivery of high quality, primary care services. Your legislation would ensure that a patient under the care of a certified nurse-midwife can receive necessary home health services in a timely manner. This is particularly important for those women with disabilities who are covered by the Medicare program and are of childbearing age. It is also important for senior women who might be under the care of a certified nurse-midwife for primary care services.

Thank you again for your leadership on this important matter. ACNM looks forward to working with you to see this legislation's passage during the 110th Congress. For further information on this matter, please contact Mr. Patrick Cooney, ACNM's Federal Representative, at (202) 347–0034.

Sincerely,

EUNICE K.M. ERNST,
CNM, MPH, DSn(Hon), FACNM, President.

NATIONAL ASSOCIATION FOR
HOME CARE & HOSPICE,
Washington, DC, June 6, 2007.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association for Home Care & Hospice, NAHC, I am writing to offer our appreciation and support for the Home Health Care Planning Improvement Act of 2007 that would allow nurse practitioners, NPs, clinical nurse specialists, CNSs, certified nurse midwives, CNMs, and physicians' assistants, PAs, to sign Medicare home health plans of care. We commend you for this much needed legislation that will help ensure timely access to home health services while reducing Medicare expenditures on more costly institutional care.

NPs, CNSs, CNMs, and PAs are playing an increasing role in the delivery of our nation's health care, especially in rural and underserved areas, and are providing necessary medical services to Medicare beneficiaries. They are often more familiar with particular cases than the attending physician. In addition, they are sometimes more readily available than physicians to expedite the processing of necessary paperwork, ensuring that home health agencies will be reimbursed in a timely manner and that care to the beneficiary will not be interrupted. Studies have shown that the expanded use of these professionals can result in dramatic decreases in expensive hospitalizations and nursing home stays.

We appreciate the outstanding leadership you have shown in helping make home and community-based services more readily available to our nation's elderly population and those with disabilities.

With our highest regards,

VAL J. HALAMANDARIS,
President.

AMERICAN ACADEMY,
OF NURSE PRACTITIONERS,
Washington, DC, June 7, 2007.

Senator SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: I am writing in behalf of the American Academy of Nurse Practitioners to endorse the introduction of the Home Health Improvement Act of 2007. This bill will authorize nurse practitioners to order home health services for patients for whose care they are responsible.

As you know, nurse practitioners have been authorized Part B Medicare providers since 1998. Under the provisions of this law, nurse practitioners render, order and refer for services under their own PIN and UPIN numbers. They may order physical therapy, occupational therapy, bill as consultant and consultees when providing services through telemedicine and order and bill for performing and interpreting diagnostic tests within their scope of practice. Despite their ability to provide and bill for services in all of these areas, they are still unable to refer patients for home health care.

Nurse practitioners have been demonstrated to provide safe and responsible care to the patients they serve. They have expert knowledge that allows them to provide high level assessments of patient needs and recognize when additional care, such as home health care is needed or not needed by their patients. Given their proven track record in the care of the elderly, it is not logical that nurse practitioners are authorized to be Part B providers, but are unable to order home health care and hospice care for their patients.

Currently nurse practitioners with patients needing home health care services must locate a physician who will see the patient and write the orders for this care. Not only is the patient's well being jeopardized by the delays that are incurred by this requirement, but added cost is incurred by the Medicare program through extra visits to providers with higher reimbursement rates than nurse practitioners. Passage of this bill will increase the quality and timeliness of care to patients who need home health nursing services.

Sincerely,

JAN TOWERS,
PhD, NP-C, CRNP, FAANP,
Director of Health Policy.

AMERICAN COLLEGE,
OF NURSE PRACTITIONERS,
June 7, 2007.

Hon. SUSAN COLLINS,
United States Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American College of Nurse Practitioners (ACNP), a national, non-profit membership organization whose mission is to ensure a solid policy and regulatory foundation that enables Nurse Practitioners to continue providing accessible, high quality healthcare to the nation—I am writing to express our appreciation to you for introducing the Home Health Care Planning Improvement Act of 2007.

The Home Health Care Planning Improvement Act importantly will amend the Social Security Act by broadening access to home health services for Medicare beneficiaries. A patient's Nurse Practitioner, physicians' assistant, or certified nurse midwife will now have the right to make changes to their home health care plan. Your critical legislation will safeguard the patient's continuity of care by preventing interruptions due to delays in paperwork from an oftentimes offsite physician who may never have even seen the patient.

The bill also recognizes the professional training and qualifications of Nurse Practitioners and ensures quality patient care, especially in rural and underserved areas where Nurse Practitioners are often more familiar with particular cases than the attending physician. ACNP thanks you for your ongoing support of the Nurse Practitioner community. Please know that ACNP stands ready to work with you and your staff to ensure Medicare beneficiaries have access to the highest quality care. If we can be of any assistance, please feel free to contact our Health Policy Advisor, Jodie Curtis (Jodie.Curtis@dbr.com) or our Chief Executive Officer, Carolyn Hutcherson (Carolyn@acnpweb.org).

Sincerely,

SUSAN APOLD, *PhD, ANP,*
President.

AMERICAN ACADEMY
OF PHYSICIAN ASSISTANTS,
Alexandria, VA, June 6, 2007.

Hon. SUSAN M. COLLINS,
United States Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the more than 60,000 clinically practicing physician assistants (PAs) in the United States represented by the American Academy of Physician Assistants (AAPA), I thank you for introducing the Home Health Care Planning Improvement Act of 2007. The AAPA strongly supports this important piece of legislation, and looks forward to working with you to secure its passage during the 110th Congress.

In 2006, nearly 231 million patient visits were made to physician assistants (PAs) and over 286 million prescriptions were written by PAs. PAs have a longstanding history of providing care in medically underserved communities, and have been credited with improving access to quality and cost-effective health care for many among the nation's most vulnerable patient populations.

Although the 1997 Balanced Budget Act extended Medicare coverage of medical services provided by PAs, as allowed by state law, PAs are not able to order home health care for Medicare beneficiaries. At best, PAs and their supervising physicians are forced to go through unnecessary extra steps to ensure that all home health orders are signed by the physician before the care is provided. At worst, Medicare beneficiaries experience needless delays in receiving home health care because a physician is not available onsite to sign the form.

The inability of PAs to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved communities where a PA may be the only health care professional available. For example,

Needed home health care was delayed by over a week for a Medicare patient in Nevada, because the PA's supervising physician was located 60 miles away. The PA, who holds a full-time job in another part of the state, is the only health care professional for the patient's small rural town, providing care two weekends a month;

critical access hospitals in Nevada and other states are having difficulty with discharge planning. By law, critical access hospitals must have a PA or nurse practitioner on site fifty percent of the time. However, Medicare will not accept home health orders that have been signed by a PA;

PAs in orthopedic practice regularly work after-hours and on weekends. However, necessary home health care must be delayed for Medicare beneficiaries until a physician is available to sign the order.

The Home Health Care Planning Improvement Act of 2007 increases Medicare beneficiaries' access to needed care by allowing PAs to order home health care. The AAPA is pleased to endorse the Home Health Care Planning Improvement Act of 2007.

Sincerely yours,

MARY P. ETTARI, *MPH, PA-C,*
President.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Izembek and Alaska Peninsula Wildlife Refuge and Wilderness Enhancement Act authorizes a land exchange among the U.S. Department of the Interior, the State of Alaska, and the people of King Cove. King Cove is an Alaska Native village and many of its present day residents descend from the indigenous Aleut people who have lived and thrived in this isolated area of the Alaska Peninsula for over 4,000 years.

This bill provides the land for a road on which to travel to the nearest all-weather airport which is located in Cold Bay. The people of King Cove do not have a road to their airport today because a National Wildlife Refuge wilderness sits between their village and Cold Bay.

World War II prompted the construction of a major air facility at Cold Bay, which is about 25 miles north of King Cove. Today, the Cold Bay Airport with a 10,000 foot main runway and a 6,500 foot crosswind runway is one of the largest airport facilities in Alaska and is accessible 365 days a year. However, the problem for King Cove residents has always been their inability to get to the airport on a predictable basis due to constant, ever changing weather conditions, combined with King Cove's topographic constraints.

These topographic constraints are directly related to the location of King Cove's small gravel airstrip nestled between 3,000 foot volcanic peaks. To access the airstrip in King Cove, pilots must navigate a narrow opening in the mountains.

Over the past 30 years, efforts by King Cove residents attempting to reach the Cold Bay Airport have resulted in numerous small plane crashes, some fatal. Neither King Cove nor Cold Bay have the sort of hospital facilities that are found in Anchorage. When King Cove people have a serious medical condition, they need to be "medevaced" to Anchorage from Cold Bay. That assumes that they can reach the airport at Cold Bay.

This legislation accomplishes the goal of providing the King Cove people with a road to the airport. It accomplishes this goal in a way that provides a net gain, rather than a net loss, to wilderness. The exchange provided for in this bill will add 61,723 acres to the Izembek and Alaska Peninsula National Wildlife Refuges. It adds 45,456 acres of wilderness, the first new wilderness areas designated by the Congress in Alaska in a generation. Not since the passage of the Alaska National Interest Lands Conservation Act, ANILCA, has new wilderness been designated in Alaska.

More importantly, this bill will add key areas of wildlife habitat to these two world-class wildlife refuges. Habitat for some of the largest and wildest brown bears in the world will transfer from private to public ownership. Other areas include key habitat for internationally valued waterfowl such as stellar eiders and brants.

I am sad to say that this is not a new issue for this body. The people of King Cove have been seeking justice in the form of a simple road to Cold Bay for decades. Congress attempted to make things right for the people of King Cove about a decade ago and came up with an imperfect solution.

This imperfect solution involved the construction of a 17-mile road from King Cove to a point near the border of the Izembek Refuge wilderness and a very expensive hovercraft to ferry King Cove residents across the rough waters of Cold Bay. The community has concluded that it cannot afford the cost of the hovercraft solution.

This bill will finish the job started by the Congress a few years ago. This bill provides a wonderful combination of wilderness additions in return for a small road corridor within the Izembek Wildlife Refuge to permit the current 17-mile road to be completed all the way to Cold Bay. This is the fairest and most logical process by which the King Cove residents and the nation can all benefit.

I want to commend the parties who have worked on this bill. The State of Alaska, has brought nearly 43,000 acres to this exchange. Without this land, the exchange would not be possible. The King Cove Native Corporation, which is a Village Corporation created by the Alaska Native Claim Settlement Act, ANCSA, is donating approximately 2,500 acres of high value wetland habitat in Kinzaroff Lagoon. This lagoon is part of the Izembek National Wildlife Refuge and will be designated as wilderness, so that the mouth of this lagoon will be in public ownership. The corporation is also offering another 10,500 acres, which will be made part of the Alaska Peninsula Wildlife Refuge while relinquishing another 5,400 acres of their ANCSA land in the Refuge.

The only land, which will leave Federal ownership in the area, is approximately 206 acres for a narrow road to connect the existing road from King Cove to the Cold Bay Airport. The route and alignment of the road, within the corridor established by the bill, will be determined through an inclusive, cooperative planning process.

It has been suggested by some that we should not reopen this issue—it has always been so controversial. People who fought this battle before, and still have the scars to prove it, were told that putting a road in a national wildlife refuge creates a bad precedent. I have been warned that every environmental group in the Nation will line up against me if I pursue the exchange.

That may be true but this is how I see it. In the 25 years that have passed since the Alaska National Interest Lands Conservation Act, ANILCA, became law, I think most Alaskans have come to appreciate the value of setting aside land in Alaska for preservation. That appreciation took time. Many Alaskans, as you know, resisted ANILCA.

In return, it is appropriate for Alaskans to expect the conservation system units to be good neighbors to the aboriginal communities that they border. That hasn't always been the case. The Aleut people of King Cove inhabited their lands long before there was an Izembek National Wildlife Refuge. The King Cove people steadfastly maintain that they were not consulted before the decision was made to make the land that stands between their community and the airport a wilderness. It is their contention that thousands of others across the United States, Canada, and Europe were invited by the Federal Govermment to make their views known in this process, yet they were denied a voice in this most crucial decision affecting their native homeland.

To me the King Cove road isn't just a matter of transportation. It is a matter of respect for Native people. That is why I am willing to take up this cause on behalf of the Native people of King Cove. I ask my colleagues to join with me and with the Aleut people of King Cove to make their dream of a road to the airport, something that those in the Lower 48 take for granted, a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Izembek and Alaska Peninsula Refuge and Wilderness Enhancement Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) King Cove, Alaska, is—

(A) located 625 air miles from Anchorage, Alaska, on the south side of the Alaska Peninsula, on a sand spit fronting Deer Passage and Deer Island;

(B) accessible only by air and water; and

(C) 1 of the most geographically isolated areas of the State of Alaska;

(2) constant adverse weather and limiting physical topography make traveling in and out of King Cove directly by air dangerous and impractical much of the time;

(3) King Cove is the homeland of Aleut people who—

(A) are federally recognized as indigenous peoples of the United States;

(B) have fished, hunted, and subsisted in King Cove for over 4,000 years; and

(C) refer to the King Cove community as "Agdaagux";

(4) the Agdaagux Tribal Council, which is the federally recognized tribal government for King Cove, recognizes that most of residents of King Cove are direct descendants of the original Aleut inhabitants;

(5) in the 1940s, an airport capable of access by jets was constructed by the United States Army at Cold Bay, which is approximately 25 surface miles north of King Cove, to support World War II related national security needs;

(6) while the Cold Bay Airport, which is now a civilian airport operated by the State of Alaska, is the lifeline for the King Cove people to the outside world, particularly for the life, safety, and health needs of the indigenous residents, there is no surface access between King Cove and the airport;

(7) nearly all of the land between King Cove and Cold Bay is—

(A) owned by the Federal Government as part of the Izembek National Wildlife Refuge; and

(B) managed as wilderness; and

(8) the Agdaagux Tribal Council—

(A) maintains that the Council and the indigenous Aleut people of King Cove were not consulted before the land that separates residents from the nearest all-weather airport was designated as wilderness, even though approximately 1,292 people across the United States, Canada, and Europe—

(i) received notice of the potential designation; and

(ii) during 1969 and 1970, were expressly invited by the Bureau of Sport Fisheries and Wildlife, the predecessor of the United States Fish and Wildlife Service, to participate in the process of considering whether the land should be managed as wilderness;

(B) regards the failure of the Federal Government to consult with the Council and the indigenous Aleut people of King Cove as a "wrong and troubling action taken by the federal government";

(C) submits that dozens of King Cove residents have died or suffered grave health consequences in the past 30 years because the residents could not reach timely medical assistance in Anchorage, Alaska, that can only be accessed via the all-weather Cold Bay Airport; and

(D) has expressed the full endorsement and support of the Council for the construction of a road between King Cove and the Cold Bay Airport as an expression of, and commitment to, self-determination for the Aleut people of King Cove who were not consulted before the land vital to the survival of the Aleut people of King Cove was designated as wilderness.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) the approximately 206 acres of Federal land within the Izembek National Wildlife Refuge in the State that is depicted on the map as "King Cove Road"; and

(B) the approximately 1,600 acres of Federal land that is depicted on the map as "Sitkinak Island".

(2) LANDOWNER.—The term "landowner" means—

(A) the State; and

(B) the other owners of the non-Federal land, including King Cove Corporation.

(3) MAP.—The term "map" means the map entitled "Proposed Land Enhancements" and dated June 2007.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 61,723 acres of non-Federal land authorized to be added to the Refuges under this Act, as depicted on the map.

(5) REFUGE.—The term "Refuge" means each of the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Alaska.

SEC. 4. CONVEYANCE OF LAND.

(a) IN GENERAL.—The Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land on—

(1) conveyance by the landowner to the Secretary of title to the non-Federal land that is acceptable to the Secretary; and

(2) certification by the Governor of the State that the State-owned land at Kinzaroff Lagoon has been designated under State law as a State refuge.

(b) MAP.—

(1) AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(2) REVISED MAP.—Not later than 180 days after the date of completion of the conveyance of Federal land and non-Federal land under this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a revised map that depicts the Federal land and non-Federal land conveyed under this section.

(c) KING COVE ROAD CONVEYANCE.—

(1) IN GENERAL.—The land described in section 3(1)(A) shall be used for construction of a State road.

(2) TERMS AND CONDITIONS.—

(A) CABLE BARRIER.—A road constructed under this subsection shall include a cable barrier on each side of the road, as described in the record of decision entitled "Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision" and dated January 22, 2004.

(B) SUPPORT FACILITIES.—Support facilities for a road constructed under this subsection shall not be located on federally owned land in the Izembek National Wildlife Refuge.

(3) COOPERATIVE RIGHT-OF-WAY PLANNING PROCESS.—

(A) IN GENERAL.—On request of the State, the Secretary, in cooperation with the Secretary of Transportation, the State, the Agdaagux Tribal Council, the Aleutians East Borough, the City of King Cove, and the King Cove Corporation, shall undertake a process to determine the route for the road required to be constructed under paragraph (1) within the corridor that is depicted on the map as "King Cove Road".

(B) DEADLINE.—Not later than 18 months after the date on which the State submits a request under subparagraph (A), the Secretary shall complete the planning process required under that subparagraph.

(C) COMPATIBILITY.—The route for the road recommended by the Secretary under this paragraph shall be considered to be compatible with the purposes for which the Refuge was established.

(D) CONSTRUCTION.—Construction of the road along the route recommended by the Secretary under this paragraph is authorized in accordance with this Act.

(4) RECONVEYANCE.—The Secretary shall, on receipt of a written request from the State or the King Cove Corporation, immediately reconvey the applicable non-Federal land to the appropriate landowner that contributed the land if—

(A) a preliminary or permanent injunction is entered by a court of competent jurisdiction enjoining construction or use of the road; or

(B) the State or the King Cove Corporation determines before construction of the road that the road cannot be feasibly constructed or maintained.

(d) APPLICABLE LAW.—

(1) IN GENERAL.—The conveyance of Federal land and non-Federal land shall not be subject to any requirements for valuation, appraisal, and equalization under any other Federal law.

(2) ANCSA.—The use of existing roads and the construction of new roads on King Cove Corporation land to access the road authorized under this Act shall be considered—

(A) to be consistent with subsection (g) of section 22 of the Alaska Native Claims Settlement Act (43 U.S.C. 1621) and any patents issued under that subsection; and

(B) not to interfere with the purposes for which the Refuge was established.

(e) NOTICE.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the completion of the conveyance of Federal land and non-Federal land under this section.

(f) DESIGNATION OF WILDERNESS.—On conveyance of the non-Federal land to the Secretary, the approximately 45,493 acres of land generally depicted on the map entitled "Wilderness additions to Izembek and Alaska Peninsula Wildlife Refuges" and dated June 2007, shall be designated as wilderness.

(g) ADMINISTRATION.—The Secretary shall administer the non-Federal land acquired under this Act—

(1) in accordance with the laws generally applicable to units of the National Refuge System;

(2) as wilderness, in accordance with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.); and

(3) subject to valid existing rights.

By Mr. DODD (for himself and Mr. STEVENS):

S. 1681. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to introduce the Family Leave Insurance Act of 2007 and especially pleased to be joined by my colleague Senator STEVENS. This bill, which would provide 8 weeks of paid benefits to workers who take time off for reasons allowed under the Family and Medical Leave Act, FMLA, is an important step in continuing to help our Nation's workers to be both productive employees and responsible family members.

Before the FMLA, workers had no guarantee that their jobs would still be there if they took time off to care for loved ones or recover from illness themselves. Millions of Americans were forced into a challenging dilemma: care for their families, or provide for them.

That is why I worked to create the FMLA in 1985, and that is why I fought for its passage through 7 years of obstruction and two presidential vetoes, pointing out that its denial of guaranteed leave put America virtually alone among nations, industrialized or otherwise.

Finally, on February 5, 1993, the Family and Medical Leave Act was signed into law. Under its protection, eligible workers receive 12 weeks of leave every year, so that they can watch over a newborn or adopted baby, or help a parent through an illness, or get better themselves, knowing that their job will be there when they return. To date, more than 50 million Americans have taken that opportunity. The FMLA isn't just good for American workers, it is good for American business. Ninety percent of employers have reported that the FMLA had a neutral or positive effect on profits.

Today, the idea of guaranteed leave seems obvious; but now, it is time to take another step in making that hard-won leave a possibility for even more Americans. In the 21st century, working families should not have to give up the leave they earned because they cannot afford it, they deserve paid leave.

Why do we offer nothing, when the European standard is 14 paid weeks? Why are we one of only four countries in the world to deny paid maternity leave, leaving us in the company of Swaziland, Liberia, and Papua New Guinea?

For every worker who can weather a day without pay, three more can't afford the loss. To these workers, unpaid leave is a hollow promise, an impossible choice between the family they love and the job they need.

I believe it is a choice that no American should ever again be forced to make. When Congress passed and President Clinton signed the FMLA, we affirmed that health and family should never have to suffer because of the demands of work. I fail to see why that right should only be afforded to Americans in a certain income bracket.

With the introduction of the Family Leave Insurance Act, we take a huge step toward making family leave a possibility for all Americans. Its 8 weeks of paid leave per year will apply to employees who need time off for any of the reasons included in the FMLA: birth of a child; placement of an adopted or foster child; the care for a child, parent, or spouse with a serious medical condition; or recovery from a serious personal medical condition. Benefits will be tiered on the basis of wages, with the tiers themselves indexed to inflation. This structure will provide the greatest benefit to those with the lowest salaries. And workers who are covered by the FMLA will retain their health insurance and will be guaranteed a return to their job, or a comparable position, on their return.

The act creates a new Family Leave Insurance Fund into which premiums are paid, to finance benefit payments, allowing stakeholders to pool risk and lower costs, and funded through small, shared premiums. Those costs will be shared by employees and employers; the Federal Government will pay for administrative costs. Participation will be mandatory for all businesses with 50 employees or more; those with fewer employees can choose to participate and receive a discount on premium payments. To reduce administrative burdens for employers and employees, employers will pay leave benefits to employees through their regular payroll, with prompt reimbursement from the Family Leave Insurance Fund.

We know that many employers, both large and small, offer very generous leave policies, exemplifying best business practices. Through this legislation, we seek to support companies who offer paid leave so they continue to do so, and to create an incentive for smaller companies to offer paid leave. A provision in the bill allows employers to maintain their own paid leave plan, if it is certified to be equivalent or better to the plan in this legislation.

Our bill will also allow States flexibility in maintaining their existing programs. Several States already have systems to provide paid family and medical leave, and several more have legislation pending to create such systems. In recent years, more than 25 States have introduced legislation to create paid leave programs. The landscape in the States is changing quickly on policies for working families and there are complex issues around the interaction between this legislation, State programs and employers within States. We look forward to collaborating with States so they can maintain maximum flexibility, and provide the best leave policy, as the bill moves forward.

As the FMLA has demonstrated so strongly, family leave benefits both workers and businesses, and that is certainly the case for paid family leave. Paid leave cuts down on employee turnover and the high costs of training replacements; it has been shown to raise morale and productivity; and it levels the playing field by allowing small businesses to adopt a benefit that many of their larger competitors have been offering for years.

Our changing workforce demonstrates the strong need for paid family and medical leave. Almost 80 percent of the workforce is made up of dual earner couples, who struggle to find time to care for their sick children or their own illnesses. In addition, approximately 40 percent of the workforce will be caring for older parents by 2010. For these and many other reasons, this bill is the right policy.

The FMLA established the principle, and now the Family Leave Insurance Act puts it into practice and into reach for more Americans. Its passage will bring America closer to the world's standards, help our businesses, and protect our workforce. In the lives of millions of Americans, it will help reduce the dilemma of balancing work and family. Let us continue to work together: Government, business and employees need to continue this conversation and improve our policies for working families and individual employees who need paid leave. I strongly urge my colleagues to support this bill.

Mr. STEVENS. Mr. President, earlier today, Senator DODD and I introduced the Family Leave Insurance Act of 2007, which builds upon important protections established by the Family and Medical Leave Act, FMLA, of 1993.

Our legislation would provide 8 weeks of paid benefits to private and Federal employees who take leave for reasons permitted by the FMLA. These include a serious health condition; care for a critically ill child, spouse, or parent; and the birth or adoption of a child.

Benefits would be provided to workers based on their annual income level. As an example, those earning less than $20,000 per year would receive 100 percent of their benefits, while those earning $60,000 to $97,000 would receive 40 percent. This scaled approach has two advantages: it will keep program costs low, and offer the greatest help to those who need it most.

In the past, many have expressed apprehension over the costs associated with family and medical leave. These concerns are valid, and steps must be taken to ensure neither employees nor employers are burdened by this or any similar program.

As introduced, this insurance fund would be financed by employees, employers, and the Federal Government. Employees would contribute 0.2 percent of their earnings, employers would match this percentage, and the Federal Government would pay any administrative expenses not covered by those payments. In truth, these costs are minimal for all involved. A worker who receives a $1,000 paycheck would disburse just $2 to receive full coverage.

While my support for this bill is not absolute, it does address an important shortcoming of the FMLA: employees who need leave often do not take time off because they simply cannot afford to do so. Senator DODD has rightly described this as a terrible choice for individuals—one which forces a decision between "the job they need and the family they love." Those of us in the Senate must do everything we can to help hard-working American families, and this bill represents a significant first step in those efforts.

As the father of six children, I deeply understand the challenges families face following childbirth, in times of sickness, and when loved ones fall ill. In Alaska, the majority of parents hold full-time jobs outside the home, which often makes this pressure even more intense.

I commend Senator DODD for his continued leadership on this issue, and look forward to working with my Senate colleagues and leaders in the business community to improve this bill as it moves through the legislative process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 248—HONORING THE LIFE AND ACHIEVEMENTS OF DAME LOIS BROWNE EVANS, BERMUDA'S FIRST FEMALE BARRISTER AND ATTORNEY GENERAL, AND THE FIRST FEMALE OPPOSITION LEADER IN THE BRITISH COMMONWEALTH

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 248

Whereas Dame Lois Browne Evans was born in 1927 in Bermuda, and attended the Central School and Middle Temple at London's Inns of Court in the United Kingdom;

Whereas, in June 1952, at the age of 26, Dame Lois Browne Evans was called to the London Bar, and the following December called to the Bermuda Bar and opened her own practice;

Whereas Dame Lois Browne Evans became Bermuda's first female barrister and went on to a distinguished career as a leading counsel;

Whereas Dame Lois Browne Evans was a lifelong advocate for the rights of workers and black Bermudians and a prominent member of the Progressive Labour Party (PLP);

Whereas Dame Lois Browne Evans was elected to Parliament in 1963 and became the first black female to serve in Parliament;

Whereas, in 1968, in Bermuda's first general election in which all adults were entitled to vote, Dame Lois Browne Evans was elected the PLP's Parliamentary Leader and became the first female Opposition Leader in the British Commonwealth;

Whereas Dame Lois Browne Evans held the position of Opposition Leader until 1972 and, in 1973, became Jamaica's Honorary Counsel in Bermuda, the first Bermudian to serve in this capacity;

Whereas in 1976 Dame Lois Browne Evans was again elected to Parliament and served as the Opposition Leader until 1985;

Whereas the PLP won its first election in 1998 and Dame Lois Browne Evans was appointed Minister of Legislative Affairs;

Whereas in 1999 Dame Lois Browne Evans became Bermuda's first elected Attorney General and first female Attorney General;

Whereas Dame Lois Browne Evans was Bermuda's longest serving Member of Parliament;

Whereas Dame Lois Browne Evans debated at the historic London and Bermuda Constitutional Conferences and served as a delegate to numerous international conferences in Africa, New Zealand, the United States, and the Caribbean;

Whereas Dame Lois Brown Evans was a member of the International Federation of Women Lawyers and a founding member of the Bermuda Business and Professional Women's Club;

Whereas Dame Lois Browne Evans led an exceptional life in which she played a major role in the racial integration of Bermuda and advanced the cause of civil, human, and minority rights in Bermuda and throughout the world; and

Whereas Dame Lois Browne Evans passed away on May 29, 2007, at the age of 79: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound sympathy to the family of Dame Lois Browne Evans and the citizens of Bermuda on the passing of Dame Lois Browne Evans; and

(2) commends the exemplary lifetime achievements of Dame Lois Browne Evans, her commitment to public service, and the singular role she played as a true pioneer who forged the way ahead for women and minorities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1820. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1821. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1822. Mr. ALEXANDER (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1823. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1824. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1825. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1826. Mr. CRAPO (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1827. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1828. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1829. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN , and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1830. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN , and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1831. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1832. Mr. NELSON, of Nebraska (for himself, Mr. CRAIG, Mr. CRAPO, Mr. KOHL, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1833. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1834. Mr. SMITH (for himself, Ms. SNOWE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6 , supra; which was ordered to lie on the table.

SA 1835. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1836. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1753 submitted by Mr. DeMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) and intended to be proposed to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table.

SA 1837. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1838. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1839. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1840. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H .R. 6, supra; which was ordered to lie on the table.

SA 1841. Mr. McCONNELL (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. McConnell to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1842. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. VITTER, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1741 submitted by Mr. STEVENS and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1843. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1844. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1845. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1846. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1847. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1848. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1850. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1852. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1853. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1856. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1786 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1857. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1787 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1858. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1859. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1860. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1861. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. McCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1862. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1863. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1864. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1865. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1866. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1820. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 18, insert the following:

(c) LIMITATION OF INELIGIBLE REFINERY PROPERTY.—Subsection (f)(1) of section 179C is amended by inserting "virgin" before "lube oil facility".

SA 1821. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce eligible advanced technology motor vehicle components,

"(B) for engineering integration performed in the United States of such components as described in subsection (d),

"(C) for research and development performed in the United States related to such components, and

"(D) for employee retraining with respect to the manufacturing of such components (determined without regard to wages or salaries of such retrained employees).

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both eligible advanced technology motor vehicle components and non-eligible advanced technology motor vehicle components, only the qualified investment attributable to production of eligible advanced technology motor vehicle components shall be taken into account.

"(c) DEFINITIONS.—In this section:

"(1) ELIGIBLE ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT.—

"(A) IN GENERAL.—The term 'eligible advanced technology motor vehicle component' means any component inherent to any advanced technology motor vehicle, including—

"(i) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(I) electric motor or generator;

"(II) power split device;

"(III) power control unit;

"(IV) power controls;

"(V) integrated starter generator; or

"(VI) battery;

"(ii) with respect to any hydraulic new qualified hybrid motor vehicle—

"(I) accumulator or other energy storage device;

"(II) hydraulic pump;

"(III) hydraulic pump-motor assembly;

"(IV) power control unit; and

"(V) power controls;

"(iii) with respect to any new advanced lean burn technology motor vehicle—

"(I) diesel engine;

"(II) turbo charger;

"(III) fuel injection system; or

"(IV) after-treatment system, such as a particle filter or NOx absorber; and

"(iv) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(i) any qualified electric vehicle (as defined in section 30(c)(1)),

"(ii) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(iii) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(iv) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(v) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(vi) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

"(C) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of automotive components.

"(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) for such taxable year plus the tax imposed by section 55 for such taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed—

"(1) as a credit carryback to the taxable year preceding the unused credit year, and

"(2) as a carryforward to each of the 20 taxable years immediately following the unused credit year.

For purposes of this subsection, rules similar to the rules of section 39 shall apply.

"(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

"(j) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2012.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code, as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30E(f).".

(2) Section 6501(m) of such Code is amended by inserting "30E(j)," after "30D(e)(9),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30D the following new item:

"Sec. 30E. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after the date of the enactment of this Act.

SEC. _____. INCREASE IN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—

(1) INCREASE IN CREDIT PERCENTAGE.—Subsection (a) of section 30C (relating to alternative fuel vehicle refueling property credit) is amended by striking "30 percent" and inserting "50 percent".

(2) INCREASED LIMITATION AMOUNT FOR BUSINESSES.—Paragraph (1) of section 30C(b) is amended by striking "$30,000" and inserting "$50,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 1822. Mr. ALEXANDER (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 6, strike "2014" and insert "2011".

On page 157, after line 14, insert the following:

SEC. 879. ACCELERATED DEPRECIATION FOR SCRUBBERS.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking "and" at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) any qualifying scrubber, as defined in subsection (i)(19).".

(b) QUALIFYING SCRUBBER.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(19) QUALIFYING SCRUBBER.—For purposes of this section the term 'qualifying scrubber' means any wet or dry scrubber or scrubber system which—

"(A) meets all standards issued by the Environmental Protection Agency applicable to such scrubber or scrubber system, and

"(B) receives approval for treatment under subsection (e)(3)(iv) by the Secretary under an allocation process developed by the Secretary to limit the application of this treatment to 12 scrubbers per taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 1823. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 6, strike "2014" and insert "2011".

On page 114, after line 16, insert the following:

SEC. 855. EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT.

Subsection (b) of section 45M (as amended by this Act) is amended by striking "calendar year 2008, 2009, or 2010" each place it appears in paragraphs (1)(A), (2)(B), (2)(C), (3)(B), and (3)(C) and inserting "calendar years 2008 through 2017".

SA 1824. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 5, strike "refining, processing" and insert "processing (other than refining)".

SA 1825. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 173 of the amendment, strike line 14 and insert the following:

(b) COASTAL IMPACT ASSISTANCE FUND.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a fund, to be known as the "Coastal Impact Assistance Fund" (referred to in this subsection as the "Fund"), to consist of amounts deposited in the Fund under paragraph (2).

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund an amount equal to 37.5 percent of the total amount of revenue received as a result of the taxes imposed under chapter 56 of subtitle E of the Internal Revenue Code of 1986 (as added by subsection (a)).

(3) DISTRIBUTION.—For each of fiscal years 2007 through 2016, of amounts in the Fund, the Secretary of the Treasury shall transfer to the Secretary of the Interior, without further appropriation, not more than $2,500,000,000 for allocation in accordance with paragraph (4).

(4) ALLOCATION.—Of amounts transferred to the Secretary of the Interior under paragraph (3), the Secretary of the Interior shall, without further appropriation—

(A) allocate not more than $1,500,000,000 for disbursement to Gulf producing States and coastal political subdivisions (as defined in section 31(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(a))), in accordance with section 31 of that Act (43 U.S.C. 1356a);

(B) deposit not more than $1,000,000,000 into the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5), which shall be considered income to the Land and Water Conservation Fund for purposes of that section; and

(C) deposit the remainder into the general fund of the Treasury.

(c) DEDUCTIBILITY OF TAX.—The first sentence of * * *.

SA 1826. Mr. CRAPO (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to the amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, after line 20, add the following:

SEC. . TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking "or" at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting ", or", and

(3) by inserting at the end the following new paragraph:

"(16) qualified electric transmission facilities.".

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

"(n) QUALIFIED ELECTRIC TRANSMISSION FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified electric transmission facility' means any electric transmission facility which is owned by—

"(A) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

"(B) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities.

"(2) Termination.—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2010.".

(c) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SA 1827. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Wyden, Mr. Schumer, and Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, after line 19, insert the following:

SEC. 895. CONDITIONAL SUNSET OF REVENUE RAISING PROVISIONS; ADDITIONAL DUTY ON OIL AND GAS PRODUCTS OF VENEZUELA.

Notwithstanding any other provision of this subititle or any other provision of law, on and after the date on which the Government of Venezuela withdraws as a member of the World Trade Organization—

(1) the amendments made by this subtitle shall cease to have force or effect; and

(2) there shall be imposed on any oil or gas product imported from Venezuela, in addition to any other duty that would otherwise apply to such product, a rate of duty of 5 percent ad valorem.

SA 1828. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, line 10, strike all through page 99, line 19, and insert the following:

"(i) Plug-in Conversion Credit.—

"(1) In general.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 20 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

"(2) Limitations.—The amount of the credit allowed under this subsection shall not exceed $2,500 with respect to the conversion of any motor vehicle.

"(3) Definitions and special rules.—For purposes of this subsection—

"(A) Qualified plug-in electric drive motor vehicle.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

"(B) Plug-in traction battery module.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

"(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

"(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

"(iii) consists of a standardized configuration and is mass produced,

"(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

"(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

"(C) Credit allowed to lessor of battery module.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

"(D) Credit allowed in addition to other credits.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

"(4) Termination.—This subsection shall not apply to conversions made after December 31, 2010.".

SA 1829. Ms. SNOWE (for herself, Mr. Carper, Mrs. Lincoln, Mr. Smith, Mr. Kerry, Mr. Lieberman, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subpart —Reuse and Recycling Property

SEC. _. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) In General.—Section 168 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following new subsection:

"(n) Special Allowance for Certain Reuse and Recycling Property.—

"(1) In general.—In the case of any qualified reuse and recycling property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

"(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) Qualified reuse and recycling property.—For purposes of this subsection—

"(A) In general.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

"(i) to which this section applies,

"(ii) which has a useful life of at least 5 years,

"(iii) the original use of which commences with the taxpayer after December 31, 2007, and

"(iv) which is—

"(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after December 31, 2007, but only if no written binding contract for the acquisition was in effect before January 1, 2008, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2007.

"(B) Exceptions.—

"(i) Alternative depreciation property.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

"(ii) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(C) Special rule for self-constructed property.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2007.

"(D) Deduction allowed in computing minimum tax.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

"(3) Definitions.—For purposes of this subsection—

"(A) Reuse and recycling property.—

"(i) In general.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, process, or reuse qualified reuse and recyclable materials.

"(ii) Exclusion.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

"(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

"(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber including used tires, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

"(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

"(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

"(II) any central processing unit.

"(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. . TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 (defining exempt facility bond) is amended by adding at the end the following new subsection:

"(n) SOLID WASTE DISPOSAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

"(2) SOLID WASTE DISPOSAL FUNCTION.—

"(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

"(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

"(i) the point of final disposal of the solid waste,

"(ii) immediately after the solid waste is incinerated or otherwise transformed or processed to generate heat, and the resulting heat is put into a form such as steam in which such heat is in fact sold or used, or

"(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

"(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

"(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

"(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

"(3) SOLID WASTE.—For purposes of this subsection only—

"(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

"(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded, regardless of whether or not such materials have value.

"(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

SEC. . INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1830. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subpart _—Reuse and Recycling Property

SEC. _. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following new subsection:

"(n) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

"(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

"(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

"(i) to which this section applies,

"(ii) which has a useful life of at least 5 years,

"(iii) the original use of which commences with the taxpayer after December 31, 2007, and

"(iv) which is—

"(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after December 31, 2007, but only if no written binding contract for the acquisition was in effect before January 1, 2008, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2007.

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2007.

"(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) REUSE AND RECYCLING PROPERTY.—

"(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to sort or process, qualified reuse and recyclable materials or the primary purpose of which is the shredding and processing of qualified reuse and recyclable material.

"(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

"(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

"(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber including used tires, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

"(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

"(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

"(II) any central processing unit.

"(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. . TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 (defining exempt facility bond) is amended by adding at the end the following new subsection:

"(n) SOLID WASTE DISPOSAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

"(2) SOLID WASTE DISPOSAL FUNCTION.—

"(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

"(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

"(i) the point of final disposal of the solid waste,

"(ii) immediately after the solid waste is incinerated or otherwise transformed or processed to generate heat, and the resulting heat is put into a form such as steam in which such heat is in fact sold or used, or

"(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

"(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

"(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

"(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

"(3) SOLID WASTE.—For purposes of this subsection only—

"(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

"(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded, regardless of whether or not such materials have value.

"(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

SEC. . INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1831. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 24, insert "or eligible for a credit under section 40(b)(2) or 40A(b)(2)" after "6426".

At the end of the section add the following: "For heat fuels, this section shall be effective after December 31, 2012."

SA 1832. Mr. NELSON of Nebraska (for himself, Mr. CRAIG, Mr. CRAPO, Mr. KOHL, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CREDIT FOR PRODUCTION OF BIOGAS FROM CERTAIN RENEWABLE FEEDSTOCKS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 40A the following new section:

"SEC. 40B. BIOGAS PRODUCED FROM CERTAIN RENEWABLE FEEDSTOCKS.

"(a) General Rule.—For purposes of section 38, the qualified biogas production credit for any taxable year is an amount equal to the product of—

"(1) $4.27, and

"(2) each million British thermal units (mmBtu) of biogas—

"(A) produced by the taxpayer—

"(i) from qualified energy feedstock, and

"(ii) at a qualified facility, and

"(B) either—

"(i) sold by the taxpayer to an unrelated person during the taxable year, or

"(ii) used by the taxpayer during the taxable year.

"(b) Definitions.—

"(1) Biogas.—The term 'biogas' means a gas that—

"(A) is derived by processing qualified energy feedstock through anaerobic digestion, gasification, or other similar processes, and

"(B) is an energy or fuel alternative to fossil fuels such as coal, natural gas, or petroleum-based products.

"(2) Qualified energy feedstock.—

"(A) In general.—The term 'qualified energy feedstock' means—

"(i) manure of agricultural livestock, including litter, wood shavings, straw, rice hulls, bedding material, and other materials incidentally collected with the manure,

"(ii) any nonhazardous, cellulosic, or other organic agricultural or food industry byproduct or waste material that is derived from—

"(I) harvesting residues,

"(II) wastes or byproducts from fermentation processes, ethanol production, biodiesel production, slaughter of agricultural livestock, food production, food processing, or food service, or

"(III) other organic wastes, byproducts, or sources, or

"(iii) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings.

"(B) Exclusions.—The term 'qualified energy feedstock' does not include—

"(i) pressure-treated, chemically-treated, or painted wood wastes,

"(ii) municipal solid waste,

"(iii) landfills, or

"(iv) paper that is commonly recycled.

"(C) Agricultural livestock.—The term 'agricultural livestock' means poultry, cattle, sheep, swine, goats, horses, mules, and other equines.

"(3) Qualified facility.—The term 'qualified facility' means a facility that—

"(A) uses anaerobic digestion technology, gasification technology, or other similar technologies to process qualified energy feedstock into biogas,

"(B) is owned by the taxpayer,

"(C) is located in the United States,

"(D) is originally placed in service before January 1, 2018, and

"(E) the biogas output of which is—

"(i) marketed through interconnection with a gas distribution or transmission pipeline, or

"(ii) used on-site or off-site in a quantity that is sufficient to offset the consumption of at least 50,000 mmBtu annually of commercially-marketed fuel derived from coal, crude oil, natural gas, propane, or other fossil fuel.

"(c) Special Rules.—For purposes of this section—

"(1) Production attributable to the taxpayer.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the qualified facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such qualified facility.

"(2) Related persons.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling biogas to an unrelated person if such biogas is sold to such a person by another member of such group.

"(3) Pass-thru in the case of estates and trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(4) Coordination with credit from producing fuel from a nonconventional source.—The amount of biogas produced and sold or used by the taxpayer during any taxable year which is taken into account under this section shall be reduced by the amount of biogas produced and sold by the taxpayer in such taxable year which is taken into account under section 45K.

"(5) Credit eligibility in the case of government-owned facilities using poultry waste.—In the case of a facility using poultry waste to produce biogas and owned by a governmental unit, subparagraph (B) of subsection (b)(3) shall be applied by substituting 'is leased or operated by the taxpayer' for 'is owned by the taxpayer'.

"(d) Transferability of Credit.—

"(1) In general.—A taxpayer may transfer the credit under this section through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

"(2) Regulations.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under paragraph (1) is claimed once and not reassigned by such other person.

"(e) Adjustment Based on Inflation.—

"(1) In general.—The $4.27 amount under subsection (b)(1) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

"(2) Computation of inflation adjustment factor.—

"(A) In general.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor in accordance with this paragraph.

"(B) Inflation adjustment factor.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for calendar year 2007. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

"(f) Application of Section.—This section shall apply with respect to biogas produced and sold—

"(1) after the date of the enactment of this section, and

"(2) before the date on which the Secretary of Energy certifies that 100,000,000 British thermal units of biogas have been produced at qualified facilities after such date.".

(b) Credit Treated as Business Credit.—Section 38(b) of such Code, as amended by this Act, is amended by striking "plus" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", plus", and by adding at the end the following new paragraph:

"(34) the qualified biogas production credit under section 40B(a).".

(c) Credit Allowed Against AMT.—Section 38(c)(4)(B) of such Code is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting ", and", and by adding at the end the following new clause:

"(iii) the credit determined under section 40B.".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Biogas produced from certain renewable feedstocks.".

(e) Effective Date.—The amendments made by this section shall apply to biogas produced and sold or used in taxable years beginning after the date of the enactment of this Act.

SA 1833. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 5, insert "(except that, in the case of any project principally employing gasification for transportation grade liquid fuels, such project must also have lifecycle greenhouse gas emissions which are at least 20 percent lower than conventional facilities)" after "emissions".

On page 71, line 22, insert "and which has life-cycle greenhouse gas emissions which are at least 20 percent lower than conventional facilities" after "sions".

SA 1834. Mr. SMITH (for himself, Ms. SNOWE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 19, insert the following:

(g) CREDIT RATE INCREASE FOR OPEN-LOOP BIOMASS.—Section 45(b)(4)(A) (relating to credit rate), as amended by this section, is amended by striking "(3),".

At the appropriate place, insert the following:

SEC. . MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. . PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1835. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 19, insert the following:

(g) CREDIT RATE INCREASE FOR OPEN-LOOP BIOMASS.—Section 45(b)(4)(A) (relating to credit rate), as amended by this section, is amended by striking "(3),".

SA 1836. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1753 submitted by Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) and intended to be proposed to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, line , strike everything after "**SEC.**" and insert the following:

. REQUIREMENT FOR PROMULGATION OF A RADIATION STANDARD BEFORE DATE OF YUCCA MOUNTAIN LICENSE APPLICATION ACCEPTANCE.

(a) REQUIREMENT.—Notwithstanding any other provision of law, the license application of the Department of Energy for the proposed geologic repository at Yucca Mountain shall not be considered by the Nuclear Regulatory Commission to be complete and accurate in all material respects for purposes of section 63.10 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this section), until the date that is 180 days after the date on which the Administrator of the Environmental Protection Agency promulgates final health and environmental radiation protection standards for Yucca Mountain, in accordance with the findings and recommendations contained in the report of the National Academy of Sciences entitled "Technical Bases for Yucca Mountain Standards" and dated 1995.

(b) Effect of Section.—Nothing in this section abrogates or limits any other applicable criteria of the Nuclear Regulatory Commission relating to the treatment of a license application as complete and accurate in all material respects.

(c) Expedited Judicial Review.—A United States court of appeals of competent jurisdiction shall review any challenge to the license application described in subsection (a) on an expedited basis.

SA 1837. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 submitted by Mr. Baucus (for himself, Mr. Grassley, Mr. Bingaman, Ms. Cantwell, Mr. Wyden, Mr. Schumer, Mr. Salazar, and Ms. Snowe) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FOR PLUG-IN ELECTRIC DRIVE RECHARGING PROPERTY.

(a) Credit Allowed for Plug-in Electric Drive Recharging Property.—Subsection (a) of section 30C is amended by striking "an amount equal to 30 percent of the cost of" and all that follows and inserting "an amount equal to the sum of—

"(1) 30 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year, and

"(2) 30 percent of the cost of any qualified plug-in electric drive vehicle recharging property.".

(b) Limitation.—Subsection (b) of section 30C, as amended by this Act, is amended to read as follows:

"(b) Limitations.—

"(1) Limitation for qualified alternative fuel vehicle refueling property.—The credit allowed under subsection (a) with respect to any qualified alternative fuel vehicle refueling property placed in service by the taxpayer at a location shall not exceed—

"(A) $30,000 in the case of a property of a character subject to an allowance for depreciation, and

"(B) $1,000 in any other case.

"(2) Limitations for qualified plug-in electric drive vehicle recharging property.—

"(A) In general.—The credit allowed under subsection (a) with respect to any qualified plug-in electric drive vehicle recharging property placed in service by the taxpayer at a location shall not exceed—

"(i)(I) $225, in the case of property of a character subject to an allowance for depreciation, and

"(II) $400 per recharging space in any other case, multiplied by

"(ii) the number of recharging locations placed in service by the taxpayer during the taxable year.

"(B) Minimum costs limitation for certain property.—In the case of any property to which subparagraph (A)(i) applies, no credit shall be allowed under this section for costs incurred for qualified plug-in electric drive vehicle recharging property placed in service during the taxable year unless such costs exceed $600.".

(c) Qualified Plug-in Electric Drive Vehicle Recharging Property.—

(1) In general.—Subsection (c) of section 30C, as amended by this Act, is amended to read as follows:

"(c) Definitions.—For purposes of this section—

"(1) Qualified alternative fuel vehicle refueling property.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(B) only the following were treated as clean burning fuels for purposes of section 179A(d):

"(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(ii) Biodiesel (as defined in section 40A(d)(1)).

"(iii) Any mixture—

"(I) which consists of two or more of the following: biodiesel (as so defined), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

"(2) Qualified plug-in electric drive recharging property.—The term 'qualified plug-in electric drive recharging property' means property (not including a building and its structural components)—

"(A) the original use of which commences with the taxpayer, and

"(B) which is a charging station or related electric infrastructure used for the recharging of motor vehicles propelled by electricity, but only if the property is located on the taxpayer's property.

"(3) Recharging location.—The term 'recharging location' means a location dedicated to the recharging of 1 motor vehicle propelled by electricity.

"(4) Motor vehicle.—The term 'motor vehicle' has the meaning given such term under section 179A(e)(2).".

(2) Conforming amendment.—Subsection (d)(3)(B) of section 179A is amended—

(A) by inserting "a charging station or related electric infrastructure" before "for the recharging of", and

(B) by striking "at the point where the motor vehicles are recharged" and inserting "on the taxpayer's property".

(d) Extension.—Subsection (g) of section 30C, as amended by this Act, is amended to read as follows:

"(e) Termination.—This section shall not apply to any property placed in service—

"(1) in the case qualified plug-in electric drive recharging property and qualified alternative fuel vehicle refueling property relating to hydrogen, after December 31, 2014, and

"(2) in the case of any other qualified alternative fuel vehicle refueling property, after December 31, 2012.".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. ___. IDLING REDUCTION TAX CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45P. IDLING REDUCTION CREDIT.

"(a) General Rule.—For purposes of section 38, the idling reduction credit determined under this section for the taxable year is an amount equal to 50 percent of the amount paid or incurred for the purchase and installation of qualifying idle reduction infrastructure equipment placed in service by the taxpayer during the taxable year.

"(b) Limitation.—The maximum amount allowed as a credit under subsection (a) shall not exceed $2,000.

"(c) Definitions.—For purposes of this section—

"(1) Qualifying idle reduction infrastructure equipment.—

"(A) In general.—The term 'qualifying idle reduction infrastructure equipment' means equipment described in subparagraph (B)—

"(i) which is designed for use by a heavy duty diesel powered highway vehicle in order to prevent long-duration idling,

"(ii) the original use of which commences with the taxpayer, and

"(iii) which is acquired by the taxpayer for use and not for resale.

"(B) Equipment described.—Equipment is described in this subparagraph if such equipment is—

"(i) off-truck equipment to supply electric power, including electric receptacles, boxes, wiring, conduit, and other connections to one truck space, or

"(ii) off-truck equipment that directly provides air conditioning, heating, electric power, and other connections and services to one truck space.

"(2) Heavy-duty diesel-powered on-highway vehicle.—The term 'heavy-duty diesel-powered on-highway vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration.

"(3) Long-duration idling.—The term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

"(d) No Double Benefit.—For purposes of this section—

"(1) Reduction in basis.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

"(2) Other deductions and credits.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

"(e) Election Not To Claim Credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(f) APPLICATION OF SECTION.—This section shall apply with respect to qualifying idle reduction infrastructure equipment placed in service—

"(1) after December 31, 2007, and

"(2) before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that qualifying idle reduction infrastructure equipment units has been placed in service at 50,000 spaces after such date.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ", plus" , and by adding at the end the following new paragraph:

"(33) the idling reduction credit determined under section 45P(a).".

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following:

"(38) in the case of a facility with respect to which a credit was allowed under section 45P, to the extent provided in section 45P(d)(1).".

(2) Section 6501(m) of such Code is amended by inserting "45P(e)," after "45D(c)(4),".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45O the following new item:

"Sec. 45P. Idling reduction credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1838. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate plaee in the amendment, insert the following:

"SEC. . ELECTION TO EXPENSE TELEWORKING PROPERTY.

"(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified teleworking property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified teleworking property is placed in service.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

"(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) QUALIFIED TELEWORKING PROPERTY.—

"(1) IN GENERAL.—The term 'qualified teleworking property' means property—

"(A) which is tangible property (to which section 168 applies),

"(B) which is section 1245 property (as defined in section 1245(a)(3)),

"(C) which is acquired by purchase (as defined in section 179(d)(2)) for use by an eligible employee for the purpose of teleworking, and

"(D) with respect to which an election under section 179 is not in effect.

Such term shall not include any property described in section 50(b).

"(2) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means an employee who has an arrangement to telework not less than 75 days per year.

"(3) TELEWORK.—The term 'telework' means to perform work functions using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional worksite.

"(d) RECAPTURE.—The Secretary shall, by regulations, provide for the recapturing of the benefit of any deduction allowable under subsection (a) with respect to any qualified teleworking property if such property is not used in accordance with subsection (c)(1)(C).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to properties placed in service after the date of the enactment of this Act.

SA 1839. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

"(D) Bicycle commuting allowance.".

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) (relating to definitions) is amended by adding at the end the following:

"(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.".

(c) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "and", and by adding at the end the following new subparagraph:

"(C) $50 per month in the case of a bicycle commuting allowance."

(d) COST OF LIVING ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after sub- paragraph (A) the following new subparagraph:

"(B) BICYCLE COMMUTING ALLOWANCE.—In the. case of any taxable year beginning in a calendar year after 2006, the $50 amount in paragraph (2)(C) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2005' for 'calendar year 1992'.".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 132(f)(6), as redesignated by paragraph (1), is amended by inserting "or (B)" after "subparagraph (A)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after 20 December 31, 2007.

SA 1840. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 5 and all that follows through page 51, line 12, and insert the following:

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the "risk premium" paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 502. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) Definition of Automobile.—

(1) In general.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking "rated at—" and all that follows through the period at the end and inserting "rated at not more than 10,000 pounds gross vehicle weight.".

(2) Fuel economy information.—Section 32908(a) of such title is amended, by striking "section—" and all that follows through "(2)" and inserting "section, the term".

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) Definition of Passenger Automobile.—

(1) In general.—Paragraph (16) of section 32901(a) of such title is amended by striking ", but does not include" and all that follows through the end and inserting a period.

(2) Effective date.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 503. AVERAGE FUEL ECONOMY STANDARDS.

(a) Standards.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Non-Passenger Automobiles"; and

(B) by adding at the end the following: "This subsection shall not apply to automobiles manufactured after model year 2012.";

(2) in subsection (b)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Passenger Automobiles";

(B) by inserting "and before model year 2010" after "1984"; and

(C) by adding at the end the following: "Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)";

(3) by amending subsection (c) to read as follows:

"(c) Automobiles Manufactured After Model Year 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

"(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

"(ii) based on 1 or more vehicle attributes that relate to fuel economy—

"(I) separate average fuel economy standards for different classes of automobiles; or

"(II) average fuel economy standards expressed in the form of a mathematical function.

"(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

"(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

"(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

"(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

"(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

"(i) are technologically not achievable;

"(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

"(iii) is shown not to be cost effective.

"(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

"(i) is technologically achievable;

"(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

"(iii) is cost effective.

"(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

"(A) value to consumers;

"(B) economic security;

"(C) national security;

"(D) foreign policy;

"(E) the impact of oil use—

"(i) on sustained cartel rents paid to foreign suppliers;

"(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

"(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

"(iv) on import costs and wealth transfers during oil shocks;

"(v) on macroeconomic dislocation and adjustment costs during oil shocks;

"(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

"(vii) on the timing and severity of the oil peaking problem;

"(viii) on the risk, probability, size, and duration of oil supply disruptions;

"(ix) on OPEC strategic behavior and long-run oil pricing;

"(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

"(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

"(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

"(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

"(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

"(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

"(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

"(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

"(I) additional relevant factors, as determined by the Secretary.

"(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

"(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

"(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

"(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

"(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

"(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

"(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

"(C) The report submitted under subparagraph (A) shall include—

"(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

"(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

"(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

"(E) The report submitted under subparagraph (A) shall—

"(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

"(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

"(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer."; and

(4) in subsection (g)(2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)".

(b) Conforming Amendments.—

(1) In general.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking "passenger" each place it appears;

(ii) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (c) or (d) of section 32902";

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking "passenger" each place it appears; and

(II) in paragraph (1), by striking "subject to" and all that follows through "section 32902(b)–(d) of this title" and inserting "subject to subsection (c) or (d) of section 32902"; and

(ii) in subsection (b)(1)(B), by striking "under this chapter" and inserting "under section 32902(c)(2)".

(2) Effective date.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 504. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) Credit Trading.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting "Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii)." after "earns credits.";

(2) by striking "3 consecutive model years immediately" each place it appears and inserting "model years"; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting "for purposes of compliance with section 32902(c)(2)" after "except that".

(b) Multi-Year Compliance Period.—Section 32904(c) of such title is amended—

(1) by inserting "(1)" before "The Administrator"; and

(2) by adding at the end the following:

"(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.".

(c) Judicial Review of Regulations.—Section 32909(a)(1) of such title is amended by striking out "adversely affected by" and inserting "aggrieved or adversely affected by, or suffering a legal wrong because of,".

SEC. 505. CONSUMER TAX CREDIT.

(a) Elimination on Number of New Qualified Hybrid and Advanced Lean Burn Technology Vehicles Eligible for Alternative Motor Vehicle Credit.—

(1) In general.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) Conforming amendments.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking "(determined without regard to subsection (g))" and inserting "determined without regard to subsection (f))".

(B) Section 38(b)(25) of such Code is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(C) Section 55(c)(2) of such Code is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(D) Section 1016(a)(36) of such Code is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(E) Section 6501(m) of such Code is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(b) Extension of Alternative Vehicle Credit for New Qualified Hybrid Motor Vehicles.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(c) Computation of Credit.—Section 30B of such Code is amended by striking "city" each place it appears and inserting "combined".

(d) Effective Dates.—The amendments made by subsections (a) and (b) of this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date. The amendments made by subsection (c) shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 506. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

"(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

"(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) DEFINITIONS.—In this section:

"(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(A) any qualified electric vehicle (as defined in section 30(c)(1)),

"(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

"(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator;

"(ii) power split device;

"(iii) power control unit,

"(iv) power controls;

"(v) integrated starter generator; or

"(vi) battery;

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) accumulator or other energy storage device;

"(ii) hydraulic pump;

"(iii) hydraulic pump-motor assembly;

"(iv) power control unit; and

"(v) power controls;

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine;

"(ii) turbo charger;

"(iii) fuel injection system; or

"(iv) after-treatment system, such as a particle filter or NOx absorber; and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

"(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

"(j) ALLOCATION OF CREDIT TO PURCHASERS.—

"(1) ELECTION TO ALLOCATE.—

"(A) IN GENERAL.—In the case of an eligible taxpayer, any portion of the credit determined under subsection (a) for the taxable year may, at the election of such taxpayer, be apportioned among purchasers of qualifying vehicles from the taxpayer in the taxable year (or in any year in which the credit may be carried over).

"(B) QUALIFYING VEHICLES.—For purposes of this subsection, the term 'qualifying vehicle' means an advanced technology vehicle manufactured at a facility described in subsection (b)(1)(A).

"(C) FORM AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(2) TREATMENT OF TAXPAYER AND PURCHASERS.—The amount of the credit apportioned to any purchaser under paragraph (1)—

"(A) shall not be included in the amount determined under subsection (a) with respect to the eligible taxpayer for the taxable year; and

"(B) shall be treated as an amount determined under subsection (a) for the taxable year of the purchaser which ends in the calendar year of purchase.

"(3) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of an eligible taxpayer determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the taxpayer for such year, an amount equal to the excess of—

"(A) such reduction, over

"(B) the amount not apportioned to such purchasers under paragraph (1) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the eligible taxpayer.

"(4) WRITTEN NOTICE TO PURCHASERS.—If any portion of the credit available under subsection (a) is allocated to purchasers under paragraph (1), the eligible taxpayer shall provide any purchaser receiving an allocation written notice of the amount of the allocation. Such notice may be provided either at the time of purchase or at any time not later than 60 days after the close of the calendar year in which the vehicle is purchased.

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2011.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(g).".

(2) Section 6501(m) of such Code is amended by inserting "30D(k)," after "30C(e)(5),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

SA 1841. Mr. McCONNELL (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. McCONNELL to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON EXPENSES FOR CONFERENCES AND RELATED TRAVEL EXPENSES OF FEDERAL AGENCIES.

(a) DEFINITIONS.—In this section, the term—

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) "conference"—

(A) means a meeting that—

(i) is held for consultation, education, or discussion;

(ii) includes participants who are not all employees of the same agency;

(iii) is not held entirely at an agency facility;

(iv) involves costs associated with travel and lodging for some participants; and

(v) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations; and

(B) shall not include any routine meeting between employees of an agency and individuals who are not Federal employees that—

(i) is for the purpose of—

(I) the discussion of an ongoing project; or

(II) providing training; or

(ii) is related to international diplomacy or national security.

(b) LIMITATIONS ON ANNUAL CONFERENCES AND RELATED TRAVEL EXPENSES.—In the case of each of the fiscal years 2008 through 2013, each agency may not make, or obligate to make, expenditures for conferences including related travel expenses, in an aggregate amount greater than the amount determined for that agency under subsection (c)(1).

(c) OFFICE OF MANAGEMENT AND BUDGET.—

(1) MAXIMUM AMOUNT FOR EACH AGENCY.—Subject to paragraph (2), with respect to each of the fiscal years 2008 through 2013, the Office of Management and Budget shall determine a maximum amount that each agency may make, or obligate to make, for expenditures for conferences including related travel expenses for each fiscal year. The maximum amount determined under this subparagraph for any agency may vary from the maximum amount determined under this subparagraph for any other agency.

(2) MAXIMUM AMOUNT FOR ALL AGENCIES.—With respect to each of the fiscal years 2008 through 2013, the total amount that all agencies may make, or obligate to make, for expenditures for conferences including related travel expenses may not exceed $350,000,000.

(3) IDENTIFICATION OF TRAVEL EXPENSES.—Not later than September 1, 2007, the Director of the Office of Management and Budget, after consultation with the Administrator of General Services, shall establish guidelines for the determination of what expenses constitute expenses for conferences including related travel expenses for purposes of this section.

(d) LIMITATION ON CONFERENCES OUTSIDE THE UNITED STATES.—No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any conference occurring outside the United States.

SA 1842. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. VITTER, and Mr. CRAIG) submitted an amendment intended to be proposed by Mr. STEVENS and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE —COASTAL AND OCEAN DEVELOPMENT GRANTS

SEC. —01. COASTAL AND OCEAN ASSISTANCE FOR STATES FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Coastal and Ocean Assistance for States Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

SEC. —02. COASTAL AND OCEAN ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall—

(1) establish a grant program to provide grants to eligible coastal States in accordance, with this title; and

(2) make 85 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE COASTAL STATES.—To be eligible for a grant under the program, a coastal State shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) include in its application a multi-year plan, subject to approval by the Secretary, for the use of funds received under the grant program;

(3) demonstrate to the satisfaction of the Secretary that it has established a trust fund, or other accounting measures, subject to approval by the Secretary, to ensure the accurate accounting of funds received under the grant program, to administer funds received under the grant program;

(4) specify in its application how it will allocate any funds received among the eligible activities described in section —03; and

(5) describe with specificity in its application each activity to be financed, in whole or in part, with funds provided by the grant.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate grants under the program among the eligible coastal States according to a formula under which—

(A) 31 percent of the funds are allocated equally among coastal States that have a coastal management program approved under to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(B) 31 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a State to the tidal shoreline miles of all States;

(C) 31 percent of the funds are allocated on the basis of the ratio of coastal population of a State to the coastal population of all States; and

(D) 7 percent of the funds are allocated on the basis of the ratio of—

(i) the square miles of national marine sanctuaries, marine monuments, and national estuarine research reserves within the offshore administrative boundaries of an eligible coastal State formed by the extension of the seaward lateral boundaries of the State, calculated using the conventions established to delimit international lateral boundaries under the law of the sea, to

(ii) to the total square miles of all such sanctuaries, monuments, and reserves within the seaward boundaries of all eligible coastal States.

(2) TERRITORIES.—For purposes of paragraph (1), Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be treated collectively as a single State.

(3) REALLOCATION.—If, at the end of any fiscal year, funds available for distribution under the program remain unexpended and unobligated, the Secretary may—

(A) carry such remaining funds forward for not more than 3 fiscal years; and

(B) reallocate any such remaining funds among eligible coastal States in accordance with the formula described in paragraph (1).

(d) LOCAL GOVERNMENT SHARE.—In awarding grants under the program, the Secretary shall ensure that not more than 20 percent of the funds made available to a State in each fiscal year pursuant to this title shall be made available to local governments of such State, based upon a formula giving equal weight to coastal population and shoreline miles, to carry out eligible activities under section —03.

SEC. —03. ELIGIBLE USE OF FUNDS.

Grant funds under section —02 may only be used for—

(1) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, coral reefs, research, management, and enhancement;

(4) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, and national estuarine research reserves;

(5) mitigation, restoration, protection, and relocation of native and rural coastal communities threatened by erosion;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone, coastal estuaries, and lands, life, and property in the coastal zone;

(8) long-term coastal and ocean research and education, monitoring, and natural resource management;

(9) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources; or

(10) management and administration of grants authorized under this section.

SEC.—04. FISH AND WILDLIFE IMPROVEMENT GRANTS.

Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall—

(1) establish by regulation a grant program to provide grants to States to manage, protect, and improve fish and wildlife habitat and non-point sources of coastal pollution; and

(2) make 10 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE STATES.—To be eligible to participate in the grant program, a State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

SEC. —05. ADMINISTRATION.

Except as otherwise expressly provided in this title, not more than 5 percent of the amounts available in the Fund for a fiscal year may be used by the Secretary for administrative expenses and for activities and programs related to the protection of coastal, fishery, and ocean resources.

SEC. —06. AUDITS.

The Secretary shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this title as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. —07. DISPOSITION OF FUNDS.

Notwithstanding any other provision of this title, a coastal State or local government may use funds received under this title to make any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for a purpose described in section —03.

SEC. —08. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) as of the date of enactment of this Act.

(2) COASTAL STATE.—The term "coastal State" has the meaning given that term by section 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

(3) The term "Fund" means the Coastal and Ocean Assistance for States Fund established by section —01(a).

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision all or part of which is within a coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453(1))) as of the date of enactment of this Act.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(6) STATE.—The term "State" means

(A) each of the several States;

(B) the District of Columbia; and

(C) Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) TIDAL SHORELINE.—The term "tidal shoreline" has the same meaning as when used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, as that section is in effect as of the date of enactment of this Act.

TITLE —OCEAN POLICY TRUST FUND

SEC. —01. OCEAN POLICY TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Ocean Policy Trust Fund.

(b) CREDITS.—For fiscal year 2008 and each fiscal year thereafter, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year—

(1) amounts in the aggregate not in excess of 95 percent of the amounts available in the Fund for that fiscal year for grants under this title; and

(2) such sums as may be necessary, not in excess of 5 percent of the amounts available in the Fund for that fiscal year, to the Secretary of Commerce for administrative expenses of managing the grant program established by section —03 of this title.

(d) REVERSION.—Unless otherwise provided in the grant terms, any grant funds that are not obligated nor expended at the end of the 2-year period beginning on the date on which the grant funds become available to the grantee shall be returned to the Fund.

SEC. —02. OCEAN POLICY TRUST FUND COUNCIL.

(a) MEMBERSHIP.—

(1) An Ocean Policy Trust Fund Council is established which shall consist of 12 members as follows:

(A) The Assistant Administrator of the National Oceanic and Atmospheric Administration for oceanic and atmospheric research.

(B) The Assistant Administrator of the National Marine Fisheries Service.

(C) The Assistant Administrator of the National Ocean Service.

(D) An employee of the Department of the Interior with expertise in ocean resource management, to be designated by the Secretary of the Interior.

(E) 4 representatives of the private sector, of which at least 2 shall be from the commercial fishing industry, to be appointed by the Secretary of Commerce, of whom 1 shall be appointed from the East Coast, 1 shall be appointed from the Gulf of Mexico, 1 shall be appointed from the West Coast, and 1 shall be appointed from Alaska.

(F) 2 representatives of non-profit conservation organizations, appointed by the Secretary of Commerce.

(G) 2 representatives of academia with strong scientific or technical credentials and experience in marine affairs, appointed by the Secretary of Commerce.

(b) APPOINTMENT AND TERMS.—

(1) Except as provided in paragraphs (2), (3), and (4), the term of office of a member of the Council appointed under subsection (a)(1)(E), (a)(1)(F), or (a)(1)(G) of this section is 3 years.

(2) Of the Council members first appointed under subsection (a)(1)(E) of this section, 1 shall be appointed for a term of 1 year and 1 shall be appointed for a term of 2 years.

(3) Of the Council members first appointed under subsection (a)(1)(F) of this section, 1 shall be appointed for a term of 2 years.

(4) Of the Council members first appointed under subsection (a)(1)(G) of this section, 1 shall be appointed for a term of 1 year and one shall be appointed for a term of 2 years.

(5) Whenever a vacancy occurs among members of the Council appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section, the Secretary shall appoint an individual in accordance with that subparagraph to fill that vacancy for the remainder of the applicable term.

(c) CHAIRMAN.—The Council shall have a Chairman, who shall be elected by the Council from its members. The Chairman shall serve for a 3-year term, except that the first Chairman may be elected for a term of less than 3 years, as determined by the Council.

(d) QUORUM.—8 members of the Council shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Council shall meet at the call of the Chairman at least once per year. Council meetings shall be open to the public, and the Chairman shall take appropriate steps to provide adequate notice to the public of the time and place of such meetings. If a Council member appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section misses 3 consecutively scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(5) of this section.

(f) COORDINATOR.—The Secretary shall appoint an individual, who shall serve at the pleasure of the Secretary—

(1) to be responsible, with assistance from the National Oceanic and Atmospheric Administration, for facilitating consideration of Fund grant applications by the Council and otherwise assisting the Council in carrying out its responsibilities; and

(2) who shall be compensated with the funds appropriated under section —01(c)(2) of this title.

(g) FUNCTIONS.—The Council shall—

(1) receive and review grant applications under section —03; and

(2) make recommendations to the Senate Appropriations Committee and the House of Representatives Appropriations Committee concerning—

(A) which grant requests should be funded;

(B) the amount of each such grant request that should be funded; and

(C) any specific requirements, conditions, or limitations on a grant recommended for funding.

SEC. —03. OCEAN POLICY TRUST FUND GRANT PROGRAM.

(a) IN GENERAL.—There is established a grant program under which grants are to be funded, as provided by appropriations Acts, from amounts in the Fund. The grant program shall be administered by the Secretary, who shall establish applications, review, oversight, and financial accountability procedures and administer any funds appropriated under subsection (b). The Secretary shall establish criteria for entities who are eligible to submit an application for a grant under the program, including Federal agencies, State and local government entities, fishery management organizations, and non-profit conservation organizations.

(b) AWARD BY APPROPRIATION.—Grants under the program shall be awarded by appropriations Act on the basis of the Council's recommendations.

(c) APPLICATIONS.—An entity that meets the applicant eligibility criteria established by the Secretary under subsection (a) may submit an application, in accordance with the procedures established by the Secretary under subsection (a), to the Council—

(1) containing such information and assurances as the Secretary may require; and

(2) describing how the grant proceeds will be allocated among the eligible purposes described in subsection (d).

(d) ELIGIBLE PURPOSES.—A grant under the program may be used for—

(1) efforts to protect and manage living marine resources and their habitat, including fisheries, fisheries enforcement, research, management, and enhancement;

(2) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments and national estuarine research reserves;

(3) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(4) coastal and estuarine land protection and erosion control, including protection of the environmental integrity of important coastal and estuarine areas;

(5) mitigation of the effects of offshore activities, including environmental restoration; and

(6) ocean literacy and education.

SEC. —04. DEFINITIONS.

In this title:

(1) COUNCIL.—The term "Council" means the Ocean Policy Trust Fund Council established by section —02.

(2) FUND.—The term "Fund" means the Ocean Policy Trust Fund established by section —01.

(3) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of Commerce.

SA 1843. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term "alternative fuel automobile" means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1844. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 30 and 31, insert the following:

SEC. 403A. INELIGIBILITY FOR UNITED STATES BIRTHRIGHT CITIZENSHIP.

(a) IN GENERAL.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by inserting after subsection (c) the following:

"(d) Acknowledging that the right of birthright citizenship mandated under section 1 of the Fourteenth Amendment to the United States Constitution applies only to children born in the United States to a parent who is subject to the full and exclusive jurisdiction of the United States, a person born in the United States shall not be considered to be 'subject to the jurisdiction of the United States' for purposes of section 301(a) if the person was born in the United States to parents who are not legally present in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to people born on or after the date of the enactment of this Act.

SA 1845. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 3 and 4, insert the following:

(7) US-VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1846. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 38 and all that follows through page 16, line 18, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)(B), by striking "but" at the end;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) may not provide the alien with release on bond or with conditional parole if the alien—

"(A) is a national of a noncontiguous country;

"(B) has not been admitted or paroled into the United States; and

"(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.".

SA 1847. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d), however, this provision shall not be construed to establish an effective date for purposes of this section.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:.

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of enactment of this Act.

SA 1848. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

Beginning on page 646, strike line 17 and all that follows through page 647 line 6.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

SA 1850. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was rdered to lie on the table; as follows:

Beginning on page 646, strike line 17 and all that follows through page 647 line 6.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 524, strike line 1 and all that follows through page 525, line 6.

On page 527 in the table preceding line 1, strike the items relating to supplemental schedule for Zs.

Beginning on page 542, strike line 20 and all that follows through page 543 line 25.

SA 1852. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was rdered to lie on the table; as follows:

Beginning on page 524, strike line 1 and all that follows through page 525, line 6.

SA 1853. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 20 and all that follows through page 543 line 25.

SA 1854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 658, strike line 20 and all that follows through page 659, line 21 and insert the following:

(——) PAYMENT OF INCOME TAXES—

(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability and State and Local tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) DEFINITIONS—

(I) APPLICABLE FEDERAL TAX LIABILITY—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(II) STATE AND LOCAL TAX LIABILITY—For purposes of clause (i), 'State and Local tax liability' means any tax liability, including penalties and interest, due to any State or Local jurisdiction in which the alien worked prior to being issued a probationary Z visa pursuant to Section 601 of this Act, if such State or Local jurisdiction establishes a program by which aliens who are issued such visa are required to pay such tax liability.

(iii) IRS COOPERATION— The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(iv) LIMITATION—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2007, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.

SA 1855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, strike the section that requires the Secretary of Education to develop an Internet-based English Learning Program.

SA 1856. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1786 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 7 . SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) global climate change has become a widely discussed concern on both the national and international level;

(2) efforts to reduce greenhouse gases globally are best achieved through cooperation and active participation from the largest-emitting countries;

(3) global greenhouse gas emissions are projected to increase 25 to 90 percent during the period of calendar years 2000 through 2030, with up to 75 percent of that increase coming from emerging markets;

(4) the emissions from both the developed and developing countries are key components of overall global emissions;

(5) China is expected to surpass the United States in emissions of greenhouse gases within the year;

(6) on June 7, 2007, the G8 issued a Summit Declaration entitled "Growth and Responsibility in the World Economy" declaring its current approach to addressing global climate change;

(7) on June 8, 2007, the G8 and the governments of Brazil China, India, Mexico and South Africa issued a joint statement declaring a cooperative approach to addressing global climate change;

(8) the G8 has committed to enhancing energy efficiency, diversifying energy supplies and developing and deploying new and transformational technologies;

(9) the United States has committed to building upon the successful Asia-Pacific Partnership in reaching out to industry participation in meeting the goals of the G8 declaration addressing climate and energy;

(10) the G8 has declared that frameworks to address climate change "must address not only climate change but also energy security, economic growth, and sustainable development objectives in an integrated approach";

(11) the United States has committed to working with emerging markets to develop a stronger program of measuring performance and making data more transparent so that measurement standards are comparable across countries;

(12) the United States has committed to leading the way to the development of a new framework on climate change for the time after the Kyoto Protocol expires in 2012 by trying to find consensus among the 15 countries that are responsible for the most energy use and greenhouse gas emissions;

(13) the G8 has endorsed the convening in the United States of such a meeting this year to engage major emitting economies on how best to address climate change, developing a framework by the end of 2008;

(14) the G8 agreed that this dialogue will support the UN climate process and report back to the UNFCCC, contributing to a global agreement under the UNFCCC by 2009; and

(15) the United States led the effort to craft a new approach adopted by the G8 that frames climate change within a broader context of energy security and economic growth—an approach strongly supported by major emerging markets.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States should continue its leadership role in addressing climate change, clean energy development and deployment, and energy security on an international scale by—

(1) participating in further negotiations regarding a post-Kyoto agreement—

(A) in accordance with the principles laid out by the G8 in the Summit Declaration entitled "Growth and Responsibility in the World Economy;"

(B) through which it leads efforts to obtain constructive participation and comparable actions by major emerging economies;

(C) to develop an international approach that enhances energy security;

(D) that promotes economic growth, does not harm the United States economy, and produces emissions reductions; and

(E) that achieves its objectives though development and investment in advanced technologies and practices; and

(2) establishing a bipartisan observer group, the members of which shall be designated by the Majority Leader and Minority Leader of the Senate—

(A) to monitor any international negotiations, agreements, or other arrangements on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1857. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1787 submitted by Mr. Biden (for himself and Mr. Lugar) and intended to be proposed to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 7___. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) Findings.—Congress finds that—

(1) global climate change has become a widely discussed concern on both the national and international level;

(2) efforts to reduce greenhouse gases globally are best achieved through cooperation and active participation from the largest-emitting countries;

(3) global greenhouse gas emissions are projected to increase 25 to 90 percent during the period of calendar years 2000 through 2030, with up to 75 percent of that increase coming from emerging markets;

(4) the emissions from both the developed and developing countries are key components of overall global emissions;

(5) China is expected to surpass the United States in emissions of greenhouse gases within the year;

(6) on June 7, 2007, the G8 issued a Summit Declaration entitled "Growth and Responsibility in the World Economy" declaring its current approach to addressing global climate change;

(7) on June 8, 2007, the G8 and the governments of Brazil China, India, Mexico and South Africa issued a joint statement declaring a cooperative approach to addressing global climate change;

(8) the G8 has committed to enhancing energy efficiency, diversifying energy supplies and developing and deploying new and transformational technologies;

(9) the United States has committed to building upon the successful Asia-Pacific Partnership in reaching out to industry participation in meeting the goals of the G8 declaration addressing climate and energy;

(10) the G8 has declared that frameworks to address climate change "must address not only climate change but also energy security, economic growth, and sustainable development objectives in an integrated approach";

(11) the United States has committed to working with emerging markets to develop a stronger program of measuring performance and making data more transparent so that measurement standards are comparable across countries;

(12) the United States has committed to leading the way to the development of a new framework on climate change for the time after the Kyoto Protocol expires in 2012 by trying to find consensus among the 15 countries that are responsible for the most energy use and greenhouse gas emissions;

(13) the G8 has endorsed the convening in the United States of such a meeting this year to engage major emitting economies on how best to address climate change, developing a framework by the end of 2008;

(14) the G8 agreed that this dialogue will support the UN climate process and report back to the UNFCCC, contributing to a global agreement under the UNFCCC by 2009; and

(15) the United States led the effort to craft a new approach adopted by the G8 that frames climate change within a broader context of energy security and economic growth—an approach strongly supported by major emerging markets.

(b) Sense of Senate.—It is the sense of the Senate that the United States should continue its leadership role in addressing climate change, clean energy development and deployment, and energy security on an international scale by—

(1) participating in further negotiations regarding a post-Kyoto agreement—

(A) in accordance with the principles laid out by the G8 in the Summit Declaration entitled "Growth and Responsibility in the World Economy;"

(B) through which it leads efforts to obtain constructive participation and comparable actions by major emerging economies;

(C) to develop an international approach that enhances energy security;

(D) that promotes economic growth, does not harm the United States economy, and produces emissions reductions; and

(E) that achieves its objectives though development and investment in advanced technologies and practices; and

(2) establishing a bipartisan observer group, the members of which shall be designated by the Majority Leader and Minority Leader of the Senate—

(A) to monitor any international negotiations, agreements, or other arrangements on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1858. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. Stevens (for himself, Ms. Snowe, Mr. Alexander, Mr. Kerry, Mr. Carper, Mr. Lott, and Mr. Corker) to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) In General.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) Definitions.—In this section:

(1) Alternative fuel automobile.—The term "alternative fuel automobile" means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) Other terms.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1859. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. Pryor (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) and intended to be proposed to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting

“PRESCRIPTION OF STANDARDS BY REGULATION.—”;

(2) by striking “(except passenger automobiles)” in subsection (a); and

(3) by striking subsection (b) and inserting the following:

“(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

“(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

“(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

“(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

“(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

“(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

“(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

“(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.”.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

“(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

“(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

“(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

“(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

“(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

“(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

“(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

“(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

“(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term ‘commercial medium- and heavy-duty on-highway vehicle’ means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.”.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

“(l) AUTHORITY OF THE SECRETARY.—

“(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

“(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

“(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

“(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.”.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

“(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

“(1) may prescribe a standard higher than that required under subsection (b); or

“(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.”.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

“(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

“(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

“(A) economic practicability;

“(B) the effect of other motor vehicle standards of the Government on fuel economy;

“(C) environmental impacts; and

“(D) the need of the United States to conserve energy.

“(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

“(A) is technologically achievable;

“(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

“(C) is not less than the standard for that class of vehicles from any prior year; and

“(D) is cost-effective.

“(3) COST-EFFECTIVE DEFINED.—In this subsection, the term ‘cost-effective’ means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

“(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

“(A) Economic security.

“(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

“(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

“(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

“(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

“(F) Such additional factors as the Secretary deems relevant.

“(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

“(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

“(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.”.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is

amended by inserting “and the Administrator of the Environmental Protection Agency” after “Energy”.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting “(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.”; and

(2) by inserting “and the Administrator” after “Energy” each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking “passenger” each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking “subsection (a) or (d)” each place it appears in paragraph (1) and inserting “subsection (b), (c), or (d)”; and

(B) striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)” in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) except as provided in section 32908 of this title, ‘automobile’ means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

“(A) a vehicle operated only on a rail line;

“(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

“(C) a work truck.”; and

(2) by adding at the end the following:

“(17) ‘work truck’ means an automobile that the Secretary determines by regulation—

“(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

“(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).”.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30129. Vehicle compatibility standard

“(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

“(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.”.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

“30129. Vehicle compatibility standard”.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “passenger” each place it appears;

(2) by striking “section 32902(b)–(d) of this title” each place it appears and inserting “subsection (a), (c), or (d) of section 32902”;

(3) by striking “3 consecutive model years” in subsection (a)(2) and inserting “5 consecutive model years”;

(4) in subsection (a)(2), by striking “clause (1) of this subsection,” and inserting “paragraph (1)”; and

(5) by striking subsection (e) and inserting the following:

“(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.”.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

“(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

“(G) a fuelstar under paragraph (5).”; and

(2) by adding at the end of subsection (b) the following:

“(4) GREEN LABEL PROGRAM.—

“(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

“(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

“(i) meets or exceeds the applicable fuel economy standard; or

“(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

“(5) FUELSTAR PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘Fuelstar Program’, under which stars shall be imprinted on or attached to the label required by paragraph (1).

“(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

“(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

“(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

“(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.”.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§30123A. Tire fuel efficiency consumer information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

"30123A. Tire fuel efficiency consumer information".

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) Definitions.—In this section:

(1) Biodiesel.—

(A) In general.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) Inclusions.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) Biodiesel blend.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Use of Civil Penalties.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.".

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) Establishment of Fund.—

(1) In general.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) Investment of amounts.—

(A) In general.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) Credits to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) Use of amounts in fund.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) Alternative Fuels Grant Program.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) Eligibility.—

(A) In general.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) Exceptions.—

(i) Certain oil companies.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) Prohibition of dual benefits.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) Ensuring compliance.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) Maximum amount.—

(A) Grants.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) Amount per station.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) Use of funds.—

(A) In general.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) Administrative expenses.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) In General.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) Definitions.—In this section:

(1) Alternative fuel automobile.—The term "alternative fuel automobile" means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) Other terms.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1860. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. Pryor (for himself, Mr. Bond, Mr. Levin, Mr. Voinovich, Ms. Stabenow, and Mrs. McCaskill) and intended to be proposed to the amendment SA 1502 proposed by Mr. Reid to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting

"**PRESCRIPTION OF STANDARDS BY REGULATION**.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) Standards for Automobiles and Certain Other Vehicles.—

"(1) In general.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) Fuel economy target for automobiles.—

"(A) Automobile fuel economy average for model years 2011 through 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) Automobile fuel economy average for model years 2021 through 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) Progress toward standard required.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) Fuel Economy Target for Commercial Medium-Duty and Heavy-Duty On-Highway Vehicles.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) Commercial Medium- and Heavy-Duty On-Highway Vehicles.—

"(1) Study.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) Rulemaking.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) Lead-time; regulatory stability.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) Commercial medium- and heavy-duty on-highway vehicle defined.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) Authority of Secretary.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) Authority of the Secretary.—

"(1) Vehicle attributes.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) Prohibition of uniform percentage increase.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) In General.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) Amending Fuel Economy Standards.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) Feasibility Criteria.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) Decisions on Maximum Feasible Average Fuel Economy.—

"(1) In general.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) Limitations.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) Cost-effective defined.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) Factors for consideration by secretary in determining cost-effectiveness.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) Minimum valuation.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) Consultation Requirement.—Section 32902(i) of title 49, United States Code, is

amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term "alternative fuel automobile" means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1861. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES**.—" in subsection (a) and inserting "**PRESCRIPTION OF STANDARDS BY REGULATION**.—";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (**k**).

"(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term "alternative fuel automobile" means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1862. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike lines 5 through 12, and insert the following:

(3) CATCH AND RETURN.—The Department of Homeland Security is detaining all removable aliens apprehended crossing the southern border, except as specifically mandated by law, and United States Immigration and Customs Enforcement (ICE) has the resources to maintain this practice, including resources to detain up to 45,000 aliens per day on an annual basis.

SA 1863. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the first title VI (relating to Nonimmigrants in the United States previously in unlawful status).

SA 1864. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 26, strike "20,000" and insert "23,000"

SA 1865. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

SA 1866. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 5, strike "the probationary benefits conferred by section 601(h)."

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President. I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a public markup of S. 1671, "Entrepreneurial Development Act of 2007," S. 1622 "Small Business Venture Capital Act of 2007," and other pending business on Tuesday, June 26, 2007 at 10. a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 21, 2007, at 2 p.m. in order to conduct a hearing entitled "Private Sector Preparedness I—defining the problem and proposing solutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 9:30 a.m., in closed session to mark up, under sequential referrel, S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, and to consider certain military nominations pending before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2007, at 10 a.m., in order to conduct a hearing entitled "Working towards ending homelessness: Reauthorization of the McKinney-Vento Homeless Assistance Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 21, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on legislation introduced by Sen. BILL NELSON (D–FL), S. 704, the Truth in Caller ID Act of 2007, to protect consumers from deceptive practices involving caller identification information also known as caller ID "spoofing." The hearing will also address issues related to the ability of consumers to port telephone numbers between competing voice service providers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 21, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing will consider currently available technologies, and both State-sponsored and corporate programs that reduce total energy use and decrease greenhouse gas emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday. June 21, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, in order to hear testimony on "Barriers to work for individuals receiving social security disability benefits."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 9:30 a.m. to hold a hearing on a strategic assessment of U.S.-Russian relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 2 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 21, 2007, at 9:30 a.m., in room 485 of the Russell Senate Office Building, in order to conduct an oversight hearing on law enforcement in Indian country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Civil Rights Division Oversight" on Thursday, June 21, 2007 at 2:00 p.m. in Dirksen Senate Office Building room 226. Witness list:

Panel I: Wan Kim, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, DC.

Panel II: Wade Henderson, President and CEO, Leadership Conference on Civil Rights, Washington, DC.

Brian Landsberg, Professor, McGeorge School of Law, University of the Pacific, Sacramento, CA.

Helen Norton, Visiting Assistant Professor, School of Law, University of Maryland, Baltimore, MD.

Roger Clegg, President and General Counsel, Center for Equal Opportunity, Falls Church, VA.

Robert N. Driscoll, Partner, Alston & Bird LLP, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in order to conduct a markup hearing on Thursday, June 21, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation of Legal Basis for Warrantless Wiretap Program.

II. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse).

III. Nominations: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

IV. Resolutions: S. Res. 230, Designating July as National Teen Safe Driver Month (Isakson); S. Res. 235, Designating July 1, 2007, as "National

Boating Day" (Whitehouse, Vitter); S. Res. 225, Designating the month of August 2007 as "National Medicine Abuse Awareness Month" (Biden, Grassley).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a roundtable entitled "SBA Reauthorization: Small Business Venture Capital Programs," on Thursday, June 21, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Thursday, June 21, 2007 from 11 a.m.–12:30 p.m. in Russell 325 for the purpose of conducting a hearing. The hearing will be concerning: America's farming population.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent that Mark Wenzel, a fellow in Senator DODD's office, be granted the privileges of the floor during the pendency of H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110-3

Ms. KLOBUCHAR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 21, 2007, by the President of the United States: Tax Convention with Belgium, Treaty Document No. 110-3.

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on November 27, 2006, at Brussels (the "proposed Treaty"). The proposed Treaty will replace the existing income tax treaty between the two countries that was concluded in 1970 and amended by protocol in 1987. Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Treaty.

The proposed Treaty eliminates the withholding tax on certain cross-border dividend payments, including dividend payments to pension funds. The proposed Treaty also provides for mandatory arbitration of certain cases brought before the competent authorities. This provision is only the second of its kind in a proposed U.S. tax treaty. In addition, the proposed Treaty includes provisions, consistent with current U.S. tax-treaty policy, that are designed to prevent so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2007.*

DISCHARGE AND REFERRAL—S. 1650

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1650 and that the bill be referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 2366

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2366 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2366) to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 2359

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2359 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 22, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, June 22; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:51 p.m., adjourned until Friday, June 22, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2007:

DEPARTMENT OF DEFENSE

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE KENNETH J. KRIEG.

FEDERAL COMMUNICATIONS COMMISSION

DEBORAH TAYLOR TATE, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007. (REAPPOINTMENT)

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2011. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

CLARENCE H. ALBRIGHT, OF SOUTH CAROLINA, TO BE UNDER SECRETARY OF ENERGY, VICE DAVID GARMAN, RESIGNED.

DEPARTMENT OF STATE

RONALD K. MCMULLEN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

GEN. DUNCAN J. MCNABB, 2295

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ARTHUR J. LICHTE, 5483

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOHN D.W. CORLEY, 9553

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mrs. MYRICK. Madam Speaker, I mistakenly voted "no" on Rollcall Vote 523, the Shadegg of Arizona amendment to H.R. 2641. I should have voted "aye."

U.N. WORLD REFUGEE DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and honor U.N. World Refugee Day. Some 40 million people worldwide are uprooted by violence and persecution.

It is likely that in the future we will see even more people on the run—as a growing number of push factors compound one another to create conditions for further forced displacement.

People do not just flee persecution and war but also injustice, exclusion, environmental pressures, competition for scarce resources and all the miserable human consequences of dysfunctional states. We need to rise together to advocate for the plight of refugees.

We need to raise global awareness to remedy the conditions for which people are forced to leave their homes and become refugees.

IN HONOR OF PINE-RICHLAND MIDDLE SCHOOL

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. ALTMIRE. Madam Speaker, I rise to pay tribute to the faculty and staff of Pine-Richland Middle School in Gibsonia, Pennsylvania. Pine-Richland Middle School was recently given the extraordinary honor of being designated as a School to Watch by the National Forum to Accelerate Middle Grades Reform, a distinction bestowed upon only 34 middle schools nationwide this year.

In order to become recognized as a School to Watch, middle schools must meet rigorous criteria set forth by the National Forum. To comply with these standards, schools must not only promote academic excellence among their students, but also provide adolescents with an environment that is sensitive to and supportive of their particular developmental needs. Additionally, schools must ensure that their resources are used equitably to assist and challenge students at all levels of achievement.

By earning recognition as a School to Watch, Pine-Richland Middle School has demonstrated its commitment to providing the best possible education to every one of its students. I am honored to have the opportunity to recognize the talented faculty and staff who earned this award. Every day, they dedicate themselves to the task of producing enlightened students and virtuous citizens. I commend them for their work and wish them continued success.

MARSH ELEMENTARY STUDENTS CHOSEN AS THE WINNER OF THE 2007 TOSHIBA/NATIONAL SCIENCE TEACHERS ASSOCIATION EXPLORA VISION AWARDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. MANZULLO. Madam Speaker, I am pleased to honor a group of students from Marsh Elementary School in Rockford, Illinois, for their selection as the winner of the 2007 Toshiba/National Science Teachers Association Explora Vision Awards.

Each year, students in grades K–12 around the Nation compete in the Explora Vision program, which is designed to encourage students to combine their imagination with their knowledge of science and technology to explore visions of the future. Teams of students select a technology, research how it works and why it was invented, and then project how that technology may change in the future. They must then identify what breakthroughs are required for their vision to become a reality and describe the positive and negative consequences of their technology on society.

I am honored to have these students in the district that I am privileged to represent. I support them wholeheartedly as they pursue different areas of technological research at such an early age. I hope that their experiences will kindle an interest in science and technology that could possibly lead to a career in these fields.

RECOGNIZING THE RETIREMENT OF BART DIRECTOR THOMAS E. MARGRO

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleagues, Hon. NANCY PELOSI, Hon. ANNA G. ESHOO, Hon. MIKE HONDA, Hon. BARBARA LEE, Hon. TOM LANTOS, Hon. ZOE LOFGREN, Hon. JERRY MCNERNEY, Hon. GEORGE MILLER, Hon. PETE STARK, Hon. LYNN WOOLSEY of California, in the House of Representatives—to recognize Thomas E. Margro who has served the San Francisco Bay Area Rapid Transit District as general manager since September 1996.

Mr. Margro is the longest serving general manager in the district's history and held the post of assistant general manager, transit system development from 1990 to 1995, after a distinguished career with the Southeastern Pennsylvania Transportation Authority.

Mr. Margro guided the development, design, and construction of the $2.7 billion BART extensions program, expanding the system in the counties of Alameda, Contra Costa, and San Mateo including extensions to Pittsburg/Bay Point, Dublin/Pleasanton, and also spearheaded the successful modernization of the district with a 10 year, $1.2 billion system renovation program.

In addition, he lead the development of the $1.5 billion San Francisco Airport, SFO, extension in partnership with the Bay Area congressional delegation, which created a state-of-the-art train to plane connection at SFO and also created an 9.8, 5-station extension through the Peninsula cities of Colma, South San Francisco, Bruno, Millbrae and Burlingame.

Mr. Margro also partnered with the Bay Area congressional delegation to highlight the security needs of transit systems, and advocated for additional Federal transit dollars and greater regional cooperation to ensure that BART riders would receive their fair share of Federal security dollars.

Along with the Bay Area congressional delegation, he successfully partnered to boost the amount of transit dollars returning to California as a part of the SAFETEA–LU authorization process—successfully getting significant increases in BART formula funding through that process.

Managing the district through difficult financial times, Mr. Margro ensured that BART maintained a stellar safety record, a 92 percent on-time performance rating and an 85 percent customer satisfaction rating all the while; the efforts culminated in BART being awarded the coveted title "#1 Transit System in America" in 2004 by the American Public Transportation Association (APTA).

The members of the San Francisco Bay area congressional delegation recognizance the immeasurable contribution Mr. Margro has made to the bay area region and we wish him success and happiness in his future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO FRANK DENZINGER AND JOEL WHITE

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. HILL. Madam Speaker, on Monday evening, June 18, 2007, the community of Floyd County, Indiana, experienced a tragic event that resulted in the loss of 2 lives. Two members of the Floyd County Sheriff's Department, Frank Denzinger and Joel White, were shot when they arrived on the scene at a home to which they had been called. Deputy Sheriff Denzinger did not survive the shooting, Deputy Sheriff White was seriously injured, and later that evening, police discovered that the teenage boy who shot them had also fatally shot himself. This small, southern Indiana community has not experienced a tragedy of this proportion in decades, and is still reeling from it. I would like to first of all commend the noble work, day in and day out, of the Floyd County Sheriff's Department and all of our local law enforcement in Indiana. I would like to offer my sincere condolences to Deputy Sheriff Denzinger's family and friends. Frank Denzinger, 32, of Lanseville, Indiana, leaves behind a loving wife, Tara, and young daughter, Avery Grace. Frank was known as not only a loyal peer to his fellow law enforcement agents, but also to his family. He was taken much too soon from his wife and daughter. I want to thank Deputy Sheriff Denzinger and his family for their service to our community, as well as remind all Hoosiers to pray for both the Denzinger and White families.

PRAISING THE SUCCESS OF THE SCHOOL VIOLENCE PREVENTION DEMONSTRATION PROGRAM IN ALLENTOWN, PENNSYLVANIA

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. DENT. Madam Speaker, it is with great enthusiasm that I share with my colleagues an article prepared by Mr. Myron Yoder, the Social Studies Curriculum Coordinator for the Allentown School District in Allentown, Pennsylvania, regarding the School Violence Prevention Demonstration Program.

The School Violence Prevention Demonstration Program is administered by the Center for Civic Education through the U.S. Department of Education. The program explores how civic education can be used as a strategy to foster civic engagement, law-abiding behavior, the peaceful management of conflict, and the prevention of violence in schools. Currently, the program is being implemented at grades 4 through 12 in urban, suburban, rural, and Native American school districts at 24 sites in 19 States across the Nation. The article is below.

CIVIC EDUCATION TO BE CELEBRATED IN ASD SCHOOLS JUNE 5: A CALL TO THE ALLENTOWN COMMUNITY. JOIN US

(By Myron Yoder)

Good civics—practice and recognition—is a concern and part of the fabric of every healthy community. To a school, civics is a fundamental part of instruction; to a diverse society, it is an imperative to maintain and grow our civilized way of life. The Allentown School District has been involved in a federal grant administered through the Center for Civic Education called the School Violence Prevention Demonstration Program, or SVPDP, for short. This civics-based curricular program has become ASD's elementary civics component for social studies in grades K–5. The goal behind the program is essential to our society: If you build good civics practices with students in school communities, then you proactively deal with issues of student attitudes, behavior and, theoretically, head off school violence by more students. This year, the Allentown School District civics program is in over 400 classrooms and reaches over 8,000 students.

The many planned "culminating" activities at the end of students' studies this spring are deliberately performance-based not only to allow for creativity and self-expression by our students and teachers but also to provide a means to integrate learning and foster even stronger academic growth. Many parents notice students discussing issues at home with them as well as noticing a desire to become involved in issues our community faces. These culminating activities are occurring in many of our schools over the months of May and June. You can check with your neighborhood school for when these events are planned. We invite you to observe our students showcasing their learning this year.

Best of all, the SVPDP program helps ASD students become citizens of our community, our state and our nation. Further, we see a difference in many of our students, not only academically but also with attitudes and behaviors that we believe will proactively prevent school violence in many of our students.

The time has come to recognize, celebrate and thank our staff and students for this very committed effort on their part. On June 5, 2007 there will be a "Civic Celebration" lunch served by ASD's Child Nutrition Services department to celebrate SVPDP efforts in the schools and to recognize the work of our students and staff in this program.

Many schools will have culminating activities going on, community service activities, award ceremonies, school clean up, community awareness or simply taking a moment over lunch to say thank you to the staff and students for their efforts. Each school will be doing something different that day, but all will celebrate civic participation with the lunch.

Citizens of Allentown, here are some of the expressions of understanding and change that ASD children and their teachers are experiencing with this program:

"Because I was a bully, I had a little bit of friends. Most of them were bullies, too. The responsibility book helped me stop being a bully. And now I have friends cause I am not a bully. Bullying is not for me!"—Fourth grader, Jackson ES.

"I ask the children what they have learned through the stories and plays and they say: Be fair to others so that they will be fair to you; There are consequences for our actions; Share with other people; Don't be a bully; Be nice to your friends; Be helpful to other people; Obey the laws."—Lou Ann Hein, Teacher, 2nd Grade, Dodd ES.

"I just wanted to tell you how much I have enjoyed teaching SVPDP and how much my students enjoyed it and learned from it. It covers so many issues students need in order to be good citizens and addresses issues they often don't understand. It has always been difficult to fit social studies into first grade but the journal coordinated exactly with what I was teaching in reading and writing, so there was plenty of time for social studies!"—Elizabeth Harting, Teacher, 1st Grade, Cleveland ES.

Allentown School District has a clear and dedicated commitment to teaching the qualities and values important to our society. We ask parents and the Allentown Community to join us in educating for America's future by celebrating civics on June 5, 2007.

CONGRATULATING LANCE CORPORAL ROBERT DRAPER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, LCpl Robert Draper.

Lance Corporal Draper recently returned from Haditha, Iraq, where he served a 7-month deployment. He was assigned to Company E of the Second Battalion, Third Marine Regiment of the United States Marine Corps.

The city of Haditha saw unprecedented improvements when Lance Corporal Draper's Company E served. Upon arrival, Haditha was considered one of the most dangerous regions in Iraq. By the end of Lance Corporal Draper's deployment, the police force was rapidly growing, attacks on Iraqi Police and Marine patrols were steadily decreasing, and relations with the Iraqi people were improving.

Madam Speaker, please join me in paying tribute to Lance Corporal Draper, whose selfless actions benefit all Americans. Our Nation owes Lance Corporal Draper and his fellow soldiers a great debt of gratitude for their service.

IN HONOR OF SPECIALIST VAL JOHN BORM

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise today with a sense of sadness and regret to honor the short life of Specialist Val John Borm, of Sidney, Nebraska. Val, an infantryman in B Company, 2nd Battalion with the 35th Infantry, was killed late last week when a roadside bomb exploded near his Humvee.

A 2005 graduate of Sidney High School, Val has been described as an enthusiastic soldier who enjoyed his service for our country. My heart goes out to his parents, Larry and Lolita, and the rest of the Sidney community as they come to terms with this loss.

As we head into the July 4th holiday season, let us remember Val and his comrades who have paid such a high price defending freedom. We owe them our very best.

HONORING MRS. SANDRA L. MERIN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. TANNER. Madam Speaker, I rise today to honor the work and achievements of Mrs. Sandra L. Merin, president of the Board of Directors of the District of Columbia Children's Advocacy Center, also known as Safe Shores. This week Mrs. Merin is being honored by the National Children's Alliance as its 2007 Volunteer of the Year for her extraordinary service and leadership on behalf of abused children in the Nation's Capital.

Established pursuant to the Children's Advocacy Center model created over two decades ago by our distinguished colleague Representative ROBERT "BUD" CRAMER of Alabama, Safe Shores is a nonprofit organization that each year helps over 800 children whose lives have been marred by physical abuse, sexual abuse or other violence. Safe Shores' mission is to ensure the safety, health and well-being of abused children in the District of Columbia by uniting the strengths of public, private and community partners.

Mrs. Merin has been a volunteer with Safe Shores for 6 years, during which time she has shown tremendous energy, persistence, and determination in being a voice for children who face abuse, neglect, and painful realities that no individual should ever know.

Mrs. Merin leads the volunteer board of directors, helping to guide the governance of the organization and the board's development and expansion; she has helped forge a relationship between a respected local university and Safe Shores; she has served on the organization's 10th Anniversary Event Committee.

In the true spirit of community service and philanthropy, Mrs. Merin does all her fine work for Safe Shores humbly and without seeking praise or reward. A devoted wife and mother, Sandra Merin exemplifies the spirit that made this country great and continues to sustain us.

Madam Speaker, please join me in congratulating Mrs. Sandra Merin for her dedicated and invaluable support of Safe Shores and its crucial efforts to reduce trauma and promote healing for the youngest and most vulnerable of Washington, DC's residents.

RETIREMENT OF MIAMI EAST HIGH SCHOOL TEACHER FRED WORTH

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. BOEHNER. Madam Speaker, I rise to recognize the retirement of Fred Worth, a History and Government teacher at Miami East High School in Miami County, Ohio, and to express my appreciation for his dedication and commitment to the youth of our Nation.

For the last 30 years, Fred has contributed his time and his talents to the betterment of so many young adults and for this I offer him my utmost congratulations and thanks. Whether it is coaching baseball, volunteering at St. Patrick's Church or teaching in the classroom, his students and players exhibit the best of our younger generations. I know many of Fred's former students and players have blossomed into wonderful adults and he's played a big part in shaping their character.

I'm proud to call Fred my friend and for that I express my most sincere gratitude. His leadership will be missed, but the footprint he leaves will inspire many to dream big, reach high and achieve great things.

I consider it an honor to represent Fred in Congress and I wish him and his wife Janet a long, happy and healthy retirement.

CONGRATULATING SERGEANT JOHN HUNSBERGER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, SGT John Hunsberger.

Sergeant Hunsberger recently returned from Haditha, Iraq, where he served a 7-month deployment. He was assigned to Company E of the Second Battalion, Third Marine Regiment of the United States Marine Corps.

The city of Haditha saw unprecedented improvements when Sergeant Hunsberger's Company E served. Upon arrival, Haditha was considered one of the most dangerous regions in Iraq. By the end of Sergeant Hunsberger's deployment, the police force was rapidly growing, attacks on Iraqi Police and Marine patrols were steadily decreasing, and relations with the Iraqi people were improving.

Sergeant Hunsberger earned the purple heart while in service in Haditha.

Madam Speaker, please join me in paying tribute to Sergeant Hunsberger, whose selfless actions benefit all Americans. Our Nation owes Sergeant Hunsberger and his fellow soldiers a great debt of gratitude for their service.

THE TOWN OF JANE LEW'S 100TH BIRTHDAY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mrs. CAPITO. Madam Speaker, I rise today to join the residents of Lewis County, West Virginia, in recognizing the town of Jane Lew on its 100th birthday.

Situated in north central West Virginia, Jane Lew traces its origins back to 1773. The small community grew slowly over the years before being issued a charter of incorporation by the State Legislature in 1907.

Today, at 100 years young, Jane Lew continues as a thriving small town. Known for being a friendly tight-knit community, the town is home to 40 businesses, a thriving senior center and 1 of the region's largest Labor Day craft shows.

I congratulate the residents of Jane Lew and look forward to many more birthday celebrations in the future.

RECOGNIZING DALLAS PEACE CENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize a milestone that was achieved by the oldest and largest peace and justice organization in north Texas. This year the Dallas Peace Center will celebrate its 25th anniversary.

The Dallas Peace Center is based on a vision of reconciliation to promote education, dialogue, and action for peace and justice. Along with other contributions, the Dallas Peace Center hosts forums and conferences advocating for peace in America and the world. Moreover, the center hosts community service initiatives that help promote justice in the north Texas area. The heart of the Dallas Peace Center reaches well beyond its members through its dedication and commitment to the community.

The Dallas Peace Center also meets with other organizations that promote peace including the National Association for the Advancement of Colored People and Amnesty International. The center hosts free workshops and book club meetings so that members and nonmembers can learn about pertinent subject areas.

This year, the Dallas Peace Center is supporting the upcoming 3rd Women's International Peace Conference, which will bring women leaders from across the world to Dallas to engage in dialogue leading to peace.

On behalf of the 30th Congressional District of Texas, I am elated to congratulate such an invaluable asset to the Dallas community on its 25th anniversary. I thank the members of this center on their dedicated service to Dallas and the great State of Texas and I wish them many more years of prosperity.

HONORING THE SERVICE OF CHIEF YEOMAN MICHAEL "JOHN" FOY DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor a native Houstonian, who has spent the last 25 years of his life serving our country in the United States Navy.

After graduating from Lubbock Christian University where he was actively involved in the Army ROTC Program, Chief Day entered the Navy on October 16, 1983, and for the next 5 years was involved in 3 different SEAL teams.

While accomplishing numerous tasks with the SEALS, Chief Day committed much of his time to his community. He served as President of the Gateway Housing Council, Director of the Neighborhood Watch Program, and was a member of the San Diego School Board.

After being transferred to Europe in 1989, Chief Day continued achieving duties with the

Personnel Support Detachment and many community organizations. Some of those organizations include: Leader of the Scottish Boy Scouts, member of the Veterans of Foreign Wars, and was recipient of the 1995 Outstanding United Services Organization (USO) Award of Europe.

In June 1996, Chief Day was reassigned to Ingleside, Texas, and continued participating in community involvement. During the completion of his assignment with the Afloat Training Group (ATG) and Mine Warfare Training Center, Chief Day became Commander of the Veterans of Foreign Wars chapter in Ingleside. During his time as commander he received the highest award in the Department of Texas. The J.T. Rutherford honor is awarded to the number one ranked volunteer member in Texas.

In June 1998, Chief Day was relocated to the Middle East and honorably carried out various missions with the Navy and Marine Corps TAFT unit, under the Joint Military Order of the Royal Saudi Navy and Marine Corps forces. After being selected as the number one sailor in Europe and promoted to his current rank of Chief Petty Officer, Chief Day volunteered and deployed to Iraq during Operation Iraqi Freedom.

Throughout his military career Chief Day earned 42 awards, was selected 5 times as sailor of the quarter, and 3 times as Sailor of the Year.

Chief Day is a loving father, husband, and a prime example of a leader who promotes citizenship by participation. As Chief Day's military career comes to a close, I am proud to stand before you and honor a man who has represented his community, State, and country with dignity.

TRIBUTE TO STAFF SERGEANT MICHAEL A. BECHERT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sadness and deep respect that I wish to commend Army SSG Michael A. Bechert for his bravery and his willingness to fight for his country. Staff Sergeant Bechert was assigned to C Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division in Schweinfurt, Germany. Tragically, Staff Sergeant Bechert passed away on June 14, 2007, due to injuries sustained on May 30, 2007, when his vehicle encountered an improvised explosive device in Baghdad, Iraq. His sacrifice for his country will forever be remembered by a community that has been devastated by the loss of one of its own.

Staff Sergeant Bechert felt tremendous pride for his country, and it will never be forgotten that he was willing to endanger his own life to protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. Staff Sergeant Bechert enlisted in the United States Army, fully aware that danger could arise in any situation. He accepted this so that the freedoms and values he treasured could be enjoyed by men, women, and children around the world.

For his efforts, Staff Sergeant Bechert was awarded several military medals and honors, including: the Expert Infantryman Badge, the Combat Infantryman Badge, and the Army Commendation Medal for heroism, as well as a Purple Heart for previous injuries sustained in battle. In addition, he will be posthumously awarded an additional Purple Heart and a Bronze Star medal.

Although he loved his unit and his country, Michael treasured his family above all else. He is survived by his wife, Daniela, and his son, Branden Andrew, as well as many other friends and family members whose lives he has touched. My condolences go out to all who knew and loved Michael. His eagerness to serve and his willingness to sacrifice himself is worthy of the highest admiration.

Madam Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army SSG Michael Bechert. He will forever remain a hero in the eyes of his family, his community, and his country. Let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

INTRODUCING THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. STARK. Madam Spearker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act. This bill would place long overdue restrictions on direct-to-consumer, DTC, prescription drug advertisements. All too often, these poorly regulated ads provide incomplete and misleading information about new pills, pushing unnecessary prescriptions and promoting drugs before doctors and scientists have time to learn enough about their dangers.

Consumers, at whom these ads are targeted, don't realize that FDA approves drugs without confirming that they are safe for every treatment circumstance. As a result, many new drugs are widely marketed before the FDA discovers serious side effects and takes corrective action. Examples include drugs for conditions as common as arthritis and high blood sugar.

As scientists have discovered, "DTCA (direct to consumer advertising) is a successful method of generating prescriptions." Since ad restrictions were gutted in the U.S., drug advertising has grown at a startling rate, to a whopping $4.2 billion in 2005. No surprise, drug costs have grown dramatically as well, from 78 billion in 1997 to more than 2 trillion in 2005. Pharmaceutical companies spend billions of dollars trying to convince consumers their drugs will fix everything from bad sex lives to bad moods. These ads lead consumers to demand drugs that may not be medically necessary or appropriate for their condition.

In many instances, DTC ads promote drugs that are later found to harm patients. In 2003, for example, Johnson & Johnson ran ads where Procrit seemed to rescue a cancer victim from disabling lethargy. Then new research came out showing cancer patients did no better on Procrit. In fact, some cancer patients actually did worse.

The FDA has now given Procrit a black box warning cautioning against the use of this drug in certain circumstances. The agency has also warned Johnson & Johnson and Amgen that there is no evidence to support marketing efforts suggesting the drug reduces fatigue for patients in chemotherapy.

By increasing demand for pricey new drugs when cheaper ones will do, DTC advertising also drives up the costs of prescriptions. Sadly when patients find they can't afford these expensive drugs, they skip doses or don't even start the treatment. Unbalanced ads for expensive pills therefore contribute to both higher costs and to poor control of chronic disease.

The Fair Balance Prescription Drug Advertisement Act will empower the FDA to determine whether pharmaceutical companies present information about their products in a fair manner, balancing risks and benefits. Any advertisements found to violate this standard would be denied currently allowed business expense tax deductions for advertising costs.

Based on recommendations from the Institute of Medicine, the bill goes one step further and eliminates the business exemption for all new medications for the first 2 years that they are in the marketplace. This provision would provide doctors and scientists the opportunity to learn more about drugs' effects on a general population before consumers are bombarded with marketing pitches. Had this regulation been in effect when Procrit was introduced, many people would be better off today.

There are freedom of speech concerns with directly prohibiting advertising, accurate or not. This legislation therefore takes a different approach, hitting drug companies where it hurts them most, their bottom lines. While companies could continue running misleading ads, they would have to pay significantly more to do so. This will discourage drug companies from engaging in dishonest marketing practices.

The Fair Balance Prescription Drug Advertisement Act sets forth new guidelines that will help the pharmaceutical industry appropriately educate the public, enabling consumers to make informed decisions based on a fair and balanced presentation of risks and benefits. Today's DTC ads simply don't meet that standard. Given rapidly rising health care and prescription drug costs, we need to take every step we can to make prescription drugs safer and more affordable. We have to make sure advertisements aid consumers in making informed decisions, rather than simply increasing demand for the newest drugs.

Since the pharmaceutical industry already argues that their ads inform consumers, they should have nothing to fear from this bill. We should pass this bill immediately and take a concrete step to improve the safety and efficacy of prescription drugs for America's consumers. I urge all my colleagues to join me in support of the Fair Balance Prescription Drug Advertisement Act.

TRIBUTE TO THELMA BERTIE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Thelma Bertie of the Bronx, NY, and to recognize her on the celebration of her 90th birthday. Ms. Bertie is an 87-year resident of New York and has exhibited steadfast commitment to American ideals by faithfully voting in every local and national election since reaching voting age. I commend her on this great dedication to her civic duty and I wish her a joyous day with many more happy moments ahead beside her loved ones.

Ms. Bertie has asserted herself as an active and conscientious citizen and has earned appreciation for her contributions to the community. Her life and accomplishments are true inspirations to the lives of all those she touches and I am honored that my district is called home by such an outstanding citizen. Ms. Bertie truly understands the value of being not only a New Yorker but an American as well, and the entire Bronx community is privileged to count her among its residents.

Madam Speaker, I join to congratulate Ms. Bertie on this birthday milestone and I wish her good health and fortune in the future.

CONGRATULATING LANCE CORPORAL WILLIAM BURKE JR.

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, LCpl William Burke Jr.

Lance Corporal Burke recently returned from Haditha, Iraq, where he served a 7-month deployment. He was assigned to Company E of the Second Battalion, Third Marine Regiment of the United States Marine Corps.

The city of Haditha saw unprecedented improvements when Lance Corporal Burke's Company E served. Upon arrival, Haditha was considered one of the most dangerous regions in Iraq. By the end of Lance Corporal Burke's deployment, the police force was rapidly growing, attacks on Iraqi Police and Marine patrols were steadily decreasing, and relations with the Iraqi people were improving.

Madam Speaker, please join me in paying tribute to Lance Corporal Burke, whose selfless actions benefit all Americans. Our Nation owes Lance Corporal Burke and his fellow soldiers a great debt of gratitude for their service.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE CLEBURNE COUNTY COURTHOUSE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the citizens of Cleburne County, Alabama, who will soon celebrate the 100th anniversary of the Cleburne County Courthouse.

The cornerstone of this historic structure was laid on July 4, 1907, following a referendum to decide the final location of the courthouse. The location chosen was Heflin, Alabama. Over the past century, the Cleburne County Courthouse has housed numerous departments serving the people of Cleburne County, including the office of the judge of probate, veterans affairs office, the superintendent of education, and the county commission.

On June 30, 2007, the citizens of Cleburne County will gather to commemorate this important milestone. At that time local leaders are expected to open the cornerstone, and local citizens will hear presentations by community leaders and enjoy a community-wide gathering.

I would like to congratulate the people of Cleburne County for reaching this important milestone in their county's history, and join the community in wishing another prosperous 100 years for this important landmark.

RECOGNIZING THE MACARTHUR FOUNDATION AND THE LOCAL INITIATIVES SUPPORT CORPORATION OF CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. EMANUEL. Madam Speaker, I rise today in recognition of the MacArthur Foundation and the Local Initiatives Support Corporation (LISC) of Chicago for their efforts to support communities throughout the city of Chicago. Recently, the MacArthur Foundation announced it will invest $26 million to support the New Communities Program. The New Communities Program is a project of Local Initiatives Support Corporation of Chicago that seeks to help lower income neighborhoods grapple with safety, employment, health care, affordable housing and development.

Chicago is a city of neighborhoods, which is why the MacArthur Foundation's most recent donation is so exciting. The Foundation's $26 million contribution will invest in 16 different Chicago neighborhoods—Auburn Gresham, Chicago Lawn, Douglas, North Kenwood-Oakland, Grand Boulevard, East Garfield Park, Englewood, Humboldt Park, Little Village, Logan Square, North Lawndale, Pilsen, South Chicago, Washington Park, West Haven and Woodlawn.

Since 2002 the MacArthur Foundation has donated over $21 million annually to the New Communities Program, providing seed money that has blossomed into over $255 million in private investment. The new investment in our communities is expected to multiply into another $500 million in private funds over the next 5 years, which will provide thousands of new jobs and opportunities to residents of some of Chicago's overlooked neighborhoods.

The Local Initiatives Support Corporation was created in 1979. Since then, LISC has provided 215,000 units of affordable housing, created funding for schools and day care for over 40,000 children annually, and added parks and playing fields to accommodate 150,000 people. In Chicago alone, LISC has dedicated more than $100 million into housing and economic development since 1980, and they remain committed to their vision of building whole communities.

Madam Speaker, the New Communities Program has served as a model to other community development organizations across the country and around the globe, and thanks in part to the Local Initiatives Support Corporation of Chicago and the MacArthur Foundation, our neighborhoods will continue to be some of the best in the world.

SENATE—*Friday, June 22, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God whom the heavens of heavens cannot contain, illumine us by Your grace, that we may accurately represent You.

May our Senators today show You their gratitude through humble service to this land that we love. Help them to do Your will by bringing deliverance to captives, guidance for the lost, and relief to the oppressed. Direct their steps and give them the wisdom to focus on the things that truly matter. When bewildered by vicissitudes, may they look to You as the one whom they must seek to please.

Touch us all with Your unfailing love, particularly the many staffers and other unsung heroes and heroines who labor long hours in the background for liberty. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 22, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, the Senate will conduct morning business this morning. It will be announced as soon as I sit down. Members will speak for up to 10 minutes each under the order. There will be no rollcall votes today or during Monday's session.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

AMENDMENT NO. 1867

Mr. REID. I ask unanimous consent that the title amendment to H.R. 6, which is at the desk, be considered and agreed to and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> Amend the title so as to read: "An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.".

MEASURE PLACED ON THE CALENDAR—H.R. 2359

Mr. REID. Mr. President, I know that H.R. 2359 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA MODGLING

SERGEANT FIRST CLASS WILLIAM ZAPFE

Mr. REID. Mr. President, a few weeks ago, on Memorial Day, I spent a good part of the day in Boulder City, NV, where we have a veterans cemetery. It is new but growing fast. There are almost 25,000 graves in that cemetery which started less than 15 years ago.

On that day, I joined veterans, family, and friends to pay thanks to the Nevadans who have lost their lives in the Iraq and Afghanistan wars.

On that occasion, I shared the words of President Lincoln when our country was torn apart by the Civil War. Lincoln said:

> My dream is of a place and a time where America will once again be seen as the last best hope of Earth.

With the war raging in Iraq, with the whole area destabilized, his words ring loudly and clearly. My dream, as Lincoln's, is of a place and time where America will once again be seen as the last, best hope on Earth.

The day before yesterday, PFC Joshua Modgling, of Henderson, NV, lost his life in pursuit of that dream. He was 22 years old. Joshua and Army SFC William Zapfe, from Kentucky, both died of wounds from a roadside bomb. They were 2 of the 15 killed within 36 hours, the day before yesterday, in that bloody civil war raging in Iraq.

There is not much that can be said, other than our hearts are with the families of Joshua and William and all those who knew them. I speak for my colleagues and all Americans in praying that every brave man and woman serving overseas will come home safe and come home soon.

PASSAGE OF H.R. 6

Mr. REID. Mr. President, leaving that subject, which is certainly a subject that concerns us all, turning to the subject of this morning, around midnight, when we passed the Energy bill, it was a tremendous accomplishment for this body. As I said yesterday when, with the first vote, cloture was invoked, I hope that set a new tone and pattern in Washington, where we can work together to pass things.

It would be one thing if the bill that was before the Senate for the last couple of weeks was a Democratic bill, but it wasn't. I took what was passed out of the Energy Committee on a bipartisan basis, I took what was passed out of the Commerce Committee on a bipartisan basis, I took what was passed out of the Environment and Public Works Committee on a bipartisan basis and put them into one bill and that is what we have been working on. It is bipartisan legislation.

It is too bad some tried to make it a partisan issue. There is nothing partisan about it. It was a bipartisan bill. But some who do not want any accomplishments in the Senate, who resent the fact we have been able to pass minimum wage; drought relief for farmers for the first time in 3 years; for the first time since President Bush has been President, we have gotten money for homeland security, over his objection—we had tried many times—we got $1 billion; we funded SCHIP; we funded the Government. You know, the Republicans left town and funded the Government only until February 1. We funded the Government until October 1. We passed a balanced budget, even though our majority, because of Senator JOHNSON's illness, was 50 to 49. Republicans with 55 to 45 couldn't pass a budget. We did, and some resent that.

We have focused attention on Iraq, which has been unfocused for the entire course of that war. We had 80 hearings. The Judiciary Committee has focused attention on the scandals at the Justice Department, led by Attorney General Gonzales. We have reestablished the legislative branch of Government. The Presiding Officer served for many years in the other body, such as I did. The House and the Senate make up the legislative branch of Government, set forth in the Constitution many years ago to be a separate and equal branch of Government—the legislative, executive and judicial branches of Government.

For the first 6 years of this Presidency, there was no legislative branch of Government. It did not exist. The President ignored it because the Republican-dominated House and Senate gave the President a big rubber stamp. We have changed that, and rightfully so, for the American people.

A number of people made possible passage of the bill late last night, or this morning. Senator BINGAMAN, Senator BOXER. And let me say this about that wonderful Senator from the State of California, Mrs. BOXER. Senator BOXER has one grandchild, Zach. I have watched him grow up. I don't know, he must be 10, 11 years old now. I watched him when he was a little boy crawling around on the floor. She was so excited.

I had the good fortune, my wife and I, to spend a weekend with them in one of their homes in California, she and Stu. They were so excited they were going to have their second grandchild. That second grandchild was born last night about 6 o'clock eastern time. She flew to California and was headed toward the airport, actually had entered the airport, when the vote occurred last night. She was coming back here to be here this morning to take that vote.

She is a real soldier. I so admire Senator BOXER. We came to Washington together in 1982. She was able to go back and spend some more time with her grandson because we didn't need her here this morning, but the vote was that close.

The bill is important. The overall manager of the bill was Senator BINGAMAN. He did a tremendous job. This quiet, effective man—Stanford and Harvard degrees—has done a wonderful job with this legislation, as he does with everything.

The CAFE standards in this bill which we have passed are so important. For 25 years, we have been trying to get increased fuel efficiency. Each time we have tried we have been defeated. People had enough. Senators had enough. We have voted against CAFE standards for too long. We were told they said that if you voted for increased fuel efficiency, we are going to close production plants, we are going to lay people off, we are going to lose market share.

They were right, except it didn't take increased fuel efficiency. They simply became not competitive. Other cars coming into this market that people wanted to buy, fuel-efficient vehicles, were bought. So we increased fuel efficiency. It is great for this country. It will save millions of barrels of oil every year.

There was legislation that was drafted by a number of people to make this effective. It came out of the Commerce Committee originally, but the people who worked so hard the last few days were Senator FEINSTEIN, Senator KERRY, Senator SNOWE, Senator STEVENS, and let me say, I have the good fortune in working very closely with the senior Senator from Washington, Mrs. MURRAY. She is the secretary of the Democratic caucus. I have worked with her very closely.

She is a tremendous Senator, a tremendous asset to me, the caucus, of course the State of Washington, and the country.

One of the quiet, effective Members of the Senate is MARIA CANTWELL. Those of us who watched her the last 3 days on this Senate floor, making sure there were enough votes to pass the aspect of the bill we call CAFE standards, saw her effectiveness. She, at any given time with votes changing back and forth knew—that piece of paper she carried—where the votes were. I went to her many times yesterday and said what happens if this happens and what happens if this happens? She knew right away.

Senator INOUYE, the chairman of the Commerce Committee, reported that out. He worked with Senator STEVENS to make sure that as the matter changed a little bit, it was done properly. I hope I mentioned Senator KERRY's name; I meant to. He is such a believer. He has written books. He is so concerned about the environment.

Words cannot describe how important Senator CANTWELL was in our being able to pass this legislation. Of course, my friend Senator DURBIN, who is the whip, assistant leader, is always around, always helpful in doing things I and others ask him to do, and does so much on his own.

I wish I could express my appreciation adequately to all of the people whose names I mentioned. If I slighted someone, I certainly did not mean to do that. But I have mentioned some names that have come to my mind.

With strong bipartisan support, we passed an energy bill that will grow our economy, strengthen our national security, and protect our environment. If passed into law, this bill will put us on a path toward reducing our reliance on oil by increasing supply of renewable fuels produced right here at home, and decreasing the amount of energy we use in our cars, homes, and offices.

Why do we say it will strengthen our economy? Because especially in rural America there will be biofuel buildings, factories to make biofuels.

We have done things to protect our environment by reducing greenhouse gases and other toxins that are emitted using fossil fuel. For the first time since 1975, our bill raises standards for new cars and trucks, as I have mentioned, from 25 to 35 miles per gallon, which is really important. That still puts us behind Europe, Japan, and China, but it is a critical step in the right direction and will save up to 1 billion gallons of gas every day. Think about that—1 billion gallons of gasoline every day. I don't know how big a tank a billion gallons is. I do know that we use 21 billion barrels of oil every day in America, 65 percent of which is imported. I know how big a hole that is. It is the width of a football field, 11 miles long and 10 feet deep.

For the automakers still wavering on increasing fuel efficiency, I say this: Do not fight the change; embrace it. There is no reason our automobile manufacturers cannot do this. There is no reason. Others do it all over the world. Cannot we as Americans do it? Of course we can. They need to embrace the opportunity to build the high performance cars and trucks Americans want to buy and drive and which we so desperately need for the sake of our national security and global warming. It is time for American automobile manufacturers to lead the world once again. That will only come through a commitment to clean innovation.

The next part of the bill that passed reduces crude oil consumption by more than 10 percent over the next 15 years by producing more renewable fuels, by producing them right here at home, more renewable fuels on America's farms, fields, and in our forests, which will create tens of thousands of new American jobs.

We set new energy efficiency standards with light bulbs, light fixtures, appliances, water heaters, boilers, air conditioners, which will save half a trillion gallons of water every year. For a State such as Nevada—Las Vegas gets 4 inches of rain every year—that is dramatic.

Because Government should lead by example, we also dramatically improved the energy efficiency of Federal buildings and vehicles, as relates to energy, which will save billions of American taxpayer dollars.

Senator BOXER has a provision in this bill that relates to the capture of carbon. It is a carbon capture study at the Capitol powerplant, and it also requires 15 percent of every bit of energy we use on this Capitol Hill complex—by the way, there are more than 10,000 employees here—that we need to get that from renewable sources.

We need to invest in the technologies that will drive our energy future, such as carbon capture and storage, that hold the hope of containing carbon emissions from producing power sources before they ever reach the air.

Last night's passage of the Energy bill was a great victory for the American people. Here is why: We will save American consumers tens of billions of dollars annually, cut our oil consumption by 7 million barrels a day within 20 years, reduce our dependence on foreign energy sources now, and take critical steps in these early stages of our fight against global warming. There is a long way to go to secure the kind of clean and safe energy future we need. This bill is a first step, but it is an important first step.

The bill is not perfect. It is unfortunate that in passing this bill the administration and most Senate Republicans blocked an effort to require more of our Nation's electricity to come from renewable sources as well as incentives to spur the production of more renewable fuels right here in America. But this fight is not over. Our friends in the House will pass their bill quickly so we can send it to the President for his signature. But this bill, once again, shows us when we find common ground, we can accomplish uncommon good.

Mr. President, I see that my friend and partner in what happens here in the Senate is here, Senator DURBIN.

I have already expressed, Senator DURBIN, my appreciation for the work you did in getting to the final passage of this bill. You and I spend so much time alone that I do not often get to say anything publicly about you, so I will take a brief moment to say you and I have been in the legislature, on a national basis, since 1982 together. We have had good days and bad days. That is what legislation is all about. But I so appreciate having you as a partner here in the Senate. You have been stalwart. The people of Illinois are so fortunate to have you representing them in the Senate. I hope I can tell you in this manner how much I admire and appreciate your advocacy, your friendship, and the good work you do for all of our country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The assistant majority leader is recognized.

PASSAGE OF H.R. 6

Mr. DURBIN. Mr. President, thank you for recognizing me. Also I want to thank the majority leader for his kind words. He and I work very closely together, spend more time together than we ever imagined as we embarked on this journey, now in leadership, to try to serve the people of this Nation.

I want to say a word about my friend from Nevada. Senator HARRY REID is misunderstood by many Americans. Because he is soft spoken, and not as assertive as some politicians are, there are many on the outside who question his leadership capacity. No one on the inside questions it. He is the most highly respected leader I have ever had the good fortune to work with. It is based on the fact that he is inclusive, he is honest, outspoken, and stands by those who are willing to work harder to achieve our agenda.

Last night was a perfect illustration of this. The Energy bill was just a dream, a theory, for so long. The question was, could we put together a bipartisan coalition. We had to find a level of compromise and a level of cooperation or we did not have a chance. It was not easy to try to put into law, for the first time in over 20 years, a new national goal for fuel efficiency of our cars and trucks. It changed a lot of things and was viewed as threatening by many people.

My wife and I have made a point of doing our very best to buy American cars. We are loyal to the American automobile industry. With very few exceptions we have tried to make sure our purchases were on behalf of American workers. It was painful last night to be engaged in a debate where my good friends in the automobile industry, not just management—but I guess I have to be totally open with you, I am closer to those who work the lines, in Belvidere, IL and Bloomington, the United Auto Worker employees. I know these men and women. These are good people. They are hard-working people. They take pride in what they do.

They have been disappointed. I have as well. But our automobile industry in this country has been falling farther and farther behind. Just a few months ago, the CEOs, the major corporate officers of the Big Three came, just a few feet away, and met with the leadership in Congress. I had a chance to ask a question of the CEOs of Ford and General Motors and Chrysler. I asked a pretty hard question, but it was one that has been bothering me.

I said to them at the time: You know, I am one of your most loyal customers. I have owned cars and trucks from each of your companies and plan on continuing to try to buy your products in the future. But I am troubled because of the simple fact—I asked them—I said: Have any of you ever heard of a magazine called "Consumer Reports"?

There was this kind of embarrassed silence in the room. I said: Well, I want you to explain something to me. Why, for the last 20 years, have American cars consistently shown poorer performance results than imported cars? Why have foreign cars, particularly from Japan, over the last 20 years consistently shown better performance results, better trade-in value? Why? What has been happening out there? We have the best engineering schools in the world. We started this industry, at least on a mass volume basis. Why is there such a difference in quality?

There was this pained silence while they waited for one of them to respond. Finally, one of the CEOs said: Well, we are getting better.

I said: I hope you are.

But the bottom line is, this industry now has been challenged. If the bill we passed last night is passed in the House of Representatives and becomes law, they will face a challenge. I, for one, believe they can rise to this challenge. I honestly do. It is going to call for a different mindset among the management at the highest levels in our automobile companies. It is going to call for the same spirit of can-do approach we have seen on the assembly lines from the workers. I think they can rise to this challenge.

I think America wants them to. I want to buy a car made in this country by American workers that is of the highest quality, that I can take pride in driving, knowing it is not only a good bargain for my family, but also a good deal for the environment.

That, I think, is what most Americans want to do. Now, that means there is going to have to be some new thinking. It means a lot of people in the boardrooms of those major companies are going to have to sit down and rethink their game plan.

I met with the man who is about to become the leader of Chrysler Corporation. He was talking about the fact that his private equity bought Chrysler because of their patriotic feelings.

They do not want this great American car manufacturer to go away.

Well, I know if you are in business, sentimentality takes you so far. At some point you have to produce a profitable product. I think there is a profitability product built into the Energy bill we talked about last night. I believe if there is a conscious effort by our automobile manufacturers, they can meet these fuel efficiency standards we have included in our bill.

They can convince a lot of skeptical Americans it is time to come back home, to start buying these American cars. Now, it will be a painful process. There will be winners and losers. But, ultimately, I have confidence in this country, in the companies that work in this country, and in the workers of this country. When they come together, they can achieve great things.

Last night we set down a challenge to them: Change what you are selling in America. Make it a better product. Make it a more efficient product. Make it a product that is going to help us deal with global warming and climate change.

I think most American families are on board for that agenda. That is why I think the passage of this was so important. We never would have passed this energy bill late last night were it not for a bipartisan effort. We had many Republicans who crossed the aisle to join us. I think ultimately 17 or 18 came over to join the Democrats in the key procedural vote that moved this forward. Then the final vote was 65 to 27; there were even more.

We could have never achieved this goal of a new energy bill were it not for bipartisan cooperation, if Republicans had not come forward.

For some, it wasn't easy. When the Republican Senate leader, Mr. MCCONNELL of Kentucky, stood up last night late in the debate and said: I want this debate to end, I want this bill to be defeated, I am going to vote no on the cloture motion—I heard him make that announcement—I was stunned. This is a bill which the administration believes has good elements relative to fuel economy. Yet the Republican leader stood on the floor and said: I am going to try to stop this bill. He did not prevail because 17 or 18 of his colleagues thought it was more important that the bill move forward. I salute them. It took extraordinary courage for them to do what they did.

There was another element in the Energy bill which is important to me because of my midwestern roots and because of my determination to see America shake its dependence on foreign oil. I am sick and tired of the United States hat in hand begging for oil from countries overseas. Many of these nations we turn to for oil don't share our values. In fact, some of them are on the wrong side in the war on terrorism. To think that every time you swipe that credit card through the gasoline pump or put the money on the counter, a portion of that is going to a nation which is funding terrorism is an outrage. It has to end. To think that time and again our brave soldiers, men and women in uniform, are drawn into conflicts in the Middle East because of oil is unacceptable. I don't want my grandchildren to face that. I want America to be as close to energy independent as possible. How do we reach that goal? Homegrown fuel, homegrown energy. We grow it in my State every year, a new crop of corn. With that new crop of corn, more ethanol, more alcohol fuels, and more biodiesel come from the soybean fields. That means we have less of a need to import oil.

Last night, in this bill, we raised to a much higher level our national goals when it comes to alcohol fuels, renewable fuels. It means a growing industry in my part of the world, in the Midwest, in Iowa, Illinois, Ohio, where ethanol plants are being built. These plants use local production of agriculture, corn by and large, and turn it into alcohol. The construction workers are building the plants, good-paying jobs. There are people at the plants making sure they are producing ethanol. They are shipping products in trucks driven by Americans to put in the cars driven by Americans. I feel good about this. We are moving in the right direction.

This bill made a significant commitment to strengthen the market for alcohol fuels. I was disappointed that my biodiesel program was not included. I wish it had been. I am not giving up. We have a farm bill coming up. We will have several other opportunities. I think biodiesel is great. It uses soybeans and other oilseeds to produce a vegetable oil added to diesel fuel so that we don't see that huge plume of black smoke coming out of the tailpipes of diesel trucks and cars, so there is less pollution. More homegrown energy is a good thing for the country. I want to include it as part of the energy picture.

This was a hard debate over the last 2 weeks. I am sorry it took 2 weeks. We wasted more time on the floor. I am sure the people who have C-SPAN on their cable often turn to it and say: What in the world is going on in the Senate? It doesn't look like there is any movement. Is anybody alive down there? The floor looks empty except for the handsome and beautiful staff we have here who are on television during the day. Many times there are periods when there is no activity. Time is wasted. There was time wasted on this bill. Time and again, the Republican minority forced us to wait 30 hours, file a motion, wait another 30 hours.

We have a lot to do. I think we owe it to the American people to roll up our sleeves and get it done. We need more bipartisan cooperation. We need to put an end to these endless motions and procedural delays. Let's get down to business. Wouldn't the American people cheer us if we said: Let's pass the 9/11 recommendations and turn them into law to make America safer; let's do something immediately about No Child Left Behind to send money to the schools so they can hire the very best teachers and produce students who are ready to compete in the 21st century. Wouldn't the American people cheer us if, instead of being lost in some procedural morass day after weary day, we came up with a way to help working families pay for college education expenses for their children so they don't end up graduating deep in debt and unable to take the jobs they had their hearts set on?

There are so many things we need to do. With a little cooperation from the other side of the aisle and a better approach, we can say to our Republican friends: You are entitled under the rules of the Senate to produce amendments, to ask for a vote, to ask for debate. But at some point, it has to come to an end. At some point, we have to move forward.

EMPLOYEE FREE CHOICE ACT

Mr. DURBIN. Mr. President, we are going to have a bill come up next week, a critically important bill known as the Employee Free Choice Act. I confess I come into this debate with strong feelings. I am a product of a family where my mother and father, my two brothers, and I were all members of labor unions. This was during a period where the labor movement created the middle class in America. It was World War II's aftermath. All of the returning veterans had an appetite to build homes, start families, open schools, and create the kind of middle-income working families who are the bedrock of America's democracy. The organization that helped these Americans move forward was the labor movement. Organized labor went into plants and factories and offices across America and said: Workers, if you stand together, if you bargain together, great things can happen.

They did. We created health insurance as we know it today, pension plans that have provided the kind of security people dream of in retirement, good-paying jobs in safe workplaces. The American dream was realized. People bought the second car, put the kids through college, had enough time for a vacation, and enjoyed the good life in America.

It is no coincidence that as the strength of America's labor movement has declined. So, too, have the wages of working families. Not that those working families aren't doing a good job; they are. They are producing more goods and services than ever. They are more productive than ever, but they are not being paid for their hard work. They are not receiving a decent, livable wage so they can work one job and still have time with their family. They are not receiving the kind of health insurance protection they once received and fewer and fewer are receiving.

Taking a look at the numbers, in Illinois the median hourly wage fell in 2003, 2004, 2005, and 2006 by 4.4 percent. Think about that. The median wage of people getting up and going to work every day is not keeping up with inflation; it is falling behind. Health care benefits in Illinois, the share of the population under the age of 65 with employer-provided health insurance fell from 71.9 percent in 1999 to 68.2 percent in 2004. Fewer people had health insurance through their employers over a 5-year period. That is the wrong direction. Pensions are the same. In my State, 52.6 percent of the people had employer-provided pensions in the years 1998 to 2000. By 2003 to 2005, the share had dropped to under 50 percent.

I honestly believe if workers can organize, if they can bargain, we could have profitable corporations with quality goods and services, good employee morale, and employees treated decently. That can happen.

The Employer Free Choice Act says that we want to give employees who want to organize a fighting chance. Some will say during the debate: If a majority of the workers in the workplace sign a card and say, I want to be part of a union, the process moves forward. Currently, if 30 percent of the workers sign a card, they move toward an election. Do you know how long it takes to have this election? Do you know how long it takes for the employees to finally get their chance to vote today as to whether they want a union? The Chicago Tribune pointed out in March of this year that the average National Labor Relations Board disputed election—and so many of them are disputed—takes 802 days to resolve, more than 2 years. Just think for a moment: if we said that the interminable campaigns we now have for public office would double in length—instead of a year from announcing your candidacy to a vote, we will make it over 2 years—is it possible voters would lose interest in that period of time? Is it possible people could work on their minds about prejudices against a candidate or for a candidate during that time? Of course it is. We need to make this a reasonable period and a reasonable process that comes to the ultimate question: Do a majority of the workers at this location want to organize collectively to try to represent their best interests and the interests of their family? I believe that is only fair.

Tuesday morning, we will have a vote. I hope my colleagues on both sides will take a close look at the legislation. If we give more opportunities for workers to express their heartfelt intentions about creating a union and they do, what is going to happen in America is as positive as what happened after World War II. We are going to see more workers in safer workplaces with decent living wages, good health insurance, and good pension benefits, and the corporations will still make a profit. Instead of giving some CEO $600 million for very little performance, they may have to make do with $300 million. I know it is going to be tough, but I think they can get by and then take that $300 million and give it to the workers so they have a chance to enjoy a good life without indebtedness and without the worries that come with the current situation.

I hope my colleagues will join me on Tuesday in supporting this effort. I hope in joining me, we will see a change in the law and, with this change, we will see a dramatic improvement in the economic fate of American families.

PROTECTION OF CLASSIFIED INFORMATION

Mr. DURBIN. Mr. President, this morning's Washington Post had a front-page story that troubles me. It is about Vice President CHENEY and his attempts to exempt the Office of the Vice President of the United States of America from the Presidential Executive order that establishes a uniform, government-wide system for safeguarding classified national security information. The decision by Vice President CHENEY to exempt his office from this system for protecting classified information troubles me. It could place national security secrets at risk.

It is hard to believe the Vice President is taking this action given the history of security breaches involving high-ranking officials in his office. Scooter Libby, the Vice President's former Chief of Staff, has been convicted of several felonies: perjury, obstruction of justice, and false statements. He has been sentenced to prison in part for his role in disclosing the identity of a covert CIA agent and then misrepresenting that fact to a grand jury. Worse, it appears, at least according to these press reports, Vice President CHENEY has attempted to block inspection of Federal agencies and White House offices to ensure compliance with the security procedures required by the President.

According to the National Archives, the agency responsible for conducting the oversight, Vice President CHENEY asserted that his office is not "an entity within the executive branch" and, therefore, not subject to Presidential Executive orders. The Vice President is arguing that his office is not in the executive branch of Government? It is hard to imagine the tortured logic Vice President CHENEY is using to avoid the requirements of the law and Executive orders.

Then he recommended that the Executive order be amended to abolish the Information Security Oversight Office. Here is a Vice President who has already been challenged as to the groups he meets with and the people he consults with in making some of the most important decisions for the country's policy. Here is a Vice President who has sadly misrepresented this war in Iraq over and over again, from the initiation of the war, the existence of weapons of mass destruction, and now is saying that he is not covered by the law when it comes to the disclosure of classified information within his own office. This is evidence of arrogance of power, and it is unacceptable.

The Vice President of the United States and his former Chief of Staff are not above the law. They have to be held to the same high standard of performance as Members of Congress and every member of our Government. For the Vice President to believe he has no responsibility to meet this requirement of the law is, in my mind, a dereliction of duty and responsibility to the people of the United States. And then for him to attempt to abolish the agency that was putting pressure on him to follow the law shows he has gone entirely too far.

Vice President CHENEY is not above the law. He is required to follow the law, as every American citizen should. This situation and the prosecution of his former Chief of Staff are evidence of an attitude toward governmental responsibility which has to change. I sincerely hope the Vice President will make it clear in the week ahead that he is finally going to comply with these Executive orders, that he is going to make sure we protect classified information moving through his office so we do not compromise this important intelligence data that keeps America safe.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS THEODORE M. "COTY" WEST

Mr. McCONNELL. Mr. President, I rise today to honor the legacy left behind by a brave young Kentuckian. In Berea, KY, people remember Theodore M. "Coty" West as a devoted husband, a caring older brother, a loving son, and a steadfast friend.

His fellow soldiers remember him as a sturdy soldier who cared about his buddies. His legacy remains in the form of a charity he founded that sends care packages to soldiers serving in Iraq. This work is now carried on by his family, in his memory.

PFC Theodore M. West—"Coty" was his nickname—enlisted in the U.S.

Army in August 2005, and was assigned to the 2nd Battalion, 5th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, at Fort Hood, TX.

He was deployed in Iraq in support of Operation Iraqi Freedom in November 2006. Just a few weeks later, on November 29, 2006, an improvised explosive device detonated near his vehicle during combat operations in Baghdad, tragically ending Coty's life. He was 23 years old.

For his valorous service, Private First Class West received the Bronze Star and the Purple Heart, along with numerous other medals and awards.

Private First Class West understood the values that set America apart have been paid for by freedom's defenders, and he wanted to join their ranks. In a letter to his church that arrived on the day he died, Coty urged his friends at home to "sleep well tonight . . . because tonight we stand guard on the wall, and no one will get through to hurt you."

That kind of courage to stand up to any enemy, that strength of spirit, made Coty West one of America's finest sons.

Coty grew up amidst the rolling hills of Berea, KY, surrounded by a loving family, a circle of friends, and a devoted young wife. All of these members of Coty's community hold special memories of him, from when he was a little boy to the day he left for Fort Hood.

It was in Berea, when Coty was only 4 years old, that he told his parents he and his brother Ben would go out and dig for treasure. His parents told their young treasure hunters to be safe and stay within sight. Imagine their surprise when Coty and Ben returned home with a collection of 14 antique silver dollars and some antique jewelry they had dug up in the yard.

Coty's family was important to him. They remember him gallantly saddling up and taking out his horse at the age of 8, in a saddle as big as he was, desperately trying to be brave, when he must have been scared to death.

And the time he and his younger sister Sheri enrolled in a hunting safety course so they could get their hunting licenses. The younger Sheri bested Coty by 10 points on the test, a fact he was never allowed to live down.

Coty and his family especially enjoyed taking road trips. They would travel to NASCAR races, State parks, and Civil War battlefields. It was something the family cherished, especially as the kids grew up. It gave them a way of all getting back together again.

On July 5, 2006, Coty married Jennifer Gregory in a military ceremony near her home in Greenville, KY. His father later wrote that "the ceremony really fit Coty, as it was beautiful, it was country, and it was military." Jennifer remembers her husband as "an angel . . . and perfect." I am certain Coty felt the same about her.

After graduating from Estill County High School, Coty worked in his family's energy and construction business as an operator and foreman. He was certain, though, that his career lay in the military. His father describes Coty as neither a hawk nor a dove, but a soldier. He viewed his job as protecting those he loved and waging war on those who would harm them.

Early on in his military career, Coty became aware of the financial burden combat could have on his fellow soldiers. He also felt for those with little or no family, who lacked the messages from home that so often sustain a young soldier.

So Coty began a charity to help his fellow soldiers going to Iraq. His efforts evolved into "Coty and Friends," a circle of military families and supporters who would send soldiers needed supplies before their deployment.

But Coty never lived to see his plans come to fruition. He was killed before the first box of Coty and Friends supplies arrived in Iraq. The group's efforts still continue, in his memory.

The night Coty was deployed to Iraq, the last thing he told his family was: "I love you all, I know you love me, I am good at my job, and I will see you soon."

Coty leaves behind a beloved family. He is missed and cherished by his wife, Jennifer Gregory West, his mother, Rene Brandenburg, his father, Bill West, his stepmother, Mary Ann West, his sister, Sheri Miller, his brothers Dee, Matt, and Ben West, his grandparents Rufus West and Jessie Mae Brandenburg, and many others.

Coty West understood the price of freedom. He wanted his family to be safe here at home, and he saw that they would be, as he and his fellow soldiers stood guard on the wall. He gave of himself so others could enjoy what he fought to protect.

The Coty and Friends charity still brings his family together, and it still sustains our brave sons and daughters in Iraq who stand guard on the wall, so that others may live in peace and security.

This country will never forget PFC Theodore West's sacrifice. Neither will the soldier in Iraq who opens a Coty and Friends care package tonight. I ask the Senate to send their thoughts and prayers to the West family, who continue to give to their country, even after they have already given so much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are all thankful for those comments given by our Members about the extraordinary bravery and heroism of our men and women who serve in the Armed Forces of our country. All of us, day after day, salute their courage and their dedication to the country, and it reminds us of our responsibility of making sure we are going to get the policy right in Iraq. More about that at another time.

THE ECONOMY AND WORKING FAMILIES

Mr. KENNEDY. Mr. President, we find ourselves now in the middle of June, and it is important, as we move through the legislative agenda—and more on that next week—that we pause for a few moments and take stock about where our country is in terms of the economy of this Nation and take stock about where our country is with regard to working families in this Nation.

We often get tied up on particular pieces of legislation, but I think all of us are very mindful it is the working families of this Nation who have made America great. If America is great—and it is great—it is because of working families in all parts of our Nation.

We are mindful of our recent history: of those extraordinary men and women who lifted our Nation out of the Great Depression of the 1920s and the 1930s; the extraordinary exploitation of workers that took place, even prior to that time and during that period of time; and the struggle workers had in order to have a voice in the decisionmaking part of this Nation, in the workplace as well as in governmental policies, that influenced the conditions by which they worked. It was a long, continuing struggle. It was a long, continuing struggle, with a loss of life and blood that was shed and with battles that were fought—physically fought.

Out of the end of it came the trade union movement, which has made such a difference in terms of the life of this country, the fairness of the country, the economic fairness and economic justice of the Nation.

It has always impressed me—as one who has been a sponsor of the increase in the minimum wage, with a number of our colleagues—that even though many of these union members are making a good deal more than the minimum wage, that any time issues about the working conditions of fellow Americans who are at the short end of the economic ladder arise, they are always out there. They are always there. They are always not only speaking for but in support of their fellow workers in this country.

That was seen in this last year in the six different States that had initiatives about the increase in the minimum wage, where the representatives of the trade union movement were out there going door-to-door, working with other families, shoulder to shoulder, to try to indicate and reflect that this Nation wanted to make sure that work paid, that those on the short end of the economic ladder—primarily women—were going to be able to receive a decent wage for a decent hour's work.

We need to recognize, again, the majority of women who are out there receiving the minimum wage have children, so it is a children's issue, it is a women's issue. It is a civil rights issue because so many of those who earn the minimum wage are men and women of color. Most of all, it is a fairness issue. Americans understand fairness.

What we have seen over the more recent years is enormously distressing and disturbing because we have seen that those efforts of the trade union movement are targeted by unscrupulous employers and companies who are bent upon destroying the trade union movement and to move us back into a different time and a different circumstance for those workers.

We saw, in fact, it took 10 years for us to get an increase in the minimum wage. The minimum wage was purchasing, at the end of those 10 years, perhaps less than at any time in the history of the minimum wage. We have seen it reflected in the policies of this administration, when they cut about 6 million workers out of overtime and when they refused to include Davis-Bacon provisions for the restoration of the buildings and constructions down in the gulf coast because of Katrina and with a whole series of additional kinds of activities. We see the courts, as well, striking down protections in the last few weeks—protections for an increase in the minimum wage and overtime pay for homecare workers. We see the Supreme Court also effectively striking down equal pay for women. There is really an assault—an assault—on working families.

As we look back at the history of this country, what really reflects—these are general statements and comments, but let's look at what were the circumstances and what were the conditions I speak about. If you look at 1947 to 1973—and we are looking at the economic growth in the United States of America; this is the Economic Policy Institute—and you look over this chart and you see each segment of the American economy is all growing, virtually at the same rate. This was 1947 to 1973. America was growing together. This is extraordinary because we know we just came out of World War II. We had mobilized 16 million of our fellow citizens, and that had an extraordinary impact, and we had to retool the whole domestic economy and still we were able to see the growth in the United States of America move along at a similar kind of growth pattern so that all Americans and those at the lowest end of the economic ladder moving just a little bit faster, a little bit faster than some of those in the top 20 percent.

Then, from 1973 up to the year 2000, we find a new political philosophy taking place in this country. These were the policies we were going to see, the very dramatic and significant tax cut policies, the economic policies that took place in the 1980s and after, with the Republicans. We look at this and we see the level of growth between 1973 and 2000, and we see the lowest economic growth growing at the lowest rate and on up to those at the top growing the fastest—in a number of instances, growing three or four times faster than those at the lowest. That is a direct result of economic policies by primarily the Executive and Congress, which advantages those individuals at the top of the economic ladder and disadvantages those at the bottom.

If we look at what has been happening over the last 5 years, we see those at the lowest end of the economic ladder are now not only not moving up but falling further and further behind, and those top 1 percent—not the top 20 percent, but the top 1 percent—have been moving up so dramatically. So we are having a divided America.

Now, let's see what is the one factor that has had the greatest influence. This is an interesting chart because, remember, we talked about 1947 and how we all grew together. Look at this. We had the increase in productivity, that is the increase in workers' output, finding more efficiencies, more effectiveness, and we also found a corresponding increase in the wages. American workers were participating in the increased productivity, and with that participation all during this 20-year period, the American economy and Americans were growing together—growing together, not apart. We ask ourselves: Do we want to be a divided nation, or do we want to be one nation with one history and one destiny?

Then look what happened during the latter period. This is at a period of peak union membership. Wages and productivity rose together. America was on the road to prosperity, and all Americans were participating, and the trade union movement played an important role to ensure fairness in the workplace. Now we find that the unions are declining. And what happens correspondingly? As the unions decline, the workers fall further behind. Here we have real wages from the 1970s to 2000 virtually stagnant, and the increasing productivity which grew at 206 percent more than wages. What does that demonstrate? It demonstrates that we have seen the extraordinary growth in the profits. We find workers' wages have basically stabilized, but corporate profits grew up to 63 percent. Wages were down here, and profits were at the top during the same period of time that workers and unions are being attacked and attacked and attacked.

From 1947 to the early 1960s, right in here, we had effectively what we call the card checkoff, which is the subject of the legislation we will be voting on next Tuesday. Interestingly, the card checkoff was in effect all during this period of time: from 1941, 1946, 1956, right up to 1966. We had the card checkoff then.

The legislation we will be voting on next Tuesday has already been in effect and been utilized. We will hear a lot of statements on the floor of the Senate about a process and a procedure which is irregular and fraught with problems and complexities, but the fact is, we had it in use in the United States of America all during the period where we had economic stability and economic growth, and the Nation was growing together. Then, as the National Labor Relations Board changed and the Supreme Court and businesses got geared up, they effectively eliminated the card checkoff.

We have seen what has been happening in the workplace, and this indicates how abuses have skyrocketed. So when we had the checkoff, we had economic growth, we had economic prosperity, and America growing together. That is what we want. That is what next Tuesday morning is about—to restore this period of time when America, with the checkoff, was able to ensure economic growth and prosperity for workers across the board. That is what we are looking for.

Now, you say: Well, what are all these abuses you talk about? That is an easy word to use, but what are we really talking about? What we are talking about are these kinds of abuses which are the everyday abuses being used in the workplace.

First of all, the workers face too many roadblocks to try to get a union. Over here, workers who lead the union effort are fired. I will give examples and illustrations of that.

Then, the employer challenges the election results at the NLRB. So even if they have a successful vote for the union, too many of all of those results are challenged in the NLRB.

Then, the employer appeals the ruling often in court.

Then, the employer stalls and refuses to bargain for a first contract.

If you look at what has been happening in the courts, you will find more have been upholding the National Labor Relations Board when they have found against the workers.

Then, after 1 year, the employers, if they are able to delay, can seek to stop recognizing the union, and workers have to start all over again.

This is a pattern. This isn't a unique situation. This is what is happening now.

This is what is happening. The employees are fired in one-quarter of all the private sector union organizing campaigns. One-quarter are all fired. One in five workers who openly advocate for a union during an election campaign is fired.

Now, it is fair enough to ask—in 2005, here is the employer abuses chart. In

2005, 30,000 workers received backpay after the National Labor Relations Board found that employers had violated their rights—30,000 in 1 year alone. That means employers at some time during the year fired or violated the rights of 30,000 people—30,000. That is 30,000 we are talking about who are being treated unfairly.

Now, the question becomes, do workers really want to join? Are we talking about something that is a real problem or not?

Here is 1984 to 2005. Workers want unions more than ever, but can't join them. The percentage of nonunion workers who want a union is up 23 percent. The percentage of workers in a union is down 6.5 percent. So you would think with those kinds of indicators we would be able to have a clear pathway where people would have an opportunity to join, but that is not the case. What we have seen is out across the countryside, on a wide range of different kinds of issues, this is what is happening across the countryside for the average family in this country.

We find that gas is up 79 percent. We find medical expenses are up 38 percent. College tuition is up 43 percent. We find that housing is up 40 percent, and wages effectively are stagnant or up only 4 percent.

The survey we earlier saw about the numbers of people who wanted to join the unions show that over half of the workers—more than 60 million workers—would join a union if they could, but they cannot.

Now, we have given some of the flow lines and the statistics, but these charts show what happens to some real people: "I was fired," Erron Hohrein, former boilermaker from Front Range Energy. This is a picture of him.

> They forced us to attend meetings. They threatened that if our campaign was successful, our paychecks may suffer. Managers would follow me around the workplace at all times. They would not permit other workers to talk to me. They isolated me from my coworkers. Within days after the union election was certified by the National Labor Relations Board, I was fired.

This gentleman worked in that plant and found all kinds of safety concerns and raised the safety concerns to the employers and was told to keep quiet, even though he believed those kinds of safety matters were endangering the lives of the people with whom he was working. When he found that the employer was unwilling to try and address some of these safety conditions, he said: I am going to try and form a union. Then he had the following circumstances: within days after the union election was certified, he was fired. So this is happening out there. These are examples of the 30,000.

Anna Calles, who is a laundry worker in North Carolina:

> The union was the only way to have better pay, good health insurance and equality, not discrimination. Cintas will never improve working conditions on its own free will. When we tried to organize, management told us that we would lose our jobs. The workers are scared. The NLRB has not been able to help much. We have had to wait three years to get a decision.

Delay, delay, delay, delay.

> Cintas has appealed the NLRB's ruling that the company committed extensive violations of workers' rights.

So Anna and her coworkers are still waiting for justice.

These are real-life stories. It is quite clear why individuals want to be able to join the unions.

These are the figures which show that union members get better wages. These are Department of Labor statistics which show that workers are going to be able to have a modest increase 30 percent more—than those who are nonunion.

If we look at particular sectors of our economy—this is an interesting chart. A union job means higher wages for women and for people of color. Again, we are talking about equity in this country. We are talking about fairness in this country.

This is what unions do in terms of equity and in terms of fairness. If you look at women, the difference it makes in terms of helping, it is more than 31 percent; nonunion, if you are talking about African-Americans and Latinos—all of them are inevitably much better off. If you have the freedom to choose the union, it lifts the workers out of poverty. This is the Federal poverty line, this black line across here on the chart. Look at this. These are the national figures for these particular industries: cashier, childcare, cook, and housekeeper. If they are nonunion, they are below the poverty line.

If you are a cashier and a member of a union, you are just above it, a little less than $25,000. We are talking about people who have a sense of dignity and pride and desire to do a good day's work. These are men and women of pride. We are talking about $20,000 to $25,000 a year. For childcare, the difference at a union wage is just about at the Federal poverty level. If you are a cook, it is a little above the poverty level. For a housekeeper, it is just above it also.

This is a commitment to try to make sure we are not going to have our fellow Americans living in poverty. We are talking about people who want to work, can work, and will work. That chart is about as clear an indication of the difference, if they have an opportunity to join.

Mr. President, I will mention a couple of companies that have recognized the card check process. Some employers have been remarkably enlightened and say: We are going to let our workers, if they choose, have a checkoff, and we will recognize them. That used to be the way the law went. A number of companies, including Cingular Wireless, have supported that concept. This person said:

> Management didn't pressure us to try to interfere. We didn't attack the company and they didn't attack us. We were focused on improving our jobs and making Cingular a better place to work.

This is Rick Bradley:

> We believe employees should have a choice. . . . We make that choice available to them results . . . in employees who are engaged in the business and who have a passion for customers.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 1 final minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the purpose of this is to show that when America has been at its best and strongest, we all grow together. When we find out that America is divided—and the principal reason for this division is demonstrated with these charts; it is so often because employers have assaulted and attacked the rights of workers and their representatives over this history. We want to try to bring America back together again and make it stronger from an economic point of view.

A final chart shows that in Ireland, which has the one of the strongest economies in Europe and a high rate of union membership and strong annual growth, a partnership of decency and fairness goes hand in hand. I hope the Senate recognizes that on Tuesday when we vote.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

IMMIGRATION

Mr. SESSIONS. Mr. President, I wish to share some general comments on where we are with regard to immigration and, really, American workers. I am pleased to see my colleague, Senator KENNEDY, here. I know he believes strongly in the minimum wage and in union contracts and strikes and that kind of thing to get wages up. I will just say to my colleague that the real thing which drives wages, which helps working Americans be able to get higher wages and better benefits, is when their product or their labor becomes more valuable.

In this debate last year, I raised that question. I see my former chairman of the HELP Committee—the Health, Education, Labor and Pensions Committee—Senator ENZI. Senator KENNEDY now chairs that committee. When Senator ENZI chaired it, we had a hearing in September of 2006 with economists and experts to discuss the impact on working Americans, middle-class workers, the wages they receive as impacted by immigration. I don't think there was a single dissent in that committee—everyone agreed that large influxes of low skilled immigrant labor bring down the wages of the American workers that compete with them. And the Judiciary Committee last year also had one hearing on the matter in April of 2006. Witnesses at that hearing also agreed unanimously that the wages of working class Americans are adversely impacted by large flows of immigrants into our country. How could it be otherwise? That is a basic economic principle—when supply goes up, the price goes down. When demand goes up and supply remains the same, the price goes up.

When I raised this point on the floor, Senator KENNEDY, during the immigration reform debate last year, responded to me. His solution was that we should raise the minimum wage. I responded that it is not my goal to have American citizens making $7 an hour; my goal is to create a free market economy where their labor is worth $12, $15, $18, or $25 an hour. These wage levels are being seen by workers in nonunion businesses in Alabama right now. We absolutely don't need to go back to a system that allows self-interested union organizers to force people into unions when they are already making higher wages then they have ever made before, as they are in Alabama. I absolutely don't believe that unions are the way to see us make progress on wages. But I am concerned that the net effect of large flows of immigration is that wages are being brought down. It is not responsible to have immigration policies that depress the wages of American workers.

Some of the immigrants are legal, but most are not legal. Together, they are pulling down wages of the Americans that compete with them in the labor market. We have had expert testimony to that effect. I cite to my colleagues a professor at the Kennedy School at Government at Harvard University, himself a Cuban refugee, George Borjas. He says that working wages for Americans have been pulled down by as much as 8 percent in the areas where immigration is highest. That is a significant amount. Instead of going up in a booming economy, wages have gone down. Alan Tonelson, a research fellow from the U.S. Business and Industry Council Educational Foundation testified that from 2000 to 2005, in job categories where competition from illegal immigrants is the highest, real wages—those adjusted for inflation—went down, even though demand for labor was going up. How could it be otherwise? Don't we believe in a free market? Does any farmer doubt that if more cotton and corn were brought into this country, the price of their product would go down? Certainly we know that. We deal with that issue every day in the Senate, and we understand it. Why that base economic free market principle would be denied and overlooked when it comes to how immigration effects the labor market is beyond my understanding.

So, sure, immigration is important. We are not trying to stop immigration. Immigrants are overwhelmingly good people, they are hard workers, and they want to make a better life for themselves and their families. But, we have to ask ourselves, what levels and types of immigration serve our national interest? How can we make sure our middle-class workers are not having their incomes substantially reduced in a time when the growth and prosperity of our nation should be putting part of the high profits being made into their pockets? We can make sure that lower and middle class Americans are benefitting from out surging economy if we do this immigration bill right. This bill doesn't do that, and that is why I oppose it.

I had a wonderful day yesterday with President Bush. We disagree on this issue. He made the comment in my hometown of Mobile that a Texan friend of his once said if we agree 100 percent on every issue, then one of us would not be needed. Well, we don't agree on this issue, but he has a good vision for America. He believes we need to do something about immigration and he has high ideals about it. He wants to fix our immigration system and he wants to fix it comprehensively.

I have said repeatedly, in the last 2 years of debate, that we do need a comprehensive fix, we need a guest worker program that actually will work and be effective, one that is responsive to the needs of the market without depressing the wages of the American worker. I have said that we need to replace the lawless system of immigration we now have with a lawful one, one that serves our national interests, and by that I mean the interests of the American worker and the long-term national interests of our country.

Sadly, I do not believe that the bill before the Senate comes close to creating a lawful system that serves our national interests. The Senate bill is a 750-page document that was plopped down here after only 48 hours of notice, without any committee hearings this year. It lacks cohesive policy goals. It is a political baby-splitting document crafted by politicians who were focused on the need to write something that could pass, rather than a document produced by professionals and experts and economists and law enforcement officials focused on how to create a system that will be honest and will work. That is what the debate is all about. Will the Senate bill actually work. So my disagreement with the legislation is not what it aspires to do, if I believed that it would do what it aspires to do—to secure the border and restore the rule of law then I'd be supportive of the bill.

You will hear my colleagues come to the floor and talk about their mama and grandma and that they emigrated from country X and we are all blessed because overwhelmingly, except for Native Americans—even their ancestors at one time came here—we are all descendants of immigrants. I want to be clear. Those of us opposed to the Senate bill are not against immigration. Instead, we want to do it right so that it serves the immigrants who come to America and serves America by selecting those who can be most benefited by the American experience and who will most benefit America.

We are indeed, I am afraid, moving to legislation that would repeat the error of 1986 in which amnesty was given and enforcement never occurred. Three million people were given amnesty then. Now we have 12 million people asking for amnesty again. What is the problem with the legislation? Let me share some thoughts.

First, under this legislation, the number of legal immigrants to be allowed into our country and to be given permanent legal status within the next 20 years will double. The legal number will double. Do you think most Americans understand that? I don't.

Let me briefly mention the history of immigration in our country.

From 1820 to 1879, we had what was called the great continental expansion, where people moved out toward the west. One hundred and sixty thousand came a year. Then it dropped off significantly.

From 1880 to 1924, they called it the great wave of immigration. Immigration averaged 580,000 people a year, a big movement of people into our country, and we continued to expand westward in our Nation. Then immigration again began to drop off, particularly during the Depression, and people's wages were down.

The period of 1925 through 1965 is sometimes referred to as the stop-and-settle period. During that time, immigration was at 180,000 a year, and the large great wave of immigrants that came in the decades before were assimilated into America. They became productive, mastered the language, and became part of a settlement and an assimilation that was important for our country.

In 1965, we developed the new system of immigration now known as chain migration, which resulted in about 500,000 immigrants a year up until 1990.

Since 1990, however, the number doubled, and it has been about 1 million a year. Since 2000, I suggest, counting the illegal flow, it has been at least 1.5 million a year, which is the highest rate of immigration in the history of our country.

This bill would basically double legal immigration and do very little to stop the illegal flow. This gives us no time for a stop-and-settle period but perpetuates the record high rates of immigration for an indefinite period. That is where we are historically, and we ought to understand that. I don't think anybody would dispute, basically, what I just summarized for you.

Let me explain how the Senate bill will double legal immigration. Under current law, 23.4 million immigrants, including 19.6 million green cards and 3.8 million workers, would be admitted and here in year 2027. But under the Senate bill, the numbers would be 47 million immigrants, composed of 38.1 million green cards, twice the 19.6 million green cards that would be issued under current law, and 8 million, almost 9 million temporary workers on top of that. That number of temporary workers would be here on an annual basis. Some would have to leave every year and return every year but that is the potential number.

I am certain most Americans do not believe that doubling of the immigration levels in America is what was being discussed when people were promised comprehensive immigration reform. Doubling the legal rate, I believe, is contrary to the impression given by the bill's sponsors. People are not being told that reform means this kind of increase. In fact, I would think most people are expecting that immigration reform means we will reduce the rate of immigration which already is at the highest this Nation has ever had.

So this kind of knowledge, when it gets out to people, fuels cynicism about what Congress is doing, it fuels anger at the voters. I repeat, I don't think their anger is focussed at immigrants. I think it is focused at those of us in Congress who promised we were going to create a lawful system that would bring some control to our borders, and it ends up doubling the number of immigrants that come lawfully. That is part of the problem. Some people get mad at the talk shows. All the talk shows are doing is telling the truth, that people did not state clearly when they promoted this bill for passage. People ought to be cynical and they ought to be upset about that, in my view.

Mr. President, I ask unanimous consent to speak in morning business for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. That is what this is all about. I was under the impression that when the bill promoters came forward from their secret meetings, they thought they had produced a bill that was going to give us a a lawful system of immigration. Didn't you hear that? Isn't that what you expected to be part of the product we would pass, that amnesty would be given but we would have a lawful system in the future, right? This is important. Isn't that what we were basically told by the people who produced this document, the 750-page bill they plopped down here without hearings a few weeks ago?

The sad fact is that the bill language does not keep the promises of its drafters. According to the Congressional Budget Office, a nonpartisan group that works for the Congress that helps us analyze legislation, Cost Estimate released on June 4: Implementing the bill's enforcement and verification requirements will only "reduce the net annual flow of illegal immigrants by one-quarter."

So that is a 25-percent reduction, approximately 2 million over 20 years. Twenty-five percent, do you think that is enough of a result for comprehensive reform? But wait, there is more. CBO also estimates that the bill's temporary worker provision will add approximately 1 million illegal visa overstays over the same 20 years. The bill will add an additional number of illegal overstays, more illegal overstays than under current law. That is because we already have a lot of temporary worker visa programs, and when you create new ones that will bring in more temporary workers, then more people are going to stay illegally.

CBO goes on to say this in their careful analysis:

> Other aspects of the legislation are likely to increase the number of illegal immigrants, in particular through people overstaying their visas from the guest worker and H–1B programs. CBO estimates—

This is their report—

> that another 1.1 million people would be added by 2017 as a result of the guest worker program, about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2 million by 2027.

Twenty years from now. The net result is that according to CBO, a mere 1.3 million less illegal immigrants will enter this country and live in this country in 2027 than would be expected under current law, where we expect 10 million under current law to come illegally.

They go on to say:

> CBO expects that the enforcement measure and the higher number of overstayers would on net diminish the number of unauthorized immigrants by about 500,000 in 2017 and about 1.3 million in 2027.

What that means is when you take the 25-percent reduction of illegality at the border and an increase in visa overstays illegality, it comes out, according to their numbers, to only a net 13-percent reduction in illegality.

So we are going to double the legal number, see, and as a result we are only going to get a 13-percent reduction in illegality.

I say to the Members of the Senate, that is not what we are getting paid to do, that is not what we promised to do, that is not what we should do. That is not acceptable. I wish it were not so. I wish we had legislation before the Senate that would do better job at reducing illegal immigration, that would comprehensively fix our illegal immigration, but we don't.

I have been warning my colleagues about this and pointing out the flaws in the bill, and other Senators have pointed out flaw after flaw. We have this official report that indicates we have only a 13-percent reduction in illegality, and it is not right. We cannot pass such a bill and then go to our constituents and say we did something good for you, we fixed a broken system. We just cannot do that.

I urge my colleagues, no matter how much they want to see our immigration system reformed, no matter how much they have hoped that this legislation would be the vehicle to do it to consider my comments before you vote. A careful reading of this bill indicates it will not create the system they are envisioning, and we should not pass it.

Once again, didn't the promoters of the legislation promise more than this, that it would actually secure our border, that it would end lawlessness? Isn't that what they promised? Isn't creating a lawful immigration system for America a national imperative? Isn't it something we must do? No wonder the American people are cynical and angry.

Another promise we were given when the bill was introduced, and probably while it was being prepared, was that we would move to a merit-based system; that we would do a better job of identifying those people who apply to our country who have the greatest potential to flourish in America and do well. Canada does this. Sixty percent of the people who come to Canada come based on a merit-based competition. If you speak English or French, if you have some education, if you have special skills Canada can utilize, you get more points and you compete with others who apply. So they attempt in this fashion to serve the national interest. A move toward more skill based immigration is what Canada has done, and they are very happy with it. Australia does it. New Zealand does it. Other countries operate their immigration system in this fashion. They still provide immigration slots for refugees, as they always have, and if the United States moved to this system, we would still have humanitarian based immigration as well. We would not end those programs.

We were told that moving the United States to a Canadian or Australian immigration system might happen in this new bill. I was very interested in it because I urged my colleagues last year to have a point system or a merit based system in the bill. Nothing was even discussed about it last year and there was no hint of it in the bill that was offered then. So when I was told it was being considered this year, that presented some hope.

Unfortunately, the merit-based system that actually made it into the bill does not commence in any effective way at the passage of the bill, instead it will not increase the percentage of immigrants who come to America based on skills until 9 years after passage of the bill.

In 2006, employment-based or skill-based immigration made up 22 percent of our immigrant flow. In 2006, we only had 12 percent. So, recently, skill based immigration has made up 12 percent to 22 percent of annual immigration. As I stated before, Canada has 60 percent and Australia has 62 percent skill based immigration.

Under the Senate bill, skill-based or merit-based immigration will make up about 18 percent of the total immigration levels for the first 5 years. That is not even as high as we had in 2005. Then, for the years 6 through 8 after the bill passes, merit immigration will drop to 11 percent of the total annual immigration level, lower than the 12 percent we had in 2006. Even when the percentage finally increases after the ninth or tenth year, it only rises to as high as 36 percent based on skilled immigration, which is a little more than half of what the Canadian system now has.

I don't think that is a strong enough move, and it is a strong disappointment to me that this is the case.

Mr. President, I see my colleague from Wyoming, the ranking member of the HELP Committee, is here. I will not go on at greater length. I could do so because what I am pointing out to my colleagues today is fundamental flaws in this legislation. It is those fundamental flaws that one or two amendments are not going to fix.

The difficulty we have with amendments is the bill's sponsors, the group that was in the grand bargain coalition, have agreed that anyone who submits an amendment that changes any substantial part of the agreement they reached in secret somewhere without hearings, without input from the American people, will have their amendment voted down. They basically have said that publically and have told that to me personally. They say: JEFF, I like your amendment. I think it addresses a valid criticism. But, we met and we reached this compromise, and I am going to have to vote against it because we made a pact and we are going to stick together to make sure we move this bill through the Senate without any real changes.

That is what they have said on the floor of the Senate. They said: This violates our compromise. I am sorry, Senator, we can't vote for it. They ask their colleagues to vote the amendment down because it is a killer amendment, one that will harm their deal. They claim that if the amendment passes, the compromise will fail, and the whole bill will fall apart. JEFF, we have told you what we are going to do. Take it or leave it. Vote for it or vote against it.

That is fundamentally what has been said, and that is not right. That is not what this Senate is about. If they had a bill that would actually work, I may be irritable with the way it was produced and brought to the floor procedurally, but maybe I would be able to support it. Instead, I can only judge how valuable the bill is based on what it says and whether or not it will work. CBO says it will not work. I believe it will not work. I believe we are going to have another 1986 situation where we provide amnesty without enforcement. I believe we are again going to send a message around the world that all you have to do is get into our country illegally and one day you will be made a citizen.

There is another concern that I have not talked about much so far, but it is critical. I can show you why the Z visa and the legal status that is given to illegal alien applicants 24 hours after they file an application for amnesty will provide a safe haven and a secure identity for people in our country who are here unlawfully and who are actually members of terrorist groups. The bill provides them, without any serious background check, lawful identity documents that they can then utilize to get bank accounts, to travel, and do potentially fulfill their dastardly goals.

In fact, Michael Cutler, a former investigator with the immigration enforcement agency wrote an article in the Washington Times today titled "Immigration bill a No Go" discussing that very point. In careful detail, he explains the utter failure of this bill to protect us from terrorism.

In addition to stating that the bill would not reduce illegality, CBO also found out it is going to cost the taxpayers. You are used to hearing that the bill will make money for us, help us and make the Treasury do better, all claims that I have strongly disputed. But the way CBO scored the bill this year, it is going to be over $20 billion in costs in the next 10 years and may be closer to 30, and those costs to the Treasury will increase in the out years. That is because under this system, we are going to legalize millions of illegal immigrants who are uneducated, many illiterate even in their own countries, and statics tell us that they will draw more from the Treasury than they will ever pay in. I just tell you, that is what they say. And the numbers get worse in the outyears, dramatically worse. In fact, the Heritage Foundation has said, based on the amnesty alone—and I don't know if these numbers are correct but they were done by Robert Rector and he has been known to be very correct on many occasions—based on the amnesty alone, based on the educational levels and the income levels of the people who would be given amnesty, the cost to our country would amount to $2.6 trillion during the retirement periods of the people who came here illegally and would be given amnesty under the bill.

So that is a stunning number. I can't say with absolute certainty it is correct, but that is what we have been told, and we should be talking about it and studying it. We also know this: The net deficit caused by the bill according to the CBO score will grow each year after the first 10 years. They have said so themselves at last August's Budget Committee Hearing chaired by Senator ALLARD.

Mr. President, I thank the Chair. I hope my colleagues will study this bill carefully. I hope the Senate will reject it, not approve it. I hope we will do a better job in the future.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The senior Senator from Wyoming is recognized.

EMPLOYEE FREE CHOICE ACT

Mr. ENZI. Mr. President, I thank the Senator from Alabama for his steadfast effort to inform the Senate and other people about the flaws of the immigration bill. It is a bill that was put together by a coalition. It didn't go through committee. I have never seen a bill that passed this body that didn't go through a committee. That is because people put together the bill by bringing together their own pet projects and one saying to the other: I don't like your part, but if you will put my part in there, I will vote for your part and we will stick together to the bitter end. And that is usually what happens to a bill like that, it is a bitter end.

I don't think people are paying attention to their phone calls, their e-mails, and other things they are getting if they stick steadfast with that bill. But that is not what I am here to talk about today.

I am here to voice my strong opposition to the grossly misnamed Employee Free Choice Act. It should be called the Union Intimidation Act.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. Today, however, the proponents of this legislation would do exactly the opposite and would strip away from working men and women their most fundamental democratic right—the right to a secret ballot. That is right. This bill would strip away the right to a secret ballot.

If the Democratic Party stands behind that principle, they should have to change their name. You can't strip away the right to a secret ballot from people of the United States or, hopefully, anywhere in the world. For generations now we have guaranteed to all workers in our country the right to choose whether they do or do not wish to be represented by a union. That is very often a critical decision for most employees, one that entails significant legal and practical consequence. It is a fundamental matter of individual choice and an essential right in the workplace.

Given its importance, we have secured that right through the use of the most basic and essential tool of the free and democratic people—the private ballot. The private ballot is the way those of us who live in a free society select all of those we would ask to represent us. Everyone in this Congress was selected by a private ballot, and American citizens wouldn't have it any other way. That is why it is so astonishing to me the majority is trying to take us to this bill, this Union Intimidation Act.

Under this bill, the rights and safeguards for a private ballot would no longer apply when employees decide whether they want the union to be their exclusive representative in the workplace. It is a very disturbing development when this body, which has no greater purpose than the preservation of our democratic rights, would choose to tell the working men and women of this country that democracy will stop at the factory gate.

To make it even more astonishing, some of the very people now pushing this antidemocratic agenda are on record previously recognizing both the importance of the private ballot and the fallibility of just signing cards with the intimidator over your shoulder. In 2001, the lead sponsor of this misguided legislation in the House, along with 15 of his then-colleagues, wrote a letter to the Mexican Government regarding its labor laws in which they noted:

> The secret ballot election is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

Now, what would prompt legislators in both Houses of Congress to lecture foreign governments on the necessity of private ballot union elections in their respective countries while simultaneously voting to deprive workers in this country of the same right?

In 1998, two of the AFL–CIO's most prominent unions argued to the National Labor Relations Board that:

> The National Labor Relations Board supervised election process is a solemn occasion conducted under safeguards to voluntary choice. Other means of decision-making are not comparable to the privacy and independence of the voting booth. The secret ballot election system provides the surest means of avoiding decisions which are the result of group pressures and not individual decisions.

What could possibly convince us to become partners in hypocrisy by joining these same unions and their surrogates when they now claim that we would strip workers of the right to decide the question of unionization in their own workplace by private ballot?

The view that the private ballot is the best way to determine employee choice and that alternatives such as card check are fatally flawed is not only shared by our colleagues across the aisle and labor unions, it is consistent with the views of the Federal Judiciary. The U.S. Supreme Court, along with the Federal Circuit Court of Appeals has uniformly, and over the course of decades, held that the private ballot is the best, most reliable, most democratic means of determining employees' free choice in the matter of unionization, and that all other methods, most particularly—most particularly—card signing are inherently flawed and unreliable.

With regard to signed cards, the Supreme Court noted that:

> Cards are not only unreliable because of the possibility of threats surrounding their signing, but because they are inherently untrustworthy since they are signed in the absence of secrecy and the natural inclination of most people to avoid stands which appear to be nonconformist and antagonistic to friends and fellow employees.

I wonder how many people here and how many people who might be listening have had somebody, a friend or somebody they are a little afraid of, bring them a petition to sign. How many people turned down that opportunity to sign that petition? I will bet not many.

With respect to the importance of the private ballot, one Federal Court of Appeals put it best when it observed that its preservation mattered simply because "the integrity and confidentiality of secret voting is at the heart of democratic society, and this includes industrial democracy as well."

That is what the judges say. So then what would make us reject the consistent—consistent—reasoning of the Federal Judiciary compiled in a host of rulings authored by scores of judges and accumulated over decades of time?

Finally, we should remember the cynicism of those who seek this legislation when they imperiously claim, "We don't do elections," as if the democratic process was somehow beneath them. The source on that is Michael Fishman, the president of the Service Employees International Union, the largest property services local. Or when they arbitrarily dismiss fundamental employee rights by claiming, "There's no need to subject the workers to an election." The source on that is Bruce Raynor, the general president of UNITE HERE. When labor leaders act like despots and tyrants, why would we conceivably make common cause with them?

There is no end to the fundamentally disturbing questions this legislation raises. Since this legislation was introduced, a host of claims have been made in an ultimately futile attempt to answer these questions. We need to stop and ask ourselves: What could possibly be the justification for this radical departure from our democratic tradition?

First, we have been told the current law is broken and that the system of private ballot elections is somehow rigged against labor unions. As proof positive of this claim, we have cited the fact that labor unions currently represent only 7½ percent of the private sector workforce, where at one time they represented 30 percent of the workforce.

At least in this instance the proponents of this legislation have gotten their facts and their statistics right, a notable departure from the avalanche of misinformation and completely inaccurate data that has characterized their side of this debate. However, what they have gotten entirely wrong is the notion that the decline in union representation levels has anything whatsoever to do with some infirmity in the law. Those who make this claim conveniently forget to mention that the law which they complain about today is identical to the law in effect when unions enjoyed their greatest organizing success and their highest levels of private sector membership.

The National Labor Relations Act, the statute which governs private sector unionization and which this legislation would radically change, has been substantially amended only twice in over 70 years—in 1947 and in 1959. The process of deciding the question of unionization by the use of a government-supervised private ballot election among all eligible employees has been unchanged for over 6 decades. This was the law and this was the process when union membership levels were at 25 or even 35 percent of the workforce. No one complained then that the law or the private ballot process was broken. No one ever claimed that either was so unfair or one-sided that we should change them by stripping away the employees' democratic rights.

As this chart shows, over the course of the last six decades, private sector union membership has declined steadily, but the law has remained the same. There is no doubt that the decline has been real, but organized labor and the supporters of this legislation need to look elsewhere for the cause of that decline since there is no connection between the law that has remained the same for 60 years and the steady decrease in union membership levels that have happened over that same time.

Second, we are told even if there is no infirmity in the law, employers now violate it with impunity and, therefore, unions cannot possibly win elections supervised by the National Labor Relations Board like they used to.

That claim is entirely erroneous. The reality is, when unions choose to participate in a fair, private ballot process, they are more than able to secure the support of eligible employees.

In fact, the success rate for unions in secret ballot organizing elections is at historically high levels. The union win rate in initial organizing elections has been over 50 percent for 10 straight years. That is an unprecedented run. Even more unprecedented is the fact that the union win has increased each and every year for the past 10 years in a row. That is what this chart shows. Unions have never before enjoyed such a run of increasing electoral success as they have over the last 10 years. In the last 2 years unions have won a record of nearly 62 percent of initial organizing elections. This, too, is historically unprecedented.

Before anyone buys the phony claim about how the election process has suddenly become unfair, they need to not only realize that union electoral success is at record highs, they also need to compare the past. For example, the unions won organizing elections over 62 percent of the time in the last 2 years, and averaged winning nearly 56 percent of the time over the last 10 years. During the decade of the 1980s, the average union win rate was less than 50 percent. So it is going up. For example, in 1982, unions won less than 45 percent of the time. The same is true for the decade of the 1970s, when unions again averaged losing more often than they won.

Yet, despite union election win rates that were dramatically lower than the record highs of the past 10 years, and despite the fact that for many of those years the Democratic Party held the majority vote in one or both Houses of Congress, no one had the audacity to even propose that we should strip away from American workers the most fundamental guarantee of a free society—the right to a secret ballot. When Democrats were in charge before, they didn't even suggest that.

Now, the truth is, where unions choose to participate in a democratic process and make their case to the workers in an atmosphere of open debate, the system is fair and they are more than capable of success. Their unprecedented level of recent success plainly makes this point. Moreover, it does not remotely justify changing a process that has worked for more than 60 years. It certainly does not justify any change that strips workers of their democratic rights. In light of organized labor's unprecedented electoral success over the last 10 years, this bill is like a baseball hitter who is on a decade-long hot streak and batting .620, insisting that the game is unfair and that the pitcher's mound has to be moved back.

The claim that the employers are violating the law with increased frequency and making fair elections impossible is equally incorrect. In fact, the incidents of even alleged but unproven employer misconduct have actually dropped steadily and dramatically over the last 10 years.

That is what this chart shows. The current rate of alleged employer unfair labor practices represents a drop of nearly 24 percent compared to 1990; a staggering 42 percent when compared to 1980.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ENZI. I see there is another Senator left to speak here. I have a lot left to say. This is a very important issue. A lot more needs to be said when we are faced with a proposal to take away away the right to a secret ballot in a bill deceptively called the Free Choice Act. It should correctly be called the Union Intimidation Act.

I will reserve the remainder of my remarks and speak again a little later. When I speak later, I will ask the RECORD not show an interruption.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is the order. The Senator is recognized.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 252 are located in today's RECORD under "Submission of concurrent and Senate Resolutions.")

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Ohio is recognized.

EMPLOYEE FREE CHOICE ACT

Mr. BROWN. Madam President, as we debated energy and immigration issues in this body for the last 3 weeks, there has been palpable anxiety that we all see in our States, we all see in our homes, about our economy and about the future of the middle class—the squeeze on the middle class, the declining or stagnant wages of way too many middle-class households. In 2005 the real median household income in America actually went down 3 percent, from the year 2000. In Ohio it was down almost 10 percent. The average CEO makes 411 times the wage of the average worker; in 1990 the average CEO made 107 times as much. We know what has happened.

More important, we need to look at what has happened to wages in this country in a historical sense in the last 60 years. From 1947 to 1973, when our country, after World War II, was growing, you can see how wages grew among different people in our economy. The bar on the left is the lowest 20-percent wage earners, up to the highest 20-percent wage earners.

So those are the lowest wages. The lowest incomes in our country saw their wages grow the fastest of any one of those groups.

From 1973 until 2000, you can see the increase. Every group still increased, but growth changed sharply. The lowest 20 had the lowest economic growth; the highest 20 percent had the highest. I would add, 1973 was the year we went from a trade surplus in our country to a trade deficit. In other words, before 1973, we exported more goods in terms of dollars, in terms of value, than we imported.

Since 1973, that number has gone the other way. It has gone dramatically the other way in the last 10 or 15 years. Now, since President Bush took office in 2000, we have seen an even greater change in income for all Americans. The lowest 20 percent had an annual decrease, as I mentioned earlier, but so did the second quintile, the middle, the slightly upper middle, and the top 20 percent all had income decline. The only group that had an income increase in this 5-year period or so was the top 1 percent.

We have seen clearly that our economy is not working the way it should for middle-class Americans. That is why there is such anxiety among middle-class Americans. That is why so many of us who were elected for the first time, including the Presiding Officer, to the Senate in the year 2006, we knew of that anxiety and talked about middle-class issues: about health care, education, about jobs, about trade, about income.

Here is the real story. Since around the time of the trade deficit, the trade surplus prior to 1973 turning into the trade deficit, we have seen wages and productivity go like this. For many years, from World War II, for about 25 years, if you were a productive worker, your wages reflected your productivity. In other words, the more money you created for your employer, the more you shared in the wealth you created.

That was the American way. That is how you build a middle class. You are more productive and you share in the wealth you create. But something happened in the early 1970s. Again, in 1973 we went from a trade deficit to a trade surplus. We can see from about that time on, that productivity in this country kept rising, but wages in our country have been relatively flat.

One other thing happened, in addition to in 1973 going from a trade surplus to trade deficit, that was the time with the most pronounced decline in unionization. As Senator KENNEDY pointed out earlier today, as we have seen fewer people who are organized into unions, we have seen more stagnation of wages, even with productive workers

With the decline in unionization and with the trade deficit, wages have stayed relatively flat. That is why we need a very different trade policy. That is why we need the Employee Free Choice Act.

I might point out the Employee Free Choice Act does not abolish the secret election process. That would still be available. The bill simply enables workers to form a union through majority signup, if they prefer that method. So workers under current law may use the majority signup process only if their employers say yes. We think workers should make that determination, that we either want an election or we would like to do the simple card check. That will, in fact, increase unionization. We will also see that it will mean more mirroring of productivity in wages.

I would like to shift for a moment to some of my earlier comments about how in 1973, as we went from trade surplus to trade deficit, some of the things that happened in our economy. We know, going back not quite as far as 1973, only 15 years ago, the trade deficit in this country was $38 billion the year I first ran for the House of Representatives down the hall.

Today, the trade deficit in our country exceeds $700 billion. It has gone from $38 billion to $700-plus billion. President Bush, the first, said $1 billion in trade deficit translates into 13,000 jobs—$1 billion in trade deficit translates into 13,000 jobs. So do the math. We now have a $700 billion-plus trade deficit. We know what kind of havoc that wreaks on Steubenville, Toledo, and Portsmouth, Marion and Mansfield and Springfield and Xenia and Zanesville and all of these communities that were industrial towns that have had such damage done to their communities. They have had plant closings, they have had layoffs. Every time a plant closes, it means fewer firefighters, fewer police officers, fewer teachers in the public schools. We know what that does to our quality of life.

So the answer from the Bush administration, as we passed NAFTA and PNTR with China and CAFTA and every other trade agreement, as this trade policy has clearly failed, is: Let's do more of it. Let's do more trade agreements.

So now the President is likely going to bring in front of this body a trade agreement with Peru and a trade agreement with Panama. The President's U.S. Trade Representative, Susan Schwab, an honorable woman, straightforward, candid when you talk to her about this, she says: Yes, but now we have environmental and labor standards in these trade agreements.

But there are a couple of problems with that. First of all, we do not yet. We have not seen the text of the agreements. We have not seen, in fact, nor are we at all certain, that the labor and environmental standards will be inside the agreements; they may be side agreements. We tried that once with the North American Free Trade Agreements. The labor and environmental standards were outside the agreements. They were in a special side agreement, and they had virtually no impact. Where we had a trade surplus with Mexico when NAFTA was signed a decade and a half ago, now our trade deficit with Mexico is some $70 billion.

That same trade situation has exploded to a huge trade deficit with Canada also. So clearly we know in our communities how many plants have closed and companies have and jobs have moved to Mexico.

So the second thing we know about Jordan, about the trade agreements with Peru and Panama, the proposed agreements, is that the Secretary says they will enforce these labor and environmental standards as they unveil them, again not specific, not in writing yet.

The lesson again from this administration is when Congress, in the year 2000, passed the Jordan trade agreement, there were strong labor and environmental standards in that agreement. But when his U.S. Trade Representative, Mr. Zoelleck, assumed his position at USTR, Mr. Zoelleck sent a letter soon after to the Government of Jordan saying he was not going to, because of the dispute resolution, he was not going to enforce the labor and environmental standards.

Jordan has since pretty much become a country of sweatshops, where Bangladeshi workers, many workers imported from Bangladesh work at substandard wages and terrible conditions in sweatshop-like atmospheres and use Jordan as an export platform.

All of that tells me our trade policy simply is not working. If we are going to get serious about building the middle class—we spent a lot of time yesterday in Senator ENZI's committee, and Senator KENNEDY's committee, we passed legislation on higher education, the reauthorization of the Higher Education Act, passed bipartisanly. Senator ENZI showed great leadership, as did Senator KENNEDY and others. We need to do better to make education affordable for the middle class.

We need to do better with health care and better with prescription drug benefits. We need to continue to keep up with the minimum wage. We raised the minimum wage earlier this year. All of those things are important. But at the same time, two of the most important things that this body needs to do is to pass the Employee Free Choice Act to give the tens of millions of workers in this country who want to join a union the opportunity to organize and bargain collectively because it will mean higher wages and higher benefits. History absolutely proves that.

The other thing we need to do is to understand we need a very different trade policy, not more of the same, not Panama, not Peru, not Colombia, the way these agreements are written, not South Korea, the way that agreement is written, but agreements that serve the middle class, that lift up workers in the United States and lift up workers of our bilateral trading partners. Because we know that our trading policies will not be judged effective until the poorest workers in the poorest countries in the world are not just making products for Americans to use but that those workers are actually able to buy those products themselves.

We have seen that. Where we do trade right, we know it can work. We have clearly seen a trade policy that has failed. It is important, as this Congress looks at the trade agreements coming forward, Panama and Peru, and looks at trade promotion authority, legislation that may come in front of this body sometime this summer, that we keep our eye on looking at what has failed in trade policy and what has worked.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

EMPLOYEE FREE CHOICE ACT

Mr. ENZI. Madam President, I am fascinated to listen to some of these discussions to find out we can change the balance of trade if we took away the right of employees to decide by secret ballot if they do or do not wish to be represented by a union.

I also heard the argument, that pay and benefits would go up if we took away the Democratic right to a secret ballot. Fascinating. Fascinating. But, also, not true. You cannot take away rights from people in America and expect them to be happy about what is happening to them.

Now, I did see the Senator from Ohio in some national news broadcasts thanking one of the major unions for putting the Democrats in power; and, as a result, saying that they were willing to bring up this bill that would take away the right to a secret ballot. I don't think that is how things are supposed to work in America.

I began earlier and talked about several of the problems with taking away this right to a secret ballot under the Employee Free Choice Act—legislation that I believe should properly be called the Union Intimidation Act because that is exactly how it is going to work.

Previously I was discussing this myth rampant employer misconduct; and noted that contrary to these claims even allegations of misconduct have dropped significantly.

The truth is that the National Labor Relations Board scrupulously monitors the behavior of all parties during the entire period of a union-organizing campaign. Any misconduct by an employer that interferes with the employees' free choice in the election process is automatic grounds, automatic grounds, to set aside and rerun an election.

Now such misconduct not only includes any employer unfair labor practice, but it also includes even less serious transgressions, such as an employer's inadvertent failure to provide the union with the names and home addresses of all of its eligible employees in a timely manner.

Every word that is uttered and every act that takes place during a union organizing campaign is subject to National Labor Relations Board review and scrutiny. If a party's words or conduct, clearly including the commission of any unfair labor practice, in any way disturbs the "laboratory conditions" required for an election, the NLRB is empowered to set aside the election and require it to be rerun.

However, the fact is only about 1 percent of the National Labor Relations Board elections are rerun each year because of the misconduct of either employers or unions. So you notice I am not saying this is all one-sided, that there are two sides to it. There are some that are set aside because of union misconduct.

Now, just like the number of unfair labor practice charges, this figure, has been steadily declining as well. The secret ballot election and entire union election process is remarkably fair, heavily scrutinized and monitored and tightly regulated.

Where an employer acts improperly over the course of a union campaign and adversely affects the outcome of the election, the National Labor Relations Board has full authority to set aside that election and order it to be rerun.

In addition, in those instances where an employer engages in misconduct that has the effect of dissipating a union's card majority, the law already allows the National Labor Relations Board to certify the union and require the employer to recognize and bargain with that union. This has been the law for nearly 40 years. The claim that employers are increasing violating the law is totally inaccurate.

What unions and their supporters would like—indeed, what they hope—to accomplish by this legislation is to characterize any expression of opposition to unionization as misconduct and choke it off. Fortunately, however, we do not live in a totalitarian country. We live in a country that protects free speech and fosters the open debate of ideas. It is for those reasons, rooted in the Constitution and the Bill of Rights, that current law does permit employers and employees that oppose unionization certain limited free speech rights. Even these, however, are strictly limited and closely monitored. The supporters of this bill, however, would seek to strip away even these limited democratic rights and to kill off any opportunity for free speech and open debate in the workplace. We cannot oppose totalitarian behavior abroad while sanctioning it in America's factories.

Thirdly, we are told that even if the law is not broken, even if fair elections are the norm, and even if employers do not violate the law as erroneously claimed, that union membership levels have been steadily declining and therefore the law must be changed. That is why they are trying to offer this early Christmas gift to union bosses. This is the only argument which proponents of this legislation have made that is at least based on fact. However, its fundamental premise is shockingly and radically wrong and represents a complete reversal of Federal labor policy.

It has never been and it should never be the role of the Federal Government to maintain or increase the level of unionization. That is a matter of free choice for individual employees, not a matter of Government mandate. The role of the Federal Government in private sector labor-management relations has wisely and for generations been one of neutrality. Our appropriate role has not been to guarantee unionization; it has been to guarantee free choice by employees. Our appropriate concern must always be the process, not the outcome.

When it comes to guaranteeing free choice and providing fair decisional processes, the history of government and society tell us unmistakably that the best means to achieve that end is through the use of a private, secret ballot. The proponents of this bill are not concerned about employee free choice at all. They are concerned solely with giving organized labor a way to stop their decades-long membership decline, the loss of membership dues money, and the loss of the political leverage such money buys.

This legislation is a transparent payback to organized labor—maybe not too transparent. I have been watching television, and that is exactly what has been said to the union leaders who came to DC. Catering to special interests is a disturbing enough phenomenon in Washington, but when the cost of such catering is the loss of employees' fundamental democratic right, the practice is just shameful.

I want to be sure all my colleagues know that the consequences of this bill's enactment would be far greater than merely increasing union membership. The bill the majority is asking us to consider today does more than take away Americans' right to vote on whether they want to join a union; it also upends the enforcement balance of the National Labor Relations Act and can destroy the ability of employers to control their workplace. In some cases, it also eliminates the ability of unionized employees to have a vote on accepting an employment contract.

The balance struck by the National Labor Relations Act drafters so many decades ago included a remedial system that is intended to make whole or repair any damage done by violations of the act. Instead, this bill will inject a tort-like system into workplace relations, and we all know how well the tort system works. Instead of encouraging speedy resolution of disputes before the National Labor Relations Board, this bill will drag them into the Federal court. The result will be a Federal court system even more clogged with litigation and delayed resolution of workplace disputes.

The bill also applies a stronger set of penalties, but only against employers. Even though unions face an annual average of almost 6,000 claims of harassment, intimidation, and coercion, it should come as no surprise that the bill's drafters see unfair labor practices as a one-sided affair.

The last part of the bill I would like to discuss is perhaps the part which worries me the most, and that is the imposition of mandatory binding interest arbitration. When employees decide to unionize, the first order of business is to negotiate a collective bargaining agreement with the employer. This agreement can cover every aspect of the workplace, including pay, hours, time off, working conditions, health and retirement benefits. Typically, a committee of union leaders negotiates with the employer, and once an agreement is reached, all of the unionized employees have the right to ratify the agreement. If they reject it, the union and employer go back to the negotiating table. Under this bill, these negotiations will be halted after a mere 90 days and a Government arbitrator will be called in to impose a contract on all parties. The workers would lose their right to ratify that agreement, the employer would have to comply with the terms of the contract even if it crippled the business plan, and the contract would be binding for 2 years.

This is a radical departure from the tradition of private sector collective bargaining in which parties to the contract, not some third party, make the terms of their own labor agreement. If this becomes the law of the land, we can expect the parties in labor negotiations to take radical positions to set themselves up for arbitration. This is because usually, the arbitration decision comes down in the middle of however far the parties are separated. So you have both parties taking radical stands, delaying until there is an arbitrator, and nobody having a part in the final say except the arbitrator. Again, while the current system encourages cooperation, this bill imposes conflict.

There is another side effect of this provision. Because a 2-year contract would be imposed on the parties, employees would lose the right to decertify or vote out the union for a period of at least 2 years. This would be the case even when they did not approve of the contract or where they originally signed union cards not knowing what they meant or even under pressure. I have no way of knowing whether this consequence was intended by the bill's drafters, but I can certainly guess.

Another little hidden gift to organized labor in this bill is that under this legislation, there would be no private ballot vote when a union was attempting to get into the workplace; however, a private ballot vote would be required to let the employees get out of the union. Seems like you ought to be able to just get 51 percent to sign the card, and it could be done the other way too. But no. That alone should make it clear that the only intended beneficiary of this bill is organized labor bosses and that its proponents could care less about a worker's democratic rights.

To put it simply, this bill is an attempt to rig the system, deny employers any opportunity to present their views on unionization, and prevent employees who may oppose unionization from speaking to coworkers. It would impose a union on employees based on unverifiable evidence of a majority, severely limit employees' ability to get out of a union once they are in, and stack the penalties against the employer. This may be the perfect recipe to end labor's decades-long losing streak, but the only winners will be union bosses and their political allies. Not American workers.

I have listened to the speeches over the last couple of days as this bill has been promoted as something essential. Again, I am fascinated that the Democratic Party wants to take away the democratic principle of the secret ballot. One mythical reason they mentioned is that a private ballot election supposedly stalls the process. The fact is, according to 2006 NLRB statistics, once a certification petition is filed, there is a median of 39 days to an election, and 94.2 percent of all elections are conducted within 56 days.

Another myth out there is that the private ballot election silences prounion workers. Here are the facts: All employees have a guaranteed right to discuss their support of unionization and to persuade coworkers to do likewise while at work. The only restriction is the reasonable one that they not neglect their own work or interfere with the work of others when doing so. Employees have the unlimited right to campaign in favor of unionization away from the workplace. For example, they, along with union organizers, can visit employees at their homes. In fact, the law requires that employers provide unions with a list of employee names and home addresses for just such a purpose.

Employee speech is virtually unregulated. In an effort to gain support for unionization of employees and unions, for that matter, they can promise, can pressure, can provide financial incentives such as waiving union fees, and can spread false claims, distortions, and misrepresentations, all with no consequence. By contrast, the employer speech is strictly limited, closely monitored, and regulated. Employers cannot lawfully visit employees at their homes. Employers can't even invite an employee into certain areas of the workplace to talk about unionization. Employers cannot promise and cannot make any statement that could be construed as threatening, intimidating, or coercive. Such behavior is strictly unlawful for the employer.

The other side says the Employee Free Choice Act, which I call the Union Intimidation Act, allows workers to have an election if they want one. We just heard that argument. The fact is, we have a body around here—a couple hundred researchers at the Library of Congress—that does research in a nonpartisan manner. They look at the facts and pass them on to us. They were asked about employees being able to have an election if they want one under this bill. The Congressional Research Service disagrees with their supposition. They read the bill's words that say "the board shall not direct an election" the way most reasonable people would read them. In a memo to me which was entered into the Health, Education, Labor and Pensions Committee hearing record, CRS wrote:

> An election would be unavailable once the board concludes that a majority of the employees in an appropriate unit has signed valid authorizations designating an individual or labor organization as its bargaining representative.

The Democrats' own witness at the HELP Committee hearing in March admits that it is not true that any one employee who prefers to vote by secret ballot election can secure such an election. That is their own witness saying: Not true. It was Professor Estlund who said that in response to a question for the record.

Essentially, private ballot elections will only take place under H.R. 800 if the union chooses to have one by submitting authorization cards from less than 50 percent of the workers. As a practical matter, that will never happen. If union organizers cannot get enough cards in a public, coercive, intimidating signing campaign, they just don't bother with an election.

Another myth: The Employee Free Choice Act, which I call the Union Intimidation Act, would increase health care and pension benefits. We heard that a few minutes ago. Wishing or asking doesn't make it so. Health insurance, like higher wages and benefits, cost money. Unions don't have to contribute a single penny toward those costs. In fact, since unionized operations are less efficient, they make paying for those things more difficult. They don't take into consideration the business plan and how to continue the business.

Comparing union wages versus nonunion wages nationwide is also inherently misleading since union workers are concentrated in geographic areas and industries where the wages and benefits of all workers are generally higher.

Another myth: Workers seeking to form unions are routinely fired; one in five is fired; one in five is fired every 20 minutes.

OK. Let's look at the facts on that. To begin with, under current law, it is illegal to terminate or discriminate in any way against an employee for their union activities. If this occurs during an organizing campaign, the National Labor Relations Board not only remedies the violation, it is also empowered to set aside and rerun the election since the necessary "laboratory conditions" for a valid NLRB election have not been met. However, that occurs in less than 1 percent of all elections, and that number has been steadily decreasing.

That is not the end of the NLRB's authority under current law. If the National Labor Relations Board finds a fair election is not possible, they can certify the union regardless of the vote and order the employer to bargain.

Yesterday, we heard this same myth repeated, and it is based on three phony analyses by stridently prounion researchers, who often make a series of wholly unfounded assumptions and routinely misuse statistical data.

The first analysis arrives at its conclusions by taking the number of National Labor Relations Board reinstatements offered each year, assuming that half occur in the context of an organizing campaign, and then dividing that number into some completely mythical and arbitrary number of "union supporters". Now, even if the first assumption was right, it is the number of supporters that matters. The lower the number, the more dramatic it looks. This number, however, is completely made up. There is no factual basis for determining this number.

Here are the facts. In 2004, for example, nearly 150,000 employees were eligible voters in National Labor Relations Board elections. Using their assumptions, there were only about 1,000 reinstatement offers that year. That is not 1 in 5; that is 1 in 150. Even that is likely very high since the vast majority of these offers are settlements which do not account for the fact that many of these terminations may have been perfectly lawful. Moreover, since unions won over 61 percent of these elections, their supporters amounted to at least 90,000.

Now, the second "analysis" uses the National Labor Relations Board's backpay figures as the basis for this claim. Here is the problem. The vast majority of those backpay claims do not arise in the context of an organizing campaign. They do not involve union employee terminations. And they do not single out union supporters. Most involve bargaining violations with already-established unions. In 2000, for example, two-thirds of the backpay number involved a single case that had absolutely nothing to do with an organizing campaign.

The third study consisted of stridently prounion researchers calling union organizers about campaigns they conducted over a short period of time in an isolated geographic area. The "statistics" relied on were nothing more than untested anecdotes.

So as this discussion continues, we are not going to allow incorrect and distorted numbers, and misused and misinterpreted data to obscure what is really at issue here. This is about taking away the right for people to have a secret ballot. Again, I want to reiterate that while this bill may be grossly misnamed as the Employee Free Choice Act, it has absolutely nothing to do with preserving free choice. In fact, it's just the opposite. How would you like to have someone come into your house with two or three people—one of them being very big—and pressuring you to sign a union card? Would you feel a little intimidated? Most people certainly would. Would you sign because you felt pressured, because you just wanted to have people stop bothering you, or because you didn't want to offend a coworker or friend? Most people would. However, under this bill all a union would have to do is obtain 51 percent this way and it is automatic.

Once the total reaches 50 percent, there is no latitude. These claims that employees could still have an election under this bill are simply not true. Oh, yes, there is this extraordinarily deceptive claim that a union could stop at 49 percent and ask for an election. That is simply nonsense. Why would a union ever do that. More importantly, how could employees make the union stop under 50 percent. They can't. And the unions certainly won't stop—with one percent more they have guaranteed members, and guaranteed dues. Do you really think they'd risk that in a secret ballot where someone who signed under pressure would have the right to change their mind and vote their real beliefs? Why would a union ever do that? Guaranteed union members and guaranteed dues. Do you really think union organizers would actually risk that by giving employees a truly free choice? I do not think so.

It is a fundamental democratic principle to have a secret ballot. The proponents of this legislation would do exactly the opposite and strip away from working men and women this most fundamental democratic right. The proponents of this bill ought to change the name of their party if they continue to advocate this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

THANKING STAFF

Mr. BINGAMAN. Madam President, last night the Senate worked late to produce an energy bill. I believe it is a good bill. It does not contain all I had hoped it would. Obviously, I regret that we were not able to go ahead with a vote on a renewable energy or electricity standard and also that we were not able to invoke cloture on the tax title of the bill. Nonetheless, I do think the bill will make important contributions to our energy security. I am proud to have worked on it with my colleagues.

Much has been said about the bill, and I am not going to debate the issues involved again today. We spent 9 days debating the bill and filled many pages of the CONGRESSIONAL RECORD with that debate. But I would like to thank the many members of the Senate staff who have invested such long hours and enormous effort over the last couple of months to make this bill possible.

In the hurry to get the vote accomplished last night, it was not possible to express appreciation to these staff members whose assistance was absolutely invaluable.

First and foremost, I thank Bob Simon, the staff director of our Committee on Energy and Natural Resources. His knowledge of the issues, his wise counsel, and his tireless energy were invaluable to me and to the Senate, in my view.

I also, of course, thank Sam Fowler, our general counsel. He was involved at every step in the development and the passage of the legislation. The work product we have finished with out of the Senate is much better for his involvement.

In addition, I thank Allyson Anderson, who worked on the carbon sequestration title and geothermal issues; Angela Becker-Dippmann, who kept track of the 350 or more amendments that were filed on the bill; Patty Beneke, who worked hard on the oil and gas leasing and public lands issues; Tara Billingsley, who worked on the biofuels title; Michael Carr, who worked on coal and transportation issues; Deborah Estes, who worked on the efficiency title; Leon Lowery, who labored mightily on the renewable energy standard or electricity standard; Jonathan Epstein, who worked on the science issues; Scott Miller, who helped on biomass and tax issues; and Cathy Koch of my personal staff and the staff director of the finance subcommittee on energy taxes, who played such a large role in crafting the tax amendment.

I also thank the rest of the professional staff of the committee, who pitched in to help when called upon: David Brooks, Paul Augustine, Jonathan Black, Mike Connor, David Marks, Jorge Silva-Banuelos, Al Stayman, and Bill Wicker; our support staff: Mia Bennett, Amanda Kelly, Rachel Pasternak, Britini Rillera, and Gina Weinstock.

Also, we have four excellent interns working with the committee this year: Kristen Meierhoff, Ben Robinson, Jodi Sweitzer, and Matt Zedler.

I also express appreciation for the work of the minority staff of the Committee on Energy and Natural Resources, and specifically: Frank Macchiarola, who is the Republican staff director; Judy Pensabene, who is the Republican chief counsel; Kathryn Clay and Kellie Donnelly.

I commend the Senate Finance staff who worked so tirelessly to craft a tax package that would have been an invaluable complement to the authorizing legislation. Senate Finance staff on both the Democratic and Republican sides of the aisle worked in concert to forge a bipartisan package and did that under the direction of Senators BAUCUS and GRASSLEY. I acknowledge their excellent efforts. The staff includes Pat Bousliman, Ryan Abramam, Jo-Ellen Darcy, Elizabeth Paris, Pat Heck, Mark Prater, John Angell, Bill Dauster, and Russ Sullivan, of course, the staff director.

I also thank Tom Barthold and the entire staff of the Joint Committee on Taxation, who helped us greatly, particularly with the tax package that was offered as an add-on to this bill.

Finally, I express my gratitude to the majority leader's staff. I have expressed my gratitude to the majority leader many times for his leadership in getting this bill to the floor and getting it passed through the Senate, but let me also thank the majority leader's staff and very able floor staff: Marty Paone, of course, the secretary for the majority; Lula Davis, the assistant secretary; Chris Miller, the majority leader's senior policy adviser; and all the other members of the staff, on both sides of the aisle, who worked very hard to see this happen.

To each of them, I extend my heartfelt thanks.

Shakespeare lamented how "oft good turns Are shuffled off with such uncurrent pay." I think if he were speaking today, he would probably say: Are shuffled off with such inadequate pay as a simple thank you.

So uncurrent or inadequate though it may be, our thanks is owed to all of the many staff members on our committees and in our personal offices whose hard work and professional assistance have made this legislative accomplishment possible. I am very grateful to each of them and wanted to acknowledge their contribution today.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, it is my understanding that roughly 30 minutes remains allocated between the Senator from Utah and myself.

The PRESIDING OFFICER. The Senate is in morning business with 10-minute grants.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS

Mr. CORNYN. Madam President, I come to the floor this afternoon to respond to some remarks made by the distinguished majority leader earlier today. The majority leader listed accomplishments he believes the new majority has accomplished during the 6 months that new majority has been in power. He talked about homeland security funding, the SCHIP program, appropriations, the budget, Iraq, Attorney General Gonzales, and the Energy bill.

One of the things I admire about the majority leader is that he is a very good advocate. He knows how to put a good face on the facts. But I wish to suggest to my colleagues here that in reality, the current state of affairs in the Senate is not nearly as rosy as the majority leader would have us believe.

We spent nearly 2 weeks trying to craft an energy bill that would relieve some of the pressure on American consumers when they fill up their tanks or go to pay their electric bills. Unfortunately, the bill that was offered will not provide a single watt of new energy or a single drop of new oil. Instead, we saw amendments that would have improved the bill in this area defeated time and time again. Moreover, it will actually raise prices for consumers.

This bill, in fact, that was passed last night is bad energy policy because it will raise energy prices for consumers. It will enact, if finally signed into law, price controls, returning us to the failed energy policies of the 1970s and the 1980s, which produced shortages, gas lines, and other severe economic dislocation. This energy bill passed by the Senate last night will increase costs for American energy companies. It will force them to do more of their investment outside of the continental United States, and it will increase—not decrease but increase—our dependence on foreign sources of oil and gas, primarily from dangerous parts of the world and enemies of our country. It will enact unattainable Federal mandates. It will reduce the Nation's ability to compete in the global market against much larger state-owned energy companies for reserves around the globe. Finally, it will continue the prohibition on expanding the domestic production of oil and natural gas.

Instead of trying to work through these problems in a bipartisan way to try to actually bring results and solutions that make sense, the majority leader chose instead to file cloture on the bill, which means, of course, to close off debate and to force a vote so we could speed through it without resolving the predicament Americans will continue to find themselves in, with high prices at the pump and when they pay their utility bills each month. Last night, I am sorry to report, this body approved this ineffective—and perhaps even harmful—legislation.

Why, I might ask, were we so quick to pass this bill before we could turn it into something that might actually help the American consumer? Well, as it turns out, the reason we were in such a big hurry to close off debate and to stop our work before we could actually provide some relief to the American consumer when they pay their utility bills or when they fill up their gas tanks is because we have to turn to a bill that big labor regards as their single most important legislative agenda, and that is to eliminate the right of prospective union members to the secret ballot. That is right. The bill we are moving to next because we didn't have enough time to finish the energy bill to actually provide some meaningful relief for American consumers is designed to help labor unions intimidate workers into the decision of whether to unionize.

Our friends on the other side of the aisle are demanding that the U.S. Government strip workers of the right to a secret ballot when it comes to the decision of whether to join a labor union. As a matter of fact, they have deceptively named this bill the "Employee Free Choice Act." This is anything but a matter of employee free choice because it would deny workers the freedom of choice, exposing them to intimidation and manipulation that comes from anything other than a secret ballot. This bill ought to be called the "Employee NO Choice Act." It provides opportunities to bully workers into joining labor unions, stripping them of the valuable right to a secret ballot.

Why in the world would we move from one of the most pressing problems confronting our country today—literally a national security problem relating to our dependence on foreign oil—and failing to address the most pressing concerns that most Americans feel each day because of high gas prices and high electricity prices? Well, apparently, the answer is to turn to a partisan matter such as avoiding the secret ballot for union members.

Some of those who have given support to those across the aisle have attempted to provide the rationale. One explanation given last fall was that "the Democrats are beholden to labor and must pass the Employee Free Choice Act."

Unfortunately, this has the simple feel of political payback for efforts made by labor to provide Democrats control of Congress last November. I cannot see any other logical explanation for the timing and interruption of one of the most important pieces of legislation Congress will consider this year. In fact, just last week, the majority leader's spokesman explained that "we need to make clear to the American people that we are following through on the promises we made in November."

Madam President, I am not alone in my hesitation about this bill stripping American workers of a fundamental right. Just a few short years ago, Democratic Members of Congress, including the author of the House version of this bill, wrote to officials in Pueblo, Mexico, to urge use of secret ballot in union elections. In that letter, those Democrats set forth the reasons secret ballots are essential. They said:

> We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. . . .
>
> We feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

I agree with the letter, but I disagree with this bill, which would strip workers of this valuable and fundamental right. Why would our colleagues on the other side of the aisle want to give big labor the power to intimidate, potentially, American workers? Why urge free choice and democracy in the international workplace, while offering no choice to American workers?

I am afraid the answer is clear. Union memberships have declined. According to the Bureau of Labor Statistics, union membership is down from 20 percent of the workforce in 1980 to just 12 percent now. Less than 8 percent of private sector workers belong to a union today.

As a recent Washington Times editorial explains:

> Card-check unionization has quickly become the only way big labor seems to increase membership these days.

Big labor helped elect Democrats in the 110th Congress. In fact, union PAC contributions to Federal candidates increased 11 percent from 2004 and are higher than any other industry grouping.

The Center for Responsive Politics found recently that since 1989–1990, labor unions have comprised 6 of the top 10 political donors to Federal candidates and political parties, ranging from the AFSCME, to Teamsters, to the Service Employees Union.

This has all the earmarks of political payback, plain and simple. This should not be the reason we have taken up valuable time on the floor of the Senate—to deal with political payback. Now is not the time to repay political favors, when the Senate has a seemingly endless list of more pressing and urgent matters to solve. True free choice in any election only comes with the secret ballot. I think we all intuitively understand that. Union elections are no exception.

American democracy must preserve an employee's right to a secret ballot when deciding union representation. We should not even be considering this bill, but if forced to, we should oppose it.

I also want to point out on this front, in case you don't believe this matter is motivated by pure politics, that the majority leader scheduled a vote on cloture on the motion to proceed to the immigration bill immediately following the procedural vote on the secret ballot bill on Tuesday. So no matter what happens on the vote to proceed to the union payback bill, we will not actually be considering that legislation—even if we were to vote to go to it. How can this exercise be categorized as anything other than a waste of the Senate's time?

I wish I could report that this is the first time our colleagues on the other side of the aisle, who control the Senate calendar, have held votes that waste time and divert attention from issues that are much more important. As America struggles with record prices at the gas pump, and our broken immigration system is in desperate need of reform, the new leadership of this majority believes the Senate should spend more time and energy on a nonbinding and purely political resolution on the Attorney General. I think that is unfortunate. Unfortunately, it is also indicative of the priorities we have seen.

Since taking control of the Congress 6 months ago, our colleagues have refused to address needed reforms of entitlement programs. The Children's Health Insurance Program, better known as SCHIP, that the majority leader said would greatly expand and provide benefits to individuals—unfortunately, we have not taken that matter up. In fact, our colleagues on the other side of the aisle have transformed this program designed to help children in need of having health insurance to one that would cover adults and children who are part of families making double the income the program started with. Instead of children of modest economic means, it has been expanded now as a new Government entitlement, leading the way more and more to a single-payer, Government-run system out of Washington, DC.

The majority leader also pointed out successes relating to the budget, while highlighting that the 109th Congress didn't even pass a budget. What the majority leader didn't say is, this budget contemplates the single largest tax increase in American history.

If the majority leader believes passing a tax-and-spend budget that includes the largest tax increase in history, does nothing to control entitlement spending, and explodes the debt is an accomplishment, well, it may be an accomplishment for tax-and-spenders, but it certainly was not an accomplishment for the American people. This budget was not an accomplishment for middle-class families and American entrepreneurs who will get socked with the highest tax increase in our Nation's history.

This budget was not an accomplishment for our children and grandchildren, who will have to deal with the consequences of this body's refusal to reform entitlement spending—a fiscal tsunami that we all know is coming. If we do nothing about entitlement spending, we soon will not have a dime to pay for anything else except four things: Social Security, Medicare, Medicaid, and part of the interest on the debt.

This budget was certainly not something to be proud of. It includes more money than what the President asked for and doesn't eliminate a single wasteful Government program. It adds to our Nation's debt, and it raises taxes on middle-class families.

To date, this Congress, under the new majority, has failed to send any meaningful legislation to the President's desk for signature. Instead, the majority leader pulled the immigration bill from the floor, delayed consideration of an energy bill, ultimately passing a bill that will fix none of the current problems, and pursued political resolutions aimed at weakening the President, at the expense of strengthening our Nation.

Only one of the "six for '06" initiatives that our Democrat colleagues heralded when they got elected to the majority have become law, due in part to their lack of bipartisanship and cooperation.

Their agenda so far has included passing a budget with the largest tax increase in American history; increasing spending on wasteful programs; they have sought to micromanage the war rather than to give our commanders and soldiers, sailors, airmen, and marines on the ground the opportunity to actually succeed; they forced our troops to shoulder pork barrel projects and made them wait 117 days to get a bill to the President that he would sign—an emergency spending bill that would get necessary relief to our troops in a time of war; they sought to raise the minimum wage without protections for small businesses; they have hampered the 9/11 Commission recommendations with paybacks to unions; they forced taxpayers to fund embryonic stem cell research under circumstances that many Americans would find crosses a moral line, by taking life in order to conduct scientific research; they have undermined a successful Medicare prescription drug plan in favor of a Government-run health care plan, and opposed market-based solutions.

My friends across the aisle have had a rough go of it during their first 6 months in the majority. They would have you believe, and the majority leader would have you believe, from his comments earlier today, that they have not been able to accomplish anything because of their narrow majority here.

In truth, however, the blame lies with the incredibly partisan way in which the majority has conducted themselves. They have refused to cooperate with this side of the aisle to accomplish many good things for the American people, instead filing a record number of cloture motions and bringing this body to a halt—40 times so far this Congress, compared with 13 during the same period of time in the 109th Congress, 9 in the 108th, and only 2 in the 107th Congress.

I am here to urge our colleagues in the majority to discard the approach they have attempted so far, which is to ram legislation through a closely divided body without compromise. This has not worked for them so far, and it will not work for them in the future. Even more important, it will not work to solve the problems of the American people.

In order to do the job the American people sent us here to do, we have to work together. As my Democrat colleagues have pointed out many times in the past, we are not the House. We must continue to look at all issues that are vital to the American people. We must compromise on those issues in good faith to do our very best, and we must put an end to the time we are wasting on such divisive, partisan issues, such as frivolous votes of no confidence against the current administration and payback to big labor for November favors.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that I be given enough time to make this speech, as long as I finish before 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT

Mr. HATCH. Mr. President, I rise in fierce opposition to the horribly misnamed Employee Free Choice Act.

When I first came to the Senate, I thought the 1977–1978 labor law reform bill we turned back was bad public policy. The bill we are considering moving to the floor, H.R. 800, is far worse.

Where is the free choice for employees in this horribly misnamed Employee Free Choice Act? In all my years in the Senate, I have to say that the title of this bill is the most misleading of any I can recall. This bill doesn't give rights to employees; it takes away the rights of employees and replaces them with the rights of union bosses.

Back in 1977 and 1978, when we fought the labor law reform bill, there were 62 Democrats in the Senate and only 38 Republicans. But we were able to defeat that bill by one vote. Thank goodness we did because this would be a far different country today.

This bill would more aptly be named the Union Bosses Free Ride Act because it would allow union organizers to skip the efforts of having to convince employees to vote for union representation in secret ballot elections to gain certification as the exclusive bargaining representative. Then it would allow union negotiators to skip the efforts of bargaining for a first contract. Instead, unions need only make a pretense of collective bargaining for an initial union contract before turning to the Federal Government, which can for 2 years impose the wages, benefits, and other terms and conditions of employment binding on employees, without employees' ratification or approval—binding on the employer as well, without the employer's ratification or approval.

Is this what my colleagues want to support—eliminating secret ballot elections and mandating Government certification of a union based on union-solicited authorization cards? Is this what my colleagues want to support—the Federal Government writing the binding contract terms for private sector wages, benefits, and other terms and conditions of employment? That is what this bill does.

Apparently, it is not what the American public want us to support. According to a January 2007 poll by McLaughlin and Associates, 79 percent of the public opposes this bill, including 80 percent of union households, 80 percent of Republicans, and 78 percent of Democrats.

When asked: "Would you be more or less likely to vote for a Member of Congress who supported this bill?" the response was 70 percent less likely.

Recent polls also suggest that 87 percent of voters, almost 9 out of 10, agree that every worker should continue to have the right to a federally supervised, private-ballot election when deciding whether to organize a union. The same survey found that 79 percent, that is 4 out of 5 voters, oppose efforts replace the current private-ballot system with one that would simply require a majority of workers to sign a card to authorize organizing a union. There was virtually no variation in reply among Republicans, Democrats, or Independents in this survey; this sentiment rings true across the board.

Likewise, in a 2004 Zogby International survey of union workers, it was found that the majority of union members agree that the fairest way to decide on a union is for the government to hold a private-ballot election and keep the workers' decisions private. In the same survey, 71 percent of union members agreed that the current private-ballot process is fair. The survey also found that 84 percent of union workers stated that workers should have the right to vote on whether or not they wish to belong to a union.

It is hard to believe that we are seriously considering a bill to deny workers a secret ballot vote so soon after the national elections, and our own elections, given our Nation's history in promoting secret ballot elections for the disenfranchised members of society through the suffragette and civil rights movements. This is especially true since we are fighting for the opportunity of individuals around the world to have the democratic right to a secret ballot election.

Apparently, even congressional cosponsors of the bill acknowledge that it would be bad policy to take away secret ballot union representation elections, at least for workers in Mexico. In a 2001 letter to Mexican Government officials, the House sponsor of H.R. 800, 16 Members of the House of Representatives including one then-member who now serves in this body, wrote:

> We understand that the private ballot is allowed for, but not required by Mexican labor law. However, we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may not otherwise choose.

If private ballot elections are absolutely necessary for workers in Mexico, why aren't they necessary here? That is what you have to ask.

The answer is simple. Union bosses are more successful under card check. Recently, according to official NLRB statistics, unions have won over 60 percent of NLRB-supervised secret ballot union representation elections. In other words, they are winning the vast majority of elections on secret ballot. They want to win all of them, and that is why they support this card-check approach. At least by political election standards, that 60 percent is a high mark. But not for union bosses. Statistics show that under a card check, unions win approximately 80 percent of the time, and an even higher percentage when the employer remains neutral and does not communicate with workers, as employers are permitted to do under the section 8(c) free speech provision of the National Labor Relations Act.

In effect, forced employer neutrality would be the result of card check under H.R. 800, since union organizers would control the timing of the election by quietly securing a majority of signatures—50 percent plus 1—among a group of employees, large or small, determined by the union organizer, and then springing the demand for certification upon the employer and the NLRB. The result would, in effect, silence the employer and thus deny employees the right to be fully informed about the particular union seeking their support.

Under this bill, the role of the NLRB, which has such a proud history of conducting secret ballot union representation elections, would be reduced to that of handwriting analysts checking to make sure that employees' signatures were not forged, and determining whether the group of employees designated by the union constitutes an appropriate unit. Remember, under NLRB law, the unit petitioned for does not have to be the appropriate unit, or the most appropriate unit, but only an appropriate unit for bargaining where the employees share a community of interest. Thus, in effect, the union organizer can select a group of employees that are most easily organized by means of card check, force NLRB certification by designating "an" appropriate unit, and then force a government-imposed first contract, the terms of which could incorporate employer obligations affecting the employer's entire operations, such as contract provisions barring subcontracting of work.

In effect, H. R. 800 is push-button unionism.

Under this bill, to force union representation, union organizers only have to get employees to sign union authorization cards, which the Supreme Court has an "inherently unreliable" indicator of true employee support due to peer pressures, intimidation and coercion.

Would the unions like the employers to have the same right, to be able to go privately and intimidate employees as the union organizers will do and get 50 percent plus 1 to throw the union out? Not on your life.

In fact, as one court stated with regard to card check authorization, "It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a card check unless it were an employer's request for an open show of hands. The one is no more reliable than the other." NLRB v. Logan Packing Co., Fourth Circuit Court of Appeals.

Some supporters of the bill have asserted that the bill does not eliminate secret ballot elections. But if they simply read the bill, it provides just the opposite. Just so we are clear, quoting from the bill:

> Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the board shall investigate the petition. If the board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board shall

not direct an election but shall certify the individual or labor organization as the representative described in subsection.

How can one say with a straight face that card check for union representation is any more protective than a private ballot election where employees may be solicited, intimidated, and coerced, subtly or not so subtly, to sign union authorization cards by fellow employees during nonwork hours and nonwork areas at the workplace, or by outside union organizers at the employees' homes or at the union hall or simply on the street or at the plant gates.

How is card check more of a free choice than the long-established and hard-won employee protections of a private ballot election, which is supervised, monitored, and shielded by Government officials of the National Labor Relations Board, who are present at the voting booth to prevent improper electioneering and misconduct by representatives of either labor or management?

The compulsory, first contract, interest arbitration is even a greater departure from sound national labor policy because it destroys free collective bargaining.

Under this bill, to force an initial union contract, union negotiators only have to make a pretense of bargaining for 90 days before calling on federal mediation for 30 days. If not resolved, the contract then must go to a federally appointed arbitrator who will write the employment terms binding on the employees and the employer for 2 years. That is long enough to sour employees on the federally imposed terms of employment, and long enough to bankrupt an employer or make it so noncompetitive that it decides to close operations and do business elsewhere—perhaps and probably overseas.

How can one say with a straight face that it is an employee's free choice to have the Federal Government write the terms of employment through compulsory interest arbitration by a federally appointed arbitrator? Under this bill, the arbitrator has unfettered authority to impose the wages, benefits, terms and conditions of employment of an initial union contract, which is then binding on employees and their employers for two years, without the employees even being able to approve or ratify those terms as they can under current law? How is that employee free choice? How is that open collective bargaining?

And how is it an employee's free choice then, by operation of the current contract bar doctrine, to prevent those employees from challenging the union's continuing majority support by an NLRB supervised secret ballot election?

This bill is not about employee free choice. It is about union leaders calling in their political chits in order to increase membership, and being able to deny workers the protections of an NLRB-supervised secret ballot election.

It is about union leaders then being able to get the Federal Government to impose wages, benefits, terms and conditions of employment and deny workers the right to ratify or approve the first union contract that will govern their employment for 2 years.

This is a huge and radical change in national labor policy, which the bill's sponsors are trying to foist on American workers and employers without even the benefit of a committee markup. Imagine, with only one day of committee hearings, completely rewriting and reversing over 70 years of national labor policy by injecting the Government into private sector collective bargaining through compulsory arbitration. The Federal Government steps in, not where the parties voluntarily agree to such intervention, but by congressional mandate, by operation of law, whether the parties agree or not.

That is not the way national labor policy is designed to work. This is not how it worked when the original Wagner Act was enacted in 1935, and in all subsequent amendments including the 1947 Taft-Hartley Act. Consistent with the decisions of every NLRB in Democratic as well as Republican administrations—and enforced by every federal court including the Supreme Court, it has been bedrock national labor policy that the Federal Government must not set the terms of the private employment contract. The role of the Federal Government through the NLRB and the courts has been to establish the rules for good faith bargaining. And the law does not require agreement, nor does it require a contract, so long as the parties bargain in good faith. Those sound national labor policies are destroyed under H.R. 800, which ignores whether the parties are bargaining in good faith and mandates a first contract binding on both sides.

This bill does not require a finding by the NLRB or the courts that the parties have failed to engage in good faith bargaining. Although misguided and bad policy, at least the 1977–1978 labor law reform bill addressed union complaints about the difficulty of reaching agreement on first contracts by first requiring a finding by the NLRB that the employer was guilty of bad faith bargaining. Then, the so-called make whole remedy proposed was to pay wages equivalent to a BLS index of average hourly manufacturing wages for the period of the employer's refusal to bargain. That, in my opinion, is not something Congress should endorse.

But to show you how truly extreme the current bill is, under H.R. 800 there is no requirement of a finding that the employer had violated the National Labor Relations Act by failing to bargain in good faith on an initial contract. The employer may have negotiated completely in good faith, and the parties need not have even reached an impasse in negotiations, to trigger the supreme sanction of having the Government step in and write the contract. The only trigger is when the parties have been unable to agree on a contract after 90 days of negotiations and 30 days of federal mediation. In effect, we are legislating that it is an unfair labor practice for an employer not to reach agreement on a first contract within 90 days of bargaining and 30 days of mediation, and that unless you agree to the union's terms the penalty is that the Federal Government will appoint an outside, third party to impose a contract on you for 2 years. Now that is not American.

Think of the effect of all this on the Nation's small business community. Informed of union certification because of card check, suddenly dragged to the bargaining table within 10 days of the union's demand, and most likely never having engaged in collective bargaining before, the small business owner will be confronted with professional union negotiators insisting on wages, benefits, terms, and conditions perhaps beyond the small business owner's ability to accept and remain competitive. But unless the small business owner agrees, the Federal Government, through a federally appointed arbitrator, will step in and write the contract.

Do we want the Federal Government writing private sector contracts? I don't think so. I cannot stress enough my concern about the bill's provision for first contract compulsory interest arbitration, especially as it would affect small business. That is even worse than the card check scheme to begin with, but without the card check scheme, you can't get to this.

It is close to socialism to mandate that the Federal Government, through federally appointed arbitrators, should dictate private sector wages, benefits, and other terms and conditions of employment. These are not simply my words and my concerns. Let me quote from the Nation's leading basic textbook on arbitration, Elkouri & Elkouri, "How Arbitration Works," the sixth edition, 2003, which is published by the American Bar Association's section of labor and employment law with editors representing labor and management.

The Elkouri text states:

> Compulsory arbitration is the antithesis of free collective bargaining.

The text then lists several reasons against compulsory arbitration.

> Broadly stated, that: First, it is incompatible with free collective bargaining; second, it will not produce satisfactory solutions to disputes; third, it may involve great enforcement problems; and fourth, it will have damaging effects on economic structure.

The text continues.

> Compulsory arbitration is a dictatorial and imitative process rather than a democratic and creative one.

Summarizing the arguments against compulsory arbitration, the text concludes:

> Compulsory arbitration means governmental—politically influenced—determination of wages and will inevitably lead to governmental regulation of prices, production, and profits; it threatens not only free collective bargaining, but also the free market and enterprise system."

Can you imagine being a small business owner, especially the owner of a family business, confronted with the choice of capitulating to a skilled union negotiator's unreasonable demands after 90 days of bargaining? Imagine the business being, in effect, turned over to a Federal arbitrator to impose whatever wages, benefits, terms, and conditions of employment the arbitrator chose to impose, as Elkouri states, "affected by the arbitrator's own economic or social theories, often without the benefit or understanding of practical, competitive economic forces"?

Is that what we want to do to our small business community, much less to larger businesses, whose issues for bargaining are even more complex? Since there are no limits on what an arbitrator may impose through interest arbitration, it is conceivable that the terms could include participation in an industry's underfunded multiemployer pension plan, for example, something which could eventually force an employer into insolvency.

Lost in what little debate we have had on this bill is the unfairness of its provisions for anti-employer punitive sanctions. Once again, these provisions in the bill are a radical departure from the balance of traditional national labor policy which for over 70 years has confined the act to "make whole" remedies, and, at least since the 1947 Taft-Hartley Act, has tried to maintain a balance of the remedies for union unfair labor practices and employer unfair labor practices.

H.R. 800 provides, for the first time, punitive rather than remedial sanctions under the National Labor Relations Act and contains only anti-employer sanctions. That is, H.R. 800 contains revolutionary punitive sanctions only against employers. Regardless of how corrupt the union may be, there are no sanctions possible against the union.

It provides for increased damages against employers in the form of back pay and liquidated damages equal to two times that amount for anti-union discrimination from the initiation of a union organizing campaign and until the first collective bargaining. These increased damages are clearly punitive, not remedial and not designed to make whole an employee for anti-union discrimination. Nowhere in H.R. 800 does the law provide for such punitive sanctions against union unfair labor practices.

In addition to back pay, the bill provides civil penalties against employers of $20,000 for each violation. Since each unfair labor practice charge filed against employers or unions often contains allegations of multiple violations, the $20,000 civil penalty could multiply several times for a single charge. Of course, under the bill, the $20,000 simple penalty applies only against employers. How fair is that? Nowhere does H.R. 800 provide civil monetary damages against unions where they commit unfair labor practices against employees.

Finally, the bill provides for a mandatory injunction against employers' alleged acts of anti-union discrimination, including—and I am reading from H.R. 800—allegations that the employer:

> (1) Discharged or otherwise discriminated against an employee; (2) threatened to discharge or to otherwise discriminate against an employee; or (3) engaged in any other unfair labor practice that significantly interferes with, restrains, or coerces employees in the exercise of their rights guaranteed in section 7.

This is, in other words, the right to organize, bargain collectively, and engage in concerted activities such as strikes.

Supporters of the bill argue this provision mirrors the act's section 10(I) injunction against unions which is mandatory when unions engage in secondary boycotts affecting neutral parties. Of course, therein lies the reason for the injunction. By current definition a section 10(I) injunction applies only where a neutral third party is involved and the injunction is designed to prevent harm to the public where labor disputes are expanded to those employers not directly involved in such disputes.

That is not the type of unfair labor practice against an employee during the course of a union organizing campaign, where a make-whole remedy of reinstatement with full back pay is available.

Mandatory injunctions are extraordinary penalties, especially involving small businesses, since they involve expensive Federal court litigation. As such, the threat of a mandatory injunction—which, for example, would mandate the employer reinstate the employee during the investigation and prosecution of the injunction—could operate to silence the employer from communicating its views regarding unionization. This is the employer's right under section 8(c) of the National Labor Relations Act.

There has been much said recently by supporters of H.R. 800 about employer misconduct during union organizing campaigns and collective bargaining for a first contract. This has been used to justify the radical provisions of H.R. 800 denying workers of private ballot union elections, increasing anti-employer sanctions, as well as compelling interest arbitration of first contracts.

Unfortunately, much of what has been said is simply untrue or exaggerated and based on flawed information and studies of dubious quality. I cite as an example one fatally flawed study conducted by Cornell Law School Professor Kate Bronfenbrenner. It is frequently cited regarding the firing of union organizers in over one-quarter of union organizing campaigns. The study is based on a survey of union organizers for their opinion as to how often organizers are fired during a union organizing campaign. That hardly constitutes an objective, unbiased sample, and such anecdotal opinions hardly constitute the type of factual, statistical information we have the right to expect before radically changing over 70 years of national labor policy.

Also, supporters of H.R. 800 claim from an NLRB report that over 31,000 employees received back pay annually and thus presumably were fired during union organizing campaigns, which represent one worker fired every 17 minutes. That figure grossly misapplies the report and its basis. In fact, that number includes a very high percentage of workers who were already represented by unions, some for many years, who were being paid back pay because their employer took some unilateral action, such as contracting out work, without consulting their union. Therefore, a high percentage of such back pay had absolutely nothing to do with union organizing campaigns, and supporters of H.R. 800, who must know better, are simply using this statistic to exaggerate their claims. Also, supporters of H.R. 800 ignore the more accurate number that according to the NLRB's most recent annual statistics only 2,000 employees were ordered reinstated by the Board.

As we debate over whether or not to deny private ballots to workers deciding whether or not to unionize, it is my hope that we will be able to at least hold fast and true to the facts. And there should be full debate on these facts, not simply a cursory one-day hearing, bypassed markup and we move straight to the floor. We must not rely on slogans, anecdotal stories, and questionable secretly-commissioned and selective statistics about alleged unfair labor practices.

In conclusion, those on the other side of this debate have advanced—with fervor—several misleading arguments about the so-called Employee Free Choice Act. I look forward to a debate on the facts of this legislation. We should debate. Let each side be passionate. And of course we will disagree; but let us be respectful. Most importantly, let's make sure that this is an honest debate.

As we enter this debate we should not be fooled by the misinformation from supporters of the bill:

They claim that employers coerce employees to vote no on unionization. The truth is that in less than 2 percent of cases is it found that an employer has inappropriately interfered in a union organizing election.

They claim that under the current system unions are not able to win. The truth is that unions won 62 percent of the National Labor Relations Board elections in 2005—the last year where a complete set of statistics exists.

They claim that the use of a card-check system is the best, most reliable and fair way of judging employees' true intentions of unionizing. The truth is that the use of a card-check system is an inherently unreliable indicator of an employee's true sentiments which lead me to a few other truths on their misleading reliability claim. The truth is that the card acquisition process is unregulated, meaning there is no check on potential undue influence when gathering cards; the truth is that we have found that intimidation, coercion, and pressure tactics can be—and usually are—used to obtain signatures; the truth is that often, bounties and financial incentives are paid to union organizers to obtain signatures on cards; the truth is that intentional deception and misrepresentation are often used by unions when obtaining cards; and the truth is that employees are often induced to sign cards by promises of higher pay, better benefits, and waivers of fees—of course the same employees are not made aware of the potential risks and costs of unionization. And finally, they claim that American workers want to form unions using a card check system.

The truth is that according to a recent poll 79 percent of Americans oppose the elimination of private ballots when voting in union organizing elections.

Senators should be aware this is not a free vote! The bill is not passed this year, or is passed but vetoed, it will put those of us who voted for it on record as supporting a radical change in national labor law and labor policy. It will put us in support of a system which denies workers a secret ballot election, which has been the bedrock underpinning of national labor policy—the crown jewel of the National Labor Relations Board.

A vote for this bill, or for cloture, will put us on record as against free collective bargaining on first contracts and in support of a political, government-dictated system of compulsory interest arbitration where a federally-appointed arbitrator will dictate the wages, benefits, terms and conditions of employment binding on employees without their even having a vote to approve those terms.

And it will put us on record as supporting an unbalanced system of remedies where employers are subject to punitive sanctions, rather than remedial make whole remedies while ignoring sanctions for union unfair labor practices.

In the end, H.R. 800 will hurt workers and will take away rights they currently have under federal labor law.

In the end, it will hurt employers, leading some to look elsewhere to do business and foreign investment to turn elsewhere rather than the United States.

We will be on record, and we will be reminded of our vote today in future congresses. We must vote no on cloture, just as we should vote no on the bill.

Mr. President, I hope my statement reflects why this is such a horribly misnamed and bad bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

WELCOME TO WYOMING'S NEW SENATOR

Mr. ENZI. Mr. President, minutes ago a new Senator for the State of Wyoming was officially appointed by the Governor of Wyoming, and I want to welcome Dr. JOHN BARRASSO, now Senator BARRASSO, and introduce him to the Senate.

John is an extremely capable person who has gone through a selection process that involved 30 people who were interested in serving as Senator. He went through an interview process and a selection process and was one of three people given to the Governor from whom to select. The Governor gave each of the people a list of 42 issues of critical interest to the State of Wyoming and interviewed each of them and made a selection on that basis. Dr. JOHN BARRASSO was the selection.

I am very excited about this. I am excited about having a full roster from Wyoming. I have known JOHN for many years. I was pleased that he ran for the State Senate. He worked on a lot of conservative issues there. He was a hard worker, and he was extremely efficient. In fact, one of the amazing things to me was that he was able to answer every e-mail almost immediately and to keep his desk clean. It is different from the way I worked when I was in the Wyoming legislature and it is much different than the way my desk looks here. So his efficiency is unmatched, and he has great knowledge of Wyoming and the issues that are important in Wyoming, which include energy, and of course health. He is an orthopedic surgeon and will make a big difference in our health care debate back here.

He is quiet but efficient and has worked across the aisle in Wyoming, and I am sure he will continue to do that here, much the way Senator Thomas and I have done. We have always worked as a team, the Wyoming delegation, and he will become a very strong team member.

I want to congratulate the Wyoming Republican Party on the process they went through. I want to particularly congratulate Fred Parady, who is the State chairman, for the way he walked into some fairly uncharted waters, particularly for that many people who were interested. He did an excellent and fair job, and one that was timely so we would be able to get to this point. He did an outstanding job.

I congratulate the Governor for the care and concern he gave and the way he went about his job and the comments he made as he did that job and as he introduced the new Senator. I think Wyoming can be a good example for the rest of the Nation to follow.

Of course, no one is going to be able to replace CRAIG THOMAS, but working with JOHN, we can ensure the representation of Wyoming in the Senate will remain second to none.

JOHN has had some interesting things he has worked on in Wyoming. He is extremely well known across the State because he has been doing virtually a nightly television spot helping people to help their own health and has given tips for a number of years doing that. I have no idea how many years he has also been the host for the Jerry Lewis telethon for Wyoming and has raised innumerable dollars for that great cause, and he does it so easily and so naturally and is such a great speaker.

Of course, he is very pleased that both of his children, Pete and Emma, have graduated from high school. Emma graduated this year. So he has gotten to watch them grow up in a very involved way through the years, and now that they are going to college, he can come to Washington, and I know he and his family are very excited about it and are great participants.

So I welcome the newest member of the Senate and let everyone know we are looking forward to a great team and his extreme capability.

Mr. President, I yield the floor.

PASSAGE OF H.R. 6

Mr. DORGAN. Mr. President, I want to thank my friend from Hawaii, the chairman of the Commerce, Science and Transportation Committee, for sponsoring this amendment that was added to energy legislation last evening.

This energy legislation seeks to expand the Nation's supply of renewable biofuels and to begin moving our base of transportation fuel toward renewable energy. Across America, including in my State of North Dakota, American farmers have the ability to grow abundant supplies of corn and energy crops from which ethanol and other transportation biofuels can be manufactured. However, our Nation's ability to produce an abundant supply of transportation biofuels will be of no use if we are not able to transport these biofuels to the population centers where they are needed. Today, due to the special qualities of biofuels, there are no pipelines that can move them to market. Thus, transportation is dependent primarily on trucks and rail, except in those rare cases where water transportation is available between the areas where the biofuels are produced and consumed.

Last week, the Government Accountability Office released a report entitled "Biofuels—DOE Lacks a Strategic Approach to Coordinate Increasing Production with Infrastructure Development and Vehicle Needs." The summary of the report states, in the second paragraph:

> Existing Biofuel distribution infrastructure has limited capacity to transport the fuels and deliver them to consumers. Biofuels are transported largely by rail and the ability of that industry to meet growing demand is uncertain.

If our Nation is to realize the potential of sustainable, domestically produced transportation fuels, we can have no uncertainty concerning whether the rail industry can transport the amount of biofuels that the Nation will be producing. Therefore, Senator INOUYE and I have joined in this amendment which calls for a joint study by the Secretaries of Energy and Transportation. The study will consider two primary issues and a number of related issues. First, will there be sufficient railroad infrastructure to move the amount of biofuels the Nation will be producing? Second, will that railroad transportation occur in a competitive environment in which the cost is reasonable and the service is reliable?

Ensuring adequate, reliable, and cost-effective rail transportation for ethanol and other transportation biofuels that will become so important to the Nation is an essential element of the Nation's policy to move toward sustainable, domestic supplies of energy. I thank my friend from Hawaii, the chairman of the Commerce, Science and Transportation Committee, for joining with me to pursue this study, and I look forward to working with him to ensure that our national rail system is adequate, reliable, and competitive.

Mr. KERRY. Mr. President, yesterday the U.S. Senate passed comprehensive energy legislation that will set the course for our national energy security in the decades to come. The members of this body were able to reach important conclusions regarding the need for increased corporate average fuel economy standards, improved energy efficiency for buildings and appliances, a national standard to help accelerate the development of renewable fuels, and carbon sequestration technology to capture carbon emitted through the burning of coal. The Energy bill approved by the Senate truly represents a shift toward a comprehensive, responsible, and focused national energy policy.

Not to be forgotten in establishing this policy are America's small business owners. There are nearly 26 million small businesses in this country—nearly 26 million business owners that are focused on keeping their doors open and putting food on the table for their families. And while climate change and national energy security sometimes seem like distant threats compared to rising health care costs and staying competitive in an increasingly global economy, small business owners are telling us that energy costs are indeed a concern. The National Small Business Association recently conducted a poll of its members, asking how energy prices affected their business decisions. Seventy-five percent said that energy prices had at least a moderate effect on their businesses—with roughly the same number saying that reducing energy costs would increase their profitability. Despite these numbers, only 33 percent have invested in energy efficiency measures.

In March of this year, I convened a hearing in the Committee on Small Business and Entrepreneurship to look at what small businesses can do to confront global warming. We learned over the course of that hearing just how much can be done to help small businesses become energy efficient. We also learned just how little the current administration is doing. The Environmental Protection Agency estimates that small businesses consume roughly 30 percent of the commercial energy consumed in this country—that is roughly 2 trillion kBtu of energy per year, and it's costing small business concerns approximately $29 million a year. Through efforts to increase energy efficiency, small businesses can contribute to America's energy security, help to combat global warming, and add to their bottom line all at the same time.

Last night, I worked with Senator SNOWE to include two amendments to H.R. 6 that will go a long way toward helping small business owners become more energy efficient. These amendments, which together represent the provisions included in S. 1657, the Small Business Energy Efficiency Act of 2007, require the Small Business Administration, SBA, to implement an energy efficiency program that was mandated in the 2005 Energy Policy Act. To date, the SBA has dragged its feet in implementing a program that could help small business owners to become more energy efficient. Administrator Preston should implement this important program today, and this bill directs him to do so.

Second, this legislation establishes a program to increase energy efficiency through energy audits at Small Business Development Centers, SBDCs. The Pennsylvania SBDC currently operates a similar program, and has successfully assisted hundreds of businesses to become more energy efficient. As a result of the program, six of the eight winners of the 2006 ENERGY STAR Small Business Awards given by the EPA went to Pennsylvania businesses. This program should be replicated so that small businesses across the country have the same opportunity to cut energy costs through the efficiency measures.

Third, the SBA Administrator is authorized to guarantee on-bill financing agreements between businesses and utility companies, to cover a utility company's risk in entering into such an agreement. The federal government should encourage utility companies to pursue these agreements with businesses, where an electric utility will cover the up-front costs of implementing energy efficiency measures, and a business will repay these costs through the savings realized in their energy bill.

Fourth, the legislation creates a telecommuting pilot program through the SBA. The Administrator is authorized to establish a program that produces educational materials and performs outreach to small businesses on the benefits of telecommuting.

Finally, the legislation encourages increased innovation by providing a priority status within the SBIR and STTR programs that ensures high priority be given to small business concerns participating in energy efficiency or renewable energy system research and development projects.

As a nation, we have much to do to secure our future energy supply and to solve the international crisis that is global warming. Last night's approval of H.R. 6 demonstrates this body's will to set the right course, and America's small business owners should know that Congress is providing them with the tools they need to join the crusade.

Mr. President, last night, we successfully passed comprehensive energy legislation which included a significant increase in fuel economy standards. For far too long, this has been the third rail of energy policy. It has been one of Washington's great failures in leadership. But thanks to a bipartisan effort on the part of so many of my colleagues, these new requirements will cut automobile carbon emissions dramatically and will help put our country on a path toward energy dependence. The oil savings from the CAFE provision alone will ultimately total 1.2 million barrels per day by 2020.

When we first established CAFE standards for passenger cars and trucks in 1975, within 10 years we increased fuel economy by 70 percent and decreased our oil dependence from 36 percent to 27 percent. Ever since then, we have been stuck in neutral. The fuel economy of the average new passenger vehicle is lower today than it was 10 years ago.

We now have overcome the forces of inertia, and our country is now poised to at last revolutionize the way we drive. I am proud of the bipartisan commitment to this issue, which was demonstrated with historic vote. I particularly would like to thank my colleagues, Senator INOUYE and Senator STEVENS, for their leadership on this issue.

I was proud to cast my vote in support of this important bipartisan energy legislation, which will dramatically increase our use of renewable fuels, incentivize energy efficiency, reduce our oil dependence, and address the growing threat of climate change. This bill truly puts us on a path toward a cleaner, healthier, and more secure energy future.

Mr. KOHL. Mr. President, I rise today to talk about the Energy bill that passed with my support. The bill increases biofuels production from the current mandate of 7.5 billion gallons in 2012 to 36 billion gallons by 2022. The bill also establishes new appliance and lighting efficiency standards in Government buildings and includes Federal grants and loan guarantees to promote research into fuel-efficient vehicles, including hybrids, advanced diesel and battery technologies.

I was pleased that this bill included my very important NOPEC amendment, an amendment that passed with the support of 70 Senators. The NOPEC amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit the supply or fix the price of oil in violation of the most basic principles of free competition. It will authorize the Justice Department—and only the Justice Department—to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. Further, it will give our Government a much needed tool to fight back against the selfish price-fixing conspiracy of OPEC members, a conspiracy that significantly raises the cost of gasoline and other essential energy products to millions consumers every day.

I was also pleased that this bill included an amendment I offered that would allow small manufacturers to access awards under the Advanced Technology Vehicles Manufacturing Incentive title. Considering that small manufacturers that employ roughly 75 employees or less contribute 29.5 percent to all value added to automobiles, it made sense that they should have the opportunity to get these awards.

I was disappointed that the Energy bill didn't include provisions to require utilities to provide 15 percent of their electric power from renewable sources by 2020. The reduction in the use of fossil fuels to generate electricity would have strengthened our national energy security by diversifying our sources of electric generation. Also, the bill did not include an energy tax package that would have created incentives for renewable power, biofuels, plug-in hybrids, clean coal and other technologies.

Taken together, this bill allows the United States to become more energy efficient in a cost effective and responsible way.

Mrs. MURRAY. Mr. President, I rise today to discuss our efforts to address the energy challenges that are facing our Nation today and the solutions we need for tomorrow. I am pleased that the Senate last night passed a comprehensive energy bill that moves our Nation forward.

We all know how important energy is to our economy, our families, and our quality of life. The high cost of energy is putting a painful squeeze on every sector of my home State: Commuters notice every time they fill up the tank; businesses are struggling with the higher costs of transportation; industry is feeling the impact of higher energy costs, and farmers feel the pain both in the price of fuel and fertilizer.

The question is, what are we going to do about it? It is clear there are no silver bullets.

It is going to take smart policies, carried out consistently over many years, to begin to change the way we use and save energy.

Overall, I believe we must focus on several priorities, including: making America more self-reliant so we are less dependent on foreign sources of energy; using innovation to meet our energy needs in creative ways; supporting conservation to reduce our energy demands; investing in education so we can cultivate the scientists, researchers, and workers of the new energy future; and protecting consumers from unscrupulous energy manipulators.

Before I turn to those specific priorities, I want to share with the Senate some of the innovative things that leaders in Washington State are doing to meet our energy needs.

Washington State is moving forward on renewable sources of energy like wind energy.

In April, I had an opportunity to visit the Hopkins Ridge Wind Farm in Columbia County, WA. This is a Puget Sound energy facility that has 83 wind turbines. When they are running at peak capacity, they can generate enough energy on an average basis to supply about 50,000 homes.

In fact, the Ports of Longview and Vancouver in southwest Washington have become a gateway for bringing wind energy components into the United States. I have been able to support their work through the wind energy tax credit. Last year, I got to visit the Port of Longview and see how our longshoremen expertly handle these massive turbines.

Washington's agriculture community is stepping up and embracing renewable sources of energy. This Spring, I was in Colfax, WA, for a roundtable discussion with farmers, and energy was a big part of the discussion.

I can tell you that Washington State farmers are poised to become active players in the renewable energy market. We talked about ways to help them make the transition into biofuel crops.

And there are other innovative projects. In Gray's Harbor, we are moving forward with a biodiesel plant. It will be a new home for Washington state biofuel production, a new source of jobs for the people of Grays Harbor County, and a new way to combat high gas prices. And in the Tri-Cities, we are moving forward with a new research center on biofuels and bioproducts.

In my home State of Washington, we have also been testing some cutting edge technology that puts information into the hands of consumers so they can make informed decisions about how—and when—they use energy.

With the Pacific Northwest National Laboratory and other partners, I helped kick off a GridWise demonstration project to test smart appliances. These appliances give consumers the power to decide when to run them based on the cost of energy. For example, your thermostat could indicate to you when heat costs are at a premium. Or you could set your dryer to run only when energy is a certain price.

We all know that the cost of energy fluctuates throughout the day. Unfortunately, today's consumers don't know the real cost of energy at any given time. So it is hard for them to make informed energy choices.

These innovative appliances were tested for a year in 150 homes, a water-pumping station and a commercial building. The results are impressive. Researchers found that giving consumers these tools helps save energy and reduce demand on the electricity grid. They found that real-time pricing can also alleviate the need to build a new substation.

So I am really proud of the innovative work that is already underway in Washington State, and both Senator CANTWELL and I believe it can serve as a model for the progress we can make in the rest of the country.

Now I would like to turn to my energy priorities and some of the positive steps that this bill takes.

My first priority is to help make America more energy self-reliant. Here at home we have tremendous demand for energy and that demand is growing. Unfortunately, today we are still too dependent on foreign sources of energy.

particularly oil. That dependence affects our security and our relations with other countries. We need to reduce our dependence, and we can do that through some of the measures in this bill. This bill includes a renewable fuels standard that will increase our use of renewable fuels, including biofuels like cellulosic ethanol and biogas. It also includes tighter CAFE standards for our auto industry, and it increases the number of bioresearch centers focused on biofuel. This bill will also help us diversify our fuel sources by promoting alternative fuels, such as ethanol, biogas, and biodiesel.

I am disappointed that important tax incentives, which would spur the development of renewable electricity, increase the production of alternative transportation fuels, and help homeowners who make their properties more energy efficient, were blocked in a procedural effort by the minority. I am hopeful that these important investments will be restored as this legislation moves forward.

Second, we need to use innovation to help meet our energy needs. This bill will help move forward our innovation agenda by increasing research and development funding for new technologies. It authorizes funding for research in States with low rates of ethanol production. This investment could help Washington get off the ground in the area of cellulosic ethanol. This bill also boosts research in carbon capture and storage. We are doing some interesting work on that at PNNL in my home State, and I am pleased to support further research.

Third, we need to be more aggressive about conserving energy. It is everything from choosing compact fluorescent light bulbs and energy efficient appliances to consolidating errands so you make fewer trips in your car. Through this bill, the Federal Government will lead by example by using energy efficiently and employing conservation practices. It includes, as I mentioned, higher CAFE standards on our vehicles, which will help conserve gasoline. It will promote efficient lighting technologies, efficient vehicles and advanced batteries.

Fourth, we need to expand education so we have the scientists, researchers, and workers to help us reach a new generation of energy innovation.

The existing and new technologies that we will deploy to increase our self-reliance are complicated, and we need to make sure we have a well-trained workforce that is able to implement these forward-thinking technologies. This entails both continuing education for our current workforce, but also training the workers of tomorrow. We must provide these training programs while our young people are still in our educational system.

In my home State of Washington, several universities are addressing these needs by offering curriculums in this area. For example, Gonzaga University in Spokane has a transmission line worker training program.

Central Washington University in Ellensburg wants to teach its students how to operate the efficiency technologies of the future. I think we should support these efforts by ensuring funding for programs like these. I am pleased that this legislation calls out this important issue.

In Washington State, we are also working to educate the next generation of energy innovators.

Washington State University, the Pacific Northwest National Laboratory, and the State of Washington have worked together to create the Bioproducts, Sciences, and Engineering Laboratory in Richland.

This is a pioneering research center where researchers will develop technology to turn biomass into energy and products. It will have teaching laboratories and classrooms and is located on WSU's Tri-Cities campus. I have been pleased to support this project from its inception, and I will continue to do so.

Finally, we need to protect consumers from those who would manipulate the price of energy to take advantage of high demand. One of the things that the Enron scandal revealed is that some people were happy to create false shortages of energy in order to drive up the price.

This bill helps us fight energy manipulators through a price-gouging bill that I co-sponsored, which is including in the underlying bill.

We have a lot of challenges in front of us as individuals and as a country when it comes to energy. But we also have the ability to craft responsible, smart legislation that will help move us in the right direction.

I am pleased to be working to make our country more self-reliant, to invest in innovation, conservation and education and to help protect consumers. I am honored to come from a State that is producing some of the most innovative energy ideas anywhere, and I am excited about moving this bill forward so we can use that progress to benefit our entire country.

FAMILY LEAVE INSURANCE ACT

Mr. KENNEDY. Mr. President, every day millions of men and women across America get up and go to work. Their labor—whether it is building bridges or selling groceries, programming computers or cleaning homes—is what makes this country great.

Their work is the foundation of our economy and of our communities and families. Over 100 million Americans rely on their jobs to keep a roof over their heads and put food on the table, pay their doctor's bills, save for their children's college tuition, and retire in dignity. But all of that can be threatened in an instant when serious injury or illness strikes.

Fourteen years ago, we passed the Family and Medical Leave Act to enable employees to take up to 12 weeks of unpaid leave each year to care for themselves or a seriously ill family member. For the first time, employees could meet their responsibility to their loved ones without risking their jobs. It was landmark legislation—the first bill signed into law by President Clinton in 1993—and tens of millions of families are healthier and more secure because of it.

But for millions of Americans, the ability to meet their family health needs is still out of reach. Most American families can't afford to take unpaid leave because it means they will miss even one weekly paycheck. They need every week's income to meet the rent, pay the electricity bill, and feed their families. A serious illness shouldn't mean choosing between caring for a sick child, spouse or parent, or suffering a financial catastrophe.

That is why I strongly support the Family Leave Insurance Act. This legislation will fill a serious gap in the Nation's health policy. It builds on the Family and Medical Leave Act by providing a safety net for the average working family.

Under this vital legislation, employees would be eligible for up to 8 weeks of paid benefits while they care for their families. With such benefits, workers would not be forced to choose between the families they love and the paychecks they need.

Most important, the program targets the employers and workers who will most benefit from the program. Lower income workers, who are least able to afford time off from their jobs, would be eligible for up to 100 percent of their weekly income. Smaller employers would have the option to participate—and would receive special incentives for doing so.

This is an idea whose time has come. California has led the way with its paid leave program, which has been a great success. Other State legislatures around the country are considering it as well.

The Family Leave Insurance Act is just one of the important new policies we should adopt to help America's working families. We also need to address the nearly half of American workers who don't receive paid sick days at work—and millions more who cannot take paid time off to care for their families.

That is why I will continue to fight for the Healthy Families Act, which will provide up to 7 paid sick days a year to workers, to help them meet immediate and short-term health needs not covered by the Federal Leave Insurance Act.

I commend my colleagues, Senator DODD and Senator STEVENS, for their leadership on this issue. This legislation, together with the Healthy Families Act, removes the risk that a sudden illness in the family will devastate a worker's financial well-being. Hardworking American families deserve no less.

I urge my colleagues to support the Family Leave Insurance Act.

GUN VIOLENCE

Mr. LEVIN. Mr. President, the plague of gun violence is one that affects our society on many levels. Across the country people are calling out for a change in our Nation's gun policies. A recent article, The Battle Over Illegal Guns, in the June issue of Ladies' Home Journal Magazine, is a case in point. This article detailed the tragic death of Wake County, NC sheriff's department investigator Mark Tucker, and provided yet another example of a pervasive problem in our country that has not yet been addressed.

On February 12, 2004, Mark Tucker returned home from work to eat lunch. As he left his house to return to work, he noticed an unfamiliar car with an open trunk parked in a field near his home. He drove over to investigate it. As he stepped out of his unmarked patrol car, an 18-year-old young man pulled a gun out of the trunk of the unfamiliar car. The teenager, who was on probation for breaking into cars, stated he had only intended to engage in a little target practice that day. However, because he was on probation, he was not legally allowed to possess a firearm. When he saw Mark's badge he panicked, killing Mark with a single shot.

Because the teenager had a felony record, he was not legally permitted to purchase a gun himself. In order to circumvent this, he simply had a friend fill out the required Federal paperwork for him at the gun dealer. This type of transaction, when one customer stands in for another who is not legally able to purchase a weapon, is known as a straw purchase. According to a 2000 report by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, straw purchases are the most common source of crime guns. Approximately half of the 1,530 trafficking investigations examined in the report involved stand-in buyers.

Though Federal law enforcement officials have increasingly teamed up with local officials over the past few years to increase prosecution of firearm-related crimes, not enough attention is being focused on the source of the problem. According to the ATF, nearly 60 percent of the guns used in crimes can be traced to just over 1 percent of this Nation's licensed gun dealers. Five out of six of these guns are obtained illegally.

This article not only detailed the tragic events which occurred in Wake County, it illustrated a problem that plagues our society. Negligent dealers and straw purchasers indirectly threaten the security of our communities by facilitating the transfer of dangerous firearms to potential criminals who may use them in violent crimes. We must do more to help our Federal, State and local law enforcement officials keep guns out of the hands of those who shouldn't have them. Simply put, Congress needs to take up and pass sensible gun legislation.

IRAN

Mr. FEINGOLD. Mr. President, the international community's effort to press Iran to suspend its nuclear enrichment has been virtually grounded as of late and there does not seem to be a way out. This deadlock is of great concern to me—particularly because of the threat Iran poses to our national security strategy but also because I do not trust this administration to make the right choices when it comes to our safety and security.

As a known sponsor of international terrorism, and in light of President Ahmadinejad's belligerent statements calling for Israel to be "wiped off the map," we must redouble our efforts to ensure Iran is no longer allowed to violate international treaties, does not develop nuclear weapons, and does not become any more of a threat to our national security than it already is.

History has taught us that we cannot ignore the stated intent of those who seek to destroy other nations. A nuclear Iran would be a grave threat to the region, to Israel, and to the entire international community but that does not mean we should act rashly or act alone. Indeed, recent history has also shown that we are at our strongest—and most secure—when we are part of a strong multilateral team.

And yet, the Bush administration's saber-rattling flies in the face of any effort to legitimately build consensus for effective dealings with Iran. Our allies at the United Nations have worked with us in the past to support a resolution sanctioning Iran but they may not be willing to work with us again if these confrontations in the Persian Gulf become habitual occurrences. Such threats are stunningly counterproductive as they embolden Iranian hardliners to dig in their heels, undermine our multilateral commitments, and jeopardize our national security significantly.

Iran's ability to sniff out and exploit fissures within the international community and use it to their advantage should not be underestimated. Knowing this, it is in the interest of our national security to ensure there is strong unanimity among our allies at the United Nations. Critical to this effort is cooperation from Russia and China. To ensure they are on board, this administration must prioritize robust diplomacy with these two countries to ensure they are on board and engaged. Without them, there can be no real headway.

Just last month an International Atomic Energy Agency, IAEA, report said that Iran has not suspended its enrichment activities and we must take this claim very seriously. We must work with our allies to take concerted, decisive action to break this stalemate. The Security Council must speak with one voice and send a clear signal that continued defiance of the international community will not be tolerated.

It is essential that all U.N. member states and the international community, more generally, continue to condemn the violent and defiant rhetoric of Iran's President. If his aggressive words go unchecked it could signal approval of the Iranian regime's determination to undermine its international obligations.

This Congress can also take critical steps to stop or slow Iran's nuclear enrichment, but we will not be effective in doing so unless we acknowledge that the United States must be in lock-step with the international community if we are to overcome decades of mistrust and ongoing threats to our national security.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 12, 2007 in New York, NY, Omar Willock attacked Roberto Duncanson, a gay man, on the street in Crown Heights. Willock allegedly yelled anti-gay slurs at Duncanson when they passed each other on the street. Later, Willock encountered Duncanson again and started a fist fight, eventually stabbing Duncanson. Willock is being held without bail and is charged with a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WELCOMING THE MINNESOTA NATIONAL GUARD

Mr. COLEMAN. Mr. President, it is my great pleasure to welcome the brave and courageous members of the 1st Brigade Combat Team of the 34th Infantry back to Minnesota today. For nearly 2 years, these troops have selflessly and honorably served our State and our Nation, demonstrating a level of commitment and sacrifice beyond anything our country could ask of them.

To welcome these soldiers home properly, it is important to roll the calendar back to September of 2005, when these men and women learned that they would soon deploy to Iraq for a 12-month mission. The news was difficult for a lot of Guard troops and families in our State. Many of them had already been deployed on active duty to Bosnia or Kosovo since September 11, and they knew how hard it would be to say goodbye once more to their families, friends, and communities.

Because of their previous service, many of these troops were not required to go to Iraq. They had already answered the call to defend this great land, and they could have let others take their turn this time, but that is not the spirit of the 1st Brigade Combat Team of the 34th Infantry. Instead, with the same commitment that their unit has shown since the Civil War, these troops donned their uniforms, made their arrangements, kissed their moms and dads, husbands, wives, and children goodbye, and returned to the fray to serve their country.

For 6 grueling months, these soldiers conducted their mandatory "uptraining" on the other side of our country at Camp Shelby in Mississippi and Fort Polk in Louisiana. And just like their Minnesota 1st infantry comrades who mustered at Fort Snelling 144 years earlier, the 1st Brigade Combat Team of the 34th Infantry received ratings of "outstanding," "excellent," and "perfect" on their various training demonstrations throughout the winter of 2005.

In March of 2006, when the unit had already been away from home for half a year, it was time to travel the 6,000 miles to the Middle East and Iraq. Before they left, I had the pleasure of attending their departure ceremony in Mississippi alongside my colleagues of the Minnesota congressional delegation and our Governor. There were steaks, music, beer cans, smiles, flags, hugs, and sadly, a lot of tears.

But there was one clear thing everyone had in common that day at Camp Shelby: Pride. Pride in serving their country. Pride in defending our freedom. Pride that their loved one was going to perform their duty in a manner consistent with the finest traditions of the U.S. military.

And off they went. Different units and different companies fanned out in locations across Iraq. Some of them in Fallujah and Taqaddum in Anbar Province, some at Camp Scania near Nippur, and the largest number at Camp Adder in Talil.

And the 1st Brigade Combat Team of the 34th Infantry didn't take much time to make an impact on the ground. By the end of May, when the ink on their transfer authority had barely dried, the 1st Brigade Combat Team of the 34th Infantry had already built a reverse osmosis water plant for the people of al-Feiz. It would be the first of many success stories they would accomplish and be proud of.

Over the course of the next few months, the 1st Brigade Combat Team of the 34th Infantry endured the trials of a unit at war. With every successful patrol, there was a longing for far away loved ones. For every completed reconstruction project, there was anticipation of a return trip home. And on the hardest of days, there was the mourning of a fallen comrade.

And so it went with these selfless soldiers through the end of 2006 and into 2007. When the New Year broke, it brought with it a new energy and a refocused eye on their March 2007 return. But their March return was not to be, as the story of these men and women veered onto a different path.

On January 10, of this year, these soldiers and their families endured a shock that none of them expected. Afternoon reports from CNN and Fox News began to trickle through our State and Nation, indicating that the unit would be extended until this summer. When the official word from the Pentagon confirmed this fact later that day, it shook all of us to our core and left us with more questions and concerns than we could find answers to.

But like Minnesotans always do, they somehow found a way to move forward. The support of their families strengthened them. The spirit of their communities rallied around them. And the countdown from January to July gradually went from months to weeks to days while the moment that seemed like it would never get here finally did: Their return.

Their deployment kept them in Iraq 25 days longer than any other unit serving in this war. During their time, they drove over 4,500 round trip convoy missions completing 99 percent of them on time. That's over 2.2 million miles of convoys in Iraq from the south central part of the country to the Jordanian and Syrian borders. And I don't think anyone needs a reminder of the dangers of IEDs on these convoys, but just for the record, this unit discovered over 350 of them before they were detonated. In other areas they fought al-Qaida and provided critical security to our military bases, saving countless lives of their comrades in arms.

They also worked hard to win the hearts and minds of the Iraqi people. In their time in Iraq, the 1st Brigade Combat Team of the 34th Infantry completed over 90 reconstruction projects from water and powerplants to road construction and media expansion.

And now, after nearly 2 years of sacrifice and dedication, on behalf of a grateful State and Nation we have the privilege to welcome these fine men and women back to the North Star State. With their return will come new challenges. As Maj John Morris, Chaplain of the Minnesota National Guard, often says, we have to support our troops before, during, and after their deployments. I look forward to joining with my colleagues in the Minnesota delegation to do our part to energize the State to bring these troops all the way home.

I have no doubt there will be plenty of handshakes, hugs, and welcome home ceremonies across our State in the coming days and weeks for this admirable group of Americans. I hope I am there to personally welcome home as many as I can, but because I know I can't make it to all of them—and because I would rather they get home and go fishing than spend their time talking to me—I want to express in the RECORD the eternal appreciation I have for the service of the 1st Brigade Combat Team of the 34th Infantry.

You gave up time, income, and family togetherness. You risked everything so all our lives could be safer and more free from fear. When your Nation called you to serve, you didn't take a poll, you didn't equivocate, you didn't even question why. You served because you were called to and you did your duty with perseverance, excellence and strength. Your active duty service is now complete, but our debt of gratitude will never end. On behalf of all Minnesotans, we welcome you home.

Thank you and may God Bless you.

ADDITIONAL STATEMENTS

150TH ANNIVERSARY OF R&R MARKET

• Mr. SALAZAR. Mr. President, I wish to commemorate the 150th anniversary of Colorado's oldest family-owned business—the R&R Market in the town of San Luis, in Costilla County, CO. My family has ranched and farmed in the San Luis Valley for five generations just a few miles west of San Luis. I grew up knowing the R&R Market as one of the treasures of the valley, a great symbol of our shared history and heritage.

Colorado was built upon the ingenuity, hard work, and entrepreneurial spirit of people like Don José Dario Gallegos, who traveled from the San Luis Valley by mule train over the Santa Fe Trail to trade centers in St. Louis and Independence, Missouri. Don Dario Gallegos was among the founders of the town of San Luis in 1851 and helped establish some of the first water rights in the area. The irrigation ditches—or acequias—that he and the settlers dug are still in use today.

When Don Dario Gallegos opened his store in San Luis in 1857, Colorado was still a young territory, and statehood was nearly 20 years away.

Though the physical foundation of Don José Dario Gallegos's original adobe structure would be destroyed in an 1895 fire, the people of San Luis came together to form the indestructible foundation rooted in a commitment to community and family that sustains the R&R Market to this very day.

It is this commitment that the people of San Luis will celebrate on June 30, 150 years after the original R&R Market opened its doors. I congratulate the Gallegos descendants—who still own and operate the market—and the people of San Luis on this momentous anniversary.

I have a painting of the R&R Market hanging in my Washington, DC, office. It serves as an everyday reminder of the place I come from—a place where community and family mean everything, a place where the spirit of Colorado was born and continues to thrive. I am honored to represent that place and the people who come from it.●

TRIBUTE TO GEORGE M. VAN TASSEL

● Mr. SHELBY. Mr. President, I wish to pay tribute to George M. Van Tassel, who passed away on Monday, June 18, 2007. For 13 years, George served as mayor of my hometown, Tuscaloosa, AL. He was a personal friend of mine and along with the entire town of Tuscaloosa, I mourn his passing.

In the 1930s George moved south from New York to attend the University of Alabama School of Law. There, he met a fellow student, Juarine Berrey, with whom he quickly fell in love. They married in 1934. Several years after his gradation in 1939, George was drafted by the U.S. Army to serve in the European theater during World War II. On D-Day, George was among the soldiers who landed on the beach at Normandy, France.

Upon returning to the States, George began his law practice. In 1956, he was elected to serve as mayor of Tuscaloosa, filling the unexpired term of mayor Hal McCall. Although George oversaw many changes that took place in Tuscaloosa during his three terms as mayor, perhaps his most notable achievement was his initiative to dam the North River and create a 5,885-acre water supply reservoir we call Lake Tuscaloosa.

In 1969, George decided not to run for reelection. An avid hunter and fisherman, he wanted more time to enjoy his hobbies. He returned to the law, managing a successful practice until he retired at age 75.

George is loved and will be missed by his daughter, Linda Ayers of Tuscaloosa, and his son, George M. Van Tassel, Jr., of Birmingham. He was an inspiration to many and will be remembered for his dedication and many contributions to the city of Tuscaloosa. I ask this entire Senate to join me in recognizing and honoring the life of George M. Van Tassel.●

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS AS DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on June 23, 2006, 71 FR 36183.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 22, 2007.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2771. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

H.R. 2771. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2339. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruit from Thailand" ((RIN0579-AC10)(Docket No. APHIS-2006-0040)) received on June 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2340. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle: Addition of Cumberland County, New

Jersey, to the List of Quarantined Areas" (Docket No. APHIS-2007-0067) received on June 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2341. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to Bank Secrecy Act Regulations Regarding Casino Recordkeeping and Reporting Requirements" (RIN1506-AA29) received on June 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2342. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 6 regulations beginning with CGD01-07-002)" (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2343. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 6 regulations beginning with CGD01-07-043)" (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2344. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 5 regulations beginning with CGD01-07-058)" (RIN1625-AA09) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with CGD05-07-017)" (RIN1625-AA08) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2346. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York and Vicinity" ((RIN1625-AA01)(CGD01-06-023)) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2347. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 8 regulations beginning with CGD09-07-039)" (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2348. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 8 regulations beginning with CGD09-07-042)" (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2349. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Applicability of Federal Power Act Section 215 to Qualifying Small Power Production and Cogeneration Facilities" (Docket No. RM07-11-000) received on June 20, 2007; to the Committee on Energy and Natural Resources.

EC–2350. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions" ((RIN1545-BG64)(TD 9333)) received on June 21, 2007; to the Committee on Finance.

EC–2351. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Haitian Hemisphere Opportunity Through Partnership Encouragement Act of 2006" (RIN1505-AB82) received on June 21, 2007; to the Committee on Finance.

EC–2352. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's Semiannual Report relative to its activities and accomplishments during the period of October 1, 2006, through March 31, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2353. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Locality Pay Areas" (RIN3206-AL27) received on June 21, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2354. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2355. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Administrator for the Office of Information and Regulatory Affairs, received on June 21, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2356. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Department's review of legislation entitled "Honest Leadership and Open Government Act of 2007"; to the Committee on the Judiciary.

EC–2357. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled "Veterans' Authorities Expansion Act of 2007"; to the Committee on Veterans' Affairs.

EC–2358. A communication from the Director of Regulations Management, Office of Information and Technology, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Data Breaches" (RIN2900-AM63) received on June 21, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes (Rept. No. 110–88).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 1682. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. LEVIN):

S. 1683. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1684. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself, Mr. BURR, Mr. STEVENS, and Mr. MCCONNELL):

S. Res. 249. A resolution honoring the life of Ruth Bell Graham; considered and agreed to.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. CLINTON, Mr. MCCAIN, Mrs. BOXER, Mr. LUGAR, Mrs. LINCOLN, Ms. MURKOWSKI, and Mrs. DOLE):

S. Res. 250. A resolution expressing the sense of the Senate condemning the military junta in Burma for its continued detention of Aung San Suu Kyi and other political prisoners; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. DEMINT, Mr. DODD, Mr. MCCAIN, Mr. KENNEDY, Mr. CHAMBLISS, Mr. KERRY, Mr. ISAKSON, Mrs. DOLE, Mr. SCHUMER, Mrs. CLINTON, Mr. BIDEN, and Mr. BURR):

S. Res. 251. A resolution honoring the firefighters and other public servants who responded to the fire in Charleston, South Carolina, on June 18, 2007; considered and agreed to.

By Mr. BOND (for himself and Mr. INOUYE):

S. Res. 252. A resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. COLEMAN, Mr. OBAMA, and Mr. LUGAR):

S. Con. Res. 40. A concurrent resolution supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking; considered and agreed to.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 838

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1259

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1267

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1544

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1544, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 1592

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1681

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S. J. RES. 16

At the request of Mr. MCCONNELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. J. Res. 16, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 235

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE), the

Senator from Idaho (Mr. CRAIG), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 235, a resolution designating July 1, 2007, as "National Boating Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 1682. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an "adversarial" system that onerously demands wounded soldiers to provide the "burden of proof" for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home state of Maine and across this Nation who have gone without the proper advocacy and case management for medical benefits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide Ombudsmen Office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all PEBs report multiple diagnosed medical impairments that, in concert, may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120 days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischarge physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and post traumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veterans' Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental halth disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the Joint Patient Tracking Application, JPTA. This electronic records system will be identical to the VistA system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country."

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes' treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. LEVIN):

S. 1683. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

Ms. STABENOW. Mr. President, I speak in support of the Great Lakes Short Sea Shipping Act of 2007. This legislation will exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at U.S. ports in the Great Lakes Saint Lawrence System.

In recent years, transportation planners have been struggling to identify ways to move people and goods more efficiently. Congested highways, particularly at the Detroit, Michigan/Windsor, Ontario border crossing, the busiest border crossing in North America, acts as a huge constraint to economic growth.

The purpose of the Harbor Maintenance Tax, HMT, is to generate revenue from port users for port maintenance conducted by the U.S. Army Corps of Engineers. The Corps maintains Federal shipping channels by conducting periodic dredging, which is necessary to remove sand and silt that occur naturally in shipping channels. HMT receipts are placed in the harbor maintenance trust fund, which serves as a source of revenue for the Corps' dredging budget. The HMT is assessed on cargo transported between U.S. ports and cargo imported to U.S. ports from other countries. Exports are not assessed a tax. More specifically, the tax is not paid by the vessel owner, nor the port, but by the owner of the cargo in each ship. The bill would provide a narrow exemption to the HMT for the movement of nonbulk only commercial cargo by water in the Great Lakes region, which includes the movement of freight and people between the U.S. ports on the Great Lakes and between Canadian and U.S. ports on the Great Lakes.

This very narrow exemption would remove the current disincentive to moving freight by water and allow the region's transportation planners to develop new shipping services to not only relieve highway congestion, but to improve air quality as well. Moreover, the legislation could open up new shipping services to be offered on the Great Lakes, thus creating jobs in the maritime sector. One of the other benefits is that this exemption will offer options for trucks that may choose to use the bridges, tunnels, or now ferry service. Because the Detroit/Windsor border crossing is the busiest border crossing in North America, any alternative mode of transportation that allows for commerce to flow more smoothly, quickly, and efficiently is beneficial not only to the Great Lakes region, but to the country. Also, in this time of us working to be more responsible and have a cleaner environment for our children, allowing trucks off of the congested highways and onto ferries where they can cut off engines and not idle, will reduce air emissions, improve air quality, and cut down on gasoline usage.

Moreover, since trucks currently use roads rather than ferries to move around the Great Lakes region, the Federal Government does not HMT on their cargo. Under this proposed legislative exemption, if a truck boarded a ferry, the Federal Government would still not collect a tax.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1684. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, two of the greatest challenges we face today are how to address the needs of postconflict countries, and countries that are suffering from large-scale natural disasters. These are critical issues, and ones that we cannot afford to get wrong, for the sake of the people living in those nations, and for the sake of our own security.

On the post-conflict front, a recent commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that "failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as posing grave humanitarian challenges and threats to regional stability."

Currently, the most obvious case in point is the reconstruction of Iraq. In addition to Iraq, unfortunately, we can talk about many other states that are either unstable, or are tenuously recovering from past conflicts including Afghanistan, East Timor, Kosovo, Haiti, and the Democratic Republic of the Congo.

Earthquakes, floods, drought and landslides often have the most dire impacts in developing countries that are the least equipped to respond. The countries ravaged by the 2004 tsunami are recovering, but there is still a long way to go: Indonesia lost over 150,000 people, with half a million left homeless. In India, almost 20,000 people lost their lives and 2.79 million people were affected, losing homes, land, and livestock. The tsunami set back development in the Maldives by 20 years, devastating the country's economic backbone and tourism industry.

We need comprehensive, and creative, strategies to help countries rebound from conflicts or natural disasters. One such strategy is to allow, and indeed encourage, immigrants to the United States to use their skills, talents, and knowledge to help rebuild their native lands. The diaspora is an extraordinary collective resource. These individuals know the communities. They know the culture. They know the language, more than any contractors, and more than any humanitarian workers from the outside, no matter how well-trained they may be or how much expertise they may have.

So today, I am introducing legislation, as I did in the last Congress, that would create a "return of talent" visa program.

The idea is simple: to allow legal immigrants in the United States to return home to help with reconstruction efforts, without jeopardizing their immigration status. Legal permanent residents will be able to return temporarily to their countries after a conflict or a significant natural disaster to help rebuild, without their time out of the United States affecting their ability to meet the requirements for U.S. citizenship.

Under current law, a legal permanent resident who wants to apply for U.S. citizenship is required to be physically present in the United States for at least half of the 5 years immediately preceding the date of filing the naturalization application.

This residency requirement could be particularly difficult to meet for those who have family and friends in their countries of origin who are in desperate need of help, and whose skills are especially in demand to help their countries of origin rebuild, for example, teachers, engineers, translators, and health care workers. We should not stand in their way of returning, bringing their talent and expertise home, and helping them help others at a time of greatest need.

This legislation would encourage skilled and committed individuals to return to their countries of origin to revive the business, industry, agriculture, education, health and other sectors that have been weakened or destroyed after years of conflict or devastating disasters.

The program would apply to immigrants from countries where U.S. Armed Forces have engaged in armed conflict or peacekeeping, or countries where the United Nations Security Council has authorized peacekeeping operations in the past 10 years. Immigrants from countries which received funding from the U.S. Office of Foreign Disaster Assistance also would be eligible to participate in the program.

Estimates of the number of individuals who could participate in this program are relatively low. For example, the United States admitted 4,749 Afghani and 4,077 Iraqi immigrants in 2005 who are now legal permanent residents eligible to pursue U.S. citizenship. Immigrants from Indonesia numbered 3,924 and Bangladesh, 11,487 in the same year. Yet while the program would have a small impact on the U.S. naturalization process, the contributions of even a few hundred individuals could have a tremendous positive effect on reconstruction work.

At this moment the Senate is seized with finding a resolution to the massive and critical question of immigration reform. A return of talent program would fit well with whatever decisions we reach because, simply put, everybody wins: The United States is able to support badly needed rebuilding efforts without increasing foreign aid; immigrants are able to use their skills and resources to help communities without disrupting their path to U.S. citizenship; and communities abroad that are recovering from conflict and disaster receive much-needed assistance.

A return of talent program is an important piece of our overall strategy to stabilize and rebuild countries torn by conflict and devastated by natural disaster. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Return of Talent Act".

SEC. 2. RETURN OF TALENT PROGRAM.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM

"SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

"(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

"(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

"(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

"(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

"(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

"(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

"(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.".

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

"317A. Temporary absence of persons participating in the Return of Talent Program".

SEC. 3. ELIGIBLE IMMIGRANTS.

Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after "Improvement Act of 1998";

(2) in subparagraph (M), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(N) an immigrant who—

"(i) has been lawfully admitted to the United States for permanent residence;

"(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

"(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

"(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

"(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

"(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.".

SEC. 4. REPORT TO CONGRESS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by section 2;

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

SEC. 5. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this Act and the amendments made by this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for fiscal year 2008, such sums as may be necessary to carry out this Act and the amendments made by this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 249—HONORING THE LIFE OF RUTH BELL GRAHAM

Mrs. DOLE (for herself, Mr. BURR, Mr. STEVENS, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas Ruth Bell Graham returned to the United States to attend Wheaton College, where she met and fell in love with her future husband, Billy Graham, who would become one of the most acclaimed evangelists in the world;

Whereas Ruth Bell Graham married Billy Graham on August 13, 1943 at Montreat Presbyterian Church in her beloved Western North Carolina;

Whereas Ruth Bell Graham was the devoted mother of five children (Virginia, Anne, Ruth, Franklin, and Nelson Edman) and the grandmother of 19 grandchildren;

Whereas Ruth Bell Graham was a renowned author and poet who penned 14 books that have moved and inspired people around the globe;

Whereas Ruth Bell Graham and Billy Graham were recognized with the Congressional Gold Medal in 1996 for their "outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion"; and

Whereas Ruth Bell Graham touched countless lives worldwide by sharing her tremendous faith, her deep compassion for the less fortunate, her great talents and her lighthearted wit.

Now, therefore, be it

Resolved, That the Senate honors the life, work, and legacy of Ruth Bell Graham, a loyal companion who shined with grace and courage beside her husband Billy Graham, and a dedicated mother who fostered individuality and humility in her five children.

SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE MILITARY JUNTA IN BURMA FOR ITS CONTINUED DETENTION OF AUNG SAN SUU KYI AND OTHER POLITICAL PRISONERS

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. CLINTON, Mr. MCCAIN, Mrs. BOXER, Mr. LUGAR, Mrs. LINCOLN, Ms. MURKOWSKI, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has dedicated her life to the peaceful, non-violent movement for democracy and reconciliation in the Union of Burma;

Whereas Aung San Suu Kyi and the National League for Democracy won a majority of parliamentary seats in Burma's last election held in 1990;

Whereas the State Peace and Development Council of Burma refuses to cede power and permit representative government and has detained Aung San Suu Kyi under house arrest for 11 of the last 17 years;

Whereas the ruling military junta has committed numerous, well-documented atrocities against the people of Burma;

Whereas Aung San Suu Kyi continues to promote peaceful dialogue and reconciliation despite mistreatment from the State Peace and Development Council;

Whereas the United States recognizes and supports the dedication and commitment to freedom demonstrated by Aung San Suu Kyi: Now, therefore, be it

Resolved, That the Senate—

(1) honors Nobel Peace Prize Laureate Aung San Suu Kyi for her courage and devotion to the people of the Union of Burma and their struggle for democracy; and

(2) calls for the immediate release of Aung San Suu Kyi and other political prisoners by the State Peace and Development Council.

SENATE RESOLUTION 251—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE FIRE IN CHARLESTON, SOUTH CAROLINA, ON JUNE 18, 2007

Mr. GRAHAM (for himself, Mr. DEMINT, Mr. DODD, Mr. MCCAIN, Mr. KENNEDY, Mr. CHAMBLISS, Mr. KERRY, Mr. ISAKSON, Mrs. DOLE, Mr. SCHUMER, Mrs. CLINTON, Mr. BIDEN, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 251

Whereas at approximately 7:00 P.M. on June 18, 2007, a tragic fire started at the Sofa Super Store in Charleston, South Carolina;

Whereas despite the flames that engulfed the building, the brave men and women of the Charleston Fire Department (Department) fulfilled their duty by rushing inside as others fled for their lives;

Whereas the fire quickly grew out of control and trapped 2 store employees inside;

Whereas the firefighters attempted to punch through the building walls in a selfless effort to save the lives of these employees;

Whereas the roof of the building collapsed, trapping the firefighters inside;

Whereas Captain William "Billy" Hutchinson, a 30-year veteran of the Department, lost his life in the fire;

Whereas Captain Mike Benke, a 20-year veteran of the Department, lost his life in the fire;

Whereas Captain Louis Mulkey, an 11-year veteran of the Department, lost his life in the fire;

Whereas Engineer Mark Kelsey, a 12-year veteran of the Department, lost his life in the fire;

Whereas Engineer Bradford "Brad" Baity, a 9-year veteran of the Department, lost his life in the fire;

Whereas Assistant Engineer Michael French, a 1½-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter James "Earl" Drayton, a 32-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Brandon Thompson, a 4-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Melven Champaign, a 2-year veteran of the Department, lost his life in the fire;

Whereas the extraordinary courage and sacrifice of these firefighters reflects the spirit of South Carolina, as well as the spirit of our great Nation;

Whereas the United States has not experienced such a devastating loss of firefighters since the horrific events on September 11, 2001; and

Whereas a grateful Nation mourns the loss of these heroes and vows that their sacrifices were not made in vain: Now, therefore, be it

Resolved, That the Senate—

(1) honors William "Billy" Hutchinson, Mike Benke, Louis Mulkey, Mark Kelsey, Bradford "Brad" Baity, Michael French, James "Earl" Drayton, Brandon Thompson, and Melven Champaign, who lost their lives in the course of their duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathy to the families of these 9 brave heroes;

(3) honors all the firefighters and other public servants who contributed to battling the fire; and

(4) pledges to continue to support and to work on behalf of the firefighters who risk their lives each day to ensure the safety of all Americans.

SENATE RESOLUTION 252—RECOGNIZING THE INCREASINGLY MUTUALLY BENEFICIAL RELATIONSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF INDONESIA

Mr. BOND (for himself and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 252

Whereas the historical ties between the United States and the Indonesia go back to the period of Indonesian struggle for independence and the early years of its independence in 1945;

Whereas the constitutionally required "free and active" foreign policy of Indonesia has largely resulted in a close relationship with the United States, and this relationship reflects the growing connections between the developed and the developing world;

Whereas, following the effects of the Asian financial crisis in 1998, Indonesia has instituted numerous democratic reforms, including—

(1) amending the country's constitution in order to be more democratic and transparent;

(2) holding the country's first ever direct presidential election in 2004 and direct, nationwide local elections starting in 2006; and

(3) giving the judicial branch independent administrative and financial responsibility for all courts in 2004;

Whereas the government of President Susilo Bambang Yudhoyono, the first directly elected President of Indonesia, is strongly committed to strengthening the country's democracy and remains focused on developing good governance and promoting and protecting human rights, civil liberties, a free press, and a vibrant civil society;

Whereas the Government of Indonesia continues to reform its military in accordance with internationally accepted democratic principles;

Whereas Indonesia signed a peace agreement in August 2005 ending the conflict in Aceh, met its obligations under the agreement, oversaw the return of normalcy to Aceh, and held free, transparent, and peaceful elections for local government leaders in December 2006;

Whereas the Government of Indonesia has worked and continues to work toward peaceful solutions to other internal conflicts, including Papua, with concern for the welfare and security of the entire population;

Whereas, in parallel with the recovery of Indonesia's economic and political stability following the 1998 Asian financial crisis, the country has regained its pivotal role in the Association of Southeast Asian Nations (ASEAN) and continues to work toward a secure, peaceful, and vibrant Southeast Asia, particularly by proposing successfully the ASEAN Security Community, the ASEAN Economic Community, and the ASEAN Socio-cultural Community;

Whereas the Government and people of Indonesia have endured several terrorist bombings, have shown resilience in the fight against international terrorism by apprehending and bringing to justice numerous perpetrators, and remain open to international cooperation in this area;

Whereas the Government of Indonesia, together with the Governments of Malaysia and Singapore as fellow littoral states and user-countries, has maintained and is further strengthening efforts to secure the important international shipping lane in the Malacca Strait;

Whereas, as shown in international fora, the Government of Indonesia remains committed to addressing the problems related to the control of the spread of weapons of mass destruction;

Whereas the Government of Indonesia has deployed a military battalion to support the United Nations Interim Force In Lebanon (UNIFIL) peacekeeping operations, and as the world's largest Muslim democracy, has made important contributions to the facilitation of various dialogues among Islamic factions in the Middle East; and

Whereas, though the Government of Indonesia has shown significant progress in the areas of democracy, good governance, human rights, and counter terrorism, there remains much to be done and many reforms yet to be implemented: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the progress made by the Government of Indonesia in its efforts to promote democracy;

(2) expresses ongoing support for further democratic reform in Indonesia and the efforts of the Government and the people of Indonesia toward developing good governance;

(3) encourages the Government and the People of Indonesia to continue working to ensure the promotion and protection of human rights, civil liberties, a free press, and a strong civil society in Indonesia; and

(4) encourages the President, the Secretary of State, and other officials of the United States Government to continue assisting the Government of Indonesia in its efforts to promote democracy and ensure the liberty and welfare of the people of Indonesia.

Mr. BOND. Mr. President, as a Member of the Senate who has traveled every year to Southeast Asia and met frequently with government leaders from that region when they visited the United States, I believe America has great interests in that region, and that we need to pay more attention here in Washington, DC and across the Nation, to our allies and partners in Southeast Asia.

This region, economically, politically, strategically important, it is our 5th largest in total volume trading partner. Serving as a cornerstone to SE Asia and the lynchpin to its stability, prosperity and security lie in Indonesia.

When I have asked leaders from all over Southeast Asia how they are doing, they always include a reference to Indonesia. Indonesia is the world's largest Muslim country and as a democracy, that makes it the largest Muslim democracy as well.

On the darker side, it is also a key country in what many in the intelligence community, and I agree, is the second front in the war on terror that we confront. It is home to the Islamist terrorist group, Jemah Islamiya, which next to al-Qaeda, is one of the greatest threats to American security and peace in the world.

Indonesian President Susilo Bambang Yudhoyono has been executing an ambitious agenda for anti-corruption, political and economic reform. He represents Indonesia's best hope for continuing down a path towards stability, prosperity, pluralism, democracy and security. Such a path is not only in our own economic interests, but is also essential to control the terrorist threat and the reach of al-Qaeada and Jemah Islamiah in Southeast Asia.

Since the fall of President Suharto, the Indonesian people have elected three new presidents, impeached one, and experienced several peaceful transfers of power. They have held direct elections of a president. They have amended their constitution in order to be more democratic and transparent. They have given the judicial branch independent administrative and financial authority. They continue to reform their military in accordance with democratic, civilian-controlled principles.

They have recently provided a battalion to support the UNIFIL forces in Lebanon; and Indonesia was recently cited by Freedom House as Southeast Asia's only truly "free" nation.

But despite all the progress being made, we in Congress seem to continue to look for every transgression to put our relationship on hold and move it backwards.

The truth is that as a country, Indonesia has made truly remarkable progress in a very short period of time. As such, they deserve continued support and engagement, not restrictions and retractions.

We should recognize the accomplishments of the Indonesian people and encourage them in their pursuit of a successful transformation to a democratic nation.

This is why I, along with my distinguished colleague Senator INOUYE, am proud to introduce a resolution recognizing Indonesia's accomplishments and the increasingly mutually beneficial relationship between Indonesia and the U.S.

As an archipelago of over 200 million people, if Indonesia were superimposed over the top of the United States, it would span from Florida to Alaska. The size of Indonesia and the fact that they have 17,000 islands at low water, 13,000 at high tide, presents a tremendous challenge in defending its borders and dealing with potential terrorist activities on its distant islands or remote jungles.

The Indonesian armed forces are a necessary partner in this battle. When Jemah Islamiah bombed the Bali nightclub in 2002, killing 202 people, Indonesia's military, policing and intelligence capabilities were in poor condition. Of late however, Indonesia's security forces have "gained the upper hand," according to the Economist, June 16th, 2007 with the capture and arrest of some of Jemah Islamiah's top commanders.

Leadimg the fight against terror is Indonesia's new police unit 88, which was set up with the help of American and Australian Security forces. Among the terrorists captured was Abu Dujana, one of Indonesia's most wanted terrorists. Dujana apparently took over as military leader of JI when their former leader and bomb maker, Azahari Husin, was in 2005 killed and had earned the dubious honor of being named the most wanted terrorist in the country. And over the last 12 months, the Indonesians have captured or killed 47 terrorists, including several key leaders.

The article also went on to say. . . .

> No large-scale attacks have taken place since 2005. With the help of their Australian and American counterparts, Indonesia's national police have greatly improved their tracking of militants and have rounded up some of JI's top leaders.

In the recent past, there have been various forms of restrictions on our relations with the Indonesian military in light of terrible abuses that were committed by the TNI in East Timor. However, our reinstatement of military relations and the restoration of International Military Education & Training or IMET, has resulted in continued positive trends.

It is interesting to note that the current President, when he was a military leader, was in the last class of IMET leaders from Indonesia to come to the United States. He, in his own person, demonstrates the appreciation of civilian control. Some in this body and the other body want to impose new restriction to hinder, not help, the productive influence our military can and has had on the TNI.

We must expand and continue to improve our relations with the TNI, not restrict and retract. IMET provides for adherence to the Code of Military Justice, civilian of the military, respect for human rights, and proper treatment of population principles that should be instilled in military forces.

Further, IMET establishes important relationships and alliances among our military leaders and commanders of friendly foreign forces. It assures they understand how to conduct military or relief operations together. and, it keeps the U.S. engaged in a region where China is increasingly, extending its influence. When I visited the North Western province of Ache, right after the Tsunami, the fact that their military had not trained with us caused us great military operational difficulties.

Some in Congress apparently want to reimpose sanctions on IMET participation because of the past and perceived military abuses, but as Walter Lohman, Director of Asian Studies at the Heritage Foundation, has said:

> accountability for past human rights abuses and the proper role of the militia are legitimate. But the United States needs to get to a point where it addresses these concerns with the same respect it affords other democratic partners, like the Europeans or the Japanese

Many leaders in that region have told me, privately, they believe U.S. active engagement and association with their countries is essential to stop China from extending hegemony over the region. Whether China is viewed as a threat or an opportunity, they are actively courting their neighbors in SE Asia; They are sending official trade missions, signing trade agreements and investing their large reserves in securing sources of energy and natural resources. Make no mistake about it, they are aggressively building up a military force navy capable of extending beyond the straits of Taiwan.

The opportunities and the challenges related to China seeking to extend its influence over Southeast Asia should concern us both economically and militarily. States of Southeast Asia, notably Indonesia, Singapore, and Malaysia, control the important Malacca Straits; Straits through which one quarter of all the shipping in the world passes and one half of the petroleum products carried by ocean-going vessels pass.

Beyond those interests, it remains my thesis that we should pay attention to Southeast Asia—particularly Indonesia—as the second front in the war on terrorism.

Indondsia represents the best hope for fostering a moderate Islam that recognizes the true peaceful nature of that religion in opposition to the radical terrorist-inspiring versions of Islam.

With Southeast Asia and its large Muslim population, we have an opportunity through constructive forms of engagement; to ensure they become a solid foundation for peace, security and economic prosperity in this critical part of the world. Whether it is more peace corps volunteers, education initiatives, leadership exchanges, IMET or sending Navy ships such as the USS Mercy and USS Peleliu on humanitarian missions to the region.

We can do it without the need for massive military actions such as those we have undertaken in Afghanistan and Iraq to root out the terrorists and in those cases, the governments that harbored them. In other words, more sandals on the ground now, will prevent having to put boots on the ground in future.

I urge my colleagues to support countries like Indonesia in their path towards peace, democracy and pluralism, as opposed to restricting and pushing them towards more radical, terrorist-inspiring versions of Islam.

I ask or behalf of Senator Inouye and myself that the resolution be sent to the desk and ask that it be referred appropriately.

I ask unanimous consent to have printed in the Record the articles from the June 16th Economist and from Walter Lohman of the Asian Studies Center at the Heritage Foundation.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Economist, June 16, 2007]

WOUNDED BUT STILL DANGEROUS

When Jemaah Islamiah (JI), a South-East Asian Islamist group, bombed nightclubs on the Indonesian island of Bali in 2002, killing 202 people, it exposed the poor state of the country's anti-terrorist intelligence and policing. And the attack did not seem to lead to much improvement. The bombers struck again in 2003, at an American-run hotel in Jakarta, and in 2004 at the Australian embassy there. In 2005 they returned to Bali to attack three tourist restaurants. Of late, however, Indonesia's security forces seem to have gained the upper hand over JI.

No large-scale attacks have taken place since 2005. With the help of their Australian and American counterparts, Indonesia's national police have greatly improved their tracking of militants and have rounded up some of JI's top leaders. This culminated on June 13th with confirmation that they had arrested Abu Dujana, a JI leader whom police had recently begun to describe as their "most wanted".

Mr. Dujana is said to have fought in Afghanistan and hobnobbed with Osama bin Laden. He is believed to have taken charge of one of JI's military wings, and control of its weapons and explosives, after the death of the group's chief bombmaker, Azahari Husin, in a shoot-out with police in 2005. It has even been suggested that Mr. Dujana is JI's emir, or paramount leader. Another leading figure, Noordin Muhammad Top, is still on the run. But the capture of Mr. Dujana and several other terrorists in recent days follows the discovery of a huge arsenal of guns and bomb-making materials in March. It marks a "very significant" blow against JI, says Sidney Jones, in Jakarta for the International Crisis Group (ICG), a think-tank.

Indonesia's arrests came shortly after Singapore revealed that it was detaining four JI members, arrested between last November and April, and freeing five detained earlier who had "responded positively to rehabilitation". However, the Philippines' army admitted last weekend that another JI leader, known as Dulmatin, suspected of involvement in the 2002 Bali bombs, had again escaped its clutches. The army believes he is hiding in the Tawi-Tawi Islands, off Borneo. He and other fugitives in the southern Philippines are suspected of teaching local Islamist militants how to make bombs.

Indonesia's recent policing successes are a tribute to two new units set up after the 2002 bombings. One, which has stayed out of the spotlight, is an intelligence-gathering taskforce. The other, Detachment 88, is a high-profile anti-terrorist squad, trained by American and Australian federal police in making arrests and gathering forensic evidence. Since their formation Indonesia's terror-fighting capabilities have "come on in leaps and bounds", says Nigel Inkster, an analyst at the International Institute for Strategic Studies in London and until recently the deputy head of the British external-intelligence service, M16. Indonesia's army and its domestic-intelligence agency, BIN, are not much good at anti-terrorism work, says Mr. Inkster, so until the new police units were formed, foreign agencies had no competent Indonesian counterparts.

Despite Detachment 88's successes, Ms. Jones says the unit is too small. When it raids terrorist bases it must rely on help from Brimoh, a poorly trained paramilitary-police unit. In January, for example, the two forces combined to storm a JI hideout on Sulawesi, an Indonesian island plagued by conflict between Muslims and Christians. Fifteen suspected militants and one policeman died. An ICG investigation found that the heavy casualties made local Muslims see extremists as victims. Such incidents are counter-productive, encouraging civilians to shelter JI militants.

Another worry is lenient sentencing by Indonesia's courts. JI's spiritual leader, Abu Bakar Basyir, was let out of jail after serving 26 months of a 30-month sentence for his alleged involvement in the 2002 bombings. The courts later overturned his conviction altogether. The country's prisons, riddled with corruption and incompetence, may serve as recruiting and training centres for JI. Bringing terrorism convicts together in a specially built new jail, as is planned, may simply make the job of JI's "tutors" easier.

For all the success in tracking down JI's military leaders, the group's current plans and the extent of its network remain something of a mystery. Unlike many terrorist groups worldwide, JI lacks an overground political wing to elaborate its demands. A study by the ICG last month reckoned the group may still have around 900 members. But the scale of its recruitment in universities and Islamic boarding schools in unclear. There are signs that, as its bomb-planting and fund-raising activities are more successfully curbed, the group is simply turning to cheaper and easier forms of terrorism, such as assassinations.

Along with the arrests and the seizure of weapons in March, Indonesian police found a handwritten diagram showing that JI operatives on Java, Indonesia's most populous island, had been reorganised into a sariyah (possibly meaning "platoon"), implying that this was part of a new military structure covering South-East Asia. But there have recently been few signs of activity outside the group's Indonesian heartland. Last week a general in Thailand's military-backed government implied that Cambodian Muslims linked to JI were somehow involved in the insurgency in Thailand's mainly Muslim southern provinces. But he backtracked after the Cambodian government furiously denounced his comments.

There has been little recent evidence that JI or, for that matter, al-Qaeda, has a hand in the Thai south's rising violence. But it is just the sort of strife-torn place, full of alienated, angry Muslims, where those seeking to organise jihad find fertile ground. Police have pruned JI's top ranks. But its roots may still be spreading.

[From the Economist, June 16, 2007]

STREET LIFE

Filthy children and fingerless lepers, tapping on car windows and pleading for "paisa, khana" (cash, food), hang around every busy traffic junction and market in Delhi. Begging in Delhi is illegal though few are locked up. But if the authorities have their way, it will soon be wiped out, as part of a big clean-up before the capital hosts the Commonwealth Games in 2010.

Plans to obliterate other familiar features of Delhi ahead of the games are controversial. A ban on some 300,000 stalls selling freshly cooked snacks has enraged well-off foodies and the poor alike. Animal-rights activists protested when hundreds of unruly monkeys were rounded up and shut in cages. A new scheme to herd the city's stray cows into a vast dairy complex will doubtless anger many cow-revering Hindus.

A radical plan to corral Delhi's beggars, in contrast, has provoked little reaction. After an order from the High Court that begging be stamped out, a report commissioned by Delhi's Department for Social Welfare recommends that beggars be rounded up by a special police squad and placed in beggar's homes, which resemble jails more than hostels. The report, by academics at the University of Delhi, also wants the public to be educated about the "evils of alms-giving", which "promotes parasites".

The report entailed the fullest survey ever conducted of Delhi's beggars. It offers revealing insights into their earning potential. Of the 58,570 beggars counted, 5,003 were interviewed in depth. Nearly half the adults earned between 50 and 100 rupees ($1.20–$2.40) a day, not much less than the income of many daily wage labourers. About 3% said they earned 100 to 500 rupees a day.

Tales of high-earning beggars have often been used in India to justify intolerance. But the survey also hints at the underlying injustices. One-third of adult beggars were disabled; 88% said they had no skills; almost all were migrants from other parts of India—mostly the poor northern states of Bihar and Uttar Pradesh—and had taken up begging because they could not find work.

More than one-third were under the age of 18, like Mohammed Alam, a ten-year-old orphan, who left Bihar with his aunt and uncle a month ago. On arriving in Delhi, Mohammed's aunt found a job ironing clothes; the boy, whose polio has left him with a deformed leg and a limp, works a busy traffic intersection for five hours at a stretch, earning between 10 and 20 rupees. The rest of the time he spends at home ("in that park over there"). He has not been to school since he was seven, he says, his small face a complete blank.

[From the Economist, June 16, 2007]

A MUSEUM BOOM

Cities and towns across China are rushing to build museums. These are not the dour edifices of the Mao era that until recent years were the dreary repositories of the nation's historical treasures. Governments, and even some individuals, are lavishing huge sums on vast and exotic new buildings. Sadly, this does not imply a new-found respect for history.

In 1977, a year after Chairman Mao's death, there were only 300-odd museums. Most of them were little more than displays of Communist Party propaganda. Within a decade, say official press reports, the number had grown to nearly 830. By the turn of the century there were more than 2,000 of them. By 2015, officials estimate, there will be around 3,000.

Beijing alone now has at least 131 museums, up from 96 a decade ago. In January the Stalinist-looking National Museum overlooking Tiananmen Square was closed down for a three-year makeover costing $330m. Last year saw the formal opening of the city's new Capital Museum, which cost more than $160m. Shanghai is fast catching up. It plans to have 150 museums by 2010, up from 106.

Local governments, caught up in what the Chinese press call a "museum fever", are vying to outdo one other with architectural wonders. Most are paid for out of government budgets. But near the city of Chengdu, in south-western China, a local businessman, Fan Jianchuan, opened a 33-hectare (82-acre) museum complex two years ago. Its exhibits are boldly revisionist, highlighting the contributions made by the Kuomintang, the party's enemy, in the anti-Japanese war of the 1930s and 40s.

Officials worry that the museum boom is getting out of control. The country has a dearth of people qualified to run them. Local governments are often unwilling to subsidise running costs, forcing museums to rely on ticket sales. Prices are often too high for many ordinary townspeople.

The museum fad is a refreshing contrast to the culture-destroying ethos of Mao's rule. But the penchant for vandalism still lurks. This week Qiu Baixing, a deputy minister of construction, said historical architecture and cultural sites were being "devastated" by rapid urban construction. He even compared this to the destruction wrought by Mao's Great Leap Forward and Cultural Revolution. The museums may look splendid, but, around them, history is being pulverised.

ADJUSTING TO THE REALITY OF A NEWLY DEMOCRATIC INDONESIA

(By Walter Lohman)

JAKARTA, JUNE 18, 2007—In Washington, inertia often carries the day on even the most anachronistic policy ideas. Congress proved this axiom on June 5 when appropriators in the House of Representatives slashed and conditioned the Administration's request to provide military assistance to Indonesia.

Indonesia today is a large, vibrant democracy and a key piece of the geostrategic puzzle in Asia. It is also among the United States' most important partners in the War on Terror. Approached wisely, the U.S.-Indonesian relationship embodies a convergence of interests on values, geopolitics, and security that is rare among U.S. relationships in the developing world.

The House Appropriations Subcommittee on State and Foreign Operations has charted a strikingly unwise course. Under the leadership of Representative Nita Lowey (D–NY), it has covered its collective ears to the history of the last decade and has forged ahead with a policy that ignores reality and the vital American interests at stake in the region.

Military assistance to Indonesia first became a matter of contention in Washington following the Dili Massacre of 1991, in which hundreds of protestors in East Timor were murdered by the armed forces of East Timor's erstwhile ruler, Indonesia. The debate was stoked in 1999 by the scorched earth reaction of Indonesian troops and pro-Indonesia militias to East Timor's overwhelming vote in favor of independence. For good reason, these unconscionable abuses strained relations between the United States and Indonesia.

But since 1999, the world has been turned upside down. An emerging, unstable democracy then, Indonesia is now a flourishing democracy. In October 1999, Indonesia elected a president—albeit indirectly—for the first time in 50 years. Five years later, an astounding 350 million votes were cast in three national elections—including a direct election for president.

The final round of the 2004 presidential election, involving 117 million voters and 77 percent of eligible voters, was the largest single election day in history. Among the many remarkable facets of Indonesia's democracy, the 2004 elections produced 61 women members of the 550-seat lower house and 27 out of 128 in the upper house.

Acknowledging that elections do not necessarily equal democracy, it should also be pointed out that Indonesians have taken to vigorously exercising their civil liberties. There are 16 political parties, hundreds of newspapers and magazines, independent television and radio outlets, and countless web sites commenting on Indonesian politics. Lively political debate reverberates across many forums and media. According to Freedom House, Indonesia is the freest country in Southeast Asia. Symbolic of Indonesia's progress, in 2005, Indonesian President Bambang Susilo Yudhoyono visited the site of the 1991 Dili Massacre to pay his respects. The East Timorese Prime Minister reciprocated by telling his countrymen to "Forget the past and look to the future." Today, Indonesia and East Timor enjoy a close, cooperative relationship due in major part to the effort of former president and independence-hero Xanana Gusmao.

The same week that House appropriators were taking Indonesia to task, in fact, the current president of East Timor, Jose Ramos Horta, was in Jakarta echoing the same sentiment offered by his government in 2005, saying, "The important thing is we don't allow ourselves to be hostage of the past but look forward with courage."

Despite its searing, up-close experience in the 1990s, East Timor has come to peace with Indonesia. Yet, its well-meaning supporters in the U.S. Congress seem unable to acknowledge new realities.

STRATEGIC CONCERNS FOR THE UNITED STATES

Two other things have changed since 1999.

First, the meteoric rise of China has made the presence of a strong, U.S.-friendly ASEAN—the association of 10 Southeast Asian nations on China's strategic doorstep—a critical U.S. interest. Indonesia, straddling waters that accommodate half of the world's commercial cargo transit, is an important part of U.S. geopolitical calculations in its own right. But, as a nation of 235 million people and 17,000 islands, it is also ASEAN's indispensable power.

Every day, China becomes a more effective competitor for the region's interests. Particularly since 2002, its focus in Southeast Asia has shifted from its territorial claims in the South China Sea to lavishing the region with diplomatic attention. Without due vigilance, commitment, and wise policy choices, the time is not far off when the U.S. role as guarantor of regional security and stability will be up for grabs. The United States needs friends in the region; and Indonesia, by wholeheartedly embracing universal democratic ideals, has made being friends as easy as any nation in the world.

Second, the United States is six years into waging the good fight on global terrorism. Indonesia and the U.S. share fundamental interests in this war. Indonesians themselves have been victims of terrorism. Terrorists have directed major acts of violence against the country's tourism industry and foreign communities, killing many innocent foreigners as well as Indonesians.

For many years, the terrorists have sought to inflame sectarian divisions in the same way that al-Qaeda has done so effectively elsewhere in the world. Terrorists have also sought to establish training beachheads in Indonesia's far-flung territories. But the terrorists in Indonesia are losing: There have been no major acts of terrorism in Indonesia since October 2005. Moderation is in the DNA of Indonesia's national character. Certainly, there is a battle going on for Indonesia's soul, as is being waged in much of the Muslim world.

But in Indonesia, the extremists are faced with an extraordinarily resilient foe in Indonesia's famously syncretic, diverse, and tolerant culture. Congress can help strengthen the Indonesian government's hand through assistance and partnership, or it can hamper it by caveating its assistance. Indonesia will fight the war against terror without the United States; but American cooperation certainly improves its prospects. It is in the national interest for the United States to be there for its natural partners.

None of this is to suggest that the United States does not have differences with Indonesia. Indeed, Representative Lowey's concerns about accountability for past human rights abuses and the proper role of the military are legitimate. But the United States needs to get to a point where it addresses these concerns with the same respect it affords other democratic partners, like the Europeans or the Japanese.

Limiting and legally conditioning military-to-military relations is not the best way to address differences; it is a page from the past. The recent action by House appropriators is counterproductive and damaging to vital American interests in Asia.

Mr. INOUYE. Mr. President, I rise today to join Senator BOND in submitting a resolution, which recognizes the mutually beneficial relationship between the United States and the Republic of Indonesia.

Indonesia is the world's fourth most populous country, the third largest democracy, and the most populous Muslim nation. It possesses extensive natural resources, and a considerable amount of trade passes through the straits of Malacca. Without question, Indonesia is a valuable partner to the United States in the global war on terror.

Indonesia has made great strides in continuing to democratize and develop its civil society as well as rule of law, particularly under the leadership of President Susilo Bambang Yudhoyono. This resolution acknowledges many of the Government's positive reforms and encourages the Republic of Indonesia to continue its commitment to human rights, democratic principles, and good governance.

Mr. President, it is my hope that my colleagues will join me in recognizing this very important nation in Southeast Asia.

SENATE CONCURRENT RESOLUTION 40—SUPPORTING THE GOALS AND IDEALS OF OBSERVING THE NATIONAL DAY OF HUMAN TRAFFICKING AWARENESS ON JANUARY 11 OF EACH YEAR TO RAISE AWARENESS OF AND OPPOSITION TO HUMAN TRAFFICKING

Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. COLEMAN, Mr. OBAMA, and Mr. LUGAR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON RES. 40

Whereas the United States has a tradition of advancing fundamental human rights;

Whereas because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent;

Whereas to combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery;

Whereas beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking exist in the United States and around the world;

Whereas the United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking;

Whereas the United States must also work to end human trafficking around the world through education;

Whereas victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization;

Whereas human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave;

Whereas although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting; and

Whereas the effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1867. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

SA 1868. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1869. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1870. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1867. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; as follows:

Amend the title so as to read: "An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.".

SA 1868. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking "section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))" and inserting "subparagraph (H)(ii)(a) or subparagraph (Y) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))"; and

(2) by inserting "or forestry" after "agricultural".

SA 1869. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6___. MANDATORY DISCLOSURE.

(a) IN GENERAL.—An alien may not be granted Z nonimmigrant status under this title unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

(b) ENFORCEMENT.—If the Secretary determines that a Z nonimmigrant has not complied with the requirement under subsection (a), the Secretary shall revoke the alien's Z nonimmigrant status.

(c) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from aliens pursuant to a disclosure under subsection (a) to any Federal or State agency authorized to collect such information to enable such agency to notify each named individual or rightful assignee of the Social Security account number of the alien's misuse of such name or number to obtain employment.

SA 1870. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 672, between lines 19 and 20, insert the following:

SEC. 704A. LOSS OF NATIONALITY.

(a) IN GENERAL.—Section 349(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(3)) is amended to read as follows:

"(3) entering, or serving in, the armed forces of a foreign state if—

"(A) such armed forces are engaged in, or attempt to engage in, hostilities or acts of terrorism against the United States; or

"(B) such person is serving or has served as a general officer in the armed forces of a foreign state; or".

(b) SPECIAL RULE AND DEFINITIONS.—Such section 349 is amended by adding at the end the following new subsections:

"(c) SPECIAL RULE.—Any person described in subsection (a), who commits an act described in such subsection, shall be presumed to have committed such act with the intention of relinquishing United States nationality, unless such presumption is overcome by a preponderance of evidence.

"(d) DEFINITIONS.—In this section:

"(1) ARMED FORCES OF A FOREIGN STATE.—The term 'armed forces of a foreign state' includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(2) FOREIGN STATE.—The term 'foreign state' includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(3) HOSTILITIES AGAINST THE UNITED STATES.—The term 'hostilities against the United States' means the enticing, preparation, or encouragement of armed conflict against United States citizens or businesses or a facility of the United States Government.

"(4) TERRORISM.—The term 'terrorism' has the meaning given that term in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))".

EXECUTIVE SESSION

EXECUTIVE CALENDAR—NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent the Senate proceed to executive session and the Foreign Relations Committee be discharged from further consideration of the following: Lorne W. Craner, to be a Member of the Board of Directors of the Millennium Challenge Corporation; Alan J. Patricof, to be a Member of the Board of Directors of the Millennium Challenge Corporation; Dell Dailey, to be Coordinator for Counterrorism with the rank and status of Ambassador at Large; Reuben Jeffery III, to be Under Secretary of State; that they and the nominations on the Executive Calendar, Nos. 155 through 160, be considered and agreed to, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

MILLENNIUM CHALLENGE CORPORATION

Lorne W. Craner, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Alan J. Patricof, of New York, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

DEPARTMENT OF STATE

Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Reuben Jeffery III, of the District of Columbia, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

NATIONAL COUNCIL ON DISABILITY

Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

DEPARTMENT OF EDUCATION

Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2008.

Michael Schwartz, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2012.

Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

HONORING THE LIFE OF RUTH BELL GRAHAM

CONDEMNING THE MILITARY JUNTA IN BURMA

HONORING THE FIREFIGHTERS IN CHARLESTON, SOUTH CAROLINA

Mr. REID. I ask unanimous consent the Senate proceed en bloc to the consideration of three resolutions submitted earlier today, S. Res. 249, S. Res. 250, and S. Res. 251, that the resolutions be considered and agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid on the table en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 249

Whereas Ruth Bell Graham was born on June 10, 1920 in Qingjiang, China, the daughter of Presbyterian medical missionaries;

Whereas Ruth Bell Graham returned to the United States to attend Wheaton College, where she met and fell in love with her future husband, Billy Graham, who would become one of the most acclaimed evangelists in the world;

Whereas Ruth Bell Graham married Billy Graham on August 13, 1943 at Montreat Presbyterian Church in her beloved Western North Carolina;

Whereas Ruth Bell Graham was the devoted mother of five children (Virginia, Anne, Ruth, Franklin, and Nelson Edman) and the grandmother of 19 grandchildren;

Whereas Ruth Bell Graham was a renowned author and poet who penned 14 books that have moved and inspired people around the globe;

Whereas Ruth Bell Graham and Billy Graham were recognized with the Congressional Gold Medal in 1996 for their "outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion"; and

Whereas Ruth Bell Graham touched countless lives worldwide by sharing her tremendous faith, her deep compassion for the less fortunate, her great talents and her lighthearted wit.

Now, therefore, be it

Resolved, That the Senate honors the life, work, and legacy of Ruth Bell Graham, a loyal companion who shined with grace and courage beside her husband Billy Graham, and a dedicated mother who fostered individuality and humility in her five children.

S. RES. 250

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has dedicated her life to the peaceful, non-violent movement for democracy and reconciliation in the Union of Burma;

Whereas Aung San Suu Kyi and the National League for Democracy won a majority of parliamentary seats in Burma's last election held in 1990;

Whereas the State Peace and Development Council of Burma refuses to cede power and permit representative government and has detained Aung San Suu Kyi under house arrest for 11 of the last 17 years;

Whereas the ruling military junta has committed numerous, well-documented atrocities against the people of Burma;

Whereas Aung San Suu Kyi continues to promote peaceful dialogue and reconciliation despite mistreatment from the State Peace and Development Council;

Whereas the United States recognizes and supports the dedication and commitment to freedom demonstrated by Aung San Suu Kyi: Now, therefore, be it

Resolved, That the Senate—

(1) honors Nobel Peace Prize Laureate Aung San Suu Kyi for her courage and devotion to the people of the Union of Burma and their struggle for democracy; and

(2) calls for the immediate release of Aung San Suu Kyi and other political prisoners by the State Peace and Development Council.

S. RES. 251

Whereas at approximately 7:00 p.m. on June 18, 2007, a tragic fire started at the Sofa Super Store in Charleston, South Carolina;

Whereas despite the flames that engulfed the building, the brave men and women of the Charleston Fire Department (Department) fulfilled their duty by rushing inside as others fled for their lives;

Whereas the fire quickly grew out of control and trapped 2 store employees inside;

Whereas the firefighters attempted to punch through the building walls in a selfless effort to save the lives of these employees;

Whereas the roof of the building collapsed, trapping the firefighters inside;

Whereas Captain William "Billy" Hutchinson, a 30-year veteran of the Department, lost his life in the fire;

Whereas Captain Mike Benke, a 20-year veteran of the Department, lost his life in the fire;

Whereas Captain Louis Mulkey, an 11-year veteran of the Department, lost his life in the fire;

Whereas Engineer Mark Kelsey, a 12-year veteran of the Department, lost his life in the fire;

Whereas Engineer Bradford "Brad" Baity, a 9-year veteran of the Department, lost his life in the fire;

Whereas Assistant Engineer Michael French, a 1½-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter James "Earl" Drayton, a 32-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Brandon Thompson, a 4-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Melven Champaign, a 2-year veteran of the Department, lost his life in the fire;

Whereas the extraordinary courage and sacrifice of these firefighters reflects the spirit of South Carolina, as well as the spirit of our great Nation;

Whereas the United States has not experienced such a devastating loss of firefighters since the horrific events on September 11, 2001; and

Whereas a grateful Nation mourns the loss of these heroes and vows that their sacrifices were not made in vain: Now, therefore, be it

Resolved, That the Senate—

(1) honors William "Billy" Hutchinson, Mike Benke, Louis Mulkey, Mark Kelsey, Bradford "Brad" Baity, Michael French, James "Earl" Drayton, Brandon Thompson, and Melven Champaign, who lost their lives in the course of their duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathy to the families of these 9 brave heroes;

(3) honors all the firefighters and other public servants who contributed to battling the fire; and

(4) pledges to continue to support and to work on behalf of the firefighters who risk their lives each day to ensure the safety of all Americans.

NATIONAL DAY OF HUMAN TRAFFICKING AWARENESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of a concurrent resolution submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 40) supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; that any statements in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 40

Whereas the United States has a tradition of advancing fundamental human rights;

Whereas because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent;

Whereas to combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery;

Whereas beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking exist in the United States and around the world;

Whereas the United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking;

Whereas the United States must also work to end human trafficking around the world through education;

Whereas victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization;

Whereas human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave;

Whereas although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting; and

Whereas the effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 1099.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1099) to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1099) was ordered to be engrossed for a third reading was read the third time, and passed, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH INSURANCE.

Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by inserting before the matter following subparagraph (I) the following:

"(J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,".

THANKING STAFF

Mr. REID. This morning, I talked about the Energy bill and the work of Democrats and Republicans to get it passed. I failed—and I apologize—to mention two of the most important people for getting that passed, two staff members.

Chris Miller, who works in my office, is such a wonderful, hard-working public servant. Chris is originally from Detroit. He has worked in Congress for 20 years, 18 years with the Senate. He worked for Senator JEFFORDS and for me on the Environment and Public Works Committee. His work ethic is unsurpassed. He has become a resource for the entire Senate, Democrats and Republicans. During the Energy bill, staff members came to him and some Members themselves came to him, asked where we were. He gave them information as to where we were, where we were going. Chris has a master's degree from the University of Michigan. That is in natural resource management. He has a bachelor's also from the same institution in political science. I told him personally last night, after the bill passed, how much I appreciated his hard work. I want the record spread with the fact that he is an exemplary employee.

I also want to talk about someone I have worked with over the years because he has been in the Senate for a long time, and that is Bob Simon. Bob has a Ph.D. in inorganic chemistry from MIT in 1982. He is a person with a wide range of knowledge. Before coming to the Senate about 14 years ago or so, he worked at the Department of Energy and the National Research Council for the National Academies of Science and Engineering. He has served in a variety of science- and technology-related positions in the Senate since 1993. He became a staff director for the overall committee the month the Democrats won the majority. He works very well with Senator DOMENICI, the ranking member and until recently the chairman of that committee.

He is really a good person, works so hard—another example of people we have here on Capitol Hill who are here because they believe in public service. That is why he is here. He is a person who works extremely hard, and his work on this bill was instrumental to its passage.

I ask if the distinguished Republican leader has anything to say?

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank the majority leader. Let me just make the point that we have recently adopted S. Res. 250, which condemns the military junta in Burma and calls for the immediate and unconditional release of Aung San Suu Kyi. The State Peace and Development Council, which rules Burma, is a truly outrageous, pariah regime that deserves universal condemnation. I only wish there were more countries that would join us in publicly criticizing the regime and in taking action to help bring about positive change in this troubled nation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR MONDAY, JUNE 25, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m., Monday, June 25; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 800, with the time until 7 p.m. for debate with respect to the motion, with the time equally divided and controlled between Senators KENNEDY and ENZI or their designees; that at 7 p.m. Senator SESSIONS be recognized to speak for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 25, 2007, at 1 P.M.

Mr. REID. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:16 p.m., adjourned until Monday, June 25, 2007, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 22, 2007:

NATIONAL COUNCIL ON DISABILITY

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

DEPARTMENT OF EDUCATION

KERRI LAYNE BRIGGS, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2008.

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2012.

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2009.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DELL L. DAILEY, OF SOUTH DAKOTA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS).

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

HOUSE OF REPRESENTATIVES—*Friday, June 22, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 22, 2007.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In biblical times, after You proved victorious over Your people's enemies, Gideon was revered and the people wanted him to be their ruler. But Gideon replied: "I will not rule over you, nor shall my son. It is the Lord you should seek to rule over you."

Even today, Lord, we honor our veterans of war. We are proud that throughout our history in America, many veterans of war have served and presently serve here in Congress. But, in such a democracy as ours, it is You, Lord, we seek. It is You, Lord, who will rule over us, in and through Your servants.

Today we ask You to bless and reward those serving in the armed services of our country. Grant health, peace and consolation to all our veterans and those missing in action. Continue, Lord God of revelation and our history, to guide and direct this Nation in the path of peace now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

NEW OMB DIRECTOR

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, this week President Bush nominated former Congressman Jim Nussle to run the Office of Management and Budget.

Just before Mr. Nussle and President Bush took charge of America's books, we had a $236 billion surplus, the largest in U.S. history 3 years running. Under President Bush's watch and Jim Nussle's, in 5 short years we had a $318 billion annual deficit and $300 trillion in new debt owed to the Chinese and other foreign countries.

We have heard a lot from this President and the GOP Members about the importance of fiscal responsibility. We Democrats couldn't agree more. Unfortunately, when it comes to George Bush and the Republican Congress, we will forever be in their debt.

Mr. Nussle once said, can we continue to fund our war efforts on this type of ad hoc basis? I believe most of us would agree that we cannot and should not. We continue to give President Bush a blank check costing us nearly $1 trillion on credit card funding for this war.

Mr. Nussle and President Bush came to change Washington, and Washington changed them. Nominating Mr. Nussle tells Americans a lot of what they can expect from a Republican administration.

"DRAIN THE SWAMP" MENTALITY IS DISAPPEARING

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, almost 6 months into the new Congress with a new majority, the "drain the swamp" mentality is disappearing as quickly as the Democrats' approval ratings in Congress.

A new Gallup Poll has the latest congressional approval rating at 14 percent, which is the lowest it's been since the Democrats took charge and the lowest of all time. This makes sense when you consider that the Democrat leadership continues to backpedal at every opportunity on the promises they made to the American people, whether it's a failure to enact openness and transparency to increase accountability for earmark reform, their failure to enact their 100-hour agenda, or the increased infighting that's being seen on the other side as it tries to cope with how to spin another broken promise to their constituents.

Enough is enough, and it's time to get down to the important business the American people elected us to do.

CONGRESSIONAL GOLF TOURNAMENT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Madam Speaker, for over three decades, there has been a positive bipartisan tradition in this House to have Democratic Members of the House and former Members challenge Republican Members of the House and former Members on the battleground of the links of Andrews Air Force Base in a friendly golf tournament.

As the chairman of the Democratic golf team, I am proud to say that for the second year in a row, this week the Democrats eked out a close victory over our Republican colleagues led by Congressman ZACH WAMP. I want to pay a particular salute to my colleague, JOE BACA of California, the medalist in the tournament, who shot an even par 70. The rest of us, Madam Speaker, let me say that it's probably well advised that we not give up our day job based on our abilities on the golf links.

In this day of bipartisanship, it's, I think, rather positive to have a day where we can all get together on a bipartisan basis on the friendly links of Andrews Air Force Base golf course.

Mr. WAMP. Would the gentleman yield?

Mr. EDWARDS. I would be glad to yield to the gentleman.

Mr. WAMP. I just rise as the captain of the Republican team to say that these recruiting classes that you all continue to bring to Washington are a problem for us. Hopefully, the American people will weigh in the near future and send us an athlete or two in a larger class.

But congratulations to you. There is not enough of that comity, cooperation and fellowship around here.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Monday was a great day. To the captain of the team, CHET EDWARDS, and to JOE BACA, the low man, we did our best; they played their best and deserve their victory.

Mr. EDWARDS. I want to thank the gentleman for his comments, his great sportsmanship. I should have given credit to Congressman RAHM EMANUEL for his great recruiting class this year. He did a good job and brought our team over the top, just barely.

CRIMINAL ILLEGALS ARE SET FREE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, new Colorado State law requires local law enforcement agencies to report illegals to Immigration and Customs Enforcement authorities when those individuals are jailed for crimes. Then the Feds are to deport these criminals back to their countries after they serve their sentences, but there is a problem.

The Federal Government doesn't deport these criminals. According to a Colorado newspaper, 37 out of every 38 illegals that are convicted and are reported to ICE for deportation are just released back on the streets of those towns. What does this mean for homeland security, for citizens and law-abiding legal immigrants? It means criminal illegals, instead of being sent home by Uncle Sam, are set free to roam our communities, to continue to steal, rob and hurt people.

Colorado police are doing their job, but, once again, when it's time to ante into the pot, the Federal Government folds its hand.

Instead of our Government trying to figure out ways to keep illegals in the United States with these amnesty giveaway plans, it ought to figure out ways to deport criminal illegals back to where they came from. Once again, our Government is missing in action.

And that's just the way it is.

IN RECOGNITION OF KIM OLIVE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, since July of last year, Kim Olive has served as the communications director for the Second Congressional District of South Carolina. I am grateful to say that she has done an excellent job serving on the staff. Kim has consistently been innovative in doing her duties, and her creativity, dedication and tenacity will be difficult to replace.

Kim began her time in Washington, DC, interning for Cassidy & Associates. She then came to Capitol Hill and interned for Congressman ROY BLUNT and worked for Senator RICHARD SHELBY and Congressman SPENCER BACHUS, both of Alabama, Kim's home State. After serving the people of the Second Congressional District for nearly a year, Kim will be leaving for the west coast to work in California.

An honors graduate of the University of Alabama, Kim is one of two children of Larry and Norene Olive of Florence, Alabama. She is a credit to the people of South Carolina and Alabama, and I wish her Godspeed.

In conclusion, God bless our troops, and we will never forget September 11th.

PROVIDING FOR CONSIDERATION OF H.R. 502, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2771) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2771 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Madam Speaker, I yield myself such time as I may consume and I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 502.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, House Resolution 502 provides for consideration of H.R. 2771, the Legislative Branch Appropriations Act of 2008, under a structured rule.

The rule provides H.R. 2771 with 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against the bill and its consideration except for those arising under clause 9 or 10 of rule XXI. The rule also waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI.

The rule makes in order and provides appropriate waivers for three amendments, two offered by Republican Members and one bipartisan amendment.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, the legislation we will consider today, H.R. 2771, funds the legislative branch of our government. This includes funding for the House of Representatives so Members of Congress have the resources we need to serve our constituents.

It includes funding for the Capitol Police, the Congressional Budget Office, the Government Accountability Office, the Office of Compliance and other government agencies.

☐ 0915

The bill also takes a bold step forward and begins implementing the Speaker's Green the Capitol Initiative. For the first time ever, the House of Representatives will take steps to address the threats of global warming by ensuring the House operates in a carbon-neutral manner.

The bill provides initial funding to Green the Capitol by switching to 100 percent renewable wind energy for the House's electricity needs, increasing the use of cleaner-burning fuels, and making congressional offices more energy efficient.

This is necessary as Members of Congress must set an example for our constituents by being as environmentally friendly as possible, especially as we ask them to do the same in their own homes.

Most importantly, however, this bill shows the Democratic majority's commitment to change the way our government is run. This bill demonstrates a commitment to fiscal responsibility, increased oversight and increased accountability.

Madam Speaker, as my colleagues on the other side of the aisle have attested to, this bill is fiscally responsible. It provides an increase of only $122 million, or 4.1 percent over the 2007 enacted level. This is significantly lower than the 13 percent increase requested by the President. And much of the increase is attributable to unavoidable expenses that come in a Presidential election year.

Reducing the President's budget request by nearly one-quarter of a billion dollars shows that the Democrats are committed to holding the line on unnecessary spending, while ensuring that government is still able to deliver services to the American taxpayer.

While funding is increased by 4.1 percent over the 2007 enacted level, the Legislative Branch Appropriations Subcommittee chose to invest heavily in critical life and safety and security measures for the Capitol complex.

The world changed on September 11, and we now know that the United States Capitol will forever be a target of a terrorist attack.

We owe it to our staff members, our visitors, our constituents, our distinguished guests, and to ourselves to ensure that the Capitol complex is as safe and secure as possible.

In a post-9/11 world, we cannot be too lax when it comes to securing the Capitol complex. Security enhancements are no longer an option. They are a necessity.

The Legislative Branch appropriations bill provides almost $50 million for security and lifesaving projects, including $5 million for new, interoperable police radios, $275,000 for utility, tunnel, health and safety process, $1.2 million for visitors escape hoods, $16 million for building security enhancements, $1 million for emergency exit signs and lighting in the Capitol, and $4.4 million in emergency lighting upgrades for the Rayburn Building.

The bill also provides a 7.7 percent increase for the Capitol Police Department and a 23 percent increase for the Office of Compliance so they can ensure health and safety of the Capitol complex.

Finally, Madam Speaker, one of the defining traits of the Democratic Congress has been increased government oversight. As such, this bill provides the tools Congress needs to hold the government accountable to the American taxpayer.

The Legislative Branch Appropriations Subcommittee is determined to crack down on unnecessary spending by government agencies. The subcommittee held 11 agency budget hearings and is requiring government agencies to reexamine their needs based on priority, cost effectiveness, and fiscal responsibility.

The bill provides for additional staff at the Government Accountability Office to enable the GAO to better support congressional oversight efforts and address important issues such as health care, changing security threats, education, and continued audit work on the war in Iraq.

The Congressional Budget Office receives an increase in funding to better advise Congress on controlling runaway health care spending.

Chairwoman WASSERMAN SCHULTZ and I discussed CBO staffing in a colloquy during a Rules Committee hearing on Wednesday. We both agree that the current funding staff levels are insufficient to meet our needs. We'll work together with CBO Director Orzag to address the staffing and enhance this important agency's efforts in the future.

The bill increases support for the Inspector General overseeing the Capitol Police Department. It also establishes a statutory Inspector General at the Architect of the Capitol. It is absolutely essential that there is stringent oversight of the Architect's office to improve its financial and management practices.

The subcommittee is 100 percent committed to improving the oversight and completion of the Capitol Visitors Center. I have personally toured the Visitors Center, and it is a beautiful addition that, when finished, we will all be proud of. However, no Member of Congress is proud of how this edifice has been produced. The project has spiraled out of control due to an inexplicable lack of oversight and accountability in prior Congresses, resulting in unnecessary delays and massive cost overruns. This bill assures that there will no longer be a blank check and no questions asked.

The subcommittee has held, and will continue to hold, monthly hearings, and the Architect will be required to submit a detailed plan to the House and Senate before one cent can be spent.

Madam Speaker, this bill delivers on the promises that Democrats made. It's fiscally responsible. It focuses on life, safety, and security measures, and provides much needed accountability to the process.

I would like to thank Legislative Branch Appropriations Subcommittee and the full Appropriations Committee for all their hard work and thoughtful work that went into this legislation.

In particular, I want to thank the gentlelady from Florida, Chairwoman WASSERMAN SCHULTZ. She has been a true champion for the Democratic majority's efforts to bring efficiency, fiscal responsibility, accountability to the Federal Government, and to this Chamber.

Madam Speaker, this bill is well thought out, well crafted, and sets the right priorities. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in opposition to this unnecessarily and uncharacteristically restrictive rule. On Wednesday night, despite the protests and objections of Republicans on the committee, the Democrat majority on the Rules Committee did its level best to solidify the committee's status as the Graveyard of Good Ideas in this House by passing out the most restrictive rule for a Legislative Branch appropriations bill in recent history.

Last year, when the Republicans ran the Rules Committee, we reported out a rule for consideration of the 2007 Legislative Branch in which we made in order all seven, that's seven out of seven, amendments submitted by Members of this body so that they could be considered and debated on this House floor. These amendments included four sponsored by Democrats and three sponsored by Republicans, making the rule and that process a completely inclusive and bipartisan product.

The year before that, the Republican-run Rules Committee, nearly half of the 11 amendments submitted in it were made in order under the rule, with both bipartisan and Democrat-sponsored amendments allowed to be debated there on the House floor.

Madam Speaker, I wish I could claim to be stunned by the majority's enormous departure from the Republican-led precedent to increase inclusiveness and dialogue in the House on this particular appropriations bill which is, by convention, the only bill to come to this floor under a closed process.

However, rather than honoring this tradition, on Wednesday the Democrat Rules Committee produced the most restrictive and closed rule in recent history. Earlier this week, 24 Members of this body submitted thoughtful and earnest proposals to improve this legislation to the Rules Committee. Additionally, Members tried to have their constituent voices be heard also by the committee, but they were turned away at the door because their amendments were submitted shortly after the arbitrary deadline.

And out of these 24 amendments, only three were given the opportunity to be debated on the floor. In passing this rule, Democrats made a calculated decision not to make every single amendment in order like Republicans did the year before. They even voted to abandon the more relaxed standard of 2 years ago, when half of the amendments were made in order.

So instead of making 100 percent of their colleagues' amendments in order, or even 50 percent of the amendments in order, this rule makes only 12 percent of the amendments submitted in order. This seems pretty meager in comparison to the grand promises made during last year by Speaker PELOSI to run the "most honest and open Congress" in history.

Among the amendments rejected by the committee on Wednesday were two amendments offered by someone with more knowledge of the legislative appropriations than perhaps any other Member of this body, my friend and the former chairman of the subcommittee, the gentleman from Georgia, JACK KINGSTON; an amendment by a Member of the Democrat majority, Mr. CLEAVER of Missouri, that was made in order last year by the Republican majority, not this year; and a number of friendly taxpayer amendments by my good friend and colleague from Texas, the gentleman, Mr. HENSARLING, that would have reduced the overall cost of this bill to the taxpayer.

Madam Speaker, I do understand that the majority Democrats outnumber Republicans and have enough Members on the committee to win every single vote in the Rules Committee. And I understand that, as the majority, it is their responsibility to run the committee and the floor as they see fit. So all things being equal, I will not take exception to their new, heavy-handed approach to shutting down debate.

However, the second-ranking member of this body, the majority leader, Mr. HOYER, crowed to the media on December 5 that Democrats would "have a Rules Committee that would give opposition voices and alternative proposals the ability to be heard and be considered on the floor of the House."

Obviously, that is not happening. I believe every single Member of this body and, more importantly, the American people who send us here every 2 years have the right to know that when these grand promises are not being lived up to that those things will be noted on the floor. And they are, again, today.

So while my service in the Graveyard of Good Ideas in the House may prevent me from being surprised when these campaign pledges are broken on a daily basis by the Democrat majority on the Rules Committee at the direction of Democrat leadership, I hope that the American people are still shocked and appalled that promises delivered in November and December were promptly forgotten in January, and that they continue to be ignored today.

Madam Speaker, I urge all of my colleagues to send a message to this new Democrat leadership that this restrictive debate in the people's House is completely unacceptable. Join me in voting "no" on this rule so that the Rules Committee can live up to the standards set by the Democrat leadership and pass out a rule that allows for debate on the issues and ideas of every single Member of this body, not just the ones that the Democrat leadership find politically convenient.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I enjoy the comments and the colloquy that my colleague from Texas and I and the rest of the committee engage in. We seem to have this conversation quite a bit these days.

I'd like to remind the gentleman that, while it's true that we have made three amendments in order this year, two Republican and one bipartisan, last year there were four Democratic amendments made in order on this particular appropriations bill. The prior year, however, there were 11 amendments offered in committee, and only one Democratic amendment was offered in this bill.

Why I raise this number, I want to point out that this is not unusual for this Legislative Branch appropriations bill to be a structured rule in prior years. And, in fact, there's good reason for that. My distinguished colleague from California, Mr. DREIER, mentioned in committee yesterday, in fact, that there is potential for demagoguery on both sides of the aisle on this Legislative Branch appropriations bill, and that he has agreed in the past, and this year, on a structured rule.

Now, honorable men and women can disagree on the merit and the substance of particular amendments, the number of which are not as important as the fact that we are arguing about substantive language, about health and safety, about meeting our constituents' needs. And I think it's important that we talk about that substance, rather than just the number on the bill.

And so, Madam Speaker, I think that we've done a good job producing a fiscally accountable bill for the Congress. In fact, the President asked for $275 million more than our subcommittee is providing under this legislation. The President asked for a 15 percent increase in this appropriation, and Congress saw fit to only offer 4.1 percent. I think the subcommittee has done a good job crafting this legislation.

Madam Speaker, I reserve the balance of my time.

□ 0930

Mr. SESSIONS. Madam Speaker, at this time I would like to yield such time as he may consume to the gentleman from San Dimas, California, the Honorable DAVID DREIER.

Mr. DREIER. Madam Speaker, I appreciate my friend from the Big D recognizing me, and I thank both of my friends for their management of this rule.

I have got to clear my throat, Madam Speaker, because it was last night and early this morning that we had a freewheeling, very passionate, vigorous debate that took place on the Foreign Operations appropriations bill, as we all know. And we are here this morning addressing an issue which traditionally has, in a bipartisan way, been recognized that, as a measure to avoid demagoguery, should be brought up under a structured rule. It is the only appropriations bill that both Democrats and Republicans alike have recognized all along that we should do, and I am happy to say that we are proceeding with the other appropriations bills under an open amendment process.

I will say that I am very, very troubled, very troubled, with the way that this has been handled. My friend from California has just said that this is a discussion that has been going on and on. We seem to have this same discussion back and forth. And I will tell my friend we could end it right here, we could end it right here if, in fact, as the gentleman from Dallas has just said, the promises that were made in last year's election were, in fact, kept. We don't have to continue to have this kind of debate over the rule if we would see the kind of compliance with the commitments that were made to the American people.

Now, let me just say what did happen in the past on the issue of the Legislative Branch appropriations bill. As Mr. SESSIONS has just said, 100 percent of the amendments that were proposed last year were, in fact, made in order. And the year before, the gentleman is absolutely right, there were 11 amendments submitted, but the gentleman said only 1 amendment was made in order. No. One Democratic amendment was made in order of the 11 amendments, but there were Republican amendments proposed, too, and there were 4 amendments made in order. So what I am saying is that this notion that somehow 11 Democratic amendments were submitted to the Committee on Rules and only 1 Democratic amendment made in order? That is wrong.

The fact of the matter is we have worked very hard to ensure that every Member who has come forward with a responsible, thoughtful amendment that should be debated on the legislative branch appropriations bill could, in fact, have that opportunity. And that is what has happened in the past. I am very proud to say that last year every single amendment submitted to the committee was made in order. This year 23 amendments were submitted to the Rules Committee, 23 amendments. And how many were made in order? It is very sad. Only three amendments were made in order.

Now, let's look at some of the amendments that were denied, Madam Speaker. The distinguished chairman, former chairman, of the Legislative Branch appropriations subcommittee, Mr. KINGSTON, is here, and he came before the Rules Committee with some very thoughtful amendments.

Now, my friend from California has just talked about the issue of the Visitors Center. Mr. KINGSTON, who has consistently raised very important questions about that in the past, said that we don't need to put $16 million, which, as was said in the dissenting views on this issue, is the tip of the iceberg, creating a chance to spend well in excess of $50 million, at the minimum of $55 million, for another building with an additional 200,000 square feet behind the Ford Building over here.

Now, Madam Speaker, we are going to have an additional half a million square feet when we see completion of this Congressional Visitors Center. We all hope that it happens in our lifetime, but I will say that we are going to have an additional 500,000 square feet. And I know my friend from California said he has just been there.

And, by the way, I should extend congratulations to the gentlewoman from Florida for the great job that she has done in working closely with Mr. WAMP on this issue. She testified, Madam Speaker, before the Rules Committee, and I appreciate her diligence on this, and I suspect that she would be somewhat concerned as well that the opportunity for an amendment process like the one that we have had in the past is being denied to a number of our Members, both Democrats and Republicans alike.

Mr. KINGSTON, the former chairman of the appropriations subcommittee on the Legislative Branch, also offered an amendment calling for the Basic Pilot Program to be included, dealing with this notion that we impose on everybody else, Madam Speaker, the requirement that they comply with the Basic Pilot Program when it comes to this very serious issue of illegal immigration, and yet we are free of having to comply with that within the first branch of government. I think that is an absolute mistake, and that is what Mr. KINGSTON has been trying to address with his amendment.

One of the amendments that troubled me most that was not made in order came from a very distinguished Democratic Member of this institution. I am proud of the fact that he represents my parents in Kansas City, Missouri. It is Reverend EMANUEL CLEAVER, who came before the Rules Committee, Madam Speaker, and he said that he had been told by staff not to offer the amendment. He was very concerned about being there, and he said that he was somewhat confused, and, understandably, that does happen on occasion. I just told one of my staff members that the moment they tell me to do something, I automatically and instinctively do the opposite. But what happened in his case was that he felt somewhat concerned about coming before the Committee on Rules when so many people had told him not to do it.

I have never seen a situation like this, Madam Speaker. The Chair of the Rules Committee Ms. SLAUGHTER had to say to Mr. CLEAVER that he was welcome at any time to come before the Rules Committee and offer an amendment. I thought that that was just a right that every Member in this institution had. And, unfortunately, while we made Mr. CLEAVER's amendment in order in the last Congress, this new majority refused to allow Mr. CLEAVER the opportunity to even have his amendment heard, even have it debated here, Madam Speaker.

And that is why Mr. SESSIONS is going to offer an opportunity, if we can, to defeat the previous question, to take the Cleaver amendment, which deals with the very important priority that has been set forth by our Speaker that looks at the environmental standards for this institution. Mr. CLEAVER simply says that prospectively we should have flex-fuel or hybrid vehicles purchased through the Members' representational accounts. It is an issue that should be debated here on the House floor. Again, we made that amendment in order last year, and it has been denied the opportunity this year.

One other thing that I will say again that is very troubling about this so-called new era of openness. Our colleague from West Virginia, a very distinguished former member of the Committee on Rules, tried to submit an amendment to the Rules Committee, and SHELLEY MOORE CAPITO was denied that opportunity at the door to even submit her amendment, recognizing that she was a few minutes, I think right around 30 minutes, beyond the imposed deadline. I think the flexibility for Members is something that we always recognized, but has been denied here. But to have a former member of the Rules Committee denied an opportunity to even submit the amendment is, to me, Madam Speaker, undermining this entire spirit of openness.

So, Madam Speaker, let me say I am going to encourage my colleagues to support Mr. SESSIONS in his quest to defeat the previous question so that we can give EMANUEL CLEAVER an opportunity to offer the amendment that was denied him by the Rules Committee.

Mr. CARDOZA. Madam Speaker, the gentleman from California and I agree on one thing absolutely, and that is that Mr. CLEAVER is a great Member of Congress and offers thoughtful amendments.

The problem with his amendment was that it was simply unworkable. It required that vehicles be E85 ethanol-compliant. And, for example, in California, in Mr. DREIER's and my own State, there are only two gas stations that provide E85 fuel.

I drive a hybrid. I think it is an important thing for Members of Congress to lead on this issue, but the fact is that the amendment was unworkable. We discussed that in Rules Committee yesterday. I discussed that with Mr. CLEAVER, and, in fact, the committee did see fit not to make that amendment in order.

The gentleman raises a number of other points, but I would like to talk about the $16 million and the FDA building that the gentleman raised and the fact that the appropriations subcommittee is, in fact, bringing fiscal accountability and better standards to the construction process of the Capitol, and that this proposal that the gentleman from California refers to was actually initially brought to the House by former Speaker HASTERT. And, in fact, we are continuing the prior administration's priority in this area.

The subcommittee has changed the way this building will be managed and procured in that the GSA will manage the construction and retrofit of this new building that is being acquired in order to provide swing space and allow the operations of Congress to continue as we revamp other buildings here in the Capitol complex. The $16 million in security enhancements this bill provides for the FDA building are critical if we are to use the building for additional House office space. The project was originally approved, as I said, by former Speaker HASTERT and is now being carried forward in this bill. It is critical so that we can get the swing space ready for the House to use when we begin the badly needed renovations to the Cannon Building, which is nearly 100 years old, and to the Longworth Building, which is nearly 75 years old. We need flex space to move offices while those buildings are being renovated. The FDA building fits the bill.

GSA is ready to invest $150 million in the renovations of this building. This additional funding is to bring security from the generic government building level up to meet the requirements of congressional office space. This is a long-term investment. If we don't put this money into getting the FDA building ready now, we will have to delay much-needed renovations to our existing buildings.

I would also say that I believe it is important for our staff to get the same kind of security that we would get as Members. We know that in the post-9/11 world, as we have talked about many times on the floor before, Members of Congress and this Capitol complex are targets, and it is imperative that we provide our staff with the same security that we ourselves demand.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

And let me, if I could, just respond to a couple of his points. First of all, the gentleman has offered some very thoughtful arguments on this issue, and I think that the fact that he has made these arguments underscores why the Rules Committee should have, in fact, allowed a debate on these issues to proceed.

He began by talking about how unworkable the amendment that Mr. CLEAVER has put forward by virtue of the fact that California has only two of these E85 stations. I know that the Cleaver amendment provides options, a hybrid vehicle, which the gentleman drives and obviously is able to get fuel very easily, and the option of looking at the flex-fuel vehicles. And, obviously, if it is a flex-fuel vehicle, it has the ability to use others. They don't have to go to those two stations that exist in California.

And I think that, again, that underscores the fact that we should be having this debate. We made it in order in the last Congress, and, unfortunately, they chose not to make it in order.

And on the issue of the additional building, he has raised a lot of interesting arguments about that. Mr. KINGSTON would simply like to have a chance, as a former chairman of the Appropriations Subcommittee on Legislative Branch, to debate it.

I thank my friend for yielding, and I will just say that I wish we would have a chance to have a free-flowing debate on this.

Mr. CARDOZA. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 6 minutes to the gentleman from Georgia.

Mr. KINGSTON. Madam Speaker, I want to point out that this discussion is interesting, and, as Mr. DREIER has said to Mr. CARDOZA, it is worthy of debate.

I want to ask my friend, were you here during the anthrax threat?

I yield to the gentleman.

Mr. CARDOZA. I was not.

Mr. KINGSTON. Well, it is important because there is a little history here, Madam Speaker, but during the period of time in which much of the Longworth office was shut down and evacuated right in the wake of 9/11, I don't know how many Members, and perhaps Mr. DREIER knows, but we all had temporary offices in a building downtown, and I do not remember which building that was. But it was interesting. That was a direct threat to the United States Congress, and some of the offices were closed down for maybe a couple of months.

□ 0945

I moved my entire staff off premises. And so to say now that we have to construct expensive, unnecessary swing space just to fill in a gap is ridiculous.

I want to point out that I think it's important for newer Members to realize there is a history, there is a precedent. And because of the Rules Committee shutting down this amendment and free speech, most Members won't know that we are trying to prevent something that we've already gone through before, and that is temporarily locating elsewhere in a secure premises.

I wanted to commend Ms. WASSERMAN SCHULTZ, the Chair, and the ranking member, Mr. WAMP, for what they have done on the CVC, the Capitol Visitors Center. It is a monstrosity; something we're all very disappointed in. When I was Chair of this committee, we tried our best to get our arms around it. One of the things that we all discussed is unfortunately it's kind of a bicameral problem. You don't have one head of the snake, one committee, one Chair who was fully responsible from alpha to omega.

I commend the committee on what they've done on this. I do think that with this FDA building we are creating another CVC boondoggle, as already outlined and debated in the committee. Since 2002, we've been debating this unnecessary additional office space, this swing space. And at the same time, the committee of the same government agencies are involved in it that have given us the CVC. So not to allow that amendment on the floor is something, in my opinion, is worth voting "no" on the whole rule debate.

The other amendment that I offered, among the many amendments that were turned down by the Democrats, it's very important to say the people who talked about sunshine so much are now denying it on the bill that tells this institution and the public so much about ourselves. No one gets elected or unelected on leg branch politics, except it does show what your culture of leadership is. If you don't allow sunshine, if you don't allow an open rule, if you don't allow open debate on your own piece of legislation that governs the House, then how can you go around and pontificate from coast to coast what an open government you're going to bring the United States people?

I know that the members of the Rules Committee and the members of the Appropriations Committee have somewhat been under a mandate, maybe even a gag order, by the leadership, but I would say there is huge hypocrisy and irony in this.

Another important amendment that I offered has to do with the Basic Pilot Program. And I'll ask you this: Do you think that people who do construction for the Federal Government should have legal employees, or should they be allowed to have illegal aliens? Well, we know and the Chair would be interested to know about the situation in California, because it's been such a hot debate out there, and the folks who have been building the fence, that the folks who are constructing the fence were busted for having illegal aliens to build a fence to keep illegal aliens out of the country. That is absurd. Similarly, we see this all over the place on Air Forces bases and Federal institutions, where contractors come in, and after close scrutiny we find they are hiring illegal aliens.

What the amendment would have done, which I believe would have wide bipartisan support, simply says that you need Social Security verification if you're going to do business with the Federal Government. No big deal, except for in this town and in this Chamber somehow that might offend some of our K Street friends, or should I say some other people's K Street friends. Because folks I know back home, they want Social Security verification. Unless you attack the job magnet, you're always going to have the attraction for illegals to come into the country.

This would give us an opportunity to lead by example to say we're not going to let you do business with the Federal Government unless you have verified Social Security. And the program is run by ICE, the Immigration and Customs Enforcement Agency. It's called the Basic Pilot Program. Nothing controversial whatsoever. However, the Rules Committee is not even going to allow us to have a vote on it.

I cannot believe that the people one year ago, indeed, 7 months ago, were campaigning out there, telling Americans the Democrats are going to deliver open and honest government, because this rule is anything but that.

Mr. CARDOZA. Madam Speaker, I will say that it seems ironic to me that they blame the Democrats for everything, yet this proposal that is being put forward by the gentleman from Georgia was originated under the speakership of Mr. HASTERT and was planned during that period of time. And, frankly, it was a good idea. It's something that needs to be done.

The other point I would just like to make at the outset of my discussion here.

Mr. KINGSTON. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. No, I will not yield.

Mr. KINGSTON. I just want to know, is it in the Democrat budget?

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from California is recognized.

Mr. CARDOZA. Thank you, Madam Speaker.

I also want to point out that Mr. KINGSTON is talking about immigration and the lack of accountability with regard to illegal workers on government projects. I would like to remind the gentleman that it is his President that is in charge of enforcement, it is the administrative branch of government that is in charge of adjudicating and prosecuting illegal aliens, and that it is their Department that is awarding the contracts. And so if the gentleman is concerned about this, he should talk to his President down the street. And with a single conversation, he should be able to get the administration to do what he wants, since he is of the same party.

With regard to this building that we're talking about, when we had the anthrax scare here in Congress, I am aware that they actually had to displace Federal workers to house congressional employees in that building. That was only for a couple of weeks. To do this for months on end while a building is being renovated is simply unacceptable.

Further, Mr. KINGSTON's amendment was argued in the subcommittee and it was put forward in the subcommittee and it was rejected by the subcommittee on a bipartisan basis. We need this swing space to be able to do the renovation. And I think this goes back to a very simple thing that Mr. DREIER said, that this can be demagogued.

Clearly, we can have disagreements, but we need to do the right thing by the American people to provide for the safety of Congress. This $16 million appropriation is for Capitol security. Either you support security for Members, for the staff and for the general public, or you don't. You either support security or you don't. And I say that the bipartisan workings of the committee were the correct action and that the amendment that the gentleman offered was previously rejected in committee.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, the gentleman now seems to want to duck what Republicans have done for 12 years, and that is, take responsibility for that, which they should do. The fact of the matter is we're here asking for and we're in the Rules Committee asking for the ability to be able to debate these. We're not blaming anybody, except to say that we believe there should be a debate, an open and honest debate that would be good for the American people, which would avoid the gentleman having to be concerned about who is blaming who.

Madam Speaker, at this time I'd like to yield 5 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I want to thank my friend from Texas for his leadership on the Rules Committee and on this issue of wanting and demanding what the American people want, and that is an open process.

I oppose this rule because I believe, Madam Speaker, that it stifles the ability for Members of this House to represent their constituents. The reason that it stifles them is because it doesn't allow for the kind of debate and the kind of voting on issues that we've just heard about.

This is a good bill. I want to commend my classmate, Representative WASSERMAN SCHULTZ, and Representative WAMP for their work; but it's not a perfect bill. And so we ought to move in the direction of making it a more perfect bill by allowing amendments, other ideas from this House to come forward.

Madam Speaker, I'm sorry to say that this is just another example of what I have come to know and phrase as "Orwellian democracy" by this new majority. It's Orwellian democracy because they say one thing and they do exactly the opposite.

What did they say? Well, what they said is that they would assure a fair and open process. Before the last election, Speaker PELOSI said, "Because the debate has been limited and Americans' voice is silenced by this restrictive rule, I urge my colleagues to vote against the rule."

So what's different now, Madam Speaker? Is it political expediency, or is it a broken promise?

The chairman of the Rules Committee, Ms. SLAUGHTER, said before, "If we want to foster democracy in this body, we should take the time and the thoughtfulness to debate all major legislation under an open rule."

So what's changed, Madam Speaker? What's different now? Is it political expediency, or is it a broken promise?

Mr. MCGOVERN, a member of the Rules Committee, said, "I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of deliberations on this House floor."

So what's different now, Madam Speaker? Is it political expediency, or a broken promise?

Democratic Caucus Chair, Mr. EMANUEL, said before, "Let's have an up or down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table. Let's have a vote. So don't hide behind the rule. If this is what you want to do, let's have an up or down vote. You can put your votes right up there, and then the American people can see what it's all about."

So what's different, Madam Speaker? Political expediency, or a broken promise?

I offered an amendment that would be debated on this floor that would have reduced the amount of spending by 1 percent. It would have saved the American taxpayer $31 million. Now, $31 million may not seem like a lot in Washington, but back where I come from and across this Nation, $31 million is a lot of money. It would say to the American people this is a step in the right direction for fiscal responsibility. That was said before, what was said before by the now majority leader, STENY HOYER, who said, "We want to get the budget deficit under control. We have said fiscal responsibility was necessary, but we're not going to be hoisted on the torrent of fiscal responsibility."

Madam Speaker, rules aren't rules if you only follow them when you want to, and choosing when to do so is breaking a promise. An open promise shouldn't just be something that you talk about on the campaign trail.

Madam Speaker, Americans understand that promises made on the campaign trail and promises that aren't kept in the heat of debate on the House floor are broken promises. And the American people are paying attention.

Mr. CARDOZA. Madam Speaker, I would just like to respond to the gentleman from Georgia by saying that, in fact, the Rules Committee did offer Mr. JORDAN's amendment from Ohio that one-ups the gentleman from Georgia. In fact, the gentleman from Georgia said he wanted to cut overall the entire operations in Congress and legislative branch by 1 percent. Mr. JORDAN offers a 4 percent cut. And so we made that in order so that the Congress can have the debate that Mr. PRICE from Georgia has indicated that he wants to have on the House floor.

It is a very open process. And, in fact, I will tell you that this is a very bipartisan bill. Mr. WAMP and Ms. WASSERMAN SCHULTZ came to the Rules Committee and indicated absolutely that they had worked on a bipartisan basis on this bill and that they thought that they had done a good job working on a bipartisan basis.

We have, in fact, offered the debate. We will, in fact, have a debate on cutting overall administration. In fact, this is a responsible bill in that we have cut $275 million from the President's request, 11 percent less than the administration asked for the operations of the legislative branch. This is a fiscally responsible bill. The committee has worked together to craft it in a bipartisan way, and I think that we in fact have a very good piece of legislation before the Congress today.

Madam Speaker, I reserve the balance of my time.

☐ 1000

Mr. SESSIONS. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I do rise as the ranking member of the subcommittee in reluctant opposition to the rule. I say that because I am very grateful for the work that the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from California (Mr. DREIER) have done on protecting the Appropriations Committee's prerogatives in this bill, particularly with, I think, the important recommendation to name the largest space in the new Capitol Visitors Center Emancipation Hall. We will talk more about that during general debate.

But I am in opposition because only three amendments were ruled in order; that is, three out of 23, which is 13 percent. Last year it was 100 percent; the year before last it was 45 percent. And that is not enough. Therefore, I am actually going to support the amendments that are offered.

But I am going to support the bill. We did work in a bipartisan manner. This is a good bill. I am going to support the bill, but the rule is just not quite enough, to be honest with you. We should have had these amendments ruled in order. I say that respectfully because I think it is important that we try to open this up as much as possible.

The structured rule is not a problem, but only three amendments being ruled in order is a problem. So I reluctantly rise in opposition to the rule. I look forward to the general debate. I look forward to the passage of the bill with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Mr. CARDOZA. I would just like to thank the gentleman from Tennessee (Mr. WAMP) for his hard work on the bill. Clearly he and our chairwoman, Ms. WASSERMAN SCHULTZ of Florida, have done a good job working together on a bipartisan basis to craft a bill that will work for Congress and work for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, we are quite open about what we wanted today. We wanted the rule to match the promise that the new Democratic majority had made. They asked for the ability to lead this country and to make this the most open, honest Congress in history. Yet we find at this time that the Rules Committee does not do that.

Madam Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I just want to say I am somewhat concerned with the whole tenor of this debate. My California colleague has stood here through the entire debate not yielding time to a single Member, talking about the fact that we are going to have this freewheeling debate. I asked him to yield to me, when he obviously has a great load of time. Madam Speaker, he chose not to yield. That is clearly his right. But if we are interested in at least a modicum of civility in the debate, I always try my darnedest to yield to any colleague who asks me to yield during debate, because I think that is what we should do around here.

I was simply going to respond when my friend said that Mr. PRICE was here decrying the fact that his amendment was not made in order, which had a more modest cut than the one that has been made in order under the Jordan amendment, that maybe some Members would determine that the $275 million figure to which my friend referred earlier, being below the President's request, is not quite enough, but that maybe the Jordan amendment is too much.

Mr. PRICE simply wanted to have a chance, Madam Speaker, to say, gosh, maybe a little more modest cut than the one that is in the Jordan amendment should be considered.

So, I just want to say that I, again, as Mr. PRICE said so well during this debate, promises were made about a new sense of openness. It is very, very unfortunate that those promises have not been kept, Madam Speaker.

Mr. CARDOZA. Madam Speaker, I would just like to remind my friend, the gentleman from California, that I, in fact, did yield to him earlier in the debate for quite some period of time and let him speak on my time prior. So, with that, I think we have, in fact, worked on a bipartisan basis. I am also willing to work and discuss with my colleagues.

But, in fact, as the gentleman said, this legislative branch appropriations bill is one where you can, in fact, have shenanigans, or I think his word was "demagoguery," and, in fact, we have a structured rule so that we limit that. We are, in fact, trying to have the most open process. I think we have succeeded in doing a better job than happened in the prior Congresses.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. If I could inquire of the time remaining on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 2½ minutes. The gentleman from California has 10 minutes.

Mr. SESSIONS. Madam Speaker, the Republicans are here today to say we believe the process should equal what the Democrats had said they would do. It did not.

Secondly, we have problems with the bill because of the more than 7-percent increase in spending over last year's level. We believe that that is excessive, at a time when we thought both sides agreed that fiscal sanity would be in order, especially in dealing with this body. So, the Republican Party is here today to say we think that is too much money.

Madam Speaker, I will be urging my colleagues to defeat the previous question so that I may amend the rule to make in order the very thoughtful amendments of my Democratic colleague from Missouri (Mr. CLEAVER), which was made in order by the Republican-controlled Congress in the Republican Rules Committee last year.

The amendment would encourage House Members to lease hybrid and other more economical vehicles. In this time of high gas prices and our need, the national desire, the need to reduce the reliance on foreign sources of energy, this House should have at least have the opportunity to debate such a thoughtful amendment.

Madam Speaker, I ask unanimous consent to have the text of the amendment and the extraneous material printed just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, at this point I would like just to yield briefly to our distinguished chairwoman, Ms. WASSERMAN SCHULTZ, to respond.

Mr. SESSIONS. If the gentleman will yield, we were advised that the gentleman did not have any additional speakers.

Mr. CARDOZA. The gentleman is correct. I will yield him additional time to respond.

Mr. SESSIONS. I appreciate that.

Mr. CARDOZA. I yield 2 minutes to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I just want to address my comments to the remark by the gentleman from Texas (Mr. SESSIONS) where he indicated that there is a 7-percent increase in the legislative branch appropriations bill. That is factually inaccurate.

If you take into consideration the $50 million rescission that we had in the CR for 2007, we are actually at a 2.4-percent increase. Not taking that $50 million rescission, which came out of the Library of Congress, we are actually at a 4.4-percent increase in this bill. So that is factually inaccurate. I want to make sure that we are dealing with facts. My colleague is incorrect.

We have really made an effort, both Mr. WAMP and myself, at being fiscally responsible, recognizing that we are in a difficult fiscal situation and constraining our spending, but at the same time making sure we can focus on life, safety and security needs, and the protection and oversight responsibilities that we need to make sure we can do in this institution.

Mr. CARDOZA. Madam Speaker, I would like to yield 2 minutes to my colleague from Texas (Mr. SESSIONS).

Mr. SESSIONS. Madam Speaker, without getting into an argument with the gentlewoman, we would just state the facts of the case. It is over $4 billion additional spending, this year over the last, and $4 billion is a lot of money to run this ship.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

Madam Speaker, I would simply like to ask my friend, if a $4 billion increase is, in fact, a 6.76-percent increase over last year's funding level, which does round out to be a 7-percent increase in the spending over last year's funding level, I just ask my friend from Dallas if that, in fact, is correct?

Mr. SESSIONS. Madam Speaker, I believe it to be correct, but the fact of the matter is, whether it's a 6-percent increase or a 4-percent increase as the gentlewoman subscribes to, we believe that is not the proper way to grow this government.

Mr. DREIER. Madam Speaker, if the gentleman will yield further, I would just like to, again, say that I hope very much that my friends on both sides of the aisle will join in supporting Mr. Sessions in trying to defeat the previous question so that we can make in order the very thoughtful, environmentally sound amendment that has been offered by the gentleman from Missouri (Mr. Cleaver).

Mr. CARDOZA. Madam Speaker, there were several misstatements of fact in the last statements that were made here on the floor by my colleagues on the other side of the aisle.

This bill actually does not provide $4 billion for legislative branch appropriations, as the gentleman indicated, but $3.1 billion for the legislative branch. The actual spending for fiscal year 2007, including the supplemental but not rescissions, this bill is a $122 million increase, which is 4 percent of that amount. If the $50 million rescission in the fiscal year 2007 CR is included, the bill is only $73 million, or 2.4 percent, above the prior year.

We have provided in this measure fiscal responsibility, accountability, and security and life safety for the Members of Congress, for the general public and for our staff.

I would also like to make a point that this bill represents a $276 million reduction from the Republican administration's request on this matter.

Madam Speaker, three principles guided the development of the underlying legislation: fiscal responsibility, security and life safety, and accountability.

This bill makes smart decisions with taxpayer dollars. It provides the necessary resources for Congress to carry out its constitutional oversight responsibilities, something we saw sorely lacking in the last Congress. It ensures the Capitol complex is safe and secure. Most importantly, it allows Members of Congress to represent and serve our constituents in the most efficient and effective manner possible.

Madam Speaker, I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. Sessions is as follows:

Amendment to H. Res. 502 Offered by Rep. Sessions of Texas

At the end of the resolution, add the following:

Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Cleaver of Missouri or a designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

Sec. 4. The amendment referred to in section 3 is as follows:

At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act under the heading "House of Representatives—Salaries and Expenses—Members' Representational Allowances" may be used directly to provide any individual with a vehicle which is not powered in whole or in part by alternative fuel (as defined in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)), except under a lease in effect prior to the date of the enactment of this Act.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chanc to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "A refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 179, not voting 36, as follows:

[Roll No. 543]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel

Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—36

Baker
Barton (TX)
Bonner
Boucher
Brown (SC)
Brown-Waite, Ginny
Carter
Clyburn
Cramer
Cubin
Davis, Jo Ann
Doolittle
Everett
Gillibrand
Hastert
Hastings (FL)
Hunter
Israel
Johnson (GA)
LaHood
McGovern
McHenry
Miller, George
Moran (KS)
Napolitano
Nunes
Oberstar
Ortiz
Paul
Platts
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Weldon (FL)
Young (AK)

□ 1033

Messrs. TIBERI, GARY G. MILLER of California, and MANZULLO changed their vote from "yea" to "nay."

Mr. EDWARDS and Mr. WEINER changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. GILLIBRAND. Madam Speaker, had I been present, I would have voted "yea."

(By unanimous consent, Mr. UPTON was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE GUY VANDER JAGT

Mr. UPTON. Madam Speaker, I regret to inform the House today of the passing of Guy Vander Jagt, who died this morning. He served 18 years in this body representing most of west Michigan, a longtime member of the Ways and Means Committee, a very good friend of all of us, both in the Congress and after he left.

I talked to his wife Carol last week. This was his cancer's second occurrence. He also leaves a beautiful daughter, Jinny, and I yield to Mr. DINGELL.

Mr. DINGELL. I thank my dear friend for yielding.

This is a great loss to the country. Our friend, Guy Vander Jagt, was a distinguished Member of this body, a great public servant, and a friend of most of us here.

Mr. UPTON. I yield to the chairman of the Ways and Means Committee.

Mr. RANGEL. The tear that you hear in the voice of the gentleman from Michigan is felt by everybody that knew Guy Vander Jagt. I was with him on Tuesday morning with his beautiful wife Carol, and I would want everybody who knew this man to know that there was a big smile on his face, that wonderful voice of his was resonant, and even though he did not stay lucid for long periods of time, the only thing, the only thing that he talked about was his House of Representatives.

I really sincerely hope that those Members, Republican and Democrats, that had an opportunity to see a true Republican with the compassion and sensitivity and understanding that it takes all of us to make this Congress and this country work, that maybe those of us who knew Guy would make some kind of special effort to be tolerant with each other, which is what he was talking about, in hopes that new Members that never had the opportunity to enjoy that type of camaraderie will move in that direction.

We will miss him, but those who knew him, we have a constant reminder that when things get rough for us on this floor, there was a guy like Guy Vander Jagt, and as strong as a Republican as he was, that he cared enough about this House to care for all us.

Mr. UPTON. Madam Speaker, I would ask that we stand for a moment of silence in honor of Guy Vander Jagt.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 31, as follows:

[Roll No. 544]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare

Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—31

Baker
Barton (TX)
Bonner
Boucher
Brown (SC)
Brown-Waite, Ginny
Carter
Cramer
Cubin
Davis, Jo Ann
Doolittle
Everett
Hastert
Hastings (FL)
Hunter
Johnson (GA)
LaHood
McGovern
McMorris Rodgers
Miller, George
Moran (KS)
Napolitano
Nunes
Ortiz
Paul
Radanovich
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

☐ 1045

Mr. MARCHANT changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2771, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 502 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2771.

☐ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2771) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Tennessee (Mr. WAMP) each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair.

Madam Chair and members of the Committee, I am pleased to present the Subcommittee on Legislative Branch appropriations legislation for the fiscal year 2008.

The Legislative Branch bill is unique in that it appropriates funding for the entire Capitol Building and Grounds as well as nine legislative branch agencies and the 435 Members of this body and their offices. As a new member of the Appropriations Committee serving as a subcommittee Chair. I recognize the tremendous responsibility that comes along with being steward of this great institution, and I am honored by the confidence and trust that Speaker PELOSI, Chairman OBEY, and my colleagues have placed in me.

Historically, the Legislative Branch bill has enjoyed the bipartisan spirit that has come to define the Appropriations Committee and my experiences in working with the ranking member have been consistent with that spirit. Over the past several months, I have worked with Ranking Member WAMP, the gentleman from Tennessee, and other members of the committee from both parties to shape and determine the appropriations for the people's House. We held 14 oversight hearings prior to developing this bill, and I am very proud of our accomplishments.

I want to thank the members of the Legislative Branch Subcommittee for their help and input, Vice Chair LEE, Mr. UDALL, Mr. HONDA, Ms. MCCOLLUM, Mr. RUPPERSBERGER, Mr. WAMP, Mr. LAHOOD, and Mr. GOODE. The vast majority of our committee is new to the full committee, and we approached our task with zeal and with dedication.

I would particularly like to thank Ranking Member WAMP for his work on this bill. He has been a good partner, and I appreciate his cooperation and friendship. While we have not agreed on every issue, we worked in partnership to address our differences: and notwithstanding a few issues, they were resolved. I would also like to thank Chairman OBEY for his guidance during this process and Ranking Member LEWIS for his efforts as well.

Madam Chair, the bill provides $3.1 billion for the legislative branch, not including Senate items. That's an increase of $122 million, or just 4 percent, over the actual spending level in fiscal year 2007. This reflects a $276 million reduction in the total amended budget request, and I think that's an important point that Members should note. We are bringing this bill in under the original request.

We used three guiding principles to develop this bill: fiscal responsibility, security and life safety, and accountability.

In terms of fiscal responsibility, we've emphasized that we need to keep this bill tight with a view towards the long term. We've funded the must-haves over the nice-to-haves and have focused on critical investments. We've held the actual spending increase in this bill to only 4 percent, $122 million, compared to the 13 percent, or $398 million, which was the increase that was requested.

In terms of security and life safety, we've made sure this bill makes the Capitol complex as secure and safe as possible. To this end, the bill includes $50 million worth of critical security and life safety projects, including, at the suggestion and urging of my good friend from Tennessee, interoperable radios for the Capitol Police. It also provides substantial increases to agencies with a direct role in the health/safety of the complex. The Capitol Police receive an 8 percent increase, while the Office of Compliance, which ensures that we protect our visitors and our employees in a safe environment, receives a 23 percent increase.

Finally, in terms of accountability, we've crafted this bill to provide Congress with the resources it needs to perform its constitutional oversight role and hold agencies accountable. We've fully funded House committees and included resources to bulk up GAO to better support our congressional oversight efforts. We've also beefed up the Capitol Police IG office and established a statutory IG office at the Architect of the Capitol to improve oversight within those two organizations.

In closing, we've kept this bill tight so that we're fiscally responsible. We've done so by prioritizing investments for critical life safety and security needs while providing Congress with the tools it needs to hold the government accountable to the American taxpayer.

Madam Chair, we have a wonderful staff. I'd like to thank my committee staff, my personal staff, and Mr. WAMP's staff: Ms. Tracie Pough and Ian Rayder on my personal staff; Mr. Tom Forhan, our clerk; Rob Nabors, the full Appropriations Committee clerk; Chuck Turner; David Marroni; and Mr. WAMP's staff, Jeff Shockey and Liz Dawson, for their assistance. They have assisted both myself and Mr. WAMP as a new Chair and ranking member with our learning curve and worked countless hours to help produce this product.

Finally, I want to thank, Madam Chair, my colleagues on the Appropriations Committee for their guidance, patience, understanding and encouragement as we endeavored to craft a bill that was fiscally responsible with an eye toward ensuring that our employees and visitors have a safe and secure environment in which to function, as well as make sure that Congress has adequate resources to engage in our oversight responsibilities.

Madam Chair, it is an honor to serve in this role.

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2008 (H.R. 2771)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
Payment to widows and heirs of deceased Members of Congress	330	---	---	-330	---
House Leadership Offices					
Office of the Speaker	4,614	4,761	4,761	+147	---
Office of the Majority Floor Leader	2,108	2,188	2,188	+80	---
Office of the Minority Floor Leader	3,953	4,090	4,090	+137	---
Office of the Majority Whip	1,813	1,894	1,894	+81	---
Office of the Minority Whip	1,358	1,420	1,420	+62	---
Speaker's Office for Legislative Floor Activities	487	499	499	+12	---
Republican Steering Committee	915	943	943	+28	---
Republican Conference	1,562	1,631	1,631	+69	---
Republican Policy Committee	310	325	325	+15	---
Democratic Steering and Policy Committee	1,232	1,295	1,295	+63	---
Democratic Caucus	1,555	1,604	1,604	+49	---
Nine minority employees	1,459	1,498	1,498	+39	---
Training and Program Development:					
Majority	290	290	290	---	---
Minority	290	290	290	---	---
Cloakroom Personnel:					
Majority	438	460	460	+22	---
Minority	438	460	460	+22	---
Subtotal, House Leadership Offices	22,822	23,648	23,648	+826	---
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	554,716	610,616	581,000	+26,284	-29,616
Committee Employees					
Standing Committees, Special and Select	124,406	129,662	133,000	+8,594	+3,338
Committee on Appropriations (including studies and investigations)	25,866	27,113	29,800	+3,934	+2,687
Subtotal, Committee employees	150,272	156,775	162,800	+12,528	+6,025
Salaries, Officers and Employees					
Office of the Clerk	21,676	22,881	22,881	+1,205	---
Office of the Sergeant at Arms	6,295	7,024	7,024	+729	---
Office of the Chief Administrative Officer	106,064	120,612	116,891	+10,827	-3,721
Office of the Inspector General	4,016	4,457	4,457	+441	---
Office for Emergency Planning, Preparedness and Operations	4,010	4,242	3,111	-899	-1,131
Office of General Counsel	968	1,202	1,202	+234	---
Office of the Chaplain	163	166	166	+3	---
Office of the Parliamentarian	1,778	1,828	1,828	+50	---
Office of the Parliamentarian	(1,415)	(1,455)	(1,455)	(+40)	---
Compilation of precedents of the House of Representatives	(363)	(373)	(373)	(+10)	---
Office of the Law Revision Counsel of the House	2,472	3,046	3,046	+574	---
Office of the Legislative Counsel of the House	7,025	7,406	7,406	+381	---
Office of Interparliamentary Affairs	724	752	752	+28	---
Other authorized employees	548	170	170	-378	---
Office of the Historian	408	596	459	+51	-137
Subtotal, Salaries, officers and employees	156,147	174,382	169,393	+13,246	-4,989

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2008 (H.R. 2771)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	4,704	3,688	3,688	-1,016	---
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	---	---
Government contributions	226,904	239,447	237,410	+10,506	-2,037
Capitol Visitor Center	3,410	2,308	2,308	-1,102	---
Business Continuity and Disaster Recovery	17,631	23,065	17,200	-431	-5,865
Emergency appropriations	6,437	---	---	-6,437	---
Miscellaneous items	703	703	703	---	---
Subtotal, Allowances and expenses	260,199	269,621	261,719	+1,520	-7,902
Total, Salaries and expenses	1,144,486	1,235,042	1,198,560	+54,074	-36,482
Total, House of Representatives	1,144,486	1,235,042	1,198,560	+54,074	-36,482
JOINT ITEMS					
Joint Economic Committee	4,308	4,398	4,398	+90	---
Joint Committee on Taxation	8,773	9,416	9,416	+643	---
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances.	2,520	2,820	2,820	+300	---
Capitol Guide Service and Special Services Office	8,524	10,876	4,448	-4,076	-6,428
Statements of Appropriations	30	30	30	---	---
Total, Joint items	24,155	27,540	21,112	-3,043	-6,428
CAPITOL POLICE					
Salaries	217,135	---	224,500	+7,365	+224,500
General expenses	38,500	---	61,500	+23,000	+61,500
Salaries and expenses	---	299,070	---	---	-299,070
Emergency appropriations	10,000	---	---	-10,000	---
Total, Capitol Police	265,635	299,070	286,000	+20,365	-13,070
OFFICE OF COMPLIANCE					
Salaries and expenses	3,103	4,106	3,806	+703	-300
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	35,204	37,972	37,805	+2,601	-167
ARCHITECT OF THE CAPITOL					
General administration	77,128	87,714	81,733	+4,605	-5,981
Capitol building	23,886	29,480	24,567	+681	-4,913
Capitol grounds	7,577	10,225	9,310	+1,733	-915
House office buildings	59,896	50,621	66,151	+6,255	+15,530
Capitol Power Plant	79,847	119,226	91,017	+11,170	-28,209
Offsetting collections	-6,534	-8,000	-8,000	-1,466	---
Emergency appropriations	50,000	---	---	-50,000	---
Net subtotal, Capitol Power Plant	123,313	111,226	83,017	-40,296	-28,209
Library buildings and grounds	27,692	42,788	31,638	+3,946	-11,150
Capitol police buildings and grounds	11,768	18,816	16,109	+4,341	-2,707
Botanic garden	7,697	9,707	8,310	+613	-1,397

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2008 (H.R. 2771)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Capitol Visitor Center	43,758	---	---	-43,758	---
CVC Project (cost-to-complete)	---	20,000	20,000	+20,000	---
CVC Operations	---	13,884	7,545	+7,545	-6,339
Total, Capitol Visitor Center	43,758	33,884	27,545	-16,213	-6,339
Total, Architect of the Capitol	382,715	394,461	348,380	-34,335	-46,081
LIBRARY OF CONGRESS					
Salaries and expenses	387,597	467,452	401,000	+13,403	-66,452
Authority to spend receipts	-6,350	-6,350	-6,350	---	---
Subtotal, Salaries and expenses	381,247	461,102	394,650	+13,403	-66,452
Rescissions	-49,549	---	---	+49,549	---
Copyright Office, salaries and expenses	58,420	51,562	49,827	-8,593	-1,735
Authority to spend receipts	-35,758	-35,373	-44,224	-8,466	-8,851
Subtotal, Copyright Office	22,662	16,189	5,603	-17,059	-10,586
Congressional Research Service, salaries and expenses	100,786	108,702	104,518	+3,732	-4,184
Books for the blind and physically handicapped, Salaries and expenses	53,614	75,623	67,741	+14,127	-7,882
Total, Library of Congress	508,760	661,616	572,512	+63,752	-89,104
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	87,954	109,541	87,892	-62	-21,649
Office of Superintendent of Documents					
Salaries and expenses	33,096	45,613	35,434	+2,338	-10,179
Government Printing Office Revolving Fund	1,000	26,825	2,450	+1,450	-24,375
Total, Government Printing Office	122,050	181,979	125,776	+3,726	-56,203
GOVERNMENT ACCOUNTABILITY OFFICE					
Salaries and expenses	488,627	530,314	510,838	+22,211	-19,476
Emergency appropriations	374	---	---	-374	---
Offsetting collections	-7,931	-7,510	-7,510	+421	---
Total, Government Accountability Office	481,070	522,804	503,328	+22,258	-19,476
OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center Trust Fund	13,860	14,400	6,000	-7,860	-8,400
STENNIS CENTER FOR PUBLIC SERVICE					
Stennis Center for Public Service	430	430	430	---	---
Grand total	2,981,468	3,379,420	3,103,709	+122,241	-275,711

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2008 (H.R. 2771)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
House of Representatives	1,144,486	1,235,042	1,198,560	+54,074	-36,482
Joint Items	24,155	27,540	21,112	-3,043	-6,428
Capitol Police	265,635	299,070	286,000	+20,365	-13,070
Office of Compliance	3,103	4,106	3,806	+703	-300
Congressional Budget Office	35,204	37,972	37,805	+2,601	-167
Architect of the Capitol	382,715	394,461	348,380	-34,335	-46,081
Library of Congress	508,760	661,616	572,512	+63,752	-89,104
Government Printing Office	122,050	181,979	125,776	+3,726	-56,203
Government Accountability Office	481,070	522,804	503,328	+22,258	-19,476
Open World Leadership Center	13,860	14,400	6,000	-7,860	-8,400
Stennis Center for Public Service	430	430	430	---	---
Grand total	2,981,468	3,379,420	3,103,709	+122,241	-275,711

I reserve the balance of my time.

Mr. WAMP. Madam Chair, I want to start by saying that it's an awesome feeling being in my 11th year as a member of the House Appropriations Committee to be standing here as the ranking member offering our first bill and to congratulate our chairwoman from Florida on her first product. It is a joyous occasion for each of us, and I am grateful for this opportunity.

Let me also say that while I do not support and we do not support the overall spending that the Appropriations Committee is recommending for the year, we certainly do support this bill. This bill is a fiscally responsible product. We did work in a bipartisan way. We kind of went through waves where we could do better at times, but towards the end we really came together, and especially on the critical issues, in a bipartisan way. I commend the gentlelady from Florida on that cooperative spirit. I think we both learned a lot along the way about how to work with each other and how to reach out to our members and we do have a good subcommittee on both sides of the aisle.

I too want to thank this outstanding staff: Jeff Shockey and Liz Dawson on the minority side: Tom Forhan, Chuck Turner and David Marroni on the majority; particularly Melissa Chapman and Amanda Schoch on my personal staff for all the work that they've done. We're new, we're learning, but we are working together and we're grateful for that.

I want to point out a few things in this bill that I think are very noteworthy. As the chairwoman said, the Inspector General of the Architect of the Capitol is a very important move. Former chairman and now ranking member of the full committee, Mr. LEWIS, began this initiative in the '07 bill. For the chairwoman to go forward with it I think is incredibly important. We've learned a lot. Unfortunately, a lot of lessons learned from the CVC, but clearly they need the oversight of the Inspector General.

I also want to commend her on responding to the needs of the Capitol Police. If we are not state-of-the-art in communication on Capitol Hill, then in the whole country we've got a problem with security. They need the money for interoperable communications. It is now in this bill and we're grateful for that.

One caution, and we talked about it some during the rules debate, is this FDA building, the swing space, the whole issue of are we in the wake or behind the CVC going to go into another major capital improvement project and is that necessary or even wise at this time to go forward with that. We're going to talk more about that, but my view is we need sweeping procurement reforms in the way the AOC operates. I know that this is not necessarily an AOC directly driven project, but the whole supervision of how we procure capital improvements, renovations and do it is not efficient.

Frankly, we saw the Botanical Gardens a few years ago, we didn't learn enough lessons from that. We went into the CVC. It's gotten out of hand. We need reforms before we go forward. I look forward to discussing that more as the morning goes.

The Green the Capitol Initiative falls under the category of the prerogative of the majority but the responsibility of the minority to question, is this real substantive. I think there's widespread bipartisan support for environmental improvements on Capitol Hill and across the country. I'm the cochairman of the Renewable Energy and Energy Efficiency Caucus. The gentleman from Michigan, the ranking member of the House Administration Committee, will speak in a few minutes with concerns about the Green the Capitol Initiative. He's one of the leaders, as am I, on renewable energy and energy-efficiency technologies, but does this end up being somewhat window dressing, not as much substance as we would like. It's not a large budget issue, but we have the obligation to ask these questions.

One of the questions would be, we have an E-85 pump coming but we don't yet have these fleet vehicles or leased vehicles running off of E-85. So we've got to connect the dots and make this work, but we're respectfully asking these questions with the same desire as the majority, to green the Capitol and frankly be as environmentally responsible across the board as we can.

Let me also say another disappointing aspect is that we're still in my view not doing enough for the blind and physically handicapped. The digital talking books program does still receive a reduction even though we made some improvements at the full committee. I want to advocate for doing all we can along the way.

And then let me just say a word about something that's in this bill that thankfully the Rules Committee allowed to stay in this bill and it's the naming of the hall which some say that this subcommittee or even the full committee should not take action on, but I disagree. Because time is of the essence. This new Capitol Visitors Center is the 600-pound gorilla that we've been trying to get our arms around and frankly we've both taken a lot of ownership in this. We inherited this problem, as did the Acting Architect, Mr. Ayers, inherit the cost overruns in this very large project, which is unprecedented. We haven't done it in the history of the Capitol, something this large, 580,000 square feet, $592 million, over twice the original cost; but frankly the planning overlapped September 11. $170 million in cost overruns are for enhanced security improvements in the wake of September 11. But there is a 20,000 square foot space in the middle of this new Capitol Visitors Center, and it's going to be the largest congregate space in the Capitol. Unfortunately, through, I think bad communication, this hall was called the Great Hall, which is exactly the same name as the main hall in the Library of Congress for over 100 years. The Great Hall is this beautiful, ornate room at the Library of Congress. Early on, there was bipartisan agreement at our subcommittee that both of these halls on each end of a tunnel should not be called the Great Hall.

So we took action and I think carefully thought through and felt through some of the options, and the most glaring omission in the history of the Capitol is the irony that the people that built the Capitol were, in large part, slaves who never were honored in any way, shape or form for the work that they did building this Capitol. There were even periods of time where the people working on the dome were Union soldiers and slaves, at the same time, building the dome during the Civil War. What an unbelievably awesome thought that the people who were fighting for their freedom were working side by side with these slaves.

Listen, this is our opportunity to truly honor them in a way that transcends our service, our existence, individuals. And so the naming of this 20,000 square foot hall Emancipation Hall is something that is ripe with life and tradition and time-honored work for all of us. I'm pleased that it was left in the bill, and I'm pleased that our Senate counterparts took action on this yesterday by introducing legislation.

The power to convene is greater than the power to legislate. Sometimes we forget that things like this may seem to be symbolic, but it means so much more. I've taken 1,700 groups through the Capitol over the last 13 years. I give these tours and it inspires young people to a life of service. What greater way to honor freedom than to walk people through this new 20,000 square foot hall and say, this is Emancipation Hall, a great lesson of history.

□ 1100

We gained our national character by the mistakes that we learned from, never to repeat again. That's where we get our character. That's why this is so important.

Some people say we shouldn't spend the money to change the name of the signs. We should never have printed the signs. Let's not make another mistake by not rectifying this first mistake.

I really appreciate the bipartisan spirit in which we have worked on this particular issue.

Mr. HOYER. Would the gentleman yield?

Mr. WAMP. Madam Chairman, I yield to the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Madam Chairman, I wanted to rise not to speak on the issue that gentleman just spoke so passionately about, but just to say a word about the two new leaders of this committee.

I have had opportunity of serving in this House for some period of time. When I first came here, shortly thereafter, Vic Fazio, Congressman Fazio and Congressman LEWIS, who is now the ranking member of the Appropriations Committee, handled this responsibility that DEBBIE WASSERMAN SCHULTZ and ZACH WAMP are now handling. For almost at least a decade, Liz, I think they handled that responsibility. And they handled it in an absolutely bipartisan way to reflect the fact that 435 Members representing the 300 million people in this country care about this institution working well to their benefit, and to the benefit of our country.

I want to congratulate certainly DEBBIE WASSERMAN SCHULTZ, who, in her third year, has become a cardinal, in large part because of her energy and her focus and her talent and her experience in the State Senate in Florida and the House in Florida, and what she brings to this institution. She is an institutionalist.

We are also fortunate with ZACH WAMP from Tennessee, with whom I disagree from time to time and maybe a lot of times when we vote on substantive legislation, but who is a good friend of mine. We are blessed that the two of them are working on this bill.

I mentioned Liz Dawson, who has been, really, mothering this bill, I was going to say husbanding this bill, but for a very significant period of time, since she was a very young girl, and who cares a great deal about this institution. I want to thank her as well for her leadership.

But I think we ought to all feel fortunate that we have two people like DEBBIE WASSERMAN SCHULTZ and ZACH WAMP trying to make the accommodations for this institution to work well to represent our people. This is the people's House. To the extent that we have the resources to represent our people in a way that will reflect credit on this House and a positive result for our people, our country will be better. So I wanted to say that and congratulate Mr. WAMP and DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I yield 3½ minutes to the distinguished vice chair of the Subcommittee on Legislative Branch, the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Chairman, first let me also thank our chair for your leadership, for your very focused work, and for your commitment not only as chair and to this bill, but to this entire institution.

I also want to thank our Ranking Member WAMP for your leadership and your expertise and, really, your ability to work together in a bipartisan way to make the committee truly a bipartisan committee, which is what all of our committees are striving for.

So it's a pleasure to serve as vice chair on this committee. I am very proud of the product which we are presenting today.

I rise in strong support of this legislative branch appropriations bill, and really want to just take a moment to thank all of the staff who really, as a result of their vigilance and their expertise and their hard work, they were the ones who really helped us put this all together. I want to especially acknowledge Chris Lee on my staff, because this is one of his very first legislative initiatives, and he did a phenomenal job in keeping me pointed on looking at the goals of what we were trying to accomplish in this legislation.

This bill also seeks to improve the working conditions of dedicated staff who are a vital and integral part of this legislative process. This bill also commits the House of Representatives to set an example to the Nation on how to reduce the environmental impact of the workplace by beginning the greening of the Capitol complex. How exciting this is.

This bill also begins to address the pattern which, unfortunately it is, but it's a pattern of exclusion that has gone on for too long in contracting and procurement in the House of Representatives. For too long businesses owned by women, minorities and the disabled have not had a seat at the table. It was appalling, with what we learned at the hearings about the exclusion of such a large segment of our qualified business community. For too long we have operated without written formal policies and reliable reporting on compliance without the crucial data that the committee cannot know if real progress is being made or if additional action should be required.

Well, naming the great hall Emancipation Hall in recognition that the great Capitol had been built by the expertise, the blood, sweat and tears of slaves is appropriate and timely as we also now go beyond the name to include the descendants of slaves in the economic vitality and opportunity of this Capitol. So we have included in this bill language that requires specific contracting with minorities, with women and the disabled.

We required contractor and vending opportunities and access to equal opportunities for our disadvantaged businesses and for promoting their hiring and development as well.

We also include language that requires GAO to adopt a formal affirmative action plan. They may be doing the right thing, but we don't know that. We know that they do need an affirmative action plan, so we would require that in this bill.

We also make sure that there is accountability in this bill, but let me just say I am very proud of the fact that for the first time we will have requirements now, with our own Capitol contracting opportunities, as well as with the Visitors Center, to not exclude minorities and women and the disabled, but to include them in the economic opportunities that this bill provides.

Mr. WAMP. Madam Chairman, at this time I yield such time as he may consume to the distinguished ranking member of the full committee, Mr. LEWIS of California.

Mr. LEWIS of California. Thank you very much.

Madam Chairman, to ZACH WAMP, I want to express my feelings about your work on this bill in a couple of ways.

First, those of us on the committee who have watched this process go together, Chairwoman DEBBIE WASSERMAN SCHULTZ and ZACH WAMP working together, frankly, seeing people develop a relationship in a job that involves the real business of the House. It is the bill that funds our appropriations process. While it's not the largest bill, it's very important to the fundamentals here.

But I have never been quite so impressed as I watched them working with our very fine professional staff, to see them also bring along Members of the Appropriations Committee addressing this bill in a very special way. I wish the entire House could have observed the Appropriations Committee as we discussed Emancipation Hall the other day.

JESSE JACKSON was magnificent. The interplay between he and the chairwoman and ZACH WAMP was worthy of the Appropriations Committee, but very much a reflection of the very best of this House. I couldn't have been prouder than I was observing that conversation within appropriators.

With that I want to congratulate you very much for this product. It's a tremendous reflection of our work.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Chairwoman, I rise for the purpose of engaging in a colloquy with the chairwoman.

Madam Chairwoman, thank you for your leadership on this bill; In particular, for your support and leadership of the Green the Capitol Initiative, which accounts for the House's global impact on global warming.

Also, I want to thank the ranking member Mr. WAMP, Speaker PELOSI and Chairman BRADY as well.

Ms. WASSERMAN SCHULTZ. Would the gentleman yield?

Mr. WELCH of Vermont. Yes.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I would like to congratulate Mr. WELCH for his initiative in moving this issue forward.

Mr. WELCH of Vermont. By making my office carbon-neutral earlier this year, my hope was to be able to take a small, but meaningful, step towards addressing the impact of my own congressional activity on global warming.

May I clarify my understanding that the committee report on the bill directs the Chief Administrative Officer to purchase carbon financial instruments to offset carbon produced by all House operations, and that these offsets will be fully transparent, verified, American, project-based offset credits?

I yield.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

Yes, that's correct. As written in the report, the committee believes it is important to offset the greenhouse gases generated by the House, which is why we have directed the CAO of the House to purchase carbon offsets at the suggestion of the gentleman from Illinois (Mr. KIRK) and credits to successfully offset carbon produced by all House operations.

Mr. WELCH of Vermont. It's my understanding through conversations with Dan Beard, the CAO, that he has agreed to develop a plan to deliver a report to your committee in a timely fashion for accounting the balance of congressional offices' carbon footprints. This plan would expand the Green the Capitol Initiative to be inclusive of all Member official travel in district office operations.

I yield to the gentlewoman.

Ms. WASSERMAN SCHULTZ. It is the intent of the subcommittee to eventually encompass all House operations, including travel and district operations. I would welcome this report from Mr. Beard and encourage his recommendations on how we will offset the remaining carbon footprint of the House.

Mr. WELCH of Vermont. Thank you, Madam Chair; thank you, Ranking Member WAMP. We all really appreciate the way you have worked on this bill together. You make us all proud.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. WELCH.

I look forward to working together on this important issue.

Madam Chairman, I reserve the balance of my time.

Mr. WAMP. Madam Chairman, before yielding to the gentleman from Pennsylvania, let me just underscore what Mr. LEWIS said about the work of JESSE JACKSON, Jr., on the work on Emancipation Hall, but also the support from JOHN LEWIS, JIM CLYBURN and Ms. NORTON, who is in the Chamber this morning, and all the people who have any jurisdiction or involvement in this particular issue.

Ms. KILPATRICK and the Congressional Black Caucus support his bill, in large part because of JESSE JACKSON, Jr.'s, leadership. He is extraordinarily bright. He was so articulate and passionate about this issue. Frankly, it wouldn't have been done to this point. We are not complete without him. I just want to underscore that recognition.

Madam Chairwoman, I yield 3 minutes to the gentleman of Pennsylvania, a member of the full committee, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. I want to thank the chairman and the ranking member for their bonding of bipartisanship. We could use a lot more of that around here. I think it has been great.

I want to thank the chairman and ranking member for accepting my amendment in full committee that was a GAO study on the implications of changing our fuel source from coal to natural gas. That's a symbol for America to listen to our carbon imprint, so we will go to the clean, green fuel, natural gas.

I see universities doing it. I see State governments doing it already. As our symbol, if that happens in all agencies, State, local, education, we will have a huge impact on the need of affordable, clean natural gas in this country.

My concern is we have a body here who is very much opposed to the production of clean, green natural gas.

One point, on Green the Capitol, I have not been able to find a window that was Energy Star. I have not been able to find a window that was not a single-pane glass that is a great transfer of heat out and cold in. It seems like we ought to be using fuel-efficient first. Maybe that's our next objective.

We're going to be accepting an amendment in a few minutes, and I am not going to protest it, I will not debate it, on light bulbs. It's going to mandate energy-efficient Star-rated light bulbs.

I have them in my home. I have a large home. We have a lot of lights going, and I try to put them where I burn them all the time. But they are not very bright. They are not good for reading. My wife has replaced the one in her reading chair. They buzz sometimes, they just buzz like a transformer, so they are not exactly what we are used to.

Oh, by the way, next year at this time, every light bulb in the Capitol will be made in Communist China, will have mercury in it, and the incandescent light bulb industry that's left in this industry, and I have two plants, those good union jobs will be leaving quicker, not later.

I am not saying Americans shouldn't switch, but we need to know what we're doing.

□ 1115

I believe we need to have a much more thoughtful approach and look at where the jobs are in America in that we are transferring jobs to China. We're putting mercury into the workplace, and we're eliminating some of the best jobs that we have back in our districts. We need to think about that.

Ms. WASSERMAN SCHULTZ. Madam Chair, at this time I yield 4½ minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Chairman, I rise to engage the subcommittee chairwoman, Ms. WASSERMAN SCHULTZ, in a colloquy to express my concerns regarding the Comptroller General's implementation of the Human Capital Reform Act of 2004 and the resulting unionization effort at the Government Accountability Office.

For the past 18 months, the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, which I chair, has been investigating certain personnel actions taken by the Comptroller General.

Our investigation culminated in a joint House and Senate hearing on May 22, where CRS's legal division and the General Counsel for the GAO's Personnel Appeals Board testified that, based on current statute, GAO did not have the authority to deny over 300 employees who met and, in some cases, exceeded expectations, their 2006 and 2007 annual across-the-board increase.

GAO says that it took this action based upon a compensation-based study conducted by Watson Wyatt. However, when the subcommittee's staff, working with experts in market-based pay, reviewed the documentation, they were unable to validate that the employees who did not receive their across-the-board increase were overpaid, as asserted by GAO.

In addition to meeting their performance expectations, these employees were among the most experienced, with over 25 years of service to GAO.

The workforce at GAO has been severely disrupted by these personnel actions. In reaction to them, a majority of GAO's 1,500 analysts filed a petition with the GAO's Personnel Appeals Board to be represented by the International Federation of Professional and Technical Engineers.

Unfortunately, GAO has responded by hiring the law firm Venable, LLC, to represent it before the PAB. It is uncommon for a Federal agency to use taxpayers' dollars to hire private sector counsel for such purposes. In addition, GAO is asserting that one-third of the petitioners are supervisors and, therefore, cannot unionize.

Furthermore, GAO has indicated that if its challenge is successful, and it can show that the alleged supervisors were involved in the solicitation of authorization cards for the remaining eligible employees, it will not commit to recognize and bargain with the employee group.

I yield to the chairwoman to ask what steps has the Appropriations

Committee taken to address Member and employee concerns about the situation at the GAO.

Ms. WASSERMAN SCHULTZ. Thank you for yielding, Chairman DAVIS. Like you, I am very concerned about the Comptroller General's actions and have personally spoken to him to express my concerns.

I am committed to doing all we can to ensure that the Comptroller General does not put up obstacles to workers' rights to organize. In particular, I am dismayed the GAO, as a legislative branch agency, has retained outside counsel, rather than use its own attorneys to represent it before the Personnel Appeals Board. This action is unnecessarily costly and will likely delay the process of determining the outcome of the petition.

The committee has reiterated these points in report language in this bill. We will be closely monitoring the progress of the Comptroller's review of eligibility, and we are requiring weekly reports on progress in these areas.

Mr. DAVIS of Illinois. Thank you, Chairman WASSERMAN SCHULTZ. My committee will continue to closely monitor this situation as well. I look forward to working with your subcommittee on this matter in the future.

Representatives WYNN, VAN HOLLEN, and Majority Leader HOYER regret that they could not be here to speak on this issue. However, I have statements from them, and will submit them for the RECORD, along with a letter dated June 21, 2007, from the International Federation of Professional and Technical Engineers to Comptroller General David Walker alleging unfair labor practices.

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL-CIO & CLC,
Silver Spring, MD, June 21, 2007.

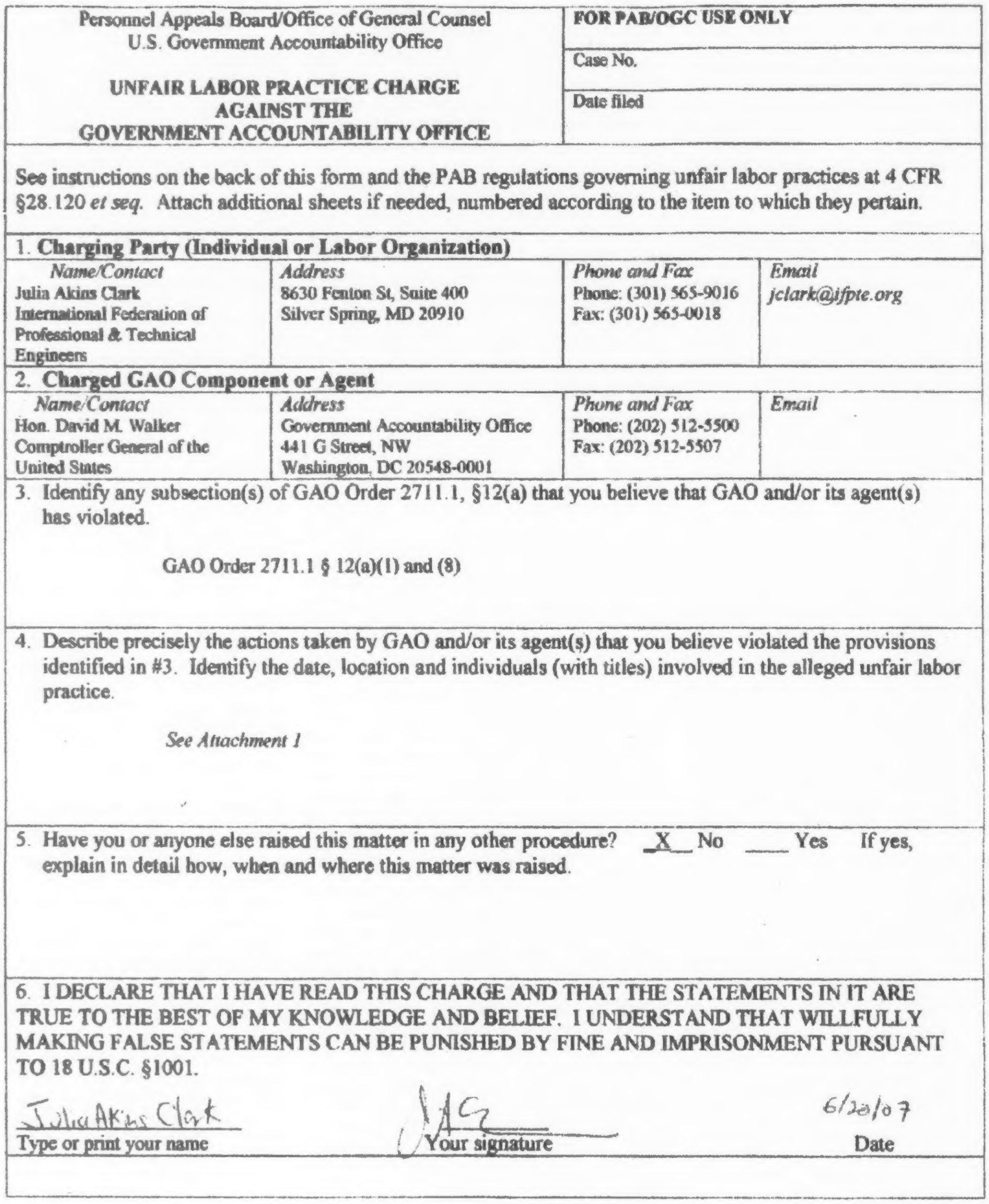
Hon. DAVID M. WALKER,
Comptroller General, Government Accountability Office, Washington, DC.

DEAR MR. WALKER: Enclosed is an unfair labor practice charge against you. Accept this letter and enclosure as your 30 day advance copy of the charge pursuant to GAO Order 2711.1§15(b). We request that you review the allegations, and to prevent any future violations we urge you to cease any activity related to those described herein. Further, we trust that you will instruct all other Agency officials that such improper conduct will not be permitted.

We anticipate an informal resolution of this charge pursuant to GAO Order 2711.1§15(b). However, if this matter cannot be resolved informally within the next 30 days, the charge will be filed with the GAO Personnel Appeals Board Office of General Counsel and further action will result.

Sincerely,

GREGORY J. JUNEMANN,
President.



Personnel Appeals Board/Office of General Counsel
U.S. Government Accountability Office

UNFAIR LABOR PRACTICE CHARGE
AGAINST THE
GOVERNMENT ACCOUNTABILITY OFFICE

FOR PAB/OGC USE ONLY

Case No.

Date filed

See instructions on the back of this form and the PAB regulations governing unfair labor practices at 4 CFR §28.120 *et seq.* Attach additional sheets if needed, numbered according to the item to which they pertain.

1. **Charging Party (Individual or Labor Organization)**

Name/Contact	*Address*	*Phone and Fax*	*Email*
Julia Akins Clark International Federation of Professional & Technical Engineers	8630 Fenton St, Suite 400 Silver Spring, MD 20910	Phone: (301) 565-9016 Fax: (301) 565-0018	*jclark@ifpte.org*

2. **Charged GAO Component or Agent**

Name/Contact	*Address*	*Phone and Fax*	*Email*
Hon. David M. Walker Comptroller General of the United States	Government Accountability Office 441 G Street, NW Washington, DC 20548-0001	Phone: (202) 512-5500 Fax: (202) 512-5507	

3. Identify any subsection(s) of GAO Order 2711.1, §12(a) that you believe that GAO and/or its agent(s) has violated.

GAO Order 2711.1 § 12(a)(1) and (8)

4. Describe precisely the actions taken by GAO and/or its agent(s) that you believe violated the provisions identified in #3. Identify the date, location and individuals (with titles) involved in the alleged unfair labor practice.

See Attachment 1

5. Have you or anyone else raised this matter in any other procedure? X No ____ Yes If yes, explain in detail how, when and where this matter was raised.

6. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT WILLFULLY MAKING FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT PURSUANT TO 18 U.S.C. §1001.

Julia Akins Clark
Type or print your name

Your signature

6/20/07
Date

INSTRUCTIONS FOR FILING AN UNFAIR LABOR PRACTICE CHARGE AGAINST THE GOVERNMENT ACCOUNTABILITY OFFICE

Use this form if you are charging that the U.S. Government Accountability Office (GAO) or its agents committed an unfair labor practice under GAO Order 2711.1, §12(a). File an original signed copy of the charge with the Personnel Appeals Board, Office of General Counsel (PAB/OGC) at 820 1st St. NE, Suite 580, Washington, D.C. 20002. If filing a charge by fax (202.512.7522), you must promptly submit the signed original to the PAB/OGC. You may, but are not required to, submit evidence or documents supporting the charge. If you choose to do so, these materials must be delivered, not faxed, to the PAB/OGC.

LINE BY LINE INSTRUCTIONS

1. Give the full name, mailing address, phone and fax numbers, as well as email address, of the Charging Party. If a union, give both national affiliation (if any) and local designation. If an employee, identify the component of GAO at which you are employed.

2. Identify the GAO official alleged to have committed the unfair labor practice(s) by full name, mailing address, phone and fax numbers as well as email address (if known). Provide the name of a contact person if the charged party is GAO or a component of GAO.

3. Identify which of the following provisions of GAO Order 2711.1, §12(a) that you allege was violated:

(a) It shall be an unfair labor practice for the GAO to

(1) interfere with, restrain, or coerce any employee in the exercise by the employee of any right under GAO Order 2711.1;

(2) encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment;

(3) sponsor, control, or otherwise assist any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(4) discipline or otherwise discriminate against an employee because the employee has filed a charge, complaint, affidavit, or petition, or has given any information or testimony under GAO Order 2711.1;

(5) refuse to negotiate in good faith with a labor organization as required by GAO Order 2711.1;

(6) fail or refuse to cooperate in impasse procedures and decisions as required by GAO Order 2711.1;

(7) enforce any rule or order, other than a rule or order implementing 31 U.S.C. 732(h)(2), which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or order was prescribed; or

(8) otherwise fail or refuse to comply with any provision of GAO Order 2711.1.

4. Be concise, complete and factual. Tell what happened in chronological order.

5. State whether this same matter has already been raised as all or part of a claim brought elsewhere, e.g., the GAO Office of Opportunity and Inclusiveness or grievance procedure.

6. Type or print your name. Date and sign the statement attesting to the truth of the statements contained therein.

UNFAIR LABOR PRACTICE CHARGE AGAINST THE GOVERNMENT ACCOUNTABILITY OFFICE

ATTACHMENT 1

Item (4):

Comptroller General David M. Walker has made remarks regarding the International Federation of Professional and Technical Engineers ("IFPTE") and its efforts to assist employees of the Government Accountability Office ("GAO") in their organizing activities, which violate the requirement that management, especially the Comptroller General as head of the Agency, maintain strict neutrality during a union organizing campaign. GAO Order 2711.1 (defining a management action which interferes with protected Union activities as an Unfair Labor Practice). See GAO Order 2711.1 12(a) (requiring management not to "interfere with, restrain, or coerce any employee in the exercise by the employee of any right").

It is well established pursuant to Federal Labor Relations Authority ("FLRA") precedent that the prohibition on interference with protected Union activities means that an Agency must remain neutral during a Union organizing campaign. See also 5 U.S.C.§7116(e) (providing that management can only make expressions of personal view, argument, opinion or statements relating to cc representation elections that: (1) publicize the fact of a representational election and encourage employees to vote; (2) correct the record with respect to any false or misleading statement made by any person; or (3) inform employees of the Government's policy relating to labor-management relations and representation as long as these statements do not contain threat or reprisal or promise of benefit and are not made under coercive conditions).

The objectionable remarks are summarized below:

In a January 23, 2007 article on www.govexec.com. (See Rutzick, Karen, "GAO Employees Move Toward Vote on Union Representation") Comptroller General Walker: (1) Characterized the union movement as coming from a "handful" of employees; (2) Stated that, "a few employees are trying to do something"; and (3) Stated that, "there are pros and cons" of the organizing effort that "[he] would have to present to [his] employees".

During the May 9, 2007 quarterly Health Care Team meeting at GAO, held the day after the representation petition was filed Comptroller General Walker: (1) Stated that having a union can seriously impact the decision-making process within an agency, and could "dramatically" slow things down; (2) Stated that he wanted employees to "have all the information" before deciding on whether or not to bring such a change to GAO; and (3) Stated that some employees are concerned that the workplace is "not fair" and "those that think it is not fair do not understand the situation."

Similarly during the June 6, 2007 IT Team staff meeting at GAO, Comptroller General Walker: (1) Stated that, "[t]he people who want a union are the vocal minority in GAO"; and (2) Stated that "[d]ue to union organizing efforts, labor law prevents [him] from helping employees unilaterally. Both of [my] hands are tied due to the union organizing efforts".

Comptroller General Walker's above-referenced statements to the media and in his addresses to GAO staff meetings are a breach of his obligation to remain neutral regarding the employees' union organizing effort, and constitute a violation of GAO Order 2711.1 §12(a)(1) and (8).

On June 19, 2007 the agency circulated a memorandum to GAO employees. The document: (1) Is titled "Union Update." The title of the document is confusing and implies that it is from the Union rather than the Agency; (2) Stated that IFPTE filed the representation petition when in fact the name of the petitioner is GAO Employees Organization, IFPTE; (3) Withholds the fact that in its May 16, 2007 letter to the PAB the employer agreed to the exclusion of PDP employees, and changed its stance during the meeting between the parties on June 13, 2007; (4) Withholds the fact that GAO's offer required the union to waive the right of Band IIB employees to be union represented, in consideration for GAO's agreement to hold the union election in July. Further, GAO withheld the fact that the union offered to hold the election during the summer, and resolve GAO's IIB supervisory challenge post-election, in order to expedite the election; and; (5) States that a hearing will be held this summer. The agency has no basis for that assertion, since no hearing date has been set.

These statements contained within the memorandum are inaccurate and misleading. As noted above, the June 19, 2007, "Union Update" contains numerous factual errors and omissions which, in and of themselves constitute violations of Section 2711.1 §12(a)(1) and (8). In addition, however, section 2711.1 §12(e) specifies the conditions in which the Agency may provide information about the organizing/election process. The information in the Agency's "Union Update" goes well beyond the matters specified. The Agency is not permitted to provide periodic self-serving, spinning of facts related to the ongoing procedures of the union organizing process, and then send these to a captive audience via intranet. Accordingly, the contents of the "Union Update" itself constitute a ULP in violation of 2711.1 (a)(1) and (8). Moreover, the inaccuracies in the document interfere with employees' free choice and are impermissible pursuant to GAO Order 2711.1 §12(e) and inconsistent with 5 U.S.C. §7116(e). Thus, the document constitutes a violation of GAO Order 2711.1 §12(a)(1) and (8).

PERSONNEL APPEALS BOARD/OFFICE
OF GENERAL COUNSEL, U.S. GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC., June 21, 2007.

REQUEST TO PROCEED

The undersigned requests the Personnel Appeals Board to proceed with the above-captioned representation case notwithstanding the alleged violation(s) of GAO Order 2711.1, §12(a) filed directly with the charged party pursuant to GAO Order 2711.1, §15(b) on June 21, 2007.

Respectfully submitted,
JULIA AKINS CLARK.

Ms. WASSERMAN SCHULTZ. Madam Chair, at this time I reserve the balance of my time.

Mr. WAMP. Madam Chair, before recognizing the ranking member of the House Administration Committee, Mr. EHLERS of Michigan, I want to just point out that the Comptroller General of the GAO, David Walker, has stated that he "supports the right of GAO employees to organize if they so choose." And I also recognize the presence on the floor today of the chairman of the House Administration Committee, the gentleman from Philadelphia, Mr. BRADY, a friend of mine.

But to speak eloquently on this bill is a man who knows as much about the

House as anyone here, a person who I work with very well. I yield 9 minutes to Mr. EHLERS of Michigan.

Mr. EHLERS. Madam Chair, I'd like to thank the gentleman from Tennessee for yielding to me to speak on this legislation.

First of all I'd like to respond to his comments earlier about greening and also the comments of the subcommittee Chair. I have been involved in environmental issues even before the first Earth Day. And I also, with all the discussion about fluorescent lights, it's more than 15 years ago that we installed fluorescent lights in the most heavily used parts of our house. We have saved immense amounts of energy and, above all, have avoided having to change light bulbs very often. It's certainly a good thing to do, and we should do it here.

Also, in connection with the comments made about the carbon footprint of the House, let's recognize the most important thing to do is to start by conserving energy, and that is key. You can gain more energy and greater results by increasing efficiency of the use of energy than any other single thing you can do, not just in the Capitol but, frankly, anywhere. And every reduction in a kilowatt of energy is a reduction in carbon emissions. So you can do two things at once.

And I applaud the emphasis on the carbon issue, but that's part of it. Include energy too, that's a very important part. So I encourage the full view. Simply buying credits from someone, if we ever do, and I don't think we should, is not really the answer. We have to reduce the amount we use, and there are many, many ways we can reduce the use of energy in this complex. I thank the gentleman from Tennessee (Mr. WAMP) for the compliment on that issue.

The main reason I rise today is to express my concerns with many of the administrative provisions in this bill that infringe on the jurisdiction of the Committee on House Administration. These could hamper our ability to provide meaningful and effective oversight of the offices and operations within our purview.

I recognize full well I am no longer the chairman of the committee, but I am the ranking Republican. And Mr. BRADY, whom I think very highly of, is in total agreement on these issues.

Initially, when I saw these, I thought of taking the route of moving points of order against these issues, but I'd prefer to work this out with the Chair and ranking member of the subcommittee.

Let me share just a few of the matters that have raised concern among members of the Committee on House Administration. I have also shared these with Mr. BRADY and with Mr. WAMP, and I know that Mr. BRADY shares my concern.

In the section titled "Legislative Branch-wide Matters," the report language states in regard to policies governing contracts with women and minority-owned businesses that "all agencies shall provide a copy of policies to the Committee on Appropriations of the House and Senate within 60 days of enactment of this act."

It goes on to say that "the committee further directs all agencies provide an annual report of their compliance with this policy." One of the key reforms in the last decade or so has been giving the Committee on House Administration authority governing use of accounts within the House. The oversight provided by the House Administration Committee was designed to prevent financial abuses and also extended to the creation of procurement guidelines, since procurements are made from House accounts.

Those reforms were put in place to guarantee open competition in the procurement process and to ensure that the House would get the best value for the taxpayers' dollars.

This bill essentially creates a reporting relationship to the Appropriations Committee that circumvents the Committee on House Administration and damages our committee's ability to perform the vital oversight function that is within our jurisdiction.

And I would appreciate it if I could have the attention of the Chair because I'm going to ask a question about this in a few minutes.

In the section titled "Culinary School Students," the Appropriations Committee requests that the Chief Administrative Officer contact culinary schools and explore the possibility for culinary school students to enhance their skills and make appropriate arrangements for the students to participate on a rotational basis among the participants in an on-the-job training or similar program.

While I certainly appreciate the interest of the Appropriations Committee in training students and creating a more enjoyable dining experience for Members and staff, the House Administration Committee has already tried to do this in the past and found that no culinary schools were interested because of the unpredictable hours of operation. Again, by circumventing our committee's authority, the Appropriations Committee has added another layer of bureaucracy, created a duplication of work for the CIO, and created a conflict of oversight authority.

Similarly, in the section titled "Disability Access," the language includes a directive to the Chief Administrative Officer of the House, with the assistance of the Architect of the Capital, Government Accountability Office, and the Office of Compliance, where necessary to do a comprehensive assessment of the Capitol complex regarding disability access.

In fact, as required by the Congressional Accountability Act of 1995, the Office of Compliance conducts biennial ADA inspections of the legislative branch. Most, if not all, of the corrective actions to be taken are under the purview of the Architect of the Capitol. The AOC works closely with the OOC to develop abatement plans and includes cost estimates for that abatement in their annual budget submissions. The CAO is not equipped to conduct this type of study and does not have authority to examine the entire Capitol complex.

Just to conclude, while each of these issues are troubling on their own, together with the other concerns I have addressed with Chairman BRADY, they carry even greater significance as a symbol of an emerging pattern whereby report language is being used to establish administrative policy that was never intended to be a matter before the Appropriations Committee. If continued, this creates a duplicative oversight function, threatens to severely hamper the oversight ability of the House Administration Committee.

We've often heard the term "the power of the purse strings," but in this case the power's being used to grant oversight authority to the Appropriations Committee in a manner that will create additional bureaucracy and cause undue harm, particularly to the jurisdiction of the Committee on House Administration.

I would like to yield time to the Chair of the subcommittee to respond to this. I hope that we can resolve this amicably, and that's why I did not make an issue offering points of order to strike language, et cetera. I don't want to make a do-or-die issue of this, but I would appreciate assurances from the Chair of the subcommittee that we can amicably resolve these jurisdiction issues between ourselves and perhaps with the help of the Parliamentarian.

And I know that Mr. BRADY shares my concern. I believe he's had some conversations with you as well.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding, and I appreciate the hard work of the distinguished gentleman from Michigan (Mr. EHLERS).

□ 1130

I appreciated as a freshman his assistance during the orientation process and want to assure the gentleman, as I have in conversations with Chairman BRADY, that the language in our report, specifically as it relates to the culinary language, is simply a request for the GAO to take a look at that issue so that we can incorporate culinary students in an instructional way in the preparation and delivery of food in the Members dining room. In addition, the disability language, while it is a directive, it was intended to make sure that we could keep the safety and security focus of our legislation.

I do look forward to working very closely with the chairman and the ranking member of the House Administration Committee so that we can make sure that we cover those needs that we have in the House of Representatives and the legislative branch agencies.

And I appreciate the gentleman's kind words.

Mr. EHLERS. Madam Chairman, reclaiming my time, I thank the gentlewoman for the assurance.

I just want to state I have been on that committee virtually since I came to the Congress. I have worked very, very hard on this committee to establish a good working administrative system. We have clarified jurisdiction over the years, and even though I am no longer chairman but the ranking member at this point, I just want to ensure that the committee continues to enjoy a good relationship with the subcommittee.

I thank the gentleman for the time.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Ms. JACKSON-LEE of Texas) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

Ms. WASSERMAN SCHULTZ. Madam Chairman, at this time I would like to yield 1 minute to the distinguished chair of the House Administration Committee, the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Madam Chairman, I just want to say a few quick things.

We had a problem in House Administration when Chairwoman MILLENDER-MCDONALD passed away. There was a void. But taking over as chairman, I have a great working relationship with my ranking minority member, Mr. EHLERS. I have a great working relationship with the ranking minority member of this subcommittee, ZACH WAMP. I also have tremendous respect for and a great working relationship with the chairwoman.

We have had some conversations that we did not need to discuss here. I have been assured and am extremely comfortable with the fact that we will be together working out our jurisdictional problems. I thank the gentlewoman for stepping in at a time when it was needed. Again, with my ranking minority member, we have a great relationship. We probably have the best committee in that we get along all the time. We are going to continue to do that. I thank, again, the ranking member.

I look forward to working with you, and I have your assurance that we will be doing that.

Madam Chairman, I want to express my appreciation for the work of the gentlelady from Florida to craft the FY08 appropriations bill for the Legislative Branch. As we are well aware in the Committee on House Administration, working on this bill may not be very glamorous, but it is essential to keeping the House running.

The Committee on Appropriations has done a good job of balancing the many needs of the House—paying our employees, keeping the physical plant running, and operating the various agencies that serve Capitol Hill.

I am particularly pleased to see in this bill an additional $5 million toward upgrading the radio systems of the Capitol Police. Establishing a secure communications system for our police force is essential to the security of the Hill.

I also appreciate the Committee's commitment of funds for the "Green the Capitol" initiative. According to the House Chief Administrative Officer's calculations, we can eventually recoup these costs from savings on our utility bills when we make the House more energy-efficient.

I look forward to continuing our strong working relationship in the future.

Finally, as Chairman of the Joint Committee on Printing, I urge the Members to reject the amendment by the gentleman from Arizona [Mr. FLAKE]. It is essential that the Congressional Printing and Binding Appropriation be funded at least at the level recommended by the Appropriations Committee. The Government Printing Office must have enough resources to provide Congress with the printing and digital services fundamental to our legislative process.

The congressional printing account has been flat-funded since 2005. As a result, in order to deliver what we require to do our jobs in Congress, GPO has had to reach into its own working capital. When GPO depletes it working capital, it consumes funds otherwise available to keep pace with technology, train employees, even to maintain plant and equipment.

GPO receives no salaries-and-expenses appropriation for its printing operations. GPO runs just like a business, and the Congressional Printing and Binding Appropriation is Congress' prepayment for its own orders. As a GPO customer, like many other Federal agencies, Congress has to pay its way and cannot expect GPO to underwrite printing needs, especially as we increase congressional activity in this 110th Congress. If Congress continues to underfund its own printing, GPO will eventually face a financial crisis that we caused, threatening its ability to operate for any of its agency customers. Let's reject the Flake amendment to keep that from happening.

Mr. WAMP. Madam Chairman, I continue to reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chairman, at this time I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Chairman, I thank the gentlewoman for yielding.

I thank her for her excellent work on her maiden voyage as chair.

I have come to say a few words that I think need saying about the performance of GAO with respect to the grand experiment that our committee allowed on pay for performance. We allowed it. We have not tried to interfere with it. But the actions taken by the Comptroller General where you would at least have expected it has produced nothing short of a revolution within, of all places, the GAO workforce.

They were chosen for this grand experiment because they were a fairly upscale part of the Federal workforce. And what have we got? How would you feel if you had worked at or above performance, and yet you were among 300 employees of, what is it, 2 million Federal employees who did not receive the across-the-board pay increase that everybody else receives? Well, some of you might have sued or filed a claim with the Personnel Appeals Board within the GAO. And those employees, all 12 of them, have received their COLA, have been promoted, and have had their retirement fixed.

But there are 300 employees from 2006, 130 from 2007 who have been punished as to their pensions and pay because the Comptroller did not keep his promise with the Congress, which was that nobody's across-the-board pay would be affected. In fact, what he did was to insert a market-based study without informing the subcommittee, an unvalidated study, and now he has a whole racial claim on top of it because the African Americans have been disproportionately affected by his action.

If the Comptroller wanted some help, he could have gone to the OPM. Instead, he used a market-based study from a consultant. If he wanted to know how to deal with unionization which is now upon him, he could have gone to the OPM. He could have gone to the Federal Labor Relations Authority. Instead, he is spending taxpayer funds in order to try to beat a union within the Federal sector, the first time ever. If we allow taxpayer funds to be used that way, then it seems to me we ought to be called to account.

Mr. WAMP. Madam Chairman, I continue to reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chairman, at this time I yield 3 minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Chair, I rise in support of H.R. 2771, the legislative branch appropriations bill. I want to thank Chairwoman WASSERMAN SCHULTZ, Ranking Member WAMP, and the appropriations staff for their hard work in crafting this fiscally responsible bill.

The bill on the floor today is "lean and mean," providing just the resources that we need to serve the people in an honest, transparent manner.

I strongly believe that as our Nation's elected leaders, we have a responsibility here in the people's House to lead the Nation in creating an environmentally friendly workplace. This is why I crafted two amendments for today's bill that would have directed the Architect of the Capitol to take small but significant steps toward "greening" the Capitol complex.

I am pleased that Subcommittee Chairwoman WASSERMAN SCHULTZ shares my support for the Speaker's Greening of the Capitol Initiative. Since she has enthusiastically agreed to consider them during conference, I won't be offering them today.

But I would like to draw the House's attention to these two initiatives because they demonstrate how small investments can reap large rewards.

Both initiatives were drawn from the Greening of the Capital report recently completed by the Architect of the Capitol, and both are endorsed by the American Society of Landscape Architects.

The first initiative would study the feasibility of constructing a "green roof" on the Ford House Office Building. A green roof is a rooftop that is carefully planted with vegetation. It can be anything from a simple plot of grass to a park-like setting.

Green roofs have proved to be tremendous economic and environmental benefits. They are great insulators, reducing heating and cooling costs often by as much as 25 percent. And they save on maintenance costs as well since they are more protective than traditional roofs. Green roofs cool the surrounding neighborhood by reducing the amount of heat that is reflected back into the surrounding atmosphere, the so-called urban heat island effect. Vegetation on green roofs celebrates our natural heritage and also absorbs rainwater, reducing contaminated runoff.

Even with all these benefits, green roofs have not caught on. They are not very popular yet in the United States. And as Members of Congress, we now have the opportunity to lead by example. A successful demonstration of the economic benefits of green roofs right here in the Capitol Complex can help promote green roofs across the Nation.

My second proposal concerns the planting of more trees around parking lots in the Capitol Complex. My colleagues who closely follow environmental issues already know that trees have a remarkable ability to reduce the air temperature in our urban areas. Trees remove carbon from our atmosphere, shade our buildings and cars, and even reduce asthma by filtering out air pollutants. According to the nonpartisan Congressional Budget Office, this proposal would even save the taxpayers money.

Without action this year, many of the Speaker's Greening of the Capitol Initiatives, including the two I have just discussed, won't get funding until 2009 or 2010. These proposals would get us started modestly but promptly and don't require additional funds.

I look forward to working with Chairwoman WASSERMAN SCHULTZ to incorporate these projects into the legislative branch's plans for 2008.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I yield myself 30 seconds.

I want to thank the gentlewoman from California for her leadership on environmental issues and look forward to working with her on continuing the Speaker's leadership on the Green the Capitol Initiative, both in terms of planting of the trees and the greening of roofs, and I look forward and appreciate her input.

At this time, Madam Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, this place, this House is always at its best when Members of the United States Congress work together. And I want to congratulate the chairwoman of this committee and the ranking member of this committee for working together.

Most people don't understand that the legislative branch creates an atmosphere of hospitality in this place. As I look and see the number of visitors that we have, your responsibility is to secure them and to welcome them. Let me thank you personally for the task that you have undertaken.

I want to thank you for the increase in the House Child Care Center, and I hope that our community does not criticize the fact that we are family friendly so that employees have the opportunity to have child care.

I want to thank you for supporting the Speaker's Green Initiative because we, too, must do what we ask Americans to do.

And, of course, the brave men and women that serve us, I welcome the increase in the Capitol Police, and I also look forward to their continuing to address the questions of discrimination and equality as they increase the numbers of police.

Let me join in the words of Congresswoman ELEANOR HOLMES NORTON and hope that we will challenge, if you will, the GAO to be responsible in its dealings with its employees and unionization.

But I came today to be able to offer to the American public the sense of pride and the sense of humbleness that I am now experiencing because of your grand leadership and that of the Appropriations Committee. And my good friend Congressman JESSE JACKSON and, of course, members of the Congressional Black Caucus signed a letter, which I was proud to sign, because this picture reflects something that is near and dear to Texas.

My good friend comes from Tennessee. He knows that we have a lot of continuity or connection between Tennessee and Texas and the good State of Florida.

But we celebrated this week the Emancipation Proclamation. We celebrated, in particular, Juneteenth. Those of us in the South remember Major General Gordon Granger coming 2 years late to indicate that we might be free. Isn't it wonderful that now we will name the Visitors Center, and we hope for our good friends in the other body to be as reasonable, the Emancipation Hall.

I went through the hall just outside this door before I came to the floor, and I saw the name of William Jennings Bryan. I saw the name Wheeler of Alabama, Huey Pierce Long, Lew Wallace, Sequoyah, Sam Houston.

□ 1145

I met a woman who told me about her grandfather, Levi Coffin, who had helped slaves in the Underground Railroad. Her name was Ms. Holt. She was just standing there talking to me.

That's what naming the Emancipation Hall means to America. It reflects the wholeness of America, the wonderment of our history, the dignity of our history. Yes, slaves built this place, but all Americans will be able to go into Emancipation Hall, and it will symbolize the freedom of this Nation. I am so grateful that we have come to this place at this time.

I ask my colleagues to support this legislation, Emancipation Hall.

Madam Chairman, I rise in support of H.R. 2771, the Legislative Branch Appropriations Act of 2008 and to commend Chairwoman WASSERMAN SCHULTZ for her leadership in shepherding this bill though the legislative process. This legislation funds the House, Senate and various entities in the legislative branch, including the Library of Congress, the Capitol Police, the Government Accountability Office, and the Government Printing Office.

But it does more than that, Madam Chairman. The bill provides funding for "Greening the Capitol" to reduce carbon emissions from the operations of House buildings and the Capitol. It makes the necessary investments for critical health and safety needs by funding security upgrades and addressing health hazards and safety requirements in law. In short, this legislation demonstrates a commitment by the new Democratic majority to increased oversight, accountability and fiscal responsibility.

H.R. 2771 appropriates $3.1 billion for legislative branch entities, including $1.2 billion for House operations and $1.9 billion for legislative branch agencies and other offices. The total provided is $275.7 million (8 percent) less than requested by legislative offices and agencies and only $122.2 million (4 percent) more than comparable FY 2007 funding. Nearly 25 percent of this increased funding is directly attributable to costs associated with the 2008 presidential election and subsequent inauguration.

Following the long-established practice that each house of Congress determines its own housekeeping requirements without interference from the other body, the bill contains no funding for Senate operations. The bill appropriates $1.2 billion for operations of the House of Representatives, which is $36.5 million (3 percent) less than requested, but $54.1 million (5 percent) more than current funding.

The total for the House includes $581 million for members' offices, also known as MRA's, 5 percent more than current funding, but 5 percent less than requested and $162.8 million for House committees, 8 percent more than current funding and 4 percent more than requested. The bill also provides $169.4 million for the various House officers and employees, including the Clerk of the House, the Sergeant at Arms, and the Chief Administrative Officer (CAO), 8 percent more than current funding, but 3 percent less than requested.

H.R. 2771 provides $21.1 million for joint House-Senate items, 13 percent less than current funding and 23 percent less than requested, when the recent June 8 supplemental request for the Capitol guides is taken into account. The appropriated amount includes $9.4 million for the Joint Committee on Taxation, 7 percent more than current funding.

Madam Chairman, H.R. 2771 provides a total of $1.9 billion for other offices and legislative branch agencies that directly or indirectly support congressional operations. This funding is $71.2 million (4 percent) more than current levels but $232.8 million (11 percent) less than requested. Among the agencies this bill funds are the Architect of the Capitol; the Capitol Police; the Library of Congress; the Government Printing Office, the Congressional Budget Office, and the Government Accountability Office.

For the Architect of the Capitol, the bill provides $348.4 million, 9 percent less than current funding and 12 percent less than requested. Included in the bill is $27.5 million for the Capital Visitors Center. I cite with particular approval that the bill renames the center's Great Hall as "Emancipation Hall" in remembrance of the slave labor that created this mighty edifice.

Earlier this week, the House passed H. Con. Res. 155, which recognized the historical significance of June 19, 1865, or "Juneteenth," the oldest known celebration of the ending of slavery. On June 19, 1865, Union soldiers, led by Major General Gordon Granger, landed at Galveston, TX, with news that the war had ended and that all slaves were now free. But this was 2½ years after President Lincoln's Emancipation Proclamation—which had become official January 1, 1863.

Madam Chairman, I suppose it may just be another irony of life that the U.S. Capitol was rebuilt during the Civil War and completed around the time of Juneteenth. This magnificent symbol of democracy, freedom, and equality could not have been brought in to being without the blood and sweat and unrequited toil of slave labor. For much of our history the contributions to our country by slaves and their descendants has not been fully acknowledged. But in renaming the Great Hall to the Capitol Visitor Center as "Emancipation Hall," we begin to rectify this error. It is a wonderful thing we are doing.

The bill also provides $3.9 million to implement the "Green the Capitol" initiative, including $2.7 for shifting from coal to natural gas for heating in the Capitol power plant, and the report requires the House CAO to purchase carbon credits. The bill also requires the hiring of an inspector general.

The bill provides the Capitol Police $286 million, which is $13.1 million (4 percent) less than requested, but $20.3 million (8 percent) more than current funding. The Library of Congress is slated to receive $572.5 million, $63.8 million (13 percent) more than the current level, but $89.1 million (13 percent) less than requested. There is $125.8 million for the Government Printing Office; $37.8 million for the Congressional Budget Office (CBO); and $503.3 million in net funding for the Government Accountability Office (GAO). The bill does not contain any earmarks as defined under House rules.

To conclude, Madam Chairman, I strongly support H.R. 2771 because it makes the necessary investments for critical health and safety needs by funding security upgrades and addressing health and safety hazards. I support this legislation because it reflects the commitment by the new Democratic majority to increased oversight, accountability and fiscal responsibility.

I thank Chairwoman WASSERMAN SCHULTZ for her fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I reserve the balance of my time.

Mr. WAMP. Madam Chairman, with the understanding that the distinguished Chair from Florida will close, I would like to yield myself 1 minute before yielding the balance of our time to the gentleman from Georgia (Mr. KINGSTON).

I congratulate our chairwoman for just working really hard, having a lot of hearings, digging in, learning a lot, and then finding a way to work together through the process, and I'm grateful.

Also, I want to say, with regard to the GAO issue and outside counsel, using outside counsel is actually commonplace; even the House itself has used it, the legislative branch agencies have used that. And then also to say about the greening of the Capitol issue, what we've heard today should remind us to use great caution because we are all for greening and environmental efficiency, but we need to be careful that the Congress itself is not a guinea pig to try a whole lot of things just to see how they work.

With that, Madam Chairman, I yield the balance of my time to the gentleman from Georgia, the former chairman of the subcommittee, Mr. KINGSTON.

Mr. KINGSTON. Thank you, Mr. WAMP. And I thank the Chair and congratulate both of you on your work for this bill.

I want to say, however, I do not support it. I am very disappointed that after the bill left the Appropriations Committee and went to the Rules Committee, a funny thing happened. All this transparency and all this promise of open government and open rules seemed to fade away in a dark corner room up on the third floor of this building, because there were 23 amendments offered, and yet only three of them were accepted.

We talk about bipartisanship and we talk about sunshine in the process, and yet this is the very bill that basically funds and perhaps even governs our own body, our own congressional branch, and yet it has the closed rule. And 20 amendments won't get the sunshine, will not get the debate because of the Rules Committee under Democrat leadership. I would say you need to go back to your campaign brochures and look at all the promises that you made before you pass another rule like this.

One of the casualties of this closed process was an amendment that I offered that deals with contractors who deal with the Federal Government, who work for the Federal Government. I'll give you some examples. December 2005, 22 Mexican nationals were found illegally working in Kirtland Air Force Base in Albuquerque, New Mexico. January 27, 2001, illegal aliens were found working at Fort Benning, Georgia. March 2007, the Golden State Fence Company was actually fined because, in building a border security fence, they had hired 10 illegal aliens.

It doesn't stop there. In Louisiana, December 2005, a local company was busted working on a Veterans Administration hospital because they had illegal aliens. This is absurd. Now, I've heard from many people the theme of "leading by example." Perhaps one thing we could do and absolutely should do is require that if you are contracting for the Federal Government, that you have a Social Security verification process going in your business, more than the sham, more than the, Yeah, but we have an I-9 kind of approach that we're seeing. And this would actually say you need to be in the ICE, which is the Customs and Immigration Enforcement Service, you need to be in the ICE Basic Pilot Program, which is a way to know that your employees have correct and legal Social Security numbers. That's all the amendment would have done.

I would predict that this amendment would get lots of bipartisan support because we see that the biggest issue facing America, besides Iraq and perhaps energy, is the issue of illegal immigration. And here was an opportunity for us to make a definitive statement, to have a significant amendment added to the bill, and the Democrats said no.

I hope they'll reconsider on future legislation.

Ms. WASSERMAN SCHULTZ. Madam Chair, I think it's unfortunate that the gentleman from Georgia, the distinguished former chairman of this committee, has chosen this opportunity as a message opportunity, as opposed to working together in a bipartisan way, like the ranking member and I have done, to make sure that we can provide for the safety and security of the facilities of this institution.

He knows full well that the Capitol Visitors Center and the employees of the subcontractors that have been engaged to build that facility, while moving entirely too slowly, and we certainly have decried the cost overruns, are required to hire people who legally may work in this country and are required to ensure that a background check and a security check has been done on them. So his remarks are unfortunate, but everybody makes their own choices.

In conclusion, Madam Chair, I am really proud of the work that the subcommittee and I have engaged in. We offer this legislation to the House and ask for their support. We have endeavored to make sure that this bill is fiscally responsible, provides for the life, safety and security of the needs of the people who work here as well as the people who visit us here, and make sure that we can engage in Congress's oversight role and provide for accountability for the American people.

I look forward to continuing to work with Mr. WAMP from Tennessee on making sure that we can consistently provide those initiatives for the American people.

Mr. HOYER. Madam Chairman, I rise today to express concerns about GAO's response to GAO employees' petition for a union election, which was filed on May 8 of this year. As a legislative branch agency it is imperative that GAO conduct its labor relations in a manner that is a model for all Federal agencies.

I am particularly concerned by GAO's decision to challenge the eligibility of one-third of the employees covered by the union petition. GAO is asserting that these employees are not eligible for representation because they perform a supervisory role.

The facts of their employment status at GAO strongly suggests otherwise. If these employees are in fact determined to be supervisors, then they are supervisors in name only because they are prohibited from performing supervisory functions. Moreover, GAO would have a 1:3 ratio of supervisors to nonsupervisors. That would be one of the smallest ratios in any public or private organization.

I am deeply concerned that GAO's challenge is an attempt to delay balloting until the end of the year, one that will entail a considerable expenditure of resources that will only distract the agency from carrying out critical investigatory and oversight work for the U.S. Congress.

I strongly urge GAO to reconsider its challenge, which will be costly, undermine agency morale, and distract it from its mission.

Mr. WYNN. Madam Chairman, today I rise to express my concerns with Government Accountability Office, GAO, management's response to the GAO employees' petition seeking a union election.

It should be noted that applicable law strictly prohibits the GAO management from expressing any personal view, argument, opinion, or statements relating to a union election except to: publicize election and encourage employees to vote; correct the record with respect to any false or misleading statement; or inform employees of the Government's policy relating to labor-management relations and representation as long as these statements do contain a threat or reprisal or promise of benefit and are not made under coercive conditions.

Despite these restrictions, Comptroller General Walker was quoted in a January 23, 2007 publication as stating that he "will present to the employees [his] views on the advantages and disadvantages of unionization."

Shortly after this statement was published, attorneys for the union sent a letter advising Comptroller General Walker of his obligation to remain "neutral" during the employees' deliberations regarding unionization.

The GAO's General Counsel responded acknowledging GAO management's legal obligation to maintain strict neutrality during a union organizing campaign.

Further, the Comptroller General met with me shortly before I sent a letter to him regarding his response to the union organizing activities.

In that meeting, the Comptroller General tried to discourage me from sending the letter, and promised not to interfere with the unionization effort. I informed Mr. Walker that I appreciated his assurances but that would be sending the letter all the same.

I have the letter dated February 23rd of this year, and signed by a bipartisan group of 19 House Members and 3 Senators with me and wish to submit it for the RECORD.

I am sorry to say that despite these assurances, and since the union filed the election petition on May 8, 2007, the Comptroller General has made additional statements that are at odds with his obligation to remain neutral.

I am very concerned that I have received reports from GAO employees that Mr. Walker has used his staff meetings to make statements that are seen by employees as a breach of GAO management's neutrality obligation.

For example, they report that Mr. Walker has urged employees to "get all the facts", that a union could "make things different . . . seriously impact agency decision-making", and "slow things down."

He refers to the GAO employees who seek to form a union as a "vocal minority in GAO" and that "[d]ue to union organizing efforts, labor law prevents [him] from helping employees unilaterally. Both of [my] hands are tied due to the union organizing efforts. . ."

By implication, Mr. Walker asserts that if employees reject union-representation, Mr. Walker will "help" them.

Mr. Walker's statements are not neutral. I find it hard to believe that GAO analysts need to be reminded to "get all the facts" and the very purpose of a union is to "impact" the employer's decision-making.

Further, it cannot be clearer that the reference to potentially "slowing things down" is intended as a negative reference about unionization.

I rise today not only to call on Mr. Walker to stop interfering with GAO employees' right to organize and petition for a union election, but to call on my colleagues to stand together with these GAO employees who serve Congress and the public.

Let us do all we can to help these dedicated public servants get a vote on their union election petition this summer.

Mr. VAN HOLLEN. Madam Chairman, I am grateful for the opportunity to add my voice of support to our valued public servants at the Government Accountability Office, GAO. Just as Congress relies on the GAO for the gold standard of fair and even-handed analysis, so too must we ensure that our GAO workforce receives that same standard of fairness and even-handedness when it comes to matters of their own employment.

The issues that gave rise to the language in today's underlying Legislative Branch Appropriations bill are not new to the Government Oversight Committee on which I sit, or to the Federal employee community I am privileged to serve. Like many of my colleagues on the committee, I have received reports expressing concern about the process surrounding the recent Band II Restructuring Project, as well as the methodology used in the 2004 Watson Wyatt Worldwide, WWW, compensation study. In that regard, I am particularly troubled that the WWW study is being cited as the reason over 300 hard-working GAO employees who met or exceeded their performance expectations have been denied annual cost of living adjustments, notwithstanding public commitments to the contrary.

As a majority of GAO analysts have now exercised their employment rights to organize a union, it is critical that the requisite election process go forward expeditiously and without interference. I thank my colleagues for this opportunity to voice my support for the GAO workforce and the rest of our valued Federal employee community.

Mr. UDALL of New Mexico. Madam Chairman, I want to begin by taking the time to congratulate Chairwoman WASSERMAN SCHULTZ for her excellent work on this bill as well as in the subcommittee the past couple of months. It has been a pleasure to work with you and I look forward to working with all other Members as we continue to address the concerns of all people working in and visiting the Nation's Capitol.

I would also like to commend Ranking Member WAMP for his work. Together the chairwoman and ranking member have fostered a collegial bipartisan atmosphere.

The bill before us is a good bill, a bill that brings us necessary security upgrades, that shows a commitment to increased oversight, and does it in a fiscally responsible manner.

Among the bill's many important provisions is funding for the Greening the Capitol Initiative. This initiative will enable us to start switching from coal to cleaner burning natural gas for the running of the Capitol powerplant. Pages live in the shadow of the Capitol powerplant. It will allow us to purchase energy efficient light bulbs, and will allow us to begin other energy savings operations throughout the Capitol Complex.

The bill includes necessary funding for the Office of Compliance, which will allow that office to conduct oversight of the utility tunnel improvement efforts and health and safety issues. During hearings in the subcommittee, I have raised concerns, along with several of my colleagues, about the utility tunnels and workers and I am pleased to see that the Office of Compliance will receive the resources it needs to oversee the ongoing situation.

This bill also includes funding for the Library of Congress and several of its extremely important programs, such as the Books for the Blind Program, which provides services to blind and physically handicapped patrons including the production and distribution of books and magazines in Braille and electronic media.

Again, I urge my colleagues to support this bill and thank Chairwoman WASSERMAN SCHULTZ and Ranking Member WAMP for the efforts they have put in to the subcommittee this year to ensure that the Capitol Complex and various agencies around us are run well and efficiently.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes, namely:

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,198,560,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $23,648,000, including: Office of the Speaker, $4,761,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,188,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,090,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,894,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,420,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $499,000; Republican Steering Committee, $943,000; Republican Conference, $1,631,000; Republican Policy Committee, $325,000; Democratic Steering and Policy Committee, $1,295,000; Democratic Caucus, $1,604,000; nine minority employees, $1,498,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $460,000; and Cloakroom Personnel—minority, $460,000.

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $581,000,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $133,000,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2008.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $29,800,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2008.

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $169,393,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $22,881,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $7,024,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,891,000, of which $6,269,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,457,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $3,111,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,202,000; for the Office of the Chaplain, $166,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $1,828,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,046,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $7,406,000; for salaries and expenses of the Office of Interparliamentary Affairs, $752,000; for other authorized employees, $170,000; and for salaries and expenses of the Office of the Historian, $459,000.

Allowances and Expenses

For allowances and expenses as authorized by House resolution or law, $261,719,000, including: supplies, materials, administrative costs and Federal tort claims, $3,688,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $237,410,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $2,308,000, to remain available until expended; Business Continuity and Disaster Recovery, $17,200,000, of which $5,408,000 shall remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

Child Care Center

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 .(2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provisions

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2008. Any amount remaining after all payments are made under such allowances for fiscal year 2008 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. CONTRACT FOR EXERCISE FACILITY.—(a) Section 103(a) of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3175), is amended by striking "private entity" and inserting "public or private entity".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

SEC. 103. DEPOSITS.—(a) The second sentence of section 101 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 117j) is amended by striking "deposited in the Treasury as miscellaneous receipts" and inserting "deposited in the Treasury for credit to the account of the Office of the Chief Administrative Officer".

(b) The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 104. HOUSE SERVICES REVOLVING FUND.—(a) Section 105(b) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 117m(b)) is amended by striking "the Chief Administrative Officer" and inserting the following: "the Chief Administrative Officer, including purposes relating to energy and water conservation and environmental activities carried out in buildings, facilities, and grounds under the Chief Administrative Officer's jurisdiction,".

(b) The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 105. ADJUSTMENT.—The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971) (2 U.S.C. 31b–5), is amended by striking "step 1 of level 6" and inserting "step 7 of level 11".

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,398,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $9,416,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $2,023,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,820,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,448,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 110th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $224,500,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $61,500,000, of which $5,000,000 shall remain available until expended for a radio modernization program, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2008 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2008 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1002. EDUCATIONAL ASSISTANCE PROGRAM.—Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1926, Public Law 107-117; 115 Stat. 2319), as amended, is further amended in subsection (c) by striking "$40,000" and inserting "$60,000".

SEC. 1003. ADVANCE PAYMENTS.—Notwithstanding any other provision of law, the United States Capitol Police is authorized to make advanced payments for obligations when it has been determined that making such payments is in the best interest of the government.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,806,000, of which $780,000 shall remain available until September 30, 2009: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISIONS

SEC. 1101. LUMP-SUM PAYMENTS.—(a) The Executive Director of the Office of Compliance shall have the authority to make lump-sum payments to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 2007.

SEC. 1102. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

"§4122. Training for employees of the Office of Compliance

"(a) The Executive Director of the Office of Compliance may, by regulation, make applicable such provisions of this chapter as the Executive Director determines necessary to provide for training of employees of the Office of Compliance. The regulations shall provide for training which, in the determination of the Executive Director, is consistent with the training provided by agencies under the preceding sections of this chapter.

"(b) The Director of the Office of Personnel Management shall provide the Executive Director of the Office of Compliance with such advice and assistance as the Executive Director may request in order to enable the Executive Director to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 4122 of such title is amended by adding at the end the following:

"4122. Training for employees of the Office of Compliance.".

SEC. 1103. REIMBURSEMENT.—(a) Section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415) is amended by adding at the end the following new subsection:

"(d) REIMBURSEMENT.—

"(1) NOTIFICATION OF PAYMENTS MADE FROM ACCOUNT.—As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this chapter has been made from the account described in subsection (a), the Executive Director shall notify the head of the office to which the payment is attributable that the payment has been made, and shall include in the notification a statement of the amount of the payment.

"(2) REIMBURSEMENT BY OFFICE.—Not later than 180 days after receiving a notification from the Executive Director under paragraph (1), the head of the office involved shall transfer to the account described in subsection (a), out of any funds available for operating expenses of the office, a payment equal to the amount specified in the notification.".

(b) The amendment made by subsection (a) shall apply with respect to payments made under section 415 of the Congressional Accountability Act of 1995 on or after the date of the enactment of this Act.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $4,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $37,805,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $81,733,000, of which $400,000 shall remain available until September 30, 2012.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $24,567,000, of which $8,790,000 shall remain available until September 30, 2012.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,310,000, of which $500,000 shall remain available until September 30, 2012.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $66,151,000, of which $25,400,000 shall remain available until September 30, 2012.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $83,017,000, of which $4,945,000 shall remain available until September 30, 2012: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2008.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $31,638,000, of which $10,140,000 shall remain available until September 30, 2012.

CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $16,109,000, of which $2,500,000 shall remain available until September 30, 2012.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $8,310,000: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $20,000,000 to remain available until expended, and in addition, $7,545,000 for Capitol Visitor Center operation costs: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the House of Representatives and the Senate.

ADMINISTRATIVE PROVISIONS

SEC. 1201. ROSA PARKS STATUE.—(a) Section 1(a) of Public Law 109–116 (2 U.S.C. 2131a note) is amended by adding at the end the following new sentence: "The Joint Committee may authorize the Architect of the Capitol to enter into the agreement required under this subsection on its behalf, under such terms and conditions as the Joint Committee may require.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 109–116.

SEC. 1202. (a) ESTABLISHMENT OF OFFICE.—There is established in the Office of the Architect of the Capitol the Office of the Inspector General, headed by the Inspector General of the Office of the Architect of the Capitol (hereafter in this section referred to as the "Inspector General").

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the Architect of the Capitol, in consultation with the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the Architect of the Capitol. Upon such removal, the Architect shall promptly communicate the reasons for the removal in writing to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) SALARY.—The Inspector General shall be paid at an annual rate equal to $1,500 less than the annual rate of pay in effect for the Architect of the Capitol.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Architect of the Capitol as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office of the Inspector General in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Architect of the Capitol shall be considered the head of the establishment.

(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee of the Office of the Architect of the Capitol concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee of the Office of the Architect of the Capitol who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Architect of the Capitol nor any other employee of the Office of the Architect of the Capitol may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Architect of the Capitol as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) STAFF.—

(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) APPLICABILITY OF ARCHITECT OF THE CAPITOL PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Office of the Architect of the Capitol shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) EQUIPMENT AND SUPPLIES.—The Architect of the Capitol shall provide the Office

with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—To the extent that any office or entity in the Office of the Architect of the Capitol prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1203. FLEXIBLE WORK SCHEDULES.—For purposes of subchapter II of chapter 61 of title 5, United States Code, during fiscal year 2008 the Office of the Architect of the Capitol shall be treated as an agency under section 6121(1) of such title.

SEC. 1204. TRAVEL AND TRANSPORTATION.—(a) Section 5721 of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I); and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Architect of the Capitol;".

(b) Section 521(1)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8241(1)(B)) is amended by striking "(B) through (H)" and inserting "(B) through (I)".

SEC. 1205. EASEMENTS.—(a) Subject to subsection (e), the Architect of the Capitol may grant easements upon such terms and conditions as he considers advisable (including the payment of monetary consideration) for rights-of-way over, in, and upon the grounds of the United States Capitol or the grounds of any other facility under the jurisdiction and control of the Office of the Architect of the Capitol to any person for—

(1) railroad tracks;

(2) gas, water, sewer, and oil pipe lines;

(3) substations for electric power transmission lines and pumping stations for gas, water, sewer, and oil pipe lines;

(4) canals;

(5) ditches;

(6) flumes;

(7) tunnels;

(8) roads and streets;

(9) poles and lines for the transmission or distribution of electric power;

(10) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals) and structures and facilities for the transmission, reception, and relay of such signals; and

(11) any other purpose that the Architect considers advisable.

(b)(1) No easement granted under this section may include more land than is necessary for the easement.

(2) In lieu of, or in addition to, any monetary consideration provided in exchange for granting of an easement under this section, the Architect may accept in-kind consideration with respect to the easement for—

(A) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities which are subject to or affected by the easement;

(B) construction or acquisition of new facilities;

(C) provision of other property or facilities;

(D) support for facilities operation; and

(E) provision of such other services as the Architect considers appropriate.

(c)(1) There is established in the Treasury a special account for the Architect of the Capitol into which the Architect shall deposit all of the funds which are paid as consideration for the granting of easements under this section, and all other proceeds received pursuant to the granting of easements under this section.

(2) Subject to paragraph (3), amounts in the special account established under this subsection shall be available to the Architect, in such amounts provided in appropriations acts, for the following purposes:

(A) The maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

(B) The construction or acquisition of new facilities.

(C) Support for facilities operation.

(3) Any amount paid as consideration for the granting of an easement, or received pursuant to the granting of an easement, which is deposited in the special account established under this subsection may not be used by the Architect for any purpose which is not related to the same property or facility over which the easement was granted unless such use is approved—

(A) in the case of an amount paid as consideration for the granting of an easement with respect to property under the jurisdiction of the House of Representatives, by the Committee on Appropriations of the House of Representatives;

(B) in the case of an amount paid as consideration for the granting of an easement with respect to property under the jurisdiction of the Senate, by the Committee on Appropriations of the Senate; and

(C) in the case of an amount paid as consideration for the granting of an easement with respect to any other property, by the Committees on Appropriations of the House of Representatives and the Senate.

(d) The Architect of the Capitol may terminate all or part of any easement granted under this section for—

(1) failure to comply with the terms and conditions under which the easement was granted;

(2) nonuse of the easement for a two-year period; or

(3) abandonment of the easement.

(e) The Architect of the Capitol may grant an easement under this section upon submission of written notice of the intent to grant the easement (including notice of the amount or type of consideration to be received in exchange for granting the easement) to, and approval of the notice by—

(1) in the case of an easement proposed to be granted with respect to property under the jurisdiction of the House of Representatives, the House Office Building Commission;

(2) in the case of an easement proposed to be granted with respect to property under the jurisdiction of the Senate, the Committee on Rules and Administration of the Senate;

(3) in the case of an easement proposed to be granted with respect to any other property, the Committee on Rules and Administration of the Senate and the House Office Building Commission; and

(4) in the case of an easement proposed to be granted with respect to any other property, the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(f) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 1206. DESIGN-BUILD CONTRACTS.—(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m) for entering into a contract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of an executive agency under such section.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 1207. ADVANCE PAYMENTS.—During fiscal year 2008 and each succeeding fiscal year, the Architect of the Capitol may make payments in advance for obligations of the Office of the Architect of the Capitol for subscription services if the Architect determines it to be more prompt, efficient, or economical to do so.

SEC. 1208. CASUALTY AND OTHER INSURANCE FOR EXHIBITS AND WORKS OF ART.—(a) Notwithstanding any other provision of law, the Architect of the Capitol may use funds made available to the Office of the Architect of the Capitol during a fiscal year to acquire insurance against the loss of or damage to any exhibit or work of art which is loaned or leased to the Architect for the United States Capitol, the Capitol Visitor Center, or the Botanic Garden.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 1209. CVC MAINTENANCE.—Any expenses for the maintenance of the Capitol Visitor Center shall be treated as expenses for the maintenance of the Capitol under the heading "Architect of the Capitol, Capitol Building", and shall be subject to the same financial management and reporting requirements applicable to amounts under such heading.

SEC. 1210. LEASING AUTHORITY.—(a) Section 1102(b) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)) is amended—

(1) in paragraph (1), by striking "Committee on Rules and Administration" and inserting "Committees on Appropriations and Rules and Administration";

(2) in paragraph (2), by striking "the House Office Building Commission" and inserting "the Committee on Appropriations of the House of Representatives and the House Office Building Commission"; and

(3) in paragraph (3), by striking the period at the end and inserting ", for space to be leased for any other entity under subsection (a).".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2004.

SEC. 1211. (a) The great hall of the Capitol Visitor Center shall be known and designated as "Emancipation Hall", and any reference to the hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $401,000,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2008, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2008 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $16,451,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $4,010,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $600,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $6,500,000 shall remain available until expended for the National Digital Information Infrastructure and Preservation Program.

Copyright Office

Salaries and Expenses

For necessary expenses of the Copyright Office, $49,827,000, of which not more than $29,826,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2008 under section 708(d) of title 17, United States Code: *Provided*, That $10,000,000 shall be derived from prior year unobligated balances: *Provided further*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $4,398,000 shall be derived from collections during fiscal year 2008 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections and unobligated balances are less than $44,224,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $104,518,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $67,741,000, of which $20,704,000 shall remain available until expended: *Provided*, That of the total amount appropriated, $650,000 shall remain available until expended for telecommunications services for the blind.

Administrative Provisions

SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2008, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $122,529,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2008, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. AUDIT REQUIREMENT.—Section 207(e) of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 182(e)) is amended to read as follows:

"(e) AUDIT.—The revolving fund shall be subject to audit by the Comptroller General at the Comptroller General's discretion.".

SEC. 1304. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2008 for the Library of Congress may be transferred between any of the headings for which the amounts are appropriated upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $87,892,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,434,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2006 and 2007 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $2,450,000 for workforce retraining and restructuring, information technology development, infrastructure, and facilities repair: *Provided*, That the Government Printing Office may make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" may not be used for contracted security services at the GPO passport facility.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $503,328,000: *Provided*, That not more than $5,413,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2008: *Provided further*, That not more than $2,097,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2008: *Provided further*, That of the total amount provided $2,500,000 shall remain available until expended for technology assessment studies: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1401. ANNUITY OF THE COMPTROLLER GENERAL.—(a) Section 772 of title 31, United States Code, is repealed.

(b) Title 31, United States Code, is amended as follows:

(1) In section 735(a), by striking "772, 775(a) and (d)" and inserting "or 775(b)".

(2) In the second sentence of section 773(a), by striking "or, if an election is made" and all that follows and inserting a period.

(3) In section 774(b)(2), by striking "or while receiving an annuity under section 772 of this title".

(4) In section 775—

(A) by striking subsections (a) and (b) and redesignating subsections (c) through (f) as subsections (a) through (d);

(B) in subsection (a) (as so redesignated)—

(i) by striking "sections 772 and 773" and inserting "section 773", and

(ii) by striking "subsection (d)" and inserting "subsection (b)";

(C) in subsection (c) (as so redesignated), by striking "subsection (c) or (d)" and inserting "subsection (a) or (b)"; and

(D) in subsection (d) (as so redesignated)—

(i) by striking "sections 772 and 773" and inserting "section 773", and

(ii) by striking "subsection (d)" and inserting "subsection (b)".

(5) In section 776(d)(1), by striking "section 775(d)" and inserting "section 775(b)".

(6) In section 777(b), by striking the first sentence.

(c) The table of sections for subchapter V of chapter 7 of subtitle I of title 31, United States Code, is amended by striking the item relating to section 772.

(d) The amendments made by this section shall apply with respect to any individual who is appointed as Comptroller General after the date of the enactment of this Act.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $6,000,000.

ADMINISTRATIVE PROVISION

SEC. 1501. (a) TRANSFER OF OPEN WORLD LEADERSHIP CENTER TO DEPARTMENT OF STATE.—On October 1, 2008, there shall be transferred (1) to the Department of State, the Open World Leadership Center established by section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151) and all functions, personnel, assets, and obligations of the Center; and (2) to the Secretary of State, all authority of the Board of Trustees and the Library of Congress under such section 313.

(b) MAINTENANCE AS DISTINCT ENTITY.—Following the transfer under subsection (a), the Open World Leadership Center shall be maintained as a distinct entity within the Department of State and, except as otherwise provided in this section, the provisions of section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151) shall continue to apply to the Center.

(c) CONSULTATION.—The Secretary of State shall consult with the Board of Trustees of the Open World Leadership Center to plan and implement the transfer required by subsection (a).

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2008 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This Act may be cited as the "Legislative Branch Appropriations Act, 2008".

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 110–201. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–201.

Mr. INGLIS of South Carolina. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. INGLIS of South Carolina:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The CHAIRMAN. Pursuant to House Resolution 502, the gentleman from South Carolina (Mr. INGLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. INGLIS of South Carolina. I thank the gentlelady.

I rise with the support of several Members of this amendment. The gentleman from Illinois (Mr. LIPINSKI), the gentlelady from California (Ms. HARMAN), and the gentleman from Michigan (Mr. UPTON) and I are offering an amendment that would require that light bulbs purchased in the Leg Branch appropriations would comply with the ENERGY STAR and Federal Energy Management Program identifications. The idea here is to save some money easily and to save a lot of energy, and of course energy is money.

Most Americans are still using, and most of the light bulbs in my house are incandescent bulbs that Thomas Edison invented more than 100 years ago. But only 10 percent of the energy of those light bulbs turns out to be light; 90 percent is wasted as heat. So we've got something better. And like many, I'm switching to CFLs. Those lights provide much more efficient lighting. And it's amazing to think that if every American just switched one incandescent bulb to an energy-efficient alternative, we would collectively save more than $8 billion in energy costs, prevent the burning of 300 billion pounds of coal, and remove 2 million cars' worth of greenhouse gas emissions from our atmosphere.

This small step in this amendment is part of something else that Mr. LIPINSKI and I are working on, which is a Bulb Replacement in Government and High Efficiency Technology, BRIGHT we call it, Energy Savings Act, along with Representative HARMAN, that would require GSA to replace burned out light bulbs with more efficient options like compact fluorescent lighting.

The BRIGHT Act has 82 cosponsors, and we look forward to its adoption. This amendment is a good step toward that goal.

Madam Chair, I am happy to yield to the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding, and commend him for the role that he is playing on a bipartisan basis to assure that existing standards, the ENERGY STAR standards and the Federal Energy Management Program standards are adhered to. This effort that we're making on every appropriations bill will ensure that our practice complies with our law.

I agree with him that CFLs offer much more efficiency. There are also LEDs. And hopefully the incandescent bulb makers in America will adjust their own manufacturing so that they produce efficient light bulbs as well.

Another bill that we're all cosponsoring that's pending in the Energy Subcommittee of Energy and Commerce will provide incentives to U.S. manufacturers to produce more efficient lighting and set proper goals.

Finally, I want to say that bipartisanship has been hailed all morning. It takes 270 Members of Congress and 60 Members of the Senate and hopefully one willing President to change the light bulb policy, and I think we're proceeding that way this morning.

Mr. INGLIS of South Carolina. Madam Chair, I yield to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I would just like to compliment the gentleman for his leadership on this issue, Mr. LIPINSKI and Ms. HARMAN. We are seeing efforts move. And we've learned already that if everyone did this across the country, we would save 65 billion kilowatts of energy, which is the equivalent of 80 coal-fired plants. Obviously this is something we want the Federal Government to do.

I compliment Chairman OBEY and Ranking Member LEWIS on the floor for allowing us to proceed without a lot of debate, knowing that we have strong support for this. I look forward to having this adopted.

Mr. WAMP. Will the gentleman yield?

Mr. INGLIS of South Carolina. I would be happy to yield to the gentleman from Tennessee.

Mr. WAMP. I just want to commend the authors, commend the ENERGY STAR Program. This is the kind of greening initiative that actually resonates. We will accept the amendment.

Mr. INGLIS of South Carolina. Madam Chair, we appreciate very much the committee's willingness to accept this amendment. It is a good step forward.

Mr. MICA. Will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. MICA. Madam Chair, I'm pleased to see we're doing something about this, but the Members should be aware of the procedure in the House of trying to change a light bulb. I tried to change one. It took filling out forms. This is to get an energy efficient one. Then two people appeared several days later, one with a form, one with a light bulb; an incredible waste of time, energy and taxpayer money to put in one fluorescent light bulb. I hope the procedure improves in the House.

Mr. INGLIS of South Carolina. I agree with the gentleman. I certainly hope that we can improve that procedure.

In the meantime, we're improving the bulbs, making us more energy efficient here in the Capitol, and hopefully throughout these appropriations bills in this season.

Madam Chair, I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chair, I ask unanimous consent to claim the time in opposition even though I am supportive of the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Chair, very briefly, I fully support this amendment and appreciate the bipartisan cooperation that was endeavored in moving it forward.

I do want to express some concern about how the light bulbs will be adapted to the historical lighting that we have in this facility, in the Capitol complex.

I look forward to working with the sponsors of the amendment as we move this legislation through conference to ensure that that occurs.

Ms. HARMAN. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield to the gentlewoman from California.

Ms. HARMAN. We do have language in our bill that I just described, the one pending in the Energy and Commerce Committee to exempt historical lighting from the new goals. Hopefully we can invent light bulbs for historical lighting that are more efficient too, but we're trying to be reasonable here.

In response to earlier comments by Mr. Peterson, the goal is to help the domestic industry be able to produce efficient lighting. And the goal is also to set tough enough standards so that we save the enormous amount of energy that Mr. Upton was just mentioning.

Mr. UPTON. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I am happy to yield to the gentleman from Michigan.

Mr. UPTON. We just want to be on the record for this. Working with the Parliamentarians to make sure that the amendment is germane, we were not able to use the words "or equivalent" when we said "ENERGY STAR or equivalent." We would like to see that happen in the conference, but we know that that is legislating on an appropriation bill.

We would also like to have a provision for historical lighting. Again, that needs to happen in conference, it cannot happen on the House floor, and that's why we proceeded in that way. We look forward to working with all parties to make sure those concerns are addressed.

Mr. INGLIS of South Carolina. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. Reclaiming my time, I would be happy to yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. I think that, as Ms. Harman just pointed out and as the Chair of the committee has pointed out, there are some issues involving the aesthetics. You've got to choose the right light bulb, that's for sure. We've heard some discussion this morning about how they glow moon glow, or whatever. Well, if you pick the wrong kind, they do glow moon glow. I've got some in my garage, and it's a really freaky kind of look in there. But I've got some in the house that look yellow and nice.

So you've got to pick the right bulbs. And of course in the historical context we have to pick the right bulbs. And we do have to deal with the recycling of these. Just like we don't have a sufficient program for recycling lead batteries around, we toss those in the trash, we have a problem with the mercury in these. But we can get there. We start by saving an awful lot of money and a lot of energy.

☐ 1200

Ms. WASSERMAN SCHULTZ. I yield to the gentlewoman from California.

Ms. HARMAN. Madam Chairman, I did not mention earlier and would like to say that the Speaker's initiative, her Green Initiative, does also address this issue of trying to move away from inefficient incandescent bulbs. One more time, our goal would be to make incandescent bulbs, as well as other bulbs, more efficient.

We are not choosing winners in this effort. But surely, everyone must understand that it takes 18 seconds to change a light bulb. This is something all of us can do quite quickly, except you have to comply with the House procedures that we just heard about.

I am very excited about the notion that we are setting an example in this House and in this Congress about more efficient lighting.

Ms. WASSERMAN SCHULTZ. I look forward to working with all of my colleagues and Mr. Wamp as we move through the conference process and commend them, as well as Speaker Pelosi, for including the shifting from the light bulbs we use now to energy-efficient and environmentally friendly light bulbs as part of the initiative of the greening of the Capitol.

I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Inglis).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–201.

Mr. FLAKE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Flake:

In the item relating to "Government Printing Office—Congressional Printing and Binding", insert after the dollar amount the following: "(reduced by $3,200,000)".

The CHAIRMAN. Pursuant to House Resolution 502, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

I brought with me today a stack of Congressional Records. All of us are familiar with these. We used to use them quite a bit, but today not so much. Today most of us just simply go on the computer and have a searchable version that is much faster, searchable back to 1989. With the click of a button, you can find what you are looking for. So we don't use these as much. Unfortunately, we haven't caught up with the times.

These are just a few of the thousands and thousands that are delivered that are never read. This was just from one office, the Legislative Research Center in the Cannon Building near my office. These are those that are just going to be thrown away today. One office that collects a few of these will throw these away just today.

This year alone these records will cost the American taxpayer over $25 million. Recently my office did an informal survey of about 100 offices. We went in and said, "What do you do with the Congressional Record that comes?" Virtually all of them, nearly every one of those 100 offices, said, "We throw them away. We wish they would stop delivering them." We had some offices say that they had requested that they stop being delivered. They are still delivered.

So they stack up. They are thrown away. They fill up landfills. I believe the figure is something like 57 tons of paper each year are thrown away just here.

Before the Congressional Record was put on line, as I mentioned, they were useful, but they are not now. We obviously do have to have some paper copies. We simply don't need so many.

Our amendment would simply do this, and I should add, this amendment was offered by myself and Mr. Blumenauer 2 years ago and was accepted by the then majority. It was simply taken out in the conference. I think we would do well to accept it again today.

This amendment would simply save $3.2 million annually by instructing the Government Printing Office to print only half as many copies. Today only 5,600 are printed. Half would do us just fine. That amendment would not reduce the funding for preparation, data collection or other aspects of the Record. It would simply reduce the ink-and-paper copies for half of what we print. So those who might oppose this amendment might say that it is going to cut deep and cut personal and others. It won't as long as fewer records are printed. The costs will go down.

This is simply a good way to save taxpayer money. It will show the country that we are interested ourselves in cleaning up our own house, making sure that we move ahead in a fiscally responsible manner.

Mr. WAMP. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Tennessee.

Mr. WAMP. I thank the gentleman.

You know, when we were in the majority, we supported and accepted this approach. I believe this is part, or should be part, of the Speaker's Green the Capitol Initiative. This is a lot of trees. It is a space efficiency issue. They are storing all this paper. It is a government efficiency issue.

Why don't we, Madam Chair, just accept this amendment, as we have in previous years, address this issue in conference, move right along and get Members on their way this afternoon?

I thank the gentleman for offering this amendment. I certainly support it.

Mr. FLAKE. I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chair, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Chair, I rise in opposition to this amendment for a number of reasons.

While I support the gentleman, who is from the same generation that I am, in his endeavor to make sure that we can communicate and receive information in an electronic format, the approach that the gentleman is taking is absolutely inappropriate and won't accomplish his goal.

We have crafted a tight and fiscally responsible bill. As I outlined in general debate, we have held the bill to a 4.1 percent increase. We actually held it to $276 million below the total request.

In their traditional views, the minority agreed. They said that, on balance, the funding provided in this bill to operate the legislative branch agencies is fiscally responsible. This amendment would add to existing shortfalls. It would add to what is already a growing funding shortfall in this account.

To be fiscally responsible, we have had to make some tough choices, including funding levels for GPO. The bill already, our colleagues should know, holds congressional printing and binding $62,000 below what was provided in fiscal year 2007. GPO is expecting an $8 million shortfall in this account in fiscal year 2007 in addition to a $3 million shortfall in fiscal year 2006. These shortfalls are due to the flat funding provided to this account since fiscal year 2007, in spite of increasing costs and workloads. These shortfalls will continue in fiscal year 2008. Eventually they are going to have to be paid.

This amendment would make that situation even worse. Most of the appropriation for congressional printing and binding goes towards Congress' printing requirements. I want to point out that the gentleman is incorrect when he states that there is a statute. While there is a statutory number in the Code that the GPO is told to print, they only print the number that is requisitioned. In other words, they only print, on a daily basis, the number that they are asked for. We have a deficit in the account that allows them to print the number that is asked for. GPO has no control over those requirements. It's required by law to produce the information.

If the gentleman is concerned about the number of printed materials being produced, he should take it up with the authorizing committee, the Joint Committee on Printing, and seek reductions in the amount of material that GPO is required to print in the Code.

Simply gratuitously cutting out and leaving people with the impression that we are doing something, when we are not, and all we are doing here is cutting $3.2 million when GPO will still be required to print the Code, is the wrong approach. The suggestion that this amendment was accepted previously but then cut out in conference also leads people to believe that we have done something when we have not.

I refuse to be disingenuous when it comes to being forthright with the American people. We do need to make sure that in the future the CONGRESSIONAL RECORD is produced electronically. This is not the right way to do it. It is irresponsible. I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIRMAN. The gentleman controls 1½ minutes.

Mr. FLAKE. Before yielding 1 minute to the gentleman from Oregon, let me point out, here is the Code. The Code states that we are supposed to print 30,000 a day, yet we only print 5,600. So, it is not the case that the GPO has to follow what the statute says. They are required to do by demand. And they already do under; they can simply do less and save a lot of money.

I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the opportunity to join with my colleague again in this effort to try and reduce this output. I respect my friend, the chairwoman of the subcommittee, but I do think it is time for us to take a more aggressive action to reduce what is a gratuitous waste of resources and is a signal, I think, for us all to find ways to be able to deal with the electronic era.

This is a holdover. We have attempted in the past to be able to scale it down. I have also checked with legislative counsel to find out what we need to repeal. But I have been told that simply by enacting our amendment today, we will, in fact, achieve that objective in terms of reducing the number of unnecessary printed copies.

☐ 1215

Ms. WASSERMAN SCHULTZ. Madam Chair, I just want to point out that the amendment offered by Mr. FLAKE does not say anything about reducing the number of copies printed of the CONGRESSIONAL RECORD. It simply cuts $3.2 million out of the Congressional Printing and Binding account. It provides no direction. It simply cuts that funding. There is no assumption that any of what the gentleman is suggesting would occur. It would simply further add to the deficit.

I reserve the balance of my time.

Mr. FLAKE. Will the gentlelady yield, since I am out of time?

Ms. WASSERMAN SCHULTZ. I believe the gentleman has his own time.

The CHAIRMAN. The gentleman's time has expired.

Ms. WASSERMAN SCHULTZ. How much time do I have left?

The CHAIRMAN. The gentlewoman controls 1½ minutes.

Ms. WASSERMAN SCHULTZ. I yield the gentleman 30 seconds.

Mr. FLAKE. Thank you. I appreciate the courtesy.

Let me point out, just as with any program that is not an entitlement, everything is subject to appropriation. The Government Printing Office is not bound, no pun intended, to print as many copies as they think they need. They can print as many as they have money for. We were very careful in taking $3.2 million, to take only the printing costs for half of the number that are printed already. I think that is reasonable.

Ms. WASSERMAN SCHULTZ. Madam Chair, I really believe that we should approach this in the appropriate way. If we want to change the statute and go to electronic production of the CONGRESSIONAL RECORD, that is what we should do. We should not simply hamstring the GPO by requiring them to print a CONGRESSIONAL RECORD and not ensuring they have adequate funds to do that, when they are already in a deficit situation.

I urge my colleagues to oppose the amendment.

Mr. BLUMENAUER. Madam Chairman, this amendment is simple: by instructing the Government Printing Office (GPO) to print half the number of CONGRESSIONAL RECORDS daily, we will save $3.2 million in taxpayer dollars and 57 tons of paper annually.

An unofficial survey of House offices revealed that many swiftly discard their daily copy of the CONGRESSIONAL RECORD. And why shouldn't they? The full, easily searchable text of the RECORD is available online back to the year 1989. As electronic viewing of this resource becomes more widespread, we must continue to adjust the number of printed copies accordingly. In fact, since 1995 we have reduced the number of daily printed CONGRESSIONAL RECORDS from 18,000 to 5,600 per day.

We have an opportunity to save millions of dollars by taking advantage of paperless technology and pushing House operations into the 21st Century. I commend Speaker PELOSI in her recent effort to "Green the Capitol" and this is a common-sense amendment that is consistent with that initiative.

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–201.

Mr. JORDAN of Ohio. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ___. ACROSS-THE-BOARD REDUCTION.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4 percent.

The CHAIRMAN. Pursuant to House Resolution 502, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the Chair.

I want to thank the Chair of the committee and the ranking member for their good work and the committee's work. I know for the Chair in particular, I want to congratulate her on the first bill coming through her subcommittee, a very important subcommittee of the Appropriations Committee. So I appreciate the fine work done there and the oversight of the visitors center. The passion with which the ranking member spoke about Emancipation Hall I thought was right on target. So I appreciate the work done.

This amendment, just like the amendment I offered last night to the Foreign Operations bill, simply says this: instead of increasing spending by 4 percent, let's hold the line. I articulated reasons last night in the long debate that this body had over why that is appropriate, why that makes sense. Because there is in fact a crisis looming for this country if we don't get control of the spending here in the United States Congress, in the United States Senate and the United States Government.

It is important that we recognize that. I articulated last night too, don't take my word for it. Yesterday's Washington Post talked about this growing problem that is coming in the very near future, and it is important we understand that.

I won't go through all the arguments again here, because I know we have had a long debate and people want to get on their way and get back to their district.

I will just say this: ever-increasing spending inevitably leads to ever-increasing taxes. The American families, the American people are overtaxed because our government spends too much. It has been a problem for both parties. We need to get it under control.

Millions of families, millions of families across this country are going to live on last year's budget. It is not too much to ask the United States Government, in particular the United States Congress, to do the same.

Madam Chair, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chair, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Chair, this is a fiscally responsible bill. Again, we have held the bill to a 4.1 percent increase, only $122 million over actual spending in fiscal year 2007, and if you take into consideration the $50 million rescission in the CR, we are at a 2.3 percent increase. That is $276 million below the total budget request.

Again, I want to point to the minority views, where the minority agreed this bill is fiscally responsible. They say, "On balance, the funding provided in this bill to operate the legislative branch agencies is fiscally responsible."

This bill funds the must-have's, not the nice-to-have's, by targeting increases towards keeping the agencies running, providing Congress with the tools it needs to perform its oversight responsibility, and funding critical security and life safety projects.

The amendment, if adopted, would eliminate $50 million worth of critical health and safety and security projects that we would be unable to fund if a 4 percent across-the-board reduction were adopted.

This amendment would eliminate funding for things like the $5 million we have in this bill to ensure that the Capitol Police have interoperable radios. According to the new police chief, a new radio system is their number one priority. The existing radio system is 20 years old. It is antiquated and outdated. It is not encrypted nor secure, and it is not interoperable. Hurricane Katrina showed the importance of interoperable communications during a crisis.

It also would eliminate funding potentially monitoring the utility tunnel abatement. We had tunnel workers who were subjected to horrendous conditions and have been exposed to asbestos, and we are endeavoring to make sure that we can make up for that and provide the funding for the abatement. That would be impossible if this amendment were adopted.

We provide $1.2 million for escape hoods for our Library visitors, $1 million for emergency exit signs and lighting in the capital, and emergency lighting upgrades in Rayburn.

The amendment would also impair our agency's work. It would put the legislative branch agencies back to a fiscal year 2006 funding level since there was no increase in 2007.

In practical terms, the impact of this would be less capability on the part of GAO to assist Congress in its oversight responsibilities; fewer and less timely products from CRS to assist Members in their legislative duties, a further reduction in CBO's ability to score Member bills, which was pointed out in the Rules Committee as already being a problem; elimination of the digital talking book conversion program for the blind; a reduced ability for the Office of Compliance to pursue health safety issues around the Capitol complex, even as we get ready to add new space with the approaching opening of the CVC; the Architect's operations would be strained to keep up with increases in utility costs; and, finally, since 77 percent of this bill is labor costs, as is most of the increase, this amendment would surely result in a reduction in our workforce.

It is irresponsible. Mr. WAMP and I have endeavored to put forward a bill that is fiscally responsible, fiscally tight, and ensures the life, safety and security needs of the people who work and visit here.

I reserve the balance of my time.

Mr. JORDAN of Ohio. I yield 30 seconds to the gentleman from Tennessee (Mr. WAMP), the distinguished ranking member of the committee.

Mr. WAMP. I wasn't going to say anything, but I just want to say that because we have not accepted common-sense amendments like the previous amendment, and because the Rules Committee only granted three amendments in order, we are losing a lot of support for this bill on this side of the aisle unnecessarily because I do think we worked hard to make it fiscally responsible. But they are making a strong case, and we have closed the process down instead of opening it up.

Mr. JORDAN of Ohio. I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), the chairman of the Republican Study Committee.

Mr. HENSARLING. I thank the gentleman for yielding, and I want to thank him for his outstanding leadership on the issue of fiscal responsibility, coming to the floor and offering this series of amendments.

I do want to thank the chairman of the subcommittee and the ranking member. Certainly relative to many other appropriations bills that we have seen and will see on this floor, relatively speaking, this is a more fiscally responsible bill.

But we can never forget that this is not our money; this is the people's money. And every time we are increasing some aspect of the Federal budget, we are taking it away from some family budget. We are taking it away from some family that had a dream of having a down payment on their first home. We are taking it away from some family who was putting that money away for college tuition for one of their children.

So contrary to the debate we hear and the rhetoric about cuts, what this amendment does is say, you know, let's lead by example. In the big scheme of the Federal budget, I know this isn't a huge amount of money. But when you think about having to save us from the single largest tax increase in history that the Democrat majority put in their last budget, shouldn't we lead by example? Is this apocalyptic vision that we hear, is this going to happen if we give the legislative branch the same money they had last year? Somehow there are families all across America who are having to make do on the same income they had last year.

Now, again, relative to other bills, this is more fiscally responsible. But it comes down to a simple choice: Do you want to put us on the path for the largest single tax increase in American history that would impose $3,000 of additional tax burden on American families, or do you want to put us on the path of fiscal responsibility? We should support the gentleman's amendment.

Ms. WASSERMAN SCHULTZ. Madam Chair, how much time do I have left?

The CHAIRMAN. The gentlewoman controls 2 minutes. The gentleman from Ohio controls 1 minute.

Ms. WASSERMAN SCHULTZ. I would ask that he speak for 1 minute and then we will close in opposition.

Mr. JORDAN of Ohio. I will be brief and just point out this: we heard some of the terrible things that are going to happen if we keep the spending at the same level we had last year.

The American people need to understand this, Madam Chair: $3.1 billion is what this bill spends. My amendment would say $3 billion, $3 billion to run the United States Congress. You ask American families that, they would probably say, you know, that is probably enough. They can probably get by on $3 billion versus $3.1 billion. That is all this does. As the gentleman from Texas pointed out, in the course of the appropriation bills we have been dealing with, this is fairly fiscally responsible. But $3 billion is enough to run the United States Congress.

That is all this amendment would do, keep us where we are right now. Things are working fine now. Why can't we do that in the future?

Ms. WASSERMAN SCHULTZ. Madam Chair, at this time I yield the balance of our time to the gentleman from Virginia (Mr. MORAN), the former ranking member of this subcommittee.

The CHAIRMAN. The gentleman from Virginia is recognized for 2 minutes.

Mr. MORAN of Virginia. I thank the Chair, and I particularly want to congratulate Chairman WASSERMAN SCHULTZ, because she took on a very difficult responsibility and she has performed in a conscientious, extraordinarily fiscally responsible manner.

This is a bill that all of the Members have an interest in, and all of the Members have issues within this bill that they would particularly like to see increased, and some decreased. But it is a difficult one.

She has told me how much she appreciates the ranking member, Mr. WAMP, and I hope Mr. WAMP is listening, how much she appreciates Mr. WAMP's cooperation in coming up with a bill that was acceptable to the overwhelming number of the full Appropriations Committee members when they reported it out to the floor.

Now, this bill is $276 million below the President's request. That is extraordinary, and it is the first time that the Legislative Branch appropriations bill has reflected that deep a cut versus the President's request. So if you are looking for fiscal responsibility, you will find it in this bill, more than any other appropriations bill. We congratulate Mr. WAMP, as well as the chairwoman, for coming up with a bill that accomplishes that kind of fiscal responsibility.

But if anybody else wants to cut another $100 million, which this amendment would do, below that, then it is concomitant upon the proponent of that amendment to say exactly where you would make those cuts. Because this is the result of a lot of give and take, a lot of compromise, a lot of very conscientious investigation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. FLAKE of Arizona.

Amendment No. 3 by Mr. JORDAN of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 191, not voting 28, as follows:

[Roll No. 545]

AYES—218

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)

Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Taylor
Terry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wynn
Yarmuth

NOT VOTING—28

Baker
Bonner
Brown (SC)
Brown-Waite, Ginny
Carter
Cramer
Cubin
Davis, Jo Ann
Everett
Faleomavaega
Fortuño
Hastert
Hastings (FL)
Hunter
Johnson (GA)
LaHood
McGovern
McMorris Rodgers
Moran (KS)
Napolitano
Nunes
Ortiz
Paul
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Wicker

□ 1251

Messrs. BAIRD, CHANDLER, MEEHAN, MEEK of Florida, CARNAHAN and RUSH changed their vote from "aye" to "no."

Messrs. EHLERS, CRENSHAW, MAHONEY of Florida, LaTOURETTE, ELLSWORTH, Ms. HARMAN and Mr. PORTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote No. 545. Had I been present, I would have voted "no" on agreeing to the Flake of Arizona amendment.

AMENDMENT NO. 3 OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 231, not voting 29, as follows:

[Roll No. 546]

AYES—177

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—29

Baker
Bonner
Brown (SC)
Brown-Waite, Ginny
Carter
Cramer
Cubin
Davis, Jo Ann
Everett
Faleomavaega
Fortuño
Hastert
Hastings (FL)
Hunter
Johnson (GA)
LaHood
McGovern
McMorris Rodgers
Moran (KS)
Napolitano
Nunes
Ortiz
Paul
Pryce (OH)
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Wicker

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes left in this vote.

☐ 1259

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote No. 546. Had I been present, I would have voted "no" on agreeing to the Jordan of Ohio Amendment.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. BALDWIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2771) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes, pursuant to House Resolution 502, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1300

MOTION TO RECOMMIT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston moves to recommit the bill, H.R. 2771, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 16, line 14, after the dollar amount, insert the following: "(decreased by $16,000,000)".

On page 16, line 15, after the dollar amount, insert the following: "(decreased by $16,000,000)".

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, I offer this amendment to bring something to the Members' attention that I think is very important.

We are about to create a fourth building for the House of Representatives. We have Cannon, we have Rayburn, we have Longworth. We are about to put on another 200,000-square-foot building. I think you should know about it, and I think we deserve a vote on it.

Number one, this is an earmark. Now, we have been talking weeks and weeks and months and months about transparency and ending earmarks. Yet if you will look in the report on page 20, there is a $16 million earmark for a new House office building. There is no explanation of the project, no total cost, there have been no hearings and no oversight, and it is not in the Democrat budget. It was not requested by the Architect of the Capitol, and, yet, it's in the bill.

Now, looks like a duck, walks like a duck, could be an earmark. That's where we are on this.

Number two, I think Members have the right to vote on a fourth office building. As former chair of this committee, one of the big frustrations I have about the Capitol Visitors Center is none of us owned the project. There wasn't one person that you could say it's his or her fault. It was all diluted and by committee. We never had a vote on it.

Indeed, when I was a chairman of this committee, a staffer put in $18 million to renovate the House floor, which none of us knew about. I took the money out of it, as did Chairman LEWIS last year.

But things get stuck in the bills that we don't know about that we deserve a vote on. This gives you an opportunity, unlike the CVC, which started out as a $260 million project, with partial private funding, and now is up to $600 million.

This motion to recommit gives you the opportunity to vote on something and say no to something that has already cost this House $140 million. This is a 200,000-square-foot building. That's the size of 15 House floors. It's the size of four White Houses. It's five football fields big. This isn't incidental swing space.

What is this needed for? In case we renovate the Cannon House Office Building. Now, don't you want to vote on that? I haven't had a debate on renovating the Cannon Office Building, but I want to know about it. This is a big building of substance, and you deserve a vote.

Incidentally, this isn't going to be the only new building. We are adding 580,000 square feet in the form of the Capitol Visitors Center.

This building is huge. To move forward, it's going to cost us not the $16 million that's in the bill, but actually $56 million, and then another $12 million to lease it, plus $18 million for furniture for it.

Think about it. How many times have we heard from some Members in a rather preachy fashion, we need to control our carbon footprints? Ladies and gentlemen, all of those of you who want to reduce our carbon footprint, here is your opportunity. Say "no" to a 200,000-square-foot boondoggle which we are about to put in.

This has not had the proper oversight, it has not had the proper hearings. The contracts have all been verbal. That's why we are all in the situation.

Madam Speaker, I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. I want to point out and remind my colleagues that Mr. WAMP and I are proud to report to you that we have brought the legislative branch appropriations bill in at $276 million below the request. The easiest thing in the world to do is jump on the table and to cry waste.

I want to also point out that this is a security upgrade, funding for security upgrades requested by former Speaker HASTERT and continued by Speaker PELOSI so that we can ensure that we provide swing space for our very cramped space so that we can properly renovate the Cannon and Longworth House Office Buildings.

I ask my colleagues to come over and look at these pictures of the deterioration of our facilities. These are pictures of the 100-year-old Cannon House Office Building. If you take a look at the deterioration and life, safety and security upgrades that this facility needs, we can no longer wait to make these upgrades, and to make sure that we can protect the people who work here and the people who visit us. They are deteriorating and badly in need of renovation.

What the gentleman from Georgia's motion to recommit would do is delay for years, if not make it impossible, for us to begin renovation and repairs on our aging House facilities.

My colleagues, this committee does not deal with the sexiest of subjects that confront us every day, and I have only been here for 2 years and the chair of this subcommittee for the last 5 months. You don't earn a reputation as an institutionalist in that short period of time, but it is my hope to be able to do that over time.

We are stewards of this great institution, but we are also stewards just as much of these facilities. My colleague on the Appropriations Committee, JOSÉ SERRANO of New York, recently made a wonderful suggestion to remind us of the history embedded even in what may seem mundane, the space we occupy each day. He suggested that we each have plaques in our offices with the names of our predecessors in Congress who occupied that space before us. My own office, I was thrilled to learn, was once occupied by former Congressman Lyndon Johnson.

My point is they may seem like buildings and office space to the outside world, but we know better. How many of us countless times have found ourselves approaching this beautiful building we are now in and marveling privately to ourselves, wow, I work here, what an incredible privilege.

But with privilege comes responsibility. We must think about the institution, but we must also think about our hard-working staff. The number of hours they toil in these facilities is mind-boggling. You might be surprised to learn that the average work space for each of our staff is about 36 square feet. And I want to show you what 36 square feet is. This is 36 square feet. That is how much space that we allot, on average, to our employees.

GSA recommends an average of 100 square feet of space per employee. We need to renovate so that we can make sure we are not cramming our staff into unreasonable boxes for hours on end. Our staff make incredible sacrifices to serve the public, our constituents, and they help us do our job. We must make sure that we keep these facilities, the place they work every day and night, safe for them. We must make sure we keep these facilities safe and in good condition for our constituents and our successors.

Mr. KINGSTON's amendment is well-meaning, but it is not responsible, and it is not an eye toward the future with respect for our past. I strongly urge you to vote against the motion to recommit.

Mr. HOYER. Would the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield to the gentleman.

Mr. HOYER. It was my understanding you indicated this is the initiative of Speaker HASTERT; am I accurate?

Ms. WASSERMAN SCHULTZ. Yes, it is. It is an initiative from former Speaker HASTERT.

I strongly urge you to vote against the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KINGSTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 181, noes 217, not voting 34, as follows:

[Roll No. 547]

AYES—181

Aderholt
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—34

Akin
Baker
Berman
Bonner
Boyd (FL)
Brown (SC)
Brown-Waite, Ginny
Carter
Clay
Cleaver
Cramer
Cubin
Davis, Jo Ann
Everett
Fossella
Hastert
Hastings (FL)
Hunter
Johnson (GA)
LaHood
Linder
Lofgren, Zoe
McGovern
Moran (KS)
Napolitano
Nunes
Ortiz
Paul
Pryce (OH)
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

Members are advised that this vote will close precisely when time has expired.

☐ 1326

Mr. McDERMOTT changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Madam Speaker, on rollcall No. 547, had I been present, I would have voted "aye."

Stated against:

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote No. 547. Had I been present, I would have voted "no" on the motion to recommit on H.R. 2771, Legislative Branch Appropriations for FY 2008.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 176, not voting 40, as follows:

[Roll No. 548]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—176

Aderholt
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Drake
Dreier
Duncan
Ehlers
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Holden
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—40

Akin
Baker
Berman
Bonner
Boyd (FL)
Brown (SC)
Brown-Waite, Ginny
Carter
Castor
Clay
Cleaver
Cramer
Cubin
Davis, Jo Ann
Doggett
Doyle
Emerson
Everett
Hastert
Hastings (FL)
Hulshof
Hunter
Johnson (GA)
LaHood
Linder
Lofgren, Zoe
McGovern
Meehan
Moran (KS)
Napolitano
Nunes
Ortiz
Paul
Pryce (OH)
Ryan (OH)
Sanchez, Loretta
Sullivan
Tancredo
Waxman
Wicker

☐ 1332

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote No. 548. Had I been present, I would have voted "yea" on passage H.R. 2771, Legislative Branch Appropriations for FY 2008.

PERSONAL EXPLANATION

Mr. CARTER. Madam Speaker, on June 22, 2007, I was unable to be present for all rollcall votes due to an unexpected delay. If present, I would have voted accordingly on the following rollcall votes: roll No. 543—"nay"; roll No. 544—"nay"; roll No. 545—"aye"; roll No. 546—"aye"; roll No. 547—"aye"; roll No. 548—"nay".

PERSONAL EXPLANATION

Mr. CLEAVER. Madam Speaker, I was unavoidably detained for rollcall votes 547 and 548.

Madam Speaker, had I been present, I would have cast the following votes on H.R. 2771: to authorize appropriations for fiscal year 2008 for the Legislative Branch. Madam Speaker, had I been present for the motion to recommit with instructions, roll No. 547, I would have voted "no." On passage roll No. 548, I would have voted "yes".

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008; AND H.R. 2771, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2764 and H.R. 2771, to include corrections in spelling, punctuation, section number and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

REPORT ON H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008

Ms. WASSERMAN SCHULTZ, from the Committee on Appropriations, submitted a privileged report (Rept. No.

110–207) on the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I yield to my friend the majority leader for the purpose of inquiring about the schedule for next week.

Mr. HOYER. Madam Speaker, I thank my friend for yielding.

On Monday the House will meet at 12:30 p.m. for morning hour business and at 2 p.m. for legislative business, with votes rolled until 6 p.m.

I want to reiterate that, as we did the other day. It will be 6 p.m. I would hope that the offices that are covering the floor, that they remind their Members 6 p.m. on Monday will be the votes. The congressional baseball game is at 7:30, and we want to give Members time to get to the game. It is a fun event and a collegial event, and we are going to accommodate that by accelerating by half an hour the votes on Monday at 6 p.m.

We will consider several bills under suspension of the rules. A complete list of those bills will be announced later today.

On Tuesday the House will meet at 9 a.m. for morning hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday the House will meet at 9 a.m. We will consider the following fiscal year 2008 appropriations bills: Interior and Environment; Financial Services.

I will say to my friends that those two bills will be considered, and we will obviously, consistent, hopefully, with our agreement, try to enter into unanimous consent agreements in terms of the amendments and the timing of those amendments. And we will see how the balance of the schedule goes Tuesday, Wednesday, and Thursday.

Mr. BLUNT. Madam Speaker, I thank my friend for that information.

And from the fact that you said we will see how the week goes Tuesday, Wednesday, and Thursday, I think that anticipates that at least there is a chance that with the State-Justice-Commerce bill's not being next week, we may be able to be done on Thursday, and the Members can start their work period on Friday. Would that be one of the options that would be a possibility at least?

And I yield.

Mr. HOYER. Madam Speaker, I thank my friend for yielding.

The answer to that is yes. Again, we are going to complete those two bills at least. There may be some other legislative business. We don't know whether there will be conference reports. As you know, there is a conference on the 9/11 bill and some other conference reports on other items that may come forward. But the answer to your question, I think, is essentially yes. If we can complete the work that we have before us prior to Friday, there may not be a need to meet on Friday.

Mr. BLUNT. Reclaiming my time, a couple of other thoughts. I thank you for that information.

On the conference reports that are upcoming, the 9/11 conference report is there.

Mr. HOYER. Lobbying disclosure is the other.

Mr. BLUNT. I was going to ask about lobbying reform, if you thought there was a chance for that. Water Resources or the competitive science bills, do you have a report on where those might be?

Mr. HOYER. I really don't. But because I don't have a report, my speculation is that there is not anticipation that those conferences will be completed in time to consider conference reports next week. We don't have any report on that.

I am looking at the person who knows so much on my staff, Mr. Cogorno, to make sure that I am making a correct representation, but that is accurate.

Mr. BLUNT. I would also ask, I believe we announced last week, Madam Speaker, we thought that we were going to have the Science-State-Justice-Commerce bill up next week, and now we are not. Is there any particular reason for that that you can share with me on that?

I yield for a response.

Mr. HOYER. Yes, there is. We had a lot of discussion about this. As Mr. OBEY has represented, because of the reforms that have been adopted and the transparency that we want to effect, but also the certification that is necessary for the legitimacy of projects, the time frame necessary to do the State-Justice-Commerce was more than could be accomplished within the time frame that the staff had available. As you know, they had to deal with the Interior and the Financial Services as well. Science-State-Justice-Commerce was such that they simply could not get it done in time. Regrettably, therefore, it, too, as the other four bills, one of which was already scheduled for July, the defense appropriations bill, had to be moved to July.

Mr. BLUNT. Madam Speaker, I thank my friend for that. And I do believe that the protracted discussion we had and the agreement we made on transparency on these bills is a good thing.

Next week's being a week where we will be leaving for a district work period, we won't have a chance for this colloquy, and I am wondering if you have any sense yet of where we will be the week we come back after the Independence Day break. Should we anticipate any appropriations bills that week or do you have other work that we might get to that week?

And I would yield.

Mr. HOYER. I thank the gentleman for yielding, Madam Speaker.

It is our expectation that the first week back, which will be the week of July 9, I believe, Tuesday, the 10th, at 6:30 p.m., we will not have appropriation bills that week. There will be legislation that week, and we will give notice of that next week so that one can anticipate it for the week that we come back from the July break. But we do not expect appropriation bills to start until the following week, the week of July 16.

Mr. BLUNT. I appreciate that. And I appreciate also that generally that is the way that it usually works out on a week where we are coming back from being in our districts the week before.

Last week you said that we should anticipate an announcement on an omnibus energy bill by the Fourth of July recess. I am wondering if you have any more information on that.

And I yield.

Mr. HOYER. I thank the gentleman for yielding. Yes. What I said was it is my expectation that at the end of next week, there will be an announcement. The Speaker has made it very clear that this is a priority, energy independence, and addressing the issue of global warming is a priority item for our caucus and, therefore, for the Congress, and that we will be addressing what we intend to do in July prior to leaving here for the July break.

Mr. BLUNT. And would that also include a sense of when that bill would actually be on the floor when we make that announcement prior to the Fourth of July break?

And I yield.

Mr. HOYER. I don't know that it will be specific, but certainly it is our hope and belief that it will be the month of July.

Mr. BLUNT. And what I believe would be my last question is on the related Ways and Means energy tax bill that I believe in that committee has about $16 billion of tax increases in it as part of the energy package. Would that come up earlier than the rest of the energy package, or do you expect that to be on the floor at essentially the same time?

And I yield to the gentleman.

Mr. HOYER. That decision has not been made, but my thought would be it would come up in close proximity, whether before, just after, but it would be considered in very close time frame to the consideration of the other pieces of the energy legislation.

Mr. BLUNT. And I believe the gentleman said that you really don't have a sense whether these bills would be on the floor in July or not, and if they are not on the floor in July, then we would look at sometime later in the year; is that correct?

I yield.

Mr. HOYER. No. As I said, it is my expectation that we will have these bills on the floor in July.

And if I can, it has been somewhat complicated, as you can understand, by the fact that we now have four appropriation bills that we anticipated in June now scheduled for July. So to that degree, I want to be somewhat careful about what I represent, because we are still in the process of determining the scheduling of all of those bills.

Mr. BLUNT. That was not a question designed to go back and try to in any way create a problem. I think I did not hear what you said properly the first time.

Mr. HOYER. July is the expectation.

Mr. BLUNT. That is helpful to me, and I appreciate the information.

ADJOURNMENT TO MONDAY, JUNE 25, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RECOGNIZING THE HON. WESLEY E. BROWN, UNITED STATES DISTRICT COURT JUDGE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise today to honor and give recognition to the life and continued service of the honorable Wesley E. Brown, United States District Court judge for the District of Kansas.

Since Judge Brown's appointment to the Federal bench by President John F. Kennedy in 1962, Judge Brown has served his beloved State of Kansas and this Nation with great distinction. And after 45 years of service on the bench, Judge Brown continues to serve as a senior judge, coming in each morning and carrying a full caseload. In fact, the Federal courthouse in Wichita could not manage its caseload without Judge Brown's service and his commitment.

Prior to his judicial appointment by President Kennedy, Judge Brown managed to work his way through law school by taking classes at night in Kansas City while working during the day assembling model A cars for the Ford Motor Company. After losing his job at Ford during the Great Depression, he served as Reno County Attorney in Kansas and later enlisted in the United States Navy to serve in World War II as a lieutenant, stationed at Commander Philippines Sea Frontier.

Today I have the honor of introducing a House resolution which not only recognizes Judge Brown's distinguished service to our Nation as the longest-serving Federal judge in Kansas, but also celebrates his 100th birthday today.

Judge Brown, your State of Kansas and this Nation wishes you a very happy birthday today and thanks you for your continuing service.

□ 1345

A TRIBUTE TO CHARLESTON'S FIREFIGHTERS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I want to pay my respects, and I know the respects of all others in this House, to the nine Charleston, South Carolina, firefighters who lost their lives this week while fearlessly and courageously discharging their duties, and offer my condolences to the families and friends who lost loved ones in this great tragedy: Captain Billy Hutchinson, Captain Mike Benke, Captain Louis Mulkey, engineer Mark Kelsey, assistant engineer Brad Beaity, assistant engineer Michael French, firefighter James Drayton, firefighter Brandon Thomas and firefighter Melven Champaign. They made a commitment to one of our Nation's highest callings, a calling to service in the face of great danger, and a call to honor a tradition of heroes.

These fallen firefighters, Mr. Speaker, represented more than 100 years of service to the people they swore an oath to protect. And the dedication with which they lived their lives is something our Nation will not soon forget.

John Kennedy once said: "The courage of life is often a less dramatic spectacle than the courage of a final moment, but it is no less a magnificent mixture of triumph and tragedy. A man does what he must, in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all morality," Kennedy concluded.

In their final moment, Mr. Speaker, these nine men taught us what true morality is really all about, a love and heartfelt concern for one's neighbors that provides the strength to rush into the breach while others are rushing from it, and a sense of responsibility that will not allow a man to stand idly at times when his help is most needed.

Today, Mr. Speaker, the thoughts and prayers of a grateful Nation are with the families and friends of these nine courageous men, firefighters, heroes. May their legacy of valor, gallantry, and service be something that lives on in our country forever.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–42)

The SPEAKER pro tempore (Mr. SHERMAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on June 23, 2006, 71 FR 36183.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United

States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE *June 22, 2007.*

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Trustees of Gallaudet University:

Ms. WOOLSEY, California
Mr. LAHOOD, Illinois

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. RUPPERSBERGER, Maryland
Mr. CUMMINGS, Maryland
Mr. KLINE, Minnesota
Mr. WICKER, Mississippi

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEDICATION OF VILLAGE HOMES OF WAYZATA, MINNESOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, tomorrow is a special day in our community of Minnesota. Tomorrow is the day we welcome four very special new families to our community. Tomorrow is the day we dedicate and cut the ribbon at Wayzata Village Homes, an affordable housing complex built by Twin Cities Habitat for Humanity.

As we dedicate these beautiful new homes and welcome our new neighbors, I'm feeling deeply grateful to live in a community of compassionate, caring and committed people, people who care deeply about people suffering the ravages of poverty, homelessness and hunger, people who reach out to meet the housing needs of people in need, people like John and Nancy Berg.

John and Nancy Berg started a family foundation several years ago to meet the affordable housing needs in our community and have contributed so generously time after time after time. People like Steve and Geri Bloomer, who donated the land for Wayzata Village Homes. People like Wayzata Mayor Andrew Humphrey, the members of the Wayzata City Council and the Wayzata Housing Authority, all of whom have a progressive, enlightened and generous approach to expanding access to affordable housing.

I am also deeply grateful to all the sponsors, donors and other partners, as well as LaDonna Hoy, Jill Kohler and Kim Vohs, and all the staff and volunteers at Interfaith Outreach and Community Partners. Interfaith Outreach and Community Partners is truly the conscience of our community. I am also deeply grateful to Sue Haig, Tony Beckstrom, and all of those with Twin Cities Habitat for Humanity. Habitat is truly the conscience of our entire Nation in meeting the huge need for affordable housing in our country.

In 1961, on the steps right here at the Capitol, in his celebrated inaugural address, President John F. Kennedy said: "Here on Earth, God's work must truly be our own." In Wayzata, each of these wonderful people answered President Kennedy's call. They helped make Wayzata Village Homes a reality. They answered our community's call. And tomorrow we will celebrate this great affordable-housing success story.

Tomorrow, we will celebrate four new families in our community and extend a special welcome to the proud new residents of Village Homes.

Nobody will give a more special welcome than Rachel Poss. Rachel is a fifth grader at Birchview School in Plymouth. Rachel certainly touched my heart this week with her community service project, which was written up in the Minneapolis Star Tribune, of providing baskets of household items to the new families of Village Homes.

Thank you, Rachel, and to all who made this Habitat project a reality. You showed us what public service is all about.

CONGRATULATING THE MILLERS ON 50 YEARS OF MARRIAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to congratulate Mr. Tom and Mrs. Lois Miller on the occasion of their 50th anniversary.

Mr. Speaker, the institution of marriage is one of the most sacred and effective traditions in civilized society which organizes, holds together and perpetuates continuation of civilized humanity. And to many it is both a civil and religious act. And whereas Tom and Lois Miller have shared 50 years of holy matrimony, I am pleased to pause and wish them well.

Tom and Lois met in McCool, Mississippi, while teenagers and were married after coming to Chicago by Reverend Daniel A. Williams on January 14, 1957. Tom worked at CELO Steel, and later went to the R.C. Cola company, where he retired after a long, satisfying and productive career.

Lois pursued a career in cosmetology, became one of the best in her field, and subsequently owned her own business, the L & L Beauty Salon, which has been in existence for 47 years.

Mr. Speaker, Tom and Lois Miller became and still are pillars of their community. They've raised four daughters, have four grandchildren and two great grandchildren. Ever since their marriage they have been rocks of the Greater Zion Missionary Baptist Church, where they have both displayed tremendous leadership, with Tom Miller becoming chairman of the deacon board.

They were founding members of the 4,500 West Congress Block Club in Chicago and have been active in many other civic and social endeavors, and for the past 10 years have lived in Westchester, Illinois, where they have immersed themselves in community life.

Mr. Speaker, 50 years is a long time. And when you can spend those 50 years in a state of peace, happiness and productive engagement, you have been truly blessed. And just as you have been blessed, you have also blessed others. I've been told that "to those to whom much is given, much is expected in return."

The Millers have been fortunate to have a great family, great children, great grandchildren, friends and relatives. Their children, grandchildren, other relatives and friends have been fortunate to have the Millers in their lives. And I wish all of them a great day as they gather for a tremendous celebration on Sunday.

And so I close my comments, Mr. Speaker, with congratulations to Tom and Lois Miller, wish them well and trust that they will have many more years of happy and blissful marriage and that this relationship will continue until the end of time.

☐ 1400

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor this evening to bring information before this body about the current status of education in our Nation.

I had the distinct pleasure of speaking before the Committee on Education recently during Members Day regarding No Child Left Behind, NCLB, and its reauthorization. But I felt compelled to come to the floor as well to join with my other colleagues and reiterate my concern with the current state of education in this country and what I hope to see come out of this year's reauthorization.

Now, I share with all my colleagues here in Congress the ultimate goal of providing a high-quality education for every child in America.

Surely, we can do better than what has been done so far. What, then, should we do? I have looked at past reauthorizations of ESEA, and I noticed a troubling trend. With every reauthorization, now problems are identified with American schools. With every reauthorization, the solution proposed by Congress is for the Federal Government to become more involved with education.

So, with this reauthorization before us, I have to ask, what has this interference wrought? Back in 1983, a famous report entitled "A Nation At Risk" said that America had fallen dangerously behind the rest of the world in education. Today new studies say many of the exact same things.

According to the National Center For Education statistics, for example, in 2003, U.S. fourth graders were outperformed by their peers in 11 countries, including four Asian countries and seven European countries. U.S. eighth graders were outperformed by their peers in nine countries. Yet, as a percentage of GDP, we spend more money now on education than at any time in our Nation's history. In fact, we spend more in the United States on K through 12 education than the Philippines, Saudi Arabia or Sweden spend on everything in their countries.

Our problem is this: We have increased Federal paperwork which requires increased taxpayer dollars to pay for increased administrative staff. But we have decreased teacher flexibility. We have decreased accountability to parents and decreased student performance.

So for this year's reauthorization, I am proposing something different. Very soon, I will be dropping in legislation that will allow a State to in essence opt out of the majority of the requirements of NCLB, but at the same time, allow those taxpayers in the States to keep their education funding through what we call a refundable tax credit.

I understand this is very different than what some other Members were proposing. But I feel that only by allowing the States and local governments to bear the burden of education accountability, accountability on that level, will we ever, as a Nation, make the progress that we need to make in the classroom so that we can stay competitive in the twenty-first century.

I recently held a town hall meeting back in my district about No Child Left Behind. Every person in that room had something negative to say about the administrative requirements in the program in general. At one point in the meeting, I asked how many people there had contacted and met with a local teacher or principal or school board member regarding their problems? Nearly everyone in the room raised their hand.

I then asked the question, how many of the people in the room here met with somebody in the State capital or in the New Jersey Department of Education about their concerns? About half the people raised their hands. I then asked, well, how many of you have had contact with someone from the U.S. Department of Education in Washington? Only one person raised their hand.

My point is this: By transferring the requirements for NCLB in Washington, we are moving the accountability for education further away from the parents, the teachers, the school boards, to where it belongs. It belongs close to the parents, the students and the educators in the local school boards.

In addition, the reporting requirements under NCLB have created basically a confusing system, a system that ends up punishing our best schools. One of the high schools in my district is consistently cited in publications in the State as one of the top-performing schools in my State. This very same school was placed on an early warning list 2 years after NCLB was instituted.

This was not an underperforming school. Every year, nearly 100 percent of the kids graduate and they attend college. The average combined SAT score for the students in that school was around 1,100. Fourteen AP courses and tests were offered and so on. So it is a great school. And, yes, it is on the warning list.

So I worry that while trying to meet the requirements of NCLB, students attending this high school will actually be held back by burdensome regulations rather than pushed to excel at already high standards that the school had previously set for them.

I am certain there are many other schools in my counties in my district in my State and across the country, which is why we need a change to NCLB.

CALLING FOR A TIMETABLE TO REDEPLOY FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, a little over 5 years ago I was on the ground in Afghanistan and then returned with an Aircraft Carrier Battle Group. I then took that Aircraft Carrier Battle Group into the Persian Gulf for the precursor operations just before we began that war.

After that war had commenced, I returned to the ground in Afghanistan 18 months later for a short period of time and saw what had not been done. We had accomplished so little compared to what might have been because we diverted our attention and our resources from our Civil Affairs Forces to our Special Operations Forces to the tragic misadventure in Iraq.

I speak of Afghanistan because as it becomes prey to terrorists and as the Taliban has moved back into the southern provinces, it is a poster child for why I believe we must bring about a timetable for the end of the war in Iraq.

That war has hurt U.S. security throughout this globe as well as here at home, yet not one Army unit, Active, Reserve or Guard is in a state of readiness that it could deploy anywhere in the world if another contingency were to occur. Never mind that we are failing to engage properly from the Western Pacific to Southeast Asia to the Middle East.

There is a change in our strategy that can bring about an end to this tragedy without a failed state in Iraq. That is to set a date that is certain by which we would redeploy out of Iraq, because a date certain changes the structure of incentives within that region to change the behavior of other nations, in particular, Iran and Syria, that are involved destructively in this conflict because we are, to their delight, bleeding, bleeding profusely.

I asked when I was there with Senator HAGEL, our highest political officer there, does Iran want a failed state if we are to redeploy? His response was no. Therefore, we must have the confidence to set a date that is certain to redeploy out of Iraq, put our troops in Afghanistan, remain in the region on our bases in Oman, Bahrain, Qatar, or Aircraft Carrier Battle Group or Amphibious Ready Group, and bring others home, so we don't degrade the readiness of our forces, but have the competence to deal with Iran and Syria, bring them together with the Iraqis as they deal with the extreme elements and we deal with the middle.

There is a saying in the Middle East, "Insha'Allah," basically, "God willing tomorrow." Tomorrow for U.S. security has been enough. A date certain, approximately a year, 9 months, to give those countries time to work with us to bring about the political decisions that must cease the civil war, to have the Iraqis step to the plate and assume responsibility in the 32 ministries that thus far have been personal fiefdoms for personal ambitions as we provide the political and military cover for them to go about their personal pursuits. This is a change that can only about be brought about not by doubling down on a bad military bet by more troops, but by enforcing a date certain within a timetable. And lastly, we should do so on an authorization bill.

We should never again put our troops between us and the President. Being in the military is a dangerous business, but it doesn't have to be unsafe. Our business in the military has the dignity of danger, but you must provide them the bullets and the equipment they need to protect themselves, while having an authorization bill provide the date certain by which no forces in Iraq would remain, or funding for them to remain would not be there.

Mr. Speaker, I yield back the remainder of my time with the understanding that there is a strategic approach to end this conflict without a failed state in order to enhance U.S. security.

□ 1415

A MATTER OF TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in the current issue of the "New Yorker" magazine, veteran reporter Seymour Hersh lays out the shame that was Abu Ghraib and the efforts at the highest levels to sweep it under the carpet.

Former Army General Antonio Taguba takes this very brave step to share details of his meetings with former Secretary of Defense Donald Rumsfeld and other administration officials in the wake of the prisoner abuse scandal at Abu Ghraib. In May, 2004, photos of abuse at the American-run prison were made public by CBS and other media outlets. We can all recall the inhumane treatment and degradation depicted. What was included in the photos and videos were not interrogations. They were humiliating and often horrible acts of violence.

Months earlier, before the photos emerged, General Taguba had filed a report outlining the "numerous incidents of sadistic, blatant and wanton criminal abuses that were inflicted on several detainees and systemic and illegal abuse."

In fact, the first report sent to senior Pentagon officials came in January of that year. The response? A senior general in Iraq brushed off the report saying that the victims were "only Iraqis." According to the article, General Taguba found that Lieutenant General Sanchez, the Army commander in Iraq who had visited the prison several times, knew exactly what was going on.

Despite many reports contradicting him, Secretary Rumsfeld himself clung to the claim that he saw the photos and video of the abuse only days before testifying before Congress. He said he first learned of the problem in late January or early February. His memory seems to be a little fuzzy in this regard. And in response, who did he send to oversee prison in Iraq? Major General Jeffrey Miller, the commander at Guantanamo.

If this were a movie plot, Mr. Speaker, it would seem ludicrous. Unfortunately, this is part of our real history in the occupation of Iraq.

And our commander-in-chief? It is unclear when he first learned of the situation at Abu Ghraib, but by most accounts it was months before the notorious pictures hit the airwaves. This is absolutely disgraceful.

It appears that the administration has no shame when it comes to the continuing abuse of human rights abroad and at home right here in America. Is this the legacy we want to leave in the Middle East? A preemptive strike against a nation which did not have weapons of mass destruction? A civil war that is tearing a nation apart? Our standing in the world at an all-time low? The loss of over 3,500 brave service members?

This did not have to happen. The administration willingly misled this Nation into an occupation that cannot be won.

The acts at Abu Ghraib could have besmirched the honor and reputation of all of the troops who serve each day with distinction and courage, but thankfully it did not, because the American people know and understand that the acts of the few and of the top leadership who endorse those acts should not be visited on those who so bravely and selflessly serve. Our troops have shown great valor in the face of unbelievable challenges. This Congress honors them and the sacrifices they have made.

That said, it is well past time that this Congress stands up and says, enough is enough from this administration. The American people are frustrated with the lack of progress on ending the occupation and bringing our troops home, and rightfully so.

This fight may be difficult, but it is our obligation. I ask my colleagues to demand that not another day goes by without a real effort to bring our troops home and to return the sovereignty of Iraq to its people.

COMMENTS ON THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Mr. Speaker, it is this time as we end a week of discussion and debate and we all leave to reconnect with our constituents and find out from the real people of America what we have actually done here that we have a time to sit back and contemplate the significant questions that will be brought to us next week, probably the greatest of which is simply will the Republicans continue to win the congressional baseball game.

But at this time in this weekend, I am joined tonight by Congressman GARRETT of New Jersey, who is the Chairman of the Constitutional Caucus, who wisely thought that this would be a good time for us to take a moment and discuss once again the significance and importance of the Constitution as we come to this end of this section of our legislative year.

You know, Mr. Speaker, the Supreme Court Justice Antonin Scalia once said he understood there were those people who believe that there should not be a strict adherence to the words or intent of the words of the Constitution. But, he wrote, you would have to be an idiot to believe that.

The Constitution is not a living organism. It is a legal document. It says some things and doesn't say other things. The Constitution is a piece of paper that has words, but each of those words have a meaning.

I was once watching an episode of Fawlty Towers, obviously a very old one, and it is one in which John Cleese is trying in vain to talk to his waiter Manuel from Barcelona, who doesn't speak English very well, and in contempt he finally walks away and says, "Say Goodnight, Gracie."

Now, my students in school never understood what that line, "Say Goodnight, Gracie," meant. As I was talking to them or other audiences, you would have to be around my age to remember the old George Burns and Gracie Allen routines in which every tagline of one of their routines was simply, "Say Goodnight, Gracie," which had the effect of implying that Gracie Allen was probably the most ditziest, dumbest blonde ever produced.

Now, oddly enough, my students understood the phrase "dumb blond." They don't understand the phrase, "Say Goodnight, Gracie."

We all have certain cue words which create larger meanings in the mind of the hearer. Those words have meaning based on the usage of time. The Founding Fathers who wrote the Constitution also had cue words that they used to expand the meaning of what they meant.

One of the things I am happy about is the academic community seems of late to take a great deal more interest in the words of the Constitution and defining and understanding what they actually meant at the time.

I had a college professor who used to say the Founding Fathers had baggage that they took with them, which meant there were common concepts they brought together and they understood.

One of them, for example, is they all had read and understood Aristotle. Aristotle loved to divide everything up into categories. He divided up governments into a category of the government of one, a government of the few, a government of the many, and he said that each of those breakdowns could have a government that is good or bad, simply depending on the attitude of the ruling group. And he gave them all names. A government of one, for example, that he said was good, he defined as a monarchy. So in the 1780s, if you claimed someone was a monarch, that was a compliment.

The government of one that was bad that had bad intentions, he gave the term of a tyrant or a tyranny. It is not a coincidence that a decade earlier when Thomas Jefferson is writing the Declaration of Independence, that of all the terms he can use to describe King George, he used the word "tyrant." It had a cue meaning to it which ticked up a whole bunch of other ideas in the mind of the reader or the hearer.

It is the same way when the Federalists decided to criticize Jefferson, they called him a Jacobite. You cannot understand the significance of that insult unless you have a deeper understanding of the meaning of what happened in the French Revolution. The words have specific meanings and specific attitudes.

Akhil Amar wrote a wonderful book exploring the historical context of the words used in the Constitution. Much of what I am going to say is based on many of his works and his research. I would like to take just the preamble of the Constitution to try and illustrate what that is talk about.

You see, I thought Gouverneur Morris and the committee who wrote the Preamble to the Constitution at the very end of the Constitutional Convention were merely putting something in there to add some kind of literary flair to the document itself. And even though these words don't have the same status as statute, these majestic words give us a window to see into the minds of those who actually framed our republican form of government.

It starts off with the phrase "We the people of the United States." Now, whether intentional or not, it began with the concept of empowering people. And earlier drafts started off with "We the people of," and then it listed each and every individual State. Politically, that would have been unwise if indeed one of those states had eventually not ratified the document, which they thought could easily happen, because, after all, Rhode Island wasn't even there.

But by changing it to "We the people of the United States," it is more than just a political maneuver, it is a fundamental mindset of the Convention delegates. This Constitution goes full circle. It starts off by talking about the people and ends with Article 7, which is a new way of ratifying the constitutional document, which is a relatively contemporary concept of having a ratifying convention elected by the people. A new concept of republican democracy.

So this document starts and ends with the commitment to the faith in the people. The Constitution doesn't pander to governments, but rather is aimed at empowering the people of this United States who indeed empower this government at the same time.

The Founding Fathers never intended to amend the Articles of Confederation. They realized to do so would take unanimous consent, and since Rhode Island wasn't there in fact it would never happen. In fact, 2 years earlier New York had vetoed a new financial management amendment. That act in and of itself had done much to spur the call for a new Convention to try and solve the problem. Because the Articles of Convention truly was a treaty between sovereign states and the national government.

This was something that was going to be different. It was going to be different to solve the problem by forming a more perfect union.

Now, once again, I always thought that the phrase "in order to form a more perfect union" was simply in opposition to the less perfect union under the Articles of Confederation. But it meant something so much more than that. It implied that they were leaving the treaty to join the new supreme law of the land. And ratification specifically denoted leaving the commitment of a flawed treaty to a commitment of a new supreme law of the land.

The anti-Federalists got that point. They debated it. They lost the argument. They lost the vote. Confederates did not get that in the Civil War time.

Abraham Lincoln actually was wrong about it as well. When he gave the Gettysburg Address, he talked about an indivisible Nation that started four score and seven years ago. That was a reference back to 1776 and the Declaration of Independence. To be accurate, he should have said three score and 15 years ago was when we became an individual nation, because that was the ratification of the Constitution of the United States.

There is more to that phrase that Gouverneur Morris meant than simply glossing over once again. This phrase, "a more perfect union," is a specific reference to the 1707 Act of Unification between England and Scotland. The words say "the union of two kingdoms more active and complete." In fact Queen Anne referred to it all the time as her "more perfect union."

You see, the attitude of the mindset at the time was they believed the progeny of landed borders was always armies. So they looked at the time when England, Scotland and even Wales were individual countries with land borders and each had an army to offset the other, which meant eventually they would use that army one against the other, and if they were not using it to disturb the peace of the island, than a tyrannical king was probably using it to destroy the liberties of his individual people.

Once they formed the more perfect union of England, Scotland and Wales together, the relative quiet of the United Kingdom was in contrast as they looked across the English Channel to Europe, which still had individual borders and was still engaged in border wars and subjection of the individual liberties of their individual citizens.

So what we consider to be incomprehensible, the idea that Massachusetts might raise an army for some of their indigenous people, and that New York would respond by raising an Army just in case Massachusetts doesn't stay with their own indigenous people, and Virginia might raise an army then because all three of them claim the same lands in the West. What we thought of as incomprehensible was an actual fear at the time.

And they had an option, they will had an option of either eliminating that, or becoming like Europe. They could either be like Europe, with multiple boundaries and all the problems associated with it, or become like the United Kingdom in a more perfect union, eliminating that threat for evermore. And, more significantly, not just bringing peace to the continent, but also providing the protection and preservation of the individual liberties.

It is significant the Founding Fathers had a fear of armies. They limited the army to two years. It had to be dissolved. They didn't do the same thing to navies, because a navy boat could not chase you down the street and beat you up—Armies could. The idea of a citizen army is something that comes about in the French Revolution. That hasn't happened for a decade yet.

So armies at this time were mercenaries who were not necessarily sympathetic to the people they were supposed to be defending. In fact, the British army that came over here to defeat us and defend the British was actually hired Germans.

So the idea in here was an Army was not necessarily nice to people. The militia were the citizens, and those were the ones who were going to be important. Armies were foreigners. Militias were your neighbors. Giving primarily defense of the country to a militia made sense. Allowing a militia, in reality the people, to be armed made sense. An armed citizenry as a check to a potential political abuse made sense. Thinking of the modern National Guard as the same as a 1788 militia when we talk about the Second Amendment makes no sense because we don't understand the meaning of the words.

Lincoln also understood this concept of more perfect union when he talked about the Civil War. If the South was successful, even though this was a horrible war, at a high cost and greatly criticized by the intelligentsia at the time, he predicted that if the Civil War was successful for the South, it would not be the Civil War that created the South, but the beginning in a series of wars between the North and the South over regional boundaries and regional issues.

This Constitution also establishes justice. The Founding Fathers considered justice lacking on both the national and the State level, and they invented the checks and balances system of Federalism to counteract that.

If we truly understand what it means to establish justice, we have to understand the Framers hope to curb the excesses of the State governments, just the way patriots today have to curb the excesses of our national government. So Federalism means we forget the concept of establishing justice.

"To ensure domestic tranquility" was not only a reference to Shay's Rebellion, but was also the concept that Revolutionary War veterans marched on Philadelphia to get their money from the Articles of Confederation Congress and both Philadelphia and Pennsylvania refused to provide protection, one is of the reasons they insisted on having this place, a Federal District, so they could ensure the domestic tranquility.

And the next phrase is "to promote the general welfare." Mr. Speaker, at this time we sometimes have a combination, I think, or conception, conception today, that promoting the general welfare is a door to open up to national involvement in all sorts of areas.

I think if you look at the actual words, it was quite the opposite. "General welfare" was a term of limiting qualifications, not expanding them.

With that in mind at this stage of the preamble, I would like to yield to the Chairman of the Constitutional Caucus, the good gentleman from New Jersey, Mr. GARRETT, to talk about the concept of promoting general welfare.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman from Utah.

Of course, it is humbling to follow after such a gentleman who is learned in these things and also previous to coming to Congress a teacher of such topics of our history and of our Constitution. So I will try, while I will never live up to his standards, but try to emulate him as best I can. When I conclude, I guess I should end by say saying "Goodnight, Rob."

When we looked at those expressions, we remember the words of talk radio host Rush Limbaugh, who often does say the expression "words mean something." He is usually expressing it about one of his callers who has just called in and talked about a particular topic or what have you, and he will take a little slight angle on it and say, well, those words mean something that are being said there.

So too it is with our Constitution, the fundamental document, the Founding Father document of this Nation. It is unique in a sense and it was recognized at that time. Back in 1803, Thomas Jefferson stated, "Our peculiar security in this Nation is in the possession of a written Constitution. Let us not make it a blank paper by construction."

How prescient Jefferson was to see how future generations of this country possibly would and have and courts have as well taken that document; taken its plain meaning, and manipulated it to whatever the understanding of those words currently mean, as opposed to getting an understanding of what the founding document writers intended at the time.

James Wilson, writing in the Study of Law in 1790, said, "The first and governing maxim in the interpretation of a statute," or in this case the Constitution, "is discover those meanings of those words by those who made it."

So when we come to the floor today, or any day, to take a look at our Constitution, we must have an understanding of those terms as those meanings of the words had when the Founders first wrote them.

The gentleman from Utah just went to the point as far as the fact the Preamble goes to the issue of a limiting basis. I would just suggest, and I believe he made one reference to this, that despite the fact that today certain people look to the actual words of the preamble as giving us certain rights or powers now. Gouverneur Morris, the delegate from Pennsylvania at the time, added the preamble. I won't use the word as an afterthought, but certainly after the rest of the Constitution was written down. And specifically preambles at that time in any legal document that were written, were understood to say that they did not have a substantive legal basis or meaning to them.

□ 1430

That is to say a Preamble did not grant nor did it limit powers.

So today, when people come and look at the Constitution and say there is the general welfare clause in the Preamble, they should have an understanding that that was not an intention of the drafters of the document, to expand the powers of the Federal Government.

This can be understood if you look to how those who wrote it and lived at that time understood the document. Anybody who has an understanding of the life and times of Alexander Hamilton understood that there was a brilliant mind, a confidant of George Washington. At the beginning of the revolution, he became an aide in battle, and later when George Washington became our first President, Hamilton was there as the Treasury Secretary and one of the most powerful men in government at the time second to the President himself, more powerful than the Vice President and the Cabinet members at the time, someone who had an array of employees under his control inasmuch as the Treasury was dealing with the collection of excise taxes and the like. He had people under his control throughout the entire country.

He understood in order for this country to be great, and he wanted this country to be great, just as the mighty powers of Europe had been at that time, he had envisions that this country could expand and grow through different aspects of building bridges and roads and building canals. But even Hamilton understood that if he was to try to go down this road, that the powers that were granted to the Federal Government at the time were limiting on him. Even Hamilton suggested that a constitutional amendment would have been necessary for them to do some of the things that Hamilton thought necessary at the time.

So in 1790, Alexander Hamilton said an amendment to the Constitution is necessary in order to make the improvements to the country that are needed for a flourishing democracy. Of course, that amendment never occurred, and therefore the country and following Presidents never had the authority to do many of the things.

Mr. BISHOP will probably cite some of examples of some of the constructions that they were intending to do, and Presidents such as Madison and others vetoed those initiatives.

How all of this is relevant to us today, as someone who may be listening to our debate or discussion right now, this past week the House of Representatives began the debate and now passage of several appropriations bills. We will be coming back in the weeks to come on the consideration and eventual passage of other appropriation bills. Likewise this past week, or the week before last, I should say, this House had a considerable debate on the issue of earmarks.

Just an aside on the whole issue of earmarks. The debate on that topic goes to whether or not the Congress has the authority, and no one really questions this, but the authority to make, the issues of spending money on particular projects, and I don't think anybody debates that too much. The debate we have had on that topic is the transparency issue and whether or not Members of Congress and the American public are able to see exactly what individual Members are requesting that the American tax dollars go to. That is an appropriate debate and one which I supported, and I supported openness and transparency and to shine the light of day on what we do here.

But that really begs the question as to where American tax dollars go at the end of the day. Earmarks are just a very small fraction of the overall government spending. Sometimes we hear of egregious examples, the proverbial "bridge to nowhere" and the Cowgirl Hall of Fame and the like. These things are targeted in an appropriation bill, either on the House floor or in the Senate or in conference. People are outraged both here in the House and at home as well when these things are added to the budget.

But we must understand that such spending does not occur simply through earmarks, it occurs in the underlying bills as well. And it occurs also by the executive office and the administration as well.

So the fundamental question that we must be asking is whether it is a particular earmark, whether it is for a bridge to nowhere or a Cowgirl Hall of Fame or a museum someplace that we tag onto a bill here in the House or the Senate; or whether it can be exactly the same type of project that the administration puts into the spending pattern through their agencies and departments, or whether it is the same type of spending in the underlying bill. The larger question is, and this is a question that every Member of Congress should always consider every time they reach into their wallet or their pocket, wherever they keep it, and they pull out their voting card and they put it into the little device to vote "yes" or "no," does Congress, does the Federal Government have the authority to spend those dollars on those purposes?

The argument is, and this is where the gentleman from Utah was leading to in the Preamble, which is also referenced in article I, section 8 of the Constitution, is the general spending clause.

So all the adherents of those who support the earmarks and support the spending on these particular topics will either look to the Preamble or article I, section 8, the general spending clause of the Constitution, which says for the general welfare of this country.

Well, as the learned gentleman from Utah would say, we have to have an understanding what the "general welfare" of this country was intended by the Framers when they penned that document.

Today we would take that to mean anything that the House of Representatives can think of that would be an improvement for this Nation. That broad and general, expansive meaning, interpretation of the language is not what the Framers intended. What they intended was the opposite. They intended it as a limitating factor on spending.

The Founders intended the general welfare clause and the spending clause in the Constitution was limiting to the extent that Washington could not spend the American taxpayers' dollars on just a parochial interest for this one particular Member's district or for this one particular Member's town or for this county or what have you. Instead, it had to be generally good for the entire Nation.

There is a story that came out of a book that was written in 1884 which I would like to share about a former Member of Congress, the name of which most Americans know, used to be on Disney TV, but he was a real Member of Congress back in 1827–1831, and that was a Member of Congress by the name of David Crockett, more familiarly known as Davy Crockett. He was, I guess you would call him back then, a conservative Member of Congress.

He actually addressed in his writings after he served in Congress this issue of whether or not under the general welfare clause he, as a Member of Congress, had the authority to actually spend money on these parochial interests. Let me share that with you.

He stated: "If Congress is not given such extensive powers, then who is?" The answer lies in the 10th amendment. Of course, I am not the first person to suggest this; others have as well.

He writes about how one day in the House of Representatives, that would have been in 1827–1831, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches were made in its support. The Speaker was just about to put the question to the floor of the House when Congressman Crockett rose.

"Mr. Speaker," he said, "I have as much respect for the memory of the deceased, and as much sympathy for the suffering of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate money as an act of charity. Every Member on this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity. But as a Member of Congress, we have no such right to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due to the deceased. But, Mr. Speaker, the deceased lived long after the close of the war. He was in office to the day of his death, and I have never heard that government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest of corruption, appropriate this money as payment of a debt. We have not the semblance of authority to appropriate it as a charity either. So, Mr. Speaker, I have said we have the right to give as much money of our own as we please. But I am the poorest man on this floor, and yet I cannot vote for this bill, but I will give 1 week's pay to the object. And if every Member of the Congress will do the same, it will amount to more money than this bill."

At that point he took his seat, and no one replied. The bill was put upon for passage, and instead of passing unanimously, as no doubt it would but for his speech, it received only a few votes, and of course it failed.

Later, when asked by a friend why he had opposed the appropriation, he explained. Here is the crux of the story.

He told how several years earlier one evening he was standing on the steps of the Capitol with some other Members of Congress when their attention was attracted by a great light over the city of Georgetown. It was evidently a large fire. They jumped into a hack and drove over. The houses were burned, and many families were made homeless, and some of them lost all the clothes they had. The weather was cold, and he said that I felt that something ought to be done. And so the next morning a bill was introduced appropriating $20,000 for the relief. All business was put aside, and the bill was rushed through as soon as it could be done.

Davy Crockett stated, The next summer, when it came time to think about the election, I concluded I would take a scout around the district. When riding in a part of my district, I saw a man in a field plowing and corning towards the road. I spoke to him. He replied politely, but I thought rather coldly.

I began, Well, friend, I am one of those unfortunate beings called candidates. The stranger said, Yes, I know, you are Colonel Crockett, but you should not waste your time. I have seen you before, and I voted for you once, but I shall not vote for you again.

Davy Crockett was shocked by this, but the man stated, You gave a vote last winter which shows that either you have not capacity to understand the Constitution, or you are wanting in the honesty and firmness to be guided by it. In either case, you are not the man to represent me. Your understanding of the Constitution is different than mine, and I cannot overlook, because the Constitution, to be worth anything, must be held sacred and rigidly observed in all its provisions.

To which the Congressman replied, I admit the truth of what you say, but I do not remember that I gave any vote last winter upon any unconstitutional ground. But the man responded that he knew about it, having read about it in the papers, and how last winter you voted to appropriate $20,000 to some sufferers in Georgetown. Crockett admitted that was true.

The gentleman pointed out it was not the amount of money that Congress appropriates that he complains of, it is the principle. In the first place, Congress should not have excess funding. And secondly, it is the principle whether or not the Congress is abiding by the Constitution when it appropriates its money.

He said, so you see, while you are contributing to relieve one person, in that case the people in Georgetown, you are drawing it from thousands who are even worse off than he. If you have the right to give anything, the amount is a matter of discretion. You gave $20,000; you could have given $20 million. If you have the right to give to one, you have the right to give to all. And since the Constitution neither defines charities nor stipulates the amount, you are at liberty to give to anything and everything you believe in as charity, and for any amount you believe. You will easily perceive what a wide door this will open for fraud and corruption and favoritism on the one hand, and for robbing from the people on the other.

The man continued, Colonel, Congress has no right to give to charity. Individual Members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. You see, you have violated the Constitution in what I consider a vital point.

In the end what the poor farmer was saying was this: That he had a better understanding of what the Constitution meant and what the Founders had intended when they crafted it less than 100 years earlier at that time; that the Constitution set out limiting powers on the spending of money, both on the Preamble which sets out no powers whatsoever, as previously stated, and under the general spending clause of article I, section 8 of the Constitution.

And this is not just my interpretation or the farmer's reading. The Supreme Court has commented on this in several instances of note.

☐ 1445

In 1905, the Supreme Court made that comment that the general welfare of laws under the preamble is not a grant of power but a limiting of power.

This tendency of the understanding of the Constitution was the case from the time of the Founders basically up until around 1930s. Starting in the 1930s in the New Deal, this Nation changed substantially.

It was at that time that this Nation began to have an interpretation of the Constitution that the Congress would be the arbiter of what the general welfare clause meant, and that the general welfare clause basically means that Congress can decide to spend money on any process or program that they desire. Then furthermore, subsequent U.S. Supreme Court decisions have held that the U.S. Supreme Court would not interfere with the determinations of Congress that these are basically political decisions.

To conclude, what this all means, that when the House of Representatives comes back together next week in the weeks that follow on the appropriation bills, when we hear discussions on earmarks and the likes, and when we hear from the other side of the aisle that we will be spending ever more money on the appropriation process than we ever had in U.S. history, the question we should always be asking, is it within the limits of the general welfare clause.

A strict interpretation of that clause would say no, but the Founders have said in order for it to be a general clause it must be for individuals all across this country and nor for a particular town, city or area of a State. It must benefit everyone.

But you will see in each and every one of those appropriations bills, in just about every one of those earmarks that those dollars are going in contravention of the Constitution and in contravention of what the Founding Fathers intended.

For that reason, we come here on a regular basis to try to raise up these issues to have a better understanding of what our Founders intended for the Constitution.

With that, I will say good night, or at least, good evening, Gracie.

Mr. BISHOP of Utah. I appreciate being able to put the phrase, "promoting the general welfare," into a constitutional perspective, as well as a historical perspective. It is true that Madison and Monroe, both as Presidents, vetoed road construction projects because they only benefited the vicinity of the road, not the general welfare.

It's true that the City of Savannah suffered a horrendous fire; and even though people wanted to give money for it, the rebuilding of Savannah, Congress refused because it wasn't the general welfare.

Obviously, as Mr. GARRETT has said, starting with the New Deal era, we changed our view of what these words mean, so that most times, most politicians today just assume Federal involvement is exactly what was intended.

It also says that when these guys wrote the elastic clause of article I, section 8, they must have had a vastly different and a much more limited view on what was the power entailed than modern policymakers or scholars do.

The last phrase of the preamble is that we do ordain and establish. It's an appropriate benediction to the preamble. It's a phrase that brought to the 1780 mind the creation found in the Book of Genesis, for religious vocabulary at the time spoke of God ordaining and creating the Earth, as comparison to the Founding Fathers who ordained and established this new government. These men in a very real and reverent sense created a new country.

We pass laws almost every week that we either make incorrect assumptions about the meaning of the Founders' words, or we simply ignore them as no longer relevant to our time.

Justice Scalia also once again said about the Constitution: "What it meant when it was adopted it means today, and its meaning doesn't change just because we think that meaning is no longer adequate to our times."

My students not understanding "Say goodnight, Gracie" was simply an annoyance, excusable because they're young, and their view is a tennis player trying to decide whether to date a 20-year-old or a 40-year-old is great television. But for Congress not to understand the meaning of the words of the Constitution is irresponsible, it's inexcusable, and it's dangerous.

Let me yield to one last comment to the chairman of the Constitution Caucus.

Mr. GARRETT of New Jersey. I will conclude with the quotes of Thomas Jefferson, who addressed this overall issue, in 1791, when opining on the constitutionality of a national bank, so, in essence, what he was doing is what we were doing, we do every week. The thought was at that time in 1791, of course, Alexander Hamilton at the time was pushing for such, and whether there was a constitutionality to do so.

He said: "I consider the foundation of the Constitution as laid on this ground that 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people,' " obviously our 10th amendment. "To take a single step beyond the boundaries thus specifically drawn around the powers of Congress is to take possession of a boundless field of power, not longer susceptible of any definition."

Jefferson was very clear that once we overstep the authority that is granted to us by the Constitution, there is no limiting factor on us any more in Congress and the Senate can spend whatever they want on any purpose that they want. The Supreme Court has already opined that they are not going to be the element to rein us in.

So we, therefore, must, fortunately or unfortunately, if not going to rein in ourselves, look to the American public to be the political process to rein the Congress back in the manner that the Constitution and the Founders intended.

Mr. MACK. Mr. Speaker, I want to rise to thank the gentleman from Utah, Mr. BISHOP, for reserving time today so that we can discuss the Constitution, the cornerstone of our Republic and freedoms we cherish.

Mr. Speaker, as Members of this body, all of us are sworn to uphold and protect the principles outlined in the Constitution. Yet, all too often, we routinely find ourselves coming to this floor to vote for measures that directly assault the freedoms outlined in it. We too often consider legislation that contradicts the Constitution's core principles of individual freedom together with limited government.

However, make no mistake: Congress isn't the only culprit. It is much more widespread than that. The Constitution is a document of limited, delegated powers for all branches of government. However, we have an executive branch, whether a Republican or Democratic administration, that often looks for ways to grow beyond its constitutionally defined boundaries. Moreover, Mr. Speaker, my constituents are regularly impacted by Federal agencies with legions of bureaucrats who implement regulation upon regulation, each dealing a blow to their pocketbook and very often their liberty.

Again and again, we see the Federal Government taking more power away from the States, effectively leading them to become gigantic, castrated counties solely accountable to Washington, DC. This is wrong and we must take steps to begin rolling back the tide.

Finally, we have the judiciary which, under the principle of checks and balances, is supposed to be the final safeguard of our constitutional liberties. But just last summer, across the street, five people in black robes overturned established constitutional principles by reinterpreting the fifth amendment and the essence of private property rights. No, Mr. Speaker, these examples show that this isn't simply a congressional problem, this is a national problem.

With that, I urge my colleagues to take a moment to remind themselves just why it is they are here. We must remember that we are a body of limited, enumerated powers. We are the first line of defense for our Constitution. As James Madison said, we are the "guardians of . . . (the) rights and liberties" of our citizens. In doing so, we must be willing to question the merits of every bill.

We must be willing to conduct effective and rigorous oversight of the administration's activities. We must be sure to question any initiative that would seek to limit and constrain the rights of the individual and the States. The Constitution is the guide for doing just that. By checking our actions against what is outlined in the Constitution, we'll know when our deeds overstep their limits.

In closing, Mr. Speaker, I came to Washington on a platform of freedom—the freedom that is promised to every citizen of the United States in our Constitution. The freedom that makes our Nation a beacon of liberty for the rest of the world.

Through the work of the Constitution Caucus and others in this Chamber, I believe that we can get there—to the Founders' intent: a federal government of limited powers which respects and protects the individuals' various freedoms. We should all heed the words of our Nation's first President, who said, "(t)he Constitution is the guide which I will never abandon."

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, June 28 and 29.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of attending a scholarship event in the district.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2284. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Self-Insurance Plans Under the Indian Housing Block Grant Program [Docket No. FR-4897-F-02] (RIN: 2577-AC58) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2285. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Procedural Rules for DOE Nuclear Activities and Occupational Radiation Protection [Docket No. EH-RM-02-835] (RIN: 1901-AA95) received June 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2286. A letter from the Secretary, Department of Energy, transmitting the Department's request regarding the use of appropriated funds for the implementation of Section 1221(a) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

2287. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Great Lakes Naval Training Center Harbor, North Chicago, IL [CGD09-07-012] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2288. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Kenosha Harbor, Kenosha, WI. [CGD09-07-013] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2289. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Patuxent River, Calvert County, MD [CGD05-07-037] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2290. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baileys Harbor Fireworks, Baileys Harbor, Baileys Harbor, WI. [CGD09-07-014] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2291. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Kenosha Harbor, Kenosha, WI. [CGD09-07-003] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2292. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2006, pursuant to 49 U.S.C. 44938; to the Committee on Homeland Security.

2293. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a joint report setting forth recommendations regarding cooperative activities in areas of mutual interest related to research, development, and test and evaluation, pursuant to Public Law 109-163, section 259; jointly to the Committees on Armed Services and Science and Technology.

2294. A letter from the Secretary, Department of Homeland Security, transmitting a report of the Department's Office of Civil Rights and Civil Liberties, pursuant to 6 U.S.C. 345; jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DICKS: Committee on Appropriations. Supplemental report on H.R. 2643. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–187, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SERRANO: Committee on Appropriations. H.R. 2829. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–207). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2286. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures (Rept. 110–208). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SKELTON (for himself, Mr. CONYERS, Mr. BARTLETT of Maryland, Mr. NADLER, Mr. JONES of North Carolina, Mr. BOUCHER, Mr. ABERCROMBIE, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Mr. ANDREWS, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, Ms. HARMAN, Ms. CASTOR, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. PATRICK MURPHY of Pennsylvania, Mr. SESTAK, Ms. SHEA-PORTER, Mr. POMEROY, Ms. ZOE LOFGREN of California, Ms. BALDWIN, Mr. LARSEN of Washington, Mr. COHEN, Mr. ELLISON, Ms. GIFFORDS, Mrs. GILLIBRAND, and Mr. LOEBSACK):

H.R. 2826. A bill to amend titles 28 and 10, United States Code, to restore habeas corpus for individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself and Mr. SMITH of Nebraska):

H.R. 2827. A bill to amend part B of title XVIII of the Social Security Act to provide a floor of 1.0 for the practice expense and for the work expense geographic practice cost indices (GPCI) under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACKSON of Illinois (for himself and Mr. BLUNT):

H.R. 2828. A bill to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998; to the Committee on Foreign Affairs.

By Mr. OBERSTAR (for himself, Mr. CUMMINGS, and Mr. LATOURETTE):

H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. HOYER, Ms. DELAURO, Mr. ANDREWS, Ms. NORTON, Ms. WOOLSEY, Ms. SHEA-PORTER, Ms. HIRONO, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, Mr. LOEBSACK, Ms. SLAUGHTER, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. MCDERMOTT, Mr. FARR, Ms. BERKLEY, Mr. NADLER, and Ms. CLARKE):

H.R. 2831. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Mr. HINCHEY, and Mr. PAUL):

H.R. 2832. A bill to direct the Secretary of Health and Human Services to conduct or support a comprehensive study comparing total health outcomes, including risk of autism, in vaccinated populations in the United States with such outcomes in unvaccinated populations in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COURTNEY (for himself and Mr. GEORGE MILLER of California):

H.R. 2833. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, and Mr. FRANK of Massachusetts):

H.R. 2834. A bill to amend the Internal Revenue Code of 1986 to treat income received by partners for performing investment management services as ordinary income received for the performance of services; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2835. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the requirements under such Act regarding the ability of absent uniformed services voters and overseas voters to use absentee registration procedures and vote by absentee ballot in Federal elections to elections for certain offices in American Samoa; to the Committee on House Administration.

By Mr. FALEOMAVAEGA:

H.R. 2836. A bill to authorize appropriations for the National Sea Grant College Program Act for fiscal years 2009 through 2013; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA:

H.R. 2837. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA (for himself and Ms. BORDALLO):

H.R. 2838. A bill to enhance the Department of Energy Innovative Technology Loan Guarantee Program established under title XVII of the Energy Policy Act of 2005 by explicitly permitting its application on United States Government installations worldwide, in the Insular Areas of the United States, and in those nations in free association with the United States, as well as explicitly authorize loans for ocean thermal energy conversion projects; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2839. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to require protection and advocacy systems to give notice to, and obtain the authorization of, an individual (or the individual's legal representative) before pursuing remedies on behalf of the individual; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ELLISON, and Ms. CARSON):

H.R. 2840. A bill to amend the Community Reinvestment Act of 1977 to allow the direct support by a financial institution of a qualified community-based financial literacy program provided to consumers and borrowers to be taken into account in assessing the institution's record of meeting the credit needs of its entire community, and for other purposes; to the Committee on Financial Services.

By Mr. MCHUGH:

H.R. 2841. A bill to amend the wetlands reserve program of the Department of Agriculture to exclude from enrollment under the program land subject to a State or local set-back requirement unless the Secretary determines that enrollment of the land is essential to restore or preserve wetlands; to the Committee on Agriculture.

By Ms. SCHWARTZ:

H.R. 2842. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets; to the Committee on Energy and Commerce, and in addition to the

Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 2843. A bill to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory ducks and geese should be modified so that individuals have a fair and equitable opportunity to harvest such birds; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Doggett, Ms. Kilpatrick, Mr. Cleaver, Mr. Reyes, Mr. Gonzalez, Mr. Salazar, Mr. Jackson of Illinois, Mr. Edwards, Mr. Lampson, Ms. Lee, Ms. Waters, Mr. Hinojosa, Mr. Thompson of Mississippi, Mr. Al Green of Texas, Mr. Cuellar, Mr. Conyers, Mr. Meek of Florida, Mr. Ellison, Ms. McCollum of Minnesota, Mr. Courtney, Mr. Sires, Mr. Altmire, Mr. Gene Green of Texas, Mr. Brady of Texas, Mrs. Jones of Ohio, and Mr. Lewis of Georgia):

H. Res. 510. A resolution honoring the life accomplishments and extraordinary leadership of Sylvia K. Brooks, a 16-year President and CEO of the Houston Area Urban League (HAUL) and first female president of the Houston Urban League, who transformed the Houston Area Urban League into a nationally-recognized and respected social service agency; to the Committee on Education and Labor.

By Mr. CAMPBELL of California (for himself, Mr. Calvert, Mr. Issa, Mr. Herger, Mr. Royce, Mr. Rohrabacher, Mr. McCarthy of California, Mr. Bilbray, Mr. Gary G. Miller of California, Mrs. Bono, Mr. McKeon, Mr. Daniel E. Lungren of California, Mr. Lewis of California, Mr. Doolittle, Mr. Nunes, Mr. Hunter, Mr. Radanovich, Mr. Gallegly, Ms. Loretta Sanchez of California, and Mr. Lantos):

H. Res. 511. A resolution congratulating the men's volleyball team of the University of California, Irvine, for winning the 2007 NCAA Division I Men's Volleyball National Championship; to the Committee on Education and Labor.

By Mr. TIAHRT:

H. Res. 512. A resolution honoring and commending the Honorable Wesley E. Brown, United States District Court Judge for the District of Kansas, for his commitment and dedication to public service, the judicial system, and equal access to justice as he celebrates his 100th birthday; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII,

86. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Senate Memorial No. 1004 encouraging the Congress of the United States to continue the funding and completion of Sbinet; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. Shea-Porter and Mr. McNulty.

H.R. 23: Mrs. Capito, Mr. Cuellar, Mr. Kagen, Mr. Walsh of New York, and Mr. Carnahan.

H.R. 111: Mr. Hodes.

H.R. 196: Mr. Latham and Ms. Kaptur.

H.R. 197: Mr. Smith of Nebraska.

H.R. 346: Mr. Hill, Mr. Brady of Pennsylvania, Mr. Cooper, Mr. Goode, Mr. Filner, Mr. Inglis of South Carolina, Mr. Conaway, Mr. Cardoza, Mr. Gordon, Mr. Wamp, Mr. David Davis of Tennessee, Mrs. Jo Ann Davis of Virginia, Mr. Issa, Mr. Nunes, Mr. Gohmert, Mr. Lewis of Kentucky, Mr. Herger, Mr. Westmoreland, Mr. Terry, Mr. Kingston, Mr. Simpson, Mr. Pitts, and Mr. Hensarling.

H.R. 446: Mr. Hare.

H.R. 507: Mr. LoBiondo, Mr. Arcuri, Mr. Rothman, Ms. Slaughter, and Mr. McGovern.

H.R. 510: Mr. Issa and Mr. Tiahrt.

H.R. 552: Mr. Olver and Ms. McCollum of Minnesota.

H.R. 583: Mr. Grijalva, Mr. Courtney, and Mr. Watt.

H.R. 621: Mr. Souder, Mr. LaTourette, Mr. Sarbanes, Ms. Sutton, and Mr. Delahunt.

H.R. 642: Ms. Schakowsky.

H.R. 643: Mr. Boren and Mr. Carnahan.

H.R. 728: Mr. McNerney and Mr. McIntyre.

H.R. 743: Mr. Space, Mr. Patrick Murphy of Pennsylvania, Mr. Lampson, Mr. Mitchell, Mr. Barton of Texas, Mr. Spratt, and Mrs. Wilson of New Mexico.

H.R. 746: Mr. Rothman.

H.R. 760: Mr. Sherman.

H.R. 901: Mr. Rothman and Mr. Hare.

H.R. 927: Mrs. Bono.

H.R. 969: Mr. Levin and Mr. Ackerman.

H.R. 980: Mrs. Bono, Mr. Pearce, and Mr. Weiner.

H.R. 1000: Mr. Yarmuth and Mr. Sarbanes.

H.R. 1014: Mrs. Drake, Mr. Doyle, Mr. Alexander, and Mr. Jones of North Carolina.

H.R. 1043: Mrs. Christensen.

H.R. 1077: Mr. Radanovich.

H.R. 1102: Mr. Holt.

H.R. 1113: Mr. Gutierrez, Mr. Ruppersberger, Mr. Clyburn, Ms. Clarke, Ms. Corrine Brown of Florida, Mr. Hastings of Florida, Mr. Thompson of Mississippi, Ms. Carson, Mr. Cleaver, Mr. Davis of Alabama, Mr. Ellison, Mr. Al Green of Texas, Mr. Johnson of Georgia, Mr. Meeks of New York, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Kucinich, Ms. Loretta Sanchez of California, Mr. Udall of New Mexico, Ms. Roybal-Allard, Mr. Edwards, Ms. Berkley, Ms. Herseth Sandlin, Mr. Farr, Mr. Thompson of California, Mr. Loebsack, Mr. Murtha, Mr. Serrano, Mr. Issa, Mr. Arcuri, Mr. Rodriguez, Mr. Baca, Mr. Gene Green of Texas, Ms. Bean, and Mr. Braley of Iowa.

H.R. 1134: Mr. Carnahan and Mr. Pearce.

H.R. 1154: Mr. Larson of Connecticut.

H.R. 1177: Mr. Delahunt.

H.R. 1193: Mr. Watt, Mr. Scott of Georgia, Mr. DeFazio, Mr. Herger, and Mr. Pearce.

H.R. 1194: Mr. Rush.

H.R. 1216: Mr. Smith of New Jersey and Mr. McDermott.

H.R. 1236: Mr. Meehan.

H.R. 1282: Mr. Wexler.

H.R. 1283: Mr. Welch of Vermont, Mr. Hare, Ms. Norton, Mr. Braley of Iowa, Mr. Upton, and Mr. Alexander.

H.R. 1338: Mr. Ackerman, Mr. Thompson of California, Mr. Rahall, Mr. Reyes, Mr. Becerra, Mr. Emanuel, Mr. Mollohan, Mr. Watt, Mr. pascrell, Mr. Clyburn, Mr. Clay, Mr. Hastings of Florida, Mr. Rangel, Mr. Rush, Ms. Loretta Sanchez of California, Mr. Costello, and Mr. Arcuri.

H.R. 1343: Mr. Braley of Iowa, Mr. Altmire, Mr. LaHood, and Mr. Kuhl of New York.

H.R. 1355: Mr. Poe.

H.R. 1366: Mr. Hunter.

H.R. 1399: Ms. Ros-Lehtinen, Mr. Higgins, and Mr. Kuhl of New York.

H.R. 1409: Mrs. Myrick.

H.R. 1419: Mr. Souder.

H.R. 1430: Mr. Sherman.

H.R. 1440: Mr. Duncan.

H.R. 1459: Mrs. Napolitano, Mr. Neugebauer, and Mr. Al Green of Texas.

H.R. 1464: Mr. Cleaver, Mr. Calvert, Mr. Nadler, Mr. Meeks of New York, Mr. Crowley, Mr. Schiff, and Mr. Kind.

H.R. 1474: Mr. Carnahan.

H.R. 1514: Mr. Shimkus.

H.R. 1528: Mr. Delahunt.

H.R. 1532: Mr. Hastings of Florida, Mr. Honda, Mrs. Lowey, Mr. Marshall, and Mr. Young of Alaska.

H.R. 1537: Mr. Towns, Mr. Marchant, and Mr. Levin.

H.R. 1542: Mr. Bishop of New York, Mr. Abercrombie, Mr. Hare, and Mr. Lantos.

H.R. 1552: Mr. Ellison, Mr. Rahall, Ms. Foxx, and Ms. Solis.

H.R. 1584: Mr. Melancon, Ms. Shea-Porter, Mr. Boswell, Ms. Lee, Mr. Meek of Florida, Mr. Arcuri, Mr. Bishop of Georgia, Mr. Cardoza, Mr. Ellsworth, Mr. McCaul of Texas and Ms. Fallin.

H.R. 1589: Mrs. Wilson of New Mexico and Mrs. Cubin.

H.R. 1610: Mr. Perlmutter and Mr. Boyd of Florida.

H.R. 1627: Mr. Poe.

H.R. 1629: Mr. Rogers of Michigan.

H.R. 1647: Mr. Murphy of Connecticut, and Mr. Camp of Michigan.

H.R. 1651: Mr. Salazar.

H.R. 1657: Ms. Zoe Lofgren of California.

H.R. 1663: Mr. Levin, Mr. Gordon, Mr. Walz of Minnesota, and Mr. Delahunt.

H.R. 1671: Mr. Hare, Mr. Filner, Ms. Watson, and Mr. Rothman.

H.R. 1693: Ms. Waters, Mr. Conyers, Mr. Cummings, Mr. Jackson of Illinois, Ms. Carson, Mrs. Jones of Ohio, Mr. Butterfield, Mr. Clyburn, Mr. Al Green of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Wynn, Ms. Watson, Mr. Cleaver, Mr. Scott of Georgia, Ms. Kilpatrick, Ms. Lee, Mr. Rush, Mr. Watt, Ms. Corrine Brown of Florida, Mr. Ellison, Mr. Hastings of Florida, Mr. Towns, Mr. Scott of Virginia, Mr. Thompson of Mississippi, Ms. Norton, Ms. Moore of Wisconsin, and Mr. Davis of Alabama.

H.R. 1713: Mr. Al Green of Texas, Ms. Linda T. Sánchez of California, and Mr. Rothman.

H.R. 1728: Mr. Stark.

H.R. 1732: Mr. Pearce.

H.R. 1740: Mr. Moran of Virginia and Mr. Rothman.

H.R. 1792: Mr. Smith of Nebraska.

H.R. 1840: Mrs. Jones of Ohio and Mr. LaTourette.

H.R. 1841: Mr. HARE.

H.R. 1845: Mr. LINCOLN DAVIS of Tennessee, Mr. DELAHUNT, and Mr. WICKER.

H.R. 1880: Mr. MORAN of Virginia.

H.R. 1881: Mrs. LOWEY, Mr. LOBIONDO, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. FORTUÑO, Mr. CROWLEY, and Mr. DAVIS of Illinois.

H.R. 1897: Mr. GOODE.

H.R. 1926: Mr. HALL of Texas, Mr. BISHOP of Georgia, and Mr. PETERSON of Minnesota.

H.R. 1940: Mr. POE.

H.R. 1947: Ms. CASTOR, Ms. KILPATRICK, and Mr. ARCURI.

H.R. 1965: Mr. LATHAM.

H.R. 1967: Mr. PEARCE.

H.R. 1983: Mr. BOREN.

H.R. 1990: Mrs. MUSGRAVE.

H.R. 2015: Mr. REYES, Ms. CASTOR, Mrs. BIGGERT, and Mr. ARCURI.

H.R. 2016: Mr. FORTUÑO.

H.R. 2035: Mr. HAYES.

H.R. 2054: Mr. BRALEY of Iowa.

H.R. 2066: Mr. BRALEY of Iowa.

H.R. 2122: Mr. KUCINICH, Mr. COHEN, Mr. DAVIS of Illinois, Mr. BISHOP of New York, and Mr. BRALEY of Iowa.

H.R. 2189: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. DAVIS of Illinois.

H.R. 2210: Mr. MCINTYRE.

H.R. 2219: Mr. CLAY, Mr. FILNER, Mrs. BOYDA of Kansas, Mr. MCNERNEY, Ms. DELAURO, Mr. ELLISON, and Mr. FORTUÑO.

H.R. 2244: Ms. SCHAKOWSKY.

H.R. 2265: Ms. NORTON, Mr. ISRAEL, and Mr. GILCHREST.

H.R. 2266: Mr. DELAHUNT.

H.R. 2280: Mr. WELLER, Mr. MCNERNEY, and Mr. FORTENBERRY.

H.R. 2286: Ms. KAPTUR.

H.R. 2293: Ms. ROS-LEHTINEN.

H.R. 2295: Mr. MCNERNEY.

H.R. 2303: Mr. LATHAM.

H.R. 2307: Mr. MORAN of Virginia.

H.R. 2315: Mr. EVERETT.

H.R. 2327: Mr. ELLISON, Mr. TAYLOR, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2353: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SHEA-PORTER, Mr. PLATTS, Mr. MCINTYRE, and Mr. SAXTON.

H.R. 2362: Mr. WELLER.

H.R. 2363: Mr. MCNERNEY, Ms. DEGETTE, and Mr. COHEN.

H.R. 2365: Mr. WILSON of Ohio, Mr. YOUNG of Alaska, Mr. BOREN, Ms. MATSUI and Mr. SHAYS.

H.R. 2370: Mr. FEENEY, Mr. DREIER, Mr. CLEAVER, and Mr. PLATTS.

H.R. 2390: Mr. PICKERING.

H.R. 2405: Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. ACKERMAN, and Mr. FORTUÑO.

H.R. 2424: Mr. GOODE.

H.R. 2464: Ms. Schakowsky, Mr. COHEN, and Mr. CLAY.

H.R. 2478: Mr. TIERNEY.

H.R. 2486: Mr. LANTOS, Ms. BORDALLO, and Mr. GONZALEZ.

H.R. 2495: Mr. DAVIS of Illinois.

H.R. 2512: Mr. DOGGETT.

H.R. 2566: Mr. DAVIS of Illinois.

H.R. 2588: Mr. MCHUGH.

H.R. 2591: Mr. OLVER and Mr. HARE.

H.R. 2599: Mr. ROTHMAN.

H.R. 2605: Mr. ALLEN, Mr. CAPUANO, Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, and Mr. WELCH of Vermont.

H.R. 2723: Mr. KIND.

H.R. 2729: Mr. HASTINGS of Florida, Mr. GOODE, and Mr. MCHUGH.

H.R. 2734: Mr. DOOLITTLE, Mr. GERLACH, and Mr. HALL of Texas.

H.R. 2746: Mr. COHEN.

H.R. 2747: Mr. BLUNT.

H.R. 2750: Mr. ACKERMAN, Ms. BALDWIN, Mr. BARROW, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CARSON, Ms. CLARKE, Mr. COHEN, Mr. DOYLE, MR. HIGGINS, Mr. HINCHEY, Mr. KLEIN of Florida, Ms. LEE, Mr. LEVIN, Mr. LYNCH, Mr. MCNERNEY, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Mr. WEINER, Ms. WOOLSEY, Mr. WYNN, Mr. KILDEE, Mr. ALTMIRE, Mr. ANDREWS, Mrs. BOYDA of Kansas, Mr. CARDOZA, Ms. DE LAURO, Mr. MEEKS of New York, Mr. MOLLOHAN, Mr. NADLER, Mr. PERLMUTTER, and Mr. RANGEL.

H.R. 2761: Mr. RAMSTAD.

H.R. 2762: Mr. RODRIGUEZ and Mr. UPTON.

H.R. 2772: Mr. CONAWAY and Mr. CARTER.

H.R. 2778: Mrs. MCCARTHY of New York.

H.R. 2787: Mr. BURTON of Indiana, Mr. BURGESS, and Ms. CARSON.

H.R. 2792: Mr. FRANK of Massachusetts, Ms. BALDWIN, Ms. WOOLSEY, and Mr. SHAYS.

H.J. Res. 44: Ms. MCCOLLUM of Minnesota, Mr. TANCREDO, Mr. SCHIFF, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. MORAN of Virginia, and Mr. WYNN.

H. Con. Res. 25: Mr. PENCE.

H. Con. Res. 163: Mr. LINCOLN DAVIS of Tennessee.

H. Con. Res. 169: Ms. JACKSON-LEE of Texas and Mr. DAVIS of Illinois.

H. Res. 32: Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. FATTAH, Mr. HONDA, Mrs. TAUSCER, Mrs. MALONEY of New York, Mr. RANGEL, Ms. CLARKE, Mr. MCNULTY, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, and Mr. FALEOMAVAEGA.

H. Res. 34: Mr. HASTINGS of Florida, Mr. CONYERS, Mr. FATTAH, Ms. CARSON, Mr. JEFFERSON, Mr. MORAN of Virginia, Mr. RANGEL, Mr. MCNULTY, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. PAYNE, Mr. DOYLE, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, Mr. FALEOMAVAEGA, and Ms. KILPATRICK.

H. Res. 111: Mr. THOMPSON of California, Mr. ROTHMAN, and Mr. BRADY of Pennsylvania.

H. Res. 303: Mr. GERLACH, Mrs. MCCARTHY of New York, and Ms. JACKSON-LEE of Texas.

H. Res. 375: Mr. BROWN of South Carolina.

H. Res. 380: Mr. COHEN and Mr. MCGOVERN.

H. Res. 426: Mr. FORTUÑO.

H. Res. 427: Mr. HINCHEY, Mr. PALLONE, Mr. HONDA, Mr. SHERMAN, and Mr. KUCINICH.

H. Res. 433: Mr. PICKERING.

H. Res. 467: Mr. GONZALEZ.

H. Res. 470: Mrs. DRAKE, Mr. BACHUS, Mr. MCHUGH, and Mrs. CAPPS.

H. Res. 477: Mrs. TAUSCHER.

H. Res. 489: Mr. MORAN of Virginia.

H. Res. 493: Mr. WAXMAN, Mr. CAMPBELL of California, Mrs. TAUSCHER, Mr. CALVERT, Ms. WATSON, Mr. SCHIFF, Mr. MCCOTTER, Mrs. CAPPS, Ms. ROYBAL-ALLARD, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 501: Mr. SHIMKUS, Mr. BARRETT of South Carolina, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. WALBERG, Mr. HENSARLING, Mr. BOUSTANY, Mr. GOHMERT, Mr. MARCHANT, Mr. BAKER, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. REYES, Mr. SMITH of Washington, Mr. WAMP, Mr. DELAHUNT, Ms. DELAURO, Mr. PASCRELL, Mr. EDWARDS, Mr. LAMPSON, Mr. DOYLE, Mr. AL GREEN of Texas, Mr. KELLER, Mr. MCHUGH, and Mr. GENE GREEN of Texas.

H. Res. 506: Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. MCNULTY, and Mr. AL GREEN of Texas.

H. Res. 509: Ms. LEE.

PETITIONS, ETC.

Under clause 3 of rule XII,

89. The SPEAKER presented a petition of the U.S. National Commission on Libraries and Information Science, relative to a Resolution recognizing the need for state certified school library media specialists; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

TRIBUTE TO MICHAEL L. PULTE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Michael L. Pulte for his years of service to community and country.

That exemplary record began when he served as a member of the armed services from 1955 to 1957, with particular duties in Fort Knox and in Germany.

After his military service, he joined Hudson's Department Store and opened the second department store branch in the country. Following, his time at Hudson's, Mr. Pulte was employed by O'Neill's in Akron, Ohio and then Horne's Department Store. Rising through the ranks at Horne's, he eventually was appointed Director of Stores in 1977, Vice President of Operations in 1980, and, in January of 1991, President, Chairman, and CEO of Joseph Horne Company.

During his presidency, Mr. Pulte served as member and president of the Golden Triangle Association, a member of the Board of Directors of the Civic Light Opera, and a member of the Board of Directors of the Cultural District. He is also a member of the Duquesne Club. In June of 1994, Mr. Pulte retired.

During his retirement, he became active in local politics and was appointed Vice Chair of the Pine Township Planning Commission, Vice Chair of the Township Police Board, and was elected to the Township Board of Supervisors.

In addition to this community involvement, he served on the Board of Directors of the U.S. Leather Co. in Milwaukee and taught classes at IUP Business School.

Mr. Pulte currently resides in Naples, FL and continues to remain active in the community of Island Walk, where he has served on a number of committees and is past chairman of finance for the Homeowner's Association.

Madam Speaker, I ask that my colleagues join me today in honoring Mr. Michael L. Pulte for his many years of success within the business community and for his outstanding contributions to the quality of life of the communities in which he has lived and worked.

IN SUPPORT OF INTERNATIONAL FAMILY PLANNING PROGRAMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. FARR. Madam Speaker, I stand in strong support of H.R. 2764 and want to convey my appreciation to Chairwoman LOWEY for the inclusion of international family planning provisions in the State-Foreign Ops FY08 Appropriations bill. In total, H.R. 2764 allocates $441 million for such programs, which represents an increase of $116 million above the President's request. This increase is designed to ease restrictions on access to contraceptives and family planning information that is crucial to help women and men throughout the developing world make informed decisions on their reproductive health needs.

Since 1984, U.S. international family planning assistance has been stymied by the Mexico City Policy or the "Global Gag rule." The Mexico City Policy prevents any U.S. funding for reproductive health from going towards family planning organizations that provide abortions. H.R. 2764 and the Lowey amendment allows non-governmental organizations to receive U.S. donated contraceptives—not funds—for distribution to millions of people in need of these products. The bill does nothing to alter or weaken the ten provisions in the bill that ban federal funds for abortion overseas. Providing contraceptives to men and women in the developing world helps prevent abortions and unwanted pregnancy as well as sexually transmitted diseases like HIV/AIDS. I urge my colleagues to support a saner foreign assistance package that allows for families throughout the world that are in desperate need of contraception the ability to make important, personal decisions about their families and reproductive health.

TRIBUTE TO 1ST BATTALION, 11TH MARINES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute a group of individuals whose dedication and sacrifice for our country are exceptional. On Saturday, June 23, 2007, the City of San Juan Capistrano, located in my congressional district, will host a pre-deployment send-off for its adopted Marines and their families. I regret I will not be able to attend the event to shake the hands of these outstanding men and women as they deploy to Iraq.

The 1st Battalion, 11th Marines have existed since World War I and have participated in every U.S. conflict since. Their mission is to provide continuous, all-weather, close artillery support to infantry and armor forces conducting combat operations.

Military service is not easy but it is necessary. These Marines have chosen a profession that demands sacrifice and they go forth willingly to serve a greater purpose. In the months ahead, the battalion will be facing challenging and dangerous missions. My thoughts and prayers are with each of them as they embark on their deployment and also with their families who have a different burden to bear in their absence. I look forward to the day when I can welcome home each member of the 1st Battalion, 11th Marines and witness the happy reunions of families separated for too long.

TRIBUTE TO WARREN LODGE NO. 310 OF COLLEGEVILLE, PA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. GERLACH. Madam Speaker, I rise today to pay tribute to a local Mason's Lodge, the Warren Lodge No. 310 located in Collegeville, PA, for its 150th anniversary this Saturday, June 23, 2007. Dr. J. Warren Royer, a well-respected doctor who was educated at the University of Pennsylvania, founded the Warren Lodge in 1857. Since its inception, the Warren Lodge has held a position of distinction in American Freemasonry. Most recently, one of Warren Lodge's officers, Mr. Marvin A. Cunningham, Sr., was elected to the highest position in Freemasonry, that of Right Worshipful Grand Master of Pennsylvania from 2002–2003. Throughout his term, he helped fellow Masonic Villages improve their organizations and uphold the traditions and customs of the Freemasons, including those located in Elizabethtown, Lafayette Hill and Sewickley, PA. He also supervised the restoration of the historic Memorial Arch located at Valley Forge National Park.

The Warren Lodge continues to maintain an impressive facility called the R.W.G.M. Marvin A. Cunningham, Sr. Museum. One of the many treasures on display is an exact replica of the 1752 Philip Syng Inkstand, the original of which is currently on display at Independence Hall in Philadelphia. Philip Syng was the R.W.G.M. of Pennsylvania in 1743, and it was his inkstand that was used by the signers of the Declaration of Independence. In addition, George Washington called for its use once again when the U.S. Constitution was signed in Philadelphia.

At this year's anniversary celebration, the Warren Lodge's special guest of honor will be the current Right Worshipful Grand Master of Pennsylvania, Mr. Ronald A. Aungst, Sr. The members and officers of Warren Lodge will present to Mr. Aungst, Sr. an exact replica of the Syng Inkstand, honoring his exemplary service and dedication to upholding the ancient tradition of Masons helping Masons daily.

Madam Speaker, I am sure my fellow Members join me today in congratulating the Warren Lodge, No. 310 for this historic milestone and wish them 150 more years of honorable service to their lodge and community. Thank you.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN MEMORY OF ANDREW GOODMAN, JAMES CHANEY AND MICHAEL SCHWERNER

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. WEXLER. Madam Speaker, I rise today before the House to honor the memory of 3 young men: Andrew Goodman, James Chaney, and Michael Schwerner. Forty-three years ago, today, these young men paid the ultimate price when they were ruthlessly murdered by those who wished to silence their outcry for equality.

On June 21, 1964, in Neshoba County, Mississippi, Goodman, Chaney and Schwerner were pulled over and subsequently arrested for allegedly speeding. After being denied their basic rights as prisoners, they were fined $20 and released. But Mississippi in 1964 was a dangerous place for civil rights workers; they were followed and assaulted by a group of Ku Klux Klan members. The young activists were never seen alive again.

The summer of 1964 became known as Freedom Summer. Students from around the country were united in a single vital struggle against racial inequality. Over 1,000 young volunteers traveled to Mississippi that summer with the intention of registering African American voters. They defied the local authorities, who were determined to undermine their efforts and succeeded in establishing dozens of quality summer schools and registering thousands of voters.

These volunteers came for various reasons. Some, like Schwerner and Goodman, came to Mississippi from the North to express their commitment to social justice. Others, like Chaney, volunteered because they were dedicated to the improvement of their own community. However, the unlikely trio of 2 New York Jews and an African American from the South were united in their unwavering devotion to ensure civil rights for all.

Even today, we must continue in the struggle for universal civil rights, as our society is not yet free from bigotry and injustice. The terrible murders of Andrew Goodman, James Chaney, and Michael Schwerner acted as sparks that further ignited the passion of everyday Americans to take a public stand against prejudice. As we remember these heroes of the civil rights movement, we must also aspire to emulate their tireless commitment to fairness and equality.

Madam Speaker, I hope Americans today will remember the sacrifices of these 3 young men to underscore our commitment to the continuing efforts towards achieving the full potential of our great Nation.

THE EDUCATION FOR PUBLIC SERVICE ACT OF 2007

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. SARBANES. Madam Speaker, I rise to speak about the Education for Public Service Act of 2007, which I introduced earlier this week. In short, the Education for Public Service Act would make it easier for college graduates and those with advanced degrees to choose careers in government or non-profit enterprise. It will give those young people who attend higher education aspiring to become teachers, first responders, law enforcement officers, nurses, and civil servants a real chance to realize their dreams.

The rising cost of higher education has led to greater and greater student debt that in turn has become an impediment for many young people who would otherwise choose a career in service. Physicians who might choose to work in community health centers or individuals who want to inspire our Nation's youth as teachers are unable to follow their passion as a result of staggering debt. Our best and brightest are increasingly driven by this debt to choose entry-level positions based on salaries that will enable them to repay loans. Career choices should not be made this way.

In my home State of Maryland, the average starting salary for teachers is $36,000; nationally, the average starting salary is $30,377. According to CRS, the average cost of tuition, other fees, and room and board at a public 4-year university exceeds $48,000. At a private university that figure climbs to almost $120,000. Predictably, fewer graduates are entering the teaching profession. In fact, more than 50 percent of teacher education program graduates never even enter the teaching profession. More than 50 percent of new teachers leave the profession within their first 5 years in the field. We are also facing a crisis of human capital in the Federal workforce. Approximately half of the Federal workforce is eligible for retirement or early retirement. Federal agencies like the Social Security Administration and Centers for Medicare and Medicaid Services are bracing for serious worker shortages resulting from attrition. Madam Speaker, these are such important jobs and yet we have done very little to replenish these ranks. Clearly more can be done to provide sufficient incentives to young workers—the next generation of public servants—to join the civil service. But we ought to start by removing the barriers that affirmatively preclude young people from joining.

In 1993, Congress created the income-contingent repayment option to help individuals earning lower salaries deal with the burden of student loans. Under this plan, borrowers' repayment obligations are capped at a percentage of their annual income and any remaining principal is forgiven at the end of 25 years. But because 25 years of repayment seems so daunting to an individual just finishing college, this initiative has not resolved the underlying problem. The Education for Public Service Act of 2007 would modify the current income-contingent repayment program to provide loan forgiveness after 10 years rather than 25 years, so long as the borrower has worked for a government agency or a charitable or tax-exempt organization during the repayment period.

Madam Speaker, the Education for Public Service Act of 2007 will help ensure that service to one's Nation and community will no longer be out of reach for our next generation. In closing, I would like to acknowledge the leadership of Congressman GEORGE MILLER whom I have worked with in developing this legislation. Chairman MILLER has led the Education and Labor Committee with a focus on American families and American students and I am very pleased that he has included the Education for Public Service Act as part of his College Cost Reduction Act of 2007, which will increase support for students and families with no new costs to taxpayers. If we enact this legislation, idealistic students will be able to attend our institutions of higher learning knowing that they will be able to realize their dreams.

ACCOUNTABILITY IN THE WAR ON TERROR

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to talk about the continued need for accountability in the war on terror. I support the State and Foreign Operations Appropriations bill, but must register my concerns about the money we pledge to send to Pakistan.

Clear rules and accountability are vital to winning the war on terror. Just as we attach benchmarks and set goals for the money the United States sends to Iraq and Afghanistan, we must do the same for Pakistan—especially if Pakistan is to continue as a true partner in this fight.

While Iraq continues to smolder, Osama bin Laden—the murderer of more than 3,000 innocent Americans is still at large. President Bush said at a press conference 5 years ago, that he "didn't spend much time on him."

Recently, when asked why bin Laden hadn't been brought to justice yet he said: "Why is he still at large? Because we haven't got him yet . . . That's why. And he's hiding, and we're looking, and we will continue to look until we bring him to justice."

This is not good enough.

Meanwhile, the Taliban is resurgent in Afghanistan and American commanders on the ground are asking for more troops to fight terror, hunt down al Qaeda and kill Osama bin Laden.

Madam Speaker, we need to win the war on terror—and that means hunting down bin Laden and al Qaeda wherever they are. That means—above all else—success in Afghanistan.

Our troops over there are doing an amazing job and they deserve our continued support. It is getting harder for them, especially along the border between Afghanistan and Pakistan—and in some of the areas where we believe bin Laden is still at large.

I have always said that we needed to be tough and smart in fighting the war on terror. That means asking tough questions—even of our friends. One question that needs to be asked—especially as we prepare to send them $300 million dollars—is about Pakistan's President Musharraf.

Right now we can count President Musharraf as an ally but is he doing all he can to hunt bin Laden? We cannot afford to let a mass murderer slip through our fingers again.

The U.S. has sent $5.6 billion in military reimbursements to Pakistan for counterterrorism efforts—this is $80 million a month. We are about to vote to send them even more.

In the early days of the war in Afghanistan, President Bush decided to out-source the hunt for bin Laden in Tora Bora. Now we need to examine—are we relying too much on Pakistan and their accord with tribal warlords near the Afghan border for the same reason?

Why do we, the United States of America, continue to send roughly $1 billion per year to Pakistan if they are going to slash patrols through the area where al Qaeda and Taliban fighters are most active?

Why, as Senator REED has said, are we reimbursing Pakistan for their efforts instead of, "paying for specific objectives?"

Is it true, as two American analysts and one American soldier reported—that Pakistani security forces fired in direct support of Taliban ground attacks on Afghan Army posts?

Families in the 8th District of Pennsylvania voted me here to ask tough questions and demand accountability.

I hope over the coming weeks and months this Congress gets answers to these vital questions so we can effectively prosecute the war on terror.

We can win the war on terror but after more than 4 years in Iraq and nearly 6 years in Afghanistan, we need to demand more results.

Madam Speaker, by asking the tough questions we can continue to support the troops who are fighting bravely to secure our Nation.

IN HONOR OF MICHAEL RUCKA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. FARR. Madam Speaker, I rise today to honor the achievements of a man who is a true defender of the needs and interests of injured workers. Michael Rucka's long and distinguished career has proven him to be worthy of the Workers Injury Litigation Group Lifetime Achievement Award, which he will receive on June 23, 2007.

As a senior founding partner of the Rucka, O'Boyle, Lombaro & McKenna Attorney practice, Michael proves to be an outstanding and committed leader. Not only does his hard work make him shine as a perfect candidate for the Lifetime Achievement Award, but Michael's pursuit of reform in worker's compensation systems in the United States also highlights his devotion to his career but especially to his clients—the working man and woman.

Madam Speaker, Michael Rucka exemplifies exceptional skill and service to a worthy social cause and I am honored to be able to acknowledge him as one of the most valuable lawyers of our time. The contributions and efforts that he has made and will continue to make are invaluable.

CELEBRATING THE 50TH BIRTHDAY OF LEO Y. LEE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. HONDA. Madam Speaker, today I rise to celebrate the 50th birthday of Mr. Leo Y. Lee, and to honor his past, present, and future contributions to the Asian-American community. We celebrate his first 50 years, his energy, determination, and lifelong service to our diverse communities.

Mr. Lee immigrated to the United States in 1975 from Hong Kong. Mr. Lee attended Vincennes University in Indiana in 1975 and Cooper Union for the Advancement of Science and Art on full tuition scholarships. He became a licensed engineer with a master's degree in mechanical engineering.

Mr. Lee was elected president of the Chinese American Association of the City of New York from 1994 through 1996. This group is a fraternal organization of 4,000 Chinese-American managerial and civil service employees for the city of New York.

In June 1996, Mr. Lee was selected to participate in the Coro Partnership Leadership Enhancement and Networking Program for his demonstrated leadership, commitment, and community involvement.

Since 1996, Mr. Lee has been a member of the Organization of Chinese Americans, OCA—New York Chapter. OCA is a national organization that promotes equal opportunity and equal treatment of Asian Americans. Mr. Lee has served as president of the New York Chapter from 1999 through 2002, during which time he advocated for fair treatment and justice for Dr. Wen Ho Lee, mentored Chinatown youth initiatives, a fledgling leadership organization, and organized candidate forums to address the concerns of the Chinese immigrant community.

He was elected to the OCA National Executive Council in October 2002 on which he served as the vice president of membership. In 2005, he was the recipient of OCA National Unsung Heroes Award. Today, Mr. Lee continues to serve on the board of directors of OCA's New York chapter.

Earlier this year, Mr. Lee was selected to serve on the New York City Council's Discrimination and Harassment Task Force.

Mr. Lee is also a loving father, engaged in his community as a parent. In 2006, Mr. Lee was elected a member-at-large of the Parents' Association of Stuyvesant High School. Finally, Mr. Lee has been elected co-president of the Parents' Association for the fall 2007—spring 2008 school year.

Madam Speaker, I thank Mr. Lee for his leadership and continued service to the community, and wish him a very happy birthday.

DEDICATED TO PROVIDING QUALITY HEALTH CARE—A TRIBUTE TO BETTY JEAN KERR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. CLAY. Madam Speaker, today I am proud to honor Betty Jean Kerr as she celebrates 30 years of successful service as CEO of People's Health Centers, PHC. Under her dedicated leadership, the medically underserved and uninsured receive comprehensive medical treatment daily across the St. Louis Metropolitan Area. The St. Louis community will celebrate Ms. Kerr during a very special Gala Weekend, which includes a historical renaming of PHC to the Betty Jean Kerr People's Health Centers. This is a fitting tribute for an extraordinary woman who has been credited with taking her vision of community health to an international level.

PHC Health Centers, PHC, has a 35 year history of providing essential primary care and prevention health education risk reduction services. Under Kerr's leadership, the PHC campus is now a sprawling community of apartments for the elderly, housing for persons with disabilities, social security services, primary health care, dental services, a pharmacy, affordable homes, small businesses, and school-based sites that provide increased access to health in conjunction with health center locations. All health services are provided by clinicians who are accountable for addressing the personal health needs of the residents in St. Louis. The success of PHC is a true reflection of Kerr's commitment and dedication to ensuring that primary care and prevention services are efficiently provided, regardless of a patient's socioeconomic status.

Kerr has also ventured beyond medical treatment by incorporating medical research into PHC. By partnering with government agencies, teaching institutions, and a host of other participants, PHC is able to conduct clinical research trials in an effort to improve health outcomes for medically underserved persons with chronic diseases. And reduce health disparities. Ms. Kerr has a strong belief that every citizen has the right to a long and healthy life. She continues creating unique programs, such as the Sharing the Care Program, which allows eligible PHC participants to receive life-saving drugs free of charge.

Kerr has recently extended her mission of serving the underserved through the Betty Jean Kerr Scholarship. These College Family Life Assistant Scholarships are awarded to African American students with an interest in higher education in the fields of health and health related professions.

Madam Speaker, it is with great privilege that I recognize Betty Jean Kerr today before Congress. She is not only a local hero, but is indeed a national treasure. Her tireless work to make healthcare affordable and accessible to all makes her more than worthy of this honor. It is with great privilege that I ask my colleagues to join me in honoring Betty Jean Kerr.

CONGRATULATIONS TO MR. TOM AND MRS. LOIS MILLER ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. DAVIS of Illinois. Mr. Speaker, the institution of marriage is one of the most effective traditions in civilized society which organizes, holds together and perpetuates continuation of civilized humanity and to many it is both a civil and religious act and whereas, Tom and Lois Miller have shared 50 years of holy matrimony, I am pleased to pause and wish them well as they reach this important milestone. Tom and Lois met in McCool, Mississippi while teenagers and were married after coming to Chicago by Rev. Daniel A. Williams on January 14, 1957. Tom worked at CELO Steel and later went to the R.C. Cola Company where he retired after a long and satisfying career. Lois pursued a career in cosmetology, became one of the best in her field and subsequently opened her own business, the L & L Beauty Salon which has been in existence for 47 years.

Mr. Speaker, Tom and Lois Miller became and still are pillars of their community. They raised 4 daughters, have 4 grandchildren and 2 great grandchildren. Ever since their marriage they have been rocks of the Greater Zion MB Church. They were founding members of the 4500 W. Congress Block Club in Chicago, have been active in many other civic and social endeavors and for the past 10 years have lived in Westchester, Illinois, where they have immersed themselves into community life.

Madam Speaker, 50 years is a long time and when you can spend those 50 years in a state of peace, happiness and productive engagement, you have been truly blessed, just as you have blessed others. I have been told that "to those to whom much is given, much is expected in return."

The Millers have been fortunate to have a great family, great children, grandchildren, friends and other relatives. Their children, grandchildren, other relatives and friends have been fortunate to have the Millers in their lives and I close my comments with congratulations to Tom and Lois Miller, wish them well and trust that they will have many more years of happy and blissful marriage.

COMMEMORATING 45 YEARS OF DEDICATED SERVICE CITY MANAGER JACKIE WILSON HAS GIVEN TO THE COMMUNITY OF DOUGLAS, GEORGIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. KINGSTON. Madam Speaker, I wish to commemorate the 45 years of dedicated service City Manager Jackie Wilson has given to the community of Douglas, Georgia.

From the beginning, Jackie Wilson has raced out of the gate full speed with a pragmatic approach to community development. She started as Executive Secretary to the City Manager of Douglas in 1962. In 1972, she transferred to the Urban Renewal Department as Assistant Director, and in 1974 became the Director of Urban Renewal. In 1975 when Urban Renewal was phased out, she became the Director of Community Development. In 1995, she was named Assistant City Manager. In January of 2002, when the former City Manager resigned, she was appointed City Manager.

During her time of service she has received numerous outstanding awards. In 1985, she received the Douglas-Coffee County Outstanding Leadership and Service Award. In 1992, the Georgia Municipal Association Eighth District Community Leadership Award. In 2006, she received the Douglas-Coffee County Chamber of Commerce and Economic Development Authority Women In Leadership Award. This award will now be given annually and has been named the "Jackie L. Wilson Women In Leadership Award". In 2007 she has been selected as an Honored Member of the Heritage Registry of Who's Who 2007–2008 Edition.

On June 30, 2007 Jackie Wilson will retire and spend time with her five grandchildren. Through her hard work and dedication she has been a great example for the community of Douglas, Georgia.

JOHN ISNER—TENNIS GREAT FROM GREENSBORO

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. COBLE. Madam Speaker, it is well known that Greensboro, NC, has produced some fine tennis players. Some around Capitol Hill, for example, might be acquainted with my sometimes adequate "old man's game of tennis." That being acknowledged, I can safely say that I am glad to have never faced the overpowering serve of John Isner, Greensboro's own collegiate tennis champion. Even on my best day on the court, I think I might have a tough time returning one of his 130 mile-per-hour rockets.

John, hailing from Greensboro's Page High School, helped lead the 2007 NCAA Champion University of Georgia Men's Tennis team as a senior while playing in the number one singles position. Just this week, John and his teammates were lauded by President Bush at the White House.

John's personal accomplishments this season were also extraordinary. He entered the NCAA individual singles championship as the number one ranked college player in the nation, before losing the finals in three sets. Over the course of this spectacular season, he also set the University of Georgia record for career singles victories at 143. While his career tournament victories are too numerous to list, I must mention that he won the NCAA doubles championship as a sophomore.

Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, I would like to wish John the best of luck in the pro ranks. And I know that if we ever teamed up for a doubles match, it is safe to say that we would be unbeatable.

INTRODUCTION OF THE CHILDREN'S MERCURY EXPOSURE ACT OF 2007

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. LoBIONDO. Madam Speaker, today I am introducing the "Children's Mercury Exposure Act of 2007" along with my colleague, Representative ROBERT E. ANDREWS. This necessary and important piece of legislation will establish a program of research at the National Institutes of Health (NIH) regarding the risks posed by all levels of exposure of children to mercury from mercury contaminated industrial sites; require the Centers for Disease Control and Prevention (CDC), working in coordination with state departments of health, to conduct a study on the prevalence of the exposure of children to mercury from mercury contaminated industrial sites and present to Congress a preliminary report of the prevalence of such occurrences 1 year from the date of enactment; and provide block grants through CDC to state departments of health to conduct initial and long-term testing of children exposed to mercury from mercury-contaminated industrial sites.

I introduce this legislation today as a direct result of an incident that occurred last summer in my Congressional District. Last July, to my amazement and disbelief, I learned that a day care center in Franklin Township, New Jersey had been opened mistakenly on a site that was previously used by a thermometer manufacturer with a history of mercury contamination and had not been properly cleaned up. As a result of this, children who innocently played on the grounds and slept on the floors of he day care were diagnosed with mercury contamination.

I worked with the CDC and state agencies to ensure that these children received the testing and care they needed and deserved, but there were many questions that could not be answered about the risks to these children and children like them who were exposed to mercury, nor were answers about whether similar incidents of mercury exposure in children were occurring in communities across the country.

The answers I did find out though were alarming. I learned that mercury, a potent neurotoxin that can affect the nervous system, lungs, brain, and kidneys, is present at a number of contaminated industrial sites in the United States. I also learned that children's unique behaviors, such as soil ingestion from normal hand-to-mouth contact, puts them at particular risk of exposure from these mercury contaminated industrial sites, and that the Agency for Toxic Substance and Disease Registry (ATSDR), has determined this risk has emerged as an important public health issue.

This incident has taught me that children can, and unfortunately will be exposed to mercury from contaminated industrial sites. The

"Children's Mercury Exposure Act of 2007" attempts to ensure that children and parents have knowledge about the risks posed by this exposure; that the scope of this problem is determined; and that the appropriate level of testing and care is provided. I urge my colleagues in the House to join me in working to help those children who have been, and may be, exposed to mercury and to support the "Children's Mercury Exposure Act of 2007."

TRIBUTE TO FRANCE A. CÓRDOVA, CHANCELLOR OF THE UNIVERSITY OF CALIFORNIA, RIVERSIDE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Chancellor France Córdova is one of these individuals. On Wednesday, June 27, 2007, Chancellor Córdova will be honored at a farewell dinner in her honor.

Chancellor Córdova began her dynamic career conducting anthropological field work in a Zapotec Indian pueblo in Oaxaca, Mexico, after graduating cum laude from Stanford University with a bachelor's degree in English. She went on to obtain her Ph.D. in physics from the California Institute of Technology. For 10 years, Córdova worked as a staff member of the Space Astronomy and Astrophysics Group at the Los Alamos National Laboratory. In 1989, Córdova moved across the U.S. to serve as department head of astronomy and astrophysics at Pennsylvania State University. In 1993, Córdova accepted a position as the Chief Scientist at NASA which she held until 1996. In this role, she served as the primary scientific advisor to the NASA Administrator and the principal interface between NASA headquarters and the broader scientific community.

In 1996, Córdova returned to her home state of California to serve as professor of physics and vice-chancellor for research at UC Santa Barbara. In 2002, Chancellor Córdova accepted the position of chancellor at the University of California, Riverside and the university has undergone dramatic changes under her leadership. The campus itself has been augmented and improved with the addition of new state-of-the-art buildings and parking for students. Academically, Chancellor Córdova has worked towards bringing a school of medicine to UCR which is expected to become a reality in the near future.

Chancellor Córdova's tireless passion for education has contributed immensely to the betterment of the University of California, Riverside. Many students, community leaders and residents are thankful for her service and leadership. I am proud to call Chancellor Córdova a fellow community member, American and friend. I know that many are grateful for her service and salute her as she moves to Indiana to lead Purdue University as their new chancellor.

HONORING CANYON MIDDLE SCHOOL OF CASTRO VALLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. LEE. Madam Speaker, I rise today to honor the students, faculty, and staff of Canyon Middle School in Castro Valley, California for its clear record of success. Canyon Middle School has now been named one of the top performing middle schools in the country.

Today through June 23 in Arlington, Virginia Canyon Middle School will be recognized with 55 other high-performing schools across the nation as a School to Watch by the National Forum to Accelerate Middle Grades Reform at their annual conference.

The faculty and staff at Canyon Middle School have clearly set high standards for performance. They have made it their daily mission to be academically excellent, developmentally responsive, and socially equitable. They challenge all of their students to use their minds, and as teachers and adult mentors to our young people, they are sensitive to the unique developmental challenges of early adolescence. As a whole, Canyon Middle School strives to provide every student, regardless of background or life obstacles, with high-quality teachers, resources, and a viable support system.

Canyon Middle School's accomplishments represent its dedication and commitment to bolstering the success of our youth early on in their academic careers, so that they may achieve successful and productive lives as individuals. The service that Canyon Middle School provides to its students, their families, and the Castro Valley community is undeniable.

I salute Castro Valley Middle School's students, faculty, and staff for their exemplary performance, and I thank them for their outstanding service to the 9th Congressional District and to our country.

RECOGNIZING THE LEADERSHIP AND ACCOMPLISHMENTS OF KAREN HOLBROOK DURING HER TENURE AS THE PRESIDENT OF THE OHIO STATE UNIVERSITY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. PRYCE of Ohio. Madam Speaker, it is a distinct honor for the central Ohio delegation to rise today to commend the leadership and accomplishments of Karen Holbrook during her tenure as the President of the Ohio State University. Holbrook became Ohio State's 13th president in October 2002, and has served the University and the greater university community nobly for 5 years by guiding Ohio State towards ever-increasing prominence in research initiatives and funding, higher academic standards, and enhanced community partnerships.

Ohio State has steadily risen in national rankings of universities since 2002, climbing to 19th among the Nation's public universities in U.S. News and World Report's 2007 edition of "America's Best Colleges." Under Holbrook's watch, the quality of the student body has also increased dramatically. Fifty-two percent of Ohio State's incoming freshmen in the fall of 2007 are expected to be in the top 10 percent of their high school class and 90 percent will be in the top 25 percent. Average ACT scores have also increased. Thanks to better-prepared incoming students and a nationally recognized First-Year Experience program, freshman-sophomore retention has risen to 91.5 percent, well above the average among similar universities.

The completion of the South Campus Gateway project, a mixed-use development of retail, entertainment, offices and housing, has revitalized the edge of campus through the Campus Partners initiative. These improvements have enhanced student life, revitalized an urban neighborhood and provided high-quality destinations for the campus community and visitors alike.

With annual research expenditures now at $652 million a year, Ohio State is ranked 8th among public research universities in the Nation by the National Science Foundation based on the amount of sponsored research. Also, the University has risen from 5th to 3rd among public universities in industry-sponsored research. Holbrook presided over the creation of the Undergraduate Research Office to encourage and enable undergraduate students to connect to research projects as part of their educational experience. As a result, more than 300 students now participate in the annual Denman Undergraduate Forum.

Finally, Holbrook has led the University into strong partnerships in the community, especially with renowned research institute Battelle, which includes the Metro High School for students interested in science, technology, engineering and math, the Urban Arts Center, WOSU@COSI (a collaboration of the university's public media stations and the Center for Science and Industry), and the Battelle Center for Mathematics and Science Education Policy at the John Glenn School of Public Affairs. These partnerships and initiatives are already bearing fruit, and their impact and importance will only increase down the road.

It is truly a pleasure to have worked with President Holbrook over the last 5 years and to have joined her in efforts that increased the prominence and reputation of a great institution. The Ohio State University is a better place because of Holbrook's leadership, and for that, all Buckeyes are forever in her debt.

Go Bucks! Beat Michigan!

RECOGNIZING THE LEADERSHIP AND ACCOMPLISHMENTS OF KAREN HOLBROOK DURING HER TENURE AS THE PRESIDENT OF THE OHIO STATE UNIVERSITY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. HOBSON. Madam Speaker, it is a distinct honor for the central Ohio delegation to rise today to commend the leadership and accomplishments of Karen Holbrook during her tenure as the president of the Ohio State University. Holbrook became Ohio State's 13th president in October, 2002, and has served the University and the greater university community nobly for 5 years by guiding Ohio State towards ever-increasing prominence in research initiatives and funding, higher academic standards, and enhanced community partnerships.

Ohio State has steadily risen in national rankings of universities since 2002, climbing to 19th among the nation's public universities in U.S. News and World Report's 2007 edition of "America's Best Colleges." Under Holbrook's watch, the quality of the student body has also increased dramatically. Fifty-two percent of Ohio State's incoming freshmen in the fall of 2007 are expected to be in the top 10 percent of their high school class and 90 percent will be in the top 25 percent. Average ACT scores have also increased. Thanks to better-prepared incoming students and a nationally recognized First-Year Experience program, freshman-sophomore retention has risen to 91.5 percent, well above the average among similar universities.

The completion of the South Campus Gateway project, a mixed-use development of retail, entertainment, offices and housing, has revitalized the edge of campus through the Campus Partners initiative. These improvements have enhanced student life, revitalized an urban neighborhood and provided high-quality destinations for the campus community and visitors alike.

With annual research expenditures now at $652 million a year, Ohio State is ranked 8th among public research universities in the nation by the National Science Foundation based on the amount of sponsored research. Also, the University has risen from 5th to 3rd among public universities in industry-sponsored research. Holbrook presided over the creation of the Undergraduate Research Office to encourage and enable undergraduate students to connect to research projects as part of their educational experience. As a result, more than 300 students now participate in the annual Denman Undergraduate Forum.

Finally Holbrook has led the University into strong partnerships in the community, especially with renowned research institute Battelle, which includes the Metro High School for students interested in science, technology, engineering and math, the Urban Arts Center, WOSU@COSI (a collaboration of the university's public media stations and the Center for Science and Industry), and the Battelle Center for Mathematics and Science Education Policy at the John Glenn School of Public Affairs. These partnerships and initiatives are already bearing fruit, and their impact and importance will only increase down the road.

It is truly a pleasure to have worked with President Holbrook over the last five years and to have joined her in efforts that increased the prominence and reputation of a great institution. The Ohio State University is a better place because of Holbrook's leadership, and for that, all Buckeyes are forever in her debt. Go Bucks. Beat Michigan.

INVEST IN EDUCATION, INVEST IN THE FUTURE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. LEE. Madam Speaker, forty years ago, the U.S. was number one in the world in high school graduation rates. Today it ranks 17th.

About ⅓ of the students who enter 9th grade each fall will not graduate from high school with 4 years, if at all now in 2007. High school students living in low-income families drop out of school at 6 times the rate of their peers from high income families. Dropout rates are especially high in communities of color: Only about 55 percent of African American students and 52 percent of Hispanic students graduate on time from high school with a regular diploma, compared to 78 percent of white students. In my hometown of Oakland, CA, the dropout rate for Black males is 74 percent.

In this country, there are about 2,000 high schools that produce the majority of dropouts. Six million students throughout America are currently at risk of dropping out of school. Students who fail to graduate from high school are more likely to participate in criminal activity than students who do graduate. Likewise, students with low levels of achievement in high school are more likely to engage in crime than students with high levels of achievement.

For example, the Harvard University Civil Rights Project and the Urban Institute Education Policy Center conducted a study on K–12 schools in California. The center estimated that Oakland's 52 percent dropout rate costs the state $14 billion in lost wages, crime and jail time.

Investing in education would save millions of dollars in crime-related expenditures annually, not to mention ensuring a quality of life that young people deserve or America's standing in the world.

The statistics are staggering and tell the story. Approximately 75 percent of state prison inmates did not complete high school. High school dropouts are 3.5 time more likely than high school graduates to be arrested in their lifetimes. And a mere one percent increase in high school graduation rates would save approximately $1.4 billion in costs associated with incarceration costs, or about $2,100 for each male high school graduate.

We must do better by our children. Nothing less than the future of this country is at take. That is why I am committed to effective reform that can transform high schools and keep students at the greatest risk of dropping out on the path to graduation.

I'm proud to support authorizing legislation that will soon be introduced which will help address some of the reforms that are needed and that is why I'm proud to be an advocate on the Labor, Health and Human Services and Education subcommittee working to appropriate funding to address the crisis in dropouts that our country is facing. Clearly, we need increased investments in programs that keep kids in school and learning.

School counseling bill: On the Labor, Health and Human Services subcommittee, I worked with my colleagues to include $61.5 million for elementary and secondary school counseling in the FY08 bill that is currently working its way through our committee. This is a 77.5 percent increase in a program that the President would have eliminated. These funds enable school districts to hire academic counselors, psychologists, and social workers. The additional resources will be targeted to improving and expanding academic and mental health counseling to middle and high school adolescents. This significant increase is a tremendous step toward addressing the crisis in counseling in our schools.

After School programs: Another critical tool we have in our arsenal to fight drop out and to keep kids off the street and for preventing youth violence is our nation's after school programs. The fact of the matter is that between 3–6 p.m. the rate of juvenile crime triples.

On LHHS subcommittee, we were able to provide a $125 million increase over FY07 levels for a total of over a billion dollars for the 21st century community learning centers. This program is a formula grant to states which in turn distribute 95 percent of the funds on a competitive basis to local school districts, community based organization and other organization for after school activities that make sure that young people have alternatives to getting into trouble.

UPWARD BOUND/Trio and Gear UP: I want to echo the comments of my colleagues here tonight about the problems we are fighting as it relates to the Absolute Priority regulation and the concerns over the loss of funding for numerous previously funded grantees including 30 percent of our HBCU's and Mills College in my district. I know that working together we will resolve these critical issues and I want to specifically thank BOBBY SCOTT and GWEN MOORE for their leadership on the Education committee and on this issue.

We all understand just how critical these programs that provide a variety of outreach and support services to encourage low-income students to enter an complete college. That is why I'm pleased our LHHS subcommittee was able to provide a $40 million increase in funding for the TRIO programs and a $20 million increase for the GEAR UP program.

It is time that our policy and funding priorities take a new direction for our children. That means investing in education. When we do that, we invest in our future.

RECOGNIZING THE LEADERSHIP AND ACCOMPLISHMENTS OF KAREN HOLBROOK DURING HER TENURE AS THE PRESIDENT OF THE OHIO STATE UNIVERSITY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. TIBERI. Madam Speaker, it is a distinct honor for the central Ohio delegation to rise today to commend the leadership and accomplishments of Karen Holbrook during her tenure as the President of The Ohio State University. Holbrook became Ohio State's 13th president in October, 2002, and has served the University and the greater university community nobly for five years by guiding Ohio State towards ever-increasing prominence in research initiatives and funding, higher academic standards, and enhanced community partnerships.

Ohio State has steadily risen in national rankings of universities since 2002, climbing to 19th among the nation's public universities in U.S. News and World Report's 2007 edition of "America's Best Colleges." Under Holbrook's watch, the quality of the student body has also increased dramatically. Fifty-two percent of Ohio State's incoming freshmen in the fall of 2007 are expected to be in the top 10 percent of their high school class and 90 percent will be in the top 25 percent. Average ACT scores have also increased. Thanks to better-prepared incoming students and a nationally recognized First-Year Experience program, freshman-sophomore retention has risen to 91.5 percent, well above the average among similar universities.

The completion of the South Campus Gateway project, a mixed-use development of retail, entertainment, offices and housing, has revitalized the edge of campus through the Campus Partners initiative. These improvements have enhanced student life, revitalized an urban neighborhood and provided high-quality destinations for the campus community and visitors alike.

With annual research expenditures now at $652 million a year, Ohio State is ranked 8th among public research universities in the nation by the National Science Foundation based on the amount of sponsored research. Also, the University has risen from 5th to 3rd among public universities in industry-sponsored research. Holbrook presided over the creation of the Undergraduate Research Office to encourage and enable undergraduate students to connect to research projects as part of their educational experience. As a result, more than 300 students now participate in the annual Denman Undergraduate Forum.

Finally, Holbrook has led the University into strong partnerships in the community, especially with renowned research institute Battelle, which includes the Metro High School for students interested in science, technology, engineering and math, the Urban Arts Center, WOSU@COSI (a collaboration of the university's public media stations and the Center for Science and Industry), and the Battelle Center for Mathematics and Science Education Policy at the John Glenn School of Public Affairs. These partnerships and initiatives are already bearing fruit, and their impact and importance will only increase down the road.

It is truly a pleasure to have worked with President Holbrook over the last 5 years and to have joined her in efforts that increased the prominence and reputation of a great institution. The Ohio State University is a better place because of Holbrook's leadership, and for that, all Buckeyes are forever in her debt.

Go Bucks. Beat Michigan.

INTRODUCTION OF THE MEDICARE MEDICAL NUTRITION THERAPY ACT OF 2007

HON. XAVIER BECERRA

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. BECERRA. Madam Speaker, I rise today to introduce the bipartisan Medicare Medical Nutrition Therapy Act (MMNTA) of 2007. This legislation is cosponsored by my friends and colleagues Representatives MICHAEL CASTLE (R–DE), DIANA DEGETTE (D–CO) and MARK KIRK (R–IL).

The MMNTA of 2007 authorizes Medicare to expand the use of medical nutrition therapy to treat any disease for which empirical research has shown clinical value. The American Dietetic Association has endorsed this important legislation.

In 2000, the Institute of Medicine (IOM) of the National Academy of Sciences found that medical nutrition therapy is effective as part of a comprehensive approach to the treatment and management of the following conditions: diabetes, heart failure, kidney failure, dyslipidemia (a total cholesterol condition as well as other abnormalities in blood lipid levels) and hypertension. In response to this study, Congress allowed Medicare to reimburse medical nutrition therapy for beneficiaries with diabetes and renal diseases.

Specifically, the benefit Congress added includes an initial assessment of a beneficiary's nutrition and lifestyle, nutrition counseling, information regarding managing lifestyle factors that affect diet and follow-up visits to monitor the beneficiary's progress. Medicare covers three hours of one-on-one counseling services the first year, and two hours each year after that. The benefit provides additional treatment hours when the beneficiary's condition, treatment, or diagnosis changes and a physician refers the beneficiary. A physician must prescribe these services and renew them yearly if continuing treatment is needed.

In 2004, the Department of Health and Human Services (HHS) released a report that reiterated that medical nutrition therapy is effective as part of a comprehensive approach to the management and treatment of dyslipidemia (referred to as hyperlidemia in the HHS report) and hypertension. This study's corroboration of 10M's earlier findings demonstrates that many Medicare beneficiaries who could benefit from this treatment cannot access it through Medicare.

Moreover, expanding the use of medical nutrition therapy has the potential to be a cost effective means of providing health care. Recently, the Pfizer Corporation piloted a 6-month nutrition and exercise intervention program for employees with hyperlipidemia. The study concluded that this intervention reduced Low-density Lipoprotein (LDL) cholesterol 12 months later. And, the participating employees had their risk for heart disease reduced by 19 percent. The intervention could save an estimated $728,722 annually if offered to the entire Pfizer population.

Unfortunately, the method that Congress established to determine eligibility for medical nutrition therapy is flawed. Congress specified in law which diseases should receive medical nutrition therapy instead of leaving that judgment to the Center for Medicare and Medicaid Services (CMS) as is the custom for other benefits provided by the program.

CMS has the experts and infrastructure to make these important decisions based on empirical research. As part of its administration of the Medicare program, CMS determines the items and services that are reasonable and necessary for the diagnosis or treatment of an illness or injury suffered by Medicare beneficiaries. CMS makes national coverage determinations by evaluating medical literature and data and information on the effectiveness and appropriateness of medical items and services that are being considered for Medicare coverage. During this process, the public has the opportunity to provide comments. In some cases, CMS' own research is supplemented by an outside assessment and/or consultation with a Medicare Evidence Development & Coverage Advisory Committee (MedCAC). A MedCAC consists of outside experts who supplement CMS career staff examination of an issue. These committees examine the strength of available evidence and make recommendations to CMS on coverage decisions.

By passing this legislation, Congress would increase access to medical nutrition therapy to Medicare beneficiaries through a thoughtful and scientific approach. I urge my colleagues to support this bill and ensure that Medicare beneficiaries have the appropriate access to medical nutrition therapy.

CONGRATULATING JIMMIE GOLDEN ON HIS 80TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to commemorate the 80th birthday of Mr. Jimmie Golden. Mr. Golden is a highly-regarded figure and establishment in the "McDonald's Coffee" group, and his contributions to the group are immeasurable.

The McDonald's Coffee group meets every morning in Milton, a city in my district in Northwest Florida. It is there that a regular group meets to discuss news and current affairs, and Jimmie Golden is a consistent presence. Jimmie is not just there to listen, though—his knowledge in both domestic and foreign affairs is vast. His awareness of the events going on, how the past has affected these events, and the possible implications for the future is worldly by any standard. Those that listen to his input pay close attention as they know Jimmie puts a lot of thought and knowledge into what he says.

Jimmie Golden is not only a great contributor of knowledge and information; he is also a great listener. This listening is not just at the McDonald's Coffee group, either. Jimmie is someone always willing to help others, and he would bend over backwards to better the life of another. Calling Jimmie a humanitarian could be an understatement; he would help every single person if he could. In fact, his service in the United States Navy protecting the freedom our country enjoys accomplished that goal.

Madam Speaker, it is not often enough that a person of Jimmie Golden's caliber comes along, and I am grateful that he calls Northwest Florida home as we recognize and congratulate him on his 80th birthday. Our Nation is a better place because of people like Jimmie.

IN MEMORY OF ROY P. LEWSADER, JR.

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor S. Sgt. Roy P. Lewsader, Jr. of Clinton, Indiana, who died on June 16, 2007. While fighting for our country in Afghanistan, a rocket-propelled grenade detonated near his vehicle in Tarin Kowt.

Roy was born in Terre Haute, Indiana. He joined the U.S. Army in 1988 and served until his death as part of Operation Enduring Freedom.

To serve our country in the U.S. military is an honorable and noble profession. Ray's service to our country in life, as well as in death, epitomizes what it means to be an American hero.

During his more than 13 year service to our country, Roy distinguished himself as soldier and leader. He received the Bronze Star and Purple Heart, as well as the Army Achievement Medal three times and the Army Commendation Award.

Roy Lewsader, Jr. gave the ultimate sacrifice in service to our country and will be remembered as a hero, a father, and a husband. On behalf of all of the people of the 8th District, I extend my deepest condolences to his wife, Melissa; daughters, Briana, Ozzra'D, Cheyenne, and Keebee; son, Billy; and the rest of his family and friends who love and miss him today.

SENATOR BYRD'S HISTORIC 18,000th VOTE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Mr. RAHALL. Madam Speaker, today is an historic date in the United States Congress, and for my State of West Virginia. Today, our State's senior Senator—the senior Senator of all Senior Senators—and the President Pro Tempore of the Senate, ROBERT C. BYRD, has just cast his 18,000th vote.

On April 30, 1990, Senator BYRD cast his 12,134th vote, surpassing Senator William Proxmire, the previous record holder.

Now, he has cast 18,000 votes. Talk about a record. They say records are made to be broken. I will be very surprised if anyone ever breaks this one. It would take a Senator on super steroids!

Madam Speaker, I take this opportunity, not only to congratulate my fellow West Virginian, and my mentor, but to say how proud the people of West Virginia are of him.

Senator BYRD was a virtual orphan boy raised by his aunt and coal-mining uncle in the hills of southern West Virginia. Through hard work, determination, a strong religious belief, an unrelenting drive to gain knowledge, and his belief that the United States is indeed the land of opportunity, he has climbed to the highest pinnacle of political success. He went from a coal miner's shack to the ornate Appropriations Committee Suite he now occupies in the U.S. Capitol. Unable to afford college after graduating from high school, he became the first person to begin and complete law school while serving in the United States Congress.

He has worked pumping gas and as a butcher in a local grocery store, and as a welder in the shipyards of Baltimore and Tampa during World War II. After the war, he owned and operated a grocery store in Sophia, West Virginia. These are unlikely jobs for someone with the kind of power our Senator has come to wield in Washington. But I believe they helped to mold the man in a way that I think would be of benefit to more of our leaders, and, in turn, to our nation. I think the world of politics would have a better reputation if more politicians lived the kind of hardscrabble life that Senator BYRD endured in his younger days. Certainly, it would be better if more of us had a wonderful woman like his gracious Erma—his angel in heaven—by our sides, giving us counsel and encouragement.

Now Senator BYRD has cast more votes than any other U.S. Senator, and he has done so approaching each vote with depth of thought and breadth of experience.

He has held more Senate leadership positions than any other Senator, including two stints as the Senate Majority Leader. And, as I have already mentioned, he is the President Pro Tempore of the Senate.

While he is the longest serving Senator in history, I am pleased to point out that on December 2, 2009, he will have served in the U.S. Congress for a total of 56 years, 10 months, and 29 days, making him the longest serving member of Congress in history. I am already preparing my remarks for that historic day.

HONORING MY MOTHER

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

Ms. LINDA SÁNCHEZ of California. Madam Speaker, I rise today to honor one of my personal heroes, my mother, Maria Sánchez, on her retirement yesterday after 30 years teaching in the classroom. I can honestly and proudly say that my mother is a true American success story.

An immigrant, she came to this country without knowing English, without much money in her pocket, and without a job waiting for her.

Her life's been hard, and we kids didn't make it any easier. But she and my father taught us to work hard, persevere, and play by the rules.

My mother raised seven children and sent them all to college. She is the only mother in U.S. history to send two daughters to Congress.

And she did this while going to night school to get her A.A., then her B.A., then a teaching credential and, ultimately, a master's degree. She cleaned houses in her "spare time," and found creative ways to make ends meet for a family of nine.

As an English/Spanish dual-immersion teacher, she helped children better express themselves and communicate with each other—shaping our community one student at a time.

Her teaching career may be ending, but she'll keep leading and touching lives. Mom, here's to you!

HONORING FRED S. PYLE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. MICA. Madam Speaker, today at Arlington National Cemetery, my constituent and friend Fred Pyle of Ormond Beach, Florida was laid to rest. It was my honor to have had the opportunity to know Fred and his family. His service to our country through our Armed Forces and law enforcement is a shining example of American patriotism.

The son of Martin and Mae Emma Pyle, he was born in Somerset, Pennsylvania on April 17, 1920.

Fred was one of six sons, five of whom served in the United States military during World War II and were recognized as being the first family of five brothers to serve our Nation's armed services in that conflict. He first entered into the service in 1938 joining the National Guard in his hometown of Somerset. He was later selected to serve as an MP and saw combat with the 726th Police Battalion in World War II during what was known as the "Red Ball Express," when Allied Forces landed at Normandy and began their push towards Germany. His service later took him to Okinawa, Japan where his responsibilities included the overseeing of Japanese Prisoners of War. In addition to his service in World War II, Fred served in the Korean War and at the prestigious Naval Academy in Annapolis, Maryland where he served as Chief Master of Arms.

Fred achieved the rank of Staff Sergeant and was a recipient of several prestigious awards including the Victory Medal of World War II, American Theatre Ribbon, American

Defense Ribbon and the Good Conduct Medal. He was also recalled during the Korean conflict where he honorably served as an instructor in a NCO academy and earned himself the Occupational Medal (Germany). He left the Army in 1952 with an honorable discharge.

After his service, Fred graduated from the Institute of Applied Science in Chicago and became a police officer with the Somerset Police Department where he worked for more than 10 years.

With the passing of Fred Pyle, America has lost an outstanding citizen and a shining example of a family's commitment and service to our Nation. He will be remembered as a patriotic American, a pillar of our community and a compassionate husband and a loving father. To his wife of 67 years, Stella, his son Bruce, his three grandchildren and one great-grandson, in addition to his loving family, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Fred Pyle's contributions and to ask all Members of the U.S. House of Representatives of the 110th Congress to join me in remembering a great American hero.

INTRODUCTION OF THE COMPREHENSIVE COMPARATIVE STUDY OF VACCINATED AND UNVACCINATED POPULATIONS ACT OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing very important bipartisan legislation that I hope will resolve the question of whether or not there is a link between the increased incidence of autism and the use of thimerosal in vaccines. Many parents have raised concerns about the effect that thimerosal, which is made of mercury—a known neurotoxin that is widely used as a preservative in vaccines—may have had on a child's chances of developing autism and other neurological disorders. The study mandated by this new legislation would try to help resolve this controversy once and for all. While vaccines have been instrumental in reducing the incidence of many once-common diseases, we owe it to parents and children to study and resolve the question of the possible link between thimerosal in vaccines and autism. What is ultimately needed to resolve this issue one way or the other is a comprehensive national study comparing outcomes between vaccinated and unvaccinated children. As the most scientifically advanced country in the world, we should be jumping at the chance to conduct a comprehensive national study and ensure absolute trust in our Nation's vaccine program. Parents deserve answers, and children deserve no less than absolute certainty and safety, which is why I am pleased to reintroduce this legislation today.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. BORDALLO. Madam Speaker, I was absent from the chamber late last night. Had I been present for the seven rollcall votes that were taken on amendments to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act for Fiscal Year 2008, I would have voted "no" on rollcall No. 535, "no" on rollcall No. 536, "no" on rollcall No. 537, "no" on rollcall No. 538, "no" on rollcall No. 539, "yes" on rollcall No. 540, and "no" on rollcall No. 541.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 536. Had I been present, I would have voted "aye" on agreeing to the McGovern of Massachusetts Amendment.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 553, H. Amdt. 367 offered by Representative LOWEY to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "no."

HONORING MAJOR GENERAL ROGER P. LEMPKE

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. SMITH of Nebraska. Madam Speaker, it is my pleasure today to rise in honor of Major General Roger P. Lempke, the Adjutant General of the Nebraska National Guard since December of 2000. Earlier this morning, General Lempke announced his retirement. I have had the pleasure of knowing and working with General Lempke for a number of years. He is a true Nebraskan and the very definition of a great American.

A graduate of the United States Air Force Academy, General Lempke became a pilot and flew more than 1600 flying hours primarily as an instructor pilot. He has earned the Meritorious Service Medal, Air Force Achievement Medal, Armed Forces Service Medal, and the Nebraska National Guard National Defense Service Medal among many other awards and decorations throughout his years of service to our country.

General Lempke served all of Nebraska and the people of the United States as Commandant of the State's military forces, the Nebraska Emergency Management Agency, and as President of the Adjutants General Association of the United States.

Time and time again, our State has needed his leadership when faced with a natural disaster and time and time again, General Lempke has risen to the occasion. He has served his country with dedication and honor during a time of war. The Nebraska National Guard and the United States Armed Forces have been made better through the tireless efforts of General Lempke, and I thank him for his service.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 535. Had I been present, I would have voted "no" on agreeing to the Boustany of Louisiana amendment.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. BORDALLO. Madam Speaker, I was unavoidably delayed in arriving to the chamber for the series of five recorded votes taken during the evening of Tuesday, June 12, 2007, on amendments to H.R. 2638, the Department of Homeland Security Appropriations Act for fiscal year 2008. I was therefore unable to cast my vote during the first vote in that series which was on the amendment offered by the gentleman from New York, Mr. CROWLEY. Had I been able to record my vote on this amendment, rollcall No. 453, I would have voted "no".

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 537. Had I been present, I would have voted "no" on agreeing to the Jordan of Ohio Amendment.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 554, H. Amdt. 368 offered by Representative SMITH to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "yes."

TRIBUTE TO NICK FRANKOS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. RYAN of Ohio. Madam Seaker, I rise today to honor a pillar of the community of Warren, Ohio, who recently passed away. There is a well-known saying which maintains that, 100 years from now, it will not matter what kind of car a person drove or how big their bank account was. The saying affirms that in 100 years, the world may be a better place because of what one person did to help inspire and uplift a child. Very few people in the town of Warren, Ohio, had as profound an impact on so many young lives as Nick Frankos did. A 1943 graduate of Warren G. Harding High School, Frankos was an avid supporter of Warren City Schools and their affiliated athletic teams. Affectionately dubbed "Uncle Nick," he had a paternal, compassionate quality that allowed him to form lifelong bonds with Warren student-athletes and to transform the lives of many of Warren's youth.

In 1956, Frankos opened his much-acclaimed Buena Vista Restaurant, famous around town for serving "Uncle Nick's Greek Fried Chicken." Not only did the restaurant provide delicious meals, but it also served as a popular hangout for local student athletes, coaches, and fans. There were few, if any, high school football coaches who did not frequent the restaurant and who did not know Frankos on a first-name basis. Last year, Frankos was honored by the Warren City Council for 50 years of business excellence in the town.

In addition to his business endeavors, Frankos also served on the Warren City School Board for 12 years. Frankos was notable for his strong support of high school athletics and for his determination to provide local youth with proper athletic facilities. In particular, Frankos was instrumental in securing support for the construction of a new press box at Warren's Mollenkopf Stadium and for the replacement of part of the stadium's seating area. These improvements serve as a remembrance of the staunch support Frankos gave to Warren high school athletics throughout his life.

Madam Speaker, when "Uncle Nick" Frankos passed away on May 22 at the age of 82, the community of Warren, Ohio lost more than just a businessman. Many local athletes, coaches, and fans lost a friend. The Warren School Board lost a tireless advocate, and the city of Warren lost a dedicated and caring public servant. Most importantly, the area's youth lost a devoted mentor and role model. It is for his contribution to the youth of Warren, Ohio that "Uncle Nick" Frankos should be remembered.

SENATOR BYRD'S 18,000TH VOTE

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. MOLLOHAN. Madam Speaker, yesterday, U.S. Senator ROBERT C. BYRD stood in the Senate chamber to do his duty. It was not to deliver a persuasive and enlightening speech featuring laser-focused common sense on the issue at hand. It was not to educate his colleagues on tradition and precedent as the Senate's most prolific historian. And, it was not to politely and eloquently offer an opposing opinion to another Senator's statement. It was to perform what he considers one of his most sacred duties—to cast his vote as a representative of the people.

It was not just any vote, Madam Speaker. It was the 18,000th time that Senator BYRD responded to his duty and it was a monumental moment in the history of the Senate. No other Senator has performed that honored duty as often as the gentleman from West Virginia. He has voted nearly 3,000 more times than the next individual on the list of distinguished public servants who have cast votes in the Senate. He is, truly, the iron man of the United States Senate.

West Virginians love Senator BYRD for many reasons. He has been an avid and effective defender of and advocate for his state; an articulate representative of their views on pressing national issues; and a champion facilitator of federal assistance for thousands of important projects that make peoples' lives better. But, they also love him because of what his never-to-be-matched Senate voting record really represents—an unflinching devotion to the responsibility they have entrusted him to perform.

I have had the honor of watching Senator BYRD for most of my life. He and my father came to Washington together as freshmen members of the House in 1952. Seldom have I ever seen a public servant work so hard to honor the responsibility entrusted to him by his people and the obligation imposed upon him by the United States Constitution.

The range of topics covered by those 18,000 votes must be staggering from the critical to the mundane. But they all received equal attention from Senator BYRD as a sacred duty.

He once wrote that Senators have an obligation to this great Nation to see that the powers of democracy are used effectively to settle important issues. Democracy, he has reasoned, requires us to work together.

He wrote: "Neither presidents nor Congress can act by fiat, but must work together, each keeping a firm eye on the other branch, and each jealously guarding its own prerogatives. At the same time, we are all judged by the American people who elect us. I have frequently said that I have full faith in the restorative powers of our democracy. What is unchecked will be balanced. What is wrong will be righted in time by our open and democratic system of government. So it has been for the first 200 years in the history of the United States Senate, and so it will be in the future."

Madam Speaker, Senator BYRD has expressed his faith in our democracy 18,000 times. Today I humbly honor Senator BYRD not just for casting those 18,000 votes as an avid practitioner of democracy. I honor him for his faith in America, in people and in the form of government crafted by the framers of our Constitution.

SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 257, which puts the Congress on record in support of the goals and ideals of Pancreatic Cancer Awareness Month. I commend the gentleman from Pennsylvania, Mr. PLATTS, for introducing this important resolution.

Pancreatic cancer is one of the most serious of cancers, it is the fourth most common cause of cancer death in the United States; and is the fifth leading cause of cancer death worldwide. It is responsible for 90 percent of deaths for those who develop the disease.

The incidence of pancreatic cancer is 50–90 percent higher in African Americans than in any other racial group in the United States. Not only is pancreatic cancer more common among African Americans, but African Americans also have the poorest prognosis of any racial group because they often are diagnosed with advanced, and therefore, inoperable cancer. African Americans also are less likely to receive surgery than any other racial group in the United States. Many studies have been conducted to determine why there is an increased risk of pancreatic cancer among African Americans. These studies suggest that environmental and socioeconomic factors may be important. Other risk factors for pancreatic cancer that are more common in African Americans include diabetes mellitus and being overweight.

It is heartbreaking to see people of "minority" status suffering from pancreatic cancer. It is a very deadly disease, but not common enough for everyone to be screened for it. The symptoms are vague and non-descript usually until the disease is so advanced there is little that can be done. We know that cancer can be deadly, but early detection is crucial. We also know how tragic the diagnosis of pancreatic cancer can be because of its rapid decline in the individual that has this particular disease.

I know firsthand from a prominent citizen in my community, someone who was vibrant and contributing, who suffered through the disease of pancreatic cancer, having good days and bad days, having recoveries and then relapses.

So I believe it is extremely important that we support the goals and the ideals of Pancreatic Cancer Awareness Month. The deadliness of this particular form of cancer goes far beyond the average citizen's comprehension. That is why education and awareness is crucial, and a month of Pancreatic Awareness is a good start to the educational process about the disease and the people who have it.

For these reasons I strongly urge my colleagues to support this resolution.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 538. Had I been present, I would have voted "no" on agreeing to the Price of Georgia amendment.

TRIBUTE TO STUDENTS, PARENTS, TEACHERS AND ADMINISTRATORS OF THE WAKE COUNTY PUBLIC SCHOOL SYSTEM

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. MILLER of North Carolina. Madam Speaker, I rise today to congratulate the students, parents, teachers and administrators of the Wake County Public School System, many of whom are in Washington today to accept the National Energy Development Project's "School District of the Year" award.

The National Energy Development Project, or "NEED," is a nonprofit education association dedicated to advancing the understanding of the scientific, economic, and environmental impact of energy. This year, after reviewing more than sixty submissions from across the Nation, the NEED National Award's Review Panel chose to recognize Wake County's public schools for their unique and outstanding work.

Madam Speaker, I am very proud of the students and faculty of the Wake County Public School System. Energy independence and combating global warming are two of the most important and challenging issues confronting our Nation. In the coming years, the goals we set and the choices we make in this area will have profound, irreversible consequences for our Nation and our planet.

More than ever before, America needs informed, innovative and energy-conscious leaders at every level of society. I congratulate the Wake County Public School System for rising to this challenge so impressively, and I commend them, and all the public school systems that participated in this program, for their commitment to this ideal.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Monday, June 18, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 499: Yes. On Motion to Suspend the Rules and Pass H.R. 2563.

(2) Rollcall No. 500: Yes. On Motion to Suspend the Rules and Pass H. Con. Res. 151.

(3) Rollcall No. 501: Yes. On Motion to Suspend the Rules and Pass H. Res. 233.

TRIBUTE TO PETER RENDINA, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress and prouder still to call a close personal friend and trusted advisor, Mr. Peter Rendina, Jr. Pete is being recognized on Friday, June 22, by his colleagues, upon the occasion of his retirement from the Paterson Public Schools.

It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication and commitment to the students of our great city. Through his years of teaching history and social studies especially, he has shown countless students the magnificence and power of our great Nation and democracy in action.

Pete is a lifelong resident of Paterson. He is a graduate of School 18 and an Eastside High School Ghost. After graduation, Pete went on to continue his education at Jersey City State University, earning his degree in elementary education, working as a substitute teacher in the Paterson school system while continuing on his studies. After graduation, he became a full-time member of the Paterson Board of Education team. Since then, he has worked with many different grade levels, and taught a variety of courses. In the following years, Pete returned to Jersey City State, earning his Masters degree in Urban Education, Administration and Supervision. Soon he was serving as an adjunct professor, first at Upsala College and Passaic County Community College (PCCC), and later at Seton Hall University as well.

He has circumvented the educational bureaucracy that constricts many teachers and earned the admiration and trust of his pupils. The respect he has earned from his students is unprecedented and unmatched. He serves not only as an educator but also as a mentor; he helps his students to handle not only the academic rigors of high school, but also the many other challenges they face.

All the while, Pete has been living the lessons he teaches. His students learn about our government from someone who works in the field directly. Whether it was the 2 years he spent working as Congressman Herb Klein's district administrator, or the many years since that he has served as a special aide to me, he has been involved in the day to day affairs of our great government. His students have the benefit of learning civics from a teacher who works in the field and lives it first hand.

In addition to his work in the classroom, he has made his mark as a coach and athletic director. Pete has coached softball, basketball, football, track and volleyball on the high school level. On the collegiate level, he has led the men's basketball teams at both PCCC and William Paterson College, and served as the athletic director at PCCC. His talent for motivating his athletes to perform to the best of their ability and reach their goals makes him a successful coach. Just as when he is in the classroom, his mentoring skills with his players enable them to succeed on and off the field.

Outside of his profession, Pete has contributed greatly to the Passaic County community in a civic role. He has served as the president of the Passaic County Technical and Vocational High School Board of Education, as a member of the board of trustees of the PCCC Foundation, and as commissioner of the Passaic County Board of Social Services.

His contributions to education, in Paterson and beyond, cannot possibly all be listed. Most importantly, he is a personality who, in every sense, cannot be replaced. I value his friendship and know that although he is retiring from teaching, his service to his community will continue.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing the accomplishments of educators like Peter Rendina. I applaud the Eastside High School family for honoring Pete, and join them in wishing him a fantastic retirement.

Madam Speaker, I ask that you join our colleagues, the members of the Eastside High School Ghost family, the Paterson Board of Education, Pete's family and friends, all those whose lives have been touched by him, and me in recognizing the outstanding and invaluable achievements of Mr. Peter Rendina, Jr.

CELEBRATING THE LIFE OF JAMES "JIM" H. SHIMBERG

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. CASTOR. Madam Speaker, I rise today to herald the life and philanthropic contributions of James "Jim" H. Shimberg, and to acknowledge our pride in the communities he founded in the Tampa Bay area.

A native of Syracuse, New York, Jim Shimberg served as a First Lieutenant in World War II. After he received his degree from the University of Chicago Law School, he practiced law in New York for nearly 10 years. Jim then relocated to the Tampa, Florida area in 1958 to launch a community business. By 1983, his development of over 6,000 homes, several recreation centers, schools, and shopping centers in northwest Hillsborough County laid the foundation of the Town 'N Country community.

Jim's success in community development led him to become President of the Tampa Home Builders Association and the Florida Home Builders Association, as well as Vice President of the National Association of Home Builders. He was co-founder of the National Housing Endowment and was inducted into the National Housing Hall of Fame in 1985. After developing the Town 'N Country community, Jim served as chairman for the Hillsborough County Charter Review Board and was largely responsible for the expansion and development of eastern Hillsborough County.

The philanthropic contributions of Jim Shimberg have unquestionably improved the lives of thousands of Floridians. His dedication to the well-being of Floridians led him to found the University Community Hospital in 1968. He served as the first Chairman of the Board for 9 years, and as chair of the investment committee for the duration of his life. His commitment to providing quality health care services led him to serve as Vice-President of the Judeo Christian Health Clinic for 25 years. In addition, Jim endowed the Shimberg Center for Affordable Housing at the University of Florida in 1991, and funded the philanthropic National Endowment in Washington, DC.

As a result of his immense lifetime philanthropic contributions, Jim Shimberg was honored as Tampa's Outstanding Citizen of the Year in 2007. He and his wife, Amy Shimberg, were also honored as the 2003 Philanthropists of the Year by the Tampa Chapter of the Association of Fundraising Professionals.

The Tampa community honors the life of Jim Shimberg, his wife Amy, daughters Janet and Nancy, sons Jim, Richard, and Robert, and the entire Shimberg family for their outstanding contributions to the Florida community. Jim Shimberg's life serves as an inspiration to all who knew him, and will continue to benevolently impact the lives of Floridians in the future.

THE EXTENSIVELY DRUG RESISTANT-TUBERCULOSIS INCIDENT: A POORLY COORDINATED FEDERAL RESPONSE TO AN INCIDENT WITH HOMELAND SECURITY IMPLICATIONS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I would like to thank the Chairman and Ranking Member for holding this very important hearing to discuss and investigate a possible breakdown in security procedures or the lack of adequate safety measures sufficient to safeguard against and minimize a potentially very serious public health security threat, namely the contraction of the extensively drug-resistant tuberculosis (XDR–TB). I would also like to take this time to welcome our witnesses, Dr. Martin S. Cetron, Dr. Jeffrey W. Runge, and Mr. W. Ralph Basham, (accompanied by Jayson P. Ahern).

Mr. Chairman, 2 weeks ago, Mr. Andrew Speaker, an individual known to be infected with multi-drug resistant-tuberculosis (MDR–TB) was subsequently confirmed to be infected with extensively drug resistant-tuberculosis (XDR–TB). He disregarded a recommendation from the Centers for Disease Control (CDC) to seek medical treatment in Italy, and returned to the United States by altering his flight itinerary, flying to Canada, and then driving through the U.S.-Canada border. A number of homeland security and public health processes were utilized to manage the situation and failed at a variety of points.

The purpose of this hearing is to provide Members with the opportunity to (1) determine where weaknesses exist with homeland security processes designed to prevent entry into the U.S., (2) explore the inefficient interactions between the Department of Homeland Security (the Department) and the CDC when addressing public health security issues, and (3) identify areas for immediate and longer term improvement.

According to current U.S. public health policy, the CDC must be apprised when MDR–TB appears also to be extensively drug resistant so that the CDC can provide laboratory confirmation of XDR–TB. A very important question immediately comes to mind in Mr. Speaker's case: Given the increasing incidence and prevalence of all types of TB, including MDR– and XDR–TB, should the CDC have been apprised sooner?

Mr. Chairman, in urgent matters such as preventing the spread of potentially serious and very harmful public health risks such as XDR–TB, time is most certainly of the essence. In January, Andrew Speaker, a 31-year-old Atlanta lawyer, fell and hurt his ribs. He received an X-ray, revealing an abnormality in the upper lobe of his right lung. This suggested tuberculosis. Speaker began meeting regularly with Fulton County health officials for treatment. In early March, Speaker underwent a procedure to get a sample of sputum from his lungs. By the end of the month, lab cultures revealed he had tuberculosis (TB).

Though it is still unclear, it appears that the CDC was not notified of these events until May 17 when it was called in to test for XDR–TB. Health officials determined Speaker had a multiple-drug resistant (MDR) form of TB. According to press accounts, Fulton County health officials called the Georgia Division of Public Health (GDPH) on May 10, but gave the impression that the problem was "largely hypothetical" The GDPH then made a call to the CDC. Some questions still persist and will hopefully be answered in this hearing. It is extremely important to know when the CDC was notified about Speaker's case of MDR–TB. It is also helpful for this Committee to know what the formal procedure by which the CDC was asked to perform its analysis. It is reported that the CDC was called in to test for XDR–TB on Thursday May 17. Was this the proper protocol to follow? If not, why wasn't the CDC asked to perform the analysis earlier?

Notifying the CDC of potential public health threats in a timely manner is also important because the sooner the CDC is notified the sooner public safety authorities can put measures in place to protect the public. Had the CDC been notified, the CDC may have been able to prevent Mr. Speaker from traveling and subjecting the public to potential risks of contracting XDR–TB.

As the Chairwoman of the Transportation Security and Infrastructure Protection, what I find even more alarming is the fact that the Transportation Security Administration was not notified until after the incident took place; after he had already posed a threat to the lives of hundreds of Americans and non-Americans. Had the TSA received forewarning, the identity of Mr. Andrew Speaker could have been disclosed in such a manner and he would have been placed on the "no-fly" list.

Mr. Speaker was simply given too many opportunities to create a public health crisis in this country and abroad. On May 12, Speaker departed Atlanta on Air France flight 385. Speaker arrived in Paris on May 13. On May 14, Speaker flew from Paris to Athens on Air France flight 1232. Speaker flew from Athens to Thira Island on Olympic Air flight 560 the following day. The CDC called in to test for XDR–TB. On May 17, the GDPH was notified that Speaker had flown overseas. Four days later, tests came back positive for XDR–TB. Meanwhile on that same day, Speaker flew from Mykonos to Athens on Olympic Air 655 and then he flew from Athens to Rome on Olympic Air 239.

Mr. Chairman, questions still persist about the ability of the Federal Government to quarantine an individual. DHS officials told Committee staff that Federal officials do not have the authority to quarantine. This is inaccurate. The President may issue an executive order for federal isolation and quarantine for the following communicable diseases: Cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, and SARS. What are the policies and procedures to implement a quarantine/isolation, and what is the role of DHS?

We must ensure that we provide public health security policies and guidelines that result in the highest level of precautions against public health threats. There is an old saying that it is better safe than sorry.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 539. Had I been present, I would have voted "no" on agreeing to the Musgrave of Colorado amendment.

TRIBUTE TO RICK SPARROW

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. JOHNSON of Illinois. Madam Speaker, today, I come before you to honor Rick Sparrow for his decades of service to the 15th District of Illinois. Next fall will be the first time in over 30 years that Rick will not grace the basketball courts of East-Central Illinois. While the residents of Fisher, Illinois will always remember him as "Coach Sparrow," Rick actually began his basketball career as a youth referee. Due to his love of the game of basketball and his commitment to the children of Fisher, Rick spent nearly 12 years as an official, refereeing hundreds of games. Even with the demands of his job as a manager with FritoLay and responsibilities as a loving husband, father and grandfather, Rick then decided to make the move to the sidelines as a youth coach where he remained for the past 18 years.

Coach Sparrow will be remembered for his dedication, loyalty, passion and friendship. While he always pushed his players to the limit on the basketball court, he did so with respect, warmth and kindness. Rick treated every player as if he was his own child, and kept strong ties with his former players long after their playing careers were over. In fact, four of his twelve current warehouse employees at FritoLay are former Fisher Bunnies.

Rick's unheralded success as both an assistant and head coach is undoubtedly a product of the relationships he formed with each player he coached. In 1996, Coach Sparrow was named the IHSA Junior High District Coach of the year. In the 90's, he coached his junior high teams to six consecutive IESA state tournaments. And just this last year, Rick was a member of the coaching staff that led St. Joseph-Ogden High School to the supersectional finals of the Illinois High School Association basketball tournament.

Now that the Coach has graced the sidelines for the last time, there will be more time to enjoy time and activities with his beloved wife, children and grandchildren. While he may not be in the gym next fall, the impact he has made on the Fisher community will continue for years to come.

Coach, the 15th District thanks you for your 30 years of service and your commitment to our community's student-athletes. You have enriched the lives of your players and their families.

IN HONOR OF RUBEN RAMOS, JR.

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. SIRES. Madam Speaker. I rise to honor Hoboken City Councilman-at-Large Ruben Ramos, Jr. during Hoboken Cultural Week 2007. Ramos, Jr., who was born and raised in Hoboken, is the first Puerto Rican from, Hoboken to be nominated to the New Jersey State Assembly.

At age 25, Ramos, Jr. became the youngest councilman to be elected in the City of Hoboken in 1999, representing the 4th Ward. That same year, Ramos, Jr. was diagnosed with Hodgkin's disease. A proven fighter, Ramos, Jr. underwent rigorous chemotherapy treatment and was declared cancer free a year later, going on to become one of the most outstanding Hoboken citizens of Puerto Rican heritage.

Two years later, in 2001, Ramos, Jr. ran successfully for Councilman-at-Large, and became the youngest City Council President in the history of Hoboken. He was re-elected to the City Council in 2005.

During his 8 years serving on the Hoboken City Council, Ruben Ramos, Jr. has been able to work effectively with its members to bring effective development to the city and the waterfront. Ramos, Jr. took action to create more open space while expanding much needed residential parking spaces. Councilman Ramos, Jr. also helped clean up the Housing Authority and created the town's summer employment for teenagers program in city departments.

In the national arena, Ramos, Jr. was selected by Al Gore's 2000 election committee to serve on the Platform Committee of the Democratic National Convention in Los Angeles, where he delivered a stirring keynote speech. Ramos, Jr. was also chosen by the Democratic National Committee to serve on their credentials committee during the presidential campaign.

Councilman Ruben Ramos, Jr. is a graduate of Farleigh Dickinson University and has taught Social Studies to sixth, seventh and eighth-grade students for the last 10 years. Aware of their needs and hoping to shape the lives of young residents in the area, Ramos, Jr. has volunteered with the Hoboken Boy's and Girl's Club.

Please join me in honoring Ruben Ramos, Jr. during Hoboken Cultural Week and congratulating his wife Norma, his two beautiful daughters, and the Puerto Rican family members who helped shape the outstanding life of this young elected official that has become a role model for his fellow citizens.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 540. Had I been present, I would have voted "aye" on agreeing to the Pence of Indiana amendment.

TRIBUTE TO ARMY SERGEANT CORY ENDLICH

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. REGULA. Madam Speaker, with great sorrow I rise to pay tribute and recognize a dedicated soldier and citizen from my district. On Saturday, June 9, 2007, Army Sergeant Cory Endlich lost his life during hostile fire while patrolling an area northwest of Baghdad.

A 2003 graduate of Massillon Washington High School, Sergeant Endlich was a 4-year member of the Massillon Tiger Swing Band as well as a 2-year member of the cross country team. While many of his friends dreamed about becoming professional athletes, he dreamed of becoming a paratrooper for the United States Army. He was also a devoted citizen, helping in missions at home, including the rebuilding of New Orleans after Hurricane Katrina before his deployment to Iraq.

This outstanding young man showed courage and a commitment to protect those who could not protect themselves. He had requested in his last letter to his mother for her to send coloring books, crayons and hard candy for Iraqi children he had befriended. Sergeant Endlich is a true hero and a reminder of the dedication evidenced by all the men and women all over the world fighting the war on terror. We must reflect on this great life and all the good that is being done in Iraq.

Army Sergeant Endlich and his family will be forever in our hearts and prayers. May we keep them in mind as they struggle through this difficult period of mourning.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 541. Had I been present, I would have voted "no" on agreeing to the King of Iowa Amendment.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. WELLER. Madam Speaker, on rollcall Nos. 449, 500 and 501, I was absent due to flight difficulties.

Had I been present, I would have voted "aye" on all three.

PERSONAL EXPLANATION

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. CARNAHAN. Madam Speaker, during consideration of H.R. 2764 on the Pence Amendment thereto roll No. 540, my vote was mistakenly recorded as no; however, I intended to vote yes. I strongly support restrictions of financial aid to the Palestinian government in the West Bank and Gaza, unless the president certifies that it renounces terrorism, acknowledges the existence of Israel and abides by previous agreements reached between the Palestinians and Israel, with the exception of certain humanitarian aid. I would like the record to reflect my intent to vote yes on roll No. 540 in support of the Pence Amendment. Moreover, I voted multiple times in the 109th Congress in favor of the restrictions contained in the Pence Amendment. Furthermore, I voted in favor of final passage of

H.R. 2764, which included the restrictions contained in the Pence Amendment.

WORLD REFUGEE DAY: ADDRESSING THE NEEDS OF AFRICAN REFUGEES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. SMITH of New Jersey. Madam Speaker, two days ago, on June 20th, the Subcommittee on Africa and Global Health held a hearing on the occasion of World Refugee Day. This day was designated by the United Nations General Assembly in 2001 to be commemorated each year in order to honor the contributions of refugees around the world and to call attention to the plight of those who continue to suffer as refugees. This day also coincides with Africa Refugee Day, which has been commemorated since 1975 and was established by the Organization of African Unity Commission of Ten on Refugees as a way to raise funds for assistance for refugees in Africa.

It is shocking to consider that 12 million people in the world are refugees today, and almost a quarter of those, 3.2 million, live in Africa. In addition, Africa has an estimated 12 million Internally Displaced Persons, most of whom are victims of conflicts within their countries. Floods and droughts have also contributed to the dislocation of large numbers of African people. More than half of the world's refugees have lived in camps for several years, with no foreseeable prospects for returning to their homes and a normal lifestyle.

No one can measure the suffering that often comes with being a refugee—being a stranger in a strange land, the inability of children to attend school, the frustration of parents unable to provide the basic necessities for their families, the hardships and fears that come with living in a tent, or having no shelter at all. One might forget that refugees often also are suffering the emotional trauma that results from violence inherent in the conflicts that produce refugees.

For that reason, it was particularly useful to hear the testimony of Neal Porter, the Director of International Services from the Center for Victims of Torture. Legislation that I have sponsored, including the Torture Victims Relief Reauthorization Act of 2007 which passed the House on April 25, 2007 and is now pending in the Senate, provides authorization for programming that helps refugees and others suffering the effects of torture. I would encourage my colleagues in the Senate to act on this bill so that the Center for Victims of Torture and others who provide services to torture survivors can receive the assistance they so desperately need.

The international community accomplished a major milestone when it recognized refugees as having certain rights under international law in the 1951 U.N. Convention Relating to the Status of Refugees and the 1967 Protocol. The United Nations High Commissioner for Refugees plays a major role in ensuring that the promised resources and protection are provided. However, as laudable as international recognition and assistance are for assisting those forced to flee from their homes, far more needs to be done to prevent people from becoming refugees in the first place, and to accommodate the safe return and re-establishment of those already refugees or IDPs. This subcommittee hearing provided an important opportunity to examine what we in the United States and the world community can do in this respect.

Although I and others have devoted significant attention in recent months and years to the tragedy in Darfur, one can never over-publicize the desperate situation of the victims of the Sudanese Government's genocide. When I think of refugees, my mind immediately recalls those who I met in the Mukjar and Kalma camps, only some of the 2 million who have been displaced from their homes in that region. The term "displaced" does not begin to describe the nightmare situation that these people must live in. As we have heard through testimony at recent hearings on Darfur, these people long most of all not for food or shelter, though they have little of either, but for protection. And with good reason—over 450,000 people have died in the violence of Darfur.

On the occasion of World Refugee Day, we could not forget those who voluntarily subject themselves to the same harsh conditions in order to care for and protect refugees and displaced persons. It was necessary to pay a special tribute particularly to the men and women who have suffered violence, many to the point of death, in their efforts to assist the people of Darfur. Humanitarian groups there have reported being harassed by the Government of Sudan and deliberately attacked by rebel groups. Over a dozen humanitarian workers have been killed over the past year. In mid-December 2006, armed groups launched a major attack against NGO compounds in Gereida, South Darfur. On January 19, 2007, Sudanese Government security forces arrested and severely beat 20 UN staff members in Nyala, South Darfur. On February 5, 2007, a civilian police officer with AMIS was killed in an IDP camp in the North.

The men and women who risk their welfare and their very lives to care for these refugees truly live out the words, "I was hungry, and you gave me food; thirsty and you gave me drink; a stranger, and you welcomed me." I convey to these heroic men and women my personal gratitude for lending their hands and hearts to some of our poorest brothers and sisters.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Thursday, June 21, 2007, I was absent during rollcall vote No. 542. Had I been present, I would have voted "yea" on agreeing to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008.

HONORING MS. JILL CARPENTER NOAA TEACHER AT SEA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. WOLF. Madam Speaker, it is an honor to recognize Ms. Jill Carpenter, an outstanding constituent and educator from the 10th Congressional District of Virginia, for her dedication to bringing real scientific research to the classroom.

Ms. Carpenter, a fifth grade teacher at Hutchinson Farm Elementary in South Riding, VA, was chosen last summer by the National Oceanic and Atmospheric Administration's Teacher at Sea Program to participate in a ten-day research cruise on the Atlantic Ocean. From aboard the NOAA Ship DELEWARE II, Ms. Carpenter not only researched fisheries, but also interviewed scientists, maintained daily logs, and engaged in dialogue with her fellow teachers, students and the general public. She took part in the Teacher at Sea experience in order to enrich her curriculum and excite her students about the sciences.

In her log, Ms. Carpenter wrote, "It is exciting to see science experiments happening every day, with real people in a real-life context, instead of reading about it from a worksheet or having that intangible image in my mind of a mad scientist in a white lab coat stirring a beaker of something bubbling. Science is accessible to everybody! You don't have to be in a fancy laboratory or have the latest equipment. It can be done inside or out, on a boat or in your backyard. Science encompasses so many fields and is available to anyone with a curious mind. I am excited to share this realization with my students and make science more real to them. I am looking forward to returning home to my family, friends, and classroom and sharing my experience with them. This trip has been invaluable to me in so many ways. I have met with many amazing people, I have participated in recording ocean data, and I have seen how much thought, effort and talent goes into running a fisheries research vessel. I gained hands-on knowledge and experience." Ms. Carpenter was supported by a partnership between the Loudoun Education Foundation and the NOAA Teacher at Sea Program.

I am proud to call attention to Ms. Carpenter's dedication. I congratulate Ms. Carpenter on her spirit of adventure, her willingness to try new things, and her ability to bring this experience back to the classroom. I also commend the Loudoun County School district and the Loudoun Education Foundation for supporting the efforts of this teacher to promote scientific education in the classroom.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. BECERRA. Madam Speaker, on Monday, June 18, 2007 and Wednesday, June 20, 2007, I was unable to cast my floor vote on rollcall numbers 499, 500, 501, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525 and 526.

Had I been present for the votes, I would have voted "aye" on the following rollcall votes: 499, 500, 501, 512, 513, 514, 515, 516, 521 and 526, and "nay" on the following rollcall votes: 517, 518, 519, 520, 522, 523, 524 and 525.

TRIBUTE TO MIKE PETERS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. HIGGINS. Madam Speaker, I rise to honor the accomplishments of Mike Peters and to thank him for his leadership in the fight against cancer. Through his internationally-acclaimed music, his Love Hope Strength Foundation, and through his personal victories over cancer, Mike Peters has been a source of inspiration and hope to the millions affected by cancer around the world.

Mike Peters is best known as the vocalist of the legendary Welsh rock band, The Alarm, whose music has received critical acclaim and commercial success worldwide. After being diagnosed with Non-Hodgkin's Lymphoma in 1995, he could have canceled his band's upcoming tour and fought his illness in private. Instead, he courageously moved forward with the tour and, as Mike has put it, "went to war with his mind," wearing his now-famous green combat fatigues throughout the tour, and keeping a positive outlook on his life. When he returned, that courage and optimism paid off—his condition had reversed and he no longer needed treatment.

Ten years after his first victory over Non-Hodgkin's Lymphoma, he found out he would have another battle ahead. In 2005, he was diagnosed with Chronic Lymphocyte Leukemia. These cancers develop within a patient's lymphatic system and can be difficult to treat, depending when it is caught. Significant strides have been made in finding treatments for leukemia and lymphoma, but more must be done to prevent these diseases from occurring and to alleviate the suffering of so many who are diagnosed with these diseases every year.

With the same positive attitude and green combat fatigues that carried him through his first battle with cancer, Mike did not let his diagnosis slow him down. Using his musical talents and network of artists, Peters established the Love Hope Strength Foundation to build a support network for cancer patients worldwide. The goal of the Foundation is to increase funding for cancer research, lighten the financial strain of medical care on cancer patients and their families, and inform government officials about the concerns of cancer patients. Peters continues to maintain a busy tour schedule, giving inspired performances and raising awareness about his foundation and the fight against cancer.

Mike Peters should be applauded for not taking his diagnosis without a fight. His personal victories over cancer and his foundation's programs are giving hope to families and communities worldwide. His efforts are an example for how one person can turn his struggles into a triumph and an inspiration for others, and it is my privilege to honor him here today.

PAULA BLINCOE COLLINS' ART SELECTED FOR THE CITY OF DENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. BURGESS. Madam Speaker, it is my greatest pleasure to announce that Paula Blincoe Collins of Denton has been selected by the Denton Public Art Committee to create its first commissioned piece of public art which is to be displayed in the lobby of the Denton Civic Center. The piece is a mural that portrays Quakertown, an African-American settlement that stood where the Denton Civic Center is before it was relocated to Southeast Denton in the 1920s.

The artist Paula Collins is well known for her skills in brick sculpture. Among her many creations are two previously completed projects for City facilities, the "Woman of Justice" installed in 1994 and two entrance monuments erected in Denton at the Pecan Creek Waste Management facility in 2000.

For this project, which is expected to be completed in spring 2008, Ms. Collins will consult with the descendants of the original Quakertown residents. Together they will select a wide assortment of images that represent life in that community and which will be depicted on the brick mural.

The nine-member Public Art Committee was appointed by the City Council in 2006 to promote the cultural environment, tourism, enhance community aesthetics, improve the quality of life by allowing people to experience art in public places, showcase cultural diversity, and create a distinctive city identity. It serves as an advisory committee to the Parks, Recreation, and Beautification Board, which are also council appointed. The director of the Greater Denton Arts Council serves as an ex-officio member and the director of the Denton Parks and Recreation Department is staff liaison to the committee. Its funding comes from the hotel tax funds allocated annually for public events and projects that make Denton an attractive tourist venue.

I am honored to serve such a talented individual like Paula Collins, and I know that her art will beauty our great city.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote 543. Had I been present, I would have voted "Yea" on ordering the Previous Question to H. Res. 502, providing for the consideration of H.R. 2771, Legislative Branch Appropriations for FY 2008.

HONORING OUTSTANDING AFRICAN AMERICAN MUSICIANS DURING BLACK MUSIC MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the contributions of African American musicians as we celebrate Black Music Month.

Music has a deep historical significance to African Americans, who are truly the founders and keepers of American music. The roots of gospel and blues can be traced back to the slave plantations. During slavery, African Americans sang songs and clapped hands to communicate with one another and to uplift their spirits. The music helped to sustain enslaved people and provided an outlet to express their hopes and fears. During the Civil Rights Movement, African American musicians offered encouragement and hope for an America in which all people would be treated equally. By creating and popularizing gospel, blues, jazz, funk, disco, pop, and hip-hop, they have inspired and entertained people from all races around the world.

I wish to thank President Carter, who in 1979 initiated the annual celebration of Black Music Month each June. Each succeeding president has continued to proclaim June as Black Music Month.

Among the many talented and gifted African American musicians, who have inspired us in ways that transcended their music, I have introduced legislation in the 110th Congress to honor Lionel Hampton, Lena Horne, James Brown, and Ray Charles. Their commitment to uplifting America through song and activism has made them legendary.

Lionel Hampton, an accomplished jazz musician, band leader, U.S. goodwill ambassador, became a musical icon in a career that spanned more than 50 years until his death in 2002. He composed more than 200 pieces and was honored by President Clinton with the National Medal of Arts in 1996. The University of Idaho's music school and annual jazz festival are named in his honor.

The extraordinary Lena Horne was not only a Broadway performer, world renowned singer, and actress, she was a steadfast civil rights activist. Putting her career on the line, she proudly spoke out against racial discrimination. As a result, she was blackballed.

However, her hardship was not in vain because she has been a trailblazer and role model for aspiring African American entertainers. She was honored with the Grammy Lifetime Achievement Award in 1989. Her most recent album Seasons Of Life was released in January of 2006. She currently resides in New York and on June 30, 2007, will turn 90 years old.

James Brown, the "Godfather of Soul," who passed away in December of 2006, was a monumental influence on popular music in America and around the world. During the sixties, many of his songs were more than dance hits and became anthems for the Civil Rights Movement. His music instilled pride in African Americans as they were fighting for equality. He was inducted into the Rock and Roll Hall of Fame in 1986 and was the recipient of the 34th Annual Grammy Lifetime Achievement Award in 1992.

The phenomenal Ray Charles overcame blindness and personal problems to become one of America's most inspiring artists. His music advanced the civil rights movement and united Americans. He has been credited with singing the most popular rendition of America the Beautiful. His version of Georgia On My Mind was made an official Georgia state song and he was ranked number ten in 2004 for Rolling Stone's 100 Greatest Artist of All Times list. In that same year, he passed away. I introduced legislation to award him with a Congressional Gold Medal.

These musical legends and many other African American musicians have contributed to American music and the nation's cultural identity around the world. I urge my colleagues to support legislation to honor them. I also urge my colleagues and people around the world to celebrate, honor, and cherish the contributions of African American musicians, especially during Black Music Month.

HONORING DR. JOSEPHINE ELIZABETH SEATON FRANKLIN ON HER 80TH BIRTHDAY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. JACKSON of Illinois. Madam Speaker, I rise today to pay tribute to an extraordinary woman, a resident of the 2nd Congressional District of Illinois, Dr. Josephine Elizabeth Seaton Franklin on her 80th birthday.

Dr. Josephine Elizabeth Seaton Franklin was born July 1, 1927, in Cleveland, Ohio. During her long career in education, she obtained a master degree and doctorate degree in education, having taught in Virginia, Michigan and Chicago, IL.

She is a founding member and the first president of Theta Rho Omega Chapter, of Alpha Kappa Alpha Sorority, Inc. The chapter has given more than $90,000 to scholars, and raises these funds through the Josephine Elizabeth Seaton Franklin Foundation. The foundation provides academic scholarships and funds for community projects. Through her foundation she has worked diligently to cultivate the scholarship program for 44 years.

Dr. Franklin is the proud aunt of Maryland Delegate Marvin B. Holmes, Jr. Delegate Holmes was elected to the Maryland State Legislature in 2002 and currently serves on the House Environmental Matters Committee, is the Chair of the Natural Resources Subcommittee and is the Deputy Majority Whip.

On her 80th birthday, I join with her community, friends, and family in saluting her for devoting her time and talents to make our country a better place to live. This gracious lady has unselfishly dedicated herself to educational and humanitarian causes. On behalf of a grateful nation, I thank and congratulate Dr. Franklin.

HONORING THE ALFRED E. ZAMPELLA P.S. SCHOOL NO. 27 IN JERSEY CITY, NEW JERSEY ON BEING NAMED A "HEART OF GOLD" AWARD WINNER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. ROTHMAN. Madam Speaker, I rise today to pay tribute to the Alfred E. Zampella School (formerly Public School No. 27) in Jersey City, New Jersey. This renowned school is named after my good friend and constituent, Alfred "Al" E. Zampella, a lifelong resident of Jersey City and for 27 years, the Principal of Public School No. 27. As a former teacher and principal, Al was a guiding force in the lives of thousands of students as he encouraged them to remain in school and use their formal education to succeed in life.

Al retired in 1990 and on November 7, 1996, Public School No. 27 was formally dedicated as the Alfred E. Zampella P.S. No. 27 in his honor. Today the school continues the outstanding and acclaimed work started by Al Zampella, and the school recently received the prestigious "Heart of Gold" Award from Mission: Kindness International, Inc./Statewide Kindness Awareness Campaign for 53,926 "Acts of Kindness" performed by 1,040 students and teachers.

Among these generous "Acts of Kindness" were school projects and fundraisers to benefit UNICEF, St. Jude Children's Research Hospital, March of Dimes, the Leukemia Foundation, the American Heart Association, and countless other programs made possible by the selfless participation and volunteerism of the students and teachers at the Alfred Zampella School. They are very deserving of our congratulations and recognition for their altruistic spirit.

I am very pleased to offer this well-deserved tribute to my good friend, Al, and to the students and faculty at the Alfred E. Zampella School P.S. No. 27 in Jersey City for the "Acts of Kindness" they performed in their school and community.

Not only is Al a member of many boards and organizations in Northern New Jersey, he also continues to serve the people of Jersey City as one of my staff assistants and Jersey City liaison. I am pleased to join with his beloved wife, Jaclyn; his sons Edward, Walter and Gary, and his six grandchildren in applauding the spirit of kindness started by this exceptional individual.

It is only fitting that the school named in his honor was awarded such a distinguished award. My very best wishes to all the students and faculty at the Alfred E. Zampella School P.S. No. 27.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mrs. NAPOLITANO. Madam Speaker, on Friday, June 22, 2007, I was absent during rollcall vote No. 544. Had I been present, I would have voted "aye" on agreeing to H. Res. 502, providing for the consideration of H.R. 2771, Legislative Branch Appropriations for FY 2008.

HONORING THE LIFE OF JAMES PRATHER JONTZ

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. DONNELLY. Madam Speaker, in the 190 years since Indiana achieved statehood, many well-educated, aspiring individuals from the Ohio River to Lake Michigan have represented its citizens. Perhaps none of them came to Washington more dedicated to the ideal of representing the common man than James Prather Jontz. I rise today to honor his life and service to Indiana.

Jim was born in Indianapolis in 1951, graduated from Indiana University in less than three years, completed graduate work at Purdue University and was an instructor at Butler University. His political career was sparked by his opposition to a dam building project in Central Indiana, and at the age of 23, he became a member of the Indiana House of Representatives. After representing his district for ten years, he was elected to the Indiana Senate where he established a reputation for standing up for his convictions.

In 1986, Jim was elected to The United States House of Representatives where he served three terms. In Congress, Jim fought for his constituency's issues. Jim valued his own college education and he did what he could to promote college attainment in a state that long has trailed the national average on college attainment. He served on the House Agriculture Committee and worked to develop a new farm bill to benefit his district's farmers. He worked for our service members and national security needs by overseeing the transition of the Grissom Air Force Base to the Grissom Air Reserve Base.

During his tenure Jim sought and secured federal funding for the first steps of the Hoosier Heartland Corridor, one of Indiana's most important highway projects. This project was stalled in the construction phase for nearly 20 years, but, because of his efforts, it was designated as one of 21 national priority corridors. Today, land acquisition is proceeding for the completion of the final 40 miles of that corridor.

Jim might be best remembered for championing environmental causes. He worked to protect the Pacific Northwest's old-growth forests and to foster collaboration between organized labor and environmentalists. His work on behalf of our natural resources and environment drew national attention.

Following Jim's tenure in the House, he continued advocating for the environment while serving as President of Americans for Democratic Action from 1998 to 2002. He moved to Oregon to work with forest preservation groups. Jim's final project was leading Working Families Win, an effort to raise the minimum wage and improve health care for the uninsured. His dedication to his fellow Americans continued until his death earlier this year.

Jim Jontz raised the bar for civic engagement, both for his peers and his constituents. He raised awareness about many important issues. For the people of his district, he raised their expectations that one man can make a difference in so many areas of our society. Today, on behalf of the citizens of Indiana, I honor James Jontz for his years of unselfish dedication to his district, his state and his country.

IN MEMORY OF CONSTANCE GOINES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 2007

Mr. BURGESS. Madam Speaker, I rise today in recognition of the life of Constance Goines. Mrs. Constance Goines, age 60, passed away Tuesday, June 19, 2007.

Mrs. Goines was the beloved principal of Van Zandt Guinn Elementary School, located in the 26th Congressional District of Texas. Her work was dedicated to creating a safe and welcoming atmosphere for students who came from struggling families but had a desire to learn in their hearts. Under her fine leadership, the campus developed a reputation for helping students perform at high academic levels despite their social challenges.

Her commitment to education, to students and to the entire community were evident throughout her life. It is my hope that she will be remembered for her compassion and that others will follow her lead.

Mrs. Constance Goines is survived by her husband of 33 years, Conley R. Goines of Fort Worth; a daughter, Kelly D. Mirtia of Fort Worth; and a brother, Larry G. English of Chicago.

It was an honor to represent Mrs. Constance Goines in Washington.

HOUSE OF REPRESENTATIVES—*Monday, June 25, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2007.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, eternal judge of all, when the mighty Sampson was brought into the temple of the Philistines to be made sport of, they placed him between two pillars. Sampson called on You, Lord. He said, "Remember me, O Lord God, remember me. Give me strength just one more time, O God. Let me with one strike avenge those who took sight from my eyes." He pushed his mighty arms against the two supporting pillars and the whole place came tumbling down.

As of old, Lord, give strength to Members of Congress and the people of this Nation; that Your judgment may reign and bring about unity and peace.

May Your truth remember us and recall our best selves. Pressing against the pillars of lies from others and self-deception, may faith and moral integrity triumph over evil within and around us both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. BOUSTANY) come forward and lead the House in the Pledge of Allegiance.

Mr. BOUSTANY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. Con. Res. 40. Concurrent resolution supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

ROBERT E. COYLE UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 801) to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse bordered by O Street, P Street, Tulare Street, and Capitol Street in Fresno, California, shall be known and designated as the "Robert E. Coyle United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert E. Coyle United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 801.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

S. 801 is a bill to designate the United States Courthouse bordered by O Street, P Street, Tulare Street and Capitol Street in Fresno, California, as the Robert E. Coyle United States Courthouse.

Judge Coyle recently retired from Federal service, was appointed to the U.S. District Court, Eastern District of California, in 1982. He has served on the bench for 25 years, including 6 years as chief judge.

Judge Coyle is a native Californian. He was born in Fresno in 1930, graduated from Fresno State College in 1953

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and from the University of California, Hastings College of Law in 1956. Judge Coyle's career includes time as Fresno County Deputy District Attorney.

He is a member of numerous associations, including the American Bar Association, American Board of Trial Advocates, State Bar of California, and the Fresno County Legal Services. He is a trusted mentor and a highly respected member of the ninth circuit.

Judge Coyle has devoted his public career to the citizens of California's central valley and was instrumental in supporting the construction of the courthouse. It is both fitting and appropriate to honor his legacy with this designation.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

S. 801 designates the United States Courthouse located in Fresno, California, as the Robert E. Coyle United States Courthouse. The bill honors Judge Coyle's dedication to public service.

After earning his law degree from the University of California, Hastings College of Law in 1956, Judge Coyle worked for Fresno county as a Deputy District Attorney. He then entered private practice in 1958, where he remained until his appointment to the Federal bench.

In 1982, Judge Coyle was appointed to the U.S. District Court for the Eastern District of California by President Ronald Reagan. He served as chief judge from 1990 to 1996, and assumed senior status on May 13, 1996.

I support this legislation, and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of S. 801, a bill to designate the United States Courthouse located at 2500 Tulare Street in Fresno, California, as the "Robert E. Coyle United States Courthouse". The bill was introduced by Senator BOXER, Chairwoman of the Committee on Environment and Public Works of the U.S. Senate.

Judge Coyle was born in Fresno, California, in 1930. In 1953, he graduated from Fresno State College and received his law degree from Hastings College of Law in 1956.

From 1956 until 1958, Judge Coyle was Deputy District Attorney for Fresno County. From 1958 until 1982, he was a lawyer in a private practice. He was appointed to the Federal bench in 1982, and served as the Chief Judge for the Eastern District of California from 1990 to 1996. In 2006, he retired as a Senior Judge.

Judge Coyle is a dedicated jurist and active in many professional organizations, including the Fresno County Legal Services, President of the Fresno Bar Association, Vice President of the California State Bar Association, and a faculty member at the Hastings College of Law. Judge Coyle has a particular connection to the Subcommittee on Economic Development, Public Buildings, and Emergency Management through his work with the courts on development of the Design Guide for construction of U.S. courthouses.

It is fitting and proper that we honor Judge Coyle's prestigious and outstanding career by designating the United States Courthouse in Fresno, California, as the "Robert E. Coyle United States Courthouse". I support S. 801 and urge its passage.

Ms. NORTON. I have no additional speakers.

Mr. BOUSTANY. We have no further speakers on our side either. I urge passage of this bill.

I yield back the balance of my time.

Ms. NORTON. I urge passage, and yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the Senate bill, S. 801.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY OF THE UNITED STATES

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 505) recognizing the innumerable contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 505

Whereas the boating community in the United States includes over 73,000,000 individuals, generates more than $39,000,000,000 annually in the United States economy, and provides jobs for 380,000 citizens of the United States;

Whereas boaters often serve as stewards of the marine environment of the United States, educating future generations of the value of these resources, and preserving such resources for such generations' enjoyment;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas boating, as an activity, provides opportunities for families to be together, appeals to all age groups, and has a beneficial effect on the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2007, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the recreational boating community and the boating industry of the United States should be commended for their innumerable contributions to the economy of the United States, the well-being of United States citizens, and responsible environmental stewardship of the marine resources of the United States; and

(2) the President should issue a proclamation calling on the people of the United States to observe National Boating Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I rise today in support of H. Res. 505, which recognizes the contributions made by recreational boating community to our national economy, and calls on the President to issue a proclamation to observe National Boating Day.

There are now more than 13 million recreational boats registered in the United States. These boats support some 380,000 jobs in the U.S. and generate an estimated $39 billion to the U.S. economy. They depend on 12,000 marinas across the waterways of the United States for essential services.

Impressive as they are, however, these numbers do not begin to reveal the many contributions that boating makes to recreational life in the United States.

Boating offers people the chance to catch up with family and friends while watching the world float by, to introduce their children to the natural environment, and to slow down and enjoy a relaxing weekend on a vacation away from home.

Perhaps not surprisingly, a survey conducted by the National Marine Manufacturers Association found that boating was among the top three stress-relieving activities among survey respondents.

Recreational boating is also far more accessible than many may assume. More than 90 percent of Americans live less than an hour's drive from a body of water on which recreational boating can be undertaken.

Because of boating's importance to our Nation, the United States already observes many days to honor different aspects of the boating industry. For example, on August 11, the United States will observe National Marina Day. During the week prior to Memorial Day, we observe National Safe Boating Week, intended to remind boaters of the need to practice safe boating habits and to use personal flotation devices while on the water.

The message of National Safe Boating Week bears repeating. In 2005, nearly 5,000 boating accidents resulted in just under 3,500 injuries and nearly 700 deaths, the vast majority of which were caused by accidental drowning that could have been prevented if those who fell in the water had been wearing life jackets.

H. Res. 505 now calls on the President to set aside a day specifically to honor recreational boating and the boating industry. I believe such recognition is due to the pastime of boating, and I commend the gentleman from Florida (Mr. KLEIN) for introducing this resolution and supporting a wonderful activity in our country.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 505 recognizes and commends the recreational boating community and the boating industry for their contributions to the economy of the United States, the well-being of the United States citizens, and responsible environmental stewardship of the marine resources of the United States.

There are more than 73 million individuals that make up the recreational boating community in the United States. This important industry generates more than $39 billion annually in the United States economy, and provides jobs for 380,000 citizens of the United States.

While the industry and the community are important parts of our national economy, these individuals also play an important role in conserving our natural resources for future generations' enjoyment. Recreational boaters act as stewards of the marine environment of the United States and take lead and hands-on roles in educating future generations of the value of these resources.

The legislation also encourages the President to mark the importance of the recreational boating community and industries by establishing July 1 as National Boating Day. It is fitting that we consider this resolution so closely to the Fourth of July, when tens of thousands will be enjoying our Nation's inland and coastal waters aboard recreational vessels.

I commend the resolution's sponsor, Mr. KLEIN of Florida, and all the measure's cosponsors for introducing the legislation, and I join them in urging all Members to support the resolution.

Mr. Speaker, I have no further speakers, I urge passage of the resolution, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ) such time as she may consume.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 505, to highlight the important contribution of the recreational boating community and the boating industry to our way of life, and to call upon the President to issue a proclamation asking the American people to observe National Boating Day.

As a Representative of Florida's 20th Congressional District, I can attest to the important contribution recreational boating and the boating industry has had upon South Florida's economy and quality of life. The marine industry is responsible for more than $18 billion of revenues and 220,000 jobs in Florida.

Recreational boating is integral to the way of life in Florida. From fishing to snorkeling to scuba driving in our beautiful coral reefs, or simply taking a scenic cruise through Florida's intracoastal waterways, recreational boating and South Florida go hand in hand.

In fact, recreational boating is such an important part of Ft. Lauderdale that the city has earned the well-deserved nickname, the "Venice of America."

But the contributions of the recreational boating community go far beyond my home State. The boating population exceeds 73 million individuals utilizing and enjoying an estimated 18 million recreational watercraft. In addition, the recreational boating industry provides more than $39 billion in sales and services to the U.S. economy, and provides nearly 380,000 manufacturing jobs.

Boating helps to bring us closer to the wonders of nature, and it helps us to appreciate the need to be goods stewards of our natural resources.

It's no surprise that boaters often are some of our most ardent conservationists, because they see firsthand the importance of protecting our fragile ecosystem for generations to come.

It's for these reasons that I rise in support of H. Res. 505, recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States. This resolution calls upon the President to issue a proclamation to observe National Boating Day, with an appropriate day being July 1.

Mr. Speaker, I urge my colleagues to support H.R. 505 and vote for its final passage.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 505, which urges the President to proclaim July 1, 2007, as "National Boating Day".

Recreational boating is enjoyed by millions of Americans and is a major force in the U.S. economy, providing jobs for almost 400,000 citizens and generating more than $39 million in revenue.

Recreational boating provides enjoyment, rest and relaxation for families of all ages. In addition, recreational boaters often serve as educators and stewards of our natural resources.

Recreational boat-builders—from the large corporation to the individual—build vessels for the enjoyment of millions of people, using both natural and manmade materials from across our great Nation.

I thank the gentleman from Florida (Mr. KLEIN) for introducing this resolution and urge my colleagues to join me in supporting House Resolution 505, which urges the President to proclaim July 1 as "National Boating Day".

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H. Res. 505, recognizing the contributions of the recreational boating community and the boating industry to the prosperity of the United States. This resolution, introduced by my colleague RON KLEIN, is an important way to highlight the vital role that the boating industry plays in the U.S. economy: it generates more than $39,000,000,000 annually as it provides 380,000 American jobs.

However, I also rise to draw the House's attention to the serious problem of propeller injuries associated with recreational boating. A typical three blade propeller running at 3,200 rpm can inflict 9,600 impacts on the human body in just one minute, and a 13-inch blade can travel from head to toe on a person of average height in less than one tenth of a second. Given the speed at which these propellers turn, it is no surprise that propeller injuries frequently result in dismemberment and death.

According to the United States Coast Guard Annual Boating Statistics Reports, there were 239 accidents involving propellers in 2005 alone. Thirty-one of these injuries were fatal, and the rest were typically very severe. Sadly, the number of propeller accidents may even be larger than the report describes. The Coast Guard acknowledges that many boating accidents go unreported, either because victims are unaware of regulations requiring them to report or because the trauma of an accident leaves them little time to think about reporting.

I commend the efforts of the brave men and women of the U.S. Coast Guard, but I recognize that they lack the resources or manpower to maintain accurate records of recreational boating accidents. A 1992 study carried out by Johns Hopkins University found that, compared to the average one hundred propeller-related accidents reported by the Coast Guard; each year between 1976 and 1990, the actual number may have been closer to 2,000 to 3,000 per year.

As we rise to honor the contributions of the recreational boating community, we must also commit to doing more to protect the members of that community. We must pay special attention to children and young adults, the boating community's most vulnerable members, who sustain 40 percent of all propeller injuries.

When considering how we might reduce propeller injuries, one potential area of improvement lies in the make-up of the National Boating Safety Advisory Council (NBSAC), which consults with the U.S. Coast Guard in setting federal regulations. Ensuring that a sufficient portion of the NBSAC membership has no direct or indirect financial ties to the boating industry would be a step toward ensuring the airing of a diversity of views and improving the efficacy of the consultations and resulting federal regulations.

I invite my colleagues to take this opportunity to learn more about propeller injuries and to consider how we might work together to minimize them while continuing to support this vital industry.

Ms. NORTON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of

Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 505.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2011) to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, shall be known and designated as the "George Howard, Jr. Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "George Howard, Jr. Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2011 is a bill to designate the Federal building and United States courthouse at 100 East 8th Avenue in Pine Bluff, Arkansas as the George Howard, Jr. Federal Building and United States Courthouse.

Judge Howard, who recently died at age 82, was an icon of the judicial community in Arkansas. He had a lifetime filled with accomplishments, first African American Federal judge in Arkansas, distinguished legal career, Navy veteran, and dedicated family man. He served with distinction on the Arkansas Supreme Court, the Arkansas Court of Appeals, and the Arkansas State Claims Commission.

After graduating from the University of Arkansas Law School, George Howard, Jr. began a long illustrious, trailblazing legal career in his home State of Arkansas. After initially working as an attorney in private practice, Judge Howard received his first appointment in 1967 to the Arkansas State Claims Commission. He was then appointed to the Arkansas State Supreme Court as an Arkansas State Supreme Court Justice, and was later appointed by then Governor Bill Clinton as State Court of Appeals judge in 1979. Judge Howard later began his Federal service in 1980, when President Jimmy Carter appointed him a Federal District Judge in Arkansas.

The bill has bipartisan support from the Arkansas delegation. It is both fitting and appropriate that we honor Judge Howard's legacy with this designation. I support H.R. 2011 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2011 designates the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the George Howard, Jr. Federal Building and United States Courthouse. The bill honors Judge Howard, who was the first African American appointed to the Federal bench in Arkansas.

Judge Howard served in the United States Navy during World War II. And after receiving his law degree from the University of Arkansas at Fayetteville, he engaged in the private practice of law in Pine Bluff, Arkansas.

His career in public service included serving on the Arkansas State Claims Commission, the Arkansas Supreme Court, and the Arkansas Court of Appeals, and culminated in his appointment to the Federal bench.

In 1980, President Carter appointed Judge Howard to the United States District Court for the Eastern and Western Districts of Arkansas. Judge Howard's tenure on the bench ended with his passing at the age of 82 on April 21, 2007.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of the bill, Mr. Ross of Arkansas.

Mr. ROSS. Mr. Speaker, I rise today in support of H.R. 2011, a bill to dedicate the Federal building and United States courthouse in Pine Bluff, Arkansas as the George Howard, Jr. Federal Building and United States Courthouse.

☐ 1430

First I would like to thank Chairman OBERSTAR and Chairwoman NORTON, Congressman BOUSTANY, and others for their support and assistance in moving this bill from the Transportation and Infrastructure Committee in a bipartisan manner to the floor of the United States House of Representatives. I am also pleased that the entire Arkansas congressional delegation, Congressmen MARION BERRY, VIC SNYDER, and JOHN BOOZMAN, are supporting and cosponsoring this very important bill with me in a bipartisan way.

Judge George Howard, Jr., was a great American who served his country in the State of Arkansas with great dignity. He was born in Pine Bluff, Arkansas, where he practiced law and actively served in the community for over 40 years. He attended Lincoln University in Missouri and the University of Arkansas at Fayetteville, where he received his law degree in 1954, among the first African Americans to graduate from the University of Arkansas at Fayetteville Law School.

During World War II, he chose to serve his country by enlisting in the Navy. Judge Howard was known to be a pioneer throughout his career as he became the first African American in the State of Arkansas to serve on the State Claims Commission, State Supreme Court, the court of appeals, and eventually rising to become the first African American Federal judge for the U.S. District Court in Arkansas.

Judge Howard was the first African American member of the State Supreme Court, appointed by then Governor David Pryor in 1977 before being appointed to the State court of appeals by then Governor Bill Clinton in 1979.

As a judge, George Howard, Jr. was admired for his fairness and deep belief in the fundamental idea of justice for all. Judge Howard will forever be remembered as a dedicated public servant who cared deeply about his faith, his family, his work, his State, his country, and the judicial process.

In respect to Judge Howard's life, career and public service, I felt that it was appropriate to introduce legislation in Congress to dedicate the Federal building and courthouse in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse."

Mr. Speaker, I can think of no better way to recognize his legacy and his steadfast commitment to justice and equality than by officially renaming this Federal building and courthouse in the city he loved and called home, Pine Bluff, Arkansas.

His life and service have paved the way for so many others who pursue careers in public service and law. His life and service opened many doors for African Americans throughout Pine Bluff in southeast Arkansas.

Judge Howard passed away on April 21, 2007. He will forever be remembered and his contributions to the State of Arkansas and our Nation live on. It is my hope that each person who walks through the doors of the George Howard, Jr. Federal Building and Courthouse in Pine Bluff, Arkansas, will have an even greater appreciation for the countless contributions Judge Howard made in the lives of people across the State of Arkansas. May this courthouse that hopefully will soon bear his name serve as a reminder to all of us that while he is no longer with us, the example, the shining example, of community service, public service, and of being fair to all people can live on.

This recognition will serve as a reminder to young people in Pine Bluff, Arkansas, and to future generations that committing one's self to education, hard work, and pursuing a career in public service can be good and noble.

I am proud to sponsor this bill in Congress, and I urge my fellow colleagues to vote in favor of it today.

Mr. BOUSTANY. Mr. Speaker, I commend the gentleman from Arkansas (Mr. ROSS) for bringing this legislation to the floor, and I commend the Arkansas delegation for its consideration of Judge Howard's tenure and time on the bench.

I support this legislation and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I commend my colleague from Arkansas for recognizing a true civil rights and judicial pioneer when that was not easy at a time when there were few like him.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 2011, a bill to designate the Federal building and United States Courthouse in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

Judge George Howard, Jr. was born in Pine Bluff, Arkansas, on May 13, 1924. He began his service to our Nation at the age of 18 when he was drafted into military service during World War II. Judge Howard served with distinction in the United States Navy with the Construction Battalion—or the "Seabees"—in the South Pacific.

After completing his military service, Judge George Howard, Jr. returned to Pine Bluff, Arkansas, and re-enrolled in high school to complete his high school education. Upon graduating from high school, Judge Howard attended the pre-law program at Lincoln University in Missouri and graduated with honors. Judge Howard subsequently attended the University of Arkansas School of Law. He was the first African-American student to live on campus in the newly desegregated campus dormitories. He earned his law degree in 1954.

After graduating from law school, Judge Howard began a long, illustrious, and trailblazing legal career in his home State of Arkansas. In the 1950s, Judge Howard started a private law practice and devoted his energies to representing those whose voices would not otherwise be heard. He subsequently served on the Arkansas State Claims Commission, the Arkansas Court of Appeals, and the Arkansas Supreme Court. In 1980, President Carter appointed Judge Howard to the U.S. District Court, Eastern and Western Districts of Arkansas. Judge Howard was Arkansas' first African-American Federal judge.

Through his pursuit of legal and racial equality, and his exemplary career in public service, Judge Howard helped to pave the way for other African-Americans to pursue careers in law and public service. From his time as a private attorney, to his service as President of the State Council of Branches of the National Association of Colored People, NAACP, Judge Brown's judicial ideals were grounded in the fundamental belief of justice for all.

Judge Howard passed away on April 21, 2007, in Pine Bluff, Arkansas, at the age of 82. In honor of Judge George Howard, Jr.'s outstanding contributions to the State of Arkansas, the Federal judiciary, and his distinguished legal career, it is both fitting and proper to designate the courthouse located at in Pine Bluff, Arkansas, the "George Howard, Jr. Federal Building and United States Courthouse".

I urge my colleagues to join me in supporting H.R. 2011.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2011.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DISCHARGE AND REREFERRAL OF H.R. 123, SAN GABRIEL BASIN RESTORATION FUND AUTHORIZATION ACT

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 123) to authorize appropriations for the San Gabriel Basin Restoration Fund and that the bill be rereferred to the Committee on Natural Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H. Res. 505.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE REGARDING THE PUBLIC SERVICE OF PRIME MINISTER TONY BLAIR

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 416) expressing the sense of the House of Representatives regarding the public service of Tony Blair, Prime Minister of the United Kingdom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 416

Whereas Tony Blair has served as the Prime Minister of the United Kingdom for more than a decade, winning three general elections as leader of the Labour Party;

Whereas Mr. Blair played an instrumental role in achieving peace in Northern Ireland and negotiating the Good Friday Agreement which brought all communities into the political and governmental process and ended centuries of division, conflict, and strife;

Whereas Mr. Blair committed himself to bringing devolved government to Northern Ireland which was achieved with the recent decision of the Democratic Unionist Party and Sinn Féin agreeing to form a power-sharing government;

Whereas the United Kingdom and the United States have had a long-standing alliance which was further strengthened during Tony Blair's tenure as he and the United Kingdom stood side-by-side with the United States during conflicts in Bosnia, Kosovo, Afghanistan, and Iraq;

Whereas Mr. Blair showed British solidarity with the United States after the 9/11 terrorist attacks by being the first foreign leader to visit Ground Zero and attending President Bush's speech before a joint session of Congress on September 20, 2001;

Whereas Mr. Blair displayed exemplary leadership as Prime Minister when the United Kingdom suffered its own terrorist attacks on July 7, 2005, when suicide bombers killed 52 people traveling on London's public transportation system;

Whereas the United Kingdom has been a steadfast ally to the United States in the Global War on Terror as it is the second largest contributor of coalition forces in Iraq and Afghanistan; and

Whereas on July 17, 2003, Mr. Blair was awarded the Congressional Gold Medal that declared "Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our two countries, that he is a staunch and steadfast ally of the United States of America.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the remarkable public service of Tony Blair during his tenure as Prime Minister of the United Kingdom; and

(2) expresses appreciation to Mr. Blair for his steadfast support for the United States and Britain's invaluable alliance to our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. As one of the co-Chairs of the bipartisan United Kingdom Caucus, I am honored to have the opportunity to speak in support of H. Res. 416, a resolution saluting the public service of Tony Blair, Prime Minister of the United Kingdom.

I would first like to commend our distinguished colleague, Mr. PETER KING of New York, for introducing this timely resolution that pays tribute to the remarkable political career of one of America's strongest allies.

Two days from now, Prime Minister Tony Blair will leave 10 Downing Street for the last time. He will be leaving behind a legacy of domestic reform and international activism. His successor, Gordon Brown, praised his accomplishments and told him that "Whatever we achieve in the future will be because we are standing on your shoulders."

Mr. Blair was first elected to Parliament in 1983 and served as Prime Minister for over a decade, securing a place in the record books as the only Labor leader to have won three successive elections.

Mr. Blair has been a strong and steadfast ally of the United States throughout his time in office. No American will ever forget the solidarity he expressed on behalf of our British cousins in the days following the devastating terrorist attacks of 9/11, when he announced, "We were with you at the first. We will stay with you to the last."

Mr. Blair was the first foreign leader to visit Ground Zero. He further demonstrated his support by sitting in this Chamber during President Bush's speech before a joint session of Congress 2 weeks later.

American hearts went out to Mr. Blair and the British people in July of 2005 when cheers of celebration over London's successful Olympic bid turned to tears of mourning following the devastating terrorist attack on the city's public transportation system.

Domestically, Mr. Blair was unwavering in his commitment to securing a lasting peace in Northern Ireland. Blair aided the negotiations that led to the signing of the Good Friday Agreement on April 10, 1998. This momentous agreement brought all communities into the governmental process, providing a framework in which the ballot box replaced the bomb as a means of political expression.

During his final months in office, Mr. Blair witnessed the fruits of his labor as age-old enemies Ian Paisley of the Democratic Unionist Party and Martin McGuiness of Sinn Fein took their places as first and deputy first ministers in the restored Northern Ireland Assembly. Mr. Blair welcomed the opportunity for Northern Ireland to "escape the heavy chains of history" and "make history anew."

It is appropriate that this House recognizes the outstanding public service of Tony Blair during his decade as Britain's Prime Minister and thank him for his unfailing friendship during our Nation's time of greatest need.

I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

First I would like to thank our distinguished colleague, Mr. PETER KING from New York, for sponsoring this bill. He is the ranking member of the Homeland Security Committee, as you know.

I rise today in support of this resolution honoring the service of a true friend of the United States, Prime Minister Tony Blair.

Throughout his long career in office, more than a decade in total, Prime Minister Blair has been a strong champion of the trans-Atlantic alliance between the United States and Britain and the United States and the other states of Europe.

The U.S.-British relationship has indeed been made stronger due to Tony Blair, building an Anglo American alliance that has faced some of the darkest threats in the history of humankind. Our relations with all of Europe have benefited because of Tony Blair.

Just as Sir Winston Churchill inspired Americans in his time, the American people will never forget Blair's solidarity with the United States in visiting Ground Zero just days after the September 11 terrorist attacks that killed so many of our citizens. We recall that he sat in our House gallery just a few days later when President Bush addressed a joint session of Congress concerning the tragic results of that terrorist attack.

Prime Minister Blair has backed up his words with real commitment in the struggle against extremism that may well determine the future of our modern civilization, a civilization that has been built on the principles of rational thought and the liberty of men and women rather than on extremism.

Indeed, British troops today stand beside our troops in the major conflicts of the struggle. Moreover, British law enforcement works in close cooperation with American law enforcement agencies, cooperation that has produced important results, as we saw in the successful prevention of terrorist plots, including the planned attack on U.S.-bound passenger jets in 2006.

Mr. Speaker, on a separate issue of great importance to many Americans, we recognize that in responding to the strife of Northern Ireland with the Good Friday agreement, Prime Minister Blair's contribution was nothing short of remarkable. He and Irish Prime Minister Bertie Ahern inherited a divisive, violent conflict that has continued for half a century and that has, unfortunately, taken over 3,000 lives. Many had tried earlier to resolve the conflict in Northern Ireland, but none achieved the extent of progress that Prime Minister Blair has during his time in office.

☐ 1445

Rather than resigning himself to the status quo of senseless violence, Prime Minister Blair chose to commit himself fully to this endeavor, collaborating with his Irish counterparts and working towards achieving real progress toward peace in Northern Ireland.

Mr. Speaker, let us take this opportunity to reflect on Tony Blair's accomplishments and to reaffirm our gratitude.

I ask my colleagues to voice their support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I would like to yield as much time as he may consume to the distinguished gentleman from New York, PETER KING, the sponsor of this bill.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Florida for yielding, and thank him for the service he has rendered to this body in the 6 brief months he's been here. He is certainly following well in the tradition of his father, who is a long-time friend of mine.

Let me also say how gratifying it is to be on the floor and have the manager of this bill which pertains to Tony Blair being managed by the distinguished Ambassador WATSON, who does such an outstanding job as cochair of the United States-United Kingdom Congressional Caucus.

Mr. Speaker, I am proud to rise today in support of this resolution. I was especially privileged to introduce it because as Tony Blair exits from the Office of Prime Minister of the United Kingdom, he takes with him the admiration and the best wishes of all freedom-loving people throughout the world.

No one certainly has been a closer ally to the United States than Prime Minister Tony Blair. No one personifies the close links between the United States and Great Britain than Tony Blair; certainly follows in the tradition of Winston Churchill, who did more than anyone until his time to cement that relationship, and Tony Blair has even advanced it more. Whether it was President Clinton or President Bush, Tony Blair always stood as our strongest ally in Bosnia, in Kosovo, in Iraq, Afghanistan, and the international war against terrorism, and standing up for democratic principles and values.

And certainly as a New Yorker, I will always remember the fact that he was the first foreign leader to come to New York, to come to Ground Zero to meet with the firefighters and meet with the police officers and express the solidarity of the British people toward the people of New York, and of course, to the people of the United States, and to all peoples who were opposed to international terrorism. And then, as Ambassador WATSON mentioned, the fact that he was here in the House Chamber on September 20, 2001 when President Bush addressed the American people also showed his absolute commitment to the United States and to the war against terrorism.

As an Irish American, I have been involved for many years in the quest for a peaceful solution to the struggle in Northern Ireland. And depending on which historian you're talking to or which analyst you're talking to, this is a struggle that went back 800 years, 300 years, 80 years, 35 years. It really doesn't matter what timeline we're using, the reality is it was a seemingly unending struggle which was going to go on and on and on. And then the stars were properly aligned and Tony Blair became the Prime Minister of the United Kingdom, Bertie Ahern became the Prime Minister of Ireland, and President Clinton committed himself to using the good offices of the United States as an honest broker to try to bring about a peaceful resolution in the north of Ireland. And through incredible hard work and perseverance and dedication, it worked. And not only did Tony Blair deal with Prime Minister Ahern and President Clinton, what he did even took more courage, and that was to reach out to historic enemies, if you will, of the British Government. He reached out to people such as Gerry Adams and Martin McGuiness and Sinn Fein, and he brought them to the negotiating table and sat down with them and worked with them. And he had them to 10 Downing Street and he broke down centuries of division and hatred. And at the same time, he worked with those on the other side, strongly on the other side, not just David Trimble of the Ulster Unionist Party, but also Ian Paisley of the Democratic Unionist Party.

And the Good Friday Agreement would not have been possible in April of 1998 without Tony Blair, but also the Good Friday Agreement went on for almost 9 years afterwards until it was finally brought to its ultimate fruition earlier this month. And it was done because Tony Blair never yielded. There were so many times between April of 1998 and May or June of this year that that agreement could have fallen apart, that it could have splintered, that it could have shattered if Tony Blair was not willing to take that extra step, and he did that.

And during this entire time that he was bringing peace to Northern Ireland and standing with us as our strongest ally, also Britain itself was under attack. And as Mr. BILIRAKIS and Ambassador WATSON mentioned, on July 7, 2005, when the London underground was attacked by terrorists causing large scale carnage and loss of life, and Tony Blair again stood strong and stood firm.

So, this is a moment where it's seldom that we see giants in history, and it's important, I think, that we not wait 50 years or 100 years or several centuries to acknowledge them, but to acknowledge them in their own time as being prophets with honor.

So I, again, say I've had the privilege a number of times of being with Tony Blair. I was with him with President Clinton in Washington and in Belfast and Armagh City in Northern Ireland, and just last month, again, at the British Embassy. He certainly is a man of stature, he's a man of achievement and he's a man of courage.

I am proud to support this resolution, and I urge its adoption.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, in closing, there was nothing hesitant about Prime Minister Blair's resolve to fight back and send a message to terrorists that the United Kingdom, like the United States, would not succumb to ideology that espouses violence and death.

Like Prime Minister Margaret Thatcher before him, who stood shoulder to shoulder with President Ronald Reagan to bring down the greatest dark force of the 20th century, communist, Mr. Blair stood with President Bush even when few others would accept the challenge to eliminate the dark force of this new century.

Mr. Speaker, as all the previous speakers have suggested, this is most worthy resolution for a most worthy leader. I urge all of my colleagues to join me in congratulating Prime Minister Tony Blair for his remarkable tenure as Prime Minister of the U.K., and for his steadfast support of the United States, and our invaluable alliance with Great Britain.

We look forward to his successor, Mr. Gordon Brown, following in Mr. Blair's footsteps by maintaining and building on our transatlantic alliance so we can stand strong and together face the uncertainties of a troubled world.

I would like to thank you, Mr. Speaker, and thank Ranking Member KING for bringing forth this resolution. And also Ambassador WATSON, I thank you very much. Tony Blair is a true statesman, a man of principle.

Mr. DREIER. Mr. Speaker, I want to thank my friend and colleague Mr. PETER KING for introducing this important resolution, which I was proud to cosponsor. I can think of no one more deserving of being honored by this body than Prime Minister Blair. For over a decade, he has proven to be a tremendous friend and ally of the United States, and we simply cannot say anything today that would adequately honor the contribution he has made to his country, to our country and to the cause of freedom throughout the globe.

And we know he has not made this great contribution without significant sacrifice. We have watched him at times endure an enormous amount of criticism and personal attack for the principled positions he has taken. But Tony Blair has steadfastly demonstrated what true leadership is. It does not always entail easy or popular choices. It does not always elicit cheers of support. Leadership in the 21st century, as we have come to realize, will often mean taking a very difficult stand against the enemies of freedom.

I believe that history will regard this principled leadership very highly. And as Mr. KING's resolution highlights, this leadership has been exemplified throughout Tony Blair's entire tenure as Prime Minister. By brokering the Good Friday Agreement, he has ushered in a new, peaceful era in Northern Ireland, bringing together all parties and giving them a critical role in their own government. He has been our close ally in every major conflict that we have faced together—Bosnia, Kosovo, Afghanistan and Iraq.

He was the first foreign leader to visit Ground Zero after September 11, 2001, and attended President Bush's address to the joint session of Congress 9 days after those tragic attacks. And no other ally has contributed more forces to the global war on terror. The United States owes a great debt of gratitude to Prime Minister Blair and to the great people of his nation. We honor their sacrifices and their deep friendship.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 416.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING JACK VALENTI

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 361) recognizing and honoring Jack Valenti and expressing the condolences of the House of Representatives to his family on his death, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 361

Whereas Jack Valenti was born in Houston, Texas, on September 5, 1921, and resided in Washington, DC and Beverly Hills, California;

Whereas Jack Valenti graduated from the University of Houston with a Bachelor of Arts degree and from Harvard University with a Master of Business Administration degree;

Whereas Jack Valenti served as special assistant to President Lyndon B. Johnson;

Whereas Jack Valenti was the distinguished president of the Motion Picture Association of America for 38 years;

Whereas Jack Valenti was a trusted presidential advisor, a war hero, an author, and a pioneer in the American film industry;

Whereas Jack Valenti was a great humanitarian who served as a powerful spokesperson for the global fight against AIDS, tuberculosis, and malaria;

Whereas Jack Valenti was a loving husband to his wife, Mary Margaret, and an exceptional father to his three children, Alexandra, John, and Courtenay;

Whereas Jack Valenti's spirit touched everyone he encountered, whether in his political career or in his time spent with the Motion Picture Association of America;

Whereas Jack Valenti revolutionized the movie industry through the creation of a voluntary movie rating system that has endured to this day;

Whereas Jack Valenti's vision for the movie industry has withstood the test of time, and has provided guidance for families in their movie viewing experiences as well as safeguards for our filmmakers;

Whereas the vision and character Jack Valenti brought to the movie industry will be greatly missed; and

Whereas on April 26, 2007, Jack Valenti passed away, prompting his friend and confidant, Dan Glickman, to say, "Jack was a showman, a gentleman, an orator, and a passionate champion of this country, its movies, and the enduring freedoms that made both so important to this world. He also embodied the theatricality of our industry with his conviction, quick wit and boundless energy. In a very real sense, he was the ultimate leading man.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Jack Valenti as one of the greatest contributors to the motion picture industry;

(2) honors Jack Valenti for his service to his country, for his tremendous accomplishments, and for his contributions to the movie industry and to the Nation; and

(3) extends its deepest condolences to the family of Jack Valenti.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the discussion of H. Res. 361, recognizing and honoring Jack Valenti and expressing the condolences to the House of Representatives to his family on his death.

H. Res. 361, which has 95 cosponsors, was introduced by Representative DIANE WATSON on May 1, 2007. H. Res. 361 was reported from the Oversight Committee on June 12, 2007 by voice vote.

Jack Valenti was born September 5, 1921 in Houston, Texas. An honor student and debate champion at Sam Houston High School, he graduated at age 15. Lacking the funds to attend college, he worked for $11 a week as an usher at a movie theater.

At age 20, Mr. Valenti served in the U.S. Army, which in 1941 was called the Army Air Forces. He flew 51 missions and was awarded the Distinguished Flying Cross. He received his MBA degree from Harvard University in 1948 and 4 years later started an advertising business.

Mr. Valenti served as a Special Assistant to President Lyndon B. Johnson. In 1966, he left the White House to become president of the Motion Picture Association of America for 38 years. He died on April 26, 2007.

Mr. Speaker, I commend my colleague, Representative DIANE WATSON of California, for introducing this legislation and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I thank the gentlelady from DC and look forward to the time that she will be a full Member of this Chamber, with all the rights and privileges.

Much as been said about the life of Jack Valenti, and rightfully so. It is impossible to sum up his great life and achievements in the short time we have today.

He held powerful influence on both coasts in the United States, in Washington, DC, where he served as a political adviser to President Johnson, and in Hollywood, where he served as chief lobbyist of the Motion Picture Association of America. Valenti negotiated both power centers with dignity, determination and deference.

He was born to Houston, Texas, as was pointed out, the grandson of Sicilian immigrants. He excelled in school and finished high school at an early age. Unable to afford college, he worked for a short time in a movie theater, then at an oil company, until he could afford night classes at the University of Houston. His leadership skills, solidified at college, and he was elected student body president. From there, he went on to earn his MBA from Harvard University.

His interest in politics began during a chance meeting with President Johnson, who was looking to reach out to fellow Texans while serving in the Senate. At the meeting, Jack Valenti was fascinated by Johnson and chose to work on his next campaign in Texas. They kept in touch, and he was soon employed by Johnson when he became Vice President.

Jack Valenti was inspired by the Vice President and viewed him as a mentor. Valenti was in the presidential motorcade as it traveled through downtown Dallas, Texas on that fateful tragic day of November 22, 1963, when President Kennedy was assassinated. He said later that that day changed his life forever. Indeed, he became President Johnson's special assistant, and even lived in the White House during the early months of the new President's term.

He left the White House when he was approached by two Hollywood studio executives to take over their fledgling trade group. With a pay raise almost impossible to turn down, he accepted the position and became the chief lobbyist for the Motion Picture Association of America in 1966.

He revitalized the film rating system, bringing it into line with current culture. It is a system which has remained intact, other than modifications Valenti also helped put in place for decades.

Through the years, movies and technologies changed and progressed, as did his work. He helped the industry thrive even as television and home videos chipped away its dominance. He fought digital piracy and other threats to the film industry.

Valenti left MPAA in 2004, but he remained active in the public stage. He concentrated on the world health issues such as AIDS, tuberculosis and malaria. He helped devise the technology by which parents control what programs their children watch.

He continued this work almost until the day in April when he died. He leaves behind his wife of 45 years, 3 children and 2 grandchildren. He also leaves behind a legacy of service of principled advocacy and of human warmth appreciated by all who had the privilege of knowing him. His character, his warm personality and his deep southern accent all will be missed as much his has legacy in the worlds of film and public policy.

Mr. Speaker, with that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I want to thank my colleague, Mr. SHAYS, for his remarks concerning my membership in this House. It is typical of his generosity, and I appreciate it. I also appreciate his voting for the bill for the residents of the District of Columbia to have a vote in this House.

Mr. Speaker, I am pleased to yield 5 minutes to the sponsor of this bill, the gentlelady from California (Ms. WATSON).

□ 1500

Ms. WATSON. Mr. Speaker, I am proud to be the author, with my good friend, DARRELL ISSA, of this resolution to honor the life of a great American and dear friend, Jack Valenti. Both Washington and Hollywood lost an icon in April with the passing of Jack Valenti. For nearly four decades, Jack served as the public face of Hollywood as the head of the Motion Picture Association of America where he was most famous for creating the film rating system we use today.

Jack's career as a public servant began during World War II when he flew B–25 bombers for the United States Army Air Force. After the war, Jack served as one of President Lyndon Johnson's closest advisers. Jack left the White House after several years to become a pioneer in the entertainment industry. Joining MPAA in 1966, Jack created the movie rating system that we use today. Jack served as one of Washington's most effective lobbyists, moving easily between Hollywood and Washington as the president of the MPAA for 38 years.

After his tenure at the Motion Picture Association, Jack joined the fight against AIDS, tuberculosis and malaria as a final mission in his extraordinary life and committed himself to working tirelessly to increase the quality of life of those suffering from the devastating effects of disease and poverty across the globe. He served as a relentless spokesman for disease-devastated communities across the globe while navigating the Halls of Congress with statesmanlike agility to ensure that the United States increased its funding to the Global Fund to fight AIDS and to fight tuberculosis and malaria and other programs that save lives.

Not only has the global health community lost a great advocate, but so has the entertainment industry and Washington lost a truly great friend.

So I urge all my colleagues to support this resolution.

Mr. SHAYS. Mr. Speaker, I join with my colleague in urging passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is an honor today for me to pay tribute to Mr. Jack Valenti. As it has been said, by age 15, he was the youngest high school graduate in Houston. He began work as an office boy with the Humble Oil Company, which is now Exxon Mobil, which is near my congressional district.

As a young pilot in the Army Air Corps in World War II, Lieutenant Valenti flew 51 combat missions as the pilot commander of a B–25 attack bomber with the 12th Air Force in Italy. He graduated with a B.A. from the University of Houston and an M.B.A. from Harvard. In 1952, he cofounded the advertising and political consulting agency, Weekly & Valenti, which was in charge of press during President Kennedy's and Vice President Johnson's tragic visit to Texas. He was in the motorcade, six cars behind the President, in Dallas on November 22, 1963. Within an hour of the assassination of John F. Kennedy, Mr. Valenti was aboard Air Force One flying back to Washington with the new President as the first newly hired special assistant to President Johnson.

Later in his position as President and Chief Executive Officer of the MPAA, Mr. Valenti presided over tremendous worldwide change in the industry. New technologies, the arrival of the importance of international markets and the tyranny of piracy radically changed the landscape of the American film and television industry. It was Mr. Valenti's leadership and personal efforts that led the confrontation with these global dangers, problems and opportunities.

Mr. Speaker, our communities and our country have always relied on the contributions of those individuals who have the ability to rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. Jack Valenti was one of those rare individuals that demonstrated unfailing and tireless commitment to the betterment of the U.S. movie industry and the entire Nation.

Mr. Speaker, though our community is diminished by his loss, I ask that my colleagues join me and his friends and his family in celebrating the remarkable life of this man who truly symbolized America at its best, Jack Valenti, a true and loyal Texan.

Ms. PELOSI. Mr. Speaker, today I rise to pay tribute to a true patriot and dedicated public servant, Jack Valenti, whose passing we continue to mourn. From his days as a brave fighter pilot in World War II to his sound advice and counsel to President Lyndon Johnson, Jack always served his country with distinction and honor. A Democrat committed to the ideals of justice and equality, he approached each issue in the spirit of bipartisanship, earning respect on both sides of the aisle for his intellect and his passion.

As a fellow Italian-American, I take special pride in the life, leadership, and many accomplishments of Jack Valenti. His brilliant career, in both the public and private sector, was marked by humanity, humor, and excellence. As head of the Motion Picture Association of America, Jack's leadership helped promote and spread the best of American art and creativity on the silver screen all around the world. It was his sense of responsibility for the well-being of our children that inspired his efforts to establish a rating system to help parents monitor what their children watched.

As a passionate advocate for our children, Jack fought to protect our next generation, lending his powerful voice for those who could not be heard. His concern for the health and well-being of our children spurred his efforts as founder and president of the Friends of the Global Fight Against AIDS, TB, and Malaria, fighting diseases across the globe that for too long have extinguished the flame of hope that should burn brightly in the eyes of every child.

Jack Valenti will be greatly missed, and his accomplishments will be long remembered in the lives of all those he touched. My husband Paul and I express our deepest sympathy to his family, whom he adored, and hope that it is a comfort to his wife Mary Margaret, his children Courtenay, John, and Alexandra, and his two grandchildren that so many people share their loss and continue to pray for them.

Mr. FARR. Mr. Speaker, I rise today in support of H. Res. 361, recognizing and honoring the life of Jack Valenti and expressing the condolences of the House of Representatives to his family.

Jack Valenti was an American icon who holds a special place in the history of the United States. He was a principled leader, a fiery advocate, but always a gentleman. For over 40 years Jack dedicated himself to one of our country's most enduring and influential cultural exports, the motion picture. While most of the world knows Jack for his work at the Motion Picture Association of America (MPAA), many of us would be surprised to know that Jack was buried in Arlington National Cemetery, not Hollywood.

Prior to his life promoting and defending the motion picture industry, Jack piloted a B–25 bomber for the Army Air Forces during WWII, founded his own advertising company and worked for an oil firm in Texas. It was Jack's Texas roots that helped propel him into national politics following the assassination of President Kennedy. As a loyal political advisor to President Lyndon Johnson, Jack cemented his roots in Washington, DC. This city and this country have lost someone that practiced the art of advocacy and consensus that is rarely achieved and sorely missed.

My father, California Senator Fred Farr knew and worked with Jack when they both served in the Johnson Administration and I can say from personal knowledge that Jack was indeed a gentleman who would always offer a kind word, even to his greatest antagonists. The difficulty of Jack's job for the MPAA should not go overlooked, for uniting and assuaging the heads of major Hollywood studios would probably drive even the most savvy party leader batty. That ability to form consensus was only overshadowed by the eloquence in his usage of the English language.

Jack is survived by his wife of over 45 years Mary Margaret Valenti and their 3 children, John, Alexander and Courtenay; his sister, Lorraine Valenti Dinerstein; and 2 grandchildren.

As Jack's love of classical literature is well known, I find it fitting to quote Shakespeare in honor of a man that lived several lives in one lifetime:

All the world's a stage,
And all the men and women merely players.
They have their exits and their entrances,
And one man in his time plays many parts,
His acts being seven ages.

I was pleased to call Jack Valenti a friend.

Mr. BERMAN. Mr. Speaker, even as a young child, Jack Valenti showed signs of great leadership and oratory skills. He was a debate champion at his high school. Making good use of his natural ability to persuade and his interest in entertainment, Jack worked as a movie theater usher before enrolling in the University of Houston. After receiving his B.A., he enlisted in the Army Air Force where he participated in 51 flying missions and was honored with the Distinguished Flying Cross. Following his time in the armed forces, Jack graduated from Harvard University in 1948 with a master's degree in business administration.

Jack Valenti entered the political arena when he was invited to a reception at a Houston Hotel to meet his future mentor and friend, Lyndon B. Johnson. He was immediately inspired by Johnson, who at the time was the U.S. Senate Majority Leader. When Johnson was selected as Kennedy's running mate in 1960, Jack worked on their media campaign. He remained close to Johnson after he became the Vice President.

Following the tragic Kennedy assassination in Dallas, TX, Jack was asked by then-President Johnson to accompany him to Washington where he became a special assistant and close confidant to the new President. After defending Johnson through criticism of the Vietnam War and conspiracy connecting Johnson to the Kennedy assassination, Valenti was offered a lucrative job by MCA Inc. head Lew Wasserman and United Artists' Arthur Krim as head of the Motion Picture Association of America.

In this position, Valenti created the MPAA rating system which initially labeled movies into 4 distinct ratings: G, M, R and X. This was Valenti's crowning achievement in the entertainment industry; the MPAA system is still used today to provide guidance for movieviewing families. During his 38 year tenure as president of the MPAA, he was extremely well known in Washington as an advocate for the entertainment industry's major issues. He lobbied for the protection of movie copyrights and the prevention of digital piracy. His voluminous and eloquent style of speaking, coupled with his unique silver hair and cowboy boots, made him one of the most recognizable figures on the Hill.

His sage observations and folksy wisdom made Jack Valenti one of the most effective players in Washington. He was an advisor to Members of Congress on both sides of the aisle; and all of us fortunate enough to receive his council benefited greatly from our association and friendship with him. We all miss him greatly.

Ms. LEE. Mr. Speaker, I rise in support of H. Res. 361, recognizing and honoring Jack Valenti and expressing the condolences of the House of Representatives to his family on his death. I also want to thank my colleague from California, DIANE WATSON, for introducing this resolution.

Mr. Speaker, Jack Valenti was a giant of a man in many respects. While he was well known for his service to Presidents and his work at the Motion Picture Association of America, I came to know Jack best from his tireless and selfless work on behalf of people living with HIV/AIDS, tuberculosis and malaria.

Jack came to this final mission in his life with the same dedication, creativity and vigor that he had so long displayed in serving the MPAA and our nation.

He was a champion for communities devastated by disease throughout the world, and brought both Republicans and Democrats together with his impassioned testimony about the terrible toll that AIDS, tuberculosis and malaria had taken on Africa and the developing world.

I had met with Jack a number of times over the last few years to talk specifically about his work on behalf of the Global Fund to Fight AIDS, Tuberculosis and Malaria. Each time we met I always came away inspired by his energy and his advocacy on behalf of the most vulnerable among us.

We had talked about traveling to Africa together so that he could bear witness to both the tragic impact of AIDS, TB and malaria, and to the hope and dedication of the people—who through it all still maintained their dignity and their optimism for a better tomorrow. Although we never managed to take that trip together, Jack finally made it to Africa for the first time in his life in July of 2006, and I know that he was deeply affected by what he saw.

We had been in the process of organizing another meeting together in March to strategize about AIDS policy and funding for the coming year when he had a stroke. Unfortunately I regret that I never had the chance to talk to him again before he passed away. But I will always remember Jack Valenti for his determined spirit, his compassion, and his friendship. As we continue the global fight against these 3 diseases, his legacy and his advocacy will continue to serve as a true inspiration for all of us.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in proud support of H. Res. 361, as offered by my distinguished colleague from California and chair of the Congressional Entertainment Caucus, Congresswoman DIANE WATSON. This resolution recognizes and honors the life and lifetime accomplishments of Jack Valenti, while also expressing condolences of the House of Representatives to his family on his death. Having served as a longtime president of the Motion Picture Association of America, Jack Valenti deserves no better tribute than that of being honored by members of the United States Congress.

Mr. Speaker, Jack Valenti began his political career during the era of the "Great Society." He briefly served as the first special assistant to President Lyndon B. Johnson during his tenure in the White House. However, he resigned from the White House commission In 1966, when he respectfully earned the position as President of the Motion Picture Association of America. Nevertheless, public admiration of this prominent young man followed him from his tenure in politics, unto his career in the film industry and thereafter.

Jack Valenti was born in Houston, Texas on September 5, 1921. During the era of World War II, Mr. Valenti served as a lieutenant in the United States Army Air Corps, flying 51 combat missions as the pilot-commander of a B–25 attack bomber. It was also at this time that he received 4 decorations—the Distinguished Flying Cross, the Air Medal with 4 clusters, the Distinguished Unit Citation with 1 cluster, as well as the European Theater Ribbon with four battle stars.

His educational attainments are marked with his graduation from high school at the age of 15, the youngest high school graduate in his city. He took several years hiatus to work in the field of oil and gas, as well as to serve his Nation as a pilot in the Army Air Corps. He later went on to earn a Bachelors of Arts degree from the University of Houston, where he worked full-time during the day and attended undergraduate courses at night. He continued to advance his education by obtaining a Masters in Business Administration from Harvard University. In 1952, Valenti assisted in the cofounding of an advertising/political consulting agency. It was this agency that led the press during President John F. Kennedy and Vice-President Lyndon B. Johnson's Dallas, Texas visit in 1963.

Valenti's legacy is prevalent through his invention of the movie/film rating, which is still used today. Such a vision and innovation not only transformed the movie industry, but also provided guidance for families, protection for children moviegoers and their parents, as well as safeguard for our filmmakers.

Mr. Speaker, among many things, it will be the vision and character of Mr. Jack Valenti that will greatly be missed. Rarely are we given the opportunities to recognize and honor the lifetime accomplishments of our American heroes, as well have today. For this reason, I ask my colleagues to rise and join me in honoring the life and lifetime accomplishments of the late Jack Valenti. We who knew and loved him will always remember him as a gentleman, a man with boundless energy, a leader in our Nation, a wartime hero, a proud father and a loving husband, a political consultant, and a movie industry powerhouse. He was one in a million and will greatly be missed.

Today, I ask that we join in recognizing Valenti as one of the greatest contributors to the motion picture industry and honoring him for his service, accomplishments, and contributions to our Nation. I also ask that we extend our deepest condolences to his family—wife, Margaret, and children, Alexandra, John and Courtenay.

Mrs. BONO. Mr. Speaker, we have lost a dear friend and national treasure with the passing of the legendary Jack Valenti, but, his legacy lives on. I know this is a tremendous loss for his family, friends, and many admirers, and I join with my colleagues in the House of Representatives in extending our deepest condolences to all those who loved him. We should all be grateful for the many wonderful memories we share of Jack, memories that cannot ease the pain of our loss but remind us of the amazing accomplishments of this remarkable man. I join with others in the House in expressing our sympathy to Jack's beloved wife of 45 years Mary Margaret Valenti, his three children John, Alexandra, and Courtenay Valenti, and his 2 grandchildren.

Born in 1921 as the grandson of Sicilian immigrants, Jack Valenti became part of the "Greatest Generation" of Americans who served our country in World War II; and he continued to serve our country long after the War. Jack fought tyranny and served the United States by piloting a B-25 attack bomber in the European theater, flying 51 missions, and earning the Distinguished Flying Cross for his heroism and extraordinary achievement. Following the War, Jack made his home in Texas where he established a successful business in Dallas and became a close friend and ally of President Lyndon Johnson. The terrible events in Dallas on November 22, 1963 pulled Jack Valenti back into the service of our country when soon to be President Johnson asked him to return from Dallas to Washington DC to join his Administration where he served his close friend as confidant and key aide to the President. From the Johnson Administration, Jack Valenti was lured into the film industry as the head of the Motion Picture Association of America where he achieved great success as the preeminent trade representative in Washington, DC. Among other achievements, Jack was the architect of the revolutionary movie rating system, which is essentially still intact today, providing generations of parents and filmgoers with guidelines on the content of films that carried the MPAA rating designation. Jack spoke often about the importance of open and free markets for Hollywood films, and was a passionate and staunch advocate for the protection of intellectual property rights in the digital age.

But, this is only a brief snapshot of what he did, it does not identify who he was. For Jack Valenti was much larger than any of his numerous accomplishments.

Jack was a dear friend to many, and a truly gifted and remarkable individual. Jack earned the respect of Presidents and porters; his common touch and old world style enticed people to gravitate to him. These attributes, teamed with his keen mind and ability to consider a different point of view, allowed Jack Valenti to gain the admiration and respect of people on both sides of the aisle and even on opposite sides of many Issues.

But for me, the most important thing to recall is the humanity and warmth he conveyed to everyone whose lives he touched. I was proud and privileged to call Jack my friend. He counseled me on issues we cared about, encouraged me to accept the challenges of this great institution, and comforted me during times of personal tragedy. I will be forever grateful for his friendship, guidance, and counsel.

Jack Valenti is truly the embodiment of the phrase, "his like shall not soon be seen again." He was an original, he became a legend, and, he was ours.

He will be missed.

Mr. HOYER. Mr. Speaker, I rise today to honor my friend, Jack Valenti—a man whose prowess as a lobbyist for the movie industry was outshined only by the passion he brought to his work and the steadfast love he had for our country. Jack was a trusted Presidential advisor, a war hero, an author and a pioneer in the American industry.

As President of the Motion Picture Association of America, Jack was one of the most hardworking and dedicated advocates you would find anywhere on Capitol Hill. When he spoke, people listened—and by inventing the movie industry's rating system, he demonstrated just how vital America's business community can be in providing for the common good.

Jack was a consummate professional, a good friend, and someone that I will never forget. My deepest sympathies go out to his family and friends as we mark his passing and commemorate a life that meant so much to people all across this great land.

Mr. GOODLATTE. Mr. Speaker, the House of Representatives passed H. Res. 361, honoring the life of Jack Valenti. I rise today to express support for that resolution and to join in honoring Jack's life and accomplishments.

Mr. Speaker, Jack Valenti was the poster child for what it means to be a great American. Jack was a true patriot and served our country valiantly as a pilot in the armed forces during World War II, where he flew over 50 combat missions. He later served as special assistant to President Lyndon Johnson during the tumultuous period in American history following the assassination of President Kennedy.

Following his public service, he became president of the Motion Picture Association of America, where he instituted the first movie rating system, which gave parents more information about the content of movies. It is during his tenure at the MPAA that I came to know and become friends with Jack.

One thing that always impressed me about Jack was his commitment to serving others. I remember a recent story I heard about Jack where he gave a lesson to a waiter at one of his favorite local restaurants. He told the waiter how important it was to remember the particulars of his clients, including their names and what they like to order. It is with this attention to detail that he succeeded in his mission of educating Members of Congress about the importance of copyright laws and the details of the motion picture industry.

Jack's policy was to return every call from every person who contacted him. He also emphasized the importance of telling the truth in all circumstances. These attributes explain why both those who agreed with and disagreed with his policy positions respected Jack and his work.

I am indebted to Jack for befriending this green, freshman lawmaker back in 1993, and treating me with the same respect and kindness that he would give a President.

I join with all Members of this House to send my deepest condolences to Jack's family and also to honor and celebrate the life and accomplishments of Jack Valenti.

Mr. DREIER. Mr. Speaker, it took a larger-than-life man like Jack Valenti to bridge 2 larger-than-life worlds like Hollywood and Washington. It is fitting that this legendary character, whose own life was often like an epic film, would end up in the movie business.

From a very early age, the passion and drive that would motivate him for his 85 years were clearly evident. Lacking the money to go to college, Jack worked to put himself through school and eventually get his MBA at Harvard. During that time, he also joined the Army, flew 51 missions and earned the Distinguished Flying Cross.

He got his first taste of politics in Houston, TX, when he met Senator Lyndon Baines Johnson, and he was hooked. He campaigned heavily for the Kennedy-Johnson ticket in 1960 and maintained the relationship with Lyndon Johnson through November 1963 when the Vice President asked for his help with a Presidential visit to Dallas. On that fateful day of November 22, Jack was just a few cars away from President Kennedy when the shots were fired.

Through that tumultuous time, Jack returned to DC with now President Johnson, and grew to be his close confidant and advisor. That solemn trip on Air Force One would be the trip to Washington from which Jack never really returned. As presidential advisor, and then President of the Motion Picture Association of America, Jack Valenti become one of those rare Washington denizens that shapes and defines a city that usually does the shaping and defining.

Through nearly 4 decades at MPAA, he shepherded the most powerful names in Hollywood around countless industry and political landmines. As the world grew flatter, technology grew smarter and politics remained as volatile as ever, Jack Valenti's vision helped the American movie business not only weather these challenges, but emerge bigger than ever.

He was an undeniable force felt on both coasts. And now his absence is also felt undeniably.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 361, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A WELCOME HOME VIETNAM VETERANS DAY

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 189) expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 189

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States Armed Forces and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if South Vietnam fell to a Communist government then Communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as "peace and security" had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30 would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that there should be established a "Welcome Home Vietnam Veterans Day" to honor those members of the United States Armed Forces who served in Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H. Res. 189, expressing the sense of the House of Representatives that a Welcome Home Vietnam Veterans Day be established.

H. Res. 189, which has 54 cosponsors, was introduced by Representative LINDA SÁNCHEZ on February 16, 2007. H. Res. 189 was reported from the Committee on Oversight and Government Reform on June 12, 2007 by voice vote.

The Vietnam War was the longest military conflict in U.S. history. The hostilities in Vietnam claimed the lives of more than 58,000 Americans, and some 304,000 were wounded in combat. The Vietnam War was a military struggle fought in Vietnam from 1961 to 1973. The patriotic men and women who served valiantly and faithfully in the United States Armed Forces during the Vietnam War were caught, upon their arrival and return home, in the crossfire of public debate about the involvement of the United States in the Vietnam War.

Mr. Speaker, I support this legislation to establish a Welcome Home Vietnam Veterans Day to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War. The time for a Welcome Home Day is long overdue. I know every Member of this House and every American would want to come forward to welcome home these veterans who were not always welcomed home in the way we should always welcome home those who have served us in the Armed Forces regardless of our feelings on the particular conflict in which they came forward bravely to serve us all.

Mr. Speaker, I commend my colleague, Representative LINDA SÁNCHEZ, for introducing this legislation and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on March 30, 1973, American combat troops serving in Vietnam completed their service and returned home to the U.S. After 8 years of hard-fought battle and the loss of over 58,000 soldiers, we welcomed our servicemen and women home and wished them a safe return. Over 300,000 troops returned wounded during the war. House Res. 189 seeks to establish March 30 as Welcome Home Vietnam Veterans Day. It is an opportunity to recognize the heroic service of these many veterans.

For fear that Southeast Asia would fall into communism, Congress passed the Gulf of Tonkin Resolution in 1964, thereby giving powers to President Johnson to conduct military command in South Vietnam until peace and security had returned to the war-torn nation. One year later, U.S. combat troops were sent to the embattled country. By 1969, approximately 543,000 American troops were in Vietnam.

Thousands of Vietnam veterans participated in various festivities, parades and reunions every year.

□ 1515

We see them proudly wear their unit numbers, banners, T-shirts and hats covered with pins, sharing stories and updating each other on their lives. It is only fitting that we show our support for these brave men and women by expressing our gratitude for their courageous service.

Around 3 million people visit the Vietnam Veterans Memorial each year. The wall and two accompanying sculptures offer an opportunity to learn about and appreciate the history of the war and its numerous casualties. It is appropriate to commemorate this significant piece of history by recognizing the day combat troops returned home from war as welcome home Vietnam Veterans' Day.

Ms. NORTON. Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I certainly rise in support of H. Res. 189. I have a large number of Vietnam veterans in my district. Several years ago, I had a commemorative coin struck that I gave to the Vietnam veterans. I presented it and called it a long overdue welcome home event. There weren't too many dry eyes as the coins were presented. We need to remedy that, and certainly having a Welcome Home Vietnam Vets Day as this bill calls for is long overdue.

The one thing that I ask Vietnam vets to please always do is when our young men and women are returning today from battle, that they always help the community to welcome them back, because no one would like to be treated the way that many Vietnam vets were treated.

This is a great resolution, and it is long overdue. I certainly support finally having a Welcome Home Vietnam Veterans Day.

Mr. SHAYS. Mr. Speaker, I just would again urge passage. I think this is a very thoughtful thing of our colleague from California to have initiated. Frankly, I wonder why we didn't think of it sooner.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I want to join my colleague in his remarks, and especially his remarks as to why didn't we think of this before. I want to assure Vietnam War veterans, it has nothing to do with their service. We have had a number of wars since and perhaps we have been somewhat preoccupied with war, but we will never forget this important and very sacrificial group of veterans.

Mr. COURTNEY. Mr. Speaker, I rise today in strong support of H. Res. 189, a resolution that will honor the veterans of the Vietnam War in eastern Connecticut and across our country by calling for the establishment of a "Welcome Home Vietnam Veterans Day."

As we know all too well, the Vietnam War was a painful and turbulent period in our Nation's history. Our military involvement there from 1965 to 1973 came at a time of great upheaval and change that divided our Nation. By the end of the war, more than 58,000 members of the Armed Forces had given the ultimate sacrifice. Much has rightfully been done to honor these lost heroes in the 30 years since the end of the war, including a breathtaking memorial not far away from this Capitol on our National Mall.

However, thousands of our troops came home after serving our country in Vietnam only to be barraged by anti-war and anti-military sentiments rising from the deep and conflicting passions over our involvement in the conflict. As a result, thousands of young men who served our Nation were denied the welcome home they deserved—a painful memory that I hear about even today when I speak with Vietnam veterans.

Today, 30 years after they returned home, those dark days of war still haunt the veterans of Vietnam. Yet, I have been amazed by the strength and dignity of the Vietnam veterans community in eastern Connecticut. Since the end of the war, these proud men have been unmatched in taking care of their own and supporting one another. This past April, over 100 eastern Connecticut Vietnam veterans gathered once again in Norwich, CT for the 7th Annual Vietnam Veterans Day Commemorative Ceremony. I was proud to join them for the ceremony and to honor their service and sacrifice.

Regardless of what one thinks about our involvement in a military conflict, there is no doubt that any American who wears our Nation's uniform deserves a hero's welcome when they return home. That is why I am proud to support the resolution before us today, which expresses the sense of the House that there should be a day set aside every year on March 30 to honor the service of our Vietnam veterans by establishing a "Welcome Home Vietnam Veterans Day." I sincerely hope that this simple resolution will provide our Vietnam veterans with the recognition they have so long deserved.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 189, which puts the House on record in support of a "Welcome Home Vietnam Veteran's Day." This resolution honors members of the United States Armed Forces who fought in Vietnam from 1961 to 1975. In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam. March 30 would be an appropriate day to establish as Welcome Home Vietnam Veterans Day.

More than 3 million Americans served in Vietnam, and nearly 58,000 lost their lives there. From mountain peaks to tropical rainforest, American soldiers served in hostile country and fought a war for which they were not trained. It was a war of savage, small-unit fighting unlike any other in American history and in a stunning outcome, American soldiers won all of the major battles. About 58,148 men were killed, mostly between the ages of 20 and 29, but some as young as 16 years old. About 2.9 million men in total were involved in the fighting. The average soldier—infantryman—saw about 240 days of combat in 4 years, thanks to the mobility of the helicopter.

As an American, I am very proud of the courageous members of the United States Armed Forces who fought in this war, even though they were not sure of the purpose, to help stop what seemed to be the spreading of Communist beliefs and values. I am more than grateful to the men who gave so that we would be able to live as free as we do today. These men were brave, high spirited, and fearless. These men did something that most Americans never had to do. They risked life and limb in defense of their countrymen. They deserve to be honored for their efforts.

This resolution gives credit where credit is due. It will give Americans a chance to reflect on the men, women, and their stories that were short changed during this difficult time in our history.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 189.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ESTABLISHING A NATIONAL PET WEEK

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) expressing the sense of the Congress that there should be established a National Pet Week, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 142

Whereas this year marks the 26th anniversary of "National Pet Week", sponsored by the American Veterinary Medical Association and the Auxiliary to the American Veterinary Medical Association;

Whereas animals and pets give companionship and pleasure in daily living, share the homes of nearly 69,000,000 individuals or families in the United States, and provide special benefits to elderly persons and children;

Whereas the people of the United States have a firm commitment to promote responsible care of animals and pets and guard against cruel and irresponsible treatment;

Whereas teaching kindness and respect for all living animals through education in schools and communities is essential to the basic values of a humane and civilized society;

Whereas the people of the United States are grateful to the veterinary medical profession for providing preventive and emergency medical care and assistance to animals, spaying and neutering animals to combat overpopulation, and contributing to the education of animal owners; and

Whereas the people of the United States are indebted to animal protection organizations, State humane organizations, and local animal care and control agencies for promoting respect for animals and pets, educating children about humane attitudes, and caring for lost, unwanted, abused, and abandoned animals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(1) that there should be established an annual National Pet Week; and

(2) the goals and ideals expressed during National Pet Week should be guides for the people of the United States to observe in the care of pets.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this piece of legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in consideration of H. Con. Res. 142, a bill expressing the sense of Congress there should be established a National Pet Week. H. Con. Res. 142, which has 53 cosponsors, was introduced by Representative CHRISTOPHER SHAYS on May 3, 2007. H. Con. Res. 142 was reported from the Oversight Committee on June 12, 2007, by voice vote.

National Pet Week was jointly founded in 1991 by the American Veterinary Medical Association and the Auxiliary to the AVMA and is now widely celebrated throughout the United States and other parts of the world.

Each year National Pet Week's goals are to promote responsible pet ownership, celebrate the bonding and mutual admiration between animals and humans and promote public awareness of veterinary medicine.

Animals and pets provide companionship and pleasure to nearly 69 million individuals and families in the United States. These individuals have dedicated themselves to the care and responsibility of treating animals with love and respect.

Mr. Speaker, I commend my colleague Representative CHRISTOPHER SHAYS for introducing this legislation and I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we stand with 69 million households in celebrating the joy of pet ownership and recognizing the obligations of responsible animal care as we call on this Congress to establish a National Pet Week.

Some 63 percent of Americans have accepted the calling of pet ownership and have opened their homes to millions of cats, dogs, birds, fish, and other animals. For this generous action, they are rewarded with love, companionship and support. Studies have shown an additional benefit of pet ownership include a healthier life.

A National Pet Week would also honor those who provide medical treatment as well as responsible care for animals, who are certainly deserving of such treatment. There are approximately 75,000 practicing veterinarians in the United States who perform a great service for this country by giving preventative and emergency care for animals. These veterinarians are also credited with educating pet owners about the benefits of spaying or neutering their animals, thus curbing pet overpopulation problems in the country.

Establishing a week recognizing pet ownership helps highlight many of the issues affecting pets and owners in America, as well as the issue of responsible treatment for animals in general. Sadly, problems such as animal abuse, neglect, overpopulation, hoarding, and organized fighting persist in this country. The people of the United States are indebted to the animal protection and humane organizations who promote respect for animals and provide care for lost, unwanted, abused, and abandoned animals.

It is the essential duty of a civilized society to teach its children the value of kindness and respect toward all living creatures, and this is the perfect opportunity to do so.

Therefore, I call on my colleagues to support the establishment of National Pet Week, to celebrate pet ownership, recognize those who provide responsible animal care, and educate our children about a standard of respect towards all living creatures.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I commend my colleague, Mr. SHAYS, upon the introduction of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 142, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

FHA MANUFACTURED HOUSING LOAN MODERNIZATION ACT OF 2007

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2139) to modernize the manufactured housing loan insurance program under title I of the National Housing Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2006, fewer than 1,500 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 3. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": Provided, That with" and inserting ". With".

SEC. 4. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 5. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007.".

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such

limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 6. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:''.

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 7. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 8. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 9. REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR ASSISTANCE.

Section 2 of the National Housing Act (12 U.S.C. 1703) is amended by adding at the end the following new subsection:

''(j) REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR FINANCING.—No insurance shall be granted under this section with respect to any obligation representing any loan, advance of credit, or purchase by a financial institution unless the borrower to which the loan or advance of credit was made, and each member of the family of the borrower who is 18 years of age or older or is the spouse of the borrower, has a valid social security number.''.

SEC. 10. GAO STUDY OF MITIGATION OF TORNADO RISKS TO MANUFACTURED HOMES.

The Comptroller General of the United States shall assess how the Secretary of Housing and Urban Development utilizes the FHA manufactured housing loan insurance program under title I of the National Housing Act, the community development block grant program under title I of the Housing and Community Development Act of 1974, and other programs and resources available to the Secretary to mitigate the risks to manufactured housing residents and communities resulting from tornados. The Comptroller General shall submit to the Congress a report on the conclusions and recommendations of the assessment conducted pursuant to this section not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the FHA Manufactured Housing Loan Modernization Act of 2007, which I introduced with my colleagues Chairman FRANK, Mr. TIBERI and Mr. FEENEY, includes important provisions that will help revitalize the manufactured housing industry, which plays a critical role in helping Americans achieve the dream of home ownership by providing them with alternative opportunities for affordable housing. This bill passed the Financial Services Committee unanimously on May 28. 2007.

This $8 billion a year industry provides jobs for people not only in the Second District of Indiana, but throughout the country. These homes house 22 million people in over 10.5 million homes.

Mr. Speaker. I have seen firsthand in my own district how these homes have continued a tradition of quality and safe construction over many years. They present a high quality, affordable housing opportunity for American families.

H.R. 2139 would raise the manufactured housing title I loan limits and annually index them for inflation. It will also give HUD the authority to increase insurance premiums and improve underwriting standards in order to make sure that the program is actuarially sound.

We have a proud and strong tradition in Elkhart and in other Indiana communities of providing first class housing for Americans, providing quality jobs for Hoosiers at the same time. It is part of who we are. In turn, these communities are extraordinarily proud of the role they play and that we play in our district in providing housing for American homebuyers.

Unfortunately, title I loan limits have not been adjusted for inflation since 1992 and the manufactured housing industry has experienced a major decline since that time. In 1992, in the midst of the last downturn, FHA insured 30,000 title I loans. In 2006, that number was less than 1,500. In Indiana alone, that number went from 377 loans in 1992 to only four last year.

These are more than just numbers. They represent a serious drop in a crucial component of affordable home ownership for Americans. This not only affects low and moderate income families that these loans are designed to help, but it affects the manufactured housing industry and the housing market as a whole.

Because of the drastic reduction in FHA title I loans, American families are left to struggle to try and find adequate financing options for their manufactured home purchases. This body has a responsibility to try and provide affordable housing options for American families, and this legislation does just that.

As you know, Mr. Speaker, June is Home Ownership Month, and it is only fitting that we pass this much-needed legislation. Today, I urge all my colleagues to support H.R. 2139, to strengthen the American housing market and to put more affordable housing opportunities within reach for American families.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2139, the Manufactured Housing Loan Improvement Act of 2007. It is virtually identical to legislation that passed the House last year, only it was called the act of 2006, and it passed by 412–6. Obviously, it was a very popular bill.

The bill that we are considering today would modernize the FHA title I manufactured housing loan program, which insures loans for manufactured homes owned on leased land, for lots used to site manufactured homes, and for a combination of manufactured homes and lots. The program is different from the insuring of manufactured homes under title II of FHA, in which the manufactured home is sited on land also owned and mortgaged under the loan.

As the gentleman from Indiana stated, in 1992 some 3,000 loans were insured under the FHA title I manufactured housing loan program. However, last year this number dropped to around 1,500 loans. Clearly this legislation seeks to address the factors that have been widely cited as the reasons for the steep decline in the number of insured loans. These include vague underwriting standards; a portfolio cap on title I loans; a guarantee that is not sufficient for acceptance in the secondary market; loan limits that have not kept up with inflation, and, actually, they haven't been adjusted since 1992; and a resulting reduced private sector loan origination participation.

During the Financial Services Committee markup of this legislation, Congressman Bachus offered and the committee accepted wording that would authorize the GAO to assess how the Secretary of Housing and Urban Development utilizes the FHA manufactured housing loan insurance program and other programs administered by HUD to mitigate the risk to manufactured housing residents and communities resulting from tornadoes.

Every year, an average of 800 tornadoes sweep across the United States, resulting in more than 80 deaths, more than 1,500 injuries and millions of dollars in property damage. One of nature's most powerful and violent storms, large tornadoes often record winds with speeds in excess of 250 miles an hour.

Florida and parts of my district were ravaged by these tornadoes earlier this year, which reminded us that natural catastrophes can strike with little warning, forcing communities to confront a loss of infrastructure and, unfortunately, sometimes a loss of life.

Many residents of homes have a place to go in the event of a tornado, whether it is a basement or an interior room. Manufactured housing residents do not have a basement and they often do not have an interior room. Despite rapid advances in tornado warning technology, residents of manufactured housing communities often do not have adequate access to proper shelter.

☐ 1530

That is why the House passed the Tornado Shelters Act, which was signed into law in 2003. That bipartisan bill authorized communities to use community development block grant money to construct or improve tornado-safe shelters located in manufactured housing park areas.

Unfortunately, it is not used enough. Often in the face of a tornado threat, it is said we can do two things: pray and prepare. Pray it won't happen again and prepare for the next line of twisters.

While the residents can pray, our government and this Congress can do much to help them prepare.

As we improve the title I manufactured housing loan programs, I hope we can do everything in our power to ensure that residents of manufactured housing communities have adequate protection from natural catastrophes such as tornadoes. H.R. 2139 will facilitate greater access to manufactured housing, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DONNELLY. Mr. Speaker, I want to thank my colleague, the gentlewoman from Florida (Ms. Ginny Brown-Waite). This is an excellent piece of legislation. My colleagues on both sides of the aisle are in support and are participating in H.R. 2139.

Mr. ELLSWORTH. Mr. Speaker, I rise today to urge my colleagues to support the millions of Americans who live in manufactured housing across the country.

Over the years, the willingness of Americans to work hard and achieve their dreams has illustrated the health of our economy and our democracy. Hoosiers recognize the importance of safe, affordable housing to the realization of this American Dream, and my constituents sent me to Congress to make this dream more accessible to Hoosier families.

And so, I am proud to be a cosponsor of the Manufactured Housing Loan Modernization Act, which will expand the opportunities of home ownership. I am also proud to have introduced CJ's Home Protection Act, which will add to the efforts of housing manufacturers to ensure the safety of the families in their homes.

Mr. DONNELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. Donnelly) that the House suspend the rules and pass the bill, H.R. 2139, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 477) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 477

Whereas the President of the United States has issued a proclamation designating the month of June 2007 as National Homeownership Month;

Whereas the national homeownership rate in the United States has reached a record high of almost 70 percent and more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States, such as the American Dream Downpayment Act, encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Illinois (Mr. ROSKAM) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 477 introduced by Congressman GARY G. MILLER of California. This resolution recognizes the importance of National Homeownership Month, which the President designated as June of this year.

Homeownership is one of the fundamental building blocks of our society. And it plays a fundamental role in achieving the American Dream. It helps to provide families with economic security and helps to build strong communities.

The national homeownership rate in the United States has reached a record high of almost 70 percent. This is the result of the hard work of both public and private sector organizations, nonprofit groups, and Federal, State and local government working together for a common cause: to ensure that families have a stable living environment and are in a supportive community.

Homeownership is a crucial indicator of our economic health. I believe that ensuring affordable homeownership for hardworking Americans is one of the most important tasks we have here in Congress. We must work together to encourage more opportunities for homeownership so that buyers are able to choose a housing option that meets their needs.

Owning a home helps families build financial stability, and it puts them on sound financial footing so they are able to invest in things like college and saving for retirement. This not only affects every American family; it allows our economy to prosper. It is important to ensure that while we are promoting homeownership, and that we are preparing homeowners for the responsibility of maintaining and paying off their home, that they understand this process as well.

The rise in predatory lending and in subprime loans has contributed significantly to the high rate of foreclosures in States like Indiana, my home State. Congress must work to ensure a level playing field for home buyers to purchase a home with a mortgage that they can work with and be able to pay. I urge Members to vote in favor of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSKAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 477 and am pleased to join with my friend from Indiana and am delighted that we are taking time on the floor today to commemorate homeownership in America.

Recognizing the many benefits of owning a home, the President designated June as National Homeownership Month as he has done for the past 6 years. To complement this designation, H. Res. 477 was introduced by the gentleman from California (GARY G. MILLER) to recognize that designation and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American Dream, with economic security and hard work being rewarded. Homeownership is much more than knowing that one has a roof and four walls to shelter one's family. It is the symbol of the American Dream, and it forms the bedrock of our communities.

Many of my colleagues celebrate the designation of this month as National Homeownership Month because in America every citizen, regardless of race, creed, color, or place of birth has the opportunity to own a home of their own.

Today, the national homeownership rate in the United States has reached a record high, about 70 percent; and more than half of all minority families are homeowners. While many gains have been made, minority homeownership rates still lag. With minority households expected to account for two-thirds of household growth over the coming decade, improving the ability of such households to make a transition to homeownership will be an important test of our Nation's capacity to create economic opportunities for minorities and immigrants and to build strong, stable communities.

Buying a home is the largest personal investment most families will ever make. For the vast majority of families, the purchase of a home represents the path to prosperity. A home is a tangible asset that builds equity, good credit, borrowing power, and overall wealth. Not only does homeownership provide economic security for building wealth over time; it also strengthens and builds communities. Homeownership creates community stakeholders and inspires civic responsibility. People who own a home tend to be more active in charities, churches, neighborhood activities and more likely to vote and get involved with their community's growth, safety and development.

Further, families owning a home offer children a stable living environment, influencing their personal development in many positive, measurable ways both at home and in school.

Without homeowners, neighborhoods, schools and local businesses suffer. Homeownership helps fuel the economy. This happens mostly through people who spend money for home improvements.

I hope Congress will continue to explore new ways to put people on the path to homeownership so more Americans can realize its benefits.

In closing, it is apparent that the Federal Government, consumers and the housing industry are linked by our mutual goal of creating housing opportunities for more Americans. And although significant strides have been made, we still have much more work to do to achieve together for the American people, and our best hope of being successful is to work in close concert with each other.

As Congress considers future action to make homeownership more secure and available, we need to take care not to hamper the market's ability to provide opportunities for homeownership, and that way we can continue to open our communities and neighborhoods to new opportunities for growth and prosperity.

The resolution before us, H. Res. 477, recognizes the importance of homeownership in America and dedicates the House of Representatives to fostering an atmosphere conducive to community development and increased homeownership opportunities. Congress has a real opportunity here to forge a better America, an America where homeownership and security abounds. I know we all look forward to continue to work to further the American Dream, and I hope my colleagues will join with me and my colleague, Mr. DONNELLY, and join in supporting this important resolution that does just that.

Mr. Speaker, I reserve the balance of my time.

Mr. DONNELLY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I wish to thank the gentleman from Indiana (Mr. DONNELLY) for yielding time to me. I also want to commend him for his leadership.

I rise in strong support of H. Res. 477, a resolution recognizing the goals and ideals of National Homeownership Month, which falls in June of each year. I also want to commend my colleague on the other side of the aisle, the gentleman from California (Mr. GARY G. MILLER), for introducing the resolution and for working with me on its language.

Owning a home is a fundamental part of the American Dream and is the largest personal investment many families will ever make. Homeownership provides economic security by increasing the stake residents have in their communities, including local schools, civic organizations, community-based organizations, and churches.

Improving homeownership opportunities requires the commitment and cooperation of the private and public sectors, including the Federal Government and State and local governments. Our current laws encourage homeownership to a significant degree, but need to be updated and augmented so that they will continue to promote homeownership in the future.

We need to do everything in our power to ensure that potential home buyers and current homeowners do not become victims of predatory lenders, as has been the case in recent times.

To improve the affordability, availability and quality of housing in America, I co-founded and I am currently the chairman of the Congressional Rural Housing Caucus. The caucus continues to increase in number as more and more Members of Congress realize not only the importance of homeownership in urban dwellings, but those in rural America.

To increase homeownership, I introduced H.R. 1980, the Housing Assistance Counsel Authorization Act. It authorizes $10 million for housing assistance counsel in fiscal year 2008 and $15 million in fiscal year 2009–2014.

HAC, a nonprofit corporation, is the only national housing assistance group that specializes in rural areas and small towns. The House Committee on Financial Services has also held hearings on the bill and reported it favorably to the floor of the House of Representatives. A companion measure has been introduced in the Senate.

Mr. Speaker, I also introduced H.R. 1982, the Rural Housing and Economic Development Improvement Act. The bill authorizes $30 million for the U.S. Department of Housing and Urban Development's RHED program in fiscal year 2008 and $40 million for fiscal years 2009–2013. This bill has also been reported favorably on the floor of the House of Representatives.

I want to take this opportunity to thank Financial Services Chairman BARNEY FRANK, the ranking member; SPENCER BACHUS; Chairwoman MAXINE WATERS; and the ranking member, JUDY BIGGERT; and all their staffs for guiding the HAC and RHED legislation through our committee.

I have also authored a letter to the Housing Appropriations Committee requesting the funding for several programs that the administration's budget would either eliminate or reduce their funding. I include for today's CONGRESSIONAL RECORD a copy of that letter.

Again, June is National Homeownership Month. I strongly support the goals and ideals of National Homeownership Month and recognize the importance of homeownership in building strong communities and families.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 16, 2007.

Hon. ROSA DELAURO,
Chairwoman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations, Washington, DC.

DEAR CHAIRWOMAN DELAURO: There is a housing crisis in rural America. We are requesting that you restore funding for the following USDA rural housing programs in fiscal year 2008: Section 502 direct homeownership loans, $1.25 billion; Section 515 rental housing loans, $100 million; Section 523 self-help housing, $60 million; and Section 514/516 farm labor housing, $50 million each.

The Administration's Fiscal 2008 budget takes square aim at these programs. The budget cuts spending for rural housing by some 71 percent and eliminates over $1.3 billion in rural housing lending assistance targeted to low income families. If the Administration's budget is approved, it will be the first time in 40 years that the Agriculture Department has not offered direct lending assistance to help low income rural families improve their housing conditions.

According to the Economic Research Service of the US Department of Agriculture some four million rural families live in "housing poverty", a multidimensional indicator that combines measures of economic need, housing quality and neighborhood quality. What is more, the 2000 Census revealed that 5.5 million people, one-quarter of the non-metro population, face cost overburden and 1.6 million non-metro housing units are either moderately or severely substandard.

As you know, the President's budget calls for the elimination of the Section 502 Direct Loan Program, which is one of the nation's most responsible loan programs for rural communities. Under the present Section 502 program, borrowers may obtain loans for, the purchase or repair of new or existing single-family housing in rural areas. Borrowers with income of 80 percent or less of the area median may be eligible for the direct loans, and may receive interest credit to reduce the interest rate to as low as 1 percent. The loans are repayable over a 33-year period. In a given fiscal year, at least 40 percent of the units financed under this section must be made available only to very low-income individuals or families. The Section 502 direct loan program is an extremely efficient program which results in a total cost to the Federal government of only $10,000 per loan. There currently is a backlog of more than $3.4 billion in loan applications for this program. We encourage you to provide $1.25 billion in funding for Section 502 in fiscal year 2008.

The President's budget also proposes to eliminate funding for the Rural Housing Service Section 515 program. The Section 515 program plays a critical role in facilitating affordable rental housing in rural areas, by providing funds both for new construction and for the repair and preservation of RHS Section 515 affordable rental housing units. The Section 515 program is the only authorized Federal program that provides direct loans for multi-family housing in rural areas. Units built under the 515 program provide affordable rental housing for persons of low, very low, and moderate incomes living in rural areas, many of whom are elderly and disabled. The 515 program also provides funding for the repair and rehabilitation of existing 515 affordable rental housing units, in order to encourage owners to remain in the program and serve lower income families in rural areas. We encourage you to provide $100 million in funding for Section 515 in fiscal year 2008.

The President's budget proposes $9.75 million in funding for Section 523 Self Help Housing which is a reduction of over 70%. Self-Help Housing makes homes affordable by enabling future homeowners to build their homes themselves. Section 523 Self Help Technical Assistance Grants provided to qualified nonprofit and local government organizations to provide technical assistance to low and very low-income families who are building homes in rural areas in conjunction with the Section 502 Mutual Self-Help Housing Loan Program. The grant funds are used to assist eligible families in applying for Section 502 loans, provide pre-purchase homebuyer education, and supervise construction of the housing by the family.

Due to the tremendous success in serving minority households, doubling self help housing is one of the element's of USDA's 'Five Star Commitment to Increasing Minority Homeownership'. But despite the proven success of the self-help model and the momentum that it has built over recent years, budgetary restrictions have made it difficult for RHS to keep pace with demand for Section 523. In fiscal year 2007, a total of $3 million was made available for self-help housing grants. However, the total necessary for extending grants for performing programs that expire in 2008 is $60 million. We encourage you to provide $60 million in funding for Section 523 in fiscal year 2008.

The President's budget reduces farm labor housing funding in Section 514 Farm Labor Housing Loans and in Section 516 Farm Labor Housing Grants by two thirds. As you know, there is a tremendous need for assistance for farm worker housing. Migrant and seasonal farm workers are some of the nation's most poorly housed populations. Farm workers and their families are some of the poorest yet least assisted people in the nation. Approximately 61 percent of farm workers earn incomes below the poverty level. 60 percent of their households are the ones who are also more susceptible to live below the poverty threshold which is six times the national rate. However, less than 20 percent of farm worker households receive public assistance in any form. We encourage you to provide $50 million in funding for Section 514 and 516 in fiscal year 2008.

For these reasons, we urge you to reject the Administration's Rural Development budget. The Administration has already made substantial cuts in federal rural development spending. Over the past 6 years, federal spending on rural housing and community development programs have been reduced by more than 20 percent. We strongly urge you to reject the reductions proposed in the Fiscal 2008 budget and provide adequate funding for federal rural housing and community development programs.

Sincerely,

Rubén Hinojosa, Barney Frank, Rick Renzi, Paul W. Hodes, Charles A. Wilson, Ron Paul, Emanuel Cleaver, Bennie G. Thompson, Nancy Boyda, Michael E. Capuano, Maxine Waters, Tim Holden, Corrine Brown, Carolyn B. Maloney, Luis V. Gutierrez, Peter DeFazio, Darlene Hooley, Earl

Blumenauer, Julia Carson, Geoff Davis, Lois Capps, Tom Allen, Mazie K. Hirono, Steve Kagen, John T. Salazar, Neil Abercrombie, Michael H. Michaud, Phil Hare, Rick Larsen, Doris O. Matsui, Dan Boren, Lincoln Davis.

☐ 1545

Mr. ROSKAM. Mr. Speaker, I simply rise and urge the passage of House Resolution 477.

I have no other speakers seeking recognition and, with that, yield back the balance of my time.

Mr. DONNELLY. Mr. Speaker, I have no further requests. I want to thank my good friend, my colleague from Illinois, for his assistance in this. It is a terrific resolution. We look forward to its success.

Mr. GARY G. MILLER of California. Mr. Speaker, I am pleased to rise in strong support of this resolution, which expresses the commitment of Congress to fostering increased homeownership opportunities in this country.

Earlier this month, President Bush designated June as National Homeownership Month, as he has done for the past 6 years.

I introduced H. Res. 477 to complement this designation and to elevate the discussion of housing opportunities in this Nation. This resolution conveys the support of the House for the goals and ideals of National Homeownership Month and reiterates the importance of homeownership in the United States.

I would like to thank the leadership on both sides of the aisle for bringing this important resolution to the floor today.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For millions of Americans in communities all across this country, owning a home is a basic part of realizing the American dream.

Aside from helping Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities. As millions of families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a better America. Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and public services.

Today, America's housing markets are the envy of the world. We enjoy the lowest interest rates and the highest homeownership rates of any developed nation. With the national homeownership rate reaching 70 percent, we have had success in promoting housing opportunities. However, we must still do more. We must work to help extend housing opportunities to all Americans who do not currently enjoy the benefits of homeownership.

ROLE OF CONGRESS

Our job in Congress, as responsible policymakers, must be to ensure that government helps, rather than impedes, homeownership in America. When I came to Congress, I made it my top priority to highlight federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America. While we have done much to help Americans become homeowners, we must do more. We must remove the hurdles and needless regulation that keep homeownership out of the reach of some families in America.

And oftentimes in government, we pass policies and laws and regulations that sound really good, and when they are implemented they do the exact opposite of what we intend them to do. Unfortunately, this trend is very apparent in our housing policies.

CONGRESSIONAL POLICIES

So far in this Congress, I am pleased that we have continued our important work of promoting responsible homeownership policies for our country.

Last month, the House passed the Federal Housing Finance Reform Act to reform Government Sponsored Enterprises (GSEs) that have been at the forefront of creating affordable housing opportunities for American families. A new, credible, independent regulator with appropriate supervisory powers would reaffirm that the GSEs are adequately governed and will continue to provide reasonably-priced funds for housing finance. This bill ensures adequate regulation of GSEs while not adversely affecting the ability of the GSEs to fulfill their housing finance mission.

Another important needed reform to improve homeownership opportunities across our country is to the Federal Housing Administration (FHA). As the private sector mortgage market has become more efficient, the FHA program's inflexible rules and requirements have left it virtually irrelevant as a financing option. Not only can FHA reform provide a viable alternative for families seeking to purchase a home, but it can also help those facing uncertainty about being able to keep their current home.

To make the FHA program a viable mortgage option, we must ensure that the program's products are available across the country and that they meet the needs of borrowers. This includes not only eliminating the geographic barriers to utilization of the program in high cost areas, but also facilitating the purchase of entry-level homes, including condos and manufactured housing. The Committee on Financial Services passed an important FHA reform bill in May and I am optimistic we may consider it on the floor soon.

CONCLUSION

With June designated as National Homeownership Month, there is no better time to discuss these issues. Now more than ever Congress must continue to cultivate an environment in which more Americans may turn the dream of homeownership into a reality.

I am very pleased today that the President has made it a priority to promote affordable housing and homeownership, even while our Nation faces many other challenges at home and abroad. Along with Secretary Jackson and his team at HUD, the President has taken a leading role in finding new and innovative ways to expand homeownership in all areas of this country.

Fortunately, here in Congress, we have leaders from both sides of the aisle who are deeply committed to increasing housing opportunities for more Americans. I want to commend Chairman FRANK, Ranking Member BACHUS, Housing Subcommittee Chairwoman WATERS, and Ranking Member BIGGERT for their work in pursuing policies to address affordable housing in the United States.

I look forward to continuing this relationship in the 110th Congress so that we will have success in the months and years to come in increasing homeownership nationwide.

In closing, it is clear that increased homeownership fosters stronger communities and a better America. National Homeownership Month is a reminder of the significance of housing issues in America. I urge all of my colleagues to support this resolution and recognize the importance of homeownership in the United States.

Ms. LEE. Mr. Speaker, I rise today in strong support of H. Res. 477, recognizing the goals and ideals of National Home Ownership Month. I'd like to thank my colleague from California Congressman GARY MILLER for introducing this resolution.

Mr. Speaker, home ownership has long been acknowledged as a vehicle to build personal wealth, a source of pride and motivation, provided a sense of security to its owners, helped stabilize our neighborhoods and families and a tool that drives the Nation's economic engine.

Unfortunately, in recent years the goals of home ownership have proven elusive for many Americans. According to a recent report by the Center on American Progress, nearly one in three Americans is low-income, with an income below twice the poverty line. A further 1 in 20 Americans lives in extreme poverty, with an income below half of the poverty line.

That's why I have often joined with my colleagues in the House to call for the provision of adequate and affordable housing and a strong, safe and stable community for all Americans particularly those of low- and moderate income individuals and families and members of minority populations.

Furthermore, in the 110th Congress, I am sponsoring three housing bills: H.R. 172—Community Partners Next Door Act; H.R. 173—One Strike and You're Out Bill; and H.R. 174—Public Housing Drug Elimination Program. These bills take steps to address housing affordability, neighborhood safety and fairness in the enforcement of local and Federal statutes.

Mr. Speaker, we have a responsibility to ensure that the gap between the rich and the poor is narrowed and that all Americans have the opportunity to pursue the American dream.

Mr. DONNELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 477.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NONADMITTED AND REINSURANCE REFORM ACT OF 2007

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1065) to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nonadmitted and Reinsurance Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Effective date.

TITLE I—NONADMITTED INSURANCE

Sec. 101. Reporting, payment, and allocation of premium taxes.
Sec. 102. Regulation of nonadmitted insurance by insured's home State.
Sec. 103. Participation in national producer database.
Sec. 104. Uniform standards for surplus lines eligibility.
Sec. 105. Streamlined application for commercial purchasers.
Sec. 106. GAO study of nonadmitted insurance market.
Sec. 107. Definitions.

TITLE II—REINSURANCE

Sec. 201. Regulation of credit for reinsurance and reinsurance agreements.
Sec. 202. Regulation of reinsurer solvency.
Sec. 203. Definitions.

TITLE III—RULE OF CONSTRUCTION

Sec. 301. Rule of Construction.

SEC. 2. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

TITLE I—NONADMITTED INSURANCE

SEC. 101. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.

(a) HOME STATE'S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for nonadmitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this Act, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt a nationwide or uniform procedure, such as an interstate compact, that provides for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

SEC. 102. REGULATION OF NONADMITTED INSURANCE BY INSURED'S HOME STATE.

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

(b) BROKER LICENSING.—No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—Any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS' COMPENSATION EXCEPTION.—This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

SEC. 103. PARTICIPATION IN NATIONAL PRODUCER DATABASE.

After the expiration of the 2-year period beginning on the date of the enactment of this Act, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

SEC. 104. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with section 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act; and

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

SEC. 105. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

SEC. 106. GAO STUDY OF NONADMITTED INSURANCE MARKET.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this title on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) CONTENTS.—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this Act;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) CONSULTATION WITH NAIC.—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the findings of the study not later than 30 months after the effective date of this Act.

SEC. 107. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ADMITTED INSURER.—The term "admitted insurer" means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) EXEMPT COMMERCIAL PURCHASER.—The term "exempt commercial purchaser" means

any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of $100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least one of the following criteria:

(I) The person possesses a net worth in excess of $20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of $50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full time or full time equivalent employees per individual insured or is a member of affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least $30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this Act and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(3) HOME STATE.—The term "home State" means the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence.

(4) INDEPENDENTLY PROCURED INSURANCE.—The term "independently procured insurance" means insurance procured directly by an insured from a nonadmitted insurer.

(5) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners or any successor entity.

(6) NONADMITTED INSURANCE.—The term "nonadmitted insurance" means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(7) NON-ADMITTED INSURANCE MODEL ACT.—The term "Non-Admitted Insurance Model Act" means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(8) NONADMITTED INSURER.—The term "nonadmitted insurer" means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State.

(9) QUALIFIED RISK MANAGER.—The term "qualified risk manager" means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has three years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or

(bb) has one of the following designations:

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as "CPCU") issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least seven years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any one of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(10) PREMIUM TAX.—The term "premium tax" means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a State on an insured based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(11) SURPLUS LINES BROKER.—The term "surplus lines broker" means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

(12) STATE.—The term "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

TITLE II—REINSURANCE

SEC. 201. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.

(a) CREDIT FOR REINSURANCE.—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this title; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

SEC. 202. REGULATION OF REINSURER SOLVENCY.

(a) DOMICILIARY STATE REGULATION.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) NONDOMICILIARY STATES.—

(1) LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) RECEIPT OF INFORMATION.—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

SEC. 203. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) CEDING INSURER.—The term "ceding insurer" means an insurer that purchases reinsurance.

(2) DOMICILIARY STATE.—The terms "State of domicile" and "domiciliary State" means, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) REINSURANCE.—The term "reinsurance" means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(4) REINSURER.—

(A) IN GENERAL.—The term "reinsurer" means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) DETERMINATION.—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

(5) STATE.—The term "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

TITLE III—RULE OF CONSTRUCTION

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act or amendments to this Act shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this Act and any amendments to this Act and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank, Mr. Speaker, Congresswoman GINNY BROWN-WAITE for her help and leadership on H.R. 1065, the Nonadmitted and Reinsurance Reform Act of 2007, as it has moved through the legislative process both in this Congress and in the 109th Congress, when it passed by 417–0. It has been a pleasure working with the gentlewoman and again I appreciate your leadership on this issue.

I also would like to thank the Capital Markets Subcommittee Chair PAUL KANJORSKI and Ranking Member SPENCER BACHUS of the committee for their support of this measure, as well as Chairman BARNEY FRANK for his support in moving this legislation to the House floor.

I reintroduced this bill along with Congresswoman GINNY BROWN-WAITE in February with strong bipartisan support and strong support from the Financial Services Committee. As I previously mentioned, this legislation is virtually identical to legislation that passed the House unanimously by a vote of 417–0 in the 109th Congress. The bipartisan support for this bill is a good example of how both sides can come together to introduce and pass legislation that is not about partisan politics, is not about Republicans or Democrats.

In short, H.R. 1065 would significantly improve the regulation of two specific areas in the commercial insurance marketplace, namely, surplus lines and reinsurance transactions.

Disparate and sometimes directly conflicting State laws in the surplus lines market create unnecessary inefficiencies and make it difficult, if not impossible in some cases, for producers and others to comply with their legal duties.

Testifying in 2005 in front of the Capital Markets Subcommittee on behalf of the National Association of Insurance Commissioners, the Pennsylvania insurance commissioner acknowledged the need for reform of surplus lines regulation, specifically with regard to the way premium tax allocation is handled. According to Commissioner Diane Koken, "Either Federal legislation or another alternative such as an interstate compact may be needed at some point to resolving conflicting State laws regulating multi-state transactions. The area where this will most likely be necessary is surplus lines premium tax allocation. Federal legislation might also be one option to consider to enable multi-state property risks to access surplus lines coverage in their home States under a single policy subject to a single set of requirements."

This legislation, Mr. Speaker, addresses the area of surplus lines reform that I just mentioned as well as necessary reforms in the area of reinsurance. Specifically, this legislation would prohibit the extraterritorial application of State laws and allow ceding insurers and reinsurers to resolve disputes pursuant to contractual arbitration clauses. This reform is long overdue and necessary to restore regulatory certainty to the reinsurance market.

Finally, I would like to note that while many legislative attempts to reform the insurance industry encounter some industry opposition, this bill, Mr. Speaker, is supported by the insurers, the reinsurers and the agents and brokers as well as by most of the State regulators.

I look forward to the passage of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Kansas for his kind words.

Mr. Speaker, I rise today in support of H.R. 1056, the Nonadmitted and Reinsurance Reform Act that my colleague, Congressman DENNIS MOORE, introduced. This bill is almost identical to the bill I introduced last year and the one which he referred to that passed the House by 417–0.

For States like Florida and many others on the gulf coast where commercial insurance has been difficult or impossible to come by, the only recourse is to turn to the surplus lines or nonadmitted market. Certainly streamlining the rules in this market is crucial to the consumer and any State that is facing an insurance crisis. Unfortunately, today, the regulation of the surplus lines market is fragmented and cumbersome. Insurers and brokers who want to provide insurance across State lines are subjected to a myriad of different State tax and licensing requirements. Oftentimes these regulations will conflict, making it impossible for one company to comply with all of them.

This situation leaves policyholders underinsured and with even less of a choice in providers. Moreover, most of the companies that purchase insurance in the nonadmitted market do so frequently. These sophisticated commercial entities are large corporations that employ educated risk advisers with a thorough understanding of the market and their risk exposure. Yet in most States, including my home State of Florida, these companies are required to shop around in the admitted market where they know they will be denied coverage, they know that this has happened before and it will happen again, they know they can't get it.

They have to do this before they are permitted to shop in the surplus lines market. This practice is useless and cumbersome and it only adds to the cost for the policyholder. H.R. 1056 solves this quagmire, giving policyholders alternatives to restrictive markets.

The bill also acknowledges another program in the insurance industry, this time on the reinsurance front. Over the years, some State regulators have been taking it upon themselves to throw out arbitration agreements between reinsurance providers and primary carriers. These are contractual agreements decided upon by very sophisticated parties on both sides of the transaction in order to settle disputes without having to go to court. If these agreements are valid in one State, they should be valid in all accredited States. Therefore, H.R. 1056 prohibits States from voiding established, contractual arbitration agreements between reinsurers and primary companies.

Obtaining insurance already has its obstacles. Adding 49 other States' speed bumps of inefficient State rules does not help. And with reinsurance rates rising at crippling numbers, companies should be encouraged to stay out of the courts and follow their own arbitration agreements. Our bill provides commonsense solutions to the nonadmitted and reinsurance market and it enjoys broad support. I thank Mr. MOORE for sponsoring this important insurance reform with me.

I urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA) who is a member of the Financial Services Committee as well as chairman of the Subcommittee on Higher Education.

Mr. HINOJOSA. Mr. Speaker, I thank the Congressman from Kansas for yielding time to me. I rise in strong support of H.R. 1065, the Nonadmitted and Reinsurance Reform Act of 2007. Congressman MOORE from Kansas has been a very effective member of the Financial Services Committee and I commend him for his leadership on reinsurance legislation. I thank the gentleman for sponsoring this much-needed legislation and I am proud to be a cosponsor of this bill.

This important bill will harmonize and in some cases reduce regulation and taxation of this insurance by vesting the home State where it is headquartered with the sole authority to regulate and collect the taxes on a surplus lines transaction. Those taxes that will be collected may be distributed according to a future interstate compact. Absent such a compact, their distribution would be up to the home State.

Mr. Speaker, this legislation will implement streamlined Federal standards allowing a sophisticated commercial purchaser to access surplus lines insurance. It will reduce uncertainty in this marketplace. It will also help protect contractual agreements between sophisticated parties entering into a reinsurance contract. For these reasons and more, I encourage my colleagues on both sides of the aisle to support this important bill.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I don't have any additional speakers on this bill, but I wanted to take a moment to indicate that it is such a pleasure to work with Mr. MOORE, the gentleman from Kansas. He always looks at things in a very bipartisan manner and always with the end goal in mind of helping the consumer. I certainly appreciate that. I know that the policyholders out there do. I would certainly urge passage of this very important bill, H.R. 1056.

With that, I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I would like to return the compliment to Ms. GINNY BROWN-WAITE, the gentlewoman from Florida, and thank her very, very much for her hard work on this legislation and for her leadership. She also works in a bipartisan manner in the times I have seen her in our committee and on the House floor. I very much appreciate it. We need more of that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 1065.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BAIL BOND FAIRNESS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2286) to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bail Bond Fairness Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Historically, the sole purpose of bail in the United States was to ensure the defendant's physical presence before a court. The bail bond would be declared forfeited only when the defendant actually failed to appear as ordered. Violations of other, collateral conditions of release might cause release to be revoked, but would not cause the bond to be forfeited. This historical basis of bail bonds best served the interests of the Federal criminal justice system.

(2) Currently, however, Federal judges have merged the purposes of bail and other conditions of release. These judges now order bonds forfeited in cases in which the defendant actually appears as ordered but he fails to comply with some collateral condition of release. The judges rely on Federal Rule of Criminal Procedure 46(f) as authority to do so.

(3) Federal Rule of Criminal Procedure 46(e) has withstood repeated court challenges. In cases such as United States v. Vaccaro, 51 F.3d 189 (9th Cir. 1995), the rule has been held to authorize Federal courts specifically to order bonds forfeited for violation of collateral conditions of release and not simply for failure to appear. Moreover, the Federal courts have continued to uphold and expand the rule because they find no evidence of congressional intent to the contrary, specifically finding that the provisions of the Bail Bond Act of 1984 were not intended to supersede the rule.

(4) As a result, the underwriting of bonds for Federal defendants has become virtually impossible. Where once the bail agent was simply ensuring the defendant's physical presence, the bail agent now must guarantee the defendant's general good behavior. Insofar as the risk for the bail agent has greatly increased, the industry has been forced to adhere to strict underwriting guidelines, in most cases requiring full collateral. Consequently, the Federal criminal justice system has been deprived of any meaningful bail bond option.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore bail bonds to their historical origin as a means solely to ensure the defendant's physical presence before a court; and

(2) to grant judges the authority to declare bail bonds forfeited only where the defendant actually fails to appear physically before a court as ordered and not where the defendant violates some other collateral condition of release.

SEC. 3. FAIRNESS IN BAIL BOND FORFEITURE.

(a)(1) Section 3146(d) of title 18, United States Code, is amended by inserting at the end "The judicial officer may not declare forfeited a bail bond for violation of a release condition set forth in clauses (i)-(xi), (xiii), or (xiv) of section 3142(c)(1)(B).".

(2) Section 3148(a) of title 18, United States Code, is amended by inserting at the end "Forfeiture of a bail bond executed under clause (xii) of section 3142(c)(1)(B) is not an available sanction under this section and such forfeiture may be declared only pursuant to section 3146.".

(b) Rule 46(f)(1) of the Federal Rules of Criminal Procedure is amended by striking "a condition of the bond is breached" and inserting "the defendant fails to appear physically before the court".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous matter on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the Congress, of the House here, the bail bond system in our country is under considerable pressure. Some would even say that it is broken. The reason is that Federal courts increasingly use bail bonds to ensure that a defendant appear in court but it also is used to make sure that a defendant complies with other requirements while awaiting trial.

□ 1600

As a result of a combination of these factors, there have been critical problems that have developed. When you merge the use of bail bonds, there is presented a greater risk of forfeiture, and, thereby, this has made it much more difficult, especially for those with limited means to obtain these bonds. Frequently, the amount of the bond goes up, sometimes a great deal.

Now, historically, of course, the sole purpose of a bail bond was to ensure that a defendant appears in court. When a bail bond is also used to guarantee compliance with collateral conditions of release, a court may direct the bond to be forfeited should the defendant violate any of these conditions, even if the defendant appears in court. This, of course, heightens the risk of forfeiture and makes it now virtually impossible for many persons to obtain these bonds, because the cost of the bond goes up.

Also, merging the traditional purpose of bail bonds with other conditions of release creates a perverse situation where, ironically, there are less incentives for the defendants who violate these conditions to then appear in court. As a result, thousands of defendants are failing to come to court, which increases the expense and effort by Federal law enforcement officers to secure their presence.

Also, family members and friends of the defendant, who pledge their homes, put the house up for capital, life savings or other assets, are at greater risk of losing their property as well. So, fewer family members and friends feel that they can afford to take the risk of assisting and procuring a bond.

Now, while wealthy defendants can use their own assets for collateral and gain pretrial release, those less-wealthy defendants are incarcerated before trial even when there is little or no risk of flight or threat to the public. Remanding a defendant into pretrial detention when he or she is neither a flight risk nor a danger to society also creates an undue financial burden on our Nation's prison system.

It's also highly unfair to an accused who, of course, thus far, has not been convicted yet of anything. So, hence, the Bail Bond Fairness Act.

What this measure does is attempt to address the problem by restoring the historical purpose of bail bonds; namely, that they be used solely to ensure the defendant's physical presence before a court. Under this measure, a Federal judge has the authority to declare a bail bond forfeited only under the circumstances of where the defendant actually fails to appear in court as ordered, and not simply because the defendant has violated some collateral condition of release.

So I urge my colleagues to support this bill and am very pleased to commend the leaders and members of the subcommittee on crime for helping us bring this measure forward in such an expeditious manner.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2286, the Bail Bond Fairness Act of 2007. Bail bonds are rare in Federal court, and this bill will ensure that bail bondsmen and defendants are treated fairly.

This legislation amends the Federal code to prohibit a judicial officer from forfeiting a bail bond when a defendant violates a performance condition other than failing to appear in court. On balance, I think it is unfair to hold bail bondsmen accountable for compliance with performance conditions such as drug testing, curfews and other non-appearance-related conditions.

A bail bondsman should be held accountable for ensuring the defendant appears at all court dates. It is hard to justify authorizing a court to forfeit a bond for performance conditions that a bail bondsman cannot enforce.

I want to acknowledge the commitment of my colleagues, Congressman WEXLER and Congressman KELLER, who sponsored this bill and have demonstrated leadership on this issue. For these reasons, I support the bill and urge my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. I commend the ranking member, Mr. FORBES, for his good work on this measure.

Mr. Speaker, I yield as much time as he may consume to the subcommittee chairman on crime, another gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in support of H.R. 2286, the Bail Bond Fairness Act of 2007. The legislation was introduced by Representative WEXLER and Representative KELLER on May 10 of this year and largely mirrors several other bipartisan bills introduced in the last three Congresses.

Historically, bail has been issued for the sole purpose of ensuring a defendant's appearance in court as ordered. In recent years, however, Federal judges have ordered bail bonds forfeited even when the defendants, in fact, appear in court, but they have violated collateral conditions of pretrial release.

Although actual bail forfeitures of bonds for violating collateral conditions are rare, and one of the reasons is that bail bonds, in fact, are rare, one reason cited is that some Federal judges now allow defendants to deposit their own funds in amounts that would be equal to the premium of a commercial bond underwriter, making the commercial bond unnecessary. Even so, the practice of attaching ancillary conditions to the issuance of a bond has created a barrier to pretrial release, because the risk of bond forfeiture has forced many commercial bond underwriters to avoid the Federal system altogether.

We find that commercial bond underwriters will opt to offer their services to defendants in the State system where a risk of loss is lower because they only have to be concerned about the defendant's appearance, not his behavior, or where they also maintain that friends and family of defendants are reluctant to post a bond for defendants because they cannot risk their homes or life savings based on a person's behavior. They may be able to risk it assuming he will show up in court.

H.R. 2286 would return the use of bail bonds to the historic purpose of limiting a judge's authority to order a bond forfeited to a defendant's failure to appear physically in court. It is important to note that the bill does preserve a judge's authority to impose conditions of release and to revoke the pretrial release and order pretrial custody, should a defendant violate any conditions of pretrial release. But so long as a defendant actually appears in court, the bond should not be revoked.

I strongly urge my colleagues to support the bill.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you have heard from the other speakers here today about the fairness of this measure, and it certainly is a measure of fairness, how we treat bail bondsmen. And also as the chairman has pointed out, this is a matter of fairness of how we treat individuals who need bond, which they may not otherwise may have.

Even though this is a measure that is very fair, even fair measures don't make it into law without the hard work of individuals. That's why I want to compliment Congressman WEXLER on the good job that he has done. Congressman KELLER, who wanted to be here today to speak on this bill, has worked very hard and tirelessly for it in the committee. Unfortunately, his flight has been delayed, and he won't be here today. But I know if he were here, he would speak on the record here as he has spoken in the committee on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to one of the authors of this measure, the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I first and foremost want to thank Chairman CONYERS for his cooperation and great support for H.R. 2286. I also want to thank Ranking Member LAMAR SMITH for working in such a bipartisan fashion.

I especially want to thank Congressman KELLER, Mr. FORBES mentioned just a moment ago. Mr. KELLER and I have worked hand in hand in pushing the Bail Bond Fairness Act, and I know very much that he wished to be here to speak this evening.

I also want to thank Mr. FORBES for his very kind words and his cooperation as well, as well as the subcommittee chairman, Mr. SCOTT of Virginia.

Mr. Speaker, the Bail Bond Fairness Act will ensure equality and fairness for all Federal defendants and will make it possible for bail agents to once again write bonds in Federal courts. This bill addresses a serious problem in the Federal bail bond system, created by requirements that bail agents not only ensure the appearance of defendants in court, but also guarantee other conditions beyond the agent's control, such as alcohol consumption and curfews.

As a result, bail bond agents have stopped writing bonds in Federal cases, and lower-income defendants have become unable to post bail while wealthier individuals do so easily. The result is that poor defendants can't afford bail and must, therefore, stay in jail at taxpayer expense.

H.R. 2286 would remedy these problems and allow professional bail agents to return to the Federal court system. The bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered.

This legislation reaffirms the original purpose of a bail bond, to guarantee the defendant appears in court. Bail agents must be allowed to serve this purpose and cannot be expected to serve as full-time nannies for defendants whom judges determine are safe to be released.

It is important to note that the Bail Bond Fairness Act totally preserves the authority of the judge to grant or refuse bail. The judge, and the judge only, will continue to make a determination on flight risk and any possible threat to the community.

Judges will still have the discretion to determine who is eligible and who is not for pretrial release, what conditions accompany that release, and whether or not a suspected criminal is a flight risk. We all agree that if a suspected criminal is a threat to the society, to the community, he or she should stay in jail.

The bottom line is that bail bonds should guarantee appearance in court. Any other appropriate conditions set by the judge, such as alcohol or drug consumption, should not be tied to the bond.

This bill enjoys a great deal of bipartisan support, and I again want to thank Congressman KELLER, my colleague from Florida, as one of the prime sponsors and again thank Chairman CONYERS.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask my colleagues to support the bill.

Mr. Speaker, H.R. 2286 restores the use of bail bonds to the traditional purpose of ensuring that a defendant appears in court as directed. It removes the risk that a defendant's family and friends will forfeit their homes, savings, or other assets even though the defendant appears, just because of failure to comply with some unrelated collateral condition. And perhaps most importantly, it will increase the appropriate availability of bail bonds to all, not just the wealthy. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2286, the "Bail Bond Fairness Act of 2007." I urge my colleagues to join me in voting to report this legislation favorably to the House. I am confident that working together we can address and resolve the real challenges regarding bail bond practices in the Federal judiciary.

H.R. 2286 reforms the current practice of placing performance-based pretrial release conditions on bail bonds. This practice apparently has had the unintended consequence of prompting some commercial bond underwriters to avoid the Federal system and placing a heavy risk on family and friends of defendants who would collateralize property to satisfy a bond. As a result, many defendants are being incarcerated pending disposition of their criminal cases who would otherwise not be confined.

H.R. 2286 restores bail bonds to their historic purpose by prohibiting the forfeiture of a bail bond in all situations except for a defendant's failure to appear. It does this by amending Rule 46(f)(1) of the Federal Rules of Criminal Procedure by striking "a condition of the bond is breached" and inserting "the defendant fails to appear physically before the court." The bill, however, preserves a judge's ability to revoke a defendant's bail status and order pretrial detention should a defendant violate any condition of pretrial release.

Mr. Speaker, to better understand the problems in the Federal bail bond system and to evaluate the efficacy of the H.R. 2286, this subcommittee held a legislative hearing at which we heard from an impressive panel of witnesses, which included: The Hon. ROBERT WEXLER, Congressman, Florida 19th District; the Hon. RIC KELLER, Congressman, Florida 8th District; Ms. Linda Braswell, MCBA, Braswell Surety Services, Inc., Stuart, Florida; and Hon. Tommy E. Miller, Magistrate, United States District Court, Eastern Virginia.

Mr. Speaker, it is important for us to remember that the right to bail is guaranteed by the Eighth Amendment to the U.S. Constitution. Historically, the sole purpose of affording bail to a defendant is to ensure the defendant's appearance in court. In recent years, however, Federal judges have taken to merging the purposes of bail with other conditions of release and in many cases have been ordering bonds forfeited even in cases in which the defendant actually appears in court as ordered. The bail is ordered forfeited by the court upon a determination by the court that the defendant failed to comply with some collateral condition of release.

In support of these forfeiture determinations judges rely on Federal Rule of Criminal Procedure 46(f) as authority. For example, if the defendant uses illegal drugs, fails to maintain a job, travels beyond a certain area, the defendant's bail may be revoked, and the defendant returned to jail and the bond forfeited.

Federal Rule of Criminal Procedure 46(f) has been upheld by the courts against challenge. For example, in *United States* v. *Vaccaro*, 51 F.3d 189 (9th Cir. 1995), the court held that the rule 46(f) authorized bond forfeiture for violation of collateral conditions of release and not simply for failure to appear. Moreover, courts have cited congressional failure to act to change this ruling as ratification that it is correct.

Mr. Speaker, the consequences of forfeiting bond as a method of monitoring a defendant's performance rather than for its historically narrowly tailored purpose are several. First, because bond writers are forced to consider the defendant's performance and behavior while on pretrial release, the risk to bond agents has increased dramatically, forcing them to adhere to strict underwriting guidelines. The strict guidelines adversely and disproportionately affect poor and disadvantaged defendants by exacerbating the difficulty in obtaining pretrial release. This means, of course, that only defendants with significant assets are afforded the benefits of pretrial release. Poor defendants are therefore incarcerated before conviction, even those who pose no significant risk of flight and no threat to the public.

Second, family members of the defendant or anyone willing to raise collateral to help procure a bail bond for a loved one are also put at undue risk. This is because a person who puts up his or her home or other assets as collateral may nevertheless lose their property even if the defendant attends court appearances and is not a threat to the community. Thus, fewer friends and family are willing to assist in procuring a bond and those who do may unjustly lose their assets.

Mr. Speaker, a third unintended consequence of this practice of bail forfeiture for collateral pre-trial release violations places an undue financial burden and physical strain on the prison system. Last, revoking a defendant's bond for performance issue such as unemployment reduces considerably a defendant's incentive to make court appearances. Consequently, bond revocation for a performance matter has created a flight risk of a defendant who otherwise may not have been.

In short, placing performance-based conditions on a bail bond strays from the historic purpose of a bail bond, which is to ensure the appearance of a defendant before the court as ordered. The avowed intent of H.R. 2286, sponsored by Congressman WEXLER, is to restore bail bonds to their historic purpose by prohibiting the forfeiture of a bail bond in all situations except for a defendant's failure to appear.

It does this by amending Rule 46(f)(1) of the Federal Rules of Criminal Procedure by striking "a condition of the bond is breached" and inserting "the defendant fails to appear physically before the court." The bill, however, preserves a judge's ability to revoke a defendant's bail status and order pretrial detention should a defendant violate any condition of pretrial release.

Mr. Speaker, I urge all members to support this much needed and thoughtful legislation.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2286.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1615

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 366) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, shall after the date of the enactment of this Act be known and designated as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Ernest Childers Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States.

It is an honor and a privilege for me to stand here before you today to talk about one such individual. His name was Ernest Childers.

Ernest Childers was the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, when he charged German machine gun nests against machine gun fire.

Although suffering a broken foot in the assault, Childers ordered covering fire, advanced up a hill, single-handedly killing two snipers, silencing two machine gun nests, and capturing an enemy mortar observer.

His courageous action helped American troops win the battle and save the lives of countless American soldiers. Childers was also awarded the Purple Heart and the Bronze Star for his actions.

H.R. 366 would name the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic."

Until his death on March 17, 2005, Childers was Oklahoma's last Congressional Medal of Honor recipient still living in the State. It is only fitting that we remember such a courageous soldier by naming a veterans outpatient clinic in his honor.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I certainly thank you and Chairman FILNER for bringing these four suspensions to the floor today. These bills pay tribute to the extraordinary valor and fidelity displayed under fire by three soldiers and one Marine by naming VA facilities in their honor.

In earning the Medal of Honor, Charles George, Ernest Childers, Oscar Johnson and Raymond Murphy were bestowed this Nation's highest award for valor in combat. Generally presented to its recipients by the President of the United States of America in the name of Congress, the medal is often called the Congressional Medal of Honor.

At a time when corrosive influences in our society concern many Americans, the intrepid self-sacrifice of these men, two of whom were Native Americans, endures untarnished. It is, therefore, entirely fitting that we name, in their honor, four Department of Veterans Affairs facilities that represent the fulfillment of this Nation's obligation to those who serve us and who, through their sacrifices, ensure our continued liberties.

The bill before us today, H.R. 366, was introduced by Congressman JOHN SULLIVAN, and would honor Ernest Childers, a Native American and Army veteran who was awarded the Medal of Honor for his valor in combat in Italy during World War II. I appreciate the initiative and hard work of my colleague from Oklahoma that he took in bringing this bill to the House.

A Native American of the Creek Nation from Oklahoma, Ernest Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Indian school in North Central Oklahoma. Childers deployed from Fort Sill, Oklahoma to Africa to fight the Axis in World War II.

Second Lieutenant Childers, a member of the 45th Infantry Division, was cited for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty in action September 22, 1943 at Oliveto, Italy. Having already suffered a broken foot, he single-handedly captured enemy gun positions after ordering his eight troops to cover him with fire. Displaying exceptional leadership, initiative, calmness under fire and conspicuous gallantry, Lieutenant Childers served as an inspiration to his men.

Mr. Speaker, I ask that the complete text of Lieutenant Childers' citation award be included in the RECORD.

The President of the United States in the name of the Congress takes pleasures in presenting the Medal of Honor to Ernest Childers.

Rank and organization: Second Lieutenant, U.S. Army, 45th Infantry Division. Place and date: At Oliveto, Italy, 22 September 1943. Entered service at: Tulsa, Okla. Birth: Broken Arrow, Okla. G.O. No.: 30, 8 April 1944.

Citation: For conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty in action on 22 September 1943, at Oliveto, Italy. Although 2d Lt. Childers previously had just suffered a fractured instep he, with 8 enlisted men, advanced up a hill toward enemy machinegun nests. The group advanced to a rock wall overlooking a cornfield and 2d Lt. Childers ordered a base of fire laid across the field so that he could advance. When he was fired upon by 2 enemy snipers from a nearby house he killed both of them. He moved behind the machinegun nests and killed all occupants of the nearer one. He continued toward the second one and threw rocks into it. When the 2 occupants of the nest raised up, he shot 1. The other was killed by 1 of the 8 enlisted men. 2d Lt. Childers continued his advance toward a house farther up the hill, and single-handed, captured an enemy mortar observer. The exceptional leadership, initiative, calmness under fire, and conspicuous gallantry displayed by 2d Lt. Childers were an inspiration to his men.

Mr. Speaker, Ernest Childers continued to serve his Nation after the war. He taught jungle training in Panama, and winter training in Alaska before retiring in 1965 as a Lieutenant Colonel. A brief stint with the Job Corps program in Washington ended after he suffered a heart attack. Upon returning to Oklahoma, he spoke with students about the emotional cost of war.

Most recently, Lieutenant Colonel Childers wrote an inspirational message to the Nation against racism to discourage attacks against Arab Americans after our Nation was attacked on September 11, 2001. Childers wrote, "Even though, as a Native American, I have darker skin than some Americans, that doesn't mean I'm any less patriotic. Even during those times in our history when Native Americans were persecuted and discriminated against, we still volunteered for military service."

He said, "Remember, Native Americans didn't even receive the vote until World War I, yet we served in military action because, when all is said and done, we are loyal and patriotic Americans."

Ernest Childers died on March 17, 2005. His legacy of valor and courage for future generations of American lives on and it is supremely appropriate that we recognize his legacy by naming this VA facility after him.

Mr. Speaker, I reserve the balance of my time.

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I wish to yield as much time as he may consume to the gentleman from Oklahoma (Mr. SULLIVAN), who sponsored this bill.

Mr. SULLIVAN. Mr. Speaker, I rise today in strong support of my bill, H.R. 366, which will designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, the Ernest Childers VA Outpatient Clinic to honor one of our Nation's finest military heroes.

Ernest Childers holds the distinction of being the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, where he charged the German machine gun nest against machine gun fire. Although suffering a broken foot in the assault, Childers ordered covering fire and advanced up the hill, single-handedly killing two snipers, silencing two machine gun nests, and capturing an enemy mortar observer. His courageous action helped American troops win the battle and saved the lives of American soldiers. Childers was also awarded the Purple Heart and Bronze Star for his actions.

Born in Broken Arrow, Oklahoma, Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north central Oklahoma. While stationed at Fort Sill in Oklahoma, he was deployed to Africa to fight in World War II.

Childers retired from the Army in 1965 as a Lieutenant Colonel, but remained very active in the Tulsa community, serving Indian youth which led to the naming of the middle school in Broken Arrow, Oklahoma in his honor.

As a proud Creek Indian, in 1966, Childers was honored by the Tulsa Chapter of the Council of American Indians as "Oklahoma's Most Outstanding Indian."

Of his military service in World War II, Childers once said, "This American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back." A fitting quote from a man who exemplified courage under fire and dedication to defending our Nation.

Until his death on March 17, 2005, Childers was one of Oklahoma's last Congressional Medal of Honor recipients still living in the State.

I ask my colleagues to join me in supporting this legislation to honor his life and legacy. We were honored to have him grace us with his model character, defend us with his bravery, and leave us all a life well lived.

Mr. HARE. Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no additional Members who have requested time, but I just would encourage a positive vote on this bill for, obviously, someone who loved our country very, very much, and would encourage Members to support this resolution.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 366.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HARE. Mr. Speaker, I strongly urge my colleagues to unanimously support H.R. 366.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center located at 1100 Tunnel Road, Asheville, North Carolina, shall after the date of the enactment of this Act be known and designated as the "Charles George Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Charles George Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

In its history, the Medal of Honor has been awarded only 3,463 times. 3,458 of those were awarded for separate acts of heroism. I'm here today to tell you about one such act and the extraordinary individual who performed it. I am truly in awe of his courage and selflessness.

His name was Charles George. He was a Private First Class in the United States Army. PFC George distinguished himself by going above and beyond the call of duty in action against the enemy on the night of November 30, 1952.

He was a member of a raiding party committed to engage the enemy and capture a prisoner for interrogation. Subject to intense mortar and machine gun fire, and suffering several casualties throughout the advance, he fought valiantly, and upon reaching the crest of the hill, leaped into the trenches and engaged with the enemy in hand-to-hand combat.

When friendly troops were ordered to move back upon completion of the assignment, he and 2 comrades remained to cover the withdrawal. While in the process of leaving the trenches, a hostile soldier hurled a grenade into their midst.

PFC George shouted a warning to 1 comrade, pushed the other soldier out of danger, and with full knowledge of the consequences, unhesitatingly threw himself upon the grenade, absorbing the full blast of the explosion. Although seriously wounded in this display of valor, he refrained from any outcry which would divulge the position of his companions.

The 2 soldiers evacuated him to the forward aid station and shortly thereafter he succumbed to his wounds.

This brave young man epitomized courage and self sacrifice. To show our deep appreciation, and so that we never forget, H.R. 2546 would name the Veterans Affairs Medical Center in Asheville, North Carolina, as the Charles George Department of Veterans Affairs Medical Center.

☐ 1630

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2546, which would rename the Department of Veterans Affairs Medical Center in Asheville, North Carolina, the Charles George Department of Veterans Affairs Medical Center.

This legislation was introduced by my colleague from North Carolina, Representative HEATH SHULER, and I appreciate his efforts to bring this bill to the floor for consideration so that we can pay tribute to yet another Medal of Honor recipient.

This legislation honors a soldier who made the ultimate sacrifice for his comrades in arms and for his country. As a grateful Nation, it is fitting and right to offer tribute to him by giving his name to a facility that expresses our Nation's promise to those who served us in military uniform.

Private First Class Charles George was a native of Cherokee, North Carolina, and a member of the Eastern Band of the Cherokee Nation. He served his country bravely in the U.S. Army and was posthumously awarded the Medal of Honor for his actions on the night of November 30, 1952.

On that night in Korea, Private First Class George was a member of a raiding party committed to engage the enemy and capture a prisoner for interrogation. During the execution of its mission, the group was subjected to intense enemy fire and suffered several casualties. PFC George fought valiantly and, upon reaching the crest of the hill, leapt into the trenches and closed with the enemy in hand-to-hand combat. When friendly troops were ordered to pull back upon completion of the mission, he and two comrades provided cover for the withdrawal of troops. While they were leaving the trenches, a grenade was hurled into their midst. PFC George shouted a warning to his comrades, pushed one soldier out of the way, and threw himself on the grenade. Even though severely injured and certainly in agony, PFC George remained quiet so that his comrades' position would not be disclosed. His companions evacuated him to the first aid station, where he shortly succumbed to his wounds.

Mr. Speaker, at this time I will submit the text of Private First Class George's Medal of Honor citation for the RECORD.

*GEORGE, CHARLES

Rank and organization: Private First Class, U.S. Army, Company C, 179th Infantry Regiment, 45th Infantry Division. Place and date: Near Songnae-dong, Korea, 30 November 1952. Entered service at: Whittier, N.C. Born: 23 August 1932, Cherokee, N.C. G.O. NO.: 19, 18 March 1954. Citation: PFC George, a member of Company C, distinguished himself by conspicuous gallantry and outstanding courage above and beyond the call of duty in action against the enemy on the night of 30 November 1952. He was a member of a raiding party committed to engage the enemy and capture a prisoner for interrogation. Forging up the rugged slope of the key terrain feature, the group was subjected to intense mortar and machine gun fire and suffered several casualties. Throughout the advance, he fought valiantly and, upon reaching the crest of the hill, leaped into the trenches and closed with the enemy in hand-to-hand combat. When friendly troops were ordered to move back upon completion of the assignment, he and 2 comrades remained to cover the withdrawal. While in the process of leaving the trenches a hostile soldier hurled a grenade into their midst. PFC George shouted a warning to 1 comrade, pushed the other soldier out of danger, and, with full knowledge of the consequences, unhesitatingly threw himself upon the grenade, absorbing the full blast of the explosion. Although seriously wounded in this display of valor, he refrained from any outcry which would divulge the position of his companions. The 2 soldiers evacuated him to the forward aid station and shortly thereafter he succumbed to his wound. PFC George's indomitable courage, consummate devotion to duty, and willing self-sacrifice reflect the highest credit upon himself and uphold the finest traditions of the military service.

Mr. Speaker, Private First Class Charles George's incomparable heroism exemplifies the courage, self-sacrifice, and patriotism that are woven throughout the fabric of our Armed Forces. His consuming regard for his comrades exemplifies the very strong bond of those who served in the military feel for one another. PFC George made the ultimate sacrifice for us, and it befits that signal act that we name the Asheville North Carolina VA Medical Center in his honor.

I urge my colleagues to support this excellent legislation, introduced by Mr. SHULER, so that we can name the facility in honor of a very, very brave man who helped our country and certainly the country of South Korea during the Korean War.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HARE. Mr. Speaker, I join my colleague in urging all of my colleagues to unanimously support H.R. 2546.

Mr. SHULER. Mr. Speaker, I rise today to request that a great honor be bestowed on an equally great soldier. I am referring to PFC Charles George, a son of western North Carolina who bravely sacrificed himself for his fellow soldiers and for his country. Private First Class George came from Cherokee, NC. He was a proud member of the Eastern Band of Cherokee Indians and an exemplary soldier in the U.S. Army.

On the night of November 30, 1952, George's company was operating near the South Korean village of Songnae-dong. While charging an enemy camp, Private First Class George dodged mortar and machine-gun fire, jumped into the enemy's trenches, and engaged in hand-to-hand combat. When the American soldiers were ordered to retreat, Private First Class George remained behind to ensure the safety of his withdrawing companions. The enemy then launched a grenade into his company, at which point Private First Class George dove upon the explosive, absorbing the blast and saving his comrades. He died soon after while being evacuated by his fellow soldiers.

Private First Class George was awarded the Congressional Medal of Honor and is the only member of the Eastern Band of the Cherokee Indians to be given this mark of distinction. Now, Mr. Speaker, I ask that we bestow another honor upon Private First Class George by placing his name on the Asheville VA Medical Center. This center has a 112-bed acute care facility and a 120-bed extended care facility that serves veterans in western North Carolina and sections of Georgia, South Carolina, and Tennessee. It provides quality and comprehensive primary, tertiary, and long-term health care to those who have valiantly sacrificed for our country.

Mr. Speaker, I would like to thank Chairman FILNER for his leadership on this issue, as well as the American Legion and the Eastern Band of Cherokee Indians for their diligent efforts to ensure that PFC George is given the honor he deserves. I ask that my colleagues support me in renaming the Asheville VA Medical Center the Charles George VA Medical Center.

Mr. HARE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2546.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2546.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

OSCAR G. JOHNSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2602) to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY, IRON MOUNTAIN, MICHIGAN.

The Department of Veterans Affairs medical facility in Iron Mountain, Michigan, shall after the date of the enactment of this Act be known and designated as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility". Any reference to that medical facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Oscar G. Johnson Department of Veterans Affairs Medical Facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

Medal of Honor recipients have performed selfless acts of courage. When reading their citations, we are deeply humbled by the courage and selflessness of their actions to save their comrades and to defend this great country.

H.R. 2602 would name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the Oscar G. Johnson Department of Veterans Affairs Medical Facility.

The following is from the citation for Sergeant Johnson, who at the time of his action was a private first class in the United States Army. It was September, 1944, and the Allied Forces were attempting to break the German defense line in Italy known as the "Gothic Line":

He practically single handedly protected the left flank of his company's position in the offensive to break the German Gothic Line. Company B was the extreme left assault unit of the corps. The advance was stopped by heavy fire from Monticelli Ridge, and the company took fire behind an embankment.

Sergeant Johnson, a mortar gunner, having expended his ammunition, assumed the duties of a rifleman. As leader of a squad of 7 men, he was ordered to establish a combat post 50 yards to the left of the company to cover its exposed flank.

Repeated enemy counterattacks, supported by artillery, mortar, and machine gun fire from the high ground to his front, had by the afternoon of 16 September killed or wounded all of his men. Collecting weapons and ammunition from his fallen comrades, in the face of hostile fire, he held his exposed position and inflicted heavy casualties upon the enemy, who several times came close enough to throw hand grenades at him.

On the night of September 16, the enemy launched its heaviest attack on Company B, putting its greatest pressure against the lone defender of the left flank. In spite of mortar fire which crashed about him and machine gun bullets which whipped the chest of his shallow trench, Sergeant Johnson stood erect and repulsed the attack with grenades and small arms fire.

He remained awake and alert throughout the night, frustrating all attempts at infiltration. On 17 September, 25 German soldiers surrendered to him. Two men, sent to reinforce him that afternoon, were caught in a devastating mortar and artillery barrage.

With no thought for his own safety, Sergeant Johnson rushed to the shell hole where they lay half buried and seriously wounded, covered their position by his fire, and assisted a medical corpsman in rendering aid. That night he secured their removal to the rear and remained on watch until his company was relieved.

Five companies of the German paratroop regiment had been repeatedly committed to the attack on Company B without success. Twenty dead Germans were found in front of his position. By his heroic stand and utter disregard for personal safety, Sergeant Johnson was in large measure responsible for defeating the enemy's attempts to turn the exposed left flank. What an incredible hero, Mr. Speaker.

Mr. JOHNSON is no longer with us, but we can keep alive his memory by naming the facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2602, a bill to designate the VA medical facility in Iron Mountain, Michigan, as the Oscar G. Johnson VA Medical Facility. This legislation was introduced by my colleague from Michigan, Representative BART STUPAK, and it will honor a soldier who served his country with gallantry and distinction under fire during World War II near Scarperia, Italy. I appreciate Congressman STUPAK's hard work and initiative on this legislation.

On September 16, 1944, Sergeant Johnson, a mortar gunner, expended his ammunition and assumed the duties of a rifleman. As the leader of the squad of seven men, he was ordered to establish a position 50 yards to the left of his company to cover its exposed flank. Repeated enemy counterattacks had by that afternoon killed or wounded all of his men. Collecting weapons and ammunition from his fallen comrades, he continued to hold his exposed position and inflicted heavy casualties on the enemy throughout the night. On September 17, 25 German soldiers surrendered to him; 25 soldiers surrendered to one very brave soldier.

Two men were sent out to reinforce him that afternoon, but were caught in devastating mortar fire. Sergeant Johnson secured their removal and continued to hold his position until his company was relieved on September 18. Twenty dead Germans were found in front of his position. By his heroic stand and utter disregard for personal safety, Sergeant Johnson was in large measure responsible for defeating the enemy's attempts to turn the exposed left flank.

Mr. Speaker, I will submit Sergeant Johnson's complete Medal of Honor citation into the RECORD.

JOHNSON, OSCAR G.

Rank and organization: Sergeant, U.S. Army, Company B, 363d Infantry, 91st Infantry Division. Place and date: Near Scarperia, Italy, 1618 September 1944. Entered service at: Foster City, Mich. Birth: Foster City, Mich. G.O. No.: 58, 19 July 1945. Citation: (then Pfc.) He practically single-handed protected the left flank of his company's position in the offensive to break the German's gothic line. Company B was the extreme left assault unit of the corps. The advance was stopped by heavy fire from Monticelli Ridge, and the company took cover behind an embankment. Sgt. Johnson, a mortar gunner, having expended his ammunition, assumed the duties of a rifleman. As leader of a squad of 7 men he was ordered to establish a combat post 50 yards to the left of the company to cover its exposed flank. Repeated enemy counterattacks, supported by artillery, mortar, and machinegun fire from the high ground to his front, had by the afternoon of 16 September killed or wounded all his men. Collecting weapons and ammunition from his fallen comrades, in the face of hostile fire, he held his exposed position and inflicted heavy casualties upon the enemy, who several times came close enough to throw hand grenades. On the night of 1617 September, the enemy launched his heaviest attack on Company B, putting his greatest pressure against the lone defender of the left flank. In spite of mortar fire which crashed about him and machinegun bullets which whipped the crest of his shallow trench, Sgt. Johnson stood erect and repulsed the attack with grenades and small arms fire. He remained awake and on the alert throughout the night, frustrating all attempts at infiltration. On 17 September, 25 German soldiers surrendered to him. Two men, sent to reinforce him that afternoon, were caught in a devastating mortar and artillery barrage. With no thought of his own safety, Sgt. Johnson rushed to the shell hole where they lay half buried and seriously wounded, covered their position by his fire, and assisted a Medical Corpsman in rendering aid. That night he secured their removal to the rear and remained on watch until his company was relieved. Five companies of a German paratroop regiment had been repeatedly committed to the attack on Company B without success. Twenty dead Germans were found in front of his position. By his heroic stand and utter disregard for personal safety, Sgt. Johnson was in a large measure responsible for defeating the enemy's attempts to turn the exposed left flank.

Mr. Speaker, Sergeant Johnson continued to serve his country after the war. He served as a foreman of a National Guard vehicle maintenance shop in Lansing, Michigan, giving his Nation 30 years of service with the National Guard. On May 13, Mr. Johnson died in Iron Mountain, Michigan, leaving behind a legacy of heroism and gallantry.

I support H.R. 2602 as a fitting tribute to a good man who served his Nation well, not just in war but also throughout his life. I certainly urge all of the Members to support this and would remind the Members that certainly Mr. Johnson is one of the many reasons why we do call this, Mr. Johnson's era, the "Greatest Generation."

Mr. Speaker, I yield back the balance of my time.

Mr. HARE. Mr. Speaker, at this time I would like to yield such time as he may consume to the author of this wonderful piece of legislation, Congressman BART STUPAK from the State of Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me time.

I rise today in support of H.R. 2602, a bill to name the Veterans Affairs medical facility in Iron Mountain, Michigan, after Oscar G. Johnson. I am proud to have authored this legislation and proud to bring it to the floor. Oscar Johnson was a friend of mine, and he was a legend in Michigan's Upper Peninsula.

I would like to thank Chairman FILNER and Ranking Member BUYER for their support of this legislation.

As was mentioned, Oscar Johnson was a Congressional Medal of Honor winner and a Dickinson County native. He was awarded the Congressional Medal of Honor for his actions in combat near Scarperia, Italy, in September, 1944.

☐ 1645

I will not go through all the details, as that has already been done by the previous two speakers who have eloquently outlined the heroic actions of Oscar Johnson. Mr. HARE and Ms. GINNY BROWN-WAITE did an excellent job in doing that. I would like to add a few other thoughts.

As was indicated, Sergeant Johnson's service to his country did not stop after he returned home from World War II. In fact, Mr. Johnson continued to serve honorably as a foreman of the National Guard vehicle maintenance shop in Lansing, Michigan, our State capital.

During his 30 years of service, Mr. Johnson worked alongside and guided young soldiers, Vietnam-era veterans, and newly enlisted women in our military service. Oscar Johnson quickly became a beloved member of his local community and exemplified the dedication and sacrifice made by all the men and women who served in the Armed Forces, especially during World War II. He was a local hero and a great American. Mr. Johnson is one of 68 World War II Medal of Honor recipients to have survived combat.

Mr. Johnson passed away in 1998 and developed a reputation for conducting himself with modesty, dignity and honor.

At this time, I will enter into the RECORD an article entitled, "A Soldier's Story," which appeared in the Iron Mountain Daily News after his death in 1998. This article eloquently describes Mr. Johnson's heroic actions during World War II and his commitment to this country.

A SOLDIER'S STORY

(By Jim Anderson)

Oscar Johnson was reluctant, in a newspaper interview, to relate the details of a World War II battle that earned him the Congressional Medal of Honor.

"The way they describe my role, it sounds like I might have been a little better than I was," he said.

The story of the battle, as told in his medal presentation, is extraordinary.

Johnson, a soldier from Foster City, practically single-handedly defended the left flank of his company's position from a German paratroop regiment.

The certificate accompanying his Medal of Honor, the nation's highest military decoration, tells it as follows:

Near Scarperia, Italy in September 1944, Johnson's company (Company B) was stopped by heavy fire from Monticelli Ridge and took cover behind an embankment. Johnson, a mortar gunner, having expended his ammunition, assumed the duties of a rifleman.

As leader of a squad of 7 men, he was ordered to establish a combat post 50 yards to the left of Company B to cover its exposed flank. Repeated enemy counterattacks, supported by artillery, mortar and machine gun fire from the high ground, had by the afternoon of Sept. 16 killed or wounded all his men.

Collecting weapons and ammunition from his fallen comrades, in the face of hostile fire, he held his exposed position and inflicted heavy casualties upon the enemy, who several times came close enough to throw hand grenades.

That night, the enemy launched a heavy attack on Company B, putting its greatest pressure against the lone defender of the left flank.

In spite of mortar fire that crashed about him and machine gun bullets that whipped the crest of his shallow trench, Johnson stood erect and repulsed the attack with grenades and small-arms fire.

He remained awake and on the alert throughout the night, frustrating all attempts at infiltration.

On Sept. 17, 25 German soldiers surrendered to him. Two men were sent to reinforce him that afternoon, but were caught in a mortar and artillery barrage.

Johnson, ignoring his own safety, rushed to the shell-hole where they lay half-buried and seriously wounded, covered their position by his fire, and assisted a medic in rendering aid. That night, he secured their removal to the rear and remained on watch until his company was relieved.

Five companies of the German paratroop regiment had been repeatedly committed to the attack against Company B without success. Twenty dead Germans were found in front of Johnson's position.

According to his presidential citation, Johnson's heroic stand and utter disregard for personal safety was in large measure responsible for defeating the enemy's attempts to turn the exposed left flank.

Oscar Johnson, one of the rare recipients of the Medal of Honor to have survived combat, died Wednesday at the age of 77.

He had gone on, after the war, to serve as foreman of a National Guard vehicle maintenance shop in Lansing. During 30 years of duty with the Guard, he saw a lot of changes.

"During the '50s, we got a lot of boys joining to avoid the draft," he said in a 1980 Panax Newspapers interview. "A lot of them were farm boys who knew a lot about equipment. I enjoyed working with them. Now we get guys in who have to be taught to drive a stick-shift."

The biggest change, he said, was working with women.

"I can't say anything bad about them," he said. "They make real good jeep drivers and they seem to have more responsibility toward their vehicles. They don't think a thing about pulling out a battery or crawling underneath with an oil pan."

He said the Vietnam-era veterans he worked with at the Guard were really no different than the veterans of World War II or the Korean War.

"The biggest difference is that they don't get as much attention," he said.

After his Guard service, Johnson retired in Dickinson County.

He was a regular church-goer.

A couple of years ago, he attended a Good Friday service at First Lutheran Church in Iron Mountain. I'm sure he attended many others—this happened to be one I managed to make.

Part of the service is the reading of the "Good Friday Solemn Reproaches," representing the agony and reproaches of the crucified Savior.

This line is included:

"I grafted you into the tree of my chosen Israel, and you turned on them with persecution and mass murder."

Those lines might have been echoing in my thoughts when I noticed Oscar.

The sight of his ruddy face and white hair made it especially clear that it took his sacrifices, and those of countless others, to stop the unspeakable horrors inflicted on Jews in Europe.

Near the end of the service, after a silence is kept for meditation on the mystery of redemption, there is a time to visit a cross at the altar.

Traditionally, one is to bow before the cross, touch it, or kiss it.

Oscar Johnson approached the cross, walking with a slight limp as he did in his later years, but with a sure confidence and grace.

He didn't bow before the cross, touch it, or kiss it.

What he did was this. He gave it a casual, respectful soldier's salute and limped back to his pew.

To this day, the memory of that simple gesture brings forward tears.

Maybe it's true, as Johnson claimed, that the Medal of Honor story made him sound a little better than he was.

It must also be true that he was more.

So it is fitting tonight that we honor Oscar Johnson, his years of service and his family by naming the Veterans Affairs Medical Facility in Iron Mountain Michigan the "Oscar G. Johnson Department of Veterans Affairs Medical Facility."

This legislation has been endorsed by the city of Iron Mountain, the Veterans of Foreign Wars, the American Legion, Disabled American Veterans and the Military Order of the Purple Heart.

Mr. Johnson was the last Congressional Medal of Honor winner living in the Upper Peninsula. As I stated earlier, he was a friend of mine. I first introduced this legislation in 2000, it is now 2007. It is time for the family and friends to have the honor of Oscar Johnson having his name attached to the VA Medical Facility in Iron Mountain, Michigan.

I would also like to thank the entire Michigan U.S. House delegation for cosponsoring this legislation, and our two Senators, STABENOW and LEVIN, for their support of this legislation. And I thank the previous speakers.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2602.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HARE. Mr. Speaker, I urge my colleagues to unanimously support H.R. 2602.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2602.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAYMOND G. MURPHY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 229) to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building known and designated as the "Department of Veterans Affairs Medical Center" located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 9, 1861, Iowa Senator James W. Grimes introduced S. 82 in the United States Senate, a bill designed to "promote the efficiency of the Navy" by authorizing the production and distribution of "medals of honor". On December 21 the bill was passed, authorizing 200 such medals be produced "which shall be bestowed upon such petty officers, seamen, landsmen and Marines as shall distinguish themselves by their gallantly in action and other seamanlike qualities during the present war." President Lincoln signed the bill, and the Medal of Honor was born.

The first Medal of Honor was the Navy Medal of Honor. Raymond Murphy was a Second Lieutenant in the United States Marine Corps when he risked his life and went above and beyond the call of duty as a platoon commander in action against the enemy.

Although painfully wounded by fragments from an enemy mortar shell while leading his evacuation platoon, Second Lieutenant Murphy refused medical aid and continued to lead his men up a hill through hostile mortar and small-arms fire, while shouting words of encouragement to his men.

Under the increasing intense enemy fire, he immediately located casualties as they fell and made several trips up and down the fire-swept hill to direct evacuation teams to the wounded, personally carrying many of the stricken Marines to safety. When reinforcements were needed by the assaulting elements, Second Lieutenant Murphy employed part of his unit as support and, during the ensuing battle, personally killed 2 of the enemy with his pistol.

With all the wounded evacuated and the assaulting units beginning to disengage, he remained behind with a carbine to cover the movement of friendly forces off the hill, and although suffering intense pain from a previous wound, seized an automatic rifle to provide more firepower when the enemy reappeared in the trenches.

After reaching the base of the hill, he organized a search party and again ascended the slope for a final check on missing Marines, locating and carrying the bodies of a machine gun crew back down the hill.

Wounded a second time while conducting the entire force to the line of departure through a continuing barrage of enemy small-arms, artillery and mortar fire, he once again refused medical attention until assured that every one of his men, including all the casualites, had preceded him to the main lines.

Second Lieutenant Murphy's actions epitomize the Marine Corps motto, Semper Fidelis, "always faithful," and demonstrate his loyalty and commitment to marine comrades-in-arms.

After the war, Mr. Murphy continued his service to his veteran comrades in New Mexico, serving as Director of Veteran Services at the VA center in Albuquerque, New Mexico.

Renaming the VA Medical Center in Albuquerque, New Mexico is a fitting tribute to a tireless advocate of veterans.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am pleased that we are considering S. 229 on the House floor today. This Senate bill would name the VA Medical Center in Albuquerque, New Mexico the Raymond G. "Jerry" Murphy Department of Veterans Affairs Medical Center.

Jerry Murphy was awarded the Medal of Honor and the Silver Star for heroism during the Korean War. Its companion bill in the House, H.R. 474, introduced by Representative WILSON, has the support of the entire New Mexico delegation as well as Governor Richardson from that State.

During his service in the United States Marine Corps, Second Lieutenant Murphy was cited for his "conspicuous gallantry at the risk of his life and above and beyond the call of duty as a platoon commander. He was twice wounded, but he repeatedly refused medical attention and continued to lead his men in an assault against a cleverly concealed and well-entrenched enemy force.

Mr. Speaker, at this time I would submit for the RECORD the text of Lieutenant Murphy's Medal of Honor citation.

MURPHY, RAYMOND G.

Rank and organization: Second Lieutenant, U.S. Marine Corps Reserve, Company A, 1st Battalion, 5th Marines, 1st Marine Division (Rein.). Place and date: Korea, 3 February 1953. Entered service at: Pueblo, Colo. Born: 14 January 1930, Pueblo, Colo. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a platoon commander of Company A, in action against enemy aggressor forces. Although painfully wounded by fragments from an enemy mortar shell while leading his evacuation platoon in support of assault units attacking a cleverly concealed and well-entrenched hostile force occupying commanding ground, 2d Lt. Murphy steadfastly refused medical aid and continued to lead his men up a hill through a withering barrage of hostile mortar and small-arms fire, skillfully maneuvering his force from one position to the next and shouting words of encouragement. Undeterred by the increasing intense enemy fire, he immediately located casualties as they fell and made several trips up and down the fire-swept hill to direct evacuation teams to the wounded, personally carrying many of the stricken marines to safety. When reinforcements were needed by the assaulting elements, 2d Lt. Murphy employed part of his unit as support and, during the ensuing battle, personally killed 2 of the enemy with his pistol. With all the wounded evacuated and the assaulting units beginning to disengage, he remained behind with a carbine to cover the movement of friendly forces off the hill and, though suffering intense pain from his previous wounds, seized an automatic rifle to provide more firepower when the enemy reappeared in the trenches. After reaching the base of the hill, he organized a search party and again ascended the slope for a final check on missing marines, locating and carrying the bodies of a machine gun crew back down the hill. Wounded a second time while conducting the entire force to the line of departure through a continuing barrage of enemy small-arms, artillery, and mortar fire, he again refused medical assistance until assured that every one of his men, including all casualties, had preceded him to the main lines. His resolute and inspiring leadership, exceptional fortitude, and great personal valor reflect the highest credit upon 2d Lt. Murphy and enhance the finest traditions of the U.S. Naval Service.

Mr. Speaker, after the Korean War, Jerry Murphy spent most of his adult life in service to New Mexico's veterans. He was Director of the Veterans Services Division of the Albuquerque, New Mexico, VA Regional Office from 1974 to 1997.

Jerry Murphy was a paragon of service because after his retirement he served as a volunteer at the VA Hospital, pushing veterans in their wheelchairs to their appointments. Many of those veterans did not know who was helping them, but that's the kind of man that Jerry was. This brave marine and true comrade left this Earth on April 6, 2007. Of course he was buried wearing his VA Hospital volunteer smock.

Mr. Speaker, no one could be more deserving of having a VA Hospital named after him than Jerry Murphy, who served his country with conspicuous gallantry and intrepidity well beyond the call of duty.

I urge my colleagues to support S. 229.

Mr. Speaker, I reserve the balance of my time.

Mr. HARE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of legislation to rename the VA Medical Center in Albuquerque, New Mexico after Raymond "Jerry" Murphy. I believe this naming will go far to honor a veteran who gave so much of his personal life and professional career to this Nation.

After serving as a Marine Corps captain in Korea and earning the Congressional Medal of Honor, Mr. Murphy spent over 20 years as the VA Director of Veterans Services at the very VA medical center this legislation would rename after him. He was a tireless advocate for veterans and helped thousands of veterans and their families over the decades.

While the entire delegation has risen in strong support of this legislation, it should be noted that both New Mexico's veterans' service organizations and John Garcia, the Secretary of Veterans Services in New Mexico and a veteran himself, initiated this renaming, bringing the service of Mr. Murphy to our attention and suggesting the legislation.

Both Senator DOMENICI and Representative WILSON are to be commended for introducing this legislation, and Senator DOMENICI for getting it out of the Senate and getting it over here to the House so that we could act upon it.

Additionally, I would like to thank Chairman FILNER for his leadership on this legislation and his leadership on all veterans issues.

Unfortunately, Mr. Murphy fell ill with cancer and passed away before this honor could be bestowed upon him. However, this naming will ensure that future generations of New Mexicans will learn of the selfless work of Mr. Murphy, and hopefully many more will emulate him in devoting their lives to public service.

Mr. Murphy personified duty, and I'm pleased that this legislation will be passing the House today.

Mr. HARE. Mr. Chairman, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield to the gentlelady from New Mexico (Mrs. WILSON) as much time as she may consume.

Mrs. WILSON of New Mexico. Mr. Speaker, in January of this year, I introduced the companion to the Senate measure that we're considering today, and I wanted to thank both my colleagues from New Mexico, Mr. PEARCE and Mr. UDALL, for their support of that legislation.

I'm very happy today that the House is taking up the Senate version of this bill, which is supported both by Senator BINGAMAN and by Senator DOMENICI. I am also very pleased that the governor of New Mexico, Governor Richardson, and a wide variety of veterans' organizations in New Mexico, have supported this legislation.

Jerry Murphy passed away on April of this year, on Good Friday. He was a hero in Korea, as my colleagues have pointed out, but it's the way he chose to spend the rest of his life that makes him so special to New Mexico's veterans. He was a Second Lieutenant in the Marine Corps Reserves. He volunteered to go into the Marine Corps when it looked as though he was going to be drafted and sent to Korea in the Army and he thought the Marine Corps might suit him better. In 1952, he commanded an infantry platoon in the Fifth Marines in Seoul, Korea, and was a recipient of the Silver Star.

In February of 1953, he positioned his unit about the Imjin River facing the Chinese Communist troops. Their job was to continually push the Chinese lines to keep them from getting too dug in. He was commanding the reserve platoon, and as the battle went on and he sensed that the operation was not being executed as planned because there were no wounded coming back to the lines, he decided he had to go forward and find out what was going on. When he took his platoon forward, he found that all the officers and the noncommissioned officers of the two assault platoons were dead or wounded, and there was mass confusion among the troops.

He very quickly took command, and in the midst of machine gun fire, he ordered his men to find their comrades and evacuate the area. He made several trips in the midst of heavy gunfire to rescue casualties. At one point, he was helping to lift a stretcher and he was hit in the back by the fragments of an enemy grenade. He refused medical attention and continued to lead his men to rescue their wounded comrades.

As he continued to command his reserves, he came face to face with two Chinese soldiers, and he killed them both. The Chinese entered the trenches as the last American wounded troops were being evacuated. Jerry Murphy picked up an automatic rifle and held off the Chinese Communist forces until all of the marines were safe.

He then went and counted all his marines. He noticed he had a handful still missing, and he went back to the top of the hill with a search team. He located the bodies of a machine gun crew and took them down the hill.

☐ 1700

At this point, he was wounded a second time. He again refused medical treatment until all his men had preceded him into the main line. He eventually received treatment and returned to America.

In October, 1953, when he was in graduate school, Jerry Murphy was awarded the Medal of Honor. It was presented to him by President Eisenhower on October 27, 1953.

For more than 20 years after Jerry Murphy left the service, he dedicated his life to serving New Mexico veterans. He served at the VA hospital as Director for Veterans Services. For 23 years, he provided lots of support to all kinds of veterans in New Mexico. The neat thing is that even after he retired from the VA, he continued to volunteer at the VA hospital.

One of the VA hospital employees once told me that Jerry Murphy was a volunteer; he had his turquoise smock on, and he would push veterans to and from their appointments at the VA hospital. The veterans had no idea who it was that was pushing them around in their wheelchairs. He was always a humble servant. That is the kind of man he was: A quiet, humble servant, soft-spoken, a modest man who was concerned with his fellow soldiers. His humility really never ended. You know, if you think about this guy, he was a Marine, a Medal of Honor winner, and he chose to be put to rest wearing his VA volunteer smock. He will be missed by his family and his wife, Mary Ann.

I want to commend Senators DOMENICI and BINGAMAN for sponsoring this legislation and ushering it through the Senate; my colleagues, Mr. PEARCE and Mr. UDALL, for cosponsoring the House version of the bill; Secretary John Garcia of New Mexico for first suggesting to all of us that it might be appropriate to name the VA medical center after Jerry; the chairman and ranking member of the Veterans Affairs Committee, Mr. BUYER and Mr. FILNER, for their leadership and willingness to bring this legislation forward.

Mr. Speaker, I urge passage of this bill.

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentlewoman from Florida for yielding.

Mr. Speaker, I thank the chairman of the committee for his work on this important bill; Senator DOMENICI, Senator BINGAMAN, Secretary Garcia, Governor Richardson, Congressman UDALL, and Congresswoman WILSON for their lead in recognizing Jerry Murphy's life of service.

We have heard about his exploits. We have heard about the valor that he displayed under fire. Many of us too often believe that heroism can only be exhibited in those extreme circumstances. But I would say that it takes more courage to live a life of service that he chose to live after his heroic exploits where he was awarded the Nation's highest award for valor where he received the Silver Star, the Purple Heart, the Korean Service Medal, the Bronze Stars. This was a true hero. Yet, he wasn't faced with multi-million dollar book signing deals, no movie contracts; just a quiet life serving other veterans who are often overlooked.

The Korean War is often referred to in New Mexico by veterans of that conflict as "the Forgotten War," because so many of the veterans of that time have simply been overlooked. Yet, Jerry Murphy chose to live a life where he remembered each and every one of them. So, it is entirely appropriate today that we would name a facility in New Mexico for the guy who worked at the facility, always remembering those forgotten veterans. That is the kind of life that takes real valor and real heroism to live day after day after day.

For his quiet life of service, we are simply saying, Thank you for a job well done, Mr. Murphy. God bless you and keep you.

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, at each opportunity granted us to consider a bill honoring the service of a Medal of Honor recipient, I stand in awe of the dedication to country and comrades these people displayed through their lives, whether those lives extended beyond their act of bravery or were ended in that the act.

Of the four Medal of Honor recipients to whom we have paid tribute today, one made the ultimate sacrifice for his comrades and his Nation. Three survived the battle to return home where they continued to serve their Nation through service in the military and through service to the Federal Government. Many who lived and worked with them had no knowledge that these men had received America's highest award for valor in combat. Their lives of quiet humility only accentuated their moments of resounding achievement.

The great example of those lives and those moments will, with passage of these bills, Mr. Speaker, be enshrined in the namings that we are now considering.

We must remember that we are voting not simply to name four buildings; we are consecrating the gift of four lives lived well.

Mr. Speaker, I urge my colleagues to support S. 229.

Mr. Speaker, I yield back the balance of my time.

Mr. HARE. Mr. Speaker, in closing, I have had the opportunity I think twice now to be able to manage bills on the floor of the House. I want to say that today is a very proud day for me. These are four great, great men; heroes they are, one and all. I am honored, and I thank the committee for allowing me the opportunity to do this.

As my colleague said, this isn't just naming buildings after somebody. This is really a lasting memory of people who have given everything they have ever had. Everything we are as a Nation we owe to these four great people.

I urge my colleagues to unanimously support Senate bill 229.

Mr. BUYER. Mr. Speaker, I rise today to express my support for four bills that are before the House. H.R. 366, H.R. 2546, H.R. 2602, and S. 229 honor four Medal of Honor recipients who through their diligence and self-sacrifice protected the freedoms we hold dear today. As we move toward the Fourth of July recess, it is fitting that we pay tribute to these four men, two of whom were Native Americans.

H.R. 366 would pay honor to Ernest Childers by naming the VA Outpatient Clinic in Tulsa, OK, the "Ernest Childers Department of Veterans Affairs Outpatient Clinic." A Creek Indian from Oklahoma, Ernest Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north-central Oklahoma. He was deployed to Africa to fight in World War II, and retired from the Army in 1965 as a Lieutenant Colonel. During action in 1943 in Oliveto, Italy, Childers ordered covering fire and advanced up a hill, single-handedly killing two snipers, silencing two machine gun nests and capturing an enemy mortar observer. His courageous action helped American troops win the battle and save the lives of American soldiers. Ernest Childers was also awarded the Purple Heart and the Bronze Star for his actions.

H.R. 2546 would honor the sacrifice of a Cherokee Indian from North Carolina, Private First Class Charles George, who made the ultimate sacrifice while serving his country in Korea. This legislation would name the VA Medical Center in Asheville, NC, as the "Charles George Department of Veterans Affairs Medical Center." Private First Class George displayed gallantry and outstanding courage above and beyond the call of duty in action against the enemy, when enemy forces launched a grenade into his company and after calling out a warning to his comrades, he pushed one soldier out of danger, and with full knowledge of the consequences, unhesitatingly threw himself upon the grenade, absorbing the full blast of the explosion. It is more than fitting that we name this VA facility in his honor.

H.R. 2602 would pay tribute to Oscar G. Johnson by naming the VA Medical Facility in Iron Mountain, MI, the "Oscar G. Johnson Department of Veterans Affairs Medical Facility." Another of our World War II heroes, U.S. Army Sergeant Oscar Johnson led his company to protect the left flank of an offensive to break the German's Gothic Line. Under heavy fire, most of his company were either killed or wounded. Yet Sergeant Johnson held the line, and continued to single-handedly hold the line from September 16–18, 1944. On September 17, 1944, 25 German soldiers surrendered to him. He was sent two additional men to reinforce his position, but they were both injured and were removed to their rear. He remained on watch through the night, and when finally relieved of his post on September 18, 1944, 20 dead Germans were found in front of his position. By his heroic stand and utter disregard for personal safety, Sergeant Johnson was in a large measure responsible for defeating the enemy's attempts to turn the exposed left flank.

The final bill under consideration is S. 229, which would honor Raymond G. "Jerry" Murphy by naming the VA Medical Center in Albuquerque, NM, the "Raymond G. Murphy Department of Veterans Affairs Medical Center." Serving in the U.S. Marine Corps Reserve in Korea, Second Lieutenant Murphy had positioned his unit above the Imjin River facing the Chinese Communist troops. On February 3, 1953, American forces attacked the Chinese Communists who were dug into high ground. As the battle went on, sensing the operation was not being executed as planned, Lieutenant Murphy led his reserve platoon up the hill to find all the officers and noncoms of the two assault platoons dead or wounded and confusion among the troops. In the midst of machine gunfire, he ordered his men to find their comrades and evacuate the area. Jerry Murphy made several trips in the midst of heavy gunfire to rescue casualties. At one point, Jerry Murphy was helping lift a stretcher when he was hit in the back by fragments of an enemy grenade. He refused medical attention and continued to lead his men to rescue their wounded comrades, holding off the Chinese Communist troops with an automatic rifle until all the Marines were safe. Wounded a second time, Second Lieutenant Murphy continued to refuse treatment and provided cover for his troops, until all Marines were safe and accounted for. The House companion bill for S. 229 is H.R. 474, introduced by Congresswoman HEATHER WILSON.

The four men we pay tribute to today served their country with honor, valor, and courage. The three Medal of Honor recipients who survived to return to the United States continued to serve their country in the military and in public service. After his retirement from the military in 1965, Ernest Childers continued his public service as a leader among the Creek Nation, and spoke out against racism. Oscar Johnson continued to serve his country as the foreman of a National Guard vehicle maintenance shop in Lansing, MI, and served for 30 years with the National Guard. Raymond Murphy dedicated 20 years of his life helping veterans in New Mexico, serving as the Director of the Veterans Services Division of the Albuquerque, NM, VA Regional Office from 1974–1997. After his retirement from the VA, he continued to volunteer at the VA hospital in Albuquerque. As a final tribute to the veterans he cared for, upon his death this past April, Raymond Murphy requested to be buried in his VA Volunteer smock.

It is right and fitting that we pay tribute to these Medal of Honor recipients, who through their service to a grateful Nation, continue to provide inspiration, pride and encouragement for generations to come.

Mr. HARE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the Senate bill, S. 229.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1281) to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Practices and Voter Intimidation Prevention Act of 2007".

SEC. 2. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"§618. Deceptive practices in Federal elections

"(a) Whoever, before or during a Federal election knowingly communicates election-related information about that election, knowing that information to be false, with the intent to prevent another person from exercising the right to vote in that election, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'Federal election' means any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; and

"(2) the term 'election related information' means information regarding—

"(A) the time, place, or manner of conducting the election;

"(B) the qualifications for or restrictions on voter eligibility for the election, including—

"(i) any criminal penalties associated with voting in the election; or

"(ii) information regarding a voter's registration status or eligibility;

"(C) with respect to a closed primary election, the political party affiliation of any candidate for office, if the communication of the information also contains false information described in subparagraph (A) or (B); or

"(D) the explicit endorsement by any person or organization of a candidate running for any office voted on in the election.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"618. Deceptive practices in Federal elections.".

SEC. 3. MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.

Section 594 of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

SEC. 4. SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 90 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under sections of title 18, United States Code, that are added or modified by this Act.

(b) AUTHORIZATION.—The United States Sentencing Commission may, for the purposes of the amendments made pursuant to this section, amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

SEC. 5. REPORTING VIOLATIONS AND REMEDIAL ACTION.

(a) REPORTING.—Any person may report to the Attorney General any violation or possible violation of section 594 or 618 of title 18, United States Code.

(b) CORRECTIVE ACTION.—

(1) IN GENERAL.—Immediately after receiving a report under subsection (a), the Attorney General shall consider and review such report and, if the Attorney General determines that there is a reasonable basis to find that a violation has occurred, the Attorney General shall—

(A) undertake all effective measures necessary to provide correct information to voters affected by the false information; and

(B) refer the matter to the appropriate Federal and State authorities for criminal prosecution or civil action after the election.

(2) REGULATIONS.—

(A) IN GENERAL.—The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraph (1). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations.

(B) STUDY.—

(i) IN GENERAL.—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraph (1) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report detailing the results of the study conducted under clause (i).

(3) PUBLICIZING REMEDIES.—The Attorney General shall make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities, contact information, and complaint procedures applicable under this section.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to Congress a report compiling and detailing any allegations of false information submitted pursuant to subsection (a) and relating to such election.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) detailed information on specific allegations of deceptive tactics;

(B) statistical compilations of how many allegations were made and of what type;

(C) the geographic locations of and the populations affected by the alleged deceptive information;

(D) the status of the investigations of such allegations;

(E) any corrective actions taken in response to such allegations;

(F) the rationale used for any corrective actions or for any refusal to pursue an allegation;

(G) the effectiveness of any such corrective actions;

(H) whether a Voting Integrity Task Force was established with respect to such election, and, if so, how such task force was staffed and funded;

(I) any referrals of information to other Federal, State, or local agencies;

(J) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations; and

(K) any criminal prosecution instituted under title 18, United States Code, in connection with such allegations.

(3) REPORT MADE PUBLIC.—On the date that the Attorney General submits the report required under paragraph (1), the Attorney General shall also make the report publicly available through the Internet and other appropriate means.

(d) DELEGATION OF DUTIES.—

(1) IN GENERAL.—The Attorney General shall delegate the responsibilities under this section to a Voting Integrity Task Force established under paragraph (2).

(2) VOTING INTEGRITY TASK FORCE.—

(A) IN GENERAL.—The Attorney General shall establish a Voting Integrity Task Force to carry out the requirements of this section with respect to any general, primary, run-off, or special election for Federal office.

(B) COMPOSITION.—Any Voting Integrity Task Force established under paragraph (1) shall be under the direction of the Assistant Attorney General for the Civil Rights Division and the Assistant Attorney General for the Criminal Division, jointly.

(e) FEDERAL OFFICE.—For purposes of this section, the term "Federal office" means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the lead sponsors, the gentleman from Illinois, RAHM EMANUEL; the gentleman from New Jersey, RUSH HOLT; the gentleman from California, XAVIER BECERRA; the gentleman from California, MIKE HONDA; and the gentleman from Minnesota, KEITH ELLISON, with more than 50 other cosponsors of this important legislation to protect the right to vote. Obviously there is no more important issue that comes before this Congress than protecting the right to vote. It is the cornerstone right of our democracy. Without it, all other rights and privileges enjoyed by us are in jeopardy.

Protecting this right, however, has not been an easy task. Historically, it was not until passage of the 1965 Voting Rights Act that we began to accord the highest meaning to that right. Less than 40 years later, however, we endured the debacle of the Florida 2000 presidential election.

□ 1715

And the problems continue. In the most recent midterm and presidential elections, we learned of numerous incidents in which deceptive practices were used to thwart and frustrate citizens from exercising the right to vote. Some voters were, believe it or not, told to vote on the wrong day. Wednesday is not the right day to vote in congressional or presidential elections. Others were told that they could not vote without paying outstanding parking tickets. Others were told that they would be imprisoned if they voted without paying overdue utility bills. Ultimately, eligible voters were misled, deceived and disenfranchised in a number of other ways.

It is our collective intent in the Judiciary Committee to end this practice, and we are here talking about seriously protecting the right to vote.

I believe every Member of the House of Representatives cares deeply about this issue, and that is why we must pass the measure under consideration, for this bill explicitly prohibits deceptive practices, provides voters with greater Federal protection and increases the penalty for voter intimidation and misinformation in campaigns.

What makes me proud of this measure is that so many of our organizational friends in the voting rights community and the civil rights community as well have joined us in support of this legislation. Among them are the People For the American Way, the very historic Lawyers Committee For Civil Rights Under Law, the NAACP, the ACLU, the Jewish Council For Public Affairs, and the New York City Bar itself.

This is not an entire solution for reforming and improving the election process. Among other things, we also need to reduce our reliance on unverifiable electronic voting machines, which undermine accountability and our citizens' confidence in election results. We also need to ensure a fair allocation of voting machines in polling places, as well as a unified system of educating those who work the polls as to the rules and procedures. We should make election day a national holiday, so no one has to choose between their responsibilities as citizens and their responsibilities to their employers.

But this legislation is an important step and one that we should take today. Let's face it: If we allow the infrastructure of our democracy to remain frazzled and to decay, our citizens will rightly lose confidence in the legitimacy of the voting process, and we should work to keep that from ever happening.

Mr. Speaker, I am proud to join with all of my colleagues on both sides of the aisle to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Illinois, Mr. RAHM EMANUEL, whose genius brought this measure into existence. He thought long and hard about this before we all got on board.

Mr. EMANUEL. Mr. Speaker, I want to thank the chairman and my colleagues Mr. HOLT from New Jersey, Mr. BECERRA from California, Mr. HONDA from California and Mr. ELLISON from Minnesota in joining me in sponsoring this legislation and bringing it to the floor today.

Mr. Speaker, I remember when we had this legislation in the full committee by Chairman CONYERS. About a week earlier than that, I had taken my 10-year-old down to Selma for the anniversary of the March over the bridge. It was his birthday gift, and we went on that march with JOHN LEWIS. And through the museums we walked through, my son and I were reminded of how the State was used to intimidate voters from exercising their right to vote. America reached out and widened the circle of democracy by ensuring that those who wanted to exercise their right to vote had a chance to vote.

That week, when I came back from Selma, we were in the full committee marking up this legislation. What had happened, and I noted then in the committee and others had noted, and it was not unique, was that the baton of intimidation had been transferred from the State to parties. They intimidated voters using leaflets to falsify voting places, days of voting and what information was required to vote. Phone calls had been used, all types of information, to basically dissuade Americans from exercising their right to vote. Through the 1950s, 1940s, 1930s, et cetera, that was the voice of our State governments and apparatus, to intimidate voters.

That insane act of intimidation, in communities across America and neighborhoods, now that baton had been passed to State parties, who were doing the same thing, suppressing people's right to exercise their right to vote.

Three years ago in this hall in the President's State of the Union, he recognized a young woman from Iraq who voted. She held up her purple finger. Colleagues, on the Republican side of the aisle, they also marked their finger purple, recognizing the importance of voting. Iraq and the people of Iraq, Sunni, Shia and Kurd, had taken that step of courage and voted. She came here in the State of the Union in this hall, the hall of democracy that people around the world look at, and said, you protected our right to vote.

This legislation is intended to ensure that individuals do not receive phone calls lying and deceiving about where they vote; they do not receive leaflets telling them they need other information than they properly need to vote; and, most importantly, that the location of where they are voting had been changed, when it never had been changed, all in an attempt to suppress the voting by individuals across communities and to depress the turnout of people who wanted to vote on Election Day.

The chairman of the committee noted other things we have to do, like a paper trail for voting to ensure the integrity on election day.

This legislation ensures that if you try to use acts of intimidation to deprive people of the right to vote, the United States Government, with the full force of its laws, will say there is a higher penalty and you will pay a price for that act of deception.

I commend Members on both sides of the aisle for bringing up this legislation. It is bipartisan in nature and in its finest sense it speaks to the voice of democracy. Whatever our policy differences on other subjects, we ensure that when people want to vote, they have a right to vote, and that the agencies of both our parties and our government don't try to intimidate people from exercising that right, but encourage them to vote.

That is what the Act here is. I am proud that this legislation not only receives bipartisan support, but wide support across both parties, because it speaks to what is so appropriately the American way and what is right about voting.

Mr. Speaker, nothing is more American than voting and nothing could be more un-American than deceiving one from taking the right to vote.

I want to thank the chairman for bringing this legislation to the floor today.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was delighted to hear the gentleman from Illinois talk about having made the trip to Selma with JOHN LEWIS this year. I had the privilege of doing that several years ago and learned the experiences that you can learn only by being there and walking down the avenues that great men like JOHN LEWIS traveled.

One of the things that is important for us to remember is we have heard discussions here today about the denial of the right to vote, and that denial changes from generation to generation in the methodology used to deny people.

At one time we heard discussions about the denial by the State of individuals' right to vote. We have also heard discussions about it is a denial to vote if you fraudulently give information to individuals about their voting rights. But it is equally a denial if you are here illegally and you are voting by non-citizen, and that is a denial to individuals legally voting in elections, and that is just as much of a problem. It is also a denial if we have people voting in elections when they are not legally entitled to do so.

So, Mr. Speaker, H.R. 1281 addresses the very serious issue of integrity in the election system and it provides that whoever knowingly communicates false election-related information about that election with intent to prevent another person from exercising the right to vote in that election or attempts to do so shall be fined under this title or imprisoned not more than 5 years or both.

We all want fair elections and we all want people to vote based on facts and not false rumors. I hope one day we will be able to reach the point where we are able to take away those false rumors. This legislation can't do that. But I am glad this legislation addresses the problem of knowingly and intentionally trying to give false information, and I support that approach.

I am also glad to see that ranking member SMITH's amendment to strike the part of the bill as it was originally introduced that would limit its prohibition on voting fraud to fraud committed within 60 days of a Federal election was adopted by the committee. If it is fraud, it is fraud, and it shouldn't have been limited to just 60 days. That amendment is included in this legislation on its floor here today.

Illegal voting by non-citizens can occur when voting registration forms are filled out more than 60 days before a Federal election. It is illegal for non-citizens to vote in Federal elections, and that raises an important issue of interpretation that I would like to take just a moment to address, Mr. Speaker.

We have to ensure that the courts give this bill its full intended scope to protect our elections from all fraud, all denial of people's right to vote.

The National Voter Registration Act of 1993 requires that a person registering to vote affirm that they are a U.S. citizen. If a non-citizen signs or attempts to sign any form that can be used for voting purposes, including a voter registration form, and that form states that they are a citizen when they are not, then that is a false statement.

This bill specifically defines election-related information to include "information regarding a voter's registration status or eligibility." If a non-citizen fraudulently votes for, say, candidate Jones, they will necessarily negate the legitimate vote of a legal voter that voted for candidate Brown. That effectively denies the legal voter's right to vote.

In the landmark case Reynolds v. Sims, the Supreme Court stated "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." So an illegally voting non-citizen in that case would violate the clear terms of H.R. 1281 and be subject to up to 5 years in jail.

Regarding the issue of intent, Black's Law Dictionary defines "constructive intent" as "a legal principle that actual intent will be presumed when an act leading to the result could have been reasonably expected to cause that result."

If someone knows they are not a citizen but they sign a voter registration form that states that they are a citizen, and then that person votes illegally and knows they are voting illegally, then they obviously know that their illegal vote is going to cancel out the vote of another legally voting citizen. That knowledge constitutes intents to deny another voter their right to exercise their vote, and it is properly punished under this legislation.

I certainly support that result, and I believe the court should interpret this legislation accordingly. After all, the bill is designed to protects the rights of legal voters, not illegal ones.

At the committee's markup, I offered a sentencing enhancement amendment to enforce this principle. However, I was deeply disappointed that it was ruled nongermane. It provided that, "if the offense results in voting in a Federal election by more than 10 persons who are not citizens of the United States, the offender shall be fined under this title or imprisoned not more than 10 years or both."

If we really want to stop this, we can get serious by making those penalties meet the crime. I believe that this was an incorrect germaneness ruling based on the rules and precedents of the House. I had certainly hoped to have a vote on this amendment before we got to final consideration here on the floor.

Increasing the penalties for those whose fraudulent, illegal voting negates the legal votes of more than 10 citizens is common sense, and I thought it would have bipartisan support.

Despite my disappointment on that score, I support this legislation because it provides another mechanism for punishing illegal non-citizen voting and other forms of fraud. However, this legislation does not go nearly far enough. It fails to address what the American people want, more reliable and accurate forms of voter identification. A better system of voter identification would increase confidence in the integrity of elections by preventing more illegal voters from denying citizens the right to vote by negating their legal votes with fraudulently cast ballots.

I hope some day both sides of the aisle can work toward that end. But, Mr. Speaker, as to today, we support this legislation and we are especially pleased with the fact that it reminds us that if we are denying the right to vote, it doesn't matter if it is the State denying it, it doesn't matter if it is done because of fraudulent information, it doesn't matter if it is done because someone is illegally voting and negating the vote of someone who is legally voting, or if someone is entering a voting booth who is not legally entitled to do so and they cast an illegal vote.

With that, Mr. Speaker, I encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), the coauthor of this bill, who has worked in this area with the Committee on the Judiciary across the years. I have been very pleased about his work in trying to create an effective paper trail and other voter rights initiatives, and I am so happy that he is with us today.

Mr. HOLT. Mr. Speaker, I thank the distinguished Chair, and I commend him for his work in this area, and I rise today to urge my colleagues to support the Deceptive Practices and Voter Intimidation Prevention Act.

This important legislation, as you have heard, would make it a crime knowingly to communicate false information about an election with the intention of preventing another person from exercising the right to vote and would require the Department of Justice to take immediate corrective action on behalf of affected voters, as well as to refer such matters for appropriate prosecution.

It pains me deeply, as I think it does all here, that this is necessary still four decades after the enactment of the Voting Rights Act. It should pain us all that when the United States looks in the mirror, what we see staring back at us is an electoral system still rife with abuses. It embarrasses me to say this, but it is what we must do, take an honest look to begin to correct.

This legislation is essentially the legislation that I introduced in the previous Congress, along with a companion bill in the other body by Senator OBAMA. I am pleased that Representative EMANUEL and Chairman CONYERS and many others have joined to advocate this bill now.

Now, consider just a few examples. In the 2004 elections in Milwaukee, Wisconsin, fliers attributed to a nonexistent organization called the Milwaukee Black Voters League were distributed in minority neighborhoods warning residents that "if anyone in your family has ever been found guilty of anything, even a traffic violation, you can't vote in the presidential election," and that "if you violate any of these laws, you can get 10 years in prison." It sounds like nonsense, but to those voters, that was intimidation.

It was no better in 2006. In a documented case in Virginia, a registered voter received a telephone message from a caller claiming to be from the Virginia Board of Elections informing him that he was not registered, and that if he showed up at the polls to vote, he would be criminally prosecuted. Again, it is easy to dismiss that as nonsense, but it is coercion.

□ 1730

It is disenfranchisement, it is deception.

Now there is no way to know exactly how many voters were deterred or led astray by such deceptive practices, but such practices are no less criminal than outright threats or intimidation.

Now as you've heard from the chairman and others, this is not the be all and end all of election reform legislation. We still have to prevent disenfranchisement that results from the shortage of equipment, equipment inequitably distributed among precincts. We still have to prevent disenfranchisement by manipulation of the registration lists. We still need to require that provisional ballots be counted if they are legitimate because under the Help America Vote Act, they must be offered to voters who are not on the registration list, but if it turns out that the voter is a legitimate voter, the provisional ballot is not required under law to be counted.

We must make sure that tabulation of results after the polls close is more transparent. I have various legislation that would deal with these things, as well as legislation that would ensure that every voter has a voter-verified paper ballot and that audits would apply in every Federal election. Those are some of the things we need to do.

But this is an important step to beat back, to subdue the cynicism about our government. When I talk with students, I often ask them what they think is the most ingenious invention of humans. And they, knowing that I am a scientist, often come up with some technological answer. I would argue that it is our constitutionally democracy. It has transformed not just America but the world, demonstrating that peaceful and productive government by the consent of the governed is possible.

That consent, the very cornerstone of the system, is given by the vote. And the Supreme Court has held that the right to vote is the most fundamental right as it is the preservative of all others. The measure before us will criminalize knowing acts of deception designed to prevent voters from voting.

Our democratic government works only if the people believe it does. Think about that. If we are to let people work their will at the polling place, we must remove coercion, deception, distortion and disenfranchisement. Cynicism about the process, cynicism about our ability to governor ourselves is at a critically high level. By passing this legislation, we can help to reduce that cynicism and help to realize the promise of the genius of Philadelphia 220 years ago.

Mr. FORBES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am just delighted today that we can come in here on an issue that we agree on and recognize, as the gentleman just stated, that this is not the end all legislation. It is a small step, but it is a step. No matter what the legislation is that we pass, it is only going to be as good as the enforcement that goes behind, and we want to send out a message to prosecutors across the country who might get an opportunity to enforce this of how excited we are to put at least another tool in their hand where they can have the possible imprisonment of up to 5 years for denying people the right to vote, whether it is by fraudulent information, or whether it is individuals that are illegally voting by noncitizens.

We have had reports to our committee of thousands of voters who are registered in as many as four States. While this may not be a perfect piece of legislation, it at least takes us a step in the direction we want to go.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I merely want to close by thanking the distinguished ranking member on the Crime Subcommittee, RANDY FORBES, for the excellent work that he performs all the time, but especially on this bill. I want no misunderstanding about our appreciation of this bill being about prohibiting deceptive practices against eligible voters.

This is not a measure that deals with prosecuting ineligible voters unless they try to deceive eligible voters. The issue of voter fraud is a very serious one, well publicized, and it is the intention of the Chair of the committee that the Subcommittee on Crime hold hearings on this subject because we think it is an important one that needs to be examined very clearly.

But today, we move forward from the 15th amendment in the Constitution, we move forward from the Voter Rights Act of 1965 that has been amended several times, and we now come to a specific set of practices that have been very detrimental in coercing and intimidating and confusing many voters.

I am so pleased that this committee at this day and time is prepared to deal with preventing voters from being disenfranchised by being misled on their way to polling. It has been documented and we are directly prohibiting these kinds of tactics and we are turning many of them from a misdemeanor into a felony. I congratulate all the members of the Committee on the Judiciary and particularly the sponsors of this piece of legislation, and urge support of the bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act. I am proud to be a cosponsor of this important bill.

We have come a long way since the Jim Crow era of voter disenfranchisement and intimidation, but we still have a long way yet to go to ensure an equal right to vote for all citizens. Every election, we hear shocking and disgraceful stories of voters being lied to about their voter registration or citizenship status, polling place information, or even the date of the election, in order to suppress the vote in certain areas. The targets of these tactics seem to always be the same: racial minorities, immigrants and poor communities.

Thomas Paine once said, "Voting is the right upon which all other rights depend." Throughout our nation's history, Congress has acted to ensure that right, granting African Americans and women the right to vote, prohibiting states from requiring the payment of poll taxes to vote, and the passage and reauthorization of the Voting Rights Act of 1965. Today, we continue in that grand tradition with passage of this important legislation to make it unlawful to knowingly communicate false information with the intent to prevent another person from casting a ballot.

The right to vote may be the most basic right we have as Americans, but we must remain vigilant in protecting this right in order to ensure that it is not weakened or undermined by those who seek political gain at the expense of this basic tenet of democracy.

I urge my colleagues to join me in supporting H.R. 1281.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in strong support of the Deceptive Practices and Voter Intimidation Prevention Act.

Tactics that attempt to deceive or mislead voters regarding elections, candidates, or voting procedures chip away at the very cornerstone of our democracy: the right to vote. I strongly support this legislation because it will track and expose these tactics for what they are in order to continue to prove that we are not living up to the true meaning of democracy. Every vote is not being considered. Every vote is not being counted.

Before and during the last election, there were reports of mass disenfranchisement and voter intimidation across the country. My district was subject to all types of deceptive flyers and phone calls targeted to black voters with misinformation designed to discourage them from voting. Mr. Speaker, as you know such tactics designed to prevent citizens from exercising their right to vote are not new. I am pleased that this legislation will make these types of acts a federal crime and set a penalty of up to 5 years in prison for any type of voter intimidation.

I urge my colleagues to value and protect the right to vote by voting for this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. H.R. 1281 will hopefully go a long way in addressing a variety of election irregularities that have arisen in recent elections, including deceptive practices, voter intimidation, voter disenfranchisement, and an overall lack of trust in the electoral process.

Mr. Speaker, protecting the right to vote of all Americans is of paramount importance to me. The most fundamental aspect of American citizenship is the right to vote and to have full confidence that the vote is counted. Thousands of people have bled and died for the right to vote and their sacrifices shall not be in vain. Whenever this body is presented with inquiries to determine whether our voting system has been compromised in any manner, we have a solemn duty to investigate such matters.

As many of you know, election reform became a central issue in the wake of the irregularities identified in Florida in the 2000 Presidential Election. In June 2001, the U.S. Commission on Civil Rights, an independent bipartisan agency charged with monitoring and protecting voting rights, reported that "credible evidence shows many Floridians were denied the right to vote." After analyzing the 179,855 ballots that were invalidated, and finding that fifty-three percent (53%) were cast by black voters, the Commission concluded that in Florida, African-Americans were 10 times as likely to have a vote rejected as a white voter. This concern helped lead to the passage in 2002 of the Help America Vote Act (HAVA). The Judiciary Committee held hearings on the legislation, and members of our Committee participated in the Conference Committee. Since the enaction of HAVA, concern about deceptive practices and election irregularities have not abated. There have been numerous published reports about these incidents in both the 2004 and 2006 elections. There are also a number of reported incidents that were not addressed by the HAVA legislation. These include the following:

Ohio—There were numerous reported irregularities in Ohio in the 2004 election, which led me to conduct a review and issue a much-cited report entitled, "What Went Wrong in Ohio." The irregularities identified included:

1. Newly registered voters in Lake County received letters informing them that their registrations were illegal and that they would be unable to vote. The letter was sent on falsified Lake County Board of Elections letterhead.

2. An elderly couple living on the North Side of Columbus received a call informing them that their polling place had changed and that they should vote "on the other side of town." The caller claimed to be a representative of the Franklin County Board of Elections. When the elderly couple called the board to verify the change, they learned that others in the area had received deceptive phone calls, including offers to hand-deliver absentee ballots to the Board of Elections office.

3. The misallocation of voting machines led to lines of 10 hours or more that disenfranchised scores if not hundreds of thousands of predominantly minority voters. In Franklin County, 27 of the 30 wards with the most machines per registered voter showed majorities for Bush, while 6 of the 7 wards with the fewest machines delivered large margins for Kerry.

4. Then-Secretary of State Kenneth Blackwell's decision to restrict provisional ballots resulted in the purging of tens if not hundreds of thousands of voters. In Hamilton County, this resulted in the result where hundreds of voters who showed up at the right polling place, but were directed to the wrong table by election workers, had their ballots thrown out.

5. Mr. Blackwell's rejected voter registration applications based on paper weight. Ironically, forms obtained from the Secretary of State's office did not comply with his own paper weight directive.

6. Preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation. The Third Circuit has previously found these activities to be illegal and indirect violation of consent decrees barring the targeting of minority voters for poll challenges.

North Carolina—In 2004, more than 4,500 votes were lost because of a mistake in voting machine capacity. In Carteret County, these votes were lost because officials believed that a computer that stored ballots electronically could hold more data than it did.

Louisiana—In 2002, flyers stating voters may cast their ballots 3 days after the election "if the weather is bad," were distributed in public housing complexes in New Orleans.

South Dakota—In 2004 in South Dakota, Native American voters were prevented from voting for failing to provide photographic identification upon request, despite the lack of such requirements under state or federal law.

Arizona—Latino voters in Pima County, Arizona were reportedly met at multiple polling places with a man who claimed he was "bent on discovering" how many illegal immigrants were voting in the 2004 primary election. Dressed in a black shirt with the image of a badge and the words "U.S. Constitution Enforcement" on his back, the man carried a camera and video recorder holstered in a tool belt as he entered polling places, looking for "anomalies."

Wisconsin—In the days leading up to the 2004 presidential election, voters in Milwaukee's African American neighborhoods received flyers from the fictional "Milwaukee Black Voters League." The flier falsely claimed that individuals could be found ineligible to vote due to traffic violations, the criminal records of family members and voting in a previous election during the year." Voters were also warned that violations of such "laws" could result in a ten-year prison sentence or forced separation from one's children.

Virginia—Voters in eight Virginia counties were apparent victims of attempts at intimidation just before the 2006 election. Some received messages from callers claiming to be from the non-existent "Virginia Elections Commission," telling them of incorrect voter registration information and possible criminal charges for voting. Other callers falsely claimed to represent a federal campaign and told voters that their polling places had changed, sometimes to addresses that did not exist.

California—In 2006, Latino voters in Orange County, California, received mailings from the "California Coalition for Immigration Reform," falsely warning them in Spanish that "if you are an immigrant, voting in a federal election is a crime that can result in incarceration."

Maryland—In 2006 certain candidates distributed fliers in predominantly African-American neighborhoods falsely claiming that the candidates had been endorsed by their opponents' party and by prominent African American figures.

Florida—In 2004, over 4,000 potential voters, including students at the University of Florida and Florida A&M University, discovered their party registrations had been switched and their addresses changed. Changed addresses could have barred them from voting because they would have shown up at the wrong polling place.

Pennsylvania—In Pittsburgh, fliers printed on county letterhead stated that "due to immense voter turnout expected on Tuesday," the election had been extended: Republicans vote on November 2, and Democrats vote on November 3. Across the country, voters received similar fliers in the 2004 presidential election.

1. Pennsylvania and Illinois/Abusive Robo-Calls—The media also detailed numerous instances of prerecorded phone calls designed to confuse voters. These misleading calls were made late in the evening, or during the night, in an apparent effort to generate anger at particular candidates. According to the Associated Press, one individual "received three prerecorded messages in four hours. Each began, 'Hello, I'm calling with information about [candidate] Lois Murphy [in the Philadelphia area].'" The Philadelphia Daily News reported that "[t]he calls, which begin by offering 'important information about Lois Murphy,' are

designed to mislead voters into thinking the message is from her." In Illinois, The Barrington Courier-Review reported that a resident received the following phone call—"Hi. I'm calling with information about [Candidate] Melissa Bean." She received the same call a total of 21 times since October 24. Others reported receiving the same calls, none of which were paid for by Ms. BEAN's campaign.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 1281 to make the necessary changes that will ensure the highest level of voter integrity.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1281 to make it unlawful for anyone to disseminate false election-related information about an election in order to prevent another person from exercising the right to vote. I commend Chairman CONYERS and Representative EMANUEL for their leadership in bringing this critical bill to the floor.

The pernicious practices that H.R. 1281 would combat are not just academic to me. During the Maryland governor's race last year, there were numerous and substantiated reports of political operatives distributing false campaign materials on Election Day to confuse voters about the candidates, including endorsements they had allegedly received.

In recent elections in Maryland, including the 2006 elections, operatives have also spread false information about the time, place or manner of voting or qualifications for, or restrictions on, voting, or the political affiliations of candidates.

These grotesque practices are a direct assault on the most fundamental right of Americans: the right to vote and have that vote counted.

Over the past 40 years, tremendous progress has been made removing the most conspicuous obstacles and impediments to voting in order to guarantee that all Americans, regardless of their race or color, can vote. Unfortunately, there exists in our Nation a small but committed group of individuals who will sink to any low if they believe it will produce a victory. H.R. 1281 goes after these people, who are a disease on our democratic system.

I am hopeful that the House will overwhelming pass H.R. 1281 and send the message that deceptive campaign practices are un-American and anti-democratic.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today as an original cosponsor and strong supporter of H.R. 1281, the Deceptive Practices and Voter Intimidation Act of 2007.

This is an issue that is close to my heart. I am grateful to my colleagues Mr. EMANUEL, for introducing this legislation, and Chairman CONYERS, for his consideration or H.R. 1281 in the Judiciary Committee.

The great promise of America is that every citizen has a vote, a voice in how our government is run. And we've seen in recent years where 100 or 50 or 5 or even 1 vote has changed the outcome of an election. So making sure that every U.S. citizen is able to vote is one of our most fundamental responsibilities.

When most people think of Voting Rights Act violations they thing of the 1960s, when African Americans were prevented from voting because of the color of their skin. Many do not realize that voter suppression still occurs today.

The targets of intimidation remain the same. This last election, minority and naturalized immigrant communities were the targets of deception, misinformation and voter intimidation designed to abridge their right to vote.

In the district I represent, California's 47th, concerns were raised when about 14,000 registered Hispanic voters received a written letter, in Spanish, from the "California Coalition for Immigration Reform" informing voters that immigrants voting in a federal election were committing a crime "that could result in incarceration and possible deportation. . ."

It also went on to advise voters that "the U.S. government is installing a new computerized system to verify names of all the newly registered voters who participate in the elections in October and November. Organizations against immigration will be able to request information from this new computerized system."

The intent of the letter was to intimidate. Families were afraid that their personal information would be shared with anti-immigration groups if they voted. They were afraid of retaliation for exercising their right to vote.

Revisiting and reforming the voting rights laws will send a clear message to potential violators that deceptive practices are unacceptable and will be prosecuted to the full extent of the law.

H.R. 1281 will strengthen the prohibition and punishment of deceptive practices that aim to keep voters away from the polls on Election Day.

I urge my colleagues to support this legislation, which will go a long way in preventing future acts of voter intimidation.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. As Chairman of the Committee on House Administration, the committee that has original jurisdiction on matters that relate to Federal elections, I encourage this measure to prevent voter suppression.

Over the past 100 years, this body has passed legislation regarding the very sacred franchise, the right to vote, that has significantly increased participation of all Americans across the Nation. No longer is the right to vote only made available for white, male land owners. Women, African-Americans, young people and others have been guaranteed their right to vote through the Constitution and various landmark legislation.

Therefore, any attempt to prevent an eligible American from exercising this fundamental right should be met with swift protective action. During the last election cycle, just north of this House in Maryland, fliers were distributed in African-American communities which falsely stated that candidates had been endorsed by their opponent's party and by prominent African-American leaders. Distributing this type of misleading information and intimidating voters through nefarious tactics are direct threats to our democracy that must not be tolerated.

Attempts to knowingly communicate false election-related information, with the intent to prevent Americans from exercising their right to vote, will be met with fines and/or imprisonment. The House and the nation should remain committed to ensuring that all eligible Americans have a guarantee that they will be able to exercise their right to vote free from intimidation and false pretenses.

I stand in full support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, recent elections have been marred by allegations of deceptive practices that are frequently centered in neighborhoods that have a large minority or low-income population. These communities are littered with inaccurate election information in a deliberate effort to prevent voters from casting their ballots on Election Day.

When most people think of violations of the Voting Rights Act they envision Dr. Martin Luther King, Jr. and the Freedom Riders. However, many don't realize that voter suppression still occurs today.

One example of recent voter suppression hits close to home. During the 2006 election, constituents of my sister, LORETTA, were targeted. Letters were sent to individuals with Spanish surnames, written in Spanish, informing them that immigrants voting in a federal election were committing a crime "that could result in incarceration and possible deportation. . . ." These letters were false. Immigrants who have become naturalized citizens have as much a right to vote as citizens who are born here. In fact, many immigrants have told me that one of the great privileges that accompanies their naturalization is the right to vote in free elections. This letter disseminated false information and ignited fear in the Hispanic community. The clear intention was to suppress the Hispanic vote.

This is just one example—and sadly it is not an isolated incident. These types of practices still occur today, all over the country. That is why I rise in full support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007 and applaud my colleagues for tackling this critical issue.

H.R. 1281 strengthens the prohibitions on and punishments for deceptive practices that aim to keep voters away from the polls. It also requires that the Justice Department prevent and end misinformation campaigns that mislead voters and prevent them from voting.

The right to vote is one of the most cherished rights granted to U.S. citizens. I am proud to support this bill that ensures that those who attempt to infringe on that right are stopped and punished.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1281, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–211) on the resolution (H. Res. 514) providing for consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 513) supporting the goals and ideals of National Save for Retirement Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 513

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 21 through October 27, 2007, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Save for Retirement Week, including raising public awareness of the various tax-preferred retirement vehicles;

(2) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $125,000,000,000 as of the 2006 Fiscal Year Budget;

(3) supports the need to raise public awareness of the importance to save adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing the retirement savings for all the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution supports the goals and ideals of National Save for Retirement Week which will soon be designated by the Senate as October 21 through October 27, 2007. I want to thank Senators CONRAD and SMITH for working with me and my esteemed colleague, Mr. JOHNSON of Texas, to bring attention to the importance of retirement planning for American families.

We are living in a time when workers are being asked to shoulder an increasing share of the cost of savings for retirement. Even with an employee-sponsored retirement plan and the promise of Social Security benefits, American families need to put additional money aside to ensure a financially secure retirement. For many American families, saving is becoming an increasingly difficult task as they struggle to meet their everyday obligations. Even in solidly middle income families, financial resources are stretched thin as parents work to meet other pressing needs, whether it is purchasing health care coverage, paying for college, meeting energy costs, or simply paying monthly bills on time.

Over the past several years, we have seen a dramatic shift in our retirement system. Most workers are no longer eligible for traditional pensions which provide a predictable monthly benefit throughout retirement. Instead, workers are now bearing more of the costs and investment risks of saving adequately for their retirement under defined contribution plans, like 401(k)s.

As a result, the value of most workers' retirement benefits and the security of their retirement is now directly linked to their investment decisions and the balance held in their account when they retire rather than their years of service.

The dramatic shift towards individual defined contribution plans is clear. In 1980, there were over 148,000 defined benefit plans that provided guaranteed benefits to workers, and there were approximately 341,000 defined contribution plans that relied on the returns on investments made by workers. By 2003, just over 20 years later, the number of defined benefit plans had fallen to just about 47,000, while the number of defined contribution plans had risen to nearly 653,000.

While this shift is empowering American workers to make more of their own financial decisions, many families are finding it difficult to save significantly to meet all of their retirement needs.

A study conducted by the Employee Benefit Research Institute shows that average 401(k) balances range from approximately $4,500 for participants in their 20s with less than 3 years of service to just under $200,000 for participants in their 60s with at least 30 years of service.

Unfortunately, a balance of less than $200,000 may not be enough to finance an individual's retirement years. For example, a worker in my own State of Pennsylvania with a $200,000 balance who makes the financially prudent decision of purchasing an annuity could expect a maximum monthly benefit of about $1,300. $1,300 can go just so far in meeting monthly household expenses. Retirees have to ask can $1,300 pay their mortgage, health costs, car payments, gas and leisure activities, and will it be sufficient in 5, 10 or 15 years given the increasing cost of living to meet their expenses and their expectations for retirement?

These concerns become more alarming as recent data show a decline in actual worker participation in employer-sponsored retirement plans. In 2004, only 40 percent of families had an individual who participated in either form of employer-based plan. This means that a majority of American working families are not currently participating in any retirement plan at work.

As our country shifts towards an increasing reliance on individual savings, workers are facing increased difficulty as they prepare for retirement. And it heightens the importance of educating our workers about the pressing need to save.

In my district, I have partnered with banks, credit unions and other financial institutions to host seminars to help provide families with the information they need to make educated, financially responsible decisions about their family budgets and to help them establish a habit of saving for the future.

□ 1745

I have also worked with schools in my district to help reach out to children, even at young ages, in order to emphasize the importance of saving for the future. It is never too early to learn that every little bit we save now will help in the long run. Whether you're a 16-year-old receiving your first paycheck or a 25-year-old getting your first real increase, or a 45-year-old with a mortgage and two kids who need braces, a habit of putting a little bit away each month in regular savings can, with the help of compound interest, add up to a secure retirement. The resolution before us today supports and encourages educational opportunities on a national scale and creates a collaborative effort to emphasize the importance of making saving for retirement a priority for all American families.

Mr. Speaker, I urge my colleagues to support this resolution so that we can help make American workers more financially secure in their retirement years.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of National Save for Retirement Week that will be celebrated during the week of October 21 to 27 this year.

Our national savings rate is abysmal. Despite our best efforts, there are fewer traditional pension plans every year. The costs associated with retiree health continue to skyrocket, and the Social Security and Medicare board of trustees have long warned us that without change, Social Security and Medicare will be unable to pay future promised benefits. However, there is one bright spot for Americans who have employer-based retirement savings plans. We all know and love the 401(k) plan and its cousins, the 403(b) and the 457. These plans make it possible for Americans to take charge of their own financial future by putting away savings for retirement in a convenient, safe and well-performing manner.

For far too many people, there is too much month left at the end of their paycheck and they just don't get around to putting away money for their own retirement. With a 401(k) plan, the money for retirement is set aside before the other bills get paid. The paycheck that they bring home is then available for life's daily needs, while the money for retirement is going to work with compound interest. You know, Einstein said the most powerful force on Earth is the power of compound interest. For Americans who set aside part of their paycheck for a 401(k), the power of compound interest helps them pave their way to retirement.

Another great benefit of saving at work is that in most cases, the employer is going to match some of the amount saved. To the extent that an employer will match, for instance, the first 5 percent of your salary, that's a 100 percent rate of return on those savings. If someone who makes $50,000 a year saves $2,500, the employer will match it with another $2,500. That's free money. So the employee starts out at a 100 percent rate of return. If the market performs as it traditionally has and returns an average of 8 percent a year, the employee's money doubles again every 10 years. So for an additional set-aside of $2,500, in 10 years, that employee is likely to have $10,000. That's powerful.

During the week of October 21 to 27, everyone who plays a role in retirement will be called to action. All the companies that sponsor retirement plans, all the companies that do the work to administer these plans, financial consultants and groups like the Employee Benefit Research Institute that runs the Choose to Save campaign are encouraged to bring this powerful message to more people.

In the clutter of everyday life, we are bombarded with advertisements for everything from breakfast cereal to fast cars. Advertisements for retirement savings don't always break through the clutter. Again, our negative savings rate goes to show that. Our support of the National Save for Retirement Week today will help that message break through, as communities across our great Nation join in a concerted, week-long effort to teach Americans the importance of saving.

I urge all my colleagues to join Representative SCHWARTZ and me in passing this legislation so that more and more Americans can choose to save.

Mr. Speaker, I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Speaker, I want to thank my colleague from Texas for working with me to raise this important issue. It is my hope that we will continue to work together to encourage Americans to save for retirement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ) that the House suspend the rules and agree to the resolution, H. Res. 513.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the House will stand in recess until 6 p.m.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess until 6 p.m.

☐ 1800

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 189, by the yeas and nays;

H.R. 2546, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

ESTABLISHING A WELCOME HOME VIETNAM VETERANS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 189, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 189.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 549]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves

Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—51

Blunt
Boren
Boyd (FL)
Capuano
Carson
Carter
Crenshaw
Cuellar
Cummings
Davis (KY)
Davis, Jo Ann
Dingell
Doolittle
Emerson
Everett
Ferguson
Fortenberry
Gallegly
Gerlach
Gilchrest
Green, Al
Green, Gene
Gutierrez
Harman
Issa
Jefferson
Johnson (IL)
Jones (OH)
Kilpatrick
Kind
Kucinich
LaHood
Lantos
Maloney (NY)
Meeks (NY)
Murtha
Neugebauer
Oberstar
Ortiz
Paul
Peterson (PA)
Poe
Pomeroy
Pryce (OH)
Rogers (AL)
Rush
Sessions
Simpson
Walz (MN)
Westmoreland
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1824

Ms. WOOLSEY, Mr. EHLERS, Ms. VELÁZQUEZ and Mr. BISHOP of Georgia changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 549 had I been present, I would have voted "yea."

CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2546, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2546.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 550]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)

Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—51

Blunt
Boren
Boyd (FL)
Capuano
Carson
Carter
Crenshaw
Cuellar
Davis (KY)
Davis, Jo Ann
Doolittle
Emerson
Everett
Feeney
Ferguson
Fortenberry
Gallegly
Gerlach
Gilchrest
Gohmert
Green, Al
Green, Gene
Gutierrez
Harman
Issa
Jefferson
Jones (OH)
Kilpatrick
Kind
Kucinich
LaHood
Lantos
Maloney (NY)
Marshall
Meeks (NY)
Murtha
Neugebauer
Oberstar
Ortiz
Paul
Peterson (PA)
Poe
Pomeroy
Pryce (OH)
Rogers (AL)
Rush
Sessions
Simpson
Walz (MN)
Westmoreland
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1830

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to cast my vote on two resolutions. Had I been present, I would have voted "aye" on H. Res. 189, Expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day," should be established, and "aye" on H.R. 2546—To designate he Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center."

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the votes on H. Res. 189, Expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established (rollcall 549), and H.R. 2546, To designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center" (rollcall 550).

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, June 25, 2007, I was absent from the House for a familial medical emergency.

Had I been present I would have voted:

On rollcall No. 548—"yes"—H. Res. 189—Expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established.

On rollcall No. 549—"yes"—H.R. 2546—To designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center."

IN SUPPORT OF 100 PERCENT AIRPORT WORK SCREENING

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, America recently got a wake-up call when we learned that law enforcement had thwarted a Muslim extremist plot to blow up Kennedy Airport and the surrounding neighborhoods.

This is not the first time that we have had our security exposed at our airports. In March airport employees at Orlando International exploited a loophole in our security and placed a bag with an arsenal of weapons on the airplane. As workers, they never had to pass through a metal detector or had anyone check their bags or equipment.

That is why I introduced H.R. 1413 with my good friend Congresswoman NITA LOWEY from New York to implement a 100 percent worker screening pilot program at seven of our airports.

Listen up, America. It is unacceptable that we spend billions to secure our airports and airplanes from dangerous passengers, yet we leave the back door open to workers. I would hope that the Homeland Security Committee heard this wake-up call and scheduled a full committee markup as soon as possible so we can close this dangerous loophole.

IT IS TIME TO BRING OUR TROOPS HOME FROM IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we begin to commemorate and celebrate the founding of this Nation, what a great Nation, July 4 brings all Americans together. We stand strong. We are bold and we are proud. I am proud to be an American.

But I petition this government, this Congress, this President that we must resolve the Iraq crisis. Our soldiers are defined as they are, warriors for justice. But when you have a complete collapse of government, as was evidenced in the last 24 hours, suicide bombs, car bombs, an enormous toil and toll of lives being taken, our soldiers emerged in neighborhoods, sitting as sitting ducks, it is time to bring our troops home. And as long as we remain tone deaf to the American people, we undermine the values of this Nation that indicates we all are created equal.

It is time to bring our troops home from Iraq. It is time for a new policy and a new direction.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ROSS). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2007 AND 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, pursuant to section 207(d) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit the revised 302(a) allocations for the House Committee on Appropriations for Fiscal Years 2007 and 2008. Section 207(d)(2) directs the Chairman of the Committee on the Budget to adjust the discretionary spending allocations for an Internal Revenue Service tax compliance program integrity initiative as provided in section 207(d)(1)(B) of S. Con. Res. 21.

DISCRETIONARY APPROPRIATIONS: APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

(In millions of dollars)

	Budget authority	Outlays
Fiscal Year 2007	950,316	1,029,465
Fiscal Year 2008	953,459	1,028,780

IN SUPPORT OF H. RES. 505, RECOGNIZING THE INNUMERABLE CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY AND AFFLUENCE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I would first like to commend the distinguished chairman of the House Committee on Transportation and Infrastructure (Mr. OBERSTAR) for his support of House Resolution 505 and for his leadership on the committee. These days we face mounting challenges to improve our infrastructure and protect our highways and waterways from expanding populations and from terrorist attacks. Personally, I can think of no other person better qualified to lead this important committee.

Mr. Speaker, I rise today in support of House Resolution 505 to highlight the important contribution of the recreational boating community and the boating industry to our quality of life and to our continued economic prosperity and to urge the President to issue a proclamation calling upon the American people to observe National Boating Day.

Boating is a famous symbol for south Florida, where I am from. Millions of residents and tourists take to the waters of south Florida by boat to fish, dive, snorkel, and view scenic tours along our pristine coastline and unique intracoastal waterway. Palm Beach County alone has over 40,000 registered boaters, and Ft. Lauderdale's majestic canals have earned it the nickname the "Venice of America."

But the significance of the boating community is not only symbolic. The recreational marine industry is a major economic force in Florida, responsible for over $18 billion of revenues and 220,000 jobs statewide. And I should note that $13 billion of the economic impact and 162,000 of those jobs as well as almost half of the industry's gross sales come from the tri-county region of Miami-Dade, Broward, and Palm Beach Counties.

As many of our colleagues know, the contributions of the recreational boating community extend far beyond the Sunshine State. The boating population exceeds 73 million individuals in our country and an estimated 18 million recreational watercraft. In addition, the recreational boating industry provides more than $39 billion in sales and services to the U.S. economy and provides nearly 380,000 manufacturing jobs. Altogether there are approximately 1,400 active boat builders in the United States with contributions from all 50 States.

One need only look at the geographic diversity among members of our Congressional Boating Caucus, of which I am a proud member, to measure the broad influence and contributions of the boating community and the boating industry to our country and the quality of our life. Members come from 38 States, including Wyoming, Pennsylvania, Kansas, and West Virginia. Clearly, boating is not just a coastal pastime; it is an American pastime.

In addition, boating also brings us closer to our national treasures. I strongly believe that an appreciation for environmental stewardship comes through interacting with nature. For example, it is hard to comprehend the beauty of coral reefs until you see them underwater with your own eyes. Once you do, you begin to understand their importance and the need to protect them for the continued health of our oceans.

Boating gives us these cherished opportunities to commune with nature. It should be no surprise that boaters can be impassioned stewards of the environment, teaching future generations of boaters a healthy respect and appreciation for our natural resources.

It is for these and other reasons that I introduced House Resolution 505, recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States. This resolution calls upon President Bush to issue a proclamation to observe National Boating Day with an appropriate time being July 1.

I was happy to have so many of our colleagues from the Boating Caucus join me in supporting this resolution, including the distinguished co-chairs of the caucus, the Honorable GENE TAYLOR from Mississippi and the Honorable CANDICE MILLER from Michigan. I am sure that they can attest that boating is an integral part of our economy and our quality of life not just for those along the coast but for the entire country.

Mr. Speaker, I applaud my colleagues for adopting this resolution today and recognizing the contributions of recreational boating and the boating industry.

THE PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the House Judiciary Committee is scheduled to hold a hearing this week to examine mandatory minimum sentencing laws. Included in this hearing will be the opportunity to examine the issue of mandatory minimum sentencing in the case of U.S. Border Patrol Agents Ramos and Compean.

As the Members of this House well know, in February, 2006, the two agents were convicted in a U.S. District Court in Texas for shooting a Mexican drug smuggler. They were sentenced to 11 and 12 years in prison respectively, and today is the 160th day since the agents entered Federal prison.

The law that the agents were charged with violating, 18 United States Code, section 924(c)(1)(A), carries a mandatory minimum sentence of 10 years. As enacted by Congress, the law requires a defendant to be indicted and convicted either of "using" or "carrying" a firearm during and in relation to the commission of a crime of violence or "possessing" a firearm in furtherance of a crime of violence.

However, neither Mr. Ramos nor Mr. Compean were ever charged with specific elements of the crime. Instead, the Office of the U.S. Attorney for the Western District Court of Texas, Mr. Johnny Sutton, extracted from the U.S. Criminal Code a sentencing factor, "discharging" a firearm, and substituted that sentencing factor for the congressionally defined elements of the offense. Ten years of each of their sentences were based on an indictment and conviction for a Federal crime that does not exist. The law they were charged with violating has never been enacted by the United States Congress but rather was fashioned by the U.S. Attorney's Office.

In this case I can imagine how difficult it would be to obtain an indictment and conviction for "using," "possessing," or "carrying" a firearm when the Border Patrol agents were required to carry firearms as part of their job. That difficulty may well explain why this U.S. Attorney's Office unilaterally changed Congress's definition of a crime to a definition that would be easier for the prosecution to prove.

When this issue was brought to my attention and to the attention of my colleagues VIRGIL GOODE and former Texas State Judge TED POE, we were pleased to join forces with the Gun Owners Foundation, U.S. Border Control, U.S. Border Control Foundation, and the Conservative Legal Defense & Education Fund to file a friend of the court brief in the U.S. Court of Appeals for the Fifth Circuit. The brief urges reversal of these unjust convictions and 10-year mandatory minimum sentences by spelling out how charges contained in two counts of the indictment against the agents are fatally defective. I want to thank Chairman JOHN CONYERS for scheduling a hearing on this issue, as well as the Subcommittee on Crime and Terrorism and Homeland Security for its willingness to investigate the injustice committed against these two border agents.

I encourage the chairman and the committee to take a thorough look at the action of the Office of the U.S. Attorney for the Western District of Texas and his aggressive prosecution of law enforcement officers like Ramos and Compean.

Mr. Speaker, as I close, I want to let the families of Compean and Ramos know that we are not going to forget these two border agents. They are heroes and should never have been sent to prison.

□ 1845

U.S. TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the U.S. trade deficit continues its relentless spiral upwards. More red ink. More outsourced jobs. More foreign imports. Nothing seems capable of slowing it down, neither the misguided Bush administration policy of forcing down the value of the dollar on global markets, nor a half-hearted, ineffective and ultimately unsuccessful attempt to increase U.S. exports. America wants results, not rhetoric.

According to recent reports, the current account deficit, which is the broadest measure of the trade deficit, reached $193 billion just in the first quarter of this year. Every year the red ink gets deeper. This represents 5.7 percent of our gross domestic product. It is a heavy ball and chain on the economic growth in our country, and it is becoming heavier. The trade deficit in goods in the first quarter surpassed $200 billion, and it dwarfed surpluses in services and income payments.

Although you won't hear it from the economists on the coasts, the gargantuan deficit in goods is a dagger pointed at the heart of the economy in parts of the country such as I represent. We need action in Washington to stop the loss of jobs due to the trade deficit hemorrhage and unfair foreign competition, including the remaining closed markets of the world in first world nations like Japan.

The trade deficit, Mr. Speaker, reveals two fundamental weaknesses in our national economic policy. First is our unforgivable utter dependence on imported petroleum, the primary category of trade deficit. American consumers end up paying twice for the government's failure to declare energy independence, first when they fill up, and second, when their own economy is undermined by the global oil giants working in tandem with the repressive kingdoms of the Middle East and other places.

One would think that our government would have heard the warnings long enough and often enough to take action against our dangerous dependence on foreign oil, and I mean real action, like energy independence within a decade.

The President talked about it in his State of the Union speech, but he has not followed up with action. In fact, in his administration we are importing a billion more barrels of petroleum annually from other countries. So we should not be surprised, maybe, considering the President and Vice President are both oil men at heart.

The other weakness revealed by the current account deficit is our failure to develop a trade policy that makes as its priority the competitiveness of American jobs and American businesses. The government, rather, has pursued a policy that sends manufacturing jobs overseas to third world places like China, which represents a growing share of this red ink. Talk to tool and dye makers in Ohio, those who somehow have survived. Talk to workers in the auto industry or the auto parts sector; they must wonder whether it is the official policy of the United States Government to throw them to the wolves.

Where, they ask, is the policy for making the United States economy competitive here at home in each of the categories where we have lost the edge?

Together, the trade deficit with China from petroleum and from automotive products account for 95 percent of the total, and somebody's got to pay. In order to finance the deficit, Americans are borrowing and selling assets to the tune of approximately $600 billion a year. Anything in your town been put on the chopping block yet? Debt service amounts to approximately $2,000 a year for every working American. We are truly indebted.

Sooner or later somebody has to pay that bill, and the American people know who that somebody is. The Chinese government alone holds enough foreign reserves to purchase about 5 percent of the shares of all publicly traded U.S. companies. The U.S. trade deficit is the main source of that Chinese wealth. Dr. Peter Morici of the University of Maryland has written about the impact of our trade policy on economic growth. He notes that every dollar spent on imports that is not matched by a dollar of exports reduces domestic demand here at home and employment and shifts workers into activities where productivity is lower.

Productivity is at least 50 percent higher in industries that export and compete with imports, and reducing the trade deficit and moving workers into these industries would increase our gross domestic product. If the administration and Congress showed the fortitude to cut the trade deficit, and we're not talking about a balanced trade account, just cutting the deficit by half, the gross domestic product would increase by an estimated $250 billion, or more than $1,700 for every working American. That comes to 1 percent a year due to this halving of the deficit rather than the loss of 1 percent of economic growth every year due to this continuing failed trade policy, which has been in place for at least two decades.

If we could just cut the deficit in half, workers wages could once again keep pace with inflation, families would no longer fall further behind with each passing month, and we would have better jobs, better paying wages and better benefits.

Mr. Speaker, unfortunately we will not see that economic growth until our government deals with this trade deficit and stops the hemorrhage. That would require political courage. I would sure like to see some of it here in this town.

U.S. RECORDS $193 BILLION FIRST QUARTER CURRENT ACCOUNT DEFICIT TAXING U.S. GROWTH

(By Peter Morici)

Today, the Commerce Department reported the first quarter current account deficit was $192.6 billion, up from $187.9 billion in the fourth quarter.

The deficit was 5.7 percent of GDP. The consensus forecast was $203 billion, and my published forecast was 195.8.

The current account is the broadest measure of the U.S. trade balance. In addition to trade in goods and services, it includes income received from U.S. investments abroad less payments to foreigners on their investments in the United States.

In the first quarter, the United States had a $24.1 billion surplus on trade in services and a $10.4 billion surplus on income payments. This was hardly enough to offset the massive $200.9 billion deficit on trade in goods.

The huge deficit on trade in goods is caused by a combination of an overvalued dollar against the Chinese yuan, a dysfunctional national energy policy that increases U.S. dependence on foreign oil, and the competitive woes of the three domestic automakers. Together, the trade deficit with China and on petroleum and automotive products account for about 95 percent of the deficit on trade in goods and services.

To finance the current account deficit, Americans are borrowing and selling assets at a pace of about $600 billion a year. U.S. foreign debt exceeds $6 trillion, and the debt service comes to about $2,000 a year for every working American.

A significant share of these funds was loaned to Americans by foreign governments. China and other governments loaned Americans more than 4.3 percent of GDP.

The current account deficit imposes a significant tax on GDP growth by moving workers from export and import-competing industries to other sectors of the economy. This reduces labor productivity, research and development (R&D) spending, and important investments in human capital. In 2007 the trade deficit is slicing about $250 billion off GDP, and longer term, it reduces potential annual GDP growth to 3 percent from 4 percent.

FINANCING THE DEFICIT

The current account deficit must be financed by a capital account surplus, either by foreigners investing in the U.S. economy or loaning Americans money. Some analysts argue that the deficit reflects U.S. economic strength, because foreigners find many promising investments here. The details of U.S. financing belie this argument.

In the first quarter, U.S. investments abroad were $420.8 billion, while foreigners invested $623.6 billion in the United States. Of that latter total, only $23.5 billion or less. than 4 percent was direct investment in U.S. productive assets. The remaining capital inflows were foreign purchases of Treasury securities, corporate bonds, bank accounts, currency, and other paper assets. Essentially, Americans borrowed $600 billion to consume 5.7 percent more than they produced.

Foreign governments loaned Americans $147.8 billion or 4.3 percent of GDP. That well exceeded net household borrowing to finance homes, cars, gasoline, and other consumer goods. The Chinese and other governments are essentially bankrolling U.S. consumers, who in turn are mortgaging their children's income.

The cumulative effects of this borrowing are frightening. The total external debt now exceeds $6 trillion. The debt service at 5 percent interest, amounts to $2000 for each working American.

The Chinese government alone holds enough U.S. and other foreign reserves to purchase about five percent of the shares of all publicly trade U.S. companies. The U.S. trade deficit is the primary driver behind this phenomenon.

CONSEQUENCES FOR ECONOMIC GROWTH

High and rising trade deficits tax economic growth. Specifically, each dollar spent on imports that is not matched by a dollar of exports reduces domestic demand and employment, and shifts workers into activities where productivity is lower.

Productivity is at least 50 percent higher in industries that export and compete with imports, and reducing the trade deficit and moving workers into these industries would increase GDP.

Were the trade deficit cut in half, GDP would increase by about $250 billion or more than $1,700 for every working American. Workers' wages would not be lagging inflation, and ordinary working Americans would more easily find jobs paying higher wages and offering decent benefits.

Manufacturers are particularly hard hit by this subsidized competition. Through recession and recovery, the manufacturing sector has lost 3.2 million jobs since 2000. Following the pattern of past economic recoveries, the manufacturing sector should have regained about 2 million of those jobs, especially given the very strong productivity growth accomplished in durable goods and throughout manufacturing.

Longer-term, persistent U.S. trade deficits are a substantial drag on growth. U.S. import-competing and export industries spend three-times the national average on industrial R&D, and encourage more investments in skills and education than other sectors of the economy. By shifting employment away from trade-competing industries, the trade deficit reduces U.S. investments in new methods and products, and skilled labor.

Cutting the trade deficit in half would boost U.S. GDP growth by one percentage point a year, and the trade deficits of the last two decades have reduced U.S. growth by one percentage point a year.

Lost growth is cumulative. Thanks to the record trade deficits accumulated over the last 10 years, the U.S. economy is about $1.5 trillion smaller. This comes to about $10,000 per worker.

Had the Administration and the Congress acted responsibly to reduce the deficit, American workers would be much better off, tax revenues would be much larger, and the Federal deficit could be eliminated without cutting spending.

The damage grows larger each month, as the Bush administration dallies and ignores the corrosive consequences of the trade deficit.

BRING THE SOLDIERS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, they say they care about the soldiers. The President and his administration talk a lot about the soldiers, but in Iraq, the situation keeps getting worse. There are another 18 months left in this administration, and unless the Republicans finally dig in and demand action instead of words, casualties will continue to rise at a horrendous rate. In the 18 months the President remains in office, 1,800 more soldiers will die and 18,000 more U.S. soldiers will be wounded if they keep up at the present rate.

We are suffering as mightily as we did in Vietnam, and the results are just as catastrophic and just as preventable. We have a choice, but this President chooses to spend more U.S. lives in Iraq, and he does so with the full support of the Republican Party, which is the only way he can survive.

The American people have spoken, the Democratic Party has spoken, we all said the same thing: Set a timetable and get U.S. soldiers out of Iraq's civil war. Even the majority of Iraq's elected Parliament has demanded a timetable for U.S. withdrawal, but the President ignores it all.

So far, the Republican Party has sat on its conscience and given the President every blank check he asks for. Too many Republicans in this House and Senate know the truth, but they remain silent and acquiescence and give up their congressional responsibility.

The American people have submerged the President's approval rating in an effort to get his attention, but he keeps ignoring the fact, the evidence and the lessons of history. And it is be possible because blind allegiance has become the litmus test of the members of his party.

Republicans used to give the President blank checks, now they give him a rubber stamp veto to keep Americans fighting and dying in a war he lost several years ago. U.S. casualties will continue to rise at the President continues to escalate his stay-the-course policy in Iraq.

The President's stubbornness has nothing to do with taking new ground in Iraq, but it has everything to do with gaining rights to what's underground in Iraq, the oil wealth of the Iraqi people. That's why the rhetoric is already being planted by the administration with friendly media that September won't really matter when it comes to a progress report. As Frank Rich reported in the Sunday New York Times, the fix is already on. And I will enter this journalism into the RECORD.

[From the New York Times, June 24, 2007]

THEY'LL BREAK THE BAD NEWS ON 9/11

(By Frank Rich)

By this late date we should know the fix is in when the White House's top factotums fan out on the Sunday morning talk shows singing the same lyrics, often verbatim, from the same hymnal of spin. The pattern was set way back on Sept. 8, 2002, when in simultaneous appearances three cabinet members and the vice president warned darkly of Saddam's aluminum tubes. "We don't want the smoking gun to be a mushroom cloud," said Condi Rice, in a scripted line. The hard sell of the war in Iraq—the hyping of a (fictional) nuclear threat to America—had officially begun.

America wasn't paying close enough attention then. We can't afford to repeat that blunder now. Last weekend the latest custodians of the fiasco, our new commander in Iraq, Gen. David Petraeus, and our new ambassador to Baghdad, Ryan Crocker, took to the Sunday shows with two messages we'd be wise to heed.

The first was a confirmation of recent White House hints that the long-promised September pivot point for judging the success of the "surge" was inoperative. That deadline had been asserted as recently as April 24 by President Bush, who told Charlie Rose that September was when we'd have "a pretty good feel" whether his policy "made sense." On Sunday General Petraeus and Mr. Crocker each downgraded September to merely a "snapshot" of progress in Iraq. "Snapshot," of course, means "Never mind!"

The second message was more encoded and more ominous. Again using similar language, the two men said that in September they would explain what Mr. Crocker called "the consequences" and General Petraeus "the implications" of any alternative "courses of action" to their own course in Iraq. What this means in English is that when the September "snapshot" of the surge shows little change in the overall picture, the White House will say that "the consequences" of winding down the war would be even more disastrous: surrender, defeat, apocalypse now. So we must stay the surge. Like the war's rollout in 2002, the new propaganda offensive to extend and escalate the war will be exquisitely timed to both the anniversary of 9/11 and a high-stakes Congressional vote (the Pentagon appropriations bill).

General Petraeus and Mr. Crocker wouldn't be sounding like the Bobbsey Twins and laying out this coordinated rhetorical groundwork were they not already anticipating the surge's failure. Both spoke on Sunday of how (in General Petraeus's variation on the theme) they had to "show that the Baghdad clock can indeed move a bit faster, so that you can put a bit of time back on the Washington clock." The very premise is nonsense. Yes, there is a Washington clock, tied to Republicans' desire to avoid another Democratic surge on Election Day 2008. But there is no Baghdad clock. It was blown up long ago and is being no more successfully reconstructed than anything else in Iraq.

When Mr. Bush announced his "new way forward" in January, he offered a bouquet of promises, all unfulfilled today. "Let the Iraqis lead" was the policy's first bullet point, but in the initial assault on insurgents now playing out so lethally in Diyala Province, Iraqi forces were kept out of the fighting altogether. They were added on Thursday: 500 Iraqis, following 2,500 Americans. The notion that these Shiite troops might "hold" this Sunni area once the Americans leave is an opium dream. We're already back fighting in Maysan, a province whose security was officially turned over to Iraqi authorities in April.

In his January prime-time speech announcing the surge, Mr. Bush also said that "America will hold the Iraqi government to the benchmarks it has announced." More fiction. Prime Minister Nuri al-Maliki's own political adviser, Sadiq al-Rikabi, says it would take "a miracle" to pass the legislation America wants. Asked on Monday whether the Iraqi Parliament would stay in Baghdad this summer rather than hightail it to vacation, Tony Snow was stumped.

Like Mr. Crocker and General Petraeus, Mr. Snow is on script for trivializing September as judgment day for the surge, saying that by then we'll only "have a little bit of metric" to measure success. This administration has a peculiar metric system. On Thursday, Peter Pace, the departing chairman of the Joint Chiefs of Staff, called the spike in American troop deaths last week the "wrong metric" for assessing the surge's progress. No doubt other metrics in official reports this month are worthless too, as far as the non-reality-based White House is concerned. The civilian casualty rate is at an all-time high; the April–May American death toll is a new two-month record; overall violence in Iraq is up; only 146 out of 457 Baghdad neighborhoods are secure; the number of internally displaced Iraqis has quadrupled since January.

Last week Iraq rose to No. 2 in Foreign Policy magazine's Failed State Index, barely nosing out Sudan. It might have made No. 1 if the Iraqi health ministry had not stopped providing a count of civilian casualties. Or if the Pentagon were not withholding statistics on the increase of attacks on the Green Zone. Apparently the White House is working overtime to ensure that the September "snapshot" of Iraq will be an underexposed blur. David Carr of The Times discovered that the severe Pentagon blackout on images of casualties now extends to memorials for the fallen in Iraq, even when a unit invites press coverage.

Americans and Iraqis know the truth anyway. The question now is: What will be the new new way forward? For the administration, the way forward will include, as always, attacks on its critics' patriotism. We got a particularly absurd taste of that this month when Harry Reid was slammed for calling General Pace incompetent and accusing General Petraeus of exaggerating progress on the ground.

General Pace's record speaks for itself; the administration declined to go to the mat in the Senate for his reappointment. As for General Petraeus, who recently spoke of "astonishing signs of normalcy" in Baghdad, he is nothing if not consistent. He first hyped "optimism" and "momentum" in Iraq in an op-ed article in September 2004.

Come September 2007, Mr. Bush will offer his usual false choices. We must either stay his disastrous course in eternal pursuit of "victory" or retreat to the apocalypse of "precipitous withdrawal." But by the latest of the president's ever-shifting definitions of victory, we've already lost. "Victory will come," he says, when Iraq "is stable enough to be able to be an ally in the war on terror and to govern itself and defend itself." The surge, which he advertised as providing "breathing space" for the Iraqi "unity" government to get its act together, is tipping that government into collapse. As Vali Nasr, author of "The Shia Revival," has said, the new American strategy of arming Sunni tribes is tantamount to saying the Iraqi government is irrelevant.

For the Bush White House, the real definition of victory has become "anything they can get away with without taking blame for defeat," said the retired Army Gen. William Odom, a national security official in the Reagan and Carter administrations, when I spoke with him recently. The plan is to run out the Washington clock between now and Jan. 20, 2009, no matter the cost.

Precipitous withdrawal is also a chimera, since American manpower, materiel and bases, not to mention our new Vatican City-sized embassy, can't be drawn down overnight. The only real choice, as everyone knows, is an orderly plan for withdrawal that will best serve American interests. The real debate must be over what that plan is. That debate can't happen as long as the White House gets away with falsifying reality, sliming its opponents and sowing hyped fears of Armageddon. The threat that terrorists in civil-war-torn Iraq will follow us home if we leave is as bogus as Saddam's mushroom clouds. The Qaeda that actually attacked us on 9/11 still remains under the tacit protection of our ally, Pakistan.

As General Odom says, the endgame will start "when a senior senator from the president's party says no," much as William Fulbright did to L.B.J. during Vietnam. That's why in Washington this fall, eyes will turn once again to John Warner, the senior Republican with the clout to give political cover to other members of his party who want to leave Iraq before they're forced to evacuate Congress. In September, it will be nearly a year since Mr. Warner said that Iraq was "drifting sideways" and that action would have to be taken "if this level of violence is not under control and this government able to function."

Mr. Warner has also signaled his regret that he was not more outspoken during Vietnam. "We kept surging in those years," he told The Washington Post in January, as the Iraq surge began. "It didn't work." Surely he must recognize that his moment for speaking out about this war is overdue. Without him, the Democrats don't have the votes to force the president's hand. With him, it's a slam dunk. The best way to honor the sixth anniversary of 9/11 will be to at last disarm a president who continues to squander countless lives in the names of those voiceless American dead.

The truth about September will be that the President is still losing the Iraq war, but that's not what we will be told, nor will the President tell the American people that he has no plan to treat all the gravely wounded soldiers returning from Iraq. Already America has lost over 3,500 soldiers, as many as 53,000 more are gravely wounded. As many as 50,000 more may yet be afflicted with post traumatic stress disorder or traumatic brain injury.

As the Associated Press reported over the weekend, our government is overwhelmed now in trying to care for our wounded, and the President has this Nation on course to see 20,000 more casualties before he leaves office. That's what will happen unless his own Republican Party finally tells him and the American people the truth about Iraq, and the urgent need to get their soldiers out of harm's way.

The Vietnam Memorial in Washington is a place where we commemorate the soldiers who died during the last failed war. Had enough people gotten through to the President back in 1968, there would only be one side of that Memorial because we could have saved at least 25,000 lives. That's why we have to get through to the President today. The American people can't, the Democratic Party can't, even the Iraq Parliament can't. That leaves own the Republican Party to stop the memorial to Iraq's fallen heroes from growing any larger than it already will be.

We have a chance today to save U.S. lives by seeing the Iraq war for what it is and what it isn't. It is a civil war created by us, and it isn't in America's interest to be there.

Bring the soldiers home, Mr. President.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to address the House, and it's good to be here before we go on 4th of July break to celebrate the birthday of this great country.

As you know, in the 30-Something Working Group, we come to the floor to discuss a number of issues that are facing the American people, and also, I think it's important to identify our focus on the issues in Iraq and Afghanistan and the issues that are facing the American people.

I think, Mr. Speaker, the events over the weekend in Iraq and also in Afghanistan even give us further focus on making sure that the issues that are facing our men and women that are in harm's way are addressed here in the Congress. I think it's also very important for us to focus on what has not happened in this Congress as it relates to making sure that we meet the needs of our men and women.

We have appropriation bills that have been held up in the process that are now moving through the process. It's not because of the majority side's lack of will to be able to move them, it's the fact that we have some of our friends on the other side of the aisle that see it fit to slow the process down, but that argument is for another day.

As you know, I'm one of the Members, especially on this side of the aisle, that push for bipartisanship. Mr. Speaker, I spend quite a bit of time here on the floor talking about how when we work together, we're able to move the American agenda forward. And I look forward to continuing to stand up on behalf of bipartisanship here in the House to accomplish a goal to be able to make sure that our men and women in harm's way are able to receive the representation that the American people voted for.

Mr. Speaker, I think also what we should touch on is the fact that we have sent a number of documents to the White House, and those documents happen to be law, or proposed law. We had a bill that passed both House and Senate emergency supplemental that had not only benchmarks in it, but also withdrawal dates that were sensible and that were timely to let the Iraqi Government know that we will not continue to reward a lack of action on their side and accomplishment on their side as it relates to securing Iraq. That was vetoed by the President. But I can say that not one Democrat went to the White House and stood behind the President and said that we will stop any override of the President's veto.

□ 2100

I am so glad that we did send that bill there to show the American people that we are willing to do the things that we need to do.

We also passed a nonbinding resolution against the surge in Iraq, the escalation, I must add, in Iraq of U.S. troops and personnel. That was a strong message that the American people wanted to send out. That was successfully passed. Now, we are going to have two reports when we get back July 15, I would say to Mr. LARSON, our Vice Chair, in a report in September. I think it is going to be very, very important for the Members to remember that we are Americans first, Members of Congress. Along with that, that first chair that I mentioned, and on the second hand, that we are from two different parties, because there are men and women who are counting on us to work together.

But those of us on this side of the aisle have to provide the leadership. If the leadership doesn't come from the White House, then we are here, sent by American taxpayers, American voters, to represent them from the said districts that we are from. But it is important that we provide that leadership and opportunity.

I would like to yield to my good friend, Mr. JOHN LARSON, from the great State of Connecticut. He is our Vice Chair of the Democratic Caucus. I want to thank you, sir, for your leadership on this very issue of Iraq.

Mr. LARSON of Connecticut. Well, let me first and foremost congratulate the gentleman from Florida (Mr. MEEK), and Mr. RYAN and Mrs. WASSERMAN SCHULTZ and Mr. MURPHY for continuing to come to the floor, the 30-Somethings, and talk about issues that are so important to this country. There is no more important issue before this Congress or this country, than the war in Iraq.

There is no more important issue to the American public. But it is clear, and I think General Odom stated it best, because as the gentleman from Florida (Mr. MEEK) pointed out, this Congress, with its small Democratic majorities, has done what it can to end the war in Iraq and put a bill on the President's desk. The President opted to veto that bill. Our colleagues on the other side of the aisle opted to stay the course with the President of the United States.

As General Odom says, and I quote, "The end game will start when a senior senator from the President's party, or a senior Member from the House of Representatives, much as William Fulbright did to LBJ during Vietnam, stands up and says no, stands up and says let's end the war."

Let's create the kind of strategic withdrawal that we need in order to preserve our troops, in order to maintain our military's readiness, in order to bring sanity back into the lives, especially the reservists and the National Guard who have put out so much for us. We are going to go home at the end of this week and celebrate the Fourth of July while our troops are slugging it out there, while this administration goes through some endgame strategy where they sound like the Bobbsey twins getting together and say, "Well, now, all of a sudden, September 15 is only a snapshot of perhaps what will happen." A snapshot.

To the men and women who are putting their lives on the line every single day, it's time to end the war. That will only happen in this House of Representatives and in the United States Senate, as was pointed out by General Odom, when Members on the other side of the aisle recognize that they have to stand up and say "no" to the President. They hint about it. They talk about it.

Meanwhile, while they dither, we lost more than 23 soldiers this past weekend. How much longer can the insanity continue here without a strategy that provides us with the strategic withdrawal to an over-the-horizon force as has been advocated on this floor by colleagues on both sides of the aisle? Why is it that RON PAUL is the only presidential candidate who has the nerve on the Republican side to talk about it without fear of being called unpatriotic or in fact booed in an audience?

This Chamber should be a chamber where we have the opportunity to speak truth to power. Thank God for people like WAYNE GILCHREST. Thank God for people like WALTER JONES. But Members on the other side of the aisle need to join with this majority so that we can create an override if the President remains obstinate, along with the Vice President, in this myopic pursuit of victory. Victory. No definition of what "victory" is, other than "staying there for as long as it takes." We see that the Iraqi government is not living up to its proposals, that the surge is an entire failure. Yet, people come to the floor and people present in the newspapers arguments that somehow the surge might work, what it just needs is a little more time, or perhaps what it needs is even more troops.

It is time to end this war. It is time to make sure that we have people on the other side of the aisle that are willing to speak truth to power and face up to the fact that it is in the best interest of our country, that it is the very American thing to do, to stand up for our troops, to provide for our families that are here at home worried sick about the prospect of sending their loved ones into this insurgent civil war nightmare we have come to call Iraq.

The American public is way ahead of this Chamber, way ahead of the Senate. We plead with our colleagues, especially as we go forward to this July 4 weekend, to find the courage of our forebears and to stand up, since we are the body that decides on war. You have Senator WARNER saying that he ought to reconsider the authorization of this war, to do what they did in Vietnam, to recognize that the Congress, during that era, stood up and deauthorized the Gulf of Tonkin resolution that put an end to an unjust war.

We know now, of course, that we found no weapons of mass destruction. We know now that we had no exit strategy. We know now that this administration's closest adviser that they took into their bosom was Ahmed Chalabi, who ultimately ends up saying, "So what? I lied to you. So what? I lied to you. You got what you wanted. You had a civil war in your country. The Iraqis are going to have to have a civil war in their country."

Americans soldiers, men and women who have served this country with honor, go over there to fulfill their duty to their country. We have a duty and a responsibility here to make sure that we are doing everything within our power to make sure that they are safe and secure. Instead, we have stuck them in the middle of a civil war. The military objectives of this war have long since been accomplished. It is time to bring the troops home.

I commend Mr. MEEK and Mr. RYAN for having come to this floor day in and day out and discussed this thing. But we have to turn it up. Especially for those of you in our viewing audience, continue to turn it up at home. Turn up the conversation and the dialogue that so many have taken to the streets, to protest, to talk about moving other Members of this great body to come and arrive at the same conclusion that most Americans have. It is time for the safe, secure and strategic withdrawal of our troops from Iraq.

Mr. MEEK, I thank you for the opportunity to come down here and address, along with you, Members of the 30-Something Group, who have continued to speak truth to power here. I especially want to commend Mr. RYAN from Ohio for his efforts, as well.

Mr. MEEK of Florida. Well, I am glad Mr. RYAN from Ohio has joined us, Mr. Vice Chairman. I just want to commend you for your work with the Iraq Watch Group and the work that you have been doing here in the House, not only working with Members such as myself, but others that are trying to find a way that we, Mr. Speaker, can get our troops home more sooner than later. I think it is important that all Members focus on the fact that we come to the floor to make sure that we can work together.

Again, Mr. Speaker, I would like to not only warn, but I would like to bring to the attention of the Members of the House that when that bipartisanship is blocked or Members are discouraged from voting on legislation, or voting in the affirmative, or slowing down the process, when we are trying to carry out the work that the American people sent us up here to do, then we have to rise up, the majority that the Vice Chairman speaks of so much, to do the things that we need to do on behalf of the people.

☐ 1915

I think, Mr. LARSON, when you were talking, I couldn't help but reflect on what we were able to do last week as it relates to our military construction/VA spending bill, which was the largest single increase in VA in the 77-year history of the VA. It was a bipartisan vote that took place in the final analysis, and it was something that was well-needed.

This is far from what you remember under Republican control, when the chairman of the Veterans Affairs Committee just got so fed up and could no longer tell the veterans groups in this country that he could help them, do what he thought he was supposed to have done on behalf of those men and women coming back, those men and women waiting in line 6 months to see a specialist or what have you. He was removed as chairman.

Now we are under a Democratic-controlled Congress, understanding our responsibilities, understanding we have two wars going on, understanding that the VA doesn't have all of the things that it needs to have because of the cuts that have been made, understanding there is a Secretary of the VA appointed by the President that was confirmed by the Republican Senate, understanding that he doesn't want to make career decisions like some Members have, one Member did, who used to be the Chair of the Veterans Affairs Committee. And I have that in my document that I will bring up a little later.

But I think it is important that we keep the focus; that we work double time in making sure that our men and women that are taking the fight to almost an unseen aggressor in the middle of a civil war in Iraq, with no end in sight, that they know that we are here, especially the majority of us here in this House, and will do everything in our power, go to as many meetings as we need to go to and get legislation to this floor and keep it in the forefront.

I say this, Mr. LARSON and Mr. RYAN, because I know there are a number of military families that are there waiting on their loved ones to come home. I know there is a wife waiting for a husband, or a husband that is waiting on the wife to come back. I know there is a child that wants to celebrate what my children celebrate, me walking through the door, their mother walking through the door, on a nightly basis, being able to do the things that families do. But if you are a soldier, you are deployed 12 to 15 months, Mr. Speaker, hands down. And we know with this surge that the troop levels have reached a level that has endangered the readiness of our country here. I think it is important.

Mr. LARSON of Connecticut. Mr. Speaker, if the gentleman will yield for a moment, I thank you again, because I do want to say that Frank Rich wrote an important column in The New York Times yesterday, and it is one that I will submit for the record. I think it also lays it out pretty clearly.

I would like to quote here. First he is quoting retired General William Odom. "For the Bush White House, the real definition of victory has become 'anything they can get away with without taking blame for defeat,' said the retired Army General William Odom, a national security official in the Reagan and Carter administrations," when Frank Rich spoke to him most recently. "The plan is to run out the Washington clock between now and January 20, 2009, no matter the cost."

"A precipitous withdrawal is also a chimera, since American manpower, material and bases, not to mention our new Vatican-sized embassy, can't be drawn down overnight."

And here is the important thing that I think Mr. Rich says. "The only real choice, everyone knows, is an orderly plan for withdrawal that will best serve American interests. The real debate must be over what that plan is. That debate can't happen as long as the White House gets away with falsifying reality, sliming its opponents and sowing hyped fears of Armageddon. The threat that terrorists in a civil war-torn Iraq will follow us home if we leave is as bogus as Saddam's mushroom clouds. The al Qaeda that actually attacked us on 9/11 still remains under the tacit protection of our ally, Pakistan.

"As General Odom says, 'the endgame will start when a senior senator from the President's party says no,' much like William Fulbright did. That's why in Washington this fall," he goes on to say, "eyes will turn once again to JOHN WARNER, the senior Republican with the clout to give political cover to other members of his party who want to leave Iraq before they are forced to evacuate Congress. In September, it will nearly be a year since Mr. WARNER said that Iraq was 'drifting sideways' and that action would have to be taken if this level of violence is not under control and this government is able to function.

"Mr. WARNER has also signaled his regret that he was not more outspoken during Vietnam. 'We kept surging in those years,' he told The Washington Post in January, as the Iraq surge began. 'It didn't work.' Surely," Rich goes on to say, "he must recognize that his moment for speaking out about this war is overdue. Without him, the Democrats don't have the votes," and I repeat, without Republicans, "the Democrats don't have the votes to force the President's hand. With him, it's a slam-dunk. The best way to honor the sixth anniversary of 9/11," as we take up this week the 9/11 Commission response, "is to at last disarm a President who continues to squander countless lives in the names of those voiceless American dead."

Mr. Speaker, I include the entire Frank Rich article for the RECORD.

[From the New York Times, June 24, 2007]

THEY'LL BREAK THE BAD NEWS ON 9/11

(By Frank Rich)

By this late date we should know the fix is in when the White House's top factotums fan out on the Sunday morning talk shows singing the same lyrics, often verbatim, from the same hymnal of spin. The pattern was set way back on Sept. 8, 2002, when in simultaneous appearances three cabinet members and the vice president warned darkly of Saddam's aluminum tubes. "We don't want the smoking gun to be a mushroom cloud," said Condi Rice, in a scripted line. The hard sell of the war in Iraq—the hyping of a (fictional) nuclear threat to America—had officially begun.

America wasn't paying close enough attention then. We can't afford to repeat that blunder now. Last weekend the latest custodians of the fiasco, our new commander in Iraq, Gen. David Petraeus, and our new ambassador to Baghdad, Ryan Crocker, took to the Sunday shows with two messages we'd be wise to heed.

The first was a confirmation of recent White House hints that the long-promised September pivot point for judging the success of the "surge" was inoperative. That deadline had been asserted as recently as April 24 by President Bush, who told Charlie Rose that September was when we'd have "a pretty good feel" whether his policy "made sense." On Sunday General Petraeus and Mr. Crocker each downgraded September to merely a "snapshot" of progress in Iraq. "Snapshot," of course, means "Never mind!"

The second message was more encoded and more ominous. Again using similar language, the two men said that in September they would explain what Mr. Crocker called "the consequences" and General Petraeus "the implications" of any alternative "courses of action" to their own course in Iraq. What this means in English is that when the September "snapshot" of the surge shows little change in the overall picture, the White House will say that "the consequences" of winding down the war would be even more disastrous: surrender, defeat, apocalypse now. So we must stay the surge. Like the war's rollout in 2002, the new propaganda offensive to extend and escalate the war will be exquisitely timed to both the anniversary of 9/11 and a highstakes Congressional vote (the Pentagon appropriations bill).

General Petraeus and Mr. Crocker wouldn't be sounding like the Bobbsey Twins and laying out this coordinated rhetorical groundwork were they not already anticipating the surge's failure. Both spoke on Sunday of how (in General Petraeus's variation on the theme) they had to "show that the Baghdad clock can indeed move a bit faster, so that you can put a bit of time back on the Washington clock." The very premise is nonsense. Yes, there is a Washington clock, tied to Republicans' desire to avoid another Democratic surge on Election Day 2008. But there is no Baghdad clock. It was blown up long ago and is being no more successfully reconstructed than anything else in Iraq.

When Mr. Bush announced his "new way forward" in January, he offered a bouquet of promises, all unfulfilled today. "Let the Iraqis lead" was the policy's first bullet point, but in the initial assault on insurgents now playing out so lethally in Diyala Province, Iraqi forces were kept out of the fighting altogether. They were added on Thursday: 500 Iraqis, following 2,500 Americans. The notion that these Shiite troops might "hold" this Sunni area once the Americans leave is an opium dream. We're already back fighting in Maysan, a province whose security was officially turned over to Iraqi authorities in April.

In his January prime-time speech announcing the surge, Mr. Bush also said that "America will hold the Iraqi government to the benchmarks it has announced." More fiction. Prime Minister Nuri al-Maliki's own political adviser, Sadiq al-Rikabi, says it would take "a miracle" to pass the legislation America wants. Asked on Monday whether the Iraqi Parliament would stay in Baghdad this summer rather than hightail it to vacation, Tony Snow was stumped.

Like Mr. Crocker and General Petraeus, Mr. Snow is on script for trivializing September as judgment day for the surge, saying that by then we'll only "have a little bit of metric" to measure success. This administration has a peculiar metric system. On Thursday, Peter Pace, the departing chairman of the Joint Chiefs of Staff, called the spike in American troop deaths last week the "wrong metric" for assessing the surge's progress. No doubt other metrics in official reports this month are worthless too, as far as the non-reality-based White House is concerned. The civilian casualty rate is at an all-time high; the April-May American death toll is a new two-month record; overall violence in Iraq is up; only 146 out of 457 Baghdad neighborhoods are secure; the number of internally displaced Iraqis has quadrupled since January.

Last week Iraq rose to No. 2 in Foreign Policy magazine's Failed State Index, barely nosing out Sudan. It might have made No. 1 if the Iraqi health ministry had not stopped providing a count of civilian casualties. Or if the Pentagon were not withholding statistics on the increase of attacks on the Green Zone. Apparently the White House is working overtime to ensure that the September "snapshot" of Iraq will be an underexposed blur. David Carr of The Times discovered that the severe Pentagon blackout on images of casualties now extends to memorials for the fallen in Iraq, even when a unit invites press coverage.

Americans and Iraqis know the truth anyway. The question now is: What will be the new new way forward? For the administration, the way forward will include, as always, attacks on its critics' patriotism. We got a particularly absurd taste of that this month when Harry Reid was slammed for calling General Pace incompetent and accusing General Petraeus of exaggerating progress on the ground.

General Pace's record speaks for itself; the administration declined to go to the mat in the Senate for his reappointment. As for General Petraeus, who recently spoke of "astonishing signs of normalcy" in Baghdad, he is nothing if not consistent. He first hyped "optimism" and "momentum" in Iraq in an op-ed article in September 2004.

Come September 2007, Mr. Bush will offer his usual false choices. We must either stay his disastrous course in eternal pursuit of "victory" or retreat to the apocalypse of "precipitous withdrawal." But by the latest of the president's ever-shifting definitions of victory, we've already lost. "Victory will come," he says, when Iraq "is stable enough to be able to be an ally in the war on terror and to govern itself and defend itself." The surge, which he advertised as providing "breathing space" for the Iraqi "unity" government to get its act together, is tipping that government into collapse. As Vali Nasr, author of "The Shia Revival," has said, the new American strategy of arming Sunni tribes is tantamount to saying the Iraqi government is irrelevant.

For the Bush White House, the real definition of victory has become "anything they can get away with without taking blame for defeat," said the retired Army Gen. William Odom, a national security official in the Reagan and Carter administrations, when I spoke with him recently. The plan is to run out the Washington clock between now and Jan. 20, 2009, no matter the cost.

Precipitous withdrawal is also a chimera, since American manpower, materiel and bases, not to mention our new Vatican City-sized embassy, can't be drawn down overnight. The only real choice, as everyone knows, is an orderly plan for withdrawal that will best serve American interests. The real debate must be over what that plan is. That debate can't happen as long as the White House gets away with falsifying reality, sliming its opponents and sowing hyped fears of Armageddon. The threat that terrorists in civil-war-torn Iraq will follow us home if we leave is as bogus as Saddam's mushroom clouds. The Qaeda that actually attacked us on 9/11 still remains under the tacit protection of our ally, Pakistan.

As General Odom says, the endgame will start "when a senior senator from the president's party says no," much as William Fulbright did to L.B.J. during Vietnam. That's why in Washington this fall, eyes will turn once again to John Warner, the senior Republican with the clout to give political cover to other members of his party who want to leave Iraq before they're forced to evacuate Congress. In September, it will be nearly a year since Mr. Warner said that Iraq was "drifting sideways" and that action would have to be taken "if this level of violence is not under control and this government able to function."

Mr. Warner has also signaled his regret that he was not more outspoken during Vietnam. "We kept surging in those years," he told The Washington Post in January, as the Iraq surge began. "It didn't work." Surely he must recognize that his moment for speaking out about this war is overdue. Without him, the Democrats don't have the votes to force the president's hand. With him, it's a slam dunk. The best way to honor the sixth anniversary of 9/11 will be to at last disarm a president who continues to squander countless lives in the names of those voiceless American dead.

Mr. RYAN of Ohio. Mr. Speaker, as we a couple weeks ago had a big brouhaha here on what we would do as Democrats to protect the homeland, I think Frank Rich is exactly right: They are already trying to get us here, and this war has created more terrorists who are trying to get at the United States. Many may be here already. We don't know.

But if you look at what we wanted to do with the homeland security bill a couple of weeks ago, put 3,000 more Border Patrol agents on the borders, make sure that we completely fund the cargo inspections coming in and out of our ports, make sure the technology is at our ports to find out if biological or chemical weapons are coming in, fund the first responders, fund the cops, fund the firemen, fund the equipment that they need for interoperability, so we have an agenda on how to protect the homeland that is much different than this one here.

But as Mr. Rich said, and there was also an article today in The New York Times, U.S. generals doubt the ability of Iraqi army to hold gains.

Now, no kidding. They had a big brouhaha with the speaker there, who was a Sunni Arab, who was put on leave at the request of a broad coalition of the three parties after incidents in which he lost his temper at other members and struck them or allowed his guards to rough them up. Now, I understand we have had a few brouhahas here in the House and in the Senate, but we didn't have an occupying force telling us to get along and get together.

These guys can't get their act together, Mr. LARSON, in a way that will allow them to take over their own country. When you look at what is going on here and the testimony before Congress on June 12 from General Dempsey, in charge of training the Iraqi army, he said there is a need to increase the Iraqi forces by at least 20,000 troops this year and a further expansion would be needed in 2008. That is not possible. He said, "However, the past few days of fighting have not yielded the kind of success that we needed. Despite the efforts to encircle leaders from al Qaeda and others there, we are not getting the job done."

We have so many cultural differences with the Iraqi people, the difficulties in training them, the lack of competence among the administration to jump on this, the lack of troops, on and on and on and on it goes.

I want to lend my voice to yours, Mr. LARSON and to Mr. KENDRICK MEEK from Florida, to say that it is time to bring these troops home. Let's redeploy in a very responsible way, protecting the safety of our troops, Mr. LARSON, which we all support, and make sure that we handle this politically and diplomatically, because we won this military battle, but now it is an occupation.

Mr. LARSON of Connecticut. As you have said on more than one occasion on the floor, Mr. RYAN, what we have needed all along here is a diplomatic surge, not a military surge. It is such a shame that we have abandoned so much of American foreign policy. In fact, more than 50 years of American foreign policy that were centered around deterrence, diplomacy and containment. Instead, we went into the wrong-headed policies of preemption and unilateralism, which have brought us to the quagmire that we are in today.

It breaks my heart to travel with JACK MURTHA to Bethesda and see the young men and women who are there, who have become the heroes, of course, in our country, but victims of a myopic, failed strategy with no exit in sight.

How much longer can the American public, or for that matter, this body, put up with the slogans that "we will stand down as the Iraqis stand up," when more of our troops are needed and less Iraqis continue to join us; when they decide that they are going to take the next couple of months off while we slog it out in a civil war?

Our soldiers don't know in many respects who the enemy is over there, because oftentimes they are getting played, one religious sect against another, settling ages of old scores rather than accomplishing any kind of goal of establishing a democracy or establishing a government or people that are going to stand up so that we can stand down.

Mr. MEEK of Florida. Mr. Chairman, it is interesting that you would say that, and I can definitely share with you that we have to put a face on this issue.

Mr. Speaker, I know time after time again there are some Members that are concerned that we may have a single focus on Iraq, and that is not the case. We are moving the House. We have appropriation bills that are moving through the process. We have legislation. We have the 9/11 legislation coming up this week. The Senate is fast at work, doing work before we leave on Friday. It is important to put a face on this.

I said before, Iraq, Iraq, and that other issue, Iraq. But look what it is doing to the country. Look where it is holding up the resources; where it is taking up so much of our time, not only of the Congress, rightfully so, because our troops are in harm's way.

We have a President that is saying "troops will be in Iraq," he said this in the past, "troops will be in Iraq as long as I am President." "We will be in Iraq," saying "we."

This is the first time he has not had a rubber stamp Congress since he has been President. I think it is important that our colleagues on the other side of the aisle, those that have to vote with their constituents and for their constituents, make sure we can work towards measures in getting our men and women out.

But to punt the ball down and say, well, let's try on the next series of downs, we have to actually try to run the ball on fourth down. Running the ball on fourth down is having not only American families that are affected by this war in Iraq, but those that are not, letting their Members of Congress know that enough is enough.

Now, let me share this with you. We are going to fight the policy battle and we are going to make sure that our men and women have what they need to have that are in harm's way. That is a no-brainer. I have never run into an American or even received a letter that says "I encourage you not to support the troops." Or "I don't support the troops." You never hear that. You always hear people support the troops.

The policy is an entirely different issue, and I think it is very important to say time after time again that to move in a new direction, that is the what the American people wanted last November, is being able to have not only the guts, but the integrity to move in that direction.

It is beyond good government. It is making a commitment to those who have made a commitment to us. And they are counting on us to stand up. And when I say us, I am not talking just about good Democrats. I am not just talking about Republicans. I am talking about all Members of the House.

The reason why it is very difficult, Mr. LARSON, as you know, to move the kind of legislation that we would like to move through this process, is because in the Senate they need a number of votes to be able to do so, 60 votes, I think that is the number.

Here in the House, the majority is not all that big, even though we are in the majority. I know that the record speaks for itself, and before we leave here tonight, I am going to read what I read a week ago into the CONGRESSIONAL RECORD about the accomplishments of this Congress and what we have done as it relates to this issue of Iraq and where we have run into a roadblock with the President on not only vetoing legislation, with the help of our Republican colleagues on the other side of the aisle that have been standing with the President.

I would like, if I can, I don't know if my chart is on the floor, Mr. LARSON, I had this chart with the President on it and the Republican Congress, where they borrowed so much money. I want to have a prop so I can make the point even clearer to the Members.

Mr. LARSON of Connecticut. You have been resilient in making this point, but I want to amplify a point you made, if I might. Again, I think Frank Rich says it fairly well. I think he puts a great deal of responsibility on Senator WARNER.

Mr. MEEK of Florida. This is the article you referred to earlier.

Mr. LARSON of Connecticut. The article in the New York Times written by Frank Rich.

☐ 1930

I think Mr. WARNER has been on record publicly for having stated what he has. You mentioned the fact that this House has accomplished a tremendous amount, including, and I know you are going to reiterate it with your charts, including a number of agenda items that were accomplished in the first 100 legislative hours.

Mr. MEEK of Florida. That's correct.

Mr. LARSON of Connecticut. But over in the Senate, and most of the general public isn't aware of this, they have a cloture rule. Cloture in the Senate means it takes 60 votes in order to pass something, which is why Mr. Rich in his article prevails upon Mr. WARNER, a senior Republican, to rein in Mr. MCCONNELL. Now MITCH MCCONNELL in the Senate has indicated that they continue to be obstructionists. Almost every single vote that has taken place over in the Senate, every single issue becomes a cloture vote which means that there are 60 votes needed in order to pass. Of course with only 50 Democrats in the United States Senate, that becomes impossible. So they become the obstructionist not only in the effort to strategically withdraw our troops and support the military and to revert back to a policy that makes sense, but also on every other issue that Democrats have been able to bring before and pass in this House of Representatives.

So, Mr. MEEK, I am pleased to join with you this evening and thank you for coming to the floor with this.

Mr. MEEK of Florida. Mr. Vice Chairman, I just want to thank you for your continued leadership, and point out one fact before I go to my chart over here.

This is not an issue as it relates to, but in the 30-something Working Group, and let me just back up. In the 30-something Working Group, we like to have third-party validators. We like to have information so Members know exactly what they are voting on. We all have to go back home and talk to our constituents about the things that we have accomplished, and the resources we brought back to our district, and where we stood up on behalf of those that needed us to stand up for them.

There have been 47 key measures that have passed. 79 percent bipartisan consensus. I think that is important because what you are talking about as it relates to the Senate and what I have experienced serving with you in the 108th Congress and 109th Congress, we knew where our place was in those Congresses. We knew it was hard to bring a consensus vote because the leadership on the Republican side would fix the deck so we wouldn't have consensus, we wouldn't have bipartisanship.

With Speaker PELOSI, who encouraged bipartisanship where we can come together on issues, and these are major issues, these are not post offices. There is nothing wrong with naming post offices. I think Americans should be recognized at the local post office, and it is a wonderful privilege that we have here in Congress to do it. But I think it is important that everyone understands that across the board 47 key measures, and you know I love charts, Mr. LARSON, we are going to review those 47 key measures so Members know the time we have come together on behalf of the American people.

I say all of this to say when I spoke of the rubber stamp Republican Congress, and I have my rubber stamp, and that is one thing I have protected. It is in my office and it is high up on the top of a cabinet. I keep my eye on it because I don't know, many of the charts I have had in the past that have been very, very effective in making the point to the Members, I call it a moment of clarity, fact versus fiction, someone, somehow these charts are leaving the floor. I don't know what is going on. I'm not saying anything, but I would love my charts back. Hopefully one of the Members will hear me.

President Bush, when you look at it, and this is by the U.S. Treasury, the foreign debt, when we talk about this war and we talk about the life of our men and women, many of them will never come home. A large number of our forces will never come home. And if they do come home, a number will come back with physical issues, emotional issues or mental issues that we have to deal with.

So what we did in an appropriations bill, over what the President calls for as it relates to mental health counseling, what the President has done in the past and what Members of Congress have done, the rubber-stamp Congress, the President, over 42 other Presidents, and this is my old chart. It is a new number, but this President has borrowed more from foreign countries than 42 other Presidents. So 42 Presidents over 224 years were only able to borrow $1.01 trillion. This President, $1.19 trillion at the end of the Republican control of the House. This is the Republican House here that allowed the President to rubber stamp.

Here is my point that I want to come back to that Mr. LARSON made earlier. We as Democrats and a few Republicans, sent a bill to the President that we consulted generals, we had hearings. The Appropriations Defense Committee had more hearings than the last Congress had combined on the whole issue of Iraq and this was just an emergency supplemental. I think it is important for the Members to understand that we sent that bill to the President and the President had a meeting. Members of the Republican Conference went down and had a lunch. They all came out and stood behind the President I think on the east steps, I saw it on television, and said we stand with the President and we have made a commitment to the President that we will not take part in overriding his veto as Members of the House.

Here is the Republican Congress, here is the $1.19 trillion that we have borrowed from foreign nations. It reminds me of the past Congress. So when Mr. LARSON started talking about those willing to stand in the schoolhouse door of good policy, Mr. Speaker, I am seeing that and saying, "Okay, the American people have taken the majority from the Republicans." And I am speaking as a Republican, which is very highly unlikely here on this floor. Taken the majority from them and now giving it to the Democrats to move in a new direction. Just when we start carrying out the will of the American people, Mr. Speaker and Mr. LARSON, how can we stop this from happening? What can we do?

So the Republican says, "Well, we don't have the votes on the floor because the American people have taken that away from us. Well, maybe in the Senate, maybe we can drum up something. We need to have bipartisan support, but we are not going to get it because we are going to stand in the way as much as we can?"

And I think it is important that the American people understand and Members of the House understand, both Democrats and Republicans, we were sent here to do something. I enjoy those Members who take extra time to work on the art of doing something and moving us in a new direction. But I see Members trying to find some sort of creative way to stop things that the supermajority of the American people want.

The first thing that they threw out, "Well, the Democrats will leave our troops without what they need."

That didn't happen.

"Well, the Democrats are soft on homeland security."

Then we pass a bill that has done more than the Republican Congress has done since Homeland Security has been created. As a matter of fact, it was a Democratic idea that started the Department of Homeland Security so we can have the consensus that we needed. And to have the Republicans come to the floor and say that, and the facts are not there to support their arguments.

But I wanted to have this illustration here of the Republican Congress with the President addressing the Republican Congress, the President is doing the State of the Union and the picture is taken this way to show the Republicans on that side, Mr. LARSON, to go back to your point, so we have a moment again of clarity, a moment to say that not only do we have illustrations to show how it happened in the past, and that is the beautiful thing about history, and it is good you can bring this history up, and it can be lifted off the CONGRESSIONAL RECORD, but to be able to let Members know that there are only so many times that you can stand in front of the will of the American people and be rewarded. Because the American people, one thing that I saw, last November, I have said here on this floor the American spirit will always rise. The American spirit will rise above partisanship.

My message to my colleagues on the other side of the aisle, and we always say on the floor "my good friend." But you know what, they are good friends. We work with them every day. We live the same life. Many of them are away from their families. Some of them are living in this city. They miss their family members, so we go through some of the same things that our colleagues do. So we are all here in the Chamber and our card is the same shape, and we stick it in this machine and we vote on behalf of the American people. But I can tell you this, the American people will not reward when you go out of your way to stop their will. That is the point I wanted to make.

Mr. LARSON of Connecticut. Mr. MEEK, I think you have made your point extraordinarily well. I especially want to commend, especially for the viewers and listeners who regularly tune in when the 30-Something Group comes to the floor, first and foremost, call up and thank courageous people like WALTER JONES, Republican from North Carolina; WAYNE GILCHREST, Republican from Maryland; RON PAUL, Republican from Texas, who more often than not sit almost isolated, almost ostracized on the other side of the aisle. And it is not that they don't have the respect of their colleagues, because I believe sincerely they do. What they should know is that they have the respect of America because they are willing to stand up and speak truth to power.

There are many of our colleagues on the other side of the aisle who would stand with them. Loyalty is important in any process, and certainly one can respect loyalty. Loyalty and fidelity are important concepts and in fact can be virtues. But when there is blind allegiance, and especially when men and women's lives are at stake, where is your voice? Will you stand together to have this institution, the United States Congress, stand up together, collectively, put an end to the war, find a process by which we together can end the war and provide, as you point out, as the most recent veterans' bill that we passed does, the greatest increase in 77 years for veterans, so that we provide the assistance to these brave men and women who have given their all. And also to provide the compassion and the caring for their family members who wait at home wondering what kind of policy is going to unfold here for them to see Congress bogged down the way it is in the obstinacy of an administration that says it is just going to run out the clock on its policy is wrong.

As Mr. Rich points out, if not Mr. WARNER, then who? And certainly we have heard the WALTER JONESes and the WAYNE GILCHRESTs and the RON PAULs in the House, but we need other brave Members who have found their voice who are able when they go back home to listen to their fellow citizens and then come to this floor and join with those men of character and stand up for what they know is right.

We know that Mr. WARNER is thinking about it. We know he is talking about September. Twenty-three soldiers lost their lives this weekend. For people who are serving, tomorrow is today. The urgency is now. Find your voice prior to this July 4, strike a tone of independence from the administration that has got us here.

Historically this happened to a Democratic President during Vietnam. It is not about Democrats or Republicans. It is about America, and it is about standing up for our troops in the field. It is about standing up for fellow Americans. It is about Americans finding their voice. Our citizens have found theirs. We need the Members of Congress here to join together, both House and Senate, to end this insanity and come together on behalf of the American public, and especially the brave men and women who serve our country so valiantly who we owe such a debt of gratitude to, and ought to show it through the courage of our policy convictions here on the floor, and then in the funding that we provide them to make sure that they have the kind of life that they richly deserve when they come home, and that we honor the memory of their sacred sacrifice that so many have made on behalf of this Nation.

□ 1945

I thank the gentleman again from the 30-Somethings for having continued to bring this debate to the American public.

Mr. MEEK of Florida. Mr. LARSON, I just want to thank you for not only your passion but your leadership. Again, I go back to third-party validators. I go back to the will and the desire. Many times we stood here on this floor and talked about, Mr. Speaker, if you give us the opportunity, if we become the majority, what we would do. Six months hasn't really even clicked by yet. Let's just say 7 months hasn't. We haven't enjoyed 7 months of being in the majority of this House. It just happened in January, and we're talking late January, mid-January, where the power changed here in this House of Representatives.

And the bills, the 47 major bills, at least three actions that we have taken, on the action we have taken on Iraq alone, major. The hearings that we've had in the Foreign Affairs Committee, double-digit hearings. Armed Services Committee, double-digit hearings. In Government Oversight, double-digit hearings. You didn't hear about these hearings because they weren't called in the last Republican Congress.

Mr. LARSON, when you were talking, I couldn't help but pull out of my book of information here, because every day we open this book, Mr. Speaker, and we find things, we call the National Archives, we call committees, we want to know what's going on here in this House, we want to know the Members that are trying to push these issues, moving in a new direction.

There's a bill, H.R. 413, by SAM FARR. He has nine cosponsors on that bill which is a bill that he has been working on. Representative LYNN WOOLSEY has legislation to bring the troops home, Iraq Sovereignty Restoration Act. Mr. FARR's legislation is to repeal Authorization for the Use of Military Forces Against Iraq Resolution of 2002, Public Law 107–243, and require withdrawal of U.S. Armed Forces from Iraq. That's the title of his bill.

We move on to Representative DAVID PRICE, who has a Comprehensive Strategy for Iraq Act of '07 which would withdraw troops as quickly as possible from Iraq. He has a list of cosponsors that are moving down that line.

Mr. LARSON of Connecticut. Congressman RON PAUL, Congressman NEIL ABERCROMBIE, Congressman NANCY BOYDA.

Mr. MEEK of Florida. I just want to make sure we don't leave anyone out. We have House Resolution 15, also expresses the sense of Congress and also immediate repeal which is done by Congresswoman SHEILA JACKSON-LEE. We have also ours truly, Congressman LARSON, JOHN B. LARSON, repeal the Authorization for Use of Military Forces Against Iraq Resolution. You have Representative ELLEN TAUSCHER.

Mr. LARSON of Connecticut. ELLEN TAUSCHER has done a terrific job.

If the gentleman would yield just for a moment, when you're reading through these things, I can't help but think of the time, and I know that you hadn't arrived here on September 11. I served with your mom. I can remember a time when this entire Congress stood together on the steps of the Capitol after September 11 and spontaneously broke into God Bless America. It's a time that will be forever seared in my memory.

I remember a time in our caucus just this past year when the Speaker, the gentleman from New York, stood up, at a time when we knew that we only had and could only muster Democratic votes, stood up and gave a speech that I will always remember, that drew our caucus together and allowed us to go forward and place a bill on the President's desk. It was something that everyone said couldn't be done, the politics were too raw, people were too far apart, we couldn't possibly come together. But when people rise and find their voice as the Speaker from New York did, then great things can happen. A Nation can move. People find their voice because within their heart resides the great spirit of this country as you pointed out. Within every piece of legislation that you're chronicling here is a deep-seated belief on the part of its sponsors that this is the right thing to do. There are many on that side of the aisle who will disagree. I respect people's positions regardless of how they come to them. But I know the great reservoir that exists on that side of the aisle that understands what's going on, that events are unfolding daily around us and the need for us to act is now. That tomorrow has become today, that the urgency can't wait for September 15 for yet another report. The time is to act.

I plead for our colleagues on that side of the aisle, because, as Mr. Rich points out, it cannot happen without this Congress coming together. And so either we will stand together as a United States Congress and send a message and help this President find a way forward by demonstrating as a Congress did during Vietnam, no matter who the President is, that the right thing to do here is to bring our troops home safe, secure and strategically in a manner that will allow us to regroup and refocus and go after the enemy in Afghanistan where they continue to fester and grow and regroup, the people who actually knocked down the towers, the people who struck the Pentagon and but for those brave souls on Flight 93 would have surely hit this Capitol or the White House. It's time for us to come together in that spirit.

Mr. MEEK, if it weren't for you and DEBBIE WASSERMAN SCHULTZ and CHRIS MURPHY and TIM RYAN coming here and repeatedly talking about it, if you're at home, you're thinking, has Congress forgot about this urgency. Do they not pick up the papers every day as we do? When I go home, and you said it, people talk about Iraq, they talk about Iraq, and then they talk about Iraq. The facts are that without Republican support, we cannot override a veto. The facts are that without a Republican Senate that will stop the cloture rule and Mr. WARNER, or following the paths of a great American in CHUCK HAGEL, comes forward and speaks truth to power. There are people on both sides of the aisle that are great visionary Americans. We just need to come together at this time and find our voice in the same manner that Americans have already found theirs.

With that, Mr. Chairman, I thank you again.

Mr. MEEK of Florida. As we come to a close, Mr. LARSON, I just want to again thank you for joining not only Mr. RYAN and I tonight but you have been here before in the past. I would encourage, especially with you being in the top four of our leadership here in the House, our elected leadership as relates to the Democratic Caucus, I know that you give voice to many of us that are out here pushing every day. We have good people working, not only Chairman EMANUEL, but also Mr. JIM CLYBURN and also Mr. HOYER and Speaker PELOSI.

I think it's important that we continue to push this issue on, because we are going to need bipartisanship to be able to move this agenda of safety for our men and women that are in harm's way, move this agenda for those families that are waiting on their loved ones to come home, move this agenda, Mr. Speaker, that the American people want us to move in a new direction. If we can just put partisanship aside just for a moment to do that, it will be a place in history in this country that we stood up on behalf of those men and women that are in harm's way and we followed the will of the American people. I just want to thank you, Mr. LARSON, for being here.

Mr. Speaker, I can share this with you. A, we appreciate the Members who have worked with us on the 47 bipartisan measures. B, I think it's also important to know that as these issues move to the floor, many of these issues never would have made it to the floor if it wasn't for the leadership of the Speaker and our leadership team and the great Members here in the majority and even some of our Members in the minority. You know, we like to share here, some of the bills, on eight bills combined, they have 79 cosponsors, 76 of them are Democrats, 3 are Republicans. As Mr. LARSON identified, some of those members of the Republican Conference that have come forth, Mr. Speaker, and said, hey, I've heard my constituents, I see what the American people are talking about, those moderate voices that are there. They should be commended. We spend a great deal of time letting them know, and I know when I see them in the hall and even some of my friends that don't necessarily see the light on this issue, we still take the time to talk in a very sensible way on this because this is work on behalf of the country.

We have Members that are Reservists, that are National Guard men and women, that are in the Coast Guard and other branches of the military, they're all counting on us to have those conversations and continue to work through the issues. You want to look at good government, you look at good government.

As I close, Mr. Speaker, Mr. LARSON reminded me of something on 9/11. Everyone came together. Yes, my mother was a Member of Congress at that time. I remember she voted against giving the President authorization to go to war after that as it relates to Iraq. But I think it's important to be able to reflect on the past and find times when we have come together and try to find those times in the future and also work with the President. As much as I disagree with him on this issue of Iraq, I do respect the office of the presidency. I know every Member of Congress does. All we can do is continue to try to work together. But I do share with the Members that it is going to take bipartisanship because there are ways that they can block this from happening.

With that, Mr. Speaker, it was an honor addressing the House. I thank the gentleman from Connecticut and the gentleman from Ohio for joining me.

THE RIGHT TO LIFE, THE STEM CELL DEBATE, AND PEAK OIL

The SPEAKER pro tempore (Mr. HALL of New York). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, in the few moments that we have together this evening, I wanted to talk briefly about three different subjects. The first one is a very timely one. It refers to a Supreme Court decision that I think is a very momentous decision.

When our Founding Fathers wrote our Constitution, they thought that they had implicitly placed in that Constitution all of the great guarantees of freedom and individual rights that were needed for this new Nation. But the ink was hardly dry on the Constitution before they wondered if people would really understand that it was the people who are to be preeminent in this new country, that there was to be a very limited government, and it would truly be a government of the people, by the people and for the people. Because they felt that what was very implicit in the Constitution might need to be stated explicitly, they developed 10 amendments, actually I think a dozen started through the process and 10 of them made it through the process, and we call them the Bill of Rights. They were adopted, of course, in 1791. And I think that it's no accident that that first amendment addresses two of the huge concerns they had from their past that should never blemish their new country.

□ 2000

The first of those dealt with what was a common practice in the countries they came from, that is, it was a State religion that was empowered by the State and supported by the State with revenues, taxes from the people, and this church could and did persecute other churches, and they wanted to make very sure that in this new country that that wasn't going to be a problem. So they wrote the establishment clause of the first amendment, which seems to me very clear language. A lot of people have trouble reading this and understanding what it says. I think the words say what they say. "Congress shall make no law respecting an establishment of religion."

The government cannot establish a religion. "Or prohibiting the free exercise thereof." No church religion and everybody free to practice their religion as they please. Somehow we are interpreting that as requiring that there not be any religion in the public place, which is clearly not what they were concerned about. They wanted freedom of religion, not freedom from religion, and, too often, we're interpreting as freedom from religion.

But then the second part of this is equally important, and it addresses a second major challenge that they saw in establishing this new country. Because most of them came from a country where there was a king or an emperor who claimed and was granted divine rights, and the people had very few rights, only what the king chose to give them. Hard for us to understand that. It is so foreign to us that the king or the emperor should have divine rights. By that it means that the rights came from God to the king or the emperor, and he would then give what rights he wished to his subjects.

Abraham Lincoln understood four score and seven years after the establishment of our country, that is after the establishment of the Declaration of Independence, our fathers brought forth on this continent a new Nation conceived in liberty and dedicated to the proposition that all men are created equal. That was very foreign to them. It's very commonplace to us, and we read those words and don't have any swell of pride or lump in our throat when we read them, as we should.

But then they wrote that second part of the first amendment, which, along with the second amendment, they believed would assure that never, ever could the government persecute the people. In this first amendment they said, "or abridging the freedom of speech or the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Now, the speech that they clearly were most interested in preserving was political speech, because that's the speech that made this country different from all the other countries that our Founding Fathers came from.

Tragically, it's just that political speech which was prohibited by the Campaign Finance Reform Act that we passed, and there was a court case, Right to Life, Wisconsin Group, broadcast ads before the 2004 race, in which they talked about issues. But they did mention the name of a candidate, I believe.

I am so proud of the Supreme Court decision. I am a little distressed that it was only 5–4. I would have thought that this would be such a clear-cut case that it would be 9–0, but let's be thankful for 5–4 rather than 4–5.

I really like the position of the majority. The portion of the law in question in this case states that labor unions and corporations, including nonprofits, cannot use money from their general treasuries to broadcast ads that run 30 days before a primary or 60 days before a general election.

On a nonpresidential year, my primary is in September, which means it is 60 days from November, so there can't be any ads during that time, and no ads before the 30 days before the primary. I would submit that very few people are thinking anything about an election 90 days before it occurs.

So what this legislation did was essentially prohibit any education before an election. The Supreme Court, in their ruling, created a constitutional safe harbor for genuine issue ads. It stated that only if the ad, and this is a direct quote, "is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate," can the ad be prohibited during the blackout period.

This is consistent with our philosophy in our country that we are innocent until proven guilty. The ad has to explicitly ask you to vote for or against a candidate. Mentioning his name, that's okay, if you don't indicate specific guidance to vote for or against the candidate.

I am very pleased with this legislation. You know, we are 1 person out of 22 in the world and we have a fourth of all the good things in the world. I don't know if you have ever asked yourself the question, how come we are so darn fortunate?

I think one of the reasons we have is the enormous respect we have for the rights of the individual. There is no other country, there is no other constitution that gives so many rights to the people, to the individual.

I think that this has established a milieu, a climate, in which creativity and entrepreneurship can flourish. I think that's one of the reasons why we are this world superpower, with only less than 5 percent of the people in the world. I think we put at risk who we are, and our preeminence as this golden city on a hill, if we put at risk these very precious individual rights and, prince among them, the right of speech. So I am very pleased. I am very pleased with the Supreme Court decision.

There is another thing which happened fairly recently last week, about less than 10 of us, I guess, were called to the White House from the Congress here, when the President gave his message on his veto of the embryonic stem cell bill that would have necessitated the destruction of embryos and the creation of embryonic stem cell lines.

What the President vetoed was S. 5, that's the Senate bill, and in the House we simply voted on S. 5. When you do that, then there is no question but what the two bills are the same, so you do not have to go to conference. So it went immediately from the House vote to the President's desk, where he vetoed it.

The Senate also passed S. 30, which is a very similar bill to our House bill 322. It was called the HOPE Act in the Senate, and it got 70 votes out of their 100 senators. We have 130 cosponsors of our bill in the House.

I hope that the House can do what the Senate did, and that is pass S. 30. If we pass S. 30, then it doesn't have to go to conference, and it can go directly to the President's desk, and S. 30 is sufficiently similar to our H.R. 322 that I can, with good conscience, support that bill.

I want to spend a moment, and have the first slide, I want to spend a few moments looking at embryonic stem cells so that when this comes to the news we have a familiarity with this so that we can understand the issues and what the President is talking about. We are talking about stem cells, and this slide here points to three primary stem cells in the body.

You see, we begin as two single cells, a single cell from the mother and a single cell from the father. Each of them having only half of the requisite number of chromosomes. They have a haploid number and the total number is a diploid number, so these two halves come together here in what we call the zygote, the two gametes come together to form a zygote, and then that begins to divide, and each us began our life as a single cell.

It divides, and we will have a chart a little later which will show a number of the other steps in this division process. But here we wanted to go very quickly to the gastro stage of the embryo where the three germ layers, and that's the first time we have a germ layer, where the three germ layers have developed, that's the ectoderm, the mesoderm and the endoderm. As these Greek terms imply, the ectoderm is outside; the meso, middle, is what's in the middle, and the endoderm is what lines the inside.

Here in this chart it shows the major tissues that develop from these three germ layers. It's very interesting that they retain their individuality throughout your life. I believe that a cancer metastasizes only to tissues of the same germ layer. So these characteristics that are established very early in the development of the embryo, a few hundred cells here by this time, this continues throughout the life of the person.

The ectoderm produces primarily your skin and your nervous system. The mesoderm produces most of your weight, it's the muscles and the bones, blood and so forth. Endoderm is the tissues which line the gut, lungs, in some our glands and so forth.

A unique, over there, a fourth category, the most unique germ cells, these are the germ cells themselves. These are the gametes, the sperm in the male and the ova in the female, from which the next generation will be produced. These are produced, these germ layers producing these things are resident in this very early embryo.

The next chart talks about several processes that you will hear a lot about in this discussion, but it might be worth looking at them, this is fertilization. In the fertilization process, the cells divide again and again in the body. The sperm divides many, many times and they end up as millions and millions of sperm. There are hundreds of the female sex cell and millions of sperm.

The last division, or the near the last division is what we call a miotic division, and the number of chromosomes are cut in half. After that miotic division, you then have the egg cell with only half of the needed chromosomes and the sperm with only half of the needed chromosomes. When they are combined, that's called fertilization, and that occurs, of course, to produce the zygote, which begin then to divide over and over again and ultimately to differentiate, that is to break down into these different kinds of cells, to differentiate into all of the cell types of our body.

There is a lot of talk since Dolly about cloning, and here's a little chart which looks at cloning. What you do in cloning is to take the nucleus out of an egg cell, and then you put another nucleus by one of two different routes, either by fusion or taking the nucleus out itself and putting it into the egg.

If you had done that right, and you have tricked this nucleus you put in there to believe that it is a zygote, and that requires a little doing, then it goes on to divide, and now you have a, I guess it's an asexual way of reproducing.

We now have done that with lots of animals and different kinds of organisms. I saw two clones from the world's best Holstein cow. Zeta was her name, request she had two clones which, interestingly enough, didn't look like her mother and that's because the black and white Holstein cows, only whether it is predominantly black or white is determined by the genes. The actual spread of the pigment is not genetically controlled, and so her two daughters, which were clones of her, didn't look like her. Kind of interesting it, isn't it.

Parthenogenesis. Parthenogenesis occurs when there is no male sex cell involved, and it occurs in some lower organisms. Parthenogenesis is common, and it can be produced in others, in the frog, for example. What happens is you stop the miotic division of the oocyte up here.

You stop that miotic division so there is a diploid number of cells here.

Then under appropriate circumstances, and usually in higher organisms, it requires some artificial stimulation. It will go on to develop a normal, adult, ultimately.

□ 2015

The next chart shows this process as it occurs in the body. Now, what we're talking about, when you're talking about cloning and embryonic stem cells, this all happens in a Petri dish. But what we, that's in vitro or in glass, as contrasted to in vivo or in life. And this is what happens in the normal fertilization and development of an ovum. The ovary has maturing cells in it and ordinarily, just one of those ruptures every 30 days, every 28 days. Sometimes it will be more than one, in which case you can end up with fraternal twins. But usually, just one. They don't always, by the way, get picked up by, there's a little funnel shaped end of the Fallopian tube here called the infandibulum. They don't always get picked up by that, and sometimes they just float out into the pelvic cavity.

And the sperm which are released in the uterus, in the vagina really, and then they make it up through the cervix into the uterus, they make their way all the way up the Fallopian tube, and some of them get out into the body. And if the ovum has not made it into the Fallopian tube, they may be fertilized out in the body, and we call that an ectopic pregnancy, and that has to be interrupted because neither the fetus nor the mother will make it if we let that continue.

But ordinarily, the fertilization occurs well up in the Fallopian tube. Several days, you see the days here as it gross and divides into two and four and eight cells and then on down until it finally implants, what, 8, 9 days later before it implants. And some of the birth control that we use simply prevents the implantation. The intra-uterine devices that were common a number of years ago, that's what they did. They simply prohibited the fertilized and several hundred cell stage embryo from implanting in the uterus.

Now, what we're going to be talking about is this eight-cell stage. That's about day 4 in the development of the embryo, and at that eight-cell stage, that's the time when an in vitro fertilization, they choose to take a cell from that. This is in a Petri dish remember, take a cell from that. Sometimes they get two to do a pre-implantation genetic diagnosis to make sure the baby's not going to have a genetic defect. And then they implant the remaining cells. And several thousand times we've had a perfectly normal baby from that.

The next chart simply shows in schematic form the development of twins. And they can split, either at the two cell stage, or they can split at the inter cell mass stage and we can get some indication of when they split by how the babies present themselves, whether they present themselves in a common amnion or in two different amnions.

I wanted to put this slide up here because what it says is that in nature, you can take half the cells away from the early embryo, sometimes a very early embryo, and each half grows into a perfectly normal baby.

And back in 2000, when this was first being discussed, before the President came out with his executive order, knowing this, and having had a course in a former life in advanced embryology, I suggested that we could ethically create true embryonic stem cell lines by using cells from an early embryo which should not hurt the embryo, because half of all the cells can be taken a way to produce identical twins, and each half produces a perfectly normal identical twin.

The next chart simply shows a little more detail on this, and it shows how the babies can be presented in separate chorionic sac or in a common fused chorionic sac, depending upon the time in which they, and they may share an amnion or not share an amnion, depending on the time when they finally split.

The next chart shows us some of the techniques that are used to try to get the equivalent of an embryonic stem cell, since the President and a large number of citizens object to the destruction of one life, the frozen embryo, with the hope that it will help another. And these are the techniques that have been tried to produce the equivalent of an embryonic stem cell. Reprogramming using embryonic stem cells and using embryonic stem cell and donor cells, and you fuse them and the hybrid cells, hopefully, will act like they were embryonic stem cells.

Or you could use differentiation using cell proteins. What is not understood by many people is that all of the genes are not in the nucleus. There are a number of control factors that are in the cytoplasm. Indeed, they are really very important because they determine when genes are turned on and when genes are turned off. And each cell in your body has all of the genes there. And a liver cell is very different than a kidney cell or a skin cell. And that difference is determined by the control proteins out in the—some of them are smaller than proteins, out in the cytoplasm called here cell soup, for instance, which then turns on or turns off these genes inside the nucleus.

Well, we can, hopefully, get this cell soup from embryonic stem cells or something that behaves like an embryonic stem cell, which will then make the donor cell believe that it is, in fact, an embryonic stem cell, so maybe it will behave like an embryonic stem cell.

Then there's de-differentiation, using chemicals, antibodies or specific proteins. You see, when it differentiates to produce the individual germ layers, we have to de-differentiate it, bring it back to its primordial state so that it will now behave more like an embryonic stem cell. You can de-differentiate by using a lot of chemicals and so forth. These may be harsh. You may end up killing the little embryo. But if you do it right, you can trick these cells into believing that there's something other than what they are, and they then will behave as if they were an embryonic stem cell.

You've heard a lot of talk about some really good places to get cells that have some of the characteristics of embryonic stem cells. There are now umbilical cord blood banks, because of the belief that if you freeze the cord blood, which is the blood from the infant, if you freeze that cord blood, it may have in it cells that you can use in the future to help in restorative medical processes or make body parts.

These are not true embryonic stem cells, but they're certainly better than cells you get from somebody else. At least they're from that person and they have, they're more closely aligned with embryonic stem cells than if you simply got an adult body cell.

Then there's the bone marrow cells. And more recently you may have heard a lot about amnionic fluid. The amnion is the fluid in which the baby develops. He's very tiny. The embryo starts there. And obviously some cells will be sloughed off of these embryos, and as those cells will show up in the amniotic fluid, and so there's good opportunities to get something that behaves something like embryonic stem cells there.

The next chart shows, I think, four of the processes that were included in the President's white paper from the President's Council on Bio ethics. And altered nuclear transfer is one of those. This is kind of a cloning where you've altered the nucleus, so that it can't be truly said to be cloning, which is prohibited by law.

Altered nuclear transfers, oocyte assisted reprogramming, it's simply using the oocyte and it's primarily the proteins, that factors out in the cytoplasm which are doing this.

Embryo biopsy, and I have a chart in just a moment on that because this is the process which I suggested in 2000.

And then a really, really interesting one, cells from dead. And boy, put that in quotes because what we're talking about here are embryos that are the equivalent of the brain dead person, from which we get very good body parts. And there are embryos that will not go on to divide. They will ultimately die, and that state can be ascertained, and if they are not going to go on and divide, they will die. But they still may have viable cells that could be used to establish embryonic stem cell lines.

Obviously, some problems with this, you know. Who's to say that it's really going to die? And then there's the question about, are you really going to get a good stem cell line from a cell taken from an about to die embryo. But this is one possibility, and there are some strong proponents to this.

The next chart simply shows a quote from the white paper of the President's Council on Bio Ethics. And it quotes me down here at the bottom an asterisk, a similar idea was proposed by Representative ROSCOE BARTLETT of Maryland as far back as 2001. They said here, "It may be some time before stem cell lines can be reliably derived from single cells extracted from early embryos and in ways that do not harm the embryo. Thus biopsy.

But the initial success of the Verlinsky Group efforts at least raises the future possibility that pluripotent stem cells could be derived from single blastomeres removed from early human embryos without apparently harming them.

Now, this statement was made before the British, and they pioneered this, started doing the pre-implantation genetic diagnosis that I mentioned a few minutes ago. They now have, in several thousand cases, taken one, and sometimes they get a second cell, taken cells from the 8 cell stage embryo to do a pre-implantation genetic diagnosis. If there is no genetic defect, they implant the remaining cells. And as far as I know, they always had a perfectly normal baby.

Now, the big surprise would be that the baby wasn't perfectly normal. I've had people tell me, gee, it's eight cells, and you take two of them away so it's only three-fourths of a person.

No, when you take half the cells away to from an early embryo to produce identical twins, is each one of them only half a person? Ask one. There are a lot of identical twins around. They'll just laugh at the notion that they're half a person. Of course they are not.

So this, the medical profession now has run past us with this technology. So we could today establish embryonic stem cell lines from that second cell that they inadvertently take. And there have been hundreds of those that are just discarded because they have no use for them. Just one cell is all you need to do a pre-implantation genetic diagnosis. And Verlinksy and Lanza, Lanza with a somewhat questionable publication, but both of them have claimed that they can produce a stem cell line from a single cell line.

Well, I thought I would spend these few minutes talking about this because this is of current interest and the Senate will be shortly trying to override the President's veto. They almost certainly will not be able to do that. His veto will be sustained, and our hope is that S. 30 will then be brought up in the House so that we can sign that so it gets to the President's desk. And I join those tens of millions of people in our country who believe and hope that there ought to be some really important contributions made to health care from embryonic stem cell lines. And we don't need to harm or kill an embryo to get an embryonic stem cell line. So we hope that S. 30 will be brought up to the House and we pass that. And the President already indicated that he will happily sign it.

PEAK OIL

The next chart now begins a discussion I want to spend the rest of our time on. And we have a number of charts here and again, I think this is the 32nd or 33rd time I've come to the well to talk about this subject. It wasn't cool to talk about energy and peak oil when I started talking about this, what, nearly 2 years ago I guess. But now it's common fodder for many discussions.

And this is an interesting little cartoon, and the fellow with his humongous SUV. The demand is filling up at the pump. The supply, and he's saying, just why is gas so expensive?

□ 2030

One of my colleagues asked me what he should tell his constituents when they ask him what can be done to reduce the price of gas? I told him it is very simple. Just tell them to drive less. Not only will they spend less on gas, but if they aren't using it, the supply and demand will be more in sync and the prices will come down. I can assure you that the prices will come down.

The next chart, it is this observation that Hyman Rickover referred to 50 years ago, the 14th day of last month, when he gave a very interesting talk to a group of physicians in St. Paul, Minnesota. He noted the enormous transformation, and they were then but 100 years into the age of oil when he gave his talk. Now we are about 150 years into the age of oil. But he noted the enormous transformation that this energy had made in the development of civilization. And this is energy here on the ordinate. It could just as well be population, by the way, because as we were able to mobilize more energy, our population went up. We were able to grow more food, and, therefore, we could support more people. And if you could support more people, there were kind of automatically more people to support.

Well, this is the little depiction here, only 400 years out of this 8,000 years of recorded history. And his observation was that in span of human history, 8,000 years, the age of oil will be but a blip, about 300 years out of 8,000 years.

The Industrial Revolution, of course, started here with wood and then coal. And it was already sputtering when we discovered gas and oil, and then it took off, and population followed it. There is an interesting quote from Hyman Rickover's article. I didn't bring it, but he thought there would be 4 billion people in the world by the turn of the century. There were, in fact, almost 7 billion people in the world by the turn of the century. So even he had underestimated the contribution that energy would make to the increase in population.

I want you to note something up here at the top of this curve. Notice that if that little perturbation had not occurred there in about 1970, the Arab oil embargo, and if that curve had kept going up, it would be over the top of the chart a couple of times, wouldn't it? That curve was rising very steeply.

As a matter of fact, if you look at that curve, in each decade during this sharp rise, in each decade, the world used as much oil as had been used in all of previous history. Now, think about that for a moment. Had that continued, what that meant was that when we had used half of all of the recoverable oil in the world, we would have how much more time at current use rates? Ten years. Well, very fortunately, that slowed down. There was a worldwide depression, recession, you may remember, and we really learned how to become very much more efficient. So we have slowed that growth rate down. But notice more recently how rapidly that has been increasing. Largely because of the third world, China and India, industrializing. I think the last year for which I saw data, China increased their demand for energy 13 percent.

The next chart is a very interesting chart, and this depicts what the world would look like if the size of the country was determined by how much oil it had. A really distorted picture of the world, isn't it?

Look at Saudi Arabia there. Front and center, and you probably can't read the small print over there, between a fifth and a fourth of all the oil in the world. Now, I say that with a little trepidation because we really don't know how much oil is there. We know what they tell us. But you need to remember that most of these countries are OPEC, Iraq, Kuwait, Qatar, Iran, Saudi Arabia, Venezuela. And for years the OPEC countries were permitted to pump a certain percentage of their reserves. So if you wanted to pump more oil, all you had to do was to have more reserves. And since there wasn't anybody looking over your shoulder, you could say you had whatever reserves you needed to have to pump as much oil as you would like to pump to support your economy. And that is true of most of these countries. Nobody looks inside, but this is the best guess as to how much oil these countries have.

A very important recent book was written by Matt Simmons called Twilight in the Desert. He questions that there is as much oil in Saudi Arabia as we believe, and he believes they may already be peaking in Saudi Arabia.

Talking about peaking, I just wanted to mention an article that appeared above the fold in the Wall Street Journal a few weeks ago, and it was about the second largest oil field in the world. The largest one, of course, is in Saudi Arabia. It is the giant Ghawar oil field that is still running down, still produces 5 million barrels of oil a day. The world produced 84 million, and it produces 5 million of that from that one field. The second largest field was the Cantarell oil field in Mexico. And it was named after a fisherman Cantarell, whose nets kept getting fouled, and if his nets were fouled, they knew who was at fault. There was only one oil field in Mexico, and that was Pemex. So he would take his nets to be replaced and they finally said, Where are you finding all that oil? And he said, Come, I will show you. And it was kind of bubbling up out of the ocean. And they drilled there, and for years it was the second-largest yielding field in the world, 2 million barrels a day. In the last 2 years, it has dropped down 10 percent a year. It is now 1.6 million barrels per day. So that field has peaked.

Just look at how anemic the United States is compared to Saudi Arabia. We would have fit in Saudi Arabia many times. We have 2 percent of the known oil reserves, and Saudi Arabia has 22 percent. So we would fit in there 11 times, and that is what it shows here.

Look at little Kuwait there that Saddam Hussein thought looked like a little corner province of Iraq when he went to take it. They are, I think, the fourth largest reserves. Iran is number two, Iraq is three, and Kuwait is four. There is some question about whether Iraq and Kuwait should reverse places.

Another interesting thing about this chart. Look at the pitifully small amount of oil that India and China have. A third of the world's population is over there in India and China, and they have a trifling amount, between them they have less oil than the United States.

The next chart shows how much oil we have. We have 2 percent of the known reserves in the world. We use 25 percent of the world's oil, and we import about two-thirds of what we use. Some people think, and they are right, this represents a huge national security risk.

Note that with only 2 percent of the world's oil, we pump 8 percent of the world's oil. So we are really good at pumping oil. We ought to be. We have more oil wells in our country than all the rest of the world put together. And we are pumping our oil fields four times faster than the rest of the world.

The next chart, and we could spend a long while on this chart and we have only a very short time to look at it, but the gist of this chart is available immediately when you look at it. The big bars here show you when we found the oil. And the ordinate here shows how much we found. And you will notice that we started finding it way back in the 1930s, a big slug of it in the 1940s and 1950s, and we really exploded in the 1960s, didn't we? But from 1980 on down, though, there has been less and less, and that is in spite of the fact that we have ever better techniques for finding the oil, 3D-size, computer modeling, and we have a pretty good idea of the geology of the world. And it is only in unique geologic formations that you can expect to find gas and oil.

The solid black line here represents our consumption. It also represents our production because there is no big puddle of oil anywhere. We have used all we have produced; so this is a curve. We can call it the consumption curve, but it is also the production curve because we have used all we have produced. Notice since about 1980 we have been consistently losing more than we found.

Again, this perturbation in the 1970s that you saw before. We have been borrowing all this oil we used here that we didn't find. We borrowed it from back here.

And what will the future look like? We can use enhanced oil recovery and get it more quickly. But if we do, you can't pump it twice. If you pump it now, you won't pump it later.

The next chart, and this was predicted by M. King Hubbert in 1956. That is about here. M. King Hubbert predicted that the United States would peak in oil production in 1970. That was a brash statement. We were then king of oil, I think producing more oil than any other country in the world, and I think we may have been the biggest exporter of oil in the world. And he says in 14 years we are going to peak in oil production.

Notice the little blip here on the down side of what is called Hubbert's Peak. The next chart looks at the details of this, and we can see why this perturbation.

What M. King Hubbert predicted, by the way, was the lower 48; that is, Texas and the rest of the United States.

By the way, West Texas Intermediate is still the grade of oil, although they aren't producing very much now. It is still the grade of oil which you will see in the paper, West Texas Intermediate.

There are two other oil wells in the world now that may take over as the benchmark. One of them is Brent, which is really an inferior oil. It is heavier and sour. By "sour" we mean it has a lot of sulfur in it that is hard to get out, and it is polluting if you don't get it out. That used to be the North Sea oil that the British produced, but now there are other oils that are grouped with that. And then there is a third oil, which is the Asian oil benchmark. And there is some argument now about which of those benchmarks we should refer to as the price of oil. We have been referring to West Texas Intermediate, which is a slight sweet crude, but there is not very much of that now, and because of the demand, the Brent, which always used to be lower in price, is now several dollars to $5 or $6 higher. So there is some and it would be interesting to watch what happens if they sort this out.

But notice what caused this blip on the way down. It was the oil found in Alaska that used to be a fourth of our production. It has now dwindled down. And notice here the big finds in the Gulf of Mexico, and you can hardly see a perturbation as we run down that slope.

The next chart is a chart which is used by one of the primary organizations that believes that you don't need to worry about oil, that it is going to be there for a long time. This is CERA, the Cambridge Energy Research Associates, and they use this chart to try to convince you, and I don't find it very convincing but I just will ask you to look at it to see if you think it is convincing, that M. King Hubbert really didn't know what he was talking about. The little yellow symbols here are M. King Hubbert's predictions. The actual lower 48 are the green ones, and they are telling you that these two curves are so far apart that you should question the validity of M. King Hubbert's analyses. They look pretty close together to me. And they also show the total U.S. production, which is the Alaska production. And, of course, that produces this little perturbation, slipping down the other side of Hubbert's Peak.

This chart is a quote from one of four different agencies, groups that have done studies on peak oil. This is the first one, and this is the so-called Hirsch report and it was done by SAIC, Science Applications International Corporation, a very prestigious science organization paid for by the Department of Energy. And they produced a big report with very serious language:

> World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Others contend that it will occur later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity, and political influences. Peaking will happen but the time is uncertain.

□ 2045

"Oil peaking presents a unique challenge." And then they make this statement, "The world has never faced a problem like this. There is nothing in history that we can rely on to help us through this without massive mitigation, more than a decade before the fact. The problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary,'' is his statement.

The next chart is from a second of these studies, and there are a couple of these that we will go through very quickly. The Army Corps of Engineers did a study for the Army. And you can take their report and put in U.S. or world wherever they put Army. And the Army is clearly a microcosm of the United States and the United States is a microcosm of the world. But they say essentially the same thing; peaking is either present or eminent, with potentially devastating consequences.

Oil is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost. And you really need to emphasize each of those.

The next chart. I wanted to show you this one because this was written just a couple of years ago. "The current price of oil is in the $45–$57 per barrel and it's expected to stay in that range for several years." I think it's, what, $69 a barrel today? And after this it went up to $78 a barrel, then fell back and is rising again. Oil prices may go significantly higher, and some have predicted prices ranging up to $180 a barrel in a few years. Were that to occur, by the way, it would have disastrous effects on our economy.

The next chart is a schematic. And you can make this peak look steep or flat. Here we've spread out the abscissa and compressed the ordinate. But it's still a 2 percent growth, which doubles in 35 years, four times bigger in 70 years, eight times bigger in 105 years. Albert Einstein said that compound interest was the most powerful force in the universe. Very few people understand the power of exponential growth. It doubles in 35 years. That's the yellow shaded area. If, in fact, we are here near the peak where the demand is a bit more than the supply, which is why gas is $3 a gallon at the pump rather than $1, which it was not all that long ago, in 35 years the demand will be double? And if, in fact, we're peaking, the supply will be not more and maybe less than the supply now.

The next chart is a very interesting one because it includes a couple of predictions by CERA. There are two major organizations that I think are kind of in denial, one of them is CERA and the other one is ExxonMobil. All the other oil companies, watch their ads, they're pretty much admitting that we're at peak oil. BP is Beyond Petroleum. And Chevron has ads. It's very clear they believe that we've probably reached or we're about to reach our maximum production of oil.

Here we are, common curve, you've seen this a number of times, a stuttering in the 1970s and rising again. And they are predicting, and we don't have time this evening to go over some very interesting statistics. They're predicting we're going to find as much more oil as all of the known reserves yet to be pumped. And if we found that much more, in other words, if we go from the roughly two trillion barrels, which most authorities believe was the amount of oil which was recoverable, and we've recovered about half of that. If we went to three, then that moves the peak out they say to 2016. I just want to emphasize that for a moment. Even if we find as much more oil as all the known reserves in the world today, we push the crisis point out only 2016.

This chart further points out that if we use really aggressive techniques to develop that oil, like pumping live steam down there and sequestering CO_2 down there, pumping seawater down there, all the things we do to recover, we might recover a more quickly, which would push the peak out, but then look what happens? You fall off a cliff after that. You can't pump it twice; if you pump it now, you won't pump it then.

The next chart is a really interesting one. This occurs in one of their publications where they are saying there won't be any such thing as peak oil. And look what they show. They say it will be an undulating plateau. I won't argue. It's up and down. The price of oil is up and down. The price of gas is up and down. But they say it will be an undulating plateau. But notice, the undulating plateau falls off. There clearly is a peak. If there is only roughly two trillion barrels, then the peak is here. If we find another trillion barrels, that pushes the peak out to here. And then they have some confidence, I don't know how well-founded it is, that we're going to get a huge amount of oil from unconventional sources. And when we have more time another evening, we'll talk about the potentially huge amounts of oil that we can get from things like our oil shales in the west and the Canadian tar sands.

This next quote is an interesting one from one of the giants in this area. This is a quote from Laherrere, who says that "The USGS estimate implies a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible given the great technological achievements of the industry over the past 20-years, the worldwide search, and the deliberate effort to find the largest remaining prospects." I think that he's right, that this is absolutely implausible.

The next chart is a quote from Hyman Rickover, as I mentioned earlier in that very famous speech he gave just a little over 50 years ago now. I suggest it's a good time to think soberly about our responsibility to our decendants, those who will ring out the fossil fuel age. I led a delegation of nine members to China; we spent New Year's Eve in Shanghai. They began their discussion of energy by talking about post-oil. Post-oil. Mr. Speaker, I wish our guys got it as well as they.

We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safe margin for the necessary adjustments which eventually must be made in a world without fossil fuels. There will be a world without fossil fuels.

I have a few charts on conservation. California uses 65 as much electricity as we use; hard to argue they don't live as well as we. The next chart is a really interesting one. It shows the enormous potential for saving energy with lighting. And the incandescent bulb, we use that for brooding our chickens because 90 percent of all the energy is heat. Fluorescents are very much more efficient. Same amount of light from all of these, by the way. But look at the light emitting diodes, LEDs, over there; very little heat produced. Get an LED flashlight, you will forget when you put batteries in it, they just last and last.

The next chart is a really interesting one. I wish it were in living color so it's a little sexier to look at. This shows how satisfied one is with life compared to how much energy you use. Satisfaction with life here, how much energy you use there. Obviously we are way out there to the right. There we are, USA. But notice, there are 20-something countries that are as happy or happier with life than we are who use less energy than we. We don't need to use as much energy as we use to feel good about life.

The next chart is a really interesting one. It shows us the huge challenge that we have. And 85 percent of all of our energy comes from fossil fuels, only 15 percent of it from something else. And a bit more than half of that from nuclear. And 7 percent, and by the way, in 2000 our solar was 1 percent of 7 percent, which is .07 percent. It's been growing rapidly. It may now be .5 percent. But that's still a tiny, tiny percentage.

The next chart, I just want to look very quickly at something which has been in the press recently. And I have a couple of articles here I want to refer to very quickly. This is the energy that goes into producing corn. And if you see down here, almost half the energy that goes into producing corn comes from natural gas, and natural gas is a fossil fuel. There was a study done by the National Academy of Sciences, and then two of the authors there of that study wrote an article for the Washington Post, and it was March 25 of this year. And in both of these, in both the paper, and I have the paper here from the National Academy of Sciences and here is the article that was in the Washington Post. They point out that if we use all of our corn for ethanol, all of it, and discounted it for the fossil fuel input, it would displace 2.4 percent of our gasoline, only about one-fourth, less than one-fourth, one-fifth, they have 80 percent fossil fuel input. They noted that you can save that much gas by tuning up your car and putting air in the tires.

A lot of people today are focused on soybeans and diesel. They said, and this is National Academy of Sciences, if we use all of our soybeans for diesel, it would displace 6 percent of our diesel. And if you discounted it for the fossil fuel input, and it's much more efficient producing biodiesel from soybeans, that 6 percent shrinks to 2.9 percent. Well, both of these are trifling. And obviously we're not going to turn all of our corn into ethanol and all of our soybeans into diesel. But if we did, it would displace, what, 2.4 percent of our gasoline and 2.9 percent of our soybeans. We have huge challenges.

And the next chart is really interesting. When people tell you, don't worry about energy, we have all this coal, 250 years at current use rate. It's true. Grow only 2 percent, remember that compound growth? It shrinks to 75 years. Use some of it to convert it to gas of oil, you have now shrunk to 50 years. And remember, in today's world there is no way not to share your energy with the world because energy is bought and sold on a world market. So if we share our 50 years with the world, it's now 12½ years of coal energy, with only 2 percent growth in the use of coal. Think about it for a moment.

The next chart, and we will come here to the floor again and we will spend the whole time talking about this one, because we have a huge challenge. I'm really very enthusiastic about challenges. There is no exhilaration like the exileration of meeting and overcoming a big challenge, and boy have we got one in this energy. We are the most creative, innovative society in the world, and with proper motivation, I think we can do it. But we need to understand the challenge before us, and that's when I will come to the floor again. And we're going to talk about all of these, the finite sources, the nuclear sources and all of these renewables. What is realistic to expect to get from them? Is there a silver bullet out there? I'll tell you now, except for one, the only silver bullet out there is nuclear fusion. I don't see any other silver bullet. And the chances of them getting nuclear fusion I think are about the same as the chances of you solving your personal economic problems by winning the lottery; great if it happens, but don't mortgage the ranch, don't bet it on happening.

I would just like to end with a very interesting quote from Hyman Rickover. "High energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for the necessary future changes, we shall ensure this dominant position for our own country."

This, Admiral Rickover says, is a huge challenge for us today, with only 2 percent of the known reserves, using 25 percent of the world's oil and importing about two-thirds of what we use.

Thank you, Mr. Speaker. I yield back with the promise that I will come to the floor again and spend the whole time talking about the enormous challenges we have and the satisfactions that we will achieve as a nation when we do it, in spite of the difficulty.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today and the balance of the week.

Ms. KILPATRICK (at the request of Mr. HOYER) for today, on account of official business in district.

Mr. CUELLAR (at the request of Mr. HOYER) for today, on account of inclement weather.

Mr. CARTER (at the request of Mr. BOEHNER) for today, on account of travel delays.

Mr. DAVIS of Kentucky (at the request of Mr. BOEHNER) for today and June 26 and 27, on account of illness in the family.

Mr. PAUL (at the request of Mr. BOEHNER) for today, on account of travel delays.

Mr. POE (at the request of Mr. BOEHNER) for today, on account of travel delays.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and June 26, 27, 28, and 29.

Mr. POE, for 5 minutes, on June 28.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Government Reform.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 26, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2295. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Wood Packaging Material; Treatment Modification [Docket No. APHIS-2006-0129] (RIN: 0579-AC32) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2296. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Border; Quarantined Areas; Maryland [Docket No. APHIS-2007-0028] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2297. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's STARBASE Program 2006 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

2298. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Education and Labor.

2299. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Implementation of DOE's Cooperative Audit Strategy for Its

Management and Operating Contracts (RIN: 1991-AB67) received May 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2300. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-31, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2301. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan on April 16 and April 17, 2007, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

2302. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2303. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Preliminary Findings From Examination of Contract Between the Office of Contracting and Procurement and Venable, Baetjer and Howard, LLP," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2304. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006, through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2305. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2306. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Reproduction Fees [FDMS Docket NARA-07-0002] (RIN: 3095-AB49) received May 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2307. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2308. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies; Inclusion of Hoover Dam (RIN: 1006-AA52) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2309. A letter from the Regulatory Analyst, Department of the Interior, transmitting the Department's final rule — Protection of Eagles; Definition of "Disturb" (RIN: 1018-AT94) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2310. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Fastener Quality Act [Docket No: 070404076-7077-01] (RIN: 0693-AB57) received June 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2311. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change of address for submission of CREBs applications [Notice 2007-56] received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2312. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: Government Settlements Directive #1 [LMSB Control No.: LMSB-04-0507-042 Impacted IRM 4.51.2] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2313. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 72.—Annuities: Certain Proceeds of Endowment and Life Insurance Contracts (Rev. Rul. 2007-38) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2314. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for calendar year 2006, pursuant to 12 U.S.C. 2277a-13; jointly to the Committees on Oversight and Government Reform and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2011. A bill to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse" (Rept. 110–209). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2669. A bill to provide for reconciliation pursuant to section 601 of the concurrent solution on the budget for fiscal year 2008; with an amendment (Rept. 110–210). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 514. Resolution providing for consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for fiscal year ending September 30, 2008, and for other purposes. (Rept. 110–211). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 2844. A bill to promote United States emergency and non-emergency food and other assistance programs, to promote United States agricultural export programs, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 2845. A bill to amend the State Department Basic Authorities Act of 1956 and the Foreign Service Act of 1980 to enable the Secretary of State to respond to a critical shortage of passport processing personnel; to the Committee on Foreign Affairs.

By Mr. YARMUTH:

H.R. 2846. A bill to improve the quality of classroom learning by empowering States to develop performance-based assessments that measure higher order thinking skills; to the Committee on Education and Labor.

By Ms. SOLIS (for herself, Mr. TIERNEY, and Mr. MCNERNEY):

H.R. 2847. A bill to amend the Workforce Investment Act of 1998 to establish an energy efficiency and renewable energy worker training program; to the Committee on Education and Labor.

By Mr. CARDOZA (for himself and Mr. FERGUSON):

H.R. 2848. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Financial Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE of Oklahoma (for himself, Mr. BOREN, Ms. FALLIN, Mr. LUCAS, Mrs. MUSGRAVE, and Mr. THORNBERRY):

H.R. 2849. A bill to amend the National Trails System Act to designate the Chisholm Trail and Great Western Trail historic cattle-drive trails for study and for potential addition to the National Trails System, and for other purposes; to the Committee on Natural Resources.

By Mr. GINGREY (for himself, Mr. WU, Mr. EHLERS, Mr. MARIO DIAZ-BALART of Florida, and Mr. WELCH of Vermont):

H.R. 2850. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Science and Technology.

By Mr. HODES (for himself, Mr. CASTLE, Ms. SHEA-PORTER, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. MCGOVERN, Mr. STARK, Ms. CASTOR, Ms. CLARKE, Mr. COHEN, Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. EDWARDS, Mr. EMANUEL, Ms. SOLIS, Ms. ZOE LOFGREN of California, Mr. LANTOS, Mr. SHERMAN, Mr. WU, Mr. LINCOLN DAVIS of Tennessee, Mr. KAGEN, Mr. LARSON of Connecticut, Mr. BERRY, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. HARMAN, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. MITCHELL, Mr. SARBANES, Ms. KAPTUR, Mr. GILCHREST, Mr. BARROW, Mr. MCNULTY, Mr. WELCH of Vermont, Ms. SCHWARTZ, Mr. BRALEY of Iowa, Mr. ELLISON, Mr. REGULA, and Mr. BISHOP of New York):

H.R. 2851. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 2852. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 2853. A bill to require the Environmental Protection Agency to promptly notify State and local authorities and the public of certain enforcement actions under environmental laws; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2854. A bill to restore, protect, and preserve the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 2855. A bill to provide for transitional emergency assistance to certain members of the Armed Forces and veterans who are severely injured while serving on active duty, to expand and improve programs for caregiver services for those members and veterans, to require improved screening and care for traumatic brain injury for returning servicemembers and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 513. A resolution supporting the goals and ideals of National Save for Retirement Week; to the Committee on Ways and Means. considered and agreed to.

By Ms. HOOLEY:

H. Res. 515. A resolution congratulating the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and Labor.

By Mr. PALLONE (for himself and Mr. WELLER):

H. Res. 516. A resolution expressing the serious concern of the House of Representatives regarding the worsening situation in Sri Lanka; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DICKS introduced A bill (H.R. 2856) for the relief of Alfredo B. de Perio, Myrna L. de Perio, Allan Rey L. de Perio, and Marc de Perio; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SCOTT of Georgia.

H.R. 45: Mr. HARE.

H.R. 89: Ms. FALLIN.

H.R. 303: Mr. EVERETT.

H.R. 367: Mrs. BIGGERT, Mr. BOUSTANY, Mr. CASTLE, Mr. DAVIS of Kentucky, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. GERLACH, Mr. GILCHREST, Ms. GRANGER, Mr. ISSA, Mr. JORDAN, Mr. KINGSTON, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. PORTER, Mr. PRICE of Georgia, Mr. RENZI, Mr. REYNOLDS, Mrs. SCHMIDT, Mr. SHAYS, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. TIAHRT, Mr. UPTON, Mrs. WILSON of New Mexico, and Mr. WOLF.

H.R. 462: Mrs. MYRICK and Mr. BARROW.

H.R. 551: Mr. RADANOVICH.

H.R. 579: Mr. HALL of New York, Mr. EVERETT and Mr. WILSON of Ohio.

H.R. 697: Mr. SALI and Mr. TOM DAVIS of Virginia.

H.R. 734: Mr. LATOURETTE and Mr. TIAHRT.

H.R. 741: Mr. HARE and Mr. INGLIS of South Carolina.

H.R. 773: Mr. COHEN.

H.R. 820: Mr. ABERCROMBIE, Mr. SOUDER, and Ms. HERSETH SANDLIN.

H.R. 864: Ms. SOLIS and Ms. NORTON.

H.R. 895: Mrs. BACHMANN.

H.R. 901: Mr. BOSWELL and Mr. CUMMINGS.

H.R. 906: Mr. EHLERS and Mr. MILLER of North Carolina.

H.R. 926: Mr. ADERHOLT.

H.R. 977: Ms. SHEA-PORTER.

H.R. 1065: Mr. DENT, Mr. ROSKAM, Mr. SESSIONS, Mr. DAVIS of Illinois, and Mr. HINOJOSA.

H.R. 1098: Ms. BERKLEY and Mr. NUNES.

H.R. 1125: Mrs. BOYDA of Kansas, Mr. BACHUS, Mrs. MALONEY of New York, Mr. CARDOZA, Mr. GUTIERREZ, Ms. NORTON, Mrs. CAPPS, Mr. JORDAN, Mr. SKELTON, and Mr. MCDERMOTT.

H.R. 1147: Mr. NUNES.

H.R. 1176: Mr. WEINER.

H.R. 1223: Mr. BARROW.

H.R. 1225: Mr. PRICE of North Carolina.

H.R. 1230: Mr. CLAY.

H.R. 1239: Mr. MILLER of North Carolina.

H.R. 1371: Mr. HARE.

H.R. 1400: Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. HALL of New York, Mr. TIM MURPHY of Pennsylvania, Mrs. CAPITO, Ms. WOOLSEY, Mrs. EMERSON, Mr. TURNER, Mr. MCCARTHY of California, Mr. HILL, Mr. INSLEE, Mr. DAVIS of Illinois, Mr. SHULER, Mrs. WILSON of New Mexico, Mr. TOM DAVIS of Virginia, Mr. ADERHOLT, and Mr. FORTENBERRY.

H.R. 1422: Mr. EMANUEL and Mr. WAXMAN.

H.R. 1428: Mr. GRAVES.

H.R. 1457: Mr. BOOZMAN.

H.R. 1551: Mr. COHEN.

H.R. 1567: Mr. DAVIS of Illinois.

H.R. 1632: Mr. BOOZMAN.

H.R. 1649: Mr. GOHMERT and Mr. EDWARDS.

H.R. 1653: Mr. MILLER of North Carolina.

H.R. 1665: Ms. ZOE LOFGREN of California, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. HOLT, and Mr. DOYLE.

H.R. 1718: Mr. HARE.

H.R. 1732: Mrs. MYRICK.

H.R. 1738: Mr. PRICE of North Carolina.

H.R. 1755: Ms. WOOLSEY.

H.R. 1772: Mr. BOREN.

H.R. 1813: Mr. GORDON.

H.R. 1838: Mr. CALVERT and Mr. DAVIS of Kentucky.

H.R. 1846: Mr. PETERSON of Pennsylvania.

H.R. 1903: Mr. CARNAHAN.

H.R. 1929: Mr. BISHOP of Georgia.

H.R. 1956: Mr. MELANCON.

H.R. 1969: Mr. HARE.

H.R. 1992: Mr. COSTELLO.

H.R. 2004: Mr. HARE.

H.R. 2032: Mr. BOREN.

H.R. 2035: Mr. TIAHRT and Mr. BACA.

H.R. 2045: Mr. SNYDER, Mr. KIND, Mr. SOUDER, Mr. DELAHUNT, and Mr. ETHERIDGE.

H.R. 2049: Mr. MCGOVERN, Mr. COHEN, and Mrs. DAVIS of California.

H.R. 2060: Mr. MITCHELL and Mr. CONAWAY.

H.R. 2066: Mr. COHEN.

H.R. 2091: Mr. BRADY of Pennsylvania, Mr. GERLACH, and Mr. ALTMIRE.

H.R. 2126: Mr. COHEN.

H.R. 2129: Mr. FALEOMAVAEGA.

H.R. 2131: Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. ALTMIRE, Mr. BRADY of Pennsylvania, and Mr. BOREN.

H.R. 2138: Mr. MEEK of Florida, Mr. COURTNEY, Mrs. CAPPS, Mrs. BIGGERT, Mr. ALTMIRE, Mr. MOORE of Kansas, Mr. GILLMOR, Mrs. TAUSCHER, Mr. SHIMKUS, and Mr. GOODLATTE.

H.R. 2159: Mr. WILSON of Ohio.

H.R. 2164: Mr. RAHALL.

H.R. 2169: Mr. JOHNSON of Georgia and Mr. KIRK.

H.R. 2185: Mr. UDALL of New Mexico.

H.R. 2192: Mr. MCINTYRE and Mr. CUELLAR.

H.R. 2204: Mrs. CAPPS and Mr. OLVER.

H.R. 2238: Mr. RANGEL.

H.R. 2255: Mr. HIGGINS.

H.R. 2265: Mr. WEXLER.

H.R. 2266: Mr. PRICE of North Carolina and Mr. HIGGINS.

H.R. 2295: Mr. SARBANES, Mr. FORTENBERRY, Mr. CARTER, and Mr. GARY G. MILLER of California.

H.R. 2327: Mr. PRICE of North Carolina and Ms. LORETTA SANCHEZ of California.

H.R. 2360: Mr. FRELINGHUYSEN.

H.R. 2371: Ms. SCHAKOWSKY.

H.R. 2394: Mr. RANGEL.

H.R. 2434: Mr. POE.

H.R. 2443: Mr. ROSS and Mr. PAUL.

H.R. 2468: Mrs. CHRISTENSEN.

H.R. 2469: Mr. REGULA.

H.R. 2488: Mr. LINDER and Mr. GERLACH.

H.R. 2508: Mr. BAKER.

H.R. 2537: Mrs. LOWEY and Mr. HIGGINS.

H.R. 2552: Mr. RAMSTAD and Mr. KENNEDY.

H.R. 2566: Mr. WYNN and Mr. HALL of New York.

H.R. 2567: Mr. ALLEN and Mrs. MCCARTHY of New York.

H.R. 2583: Mr. BOREN, Mr. KIND, Ms. JACKSON-LEE of Texas, and Mr. PEARCE.

H.R. 2585: Mr. CONAWAY and Mr. TERRY.

H.R. 2588: Mr. POE.

H.R. 2593: Mr. GENE GREEN of Texas and Mr. STARK.

H.R. 2630: Mr. FORBES.

H.R. 2669: Mr. ELLISON, Ms. CARSON, Mr. KILDEE, Mr. ENGEL, Mr. VAN HOLLEN, Ms.

DeLauro, Mr. Kucinich, Ms. McCollum of Minnesota, Mr. Lewis of Georgia, Ms. Schakowsky, Mr. Stark, Ms. Matsui, Mrs. Maloney of New York, Mr. Price of North Carolina, Ms. Eshoo, and Ms. Kilpatrick.

H.R. 2702: Mr. Cohen, Mrs. McCarthy of New York, and Mr. Cleaver.

H.R. 2706: Mr. Hensarling.

H.R. 2712: Mr. Gingrey.

H.R. 2715: Ms. Lee.

H.R. 2725: Mr. Wynn.

H.R. 2729: Mr. Salazar.

H.R. 2765: Mr. Brady of Pennsylvania, Mr. Sestak, Mr. Platts, Mr. English of Pennsylvania, Ms. Schwartz, Mr. Pitts, Mr. Kanjorski, Mr. Shuster, Mr. Doyle, Mr. Tim Murphy of Pennsylvania, and Mr. Patrick Murphy of Pennsylvania.

H.R. 2778: Mr. Weiner, Mr. Hinchey, Mr. Meeks of New York, and Mr. Arcuri.

H.R. 2813: Ms. Wasserman Schultz, Mr. Burton of Indiana, and Mr. Ellison.

H.R. 2818: Mrs. Christensen.

H.R. 2821: Mr. Boozman.

H.R. 2831: Mr. Clyburn, Mr. Conyers, Mr. Scott of Virginia, Mr. Holt, and Mr. Allen.

H.J. Res. 12: Mr. Latham, Mrs. Musgrave, and Mr. Tom Davis of Virginia.

H. Con. Res. 75: Mr. Higgins.

H. Con. Res. 83: Mr. Miller of Florida.

H. Con. Res. 127: Mr. Ellison.

H. Con. Res. 136: Ms. Ros-Lehtinen, Mr. Gonzalez, Mr. Bilirakis, Mr. Culberson, Mr. Souder, Mr. Fortuño, Mr. Butterfield, Mr. Engel, Mr. Cole of Oklahoma, Ms. Jackson-Lee of Texas, Mr. Baker, Mr. Feeney, Mr. Mario Diaz-Balart of Florida, and Mr. Lantos.

H. Con. Res. 137: Mr. Lamborn and Mr. Baker.

H. Con. Res. 139: Ms. Jackson-Lee of Texas, Mr. Lantos, and Mr. Pence.

H. Con. Res. 160: Mr. David Davis of Tennessee and Mr. Jones of North Carolina.

H. Con. Res. 162: Mr. Ortiz.

H. Con. Res. 163: Mr. Dent.

H. Con. Res. 169: Mr. Grijalva, Mr. Rush, Mr. Jefferson, Mr. Brady of Pennsylvania, Mr. Al Green of Texas, Mr. Cummings, Ms. Bordallo, and Mr. Honda.

H. Res. 121: Mrs. Musgrave.

H. Res. 145: Mr. Hensarling, Mr. Allen, Mr. Clay, Mr. Costa, Mr. Moore of Kansas, Mr. Neal of Massachusetts, Mr. Pascrell, Mr. Rush, Mr. Taylor, Mr. Kildee, and Mr. Doyle.

H. Res. 186: Mr. Berman, Mr. Markey, and Mr. Towns.

H. Res. 194: Mr. Gilchrest.

H. Res. 208: Mr. Royce, Mr. Conaway, Mr. Garrett of New Jersey, Mr. Rogers of Michigan, Ms. Pryce of Ohio, Mr. Wilson of South Carolina, Mr. Saxton, Mr. Carter, Mr. Bilirakis, Mr. Boozman, Mr. Smith of New Jersey, Mr. Pence, Mr. McHenry, Mr. Chabot, Mr. Mack, Mrs. Bono, and Mr. Payne.

H. Res. 231: Mr. Conaway.

H. Res. 283: Mr. McCotter.

H. Res. 287: Mr. Tanner, Ms. Carson, Mr. Porter, Mr. Farr, and Mr. Van Hollen.

H. Res. 416: Mr. Engel.

H. Res. 426: Mr. Costa, Mr. Doggett, and Mr. Langevin.

H. Res. 427: Mr. Moore of Kansas, Mr. Moran of Virginia, Mr. Faleomavaega, Mr. Wexler, Mr. Payne, Mr. Ackerman, Mr. Engel, Ms. Zoe Lofgren of California, Ms. Lee, Mr. Delahunt, Mr. Higgins, and Ms. Ros-Lehtinen.

H. Res. 457: Ms. Zoe Lofgren of California, Mr. Burton of Indiana, and Mr. Price of North Carolina.

H. Res. 467: Mr. Holt, Mr. Smith of New Jersey, Mr. LoBiondo, Ms. Schwartz, and Mrs. Lowey.

H. Res. 477: Mr. Hastings of Florida, Mr. Donnelly, and Mr. Calvert.

H. Res. 482: Mr. Rohrabacher, Mr. Royce, Mr. Burton of Indiana, Mr. Higgins, Mr. Fortuño, Mr. Inglis of South Carolina, Mrs. Maloney of New York, Mr. Hinojosa, Mr. Pence, Mr. Manzullo, Ms. Watson, and Ms. McCollum of Minnesota.

H. Res. 489: Ms. McCollum of Minnesota, Mr. Shays, and Mr. McDermott.

H. Res. 497: Mr. Engel, Mr. Sherman, Ms. Watson, Mrs. Maloney of New York, Ms. Kilpatrick, Mr. McNulty, Mr. Issa, Mr. Faleomavaega, Mr. Delahunt, Mr. Ackerman, Ms. Schakowsky, and Ms. Woolsey.

H. Res. 499: Mr. Burgess, Mr. Sam Johnson of Texas, Mr. Franks of Arizona, Mr. Royce, Mr. Baker, Mr. Feeney, Mrs. Capito, Mr. Gary G. Miller of California, Mr. Goode, Mr. Chabot, Mr. McCaul of Texas, Mr. Aderholt, Mr. David Davis of Tennessee, Mr. Bilbray, Mr. Gallegly, Mr. Goodlatte, Mr. Gingrey, Mrs. Myrick, Mr. Poe, Mr. Deal of Georgia, Mrs. Cubin, Mr. McHenry, Mr. Marchant, Mr. Buchanan, Mr. Tancredo, Mr. Neugebauer, Mr. Coble, Mr. McCarthy of California, Mr. McCotter, Mr. Hunter, Mr. Doolittle, Mrs. Drake, Mr. Barton of Texas, Mrs. Musgrave, Mr. Roskam, Mr. Carter, Mr. Duncan, Mr. Akin, Mr. Campbell of California, Mr. Bartlett of Maryland, Mr. Miller of Florida, Mr. Forbes, and Mr. Gilchrest.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2643

Offered By: Ms. Ginny Brown-Waite of Florida

Amendment No. 8: Page 96, line 14, strike "$160,000,000" and insert "$128,000,000".

H.R. 2643

Offered By: Mr. Conaway

Amendment No. 9: Page 58, line 3, after the dollar amount, insert the following: "(reduced by $2)" .

Page 58, line 3, after the dollar amount insert the following: "(increased by $1)".

Page 60, line 24, after the dollar amount, insert the following: "(increased by $1)".

Page 61, line 13, after the dollar amount, insert the following: "(increased by $1)".

H.R. 2643

Offered By: Mr. Tom Davis of Virginia

Amendment No. 10: Strike section 104 (page 49, beginning at line 21).

H.R. 2643

Offered By: Mr. Tom Davis of Virginia

Amendment No. 11: Strike section 105 (page 50, beginning at line 4).

H.R. 2643

Offered By: Mr. DeFazio

Amendment No. 12: At the end of the bill (before the short title), add the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. In implementing the amendments made by section 5401(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), in addition to the duties assigned to the committee by subsection (b) of such section, shall—

(1) monitor projects submitted by that committee that have been approved by the Secretary of the Interior or the Secretary of Agriculture;

(2) advise the designated Federal official on the progress of monitoring efforts under paragraph (1); and

(3) make recommendations to the Secretary of the Interior or the Secretary of Agriculture regarding any changes or adjustments to the projects being monitored by the committee.

H.R. 2643

Offered By: Mr. Dent

Amendment No. 13: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

H.R. 2643

Offered By: Mr. Dicks

Amendment No. 14: Page 39, line 17, after each dollar amount, insert "(reduced by $5,000,000)".

Page 55, line 22, after the second dollar amount, insert "(reduced by $5,000,000)".

Page 58, line 3, after the dollar amount, insert "(reduced by $5,000,000)".

Page 60, line 24, after the dollar amount, insert "(increased by $15,000,000)".

Page 61, line 16, after the dollar amount, insert "(increased by $15,000,000)".

H.R. 2643

Offered By: Mr. Ellsworth

Amendment No. 15: Page 93, line 11, insert after the dollar amount the following: "(reduced by $2,630,000)".

H.R. 2643

Offered By: Mr. Hastings of Florida

Amendment No. 16: Page 18, line 23, after the first dollar amount, insert "(reduced by $1,000,000) (increased by $1,000,000)".

H.R. 2643

Offered By: Mr. Inslee

Amendment No. 17: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

Sec. . None of the funds made available in this Act may be used to issue any permit for, or otherwise approve or allow, importation of any polar bear or polar bear part under section 104(c)(5)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(A)).

H.R. 2643

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 18: Page 20, line 9, after the dollar amount, insert "(increased by $1,000,000) (reduced by $1,000,000)".

H.R. 2643

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 19: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. . None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.

H.R. 2643

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 20: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. . None of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas.

H.R. 2643

Offered By: Mr. Jindal

Amendment No. 21: Page 58, line 3, insert "(reduced by $2,500,000) (increased by $2,500,000)" after the dollar amount.

H.R. 2643

Offered By: Mr. Jordan of Ohio

Amendment No. 22: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 4.3 percent.

H.R. 2643

Offered By: Mr. Kingston

Amendment No. 23: At the end of the bill (before the short title), insert the following:

Sec. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

H.R. 2643

Offered By: Mr. LoBiondo

Amendment No. 24: Page 89, line 13, after the first dollar amount, insert "(increased by $1,000,000) (reduced by $1,000,000)".

H.R. 2643

Offered By: Mr. McHugh

Amendment No. 25: Page 55, line 22, after the second dollar amount insert "(reduced by $1,000,000) (increased by $1,000,000)".

H.R. 2643

Offered By: Mr. Mica

Amendment No. 26: Page 21, line 5, insert "(decreased by $4,000,000) (increased by $4,000,000)" after the dollar amount.

H.R. 2643

Offered By: Mrs. Musgrave

Amendment No. 27: Page 110, after line 18, insert the following new section:

Sec. 417. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2643

Offered By: Mr. Nunes

Amendment No. 28: Page 67, line 21, insert after the dollar amount the following: "(reduced by $3,700,000)".

Page 67, line 22, insert after the dollar amount the following: "(reduced by $3,700,000)".

Page 68, line 5, insert after the dollar amount the following: "(increased by $2,000,000)".

H.R. 2643

Offered By: Mr. Price of Georgia

Amendment No. 29: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. Appropriations made in this Act are hereby reduced in the amount of $276,330,000.

H.R. 2643

Offered By: Mr. Shays

Amendment No. 30: Page 31, line 11, after the dollar amount, insert "(decreased by $1,000,000) (increased by $1,000,000)".

H.R. 2643

Offered By: Mr. Upton

Amendment No. 31: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISION

Sec. 601. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

H.R. 2643

Offered By: Mr. Weiner

Amendment No. 32: Page 18, line 23, insert "(increased by $1,000,000)" after the first dollar amount.

Page 39, line 17, insert "(reduced by $1,000,000)" after the first dollar amount.

H.R. 2643

Offered By: Mr. Weiner

Amendment No. 33: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. Not later than 6 months after the date of the enactment of this Act, the Secretary of Interior shall provide public access to the Statue of Liberty that is substantially the same as that access granted before September 11, 2001.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 34: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Clover Bend Historic Site.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 35: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Kymulga Grist Mill.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 36: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the George Washington Carver High School.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 37: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the San Juan Capistrano Historic Adobe Preservation.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 38: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Oroville Historic State Theater.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 39: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Casa Grande, Santa Clara, County, California.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 40: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Maritime History Center for Working Families.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 41: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Fort DeSoto.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 42: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Wesleyan College Historic District.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 43: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Scottish Rite Temple, Bloomington, Illinois.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 44: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the St. Joseph's College Theatre.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 45: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Brown Mansion, Coffeyville, Kansas.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 46: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Butler County Courthouse, Kansas.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 47: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Perryville Battlefield Merchants Row.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 48: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the William Cullen Bryant Home Homestead.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 49: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Rackliffe Plantation House.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 50: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Poplar Hill, Clinton, Maryland.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 51: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Wetzel County Courthouse, New Martinsville, West Virginia.

H.R. 2643

Offered By: Mr. Hensarling

Amendment No. 52: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Curlee House.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 53: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Daniel Webster Farmhouse.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 54: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Zuni Pueblo Mission.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 55: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Santa Maria El Mirador.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 56: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Maverick Concert Hall.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 57: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the DeSeversky Center Building.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 58: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the 1883 Lighthouse, Sleepy Hollow, New York.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 59: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Mount Hope Cemetery, Rochester, New York.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 60: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Fire Fighters Hall, Columbus, Ohio.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 61: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Spring Hill Historic Home.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 62: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Moravain College.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 63: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Philadelphia Art Museum.

H.R. 2643

OFFERED BY MR. HENSARLING

AMENDMENT NO. 64: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the W.A. Young & Sons Foundry.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 65: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Embassy Theatre.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 66: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Pompion Hill Chapel.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 67: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Goodwill School.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 68: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Carnegie Library, Darlington, South Carolina.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 69: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Agricultural Reform Movement Building.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 70: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Granbury Historic Opera House Theater.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 71: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Henry County Courthouse, Virginia.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 72: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Gadby's Historic Site.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 73: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Lee-Fendall House.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 74: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Bremerton Public Library.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 75: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Wetzel County Courthouse, New Martinsville, West Virginia.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 76: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Ivy Green Birthplace of Helen Keller.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 77: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Detroit, Michigan, Charter County of Wayne for the Rouge River National Wet Weather Demonstration.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 78: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Killeen, Tennessee, for Water and Sewer Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 79: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may used for the city of Hayti, Missouri, Pemiscot Consolidated Public Water Supply District 1 for Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 80: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for thecity of Independence, Mississippi, Tate County School District for Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 81: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Conrad, Montana, for Conrad Wastewater Treatment Facility Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 82: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Mount Airy, North Carolina, Surry County for Water and Wastewater Infrastructure along the I–77 and I–74 Interstates Corridor.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 83: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Troy, North Carolina, Montgomery County for the Pump Station Improvement Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 84: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Durham, North Carolina, for Water and Wastewater Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 85: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the borough of Sussex, North Carolina, for the Hamburg Avenue Water Line.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 86: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Murphy, North Carolina, Cherokee County for the U.S. Highway 74 19/129 Sewer Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 87: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Newark, New Jersey, Passaic Valley Sewer Commission for Wastewater Treatment and Storm Water Renovation.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 88: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Aztec, New Mexico, for Municipal Wastewater Treatment.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 89: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the township of Waterford, Michigan, Oakland County Drain Commission for the Evergreen-Farmington Sanitary Sewer Overflow Control Demonstration Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 90: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Seattle, Washington, Seattle Public Utilities for South Park Drainage Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 91: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Brooksville, Southwest Florida Water Management District for Peace and Myakka River Watershed Restoration.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 92: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Weston, FL, for Bonaventure Storm Water Pumps.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 93: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Lock Haven, Pennsylvania, Clinton County Municipal Authority for the Sewer Pump Station Construction in Woodward Township.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 94: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of East Providence, RI, for Nutrient Removal.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 95: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Town of Andrews, SC, for Water and Wastewater Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 96: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Gaffney, SC, for the Water Treatment Plant Upgrade.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 97: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Rapid City, SD, for the Source Water Protection Initiative.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 98: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Town of Collierville, TN for the Public Works Department for Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 99: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Killeen, Tennessee, for Water and Sewer Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 100: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Eureka, California, for Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 101: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Eckley, Colorado, for Water Treatment Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 102: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Colchester, Connecticut, for the Flatbrook Road Booster Station.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 103: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Prospect, Connecticut, for the College Farms Subdivision.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 104: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Wolcott, Connecticut, for Storm Drainage and Other Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 105: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Stamford, Connecticut, for Stormwater and Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 106: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Tallahassee, Florida, for the Advanced Water Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 107: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Sarasota, Florida, Sarasota County, for the Phillippi Creek Septic System Replacement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 108: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Callahan, Florida, for the Wastewater Treatment Plant.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 109: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Lauderdale-by-the-Sea, Florida, for North Beach Neighborhood Improvements, Phase II.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 110: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Jupiter, Florida, for Water Treatment Plant Enhancement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 111: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Brighton, Michigan, for the Mill Pond Lane Bypass Sanitary Sewer Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 112: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Grand Rapids, Minnesota, Grand Rapids Public Utilities Commission for a Wastewater Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 113: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Joplin, Missouri, for the Wildwood Ranch Sewer.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 114: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Muscle Shoals, Alabama, for Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 115: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Rogers, Arkansas, Northwest Arkansas Conservation Authority for Water and Wastewater Infrastructure and Watershed Management.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 116: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Pine Bluff, Arkansas, for Sewer Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 117: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Walthall County Courthouse, Mississippi.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 118: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of San Clemente, California, for

Expansion of the Water Reclamation Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 119: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Arcadia, California, for the Arcadia/Sierra Madre Joint Water Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 120: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Seaside, California, for Monterey Bay Outfall Dry Weather Diversion.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 121: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Big Bear Lake, California, Department of Water and Power To Upgrade the Pipeline Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 122: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Yucca Valley, California, Hi-Desert Water Agency for a Wastewater Treatment System.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 123: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Sacramento, California, Sacramento Department of Utilities for Downtown Sacramento Combined Sewer Improvement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 124: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Barstow, California, county of San Bernardino for the Sewer Master Plan Implementation, Phase II.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 125: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Manteca, California, for Water Treatment Infrastructure Upgrades.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 126: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Vallejo, California, for Mare Island Sanitary Sewer and Storm Drain.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 127: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of San Francisco, California, Public Utilities Commission for the Lower Mission District.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 128: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Huntington Park, California, for the Slauson Avenue Water Line and Yard Rehabilitation.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 129: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Temple City, California, for the Sanitation Sewer Rehabilitation Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 130: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Louisville, Kentucky, for the Louisville and Jefferson County Municipal Sewer District for the Shively Area Pump Stations Eliminations Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 131: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Williamsport, Pennsylvania, Lycoming Department of Planning and Community Development for a Water System for Muncy Industrial Park.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 132: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the New Castle, Pennsylvania, Lawrence County Planning Office for the Neshannock Township.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 133: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Coburg, Oregon, for a Wastewater System.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 134: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Zanesville, Ohio, Muskingum County Commission for the West Pike Sanitary Sewer.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 135: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Warren, Ohio, the Office of the Trumbull County Commissioners for the Scott Street Sanitary Sewer in Newton Falls.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 136: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Columbus, Ohio, Columbus Downtown Development Cooperation for the Scioto Mile River Level Park Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 137: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Port Clinton, Ohio, Ottawa Country for the Watermain and Sanitary Sewer Program.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 138: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Rushville, Ohio, for Sewage Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 139: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Marcellus, New York, for Drinking Water Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 140: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Lyndonville, New York, for the Wastewater Treatment Plant.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 141: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of New York, New York, for the Twin Lakes Restoration Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 142: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Grambling, Louisiana, for the East Martin Luther King Tarbutton Road Sewer Extension.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 143: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the cities of Fall River and New Bedford, Massachusetts, and the town of Acushnet for Bristol County Sewer Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 144: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Winthrop, Massachusetts, for Storm Drain Remediation.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 145: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of West Springfield, Massachusetts, Pioneer Valley Planning Commission for the Connecticut River Combined Sewer Overflow Clean-up.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 146: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Elyria, Ohio, for the Water Treatment Intake Plant.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 147: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of College Park, Maryland, for the Paint Branch Watershed Storm Management Plan.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 148: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may used for the city of Glencoe, Alabama, for Storm Drainage and Sewer Repairs.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 149: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Clanton, Alabama, for the Water Plant Upgrade Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 150: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Harlan, Kentucky, for the Baxter-Rosspoint Sewer Line Expansion.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 151: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the borough of Slatington, Pennsylvania, for Wastewater Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 152: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Santa Fe, New Mexico, for Water Distribution Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 153: At the end of the bill (before the short title), insert the following:

None of the funds in this act may be used for the city of Santa Fe, New Mexico, for Water Distribution Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 154: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be use for the pueblo of San Felipe, New Mexico, for Water and Wastewater Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 155: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Bernalillo, New Mexico, for Arsenic and Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 156: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Fallon, Nevada, for the Wastewater System Improvement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 157: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Overton, Nevada, for the Collection System Infiltration Study.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 158: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Geneva, New York, Water District 12 for Water Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 159: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Halfmoon, New York, for the Halfmoon Water Line.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 160: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Goshen, New York, for the Hambletonian Park Water Main Replacement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 161: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Bethel, New York, for Sewer Extension.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 162: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Middletown, New York, for Water and Wastewater Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 163: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Rochester, New York, Monroe County Water Authority for the Southeast Service Area Reliability Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 164: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Rye, New York, for Sewer Pump Station Repairs.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 165: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Mamaroneck, New York, for Sewer System Upgrades.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 166: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Briarcliff Manor, New York, for Sewer Upgrades.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 167: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Buffalo, New York, Erie County Water Authority for the Ball Pump Station Emergency Power Generation.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 168: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Palatka, FL, St. Johns River Water Management District for Expansion of the Taylor Creek Reservoir.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 169: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Clearwater, FL, for Wastewater and Reclaimed Water Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 170: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Vienna, GA, for Sewer Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 171: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Valdosta, GA, for the Valdosta Scott Water Tank Construction.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 172: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Mason City, IA, for Wastewater Treatment Facility Facility Expansion.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 173: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Twin Falls, ID, for the Auger Falls Wastewater Treatment Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 174: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Johnsburg, IL, for Wasterwater Conveyance and Treatment Works.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 175: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Steward, IL, for Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 176: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the village of Hazel Crest, IL, for Water Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 177: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Village of South Chicago Heights, IL, for Wastewater Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 178: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Northeastern Illinois Sewer Improvement Consortium, IL, for Sewer Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 179: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Virginia, IL, for a Water Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 180: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Oregon, IL, Public Works Department for Wastewater Treatment Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 181: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Village of Farina, IL, for Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 182: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Carmel, IN for Sanitary Sewer Rehabilitation.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 183: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the town of Linden, IN, for Water and Sewage for the Sewer Treatment Plant Expansion.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 184: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of South Bend, IN for the Sewer Overflow Sensory Control Network.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 185: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Evansville, IN, for the Mt. Auburn Neighborhood Sanitary Sewer System.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 186: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Charlestown, IN, for the Water Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 187: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Fort Wayne, IN, for the Fort Wayne Storm Sewer Separation Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 188: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Town of Merrillville, IN, for Water Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 189: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Iola, KS, for Water and Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 190: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Larned, KS, for the Waste Water Treatment Plant.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 191: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Sedan, KS, for the Rural Water District Number 4 Chautauqua County for Water and Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 192: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Lexington, Kentucky, Lexington-Fayette Urban County Government for South Elkhorn Pump Station and Force Main Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 193: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of La Grange, Oldham County, KY, Sewer District for the Ohio River Wastewater Treatment Plant in Goshen.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 194: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Peshtigo, WI, for Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 195: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Holcombe, WI, the Lake Holcombe Sanitary District for Wastewater Treatment and Sewer System Upgrades.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 196: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Weson, WV, for the Jackson's Mill Waterline.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 197: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Pennsboro, WV, for Wastewater Infrastructure Improvement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 198: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Westover, WV, for Sanitary Sewer Service Upgrade.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 199: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Milton, WV, for Milton Water System Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 200: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Grandview, Texas, for an Elevated Water Storage Tank.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 201: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Hillsboro, Texas, for Water and Wastewater System Improvement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 202: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Cressona, PA, Cressona Borough Authority for the Cressona Belt Filter Press.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 203: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Fort Bend County, Texas, for a Water and Wastewater Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 204: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Sabinal, Texas, for a Wastewater Treatment Facility Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 205: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of San Antonio, Texas, San Antonio Water System for the Central Watershed Sewer Relief Line C–02.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 206: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Riverton, Utah, for the Water Pump Station.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 207: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Hershey, Pennsylvania, Derry Township Municipal Authority for Wastewater Treatment Facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 208: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Henry County, Virginia, Henry County Public Service Authority for Water Infrastructure Improvements.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 209: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Alexandria, Virginia, and Arlington County, Virginia, for Four Mile Run.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 210: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the City of Yardley, Pennsylvania, Yardley Borough Sewer Authority for Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 211: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Fairfax County, Virginia, Stormwater Planning Division for Stormwater Management Planning.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 212: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Longview, Washington, for a water treatment facility.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 213: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Fairfax County, Virginia, Stormwater Planning Division for Stormwater Management Planning.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 214: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Skokomish, Washington, Skokomish Indian Tribal National for Wastewater Treatment.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 215: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Township of Cecil, Pennsylvania, Cecil Township Municipal Authority for the Miller's Run Sewer System.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 216: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Belfair, Mason County, Washington, for Wastewater Treatment.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 217: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Mountlake Terrace, Washington, for Water Main System Replacement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 218: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Mercer Island, Washington, for the Mercer Island Sewer Lake Line Replacement.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 219: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Borough of Stoystown, Pennsylvania, Somerset Township Municipal Authority for Stoystown Water Project.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 220: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Puyallup for Water and Wastewater Infrastructure.

H.R. 2643

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 221: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the city of Flint, Michigan, Office of the Genessee County Drain Commissioner for the North-East Relief Sewer.

H.R. 2829

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers under section 210.2–02T of title 17, Code of Federal Regulations.

H.R. 2829

OFFERED BY: MS. UPTON

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. None of the funds made available in this Act (including funds made available in titles IV and VIII) may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

SENATE—*Monday, June 25, 2007*

The Senate met at 1 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, author of life and giver of life everlasting, we raise our hearts to You. Lift us, today, into Your light, love, purity, and blessedness as we seek to honor Your great Name. Keep us from hasty shortcuts that lead to failure. Rather, help us to pursue integrity, righteousness, and honor.

Strengthen our lawmakers for this week's labors. Fill them with Your presence, guide them with Your comfort, and energize them by Your spirit. May they never shut their ears to the cries of the least in our Nation and world. Rather, may they join You in bringing true freedom to the marginalized.

Lord, we ask your special blessing on Dr. JOHN BARRASSO as he is welcomed to the Senate today. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 25, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any time used by the leaders, the Senate will be in a period of morning business until 7 p.m. tonight. The time is equally divided and controlled between Senators KENNEDY and ENZI or their designees. During this time I expect there will be speeches on H.R. 800, the Employee Free Choice Act, and S. 1639, the Immigration bill.

At 7 p.m. Senator SESSIONS will be recognized to speak for up to 1 hour. There are no rollcall votes. At 3:15 the newest Member of the Senate will be sworn in, JOHN BARRASSO, who is an orthopedic surgeon from Wyoming. We welcome him here but with some degree of sadness, because you are forced to comprehend and think about Craig Thomas whom I had such great admiration for. As I have said before, Craig Thomas and I did not vote very much alike, but we shared a great belief in the sovereignty of our two States, two sparsely populated States, Wyoming and Nevada, and of course this great country of ours that we both have such affection for.

We welcome Dr. BARRASSO. More will be said about this later.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that if any quorum calls occur during the debate until 7 p.m., they be equally divided between the sides controlling time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LAKE TAHOE FIRE

Mr. REID. Mr. President, in the State of Nevada, one of the things we so appreciate is this great treasure we share with the State of California, Lake Tahoe, which Mark Twain called the fairest place in all the Earth. Some have said he said: The fairest picture the whole Earth affords. But the picture we get from Mark Twain is it was a beautiful place, and it is. There is only one other lake like it in the world, and that is in Russia. It is a wonderful alpine glacial lake about a mile deep.

It is a wonderful resource we share with California. But as we speak, there is a fire raging on the eastern side of the lake. It has, at last count, burned 2,500 acres, four square miles. It has engulfed and destroyed 250 homes; 500 more are in danger of being lost. Only 10 percent of the blaze has been contained.

One bright spot in this tragedy is that as of now, no injuries have been reported, and we hope these residents and emergency teams remain safe.

Many of these firefighters live in the area. They are battling this fire while their own homes are in danger. If we think about that for a moment, their own homes are at risk, their own families are in harm's way, and they are working to protect the homes and families of others. That is real bravery, and that is what a firefighter is all about. We owe a great deal to these men and women. We will surely owe them much more when this fire is brought under control. There is no way to protect a firefighter, other than to quote Fire Chief Edward Croker, who was with the New York Fire Department almost 100 years ago. Here is what he said:

> I have no ambition in this world but one, and that is to be a fireman . . . Our proudest moment is to save lives. Under the impulse of such thoughts, the nobility of the occupation thrills us and stimulates us to deeds of daring, even of supreme sacrifice.

This is as we learned from South Carolina last week upon the death of those nine firefighters. We will keep an eye on this blaze and give the States of California and Nevada—the blaze is burning on the California side at this time—give the States of California and Nevada all the resources we can help them with.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed on H.R. 800, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 7 p.m. shall be equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Wyoming, Mr. ENZI, or their designees.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, over the period of these last few days, we have had a number of our colleagues on this side who have spoken, and spoken very well, about the Employee Free Choice Act. We have had Senator DURBIN, Senator BROWN, Senator CLINTON, Senator SCHUMER, Senator MURRAY, Senator LAUTENBERG, Senator MENENDEZ, Senator KLOBUCHAR, Senator WEBB, Senator CASEY. I have spoken myself. We have a number of additional Senators. I see my friend from Maryland, Senator CARDIN, will be addressing the issue this afternoon.

I think we have had some excellent presentations about this issue and about the importance of this issue, about the fact that there are about 60 million men and women across this country who wish to be able to participate in the trade union movement, but because of the realities of the current election process are denied the opportunity to do so.

There are millions of people across this Nation who are enormously concerned about the growing disparity which has taken place in this country between the explosion of wealth in terms of the top one-tenth of 1 percent of our population and the fact that those at the lower end of the economic ladder most recently had to wait 10 years to get an increase in the minimum wage.

I can remember going back to a period of time when the increase in the minimum wage was a bipartisan event. People understood at that time they were trying to make the minimum wage about half of what the overall national wage was going to be, to say to American workers: If you worked at the lower end of the economic ladder in our economic system, we still appreciated your work and you would not have to live in poverty here in the United States of America.

We have in recent years seen where millions of our fellow citizens have had to live in poverty because we have failed to get the increases in the minimum wage. It has become a more partisan issue here in the Senate and also in the House of Representatives, regretfully. I am basically suggesting that we are seeing America growing apart. That is a matter of enormous concern to Americans everywhere. It does not have to be this way. It was not this way when I think America was at its best. It was not this way.

What we are seeing now is the increasing factor that those who have the resources and have the wealth and have the superwealth are accumulating it more and more; those who are at the lowest end are falling farther and farther behind, and the great middle class that is represented by workers and used to be the trade union movement is being constantly challenged.

For many in that middle class, they feel they are slipping farther and farther behind, and they are slipping farther and farther behind. They were not slipping farther and farther behind when we had a strong trade union movement. They weren't. They were moving ahead with the rest of the country. But now, they are falling farther and farther and farther behind. They know that. The option before the Senate now is to at least give American workers an opportunity, if they so desire, to be able to participate in a union so that their economic interests, their health insurance interests, a decent retirement, can be addressed, because as we have seen, working families, increasing numbers of those working families, are losing health insurance, are finding their deductibles and copays are on the rise, and it is getting more and more difficult for them to continue to afford this. An increasing number of retirees, who thought they had commitments to health insurance, are being dropped. We are finding an increasing number of those Americans who rely on a defined benefit system losing out on their pensions.

We are finding out that the costs across the spectrum for working families are going up through the roof—the price of gasoline, the price of health care, the price of prescription drugs, the price of tuition, the price of any kind of retirement income.

Books have been written about this great shift from the kind of common responsibilities and common involvement Americans had with each other, commitments we had with each other, to a different perspective and a different paradigm where everyone is sort of effectively on their own.

That means you are on your own with regard to retirement, health insurance, and education in the workplace. That is happening increasingly. You are on your own when the employer won't give you a raise. You are on your own when you are put in working conditions which may very well jeopardize your health.

I wish to review exactly where we have come as a country on the issue of growing apart and growing together. Most of us remember clearly the Mayflower compact that was signed a few miles off Provincetown, MA, when extraordinary men and women had sailed the seas to escape religious persecution and, after 6 long weeks and the loss of a number of those who had set sail on the ships, before they got off the ship, they gathered on the deck and made a compact between each other about the importance of working together for the common good as a community and as a society. The Federal Constitution talks about the general welfare and about moving ahead together as a country and a society. We have seen that when America has been at its best.

Here we have a chart that shows the years 1947 to 1973. It is titled "A Rising Tide Lifts All Boats." What this chart shows is income for five different sectors of our economy—this is from the Economic Policy Institute—the lowest 20 percent, the second 20 percent, the middle, fourth, and top 20 percent. This chart shows clearly from these colors that from 1947 to 1973, America's income moved along together. Those in the lowest sector of our economic society moved along. As a matter of fact, they moved along a little higher than those at the very top. But America was moving along together.

It is interesting that this is a period of time when we had the trade union movement at its peak. One of their strong themes during that time was economic fairness, economic justice. If we were going to see an increase in productivity as a result of their own enterprise and working with the employer, the benefits were going to be shared. It was going to be shared between those at the top and those who were working. That was the concept we had seen reflected in this growth from 1947 to 1973.

Look at what is beginning to happen from 1973 to 2000. We begin to see now the lowest is growing the least and the top 20 percent is growing at a rate of three or four times higher than the lowest. This was the beginning of significant tax cuts that benefited the wealthiest individuals. We see the economic indicators reflected here in the income for those individuals across the board.

Now look at what has happened in the most recent time. We see that those in the lowest economic income have been falling further and further behind, and those in the top 1 percent have been going further and further ahead. All of this is going on at a time when we have seen the weakening of the trade union movement.

How is this reflected in what has happened with corporate profits? Here we see at the same time corporate profits were going up some 84 percent at the time from 2001 to 2007, where wages and salaries have been virtually stagnant. They haven't moved. They have gone up a total of 4 percent over this 6-year period. The profits have been growing; wages and salaries have not been growing. Benefits are going up in terms of corporate profits, but the workers' are not. We have seen what has happened.

This chart is interesting. It tells the story of what I have just mentioned in a different way. For the first time, young men make less than their fathers did. We have grown up in this country believing that the future generation was going to have a better opportunity and a more hopeful future than the current generation. Those certainly were the hopes and dreams of those who came to this Nation. It has been certainly generally true, right? Wrong. We saw that was true from 1964 to 1994, the purple colors reflecting the son; the green, the father. We talk about income. You see that the son's income exceeded the father's. Now look from 1974 to 2004. There has been a 12-percent decline of the son over the father—again, the decline in the voice to speak for workers, the strong voice that is going to speak for workers.

Now look at what happened again, if we can go back. Remember the first chart where I talked about 1947 to 1962 when all of the different economic groups went along and went up together. This is the time of peak union membership. What this chart shows is that wages and productivity rise together. What does this chart show? It shows right along here increasing productivity. That means the workplace is becoming more productive. They are producing more. What happened when we had the height of the trade union movement during this time, we found out wages were keeping up with productivity; therefore, workers were working harder, but they were getting more in terms of wages. They were keeping pace with their increasing productivity. Now we see the unions begin to decline, and the workers are falling further behind. Productivity is still going up, but real wages are in decline and productivity grew more than 200 percent more than wages, reflected in that earlier chart which showed the profits going up.

All this is at an interesting time where the workers' voice in the workplace is being constantly diminished. On the far left, we find peak union membership; wages and productivity rise together.

Now you can ask: What happened after 1966? Why this sudden disparity? How could it be doing so well with union membership during this period and then suddenly we find a decline? Well, we had decisions made by the National Labor Relations Board and the Supreme Court that decided businesses can veto majority signups as a result of elections. I will go through that in more detail. But they have it as an art at the present time where an election can be held, let the workers make a judgment, a majority can say: We want to join a union, and next you know that those individuals who are involved in that activity are being fired, lose their jobs, are out of jobs—not just for 1 month or 2 months, not just for 6 months, not even for 1 year, sometimes 3, 4, 5 years. It is the cost of doing business. A whole industry has grown up to help employers defeat the voices of workers in the workplace. That is what happened during this period of time in the 1960s and 1970s. We had our Republican friends appointing members to the National Labor Relations Board during this period of time—also the Supreme Court—who made these judgments to disadvantage workers. We have seen the abuses skyrocket.

This chart is from a Peter Hart Research Associates poll from a year ago. It shows that 58 percent of nonmanagement workers would vote for union representation. This represents 60 million workers who want to join. We can ask ourselves: If they want to join, why don't they join? Let me point out, before we get there, what else has been happening in the workplace.

We find there have also been assaults on unemployment insurance. This is the fund for when we have extended unemployment periods. This is an unemployment insurance fund which is paid into by workers so they will be able to receive it when they are unemployed. It has been generally used historically in times when we have had a downturn in the economy. But we have had administrations which have refused to extend the unemployment insurance, even though the fund itself is in surplus, to look out for the workers. We have seen 6 million individuals who qualified for overtime who were workers 3 years ago lose their overtime pay. We saw the results of administration action in Hurricane Katrina where they refused to extend the Davis-Bacon provisions. We have the undermining of family and medical leave. We have had Supreme Court judgments and decisions which have also compromised the worker.

One of the most notorious was the Supreme Court decision that was made probably 4 weeks ago where a woman who had been working in a plant for a number of years and had been working alongside a number of men for all these years found out she was being paid significantly less than the men. That is unfair under legislation we have passed in the Civil Rights Act. When the case finally went up to the Supreme Court, the Supreme Court said: Well, it is too bad that has been her case because under the legislation, she should have complained in the first 180 days. Since she didn't complain in that time, she lost all her rights.

That is the most cockamamie decision I have heard of the Supreme Court making in recent years. I can give you another one, the Grove City case on civil rights, but imagine this individual didn't even know she wasn't being paid fairly. She had no notice of it. The payroll was being kept by the employer. This is what is happening in real America.

We all know what happened with carpal tunnel syndrome. We had rules and regulations under the previous administration. More than a million people, most of them women, are doing the kind of repetitive work which endangers their health. We had the National Academy of Science make determinations that these individuals, by and large women, are being harmed by this kind of activity. We had the previous Democratic administration issue rules and regulations to provide protections and, and bam, under this administration, under the current administration, the Bush administration, they have been eliminated, all of them.

So we see the series: Elimination of overtime pay, elimination of protecting people in terms of pay on the job, eliminating rules and regulations to protect people from carpal tunnel syndrome—all of these going on at the same time. They are the kinds of situations the trade union movement speaks about and fights about. They fight for an individual member who is being abused like the woman being abused in the workforce. They have been a principal spokes-group for the protection of people doing repetitive work and being affected by carpal tunnel syndrome. But they have been weakened, their voice has been weakened. As a result, we see the great economic disparities, and we see the great threat to the workers.

Now, you can say: Well, that is very interesting, Senator, but what are these kinds of barriers to workers, if they have an election and they are successful? Well, here are some of the roadblocks. Workers who lead the union efforts are fired. We have 30,000 a year who get backpay. Mr. President, 30,000 a year get backpay from employers for violations of their rights. What kind of message do you think that sends to other workers who have to provide for their children and their family, seeing the individuals dismissed or their rights violated?

The employer challenges the election results. No matter what the disparity, they still challenge it and delay it. Then the employer appeals the NLRB ruling in the courts. I might, later on this afternoon, go over some of the court decisions as to the National Labor Relations Board and how they have changed from protecting the worker to protecting the employer and how the DC court—because the DC court is the special court of jurisdiction—how they have altered and changed in terms of protecting the workers. But the workers, effectively, are not getting protection either from the National Labor Relations Board, which was set up to protect them, or in the courts, which are supposed to be protecting their interests.

The employer stalls or refuses to bargain for a first contract. They are able to kick this over for a year. The employer can seek to stop recognizing the union. Then the workers start all over again.

This is what we have: The employees are fired in one-quarter of all private sector union-organizing campaigns—one-quarter of the campaigns. Talk about discouraging those who want to speak up. One in five workers who openly advocate for a union during an election campaign is fired. This has not varied or changed. You would have thought the Department of Labor or the National Labor Relations Board or the courts would try to protect these workers. Oh no, they have not, and we have the current situation we have.

In 2005, over 30,000 workers received backpay after employers had violated their rights. This gives you an idea of the warfare that is going on in the workplace—absolute warfare. Can we do something about it? Yes. That is what the legislation which is before us is trying to do. That is exactly the issue this legislation is trying to face. We will explain that. But that is exactly the point.

We see why some 60 million workers want to join unions. This chart demonstrates the percentage of wages for union members over nonunion members. This next chart is very interesting because it draws the distinction, the effect of union organizing for women. It makes a very significant difference in protecting women and women's rights, for African Americans, and Latino Americans. It is a very major force and factor in terms of making sure we are going to protect the rights and the civil rights of our fellow citizens.

This chart gives you a pretty clear idea. This is what we are talking about: people with wages that are $22,000, $23,000, $17,000, or $18,000. These are the people we are talking about. We are talking about, as demonstrated on this chart, that the cashier, if they do not belong to a union, is making $15,000; if they do, they are making $24,000. For childcare workers, if they are nonunion, they are making probably $16,000; if they are a union member, they are probably making $21,000. And we have demonstrated on the chart the wages for a cook, a housekeeper, across the board.

Look at the Federal poverty line on the chart. Those who are not a part of the union movement are below the poverty line, and those who are members of a union are slightly above it.

So let me point out what we are attempting to do. We are saying we want to give individuals the opportunity to be able to join unions through a card check, effectively. If a majority of those in a union are going to check the card, they are going to be a majority, and they have the opportunity to do so. But we do not eliminate the secret ballot. We are saying the secret ballot is still available.

Today, the secret ballot is decided, effectively, by the employers. Since the employees are the ones whose interests are at stake, we give them the option to go either through the secret ballot or to be able to do it through a card checkoff.

We have heard a lot on the floor about how the secret ballot in the workplace is comparable to the great American tradition of elections in the United States. But, of course, that is completely untrue. For example, if you take what we call the NLRB—that would be the elections in the workplace—versus a Federal election, in regard to equal access to the media, do we think the workers have equal access with the employer? No, of course not. It is the employer who has all of the access. Now, in a Presidential or a congressional campaign, there is relatively equal access. Maybe one candidate is able to get additional kinds of resources and able to get more of the media, but at least there is some degree of fairness and some degree of comparability. But here it is all one-sided, all with the employer. The freedom of speech is with the employer.

Access to the voters: No union members can come onto a grounds and say: Look, we would like to talk to these individuals who are trying to make up their mind. But the employer has access to these individuals all day long.

Campaign finance regulations: The employer spends whatever they wish on these issues.

The timely implementation of the voters' will: The federal elections all have them but not here. As we have just pointed out, employers contest the elections.

The way these elections are conducted now in the workplace, the odds are all stacked against the workers. So the workers have been discouraged from doing so, from being able to express themselves. As a result, they have not been able to move ahead. As a result, they have fallen further and further behind.

Now, we also hear on the floor: Well, we can't have this kind of a checkoff because we will have intimidation of these workers in a certain way, we will have intimidation for those in the workplace. Well, the fact remains there are very strong laws against any kind of intimidation or coercion of workers. We can go through that in greater detail, which I am glad to do.

I know some opponents on the other side have cited a study by the Human Resource Policy Association that identified 113 NLRB cases that involved union deception or coercion. Over the last 60 years, one expert—who testified at the House hearing of the employee free choice legislation—who examined the cases found they contained only 42 such instances. We should not have any, but they had 42. In any event, those 113 claimed examples of coercing or intimidating workers over the past 60 years are next to nothing compared to the NLRB statistics that show acts of coercion alleged in a single year, which, in 2005, equaled about 30,000 workers getting backpay for firings or violations of their rights who were involved in union activity—firing them, throwing them out of their jobs or otherwise violating their rights.

So experience has shown, too, that when the majority signup replaces the battlefield mentality of the National Labor Relations Board election process, conflict is minimized and the workplace becomes more cooperative and productive—a win for both sides.

I might mention that this chart shows Cingular Wireless, and this one shows Kaiser Permanente. They provide for what is permitted under this bill. Of course, if the company wants to do it, it can do it now. It can do it today. But this will institutionalize it to encourage companies all over the country to do it.

Here is Kaiser Permanente, a well-known company. Mr. President, 800 nurses were able to choose a union based on the model of the Employee Free Choice Act. Kaiser Permanente proves that respecting workers' desire to have a voice on the job, rather than fighting the unions, is not only the right thing to do, but it makes good business sense. Says the president of Kaiser Permanente:

> We not only believe it's the fair thing to do, but we also believe it's the right thing to do for our employees, our health plan members, and also our business. It has been their experience.

This is Cingular Wireless. A majority signed up. This is what one of the workers, Larry Barrett, said:

> Management didn't pressure us or try to interfere. . . . We didn't attack the company and they didn't attack us. We were focused on improving our jobs and making Cingular a better place to work.

This is what the executive vice president of Cingular said:

> We believe that the employees should have a choice. . . . Making that choice available to them results . . . in employees who are engaged in the business and who will have a passion for their customers.

We can either do it right or we can do it wrong. That is what this is really all about. It is permitting, on a voluntary basis, the opportunity to be able to permit workers to make a judgment and a decision as to who can be their voice and representative in terms of their economic conditions, their work conditions, their retirement conditions, their health conditions, and the rest. If they want to so do it, let's let them do it. If they do not want to do it, let them make that judgment and choice. But today, the system is effectively broken. It is unworkable. The workers know it. The employers know it. Too many of the employers want to keep it that way.

We have an opportunity to provide some real democratization in the workplace. When we do that and we have workers who can have a voice in determining their economic future, their future in terms of other issues, we are going to have a stronger economy. It is going to be stronger in dealing with our competition around the world, and we are going to have increasing productivity.

I know there are those who say: Well, if we have a weaker trade union movement, we are going to have a stronger economy. I will just show the example of Ireland. Ireland has one of the strongest economies in all of Western Europe at the present time, and 35 percent of their workers are union members, as compared to 12 percent in the United States. Look at the economic growth of Ireland, which is at 6 percent; the United States is at 3.3 percent.

So I am hopeful the Senate will at least give us a chance to move ahead on this legislation. The time to act is now. This legislation will make a major difference in terms of our ability to deal with the challenges of a stronger economy, a fairer economy, an economy where workers have a voice as well as a vote. It is the right thing to do, and now is the time to do it.

Mr. President, I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, more than three centuries ago, settlers in the New World began to put into practice the political ideals that brought them here and for which many of their descendants would later fight and die.

One of the most important of these was the ideal of political freedom, and one the most concrete expressions of it was the right to vote in secret, without harassment and without coercion. Rejecting the English Parliamentary tradition, several colonies, including all the New England colonies, established secret elections as the norm.

The secret ballot has been standard everywhere else in this country for more than a century. It simply hasn't been questioned. Americans have come to assume that in everything from electing their high school yearbook editor to their President, their vote is sacred and it is secret.

That is, until now. The so-called "Employee Free Choice Act" is an assault on the centuries-old practice of secret voting, and the fact that we are here in this Chamber discussing it at all is a scandal.

The Employee Free Choice Act was not written to help employees. It was written to help union bosses, who are angry because their membership has been plunging for decades.

This bill aims to reverse that trend by stripping workers of the right to vote privately for or against a union. They'd be forced to publicly sign a card instead, exposing them to coercion and intimidation by employers and union bosses alike.

When union bosses convince more than half the employees at a work site to sign a card authorizing a union, they will be free to organize.

Meanwhile, employers would be free to check whether their workers favor labor or management.

Look, Congress settled this issue 60 years ago when it amended the National Labor Relations Act to provide secret ballots at the workplace. Congress changed the existing law then precisely because of widespread intimidation and coercion at the workplace.

Now our Democratic friends want to strip that right away from 140 million American workers, rolling back the clock 60 years on employee rights and potentially eroding the broader voting rights that generations of Americans have fought to secure for themselves and their children.

This is really a disturbing development. For years, American voters have been able to depend on Democrats to be loud persuasive supporters of voting rights. Their sudden conversion is shocking, but its cause isn't a secret.

Speaking to a union rally on Capitol Hill last week, the distinguished majority leader gave us a clue into the origins of this anti-Democratic bill. Here's what he told the unions that showed up: Democrats are in control of Congress now because of you. You made all the difference—and let me start with two words: thank you.

Well, are we to expect that blowing these folks a kiss at a pep rally was all they wanted? I think not.

The unions haven't been coy about their legislative wish list. And according to the Las Vegas Review Journal: "The Employee Free Choice Act is at the top of their wish list."

The Review Journal is calling this a textbook case of payback. Well, for all you civics students out there, you are about to see a textbook example of something else: how this kind of thing backfires when it threatens to undermine something that Americans hold dear, and that is the right to vote without somebody looking over your shoulder.

Historians tell us that once secret ballots gained near-universal acceptance a little over a century ago, the only Western country that didn't continue to observe the practice religiously was the Soviet Union.

Yet even there, communist leaders were careful to maintain at least the formal appearance of secret ballots. An ad that recently appeared in a number of national newspapers illustrates my point. I think I have it here behind me. At least I thought I was going to. I guess I don't.

Leading with the quote: "There's no reason to subject the workers to an election," it asks: "Who said this?"

We are given three choices: Mahmoud Ahmadinejad, Idi Amin, and American union leader Bruce Raynor. It was Raynor in fact who said that in defense of the Employee Free Choice Act.

No wonder the Communist Party USA endorsed the bill at its national convention in 2005.

It's understandable why my good friends on the other side hoped they could introduce this bill quietly—just slip it in, watch it fail with a whimper, then crow about their support for Big Labor at political rallies.

They knew as well as I do that if voters knew they were looking to roll back a basic protection like the right to vote in secret, they would be in trouble.

The polling data is overwhelmingly on this one: Nine out of ten Americans—including 91 percent of Democrats—favor the right to a federally supervised secret ballot election when deciding whether or not to form a union. The main provision in this bill is about as popular as poison ivy, which is why this was supposed to all be quiet.

Incredibly, my good friend the majority leader has even indicated that he doesn't expect the bill to pass. Last week he was worried that some Republicans who are opposed to the immigration bill would vote for this bill just to delay debate on that one.

He said such a move would be made out of pure spite, which could only mean that he doesn't expect—or want—this bill to go anywhere.

So what are we doing here?

I'll tell you what: we are being told to squeeze in a vote on this anti-Democratic bill between two of the most important pieces of legislation in this Congress, in the hope that it will fail.

Well, it will fail. But not quietly.

Democrats can't put voting rights on the table and expect to get away with it.

So first, Republicans will indeed block this bill.

But we won't be quiet about it. We're not going to forget about it. We will make sure Americans don't forget about it either.

We'll remind our constituents that our friends on the other side didn't mind promoting a bill that would lead to voter intimidation by employers and union bosses.

All but two Democrats in the House passed their version of the bill in March. Apparently they have no problem with union bosses following employees to their cars after work and telling them to vote union.

Apparently they have no problem with these guys following workers home at night and knocking on their doors for a chat.

I am not making this stuff up.

We have read about a case in Louisiana where a worker was forced to seek an arrest warrant for a union boss who showed up at his home eight times trying to get him to sign a unionization petition.

Under this bill, the threat of employer intimidation is just as worrisome. Imagine having to announce in front of the person who writes your review, who sets your bonuses, approves your raises, and controls future promotions that you prefer labor to management.

This is no different than the days when landowners sent their agents into the fields to tell their tenant farmers how to vote in local elections. It was because of practices like these that the first colonists fled to America in the first place.

Another reason Democrats wanted to keep this bill quiet is that so many of them are on record opposing any abridgement to the right to secret ballots.

On the first day of this session, the Senate's Democratic leadership introduced a bill outlining the purpose of U.S. Democracy-building efforts abroad. This Congress' Democratic leadership introduced this bill. Here's what it said:

> It should be the policy of the United States to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage.

Apparently, our good friends on the other side believe the right to a secret ballot is essential for everyone—except the American worker.

Time and again, Democrats have expressed their belief that the right to a secret ballot is sacred in a democracy.

Six years ago, 16 Democrats in the House sent a letter to a group of government officials in Mexico chastising them for even considering a switch away from secret ballots.

They wrote:

> We feel that the secret ballot is absolutely necessary to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

Support for the secret ballot in the Senate has been just as passionate. My good friend the senior Senator from Vermont has called it "one of the great hallmarks of this Democracy."

The senior Senator from Connecticut has referred to "the sanctity" of a private ballot.

The junior Senator from Iowa went even farther, saying in 2005 that:

> Perhaps what we need is a Constitutional Amendment guaranteeing the right of every citizen of the United States a secret ballot and to have that ballot counted.

Nine out of 10 Americans agree with these Democratic Senators, which is why their party's effort to roll back this right for workers is so alarming, and why it promises to be so alarming to voters next year.

Unions have every reason to be worried about their membership, which has been in steady decline for decades. In 2005, only 12.5 percent of workers nationwide belonged to unions. In the private sector, the figure was even more anemic. It is now less than 8 percent.

But the price of reversing this trend shouldn't be one of the fundamental tenets of a free society, nor should elected officials be complicit in the effort.

According to the Associated Press, organized labor spent some $100 million on get-out-the-vote efforts last year, reaching tens of millions of voters by phone and other means on behalf of labor-backed candidates. Labor PACs contributed $60 million for federal candidates, including $40 million from the AFL–CIO.

According to news reports, Big Labor explicitly traded their endorsements of prospective freshman Democrats last year for the promise that the candidates would later vote in support for the Employee Free Choice Act.

After the election, AFL–CIO's chief John Sweeney told a reporter it was money well spent. Big Labor had a plan when it poured money into the election last year.

Look, you don't need to be John Locke to figure out what's going on here. The unions are losing the game, so they have decided to change the rules.

But the rule they want to change isn't some little provision in the labor code it is a fundamental right that the citizens of this country have enjoyed without interruption for more than a century.

This was bold, it was desperate, and it was stupid.

Republicans will proudly block this bill from becoming law, and we will just as proudly remind people who forced a vote on it in the first place.

Today happens to be the birthday of George Orwell, a great enemy of tyranny who had some harsh things to say about political speech.

Orwell saw how rhetoric was used in his own day to excuse the inexcusable.

We now call it doublespeak—or speech that is meant to conceal the actual thought of the person speaking.

I can think of no better example of this than the Employee Free Choice Act.

This bill isn't meant to help employees; it is meant to help unions. It is not about increasing employee choice, but limiting it.

I will vote against it. And I strongly urge—and fully expect—my Republican colleagues to join me.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). Who yields time?

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield myself such time as may be necessary.

I have been looking at a lot of the charts the other side of the aisle has presented. We are going to have a vote on cloture to proceed to H.R. 800, which is the so-called Employee Free Choice Act. It would be better named the "lose your secret ballot by intimidation act."

This legislation attempts the most radical, unacceptable, and unwarranted change in our system of labor-management relations in over 60 years, since Congress passed the Taft-Hartley Act. We have watched the other side of the aisle grasping for ways that this might be justified. We heard about the minimum wage, health insurance, pensions, costs going up, gas, food, and that it is all related to people having a secret ballot. The secret ballot is causing that? That is a stretch—saying that unions cannot organize because they are required to have secret ballot elections. I grant you it is going to be much easier for them if they don't have to have secret ballot elections, and can rely on intimidation.

I was fascinated by the chart on voting that was shown earlier, and the things that are supposedly not available in a union election as opposed to the things that are available to the American public in federal elections. Most of them just are not accurate.

One was "equal access to media." If one side is buying ads, the other can do it, too. You cannot tell me unions don't have money or don't know how to run ads because I have seen them run ads against politicians. They are both free to run ads under current law. Another was "Freedom of speech." I don't know where they allege the National Labor Relations Act takes that away. We have freedom of speech under current law. My favorite category on the chart is "equal access to voters." Under current law, the union gets a list of the home addresses of every single person who works in that business. Now, the employer cannot go to their home, but the union can go to their home, and we've heard some examples of how that works. That is why I call it "lose your secret ballot by intimidation act." If you have half a dozen people show up at your door, some of whom you know and some of whom you don't know, and they are going to try to persuade you to sign a check card, is that equal access to voters? If you don't let them have a secret ballot afterwards to see if they meant to sign that check card or if they only did so because the intimidators were there, it is simply not fair to the employee.

You have to agree this card checking system is kind of a joke and that it isn't a real election where rights are protected. The National Labor Relations Board watches those very carefully. In fact, they run the election and guarantee a secret ballot to every potential union person who votes.

Despite its cynical and deceptive title, this legislation is not about employees, nor is it about enhancing employee rights. This legislation certainly has nothing to do with free choice either. It is plain and simple: this bill is about unfairly and artificially boosting organized labor's steadily declining membership at the expense of essential employee democratic rights. We need to begin by understanding just how radical a departure this objective is from our longstanding national labor-management policy.

Under our system, the Government's role has never been to guarantee a level of membership for unions, or to change the rules in order to boost a union's membership numbers. The role of Government has been—and should be—to remain neutral with respect to the positions of both organized labor and management. Its most important rule is to guarantee that employees have the maximum freedom possible to make their own choice as to whether they do or do not wish to be represented by a union in their workplace. In short, our system of labor-management relations is based on employee rights, not organized labor rights, and not employer rights, and certainly not on some supposed right to a certain level of membership among private sector employees.

This legislation would turn that national labor policy on its head. It would sacrifice the fundamental democratic rights of working men and women in order to artificially boost union membership levels, increase union bank accounts with employees' dues, and enhance the political leverage of organized labor. That is what such money buys. We saw the results of that last week at some of the rallies put on by this bill's supporters. The speeches given at those rallies offer a real appreciation for that kind of political leverage. They implied that now is the time to pay up. This is a totally unacceptable perversion of our longstanding national labor policy. More important, it is outrageous to even suggest we should sacrifice the democratic rights and freedoms of working men and women to further such an effort.

Despite the radical nature of what is proposed in this legislation, and despite the fact that it would constitute the largest attempt to change basic Federal labor law in more than 60 years, it is telling how the proponents of this legislation have sought to move this bill. In the House, those who opposed this legislation were effectively cut out of the process. Leadership in the House brought this bill to the floor and allowed little opportunity for amendment or debate. Indeed, it was on the floor in that Chamber for only a few hours. Here in the Senate, the proponents now seek to move this legislation outside the regular order. It hasn't been to committee. Even though this bill falls squarely in the jurisdiction of the HELP Committee—Health, Education, Labor, and Pensions—of which I am the ranking member, the proponents of this legislation bypassed the normal committee process and brought this measure directly to the floor. With the committee process comes increased scrutiny and a decreased prospect that legislation would ever move based on rhetoric rather than sound facts and reasoned policy.

There may be those who believe that by short circuiting the committee process, it would be less likely that the public would see the legislation for what it is—that the true dimensions of this devil's bargain would be hidden behind a wall of rhetoric. We cannot and will not let that happen.

Let's briefly look at what the legislation does. For nearly seven decades, millions of employees have decided for themselves, and for their individual workplaces, whether they want a union to become their exclusive legal representative. In the vast majority of instances, this critical decision has been made through the use of the most fundamental institution of our democracy, the private ballot. In a democratic society, nothing is more sacred than the right to vote, and nothing ensures truly free choice more than the use of a private ballot.

The current system provides that the question of union representation in the workplace is determined by a Government-supervised secret ballot process overseen by the NLRB. For over 60 years, the NLRB has conducted tens of thousands of elections involving millions of workers, and has developed and refined complex rules and procedures designed to guarantee that the entire process is fair and regular and free from threats, intimidation, and coercion. It carefully monitors the conduct of all parties to the election process and acts quickly and effectively to remedy any misconduct that interferes with the free choice of employees. Those who understand the National Labor Relations Board's processes know that it conducts union elections in a free and fair manner, as evidenced by the fact that only around 1 percent of all elections are rerun due to misconduct on either side. More recently, in 2005, over 2,300 certification elections were conducted by the National Labor Relations Board. Yet the National Labor Relations Board conducted rerun elections because of misconduct by either the employer or the union in only 19 cases. Yes, that is what they do, they force rerun elections because of misconduct by either the employer or the union. So in 2,300 certification elections in 2005, misconduct by either the employer or union, there were only 19 cases.

The current private ballot election system is not only fair, it actually favors unionization. The win rate by unions in the National Labor Relations Board elections has increased for the last 10 years in a row. This is an unmatched run of electoral success. The win rate for unions in 2005 and 2006 was over 61 percent, again an unmatched record. Contrast this with the fact that during the entire 1980s, the average win rate was below 50 percent. For example, in 1982, unions won less than 45 percent of the time. The same is true for the decade of the 1970s, where unions again averaged losing more than they won. But they didn't ask the heavily Democratic Congress at that time to change the laws. In light of unions' increasing electoral success, and the fact that the legal rules have not changed in 60 years, there is absolutely no basis to claim that a change is warranted, particularly where that change is to strip workers of their rights.

Unions want to now change this carefully developed democratic system into one that is totally one sided, unsupervised, and an invitation to undue pressure, coercion, and even outright intimidation.

Imagine you are a worker at a nonunion facility and you are approached at work by people with whom you must interact day after day, or visited at home by union organizers. Remember, they have all the addresses. Imagine you are repeatedly asked to "sign up" for the union and that you are given a sales pitch that may or may not be true. Do you think you might sign just to avoid the hassle, just to get people off your back, just so you don't offend a coworker, or just because you haven't heard both sides? Do you think you might sign up even though your truly free choice would be not to have a union? Think about it: visitors to your own house. Most people would sign for any one of those reasons, and that is exactly why we have private ballot elections.

Beyond assaulting free choice and the right to vote, this bill would gravely damage the freedom of contract that has been a hallmark of our private sector labor-management relations. Our system recognizes the reality that in the workplace, as in other contractual situations, the parties who must live by the contract are the parties who must make the contract. Instead, under this bill, if an agreement was not reached within a mere 90 days, the contract would be placed in the hands of a Government arbitrator who would have the power to determine every detail of the employee-employer relationship. They could determine hours, pay, conditions, benefits, insurance, pensions, everything. Neither the employees nor the employer could contest this contract, and both would be bound to the terms for 2 years. There would not even be a right for the union members to even vote to approve or disapprove the contract agreement, none at all. That right, which they have under current law, would be taken away, too.

Can you imagine either buying or selling a house and being told that someone from the Government would decide the terms of the sale? And even if you didn't agree, you would be forced to go through with the deal? Whether it is buying a house or negotiating a labor contract, this notion is simply untenable.

Lastly, the bill would substitute a tort-like remedy system for the make-whole remedy system that has served so well since the inception of the National Labor Relations Act. The vast majority of labor-management disputes are voluntarily resolved. A tort-type system, while it would certainly keep the trial lawyers busy, will clog the system with litigation and simply delay the resolution of claims.

The bill seriously infringes on due process and the right to manage a private business through its mandatory injunction provision. This is how that works. If an individual claimed he was terminated because of his union sentiments, the Government would require that he return to work before the merits of his claim are determined. The law already provides that this extraordinary step can be taken in appropriate cases, but it doesn't require it in every case. We should not require that the Government take action based on the presumption that a party is guilty unless proven innocent, except in the rarest of circumstances. We certainly should never make that practice the norm. In a host of other statutes, we quite rightly outlaw all types of employment discrimination. However, in none of those statutes do we presume guilt and require the individuals who merely claim to have been discharged be returned to work before the merits of their claims are determined, and we shouldn't do so here. The law provides for them to be reinstated, but it doesn't require it in every instance.

I am not alone in the view that this legislation is fundamentally flawed, unnecessary, and destructive to employee rights. That view is widely shared with others, as shown by some of the poll numbers that were mentioned earlier. Even union members oppose this bill by a wide majority—80 percent. I suspect that doesn't include union bosses, but it includes union members.

These views were, at one point, shared by my colleagues across the aisle. In 2001, the lead sponsor of this misguided legislation in the House, along with the current House and Senate Members, wrote a letter to the Mexican Government regarding its labor laws in which they noted:

> The secret ballot election is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

Incidentally, that was the chairman of the Labor Committee on the House side. It is simply incomprehensible that my colleagues would lecture foreign governments about the importance of industrial democracy while simultaneously advocating we strip American workers of the same rights.

The signatories of this letter are not the only Members supporting this bill who, previously, consistently upheld the importance of the secret ballot. My colleagues have rightly noted:

> One of the most fundamental of all rights that make us uniquely American [is] the right of the secret ballot.

Yes, that was Senator HARKIN. Another colleague said:

> The sanctity of a private ballot is so fundamental to our system of elections.

That was Senator DODD.

Second, not only have my Democratic colleagues previously insisted on the necessity of a Government-supervised private ballot, so, too, has organized labor when it has suited their purpose.

In 1998, two of the AFL–CIO's most prominent unions argued to the National Labor Relations Board that the National Labor Relations Board supervised election process "is a solemn . . . occasion, conducted under safeguards to voluntary choice . . . " Other means of decisionmaking are "not comparable to the privacy and independence of the voting booth," and the secret ballot election system provides the surest means of avoiding decisions which are "the result of group pressures and not individual decision."

I remind both my colleagues and organized labor that such statements are ones of principle that are not to be twisted or abandoned for political expediency. Advocating these positions and supporting this legislation are so inconsistent as to be the height of hypocrisy.

At least some labor organizations are willing to stand for the true preservation of employee rights by directly opposing this legislation. Last Thursday, the Fraternal Order of Police, an organization of over 300,000 law enforcement professionals, sent an open letter to Senator REID advising of its strong opposition to H.R. 800. In its letter, the Fraternal Order of Police noted:

> The National Labor Relations Board provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially, without peer pressure or coercion from unions, employers or fellow employees.

The letter concludes by noting:

> The only way to guarantee worker protection from coercion and intimidation is through the continued use of a federally supervised private ballot election so that personal decisions about whether or not to join a union remain private.

Third, not only do my colleagues and labor unions agree that the private ballot is the most fair, the most accurate, and the most democratic way to determine employee free choice, and that all other methods are seriously flawed, so, too, do the Federal courts.

I have a chart from the U.S. Supreme Court which, along with every Federal circuit court of appeals, has uniformly and over the course of decades held that the private ballot is the best, most reliable, and most democratic means of determining employees' free choice in the matter of unionization, and that all other methods, most particularly card signing, are inherently flawed and unreliable.

With respect to signed cards, the Supreme Court noted that cards are not only unreliable because of the possibility of threats surrounding their signing, but because they are inherently untrustworthy since they are signed "in the absence of secrecy and in the natural inclination of most people to avoid stands that appear to be nonconformist and antagonistic to friends and fellow employees."

With respect to the importance of the private ballot, one Federal court of appeals put it best when it observed that its preservation mattered "simply because the integrity and confidentiality of secret voting is at the heart of a democratic society, and this includes industrial democracy as well."

The long line of those who oppose this legislation and its outrageous assault on the democratic rights of American workers does not end here. I received a letter from a half dozen former members of the National Labor Relations Board regarding this legislation. The National Labor Relations Board is the Federal agency that overseas private sector labor-management relations, and enforces this very statute that this legislation would alter so radically. It supervises the entire secret ballot process under which workers currently make their free choice for or against union representation.

These are the experts in this area of the law who were nominated by both Democratic and Republican Presidents. Here is what they have to say about this grossly misnamed legislation:

> We, the undersigned are all former Members of the National Labor Relations Board, and were nominated to serve by both Republican and Democrat Presidents and confirmed by the Senate. In addition, each of us has devoted our respective professional careers to work in the field of labor/management relations. Each of us has carefully reviewed H.R. 800, legislation entitled "The Employee Free Choice Act"; and, based on that review believe that the legislation is fundamentally flawed and should be rejected by the Senate. We fully agree with the position consistently expressed by the Federal courts and by virtually all experienced practitioners that authorization cards are inherently unreliable indicators of true employee choice. There simply is no more fair, accurate or democratic way to determine an individual's free choice on any matter than through the use of secret ballot election. We

> are also deeply disturbed by the legislation's binding arbitration provision. This provision would radically change the process of private sector collective-bargaining in the United States and such change is neither required nor beneficial. The success of private sector collective-bargaining in the United States has long been premised on the traditional precept of contract law that the parties that must live up to a contract are the ones that must make the contract. The legislation would, in our view, do grave damage to the process of collective bargaining in the United States.

Again, I mention that these are both Republican- and Democratic-nominated people to the National Labor Relations Board who were approved by the Senate.

They go on to say:

> Lastly, we believe that the remedial provisions contained in the legislation are unnecessary and counter-productive. Since its inception the National Labor Relations Act has provided that individuals who have suffered a loss because of violation of the act be made whole. The act has never made a provision for punitive sanctions. Because of this, the vast majority of claims before the National Labor Relations Board are voluntarily adjusted and fully resolved in a very short amount of time. Were the remedial provisions of H.R. 800 enacted, board litigation would increase dramatically, and the voluntary adjustment of claims that has been a hallmark of the board process would inevitably become a thing of the past. While this might be a boon to trial lawyers, it would result to no benefit to employees whose rights have been violated. Indeed, the sole effect on such employees would be to substantially delay the receipt of compensation to which they may be entitled.
>
> For the reason noted, we would respectfully urge the Senate to reject H.R. 800 or, any other legislation, containing like or similar provisions.

That is signed by Marshall B. Babson, J. Robert Brame, Charles I. Cohen, Dennis M. Devaney, Peter J. Hurtgen, and John N. Raudabaugh.

Let's listen to what our Democratic colleagues have said in their more candid moments, which I quoted earlier. Let's listen to what the Federal courts have consistently told us. Let's listen to what the labor unions honestly believe, and to labor law experts who enforce the NLRA and were nominated by both Democratic and Republican Presidents and confirmed by a bipartisan Senate. Let's hear what they say. Let's listen to what they say. Most of all, let's listen to common sense. Only in a totalitarian country or a society imagined by George Orwell could anyone assert that the Government was going to afford free choice by stripping them of the right to vote by secret ballot.

It is plain to anyone who takes a moment to look that this legislation is not about employee rights, it is not about enhancing free choice, it is a transparent payback to organized labor at the expense of employee rights and employee choice.

I urge my colleagues to flatly reject the notion that we should even further consider this unwarranted and destructive legislation. The Senate, quite frankly, has too many matters of genuine substance and importance to be spending time on legislation that is plainly designed to profit the special interests at the cost of fundamental employee rights. Help me to be sure we do not take away the right to a secret ballot.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Maryland may consume.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. KENNEDY. First, Mr. President, I ask unanimous consent that at 3:15 p.m. the Senate suspend its deliberation of the motion to proceed for the swearing in of the Wyoming Senator, and that any time consumed by that and speeches thereon not be counted against either side in the debate, with Senator SESSION's time delayed accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank my colleague from Massachusetts, Senator KENNEDY, for yielding me this time and for his leadership on behalf of working families and among the poor American workers.

I listened with great interest to the Republican leader talk about the concerns of protecting workers' rights to a secret ballot. He had one complaint. It seems this legislation is lopsided in taking away the right of a secret ballot. The Republican leader then said, well, we are going to not be quiet about this. We are going to talk about this and make sure people understand exactly what this bill does.

What I don't understand, and I think people listening to the debate will not understand and be somewhat confused about, is if you read H.R. 800, you will see the protection for a secret ballot is preserved. It is an option the workers have to be able to have a supervised election. It is still in this law. I think they are going to be more confused because we have a vote tomorrow where we are going to have a chance to bring this bill before this body where we can have a full debate and consider amendments.

Quite frankly, I have heard from a lot of my constituents about this legislation—some for, some against. Workers are concerned about the tactics being used by some employers to prevent unions from being able to collectively bargain. There are worker intimidations, where workers are fired; there are threats made that plants are going to be relocated if they dare choose to be represented by a union; there is propaganda put out by employers that is downright intimidating. Those things do happen and they deny workers the real freedom of choice.

Some employers have expressed concerns about the arbitration provisions in this legislation and about making sure they do preserve an equal opportunity to be able to talk to their employees. These are matters we can debate, if the Republican leader will allow us to bring this issue to the floor. After all, he said he wanted an open debate on this subject. Let us have an open debate. There are troubling concerns in this country. Nothing is more American than an honest day's pay for an honest day's work. America's great economic strength has been created because of fairness in the workplace, because of collective bargaining, because of the importance of workers in our economy, and effective collective bargaining. But as Senator KENNEDY pointed out a few minutes ago, we have some very troubling economic trends in this country—very troubling.

Real wages for U.S. workers are lower today than they were in 1973, even though productivity has increased by 80 percent. We do pride ourselves that each generation of Americans will live a more prosperous life than in previous generations. That will not be true for a large number of Americans. Today, wages are not keeping up with productivity. There is a problem in the workforce, and it affects all of us in this country. We need to do something about it.

Real median household income in my own State of Maryland has declined by 2.1 percent from 2000 to 2005. We find a widening of the income gap in America, a widening of the wealth gap in America. We should be moving to narrow that gap, not to see it continue to increase. We have a problem we need to deal with, and this legislation, H.R. 800, gives us an opportunity to debate these issues and determine whether the decline of unionization is one of the factors in contributing to these difficult economic trends.

CEOs are now paid 411 times what workers are paid in America—411 times. In 1990, it was bad enough at 107 times—once again, a widening of the gap. I remember when I was in college talking about the strength of America. The strength of America was that in all the western economic powers we had the narrowest gap between wealth and income. Now we have the widest. We need to do something about it. Unionization helps bridge that gap.

What has happened to unionization? In 1973, 24 percent of Maryland workers worked in a company that offered union representation. In 2006, that number dropped to 13 percent.

The United States has exercised international leadership. I listened as my colleagues talked about the letters we have written to other governments. We have been the leader in saying that workers rights is an international human rights issue. It is. America should be exercising leadership internationally on these issues. Some of us have argued on trade legislation that we should be doing a better job in protecting international workers' rights. But it also starts with what we do here at home, and we should be troubled that nationwide only 12 percent of U.S. workers have a union in the workplace. Surveys show that 53 percent want to have unions in the workplace.

I listened again to what the Republican leader said about secret ballots, and I know there is a disconnect here, because, again, this legislation doesn't get rid of that. What this legislation tries to say is we want workers rights to be adhered to. If the majority wants to have a union, they should be able to have a union without intimidation from the employer. And if the majority does not want to have a union, they should be able to do that without intimidation from the union. Both are true. But in today's workplace, it is not balanced. H.R. 800 gives us the opportunity to debate this issue and, hopefully, act on this matter.

Why do we need this? As I have pointed out, we already have documented examples. Senator KENNEDY pointed out how many back wages have had to be paid because of wrongful firings. We can go through the list, but it is clear it is not effective today—not effectively giving workers a real freedom of choice.

This bill increases the penalties for illegal activities; allows the majority will of employees in joining a union; gives the framework for achieving negotiated contracts. It is a comprehensive bill. It is a bill that deals with more than just one subject, as the Republican leader keeps mentioning. It is a bill that tries to say, let us do a better job so that workers rights are protected in our economy and that workers who want to join a union are able to join that union and those who do not are equally protected.

We will never be able to get into that debate unless 60 Senators join us tomorrow to vote to bring up this issue. As the Republican leader said, this is an issue that shouldn't be kept quiet. Everybody should know where people stand on it. Tomorrow, Senators will have a right to do that by voting to bring this issue forward so we can have this debate in this body and in this Nation.

We should take every opportunity we can to act on behalf of protecting the rights of workers and working families here in this Nation. The statistics tell us we are not doing what is necessary for the growth of our economy. We need to make sure everyone prospers by our economy and we are not doing everything we need to do in that regard. That is why this Senator will vote to allow us to move forward to consider H.R. 800 when this issue is before us tomorrow.

I thank Senator KENNEDY for his leadership over so many years on these issues. He has been truly our leader in trying to speak up for what this Nation should be standing for. We are proud of the economic growth of America. Let us make sure all families can prosper in that growth. Senator KENNEDY has been our champion on those matters.

I urge my colleagues to support the effort to consider this legislation.

Mr. KENNEDY. Mr. President, if the Senator will yield for a question.

Mr. CARDIN. I will be glad to yield.

Mr. KENNEDY. And, Mr. President, I yield myself such time as we might use.

I listened to the very eloquent and persuasive speech of my friend from Maryland, and one of the points he made which I think deserves mentioning is the underlying disparity between the wealth of the Nation, between the very rich and basic workers in the country; and his pointing out that in the 1960s that difference was the narrowest in the greatest economy in the world—which is the United States of America—and now it is the largest between the very wealthy and the neediest people in our society.

I am sure the Senator remembers Henry Ford, who we all understand was the creator, the early entrepreneur of automobiles, and Henry Ford's concept at that time was to have a million people who had $10,000 a year to be able to support selling those cars and begin building the American economy. American workers brought us out of the Depression, fought in World War II, took a nation of close to 16 million men and women who had served in the military, came back, and transitioned again to being the most important economy in the world. Henry Ford understood it was important that there be a million people in America with $10,000.

I am sure he would be perplexed today that we have 10,000 people with more than $1 million. It is an extraordinary kind of irony that we have seen a small number with enormous kinds of wealth at that time in America, which had the strongest economy, as compared to now.

I share the concern the Senator from Maryland has, the direction we are going in, the indicators of where we are going and what is going to happen to that middle class, as the Senator pointed out; what is going to happen as tuitions go up and gasoline goes up, prescription drugs go up, and the pensions and security retirement are threatened, and the laws regarding what happens to workers.

As in Maryland, the same will happen to the workers in Massachusetts. These were always issues that workers and working families felt were important not only to their own families but to their neighborhood's family, their community family, and to the Nation's family. I am wondering if the Senator is not perplexed somewhat about his sense of the individual kind of activity, that we can let every individual sort of take care of themselves. They do not need health insurance; they can survive. They do not need much retirement to somehow be able to survive. They do not need much assurance about the cost of their house because they are going to survive. They are on their own, versus the coming together of a worker who is concerned about the common community and the common good.

I wonder if the Senator would talk a minute or two about how he sees which type of America he thinks is more in tune with our traditions and values.

Mr. CARDIN. Mr. President, I thank Senator KENNEDY for those comments and those questions.

As I said, I was in college during the 1960s, and I did listen to my professors when they talked about the strength of this country, and it was unions that brought us the sensitivity in the workplace to provide health care benefits for people who never had health care insurance, who brought retirement plans for people who didn't have economic security when they retired. We made tremendous progress during the 1960s, the 1970s, and the 1980s as more people got health insurance and as retirement plans were readily available to workers.

When we look at the record today, we find 46 million people without health insurance and we know there has actually been a reduction of employer-provided health benefits in this country. Every year more and more of the cost of health care is being put on the backs of the employees. There has been an erosion of middle-income families being able to afford health care, so many are now forced into bankruptcy because they can't pay for health care bills.

For two-thirds of Americans, when they retire, Social Security is their largest source of income. It was never intended to be that way.

We always thought private retirement would be a major security for people when they retired. We have not met those goals. So we have a shrinking middle class in America, and the middle class is critically important, as Henry Ford said, for the manufacturers and producers and farmers to be able to sell their wares here in America. To have economic strength, you need to have the middle class. You need to have the sharing of wealth among the people of this country, and we do not have that in America today. We are moving in the wrong direction. I think that is what troubles me the most. I know how important a growing middle class is to an economy, to the economic strength of our entire country, so everyone can benefit from this great economy. I agree, we have a great economy. We are the strongest economy in the world. But we have to tend to it, we have to deal with it. Protecting the growth of worker rights will help everyone in our economy, including the owners of our large companies. That is what is so troublesome about this debate. It is not employers versus employees. We want a level playing field. We want companies to grow in America because we want more good jobs in America and we want employees to be able to get fair compensation for their work. That is what this debate should be about.

I thank the Senator from Massachusetts for bringing this issue forward because it really does talk about what type of country we want for our children and our grandchildren.

Mr. KENNEDY. The Senator understands—as we listened to this debate—who brings support for this legislation. The Senator suggested broadly, during his comments, we have civil rights groups supporting the Employee Free Choice Act. Civil rights groups, community, religious, and poverty groups all support it. Whether it is ACORN, Sierra Club, the Presbyterian Church, public health associations, the Churchwomen United, the Methodists, the Alliance for Retired Americans, the Mexican-American Legal Defense—this is a group, not only of workers, it is a representation of civil rights groups, of women's groups, church groups that talk about the morality and the fairness. They talk about the morality of this issue as well, the fairness of this issue. I think that is what I find so persuasive.

I wonder, if the Senator just had a minute, if he would not agree with me, in the outline of this legislation, that he finds this is an effective summary of the legislation? It requires the employer to recognize the union if a majority of employees sign valid authorization cards. So a majority has to find it. We have heard a lot of talk about expressing the minority and majority views.

It preserves, as the Senator has said, the elections if employees choose to ask for one. The employees, after all, are the ones who are going to be affected by this choice. We hear a lot about free elections. Here, this legislation preserves free elections if the workers want that. It then instructs the NLRB to make clear and fair rules for a majority to sign up to protect workers' rights. Not if you listen to some of the comments and statements on the floor about how radical this proposal is. Does the Senator not agree with me that this is a fairly straightforward proposal to give those workers who are working in a setting the opportunity to express their will as to whether they choose to join a union?

Mr. CARDIN. The Senator is absolutely right. To bring home the reason this is needed today, 53 percent of workers would like to have a union in their employment. Only 12 percent today have union opportunities. The will of the worker today is not being adhered to because of the tactics used by some employers to prevent a fair and open process for employees to choose a union.

Just to underscore one more time, this is allowing the employees to have the freedom of choice. We will never be able to get to a full debate unless we get the opportunity to proceed with this legislation, and that is what this vote is about. I think the point of the Senator is very well taken. This is not taking away private, secret ballots. That is still an option which is available to the employees. But it allows the employees to have a level playing field, which in many cases today is not true.

Mr. KENNEDY. I thank the Senator for an excellent presentation.

I see my colleagues desiring to address the Senate. I withhold.

Mr. CARDIN. Mr. President, I yield the floor.

Mr. ENZI. I yield such time as he desires to the Senator from Arizona.

Mr. KYL. Mr. President, I rise today in opposition to H.R. 800, the Employee Free Choice Act. While the bill's title suggests it would protect an employee's right to join a union, my belief is it would actually jeopardize that right. Actually, I would like to vote for cloture to allow this bill to be debated because I, frankly, think it would be defeated were that to be the case, and I would strongly oppose it. However, I will oppose cloture, not because I wouldn't like to have a debate on the bill but because I want to get to the next item of business before us, which is the immigration bill, which I hope we can complete before July 4.

As to the Employee Free Choice Act, as I think it is rather deceptively titled, it would remove the requirement that elections of union representation and leadership be conducted by secret ballot. The secret ballot, of course, is the ultimate protection for workers because it guarantees anonymity for every worker and protects workers from being submitted to coercion. Opposition to the bill even comes from the hometown newspaper of the bill's author, which notes in an editorial:

> [B]asing representation on whether a majority of signatures has been collected is a bad idea. . . . A worker who refuses to sign, or changes his or her mind and wants to revoke the signature, immediately becomes a target for pressure or retaliation by the union.

That is from an editorial, "Want a Union? Vote One In," the Boston Herald, February 11 of this year.

Currently, if a union has signed cards representing 30 percent of the workers, it can inform the employer, and the employer can either accept unionization or request a secret ballot. The secret ballot must pass a 50-percent threshold among employees for unionization to take effect. What is more fair? That is democracy. That is what this country has been built on. It is how we have operated in this country ever since our inception. The so-called Employee Free Choice Act would remove the option of a secret ballot and allow a majority vote of the signed cards to justify the certification instead.

As someone who was elected to my office by secret ballot, I am hesitant to uproot a process that is a cornerstone of American democracy, as I mentioned, and has proven to work very well. If American voters were forced to choose their Representatives and Senators by being presented with a card and then told to choose in front of the candidate's own staffer, let's say, I think we would dismiss this as nothing more than political thuggery. Why should union representation be anything different? In some cases, union representation affects a person's health care and wages more directly than Congressmen do, so the integrity of these elections is important, and it must be upheld.

Speaking of the American voters, it is interesting to note that, according to recent surveys, 79 percent of voters oppose this so-called Employee Free Choice Act. Further, 89 percent of voters believe a worker's vote on union organization should remain private.

My friend, the Senator from Massachusetts, spoke of fairness and morality and mentioned various organizations. The one I remember was the church of which I am a member, the Presbyterian Church. I am a Presbyterian, and I don't think it is fair to remove the secret ballot, so I am not exactly sure what point that makes. It is best to stick with what has been the cornerstone of American democracy from our inception—the secret ballot; majority rule. It has been common practice for unions and employers for the better part of the 20th century and into this century, and it doesn't seem to me it needs to be changed now, especially with an extreme lack of compelling evidence to indicate that the current process has failed and in view of strong public and union opposition to doing away with the secret ballot. The Employee Free Choice Act crushes employee democracy, eliminates free choice for workers to unionize, and could expose workers to coercion; therefore, it should be defeated.

As I said I will join my colleagues in voting against cloture, not because I fear the debate—I think that would be healthy—but because clearly it is not going to pass. We might as well move on to our next item of business, which is the immigration bill.

I thank the ranking member.

Mr. ENZI. I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I listened to the Senator from Maryland, and I need to clear up some misunderstandings. I hope they are just misunderstandings. He said we should vote for cloture and let us debate. That really was not the intention of the other side of the aisle. If they really wanted us to have a debate, it would have gone through the regular process. This would have gone through the committee on which I am the ranking member, and we would have had a debate in committee. We would have had an opportunity for some amendments, maybe amendments that make the bill actually do what that side of the aisle is saying this bill would do.

I am most upset that they keep saying that under this bill, employees can still get a vote. This bill does not say the employees can get a vote if they want a vote. It simply does not. That is not just me saying it. We had the Congressional Research Service take a look at the bill and see if it requires the National Labor Relations Board to certify a union without any vote—and it does. Not vote. Only if the union sends in cards for only 30 percent of the employees will a vote occur as it does under current law. But the union organizers don't bother trying when they only have 30 percent of the people signed up. It is my understanding they seldom go for a vote unless they have 75 percent of the people signed up, and with 75 percent of the people signed up, in a secret ballot election they still lose 39 percent of the time.

This bill does not guarantee a vote. An employee who prefers to make his choice in a secret ballot election is not entitled to one under this bill. It does not guarantee a vote. That is not just my opinion. The Congressional Research Service, the Library of Congress folks who are dedicated to being impartial when they review bills, agree with me that there is no guarantee for a vote—unless there is only 30 percent of the people who sign up. That has been the rule for a long time.

I wish to point out one more inconsistency—maybe more than one. I really am kind of floored at the list of civil rights groups the other side presented—that those people put their name down as wanting to do away with a secret ballot. I would be no more surprised if they suddenly were for a poll tax.

Here is another little inconsistency in the debate here. There was a comment that there were 30,000 backpay orders for terminations during organizing drives. That is a misstatement. There were 30,000 backpay orders, but the vast majority of these claims have nothing to do with employee terminations during organizing drives. The vast majority of them have to do with bargaining claims and they are with members of already-established unions. For example, in 200, two thirds of the recipients of backpay orders were involved in a single contract interpretation dispute.

Union studies we've heard cited claim that half the employees who are offered reinstatement were illegally terminated during an organizing drive. There is not any basis for that estimate, but even assuming it is true, the number of discharges is very low. For example, in 2000, using the unions' own estimate, there were 600 unlawful terminations. In that same year, over a quarter of a million employees were involved in National Labor Relations secret ballot elections—hardly the 1 in 5 they are claiming; 600 out of a quarter of a million. That is about 1 discharge for every 416 employees. And that figure includes a huge percentage of settled cases in which there was never any finding that the termination was unlawful to begin with.

I have been fascinated by the charts we have seen, many of which—I am not sure what the sources were. We will be checking those and questioning them. But they really didn't have anything to do with taking the right to a secret ballot away from employees.

We have forgotten to mention that I have passed the Workforce Investment Act through this body unanimously on two occasions and then been blocked from having a conference committee with the other end of the building. The Workforce Investment Act would have provided training for 900,000 jobs in this country—900,000 people who could have had a higher wage. How come we are not watching out for those folks? A lot of them would have gone through union apprenticeships. But, no, we are not going to do the Workforce Investment Act. Instead, let's concentrate on taking away the secret ballot.

I have a lot more people coming over to speak on our side, people who really do think there needs to be debate on this issue. I am told that if we want to debate, we ought to vote for the cloture motion. That is interesting because we have already agreed to a unanimous consent request that will keep us from debating that after we vote for it—yes, there is an agreement that we will go to immigration after this vote no matter what the outcome. So there is no intention to debate this bill.

It is very unusual. To me it is a realization by the other side that this bill to take away an employee's right to a secret ballot is not going anywhere.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wanted to mention at this time, I know my friend from Iowa, Senator HARKIN, is on his way, so I will speak for just a few moments until he comes about who is affected by this legislation.

We hear these words used around here: "free and open elections," "nonintimidation," "under the existing program." Let me give you a few examples of what is happening in the real world.

Here is Ivo Camilo, a vend pack operator at Blue Diamond Growers. This is from the hearing we had on February 8, 2007. These are his quotes.

> In group captive audience meetings and one-on-one talks, company officials and supervisors threatened we could lose our pensions and the other benefits if the union came in. We told them we knew our rights. Less than a week later I was fired.

This is free and open election that we are talking about. This is the real world where the employer has the power, the power of intimidation.

Then he continues: After they were found guilty and had to rehire me and a coworker, they fired another union supporter. Getting a union shouldn't be so hard.

Here is another person: I thought the laws protected workers. I was wrong.

Jose Guardado, a former meatpacker, Omaha, NE:

> My coworkers and I wanted a union at work to fight back against the dangerous working conditions, the lack of respect, and abusive treatment.

Working conditions are one of the principal concerns that many of these workers have, not only the economic rights but the dangerous working conditions. He continues:

> The company terrified workers for standing up for their rights. They threatened to fire union supporters, threatened to close the plant, brought in a bunch of strange workers on the day of the election, just to get them to vote against the union.
>
> Then they began firing workers who had supported the union. This company took away my livelihood, hurt my family, just to keep us from organizing unions.

This is what was happening in Nebraska.

Here is a nurse who was pulled away—this is important because it is not just working conditions or the economic conditions, but it is the patients, what happens to the patients. Here is Linda Merfeld, Dubuque, IA:

> Fewer and fewer nurses have been taking care of more and more patients. These staffing patterns jeopardize the quality of care of our patients. In 2003, I joined with other nurses to gain a voice on the job. Managers started holding meetings one on one and in small groups with nurses to spread myths and half-truths about forming a union. Not only were these meetings mandatory—mandatory—the employer mandates that these workers show up at the meeting, but the nurses were pulled away from patient care to attend them.

Nurses were pulled away from patient care to attend them. These are these free and open elections that we just heard referenced on the floor of the Senate.

A nurse with 30 years of experience was fired for speaking out about patient care issues. No one should be fired for trying to have a voice in the decisions that affect their jobs and patient care.

I see my friend from Iowa is here. I was just talking about Linda Merfeld from Dubuque, IA, Finley Hospital out there, and how she was dismissed out there. I see the Senator from Iowa here on the Senate floor.

I yield him 10 minutes. I believe at a quarter after 3 there is a previous order. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So I yield the time until quarter after 3.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank Senator KENNEDY for his great leadership on this issue and so many other issues that pertain to the rights of working families in America.

There is a need for organized labor in our country. When workers join together and act collectively, they can achieve economic gains and worker safety that they would not be able to get if they negotiated individually.

History tells us this: Union members were on the front lines fighting for the 40-hour workweek, paid vacations, minimum wage, employer-provided health insurance and pensions. Organized labor led the way in passing legislation to ensure fair and safe workplaces, and in championing many other safety nets we have such as Social Security, Medicare, and the Family and Medical Leave Act.

But, unfortunately, continued forward progress is not inevitable. We have seen in recent years, as union membership has declined, wages have stagnated, the numbers of uninsured have risen, and private companies have been allowed to default on their pensions threatening the retirement security of millions of Americans.

It is clear to me that in order to rebuild economic security for the middle class in America, we must first rebuild strong and vibrant unions; and to rebuild strong unions, we must first reduce the unfair barriers to union organizing. A recent study by the Institute for America's Future confirms this by comparing organizing campaigns in the United States and Canada. The study found that more worker-friendly certification rules resulted in increased union participation.

But, of course, this is all just common sense. If you reduce the barriers to workers joining unions, more workers will join. What does that mean? Well, as the study made clear, by passing this Employee Free Choice Act, by making it easier for workers to band together, more than 3½ million Americans would be able to secure health coverage, more than 3 million Americans would have access to employer-based pensions.

Middle-class families in this country have an increasingly difficult time making ends meet. More than 47 million lack health insurance, that is including 251,000 Iowans, and even those who get it find it covers less and less. This should not be happening in America. When productivity rises, everyone should see a fair share of the gain. But in the past several years, increasing productivity has gone hand in hand with a growing wage gap.

According to the nonpartisan Congressional Research Service: Adjusted for inflation, average worker pay rose 8 percent from 1995 to 2005; but median CEO pay at the 350 largest firms rose 150 percent over the same period.

In my home State of Iowa, real median household income fell by 3.4 percent between 1995 and 2005, at the same time productivity increased. So workers are working and becoming more productive, but they are not getting any of their fair share.

By passing the Employee Free Choice Act, by giving workers a seat at the table, we can start to reverse this negative trend. Union participation in the workplace means everybody wins. When employees have a voice, not just to ask for better wages and benefits but to make suggestions on how to do things better, employers benefit also.

Union employees take pride in their work and they work to get more training. They are happy to help find other efficiencies in the operation because they know if they do they get a share of the savings.

Unfortunately, the scaremongers out there are trying to tell us that the Employee Free Choice Act takes away employee rights to a secret ballot. Nothing can be further from the truth. This bill does not establish a new election process. It merely requires employers to honor the employee choice.

Right now a company gets to decide whether it will recognize a majority signup vote. Well, why should just the company get to decide that? Why should employees not get to decide that? That is what this bill does. It levels the playing field. It says the employees get to decide as well as the company.

If the employees want to use the National Labor Relations Board process, they can do that also. But we know from hard experience—the best teacher, hard experience—that process can be threatening and intimidating to many employees.

So in addition to making it easier to form a union in the first place, the Employee Free Choice Act provides for arbitration for the first contract. I know from personal experience how a company can bust a union and cause major hardships for their employees.

My brother, Frank, was a member of the UAW for 23 years. He worked at a plant called Delavan in West Des Moines, IA, for 23 years, a proud union member. He had a good job as a machinist, operating machines, made parts for the military, had good pay, good benefits, a good pension.

In 23 years he had only missed 5 days of work. In 23 years the union never went on strike, never had a work stoppage. But then Mr. Delavan, the owner, decided to sell the plant. And he sold it to a group of investors. One of those investors bragged openly—it was in the Des Moines Register—if you want to see how to bust a union, come to Delavan, we will show you how. He openly bragged about it.

What happened? Well, the investors took over. When the union contract came up, the company put forward conditions with which no union could ever agree. So what was the union forced to do? To go out on strike. For the first time ever in 23 years they went out on strike.

Well, then what did the company do? They brought in replacement workers. Then what happened? There was a long bitter strike. I remember it well. After 1 year, as allowed by labor law, they had a decertification vote. Who votes to decertify? Well, the replacement workers. So they voted them out. They did not want to lose their jobs. So they voted to decertify.

So after 23 years, my brother Frank was out of a job. He lost his union job with excellent pay, vacation, pension. Now, I ask you, what does a 54-year-old deaf man—and my brother was deaf. He is disabled. What does a 54-year-old deaf man do when he loses that kind of a job? I will tell you what he did. The only job he could get was as a janitor working in a store at night in a shopping mall—minimum wage, no union, no pension, no benefits, nothing.

This is a real-life story, folks. That happened to my family. Not only did it just destroy my brother's livelihood, it broke his spirit. That is what happens when unions are weakened and destroyed, jeopardizing our middle-class way of life. That is what is happening today, my friends, to tens of millions of workers all over this country.

I will close with this, from a December 2005 letter by 11 Nobel Peace Prize winners:

> Even the wealthiest nation in the world, the United States of America, fails to adequately protect workers' rights to form unions and bargain collectively. Millions of U.S. workers lack any legal protection to form unions, and thousands are discriminated against every year for trying to exercise these rights.

It is time to level the playing field and to give them a truly fair process.

CERTIFICATE OF APPOINTMENT AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of Senator JOHN BARRASSO of the State of Wyoming. Without objection, it will be placed on file and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

OFFICE OF THE GOVERNOR,
The State of Wyoming.

CERTIFICATE OF APPOINTMENT

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES: This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Wyoming, I, Dave Freudenthal, the Governor of said State, do hereby appoint John Barrasso a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Senator Craig Thomas, is filled by election as provided by law.

Witness: His Excellency our Governor Dave Freudenthal, and our Seal hereto affixed at Cheyenne, Wyoming, this 22nd day of June, in the year of our Lord 2007.

By the Governor:

DAVE FREUDENTHAL,
Governor.
MAX MAXFIELD,
Secretary of State.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. The Senator will present himself at the desk. The Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator, escorted by Mr. ENZI and Mr. Wallop, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, let me say briefly a warm welcome to the new Senator from Wyoming, Senator BARRASSO. He has big shoes to fill with our departed colleague Craig Thomas. I am sure he is up to it. Given the average age of this institution, it is certainly good to have another physician in the Senate. An orthopedic surgeon may be particularly useful. I had a chance to meet with the new Senator this morning. He is a bright, capable person. I commend the Governor of Wyoming for an outstanding choice and look forward to serving with the Senator for many years.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The majority leader is recognized.

Mr. REID. Mr. President, the last physician we had, Senator Bill Frist, was a great public servant. I worked very closely with him over the years I was Democratic leader. The one thing I learned from Bill Frist is that a physician is always a physician. Everything Bill Frist did was through the eyes of someone trying to heal people. I am confident our new Senator, the esteemed Dr. BARRASSO from Wyoming, will be the same. As everyone knows, my personal relationship with Bill Frist was a very warm, close one. I believe like most of us who served with Bill Frist, whenever there was a medical problem in their life, whether it was family or a friend, Bill Frist was the first person they went to. I am confident we will now have another physician to go to. I was in a little trouble after Bill Frist left because all I had was my veterinary friend JOHN ENSIGN to go to. Now we are better off. I wish him the very best, and we are happy to have him with us.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. I yield the Senator from Texas such time as he may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. I thank the distinguished Senator from Wyoming and offer my congratulations, together with the entire Senate family, to our new Senator from Wyoming. He has big shoes to fill, but I know he is ready to work hard, and he certainly couldn't have come to this body at a more propitious and challenging time.

IMMIGRATION REFORM

Mr. CORNYN. Mr. President, as we continue to debate proposed solutions to our Nation's immigration crisis, we have heard a lot of strong language about how important it is that we find a solution. I couldn't agree more. At the same time we have been treated to some incredible claims, if not downright myths. That is not to say this bill is all bad, because it isn't. But neither is it true that it is all good and can't be improved by a little time to offer amendments and debate them. Instead of a reasonable approach, however, we have been told, for example, that this bill is better than the status quo which some have defined as de facto amnesty. I disagree. What we have now is lawlessness and disorder, not a de facto amnesty.

It has been suggested this bill is better than rounding up 12 million undocumented immigrants, so the only option is to confer upon them the greatest gift America can give a human being, which is American citizenship. The American people can see through that argument in a heartbeat. There are plainly other options available, somewhere in the middle between those two extremes.

Then we have been told unless we agree to what some have rightly identified as indistinguishable from the 1986 amnesty, we can't get border security or a secure means of identifying legal workers on the job. I ask: Why should security be made a hostage to those demands? Employers have been told the only way they can get legal workers to fill in labor shortages is the present bill. That clearly is not the case.

I believe we can do better than this bill. I sincerely want to fix this problem in all of its manifestations. What I do not want to be a party to is trying to fool the American people. I value the trust my constituents have placed in me too highly to overpromise, which this bill does, when the American people have good cause and good reason to know we cannot deliver as advertised.

The fallacious arguments I have referred to and the process by which this bill has been produced, which further inflame the skepticism of the American people, seem only to confirm for many Americans that the Senate is not serious about fixing our broken immigration system. If we are going to insult the intelligence of the American people with such specious justifications for this bill, how can they trust us? Moreover, how can they have any confidence that the various assurances on border security, worksite enforcement, security checks, and implementation of the provisions of this bill will actually work as advertised?

We all know our broken immigration system is a serious threat to national security. Border security, after all, is about national security. So the question we have to ask ourselves is: Does this bill make us safer? The more we have debated the bill, the more I have become convinced this legislation is not only dysfunctional, but unless corrected, some provisions of this bill present an actual danger to our Nation. This bill puts such onerous burdens on our law enforcement officials and ties the Government's hands in so much redtape that it will make us less, not more, safe. Some of the individuals involved in the recently foiled terrorist plots at JFK Airport and Fort Dix were in our country illegally. Some of those involved had even been granted citizenship by our current flawed immigration system. Thankfully, these plots were uncovered before they could be carried out. But knowing that there are likely terrorist cells already present in the United States, how can we in good conscience grant same-day legal status to more than 12 million foreign nationals?

Naturally, this bill does purport to require a background check. But instead of providing a reasonable timeframe for these reviews, an impossible burden is placed on our already overworked citizenship and immigration services to provide these checks in 24 hours. It simply cannot be done. Under our current immigration system, this office already does more of these screenings than it can handle. The Government Accountability Office reported last year this agency was stretched to the breaking point already. This has resulted in an unofficial 6-minute rule, the most amount of time that can be spent adjudicating any one application. Adding an average of 48,000 applications a day more will further backlog an already overtaxed system, meaning less in-depth reviews and more haphazardly granted visas. Again, more cases and less time for review of these applications can do nothing but increase the likelihood of mistakes.

An article in the June 17 edition of the Washington Post explained that a large part of the backlog involved in our current system was due to FBI name checks. Delays in FBI name checks already force long waiting times for citizenship applications. The Post reports that of about 329,000 cases pending as of May, 64 percent were stalled for more than 90 days, 32 percent for more than 1 year, and 17 percent for more than 2 years. They added that the backlog appears to get worse because of a fee increase slated to take place in July which has prompted a 50-percent rise in new naturalization applications so far this year. If a new immigration bill is enacted, millions of foreign nationals would also apply for legalization.

This problem is even more apparent considering the difficulties the State Department and the Department of Homeland Security have had this summer in implementing the new western hemisphere travel initiative. Of course, this legislation requires American citizens to have a passport for travel to Canada or Mexico, where that requirement did not exist before. Although the Federal Government had 3 years to get ready for this new stricter visa requirement and passport requirement, the Federal Government failed to adequately prepare, causing disruptions in the lives of tens of thousands of American citizens. If the Federal Government can't get it right with 3 years' notice to process passport applications for American citizens, how will it deal with the increased complexities and burden of processing up to 12 million foreign nationals? I wonder what the Government's response will be to the even larger backlog this bill will create? Will we simply give up on background checks altogether, when the citizenship and immigration service realizes what an impossible burden has been placed upon it?

As we overload our already fragile system and background checks are either too cursory to be safe or too delayed to meet unrealistic deadlines, we will be undoubtedly granting legal status to some individuals who should not get it. The potential danger is actually worse than it might appear at first blush. Not only do we need to be concerned about terrorist cells and other criminals in our country, we should also be concerned about the privileges these individuals will receive with same-day legal status.

Most notably, the ability to travel in and out of the United States presents a great threat to us and to others. Those already in our country with the knowledge and ability to train others could travel to foreign nations, teaching terrorist cells everything from combat tactics to explosives construction. At the same time, terrorists in our Nation who do not possess the knowledge and training to participate in such attacks could use their new travel visas to visit training sites in other countries, bringing their newfound knowledge back home to America.

For example, a May 28 article from the New York Times describes the problems created by free travel in and out of nations surrounding Iraq. That article says:

> The Iraq war, which for years has drawn militants from around the world, is beginning to export fighters and tactics they have honed in the insurgency to neighboring countries and beyond.

The Times has reported:

> Some of the fighters appear to be leaving as part of the waves of Iraqi refugees crossing borders. . . . But others are dispatched from Iraq for specific missions.

Granting same-day legal status and the privileges that accompany it to poorly screened foreign nationals has the risk of making us less safe and, indeed, potentially helping spread this threat not just to America but to other places around the world.

The impossible goals of this bill do not stop there. The bill calls for the Department of Homeland Security to define, procure, develop, and implement a worker verification system to check 200 million Americans in less than 2 years. How can the American people have any faith in the enforcement provisions of this bill when these provisions include unattainable goals and untenable standards?

For this reason, it is important we not pass any immigration legislation that makes these mistakes and repeats so many from the 1986 predecessor. I continue to hope we can pass meaningful, safe immigration reform. Everyone knows our current immigration system is broken, and I wish to see it fixed. But this bill will not do it.

Finally, one of the biggest problems we have had with this legislation centers around the way it came to the floor of the Senate. Written behind closed doors, this bill did not even see the light of a committee room. Instead, it promptly proceeded to the floor of the Senate. The short-term result was predictable. Senators wanted to offer amendments, many of them including important improvements which might have been appropriately dealt with in the committee process.

The majority leader's frustration with the number of amendments being offered led to that bill being pulled after almost 2 weeks on the Senate floor. Now a new bill is back. Instead of learning from our mistakes, the bill has once again been secretly negotiated, and will once again forgo the committee process.

What is worse, we have been told it will be presented to us with bipartisan amendments already chosen by a select few Senators, unrepresentative of the wide variety of strongly held views in the Senate.

There is a list of amendments which I believe ought to be included in this bill, amendments that I think might find support among my colleagues if given an opportunity to offer them—provisions such as one that would prevent criminal aliens from delaying and even avoiding their deportation by filing frivolous applications for a Z visa, and then appealing against those denied applications.

Another amendment I would offer, if given an opportunity, would prohibit criminal aliens, including gang members and absconders, from tying up our courts with frivolous appeals from the denial of a request for a waiver of grounds for removal. The bottleneck sure to ensue without these two provisions will cause extensive delays that will only increase the costs involved with this bill and allow abuse of the system.

A third amendment I would offer, if given an opportunity, would require judges to consider national security implications before issuing nationwide injunctions against immigration enforcement, an essential provision to protecting our border, something this bill claims to do.

I wish to add an amendment preventing those who have committed terrorist acts or aided terrorists from asserting they are meeting the "good moral character" requirement—something that seems so inherently obvious that I am shocked this bill, as currently written, would allow it.

Last year, Mohammed El Shorbagi pleaded guilty to providing material support to the terrorist organization known as Hamas. His conviction, however, did not specifically bar him from seeking American citizenship because under the law aiding an organization that routinely fires rockets on innocent civilians, families, and neighborhoods, abducts and kidnaps individuals, and has most recently staged a violent coup of an established unity government does not in any way affect your "good moral character," as currently written. It is a dangerous shortcoming of our laws which will not be addressed because of the closed and secretive manner in which this bill is being considered.

I wish also to limit the timeframe for an appeal to 2 years so that court proceedings do not drag on endlessly, wasting tax dollars, and allowing those who are not entitled to the benefits of our immigration system to remain here indefinitely under the cover of an appeal.

These are only five of the amendments which I wish to offer which I think would make this bill better, if I had a chance to offer them and if Senators had a chance to vote on them. Others would make it harder for gang members to qualify, force immigrants to file a change of address notification with the Department of Homeland Security when they move, and authorize the detention of dangerous aliens during their deportation trial.

Unfortunately, under the process the majority leader will provide us, no opportunity for these measures to be considered will be allowed and, thus, they will not be in the final bill.

Rather, the world's greatest deliberative body will be presented with a bill that has not been fully considered, will not be fully debated, and where there will not be an adequate opportunity to offer and vote on amendments. Since when did the Senate have so little to say when shaping legislation which we will vote on? Since when did the majority leader get the power to force legislation on the rest of the Senate?

I cannot support this flawed bill or this broken secret process that has produced it. I hope my colleagues will join me in insisting upon free and open debates, which are the hallmark of the Senate, and which are the only possible path forward to providing a rational, commonsense answer to the challenge of immigration reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 30 minutes as in morning business, with the time taken from Senator KENNEDY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

HEALTHY AMERICANS ACT

Mr. WYDEN. Mr. President and colleagues, there will be a great deal of activity in the Senate this week, and I want to take a few minutes to talk about the fact that this is going to be a big week in American health care as well.

There will be considerable effort devoted to the State Children's Health Insurance program. I see our friend Senator HATCH on the floor of the Senate. I commend Senator HATCH for his work on this program. The effort on the State Children's Health Insurance Program, in particular, has been a bipartisan one, involving Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH. I commend their efforts on this legislation. Senator HATCH and I have talked about this in the context of health care reform many times. It is a moral blot on our country that so many youngsters do not have quality, affordable health care, do not have good coverage like the children of Members of Congress.

So I want it understood that I am in strong support of the bipartisan efforts on the State Children's Health Insurance program that are ongoing in the Senate Finance Committee on which Senator HATCH and I serve. I particularly commend Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH for the leadership they have shown.

Also, this week there will be several other significant activities in health care. Tomorrow, the Senate Budget Committee will open hearings on comprehensive proposals to fix American health care. They will start by looking at the bipartisan legislation I have worked on with Senator BENNETT of Utah. It is the first bipartisan proposal to overhaul American health care in almost 15 years. That and other approaches will be talked about in the Senate Budget Committee with the chair of our committee, Senator CONRAD, and Senator GREGG, having a longstanding interest on the question of health care reform, realizing you cannot get on top of big budgetary challenges in the United States if you do not address health care.

Then, finally, at the end of the week, my guess is there are going to be a lot of Americans flocking to the movie theaters to look at Mr. Michael Moore's movie. I will say, for purposes of the discussion this afternoon, since I am not in the movie business, I will spend my time this afternoon talking about health care legislation that is bipartisan in the Senate. Since I have mentioned the question of SCHIP, and how important it is, and how important it is that it be addressed quickly, let me turn now to the question of the Healthy Americans Act.

After 60 years of debate, going back to the days of Harry Truman, I believe the cure for America's ailing health care system is now within reach. My view is we are seeing encouraging signs pop up everywhere.

For example, the business community has done an about-face on the issue of health care reform. For example, in 1993—the last time Congress tackled this issue, during the Clinton administration—the business community said: We cannot afford health care reform. Now the business community is saying: We cannot afford the status quo. Previous adversaries, particularly business and labor, are now coming together to work for reform.

As the distinguished Presiding Officer knows, from our discussions when I introduced my legislation, the bipartisan Healthy Americans Act, we had Andy Stern, the president of the Service Employees International Union, standing right next to Steve Burd, the president of Safeway Company, and mid-size employers and small employers. So we are seeing the business community that so often has been at odds with labor and others coming together with them saying: We cannot afford the status quo.

Finally, it seems to me we have had a coming together of Democrats and Republicans on this issue. I am very pleased, under the leadership of my lead co-sponsor, Senator BENNETT, many Republicans have said they will go to a place they have had questions about in the past; that is, covering everybody. You say those words, "covering everybody," and, of course, to some people that implies you are going to have a government-run plan, it is somehow going to be a socialistic kind of plan. Well, many conservatives, many Republicans have come to agree with Senator BENNETT and me that you cannot fix American health care unless you cover everybody because if you do not cover everybody, what you have is people who are uninsured shifting their bills over to those who are insured.

Families USA has done an analysis indicating, in their view, that those who have insurance may pay in the vicinity of $1,000 worth of their premium to cover people who do not have insurance. So my view is, with Republicans and Democrats coming together in an area saying, "Let's make sure everybody is covered," we do have positive signs for reform.

Now, of course, bumping up against these positive signs is the popular wisdom. The popular wisdom, of course, is: Oh, Government cannot possibly put something together. People say: Oh, Government cannot organize a two-car parade, let alone fix something that will be a seventh of the American economy: American health care. People say there are too many lobbyists—too many lobbyists—many more than legislators. They are going to block it. They say, of course, touching on the point I made earlier, that people who have coverage, they are going to say: Gosh, I would rather stay with the devil I know rather than that other guy, that other devil. But I will tell my colleagues, I think the public understands the system is broken, and if now the Congress comes forward with a step-by-step strategy to fix American health care, I think the public will be receptive.

So let me outline, for purposes of a brief discussion, what goes into the diagnosis with respect to what is ailing American health care. I think, for the most part, people understand what is ailing our health care system, so I am going to make this diagnosis brief. First, for the amount of money we are spending in this country annually—$2.3 trillion—you could go out and hire a doctor for every seven families in the United States. So let's talk about what that means for folks in Arkansas and what it means for folks in Utah. If you divide the number of people in this country—300 million—into $2.3 trillion, which is what we will be spending on health care this year, you could go out and hire a doctor for every seven families in the State of Arkansas, pay the doctor $200,000 for the year and say. Doc, that is your job. You are going to take care of seven families. Whenever I am out and about speaking to physician groups, they always come up to me and say: RON, where do I go to get my seven families? Because I like that idea of being able to be a physician again, to actually be an advocate for patients. So we are spending enough money.

Now, despite these enormous sums and the fact that we have thousands of dedicated, caring, and talented health care professionals, the collective value we get for our health care dollar in America is shockingly small. For example, we are 31st in the world in life expectancy, having recently surged ahead of Albania but still lagging behind Jordan. On infant mortality, we are beating out Belarus, but we are still lagging behind Cuba.

Part of our challenge is we don't have a lot of health care; we have mostly sick care. Medicare Part A and Part B show this better than anything else. In the State of Arkansas, under Part A of Medicare—or Utah or Oregon or anywhere else—Medicare will pay thousands of dollars for senior citizens' bills. It goes right from Medicare to a hospital in Arkansas and Oregon. Medicare Part B, however, the outpatient part of Medicare in our States, pays hardly anything for prevention, hardly anything to keep people well, and keep them from landing in the hospital and racking up those huge expenses in terms of health care. We ought to change that. We ought to change it, and I am going to talk a bit about how the Healthy Americans Act does it and does it with incentives.

In addition to this bias against wellness and against preventive health care, we have a system where the biggest expenditure, which is the tax breaks for employer-based coverage, goes disproportionately to the wealthiest of us and encourages inefficiency to boot. Under the Tax Code today, if you are a high-flying CEO, you write off on your taxes the costs of getting a designer smile. But if you are a poor woman working at the corner furniture store, you get virtually nothing. The biggest reductions now in employer-based coverage—the biggest reductions, according to a new study by the Robert Wood Johnson Foundation—comes in the area of low-income workers.

So that is a bit about the diagnosis, and I already mentioned the fact that people who have insurance pay about $1,000 from their premium for folks who are uninsured.

Now I wish to talk about what we are going to do about it. What is it we are actually going to do about the big challenges with respect to health care? When I have gone home and had town meetings, we have always had kind of a back and forth early on between folks who say they want a government-run health care system of some sort and folks who want a private sector-oriented system. The discussion goes back and forth, and I am sure my colleagues have had similar experiences when they are home talking about health care. But finally, after a little bit of back and forth, somebody in the audience stands up and says: RON, we want health care like you people in Congress have. We want coverage like you people and your families have. Then everybody starts cheering. Everybody is cheering for that. Nobody knows exactly what it involves or what it constitutes, but they figure if Members of Congress have it, that is what they want as well. So I very often, at that point, reach into my back pocket and take out my wallet, take out my Blue Cross card and ask people if that is what they want. It is private insurance. It covers me. It covers the Wyden family. People say, yes, that is what they want.

So I wrote a piece of legislation, the Healthy Americans Act, that gives folks across the country—in Oregon and Arkansas and Utah, across the country—guaranteed coverage such as Members of Congress get, delivered in a manner such as Members of Congress have, with choices and benefits such as Member of Congress have. Folks can get all the details about how this works at my Web site: Wyden.senate.gov.

Now, the Lewin Group—they are an independent, nonpartisan health care consulting group; kind of the gold standard for health policy analysis—says you can make that pledge, the pledge that I made for coverage at least as good as Members of Congress get, for all Americans for the $2.3 trillion that is spent annually, and, according to the Lewin Group, you would reduce health care spending by almost $1.5 trillion over the next decade.

Here is a bit of how the Healthy Americans Act works. Our country has about 300 million people, as I have mentioned. I don't alter the basic structure of care for Medicare, the military, and the small Government programs. The reforms I make to the Medicare program keep the basic structure of Medicare as is, but we do tackle the two biggest challenges facing the program.

The first is we are seeing a huge increase—a huge increase—in chronic illness. These are folks with heart and stroke and diabetes, a variety of problems that are chronic in nature. In fact, the estimate is about 5 percent of those on Medicare use up about 60 percent of the Medicare expenses. So we create efficiencies for how to better manage the chronic care that this large group of people incur. I think it will help generate savings for the long term. As we do that, we attack the underlying reason so many Americans need chronic care: that is, prevention has been given short shrift. So under our legislation, we create incentives for parents to enroll children and their family in preventive programs. They get lower premiums if they do. With respect to Medicare specifically, for the first time we authorize the Government to lower Medicare Part B premiums, the outpatient premiums, so that if seniors lower their blood pressure, lower their cholesterol, and engage in sensible, preventive medicine, they would experience lower premiums.

So we make improvements to Medicare, and Government programs clearly can be refined. But I am of the view that in the area of Medicare and the VA and some of the smaller Government health care programs, we basically ought to focus on keeping the basic structure as it is and making improvements as I have outlined in the chronic care and prevention care within that basic structure. So if you do that, if you set aside Medicare and the VA, you are left with about 250 million people. About 170 million of those folks get their coverage through employer-based health care. About 48 million are uninsured. They are often without any coverage at all. They may have some very modest coverage—charity care—and then we have folks in the individual market and Medicaid.

So let me describe what we do for folks in that area where there are 250 million people, folks who aren't covered by Medicare or the VA. If a citizen does have employer coverage, the employer is required by law to cash out the worker. We do it in a way so that with the very first paychecks, the first paychecks issued under the Healthy Americans Act, the worker will win and the employer will win.

Let's say, hypothetically, in Arkansas or Oregon, you have a worker who has a salary of $50,000, and the employer is purchasing $12,000 worth of health care benefits for them as well. Under the legislation, the employer is required by law to give the worker $62,000 in compensation—salary plus the value of their health care benefits. Then, we adjust the workers' tax bracket so they don't pay any additional tax on the additional compensation. That is important because, for all practical purposes, Senator BENNETT and I have legislated the biggest pay raise in the country's history by putting that extra cash in the workers' pockets. So when the worker sees it—we spent a lot of time talking about it—the worker says: That is pretty cool getting all this extra money. What is the catch? There has to be a catch if I am getting all this extra compensation. There is a catch. The worker, under the Healthy Americans Act, has to buy a basic health insurance policy, including prevention, outpatient, inpatient, and catastrophic—a basic policy. The first thing the worker is going to say is: How in the world do I do that?

How am I going to be able to buy my own coverage? So we set up something called Health Help to make it easy for people, and people could do it online, to purchase their own coverage. We fixed the private marketplace to make it easier. Private insurance companies can't cherry-pick. They can't take just the healthy people and send sick folks over to Government programs more fragile than they are. There is community rating. People go into big pools so you can spread the cost of the risk. There is guaranteed issue so you can't be turned down. We also prevent people from being hammered because they have a preexisting illness.

So that is the way it works for folks who now have coverage, about 170 million of them. In the case of the worker I described in Oregon and Arkansas, $50,000 in salary, $12,000 in health care, $62,000 in compensation, if they can use that to go out, say, and buy a basic health insurance policy for $11,500 rather than the $12,000 they are now getting for health care, they can be on their way to Oregon for a great fishing trip in Central Oregon, because that is exactly what we are trying to do, is to create marketplace incentives for folks to try to hold their costs down. If the employer doesn't offer the coverage, employers make a contribution on the basis of their revenue per employee.

We had three groups of employers we worked on with this: large employers, medium-sized employers, and small employers, and when we launched the whole effort, there were representatives from each of those three employer groups. So it is a bipartisan bill: Senator BENNETT, a Republican, and myself, a Democrat. It is bipartisan, and it has the support of business and labor organizations.

Where does the money come from to pay for the Healthy Americans Act? We can make substantial savings by redirecting the Tax Code away from the system today which disproportionately favors the most affluent and rewards inefficiency. We steer it more to the middle class and the working poor. There are substantial administrative savings. According to the Lewin Group, this consulting group for private insurance, we have the administrative costs down to under 5 percent. That means we are going to systematically drive out a lot of what is being spent on marketing and underwriting and various kinds of inefficiency, which is clearly unneeded. We make substantial savings in what is called the disproportionate share of funding that now goes to the hospitals when they have to pick up the bills for those who are uninsured. It makes so much more sense. Instead of a poor person who has no coverage going to a hospital emergency room in Arkansas or Oregon or Utah, it makes so much more sense to use the scarce dollars so that person can afford a private insurance policy. It would be targeted at outpatient care and inpatient care and prevention rather than frittering away so much of our scarce resources for hospital emergency room services.

This legislation does that. The insurance companies compete not on the basis of cherry-picking but on the basis of price, benefit, and quality. Finally, we make care for the poor much more efficient and humane. Right now, if you are poor in America, you have to go out and try to squeeze yourself into one of perhaps 30 boxes in order to be able to get care as someone who is low income. I think that is degrading and inefficient. We can do better.

Under the Healthy Americans Act, we say care for those individuals is automatic. They would get covered automatically. Once they are signed up, they are in forever. I know there are many who are saying that fixing health care is not possible in this Congress. I already mentioned the good work of Senator ROCKEFELLER, Senator HATCH, Senator BAUCUS, and Senator GRASSLEY on the children's health program. I will be with them all the way. They have done very good work. The fact that so many kids don't have decent health care is morally wrong and Congress ought to address it. I am going to do everything I can to help them.

I think this Congress ought to go farther. I don't think we got an election certificate to sit around and wait for another Presidential campaign to get going. Fortunately, under the leadership of Senators CONRAD and GREGG, the Senate Budget Committee will get going tomorrow, looking at a variety of options to fix health care. We are going to start with the Healthy Americans Act, but certainly a lot of colleagues have good ideas, and many are bipartisan. Certainly, Senators FEINGOLD and GRAHAM have good ideas. The American people don't want us to wait for 2 more years. They are not going to be tricked into comprehensive reform. The subject is too personal. They want to know what the benefits are going to be, what their costs are going to be; but they are ready. They know the current system cannot be sustained given our rapidly aging population, the huge increase in chronic illness, the disadvantages the employers face, and the tough global markets.

The American people know the current system cannot be sustained. They understand it is broken and we are going to show them there is a better way, a bipartisan way. The hearing that will begin tomorrow, and the bill Senator BENNETT and I have, will be the first bipartisan proposal to overhaul American health care in 15 years. I don't think we ought to wait 2 more years. That is not what we got an election certificate to do. Let's pass the SCHIP legislation. One of the key sponsors is on the floor this afternoon. Let us move on to address a new direction in American health care to finally make it possible for all of our citizens to get under the tent for basic, affordable, quality health coverage.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I rise to speak about the Employee Free Choice Act. Before that, I compliment the Senator from Oregon for the outstanding leadership he provided on this issue. Every American deserves access to affordable health insurance. This is the 21st century. He has worked in a bipartisan way to get important perspectives on the table, and I will add my voice to that discussion. I applaud his leadership on this issue. It is something we have to get done. Time is passing us by and we have it in our capacity to do it. The Senator from Oregon has provided important leadership.

Again, I rise to voice my opposition to the Employee Free Choice Act. It is kind of a misnomer. There is not a lot of free choice in what has been labeled the Employee Free Choice Act.

It is an awesome privilege for those of us who serve in the Senate to have this magnificent Capitol as a workplace. Its massive dome and perfect symmetry have been an inspiration to generations. Its most vital feature is something none of us have seen: its sturdy foundation, which lies beneath this building. Our democracy has a foundation as well: It is the ability of our citizens to cast their votes freely, fairly, and secretly, without anyone looking over their shoulder.

Certainly, that is the expectation when we walk into the booth to vote on election day. All of us have our place in this Senate based on the right of individuals to step forward and cast a secret ballot, which is one of the fundamental underpinnings of democracy. We pull the curtain, mark our ballot in private, and rely on our own personal conscience and convictions, free from any outside pressures.

For more than 200 years, the secret ballot has been one of the most fundamental principles of American democracy. As the great revolutionary figure Thomas Paine wrote:

> The right to vote is the right upon which all other rights depend.

That same principle has held true for American workers who have had the right to a secret ballot when it comes to unionization for the last 60 years.

I believe in a worker's right to union representation. I served for 8 years as mayor of St. Paul and I worked closely with unions to ensure that their right to organize was protected. But I also strongly believe in a worker's right to a secret ballot election. I will fight to protect that right—a right that the vast majority of Americans and union members support.

This fundamental belief in a worker's right to a secret ballot election has long been upheld by the courts. Throughout the years, the courts have spoken of the importance of secret ballot elections. The DC Circuit Court of Appeals said it best in a 1991 case that the "freedom of choice is a matter at the very center of our national labor relations policy, and a secret election is the preferred method of gauging choice."

Although the secret ballot process has served workers and unions well, the right to a secret ballot election is now under serious threat.

Already passed by the House, the Employee Free Choice Act would take away a worker's right to a private vote for union representation. Simply put, the passage of this legislation would deny American workers the choice to freely and privately choose whether to join a union by replacing the secret ballot process with a card-check process. So we would be telling our workers that instead of having the right to a federally supervised election by secret ballot, that gets tossed aside and we now use a card-check process—somebody coming up and saying, "do you want to sign this?"

What is fascinating—and I have been involved in this business for 5 years as a Senator, 8 years as a mayor, and in the attorney general office for 19 years. I worked on a lot of issues—I hear a lot of discussion by my colleagues about some of the concerns impacting American workers today, the challenges we face in dealing with globalization and the pressures of working people. We should deal with those, but this is not the answer. This is not the answer to the issues and concerns being raised. Taking away the right to a secret ballot is not the answer.

Under the card-check process, there is no ballot, no voting booth, no ballot box, and no privacy for the worker's choice. Rather than a ballot, there is a union authorization card. Rather than the safe confines of the voting booth, the worker is surrounded by union members, and employers, as he or she considers the union authorization card. Rather than the privacy afforded by the secret ballot process, a worker's decision is publicly known.

The reality is that unions also fully appreciate the importance of secret ballot elections. For instance, when it comes to union decertification—in other words, when workers want to terminate union representation—the unions believe in secret ballot elections, which the AFL-CIO has characterized as "the surest means for avoiding decisions which are the result of group pressures and not individual decision."

I want to protect individual decisions. In the Senate, we should protect the sanctity of individuals' decisions, and we should protect the sanctity of federally supervised secret ballot elections. Certainly, if they are good enough for decertification, they should be good enough for union organizing.

I come to this debate with a strong and successful record of working with unions and fighting for American workers, including increasing the minimum wage and supporting collective bargaining rights for public safety workers. Again, I was mayor of St. Paul for 8 years, and during that time we settled every contract at the bargaining table. I am also proud of the support I have received over the years from the police unions, fire unions, building trade unions. That support is very important to me and I remain fully committed to the collective bargaining process.

The legislation pending before this body hurts workers, and it is on that basis that I cannot support it.

As we soon celebrate the July 4 holiday, we should honor our Nation's freedoms and liberties by ensuring that a worker's fundamental rights to a secret ballot election is protected. We should do so out of respect for our Nation's founding principles, so workers can make important choices about their workplaces and livelihoods without fear of repercussions for expressing their honest opinions. That is the simple fairness on which our whole system has rested.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, the proponents of this measure have tried to make the case that unions are good and that they deliver higher wages, benefits and overall prosperity for their members. Whether that is true or not is not the issue we are debating here today.

In fact, I am struck by the irony of the proponents' argument. If unions are so valuable to working Americans, unions should not have any difficulty winning an NLRB-supervised representation election. What do good unions have to fear from secret ballot elections?

Whether unions are good for workers is beside the point. This debate is about the method by which workers are allowed to choose a union.

If workers want to have a union in their workplace, they should be able to freely vote for one. But, workers cannot make this decision freely with either the employer or the union looking over their shoulders.

Card check is a recipe for legalized harassment and intimidation. The Senate should not allow this measure to pass.

Mr. President, I want to speak against cloture on the so-called Employee Free Choice Act, because it promotes neither freedom nor choice for employees when it comes to union representation. Rather, the card-check certification, the binding interest arbitration, and the penalty sanctions of the so-called Employee Free Choice Act would deprive employees of their freedom and choice in union representation that the National Labor Relations Act guarantees them and that the National Labor Relations Board secures for them.

The supporters of the so-called Employee Free Choice Act claim that the current system is broken and that the so-called Employee Free Choice Act will correct the deficiencies of the current system. However, they are misguided, because there is no free choice when an employee is bound by signatures on union authorization cards instead of votes in a secret ballot election made after an employee can learn about the advantages and disadvantages of union representation.

There is no free choice when a Government-appointed arbitrator decides the terms of a union contract that is binding for at least two years and employees are denied the right to vote on whether to accept the union contract. In other words, it's mandatory arbitration on both the employees and the company.

Contrary to the claims of the supporters of H.R. 800, the National Labor Relations Act is effective in providing for and protecting the free choice of employees in union representation. In fact, current statistics from the National Labor Relations Board demonstrate that the system does work.

In a recently released study of statistics for 2006, the win rate of unions in secret ballot elections supervised by the National Labor Relations Board has increased for the tenth consecutive year. That is correct—unions have a rising in secret ballot elections over the span of the last 10 years.

For example, in 2006, the union win rate was 61.5 percent of all representation elections, which was up from 61.4 percent in 2005. Since 1996, unions have won more than 50 percent of all NLRB-supervised elections in each year. Thus, secret ballot elections supervised by the National Labor Relations Board are effective and time-honored avenues for employees to express their free choice on union representation.

More significantly, unions are winning well over 50 percent of these secret ballot elections. Yet the supporters of this bill, H.R. 800, now want to cast aside this effective system and give unions the ability to increase membership and dues by a forced card check system and a guarantee of a Government-imposed initial union contract.

Additional proof that the National Labor Relations Board is conducting union representation elections in an efficient and timely manner is found in reports from the Board itself. For 2006, the median time between the filing of a union's election petition and the election was just 39 days. In addition, 94.2

percent of all initial union representation elections were held within 56 days from the time the union filed its election petition.

In short, the system is not broken. Rather, the system works, and it works in favor of unions in over 50 percent of these secret ballot elections. If there is a breakdown as unions claim, then it may be that it is with unions and their appeal and message to the working men and women of this country. The reason unions are fighting for passage of the so-called Employee Free Choice Act is that they are fighting to maintain their political relevance. According to the Bureau of Labor Statistics of the U.S. Department of Labor, unions' membership of the private sector workforce in this country is only 7.4 percent today. This is down from 7.8 percent in 2005. It is a continuation of the decline in union membership from 20.1 percent in 1983.

Thus, the so-called Employee Free Choice Act is not as important and imperative as organized labor has claimed because it does not protect the free choice of employees in union representation. It has nothing to do with leveling the playing field in a globally competitive market. Rather, the so-called Employee Free Choice Act is a quintessential political power play. It is about changing the law by turning your back on one of the hallmarks of a democratic society—a secret ballot election—and by supplanting the collective bargaining process with a federally mandated union contract. With these changes in the law, it will be easier for unions to increase membership by forced card check and to increase their financial dues to sprinkle around so that unions can maintain their political influence which is disproportionate to their shrinking membership.

I encourage my colleagues to stand up for working men and women by opposing this ill-advised legislation.

Mr. President, I think it is time that somebody stood up to defend the hardworking career employees of the National Labor Relations Board, NLRB, who are under attack from organized labor and who are being demeaned by this legislation, this so-called Employee Free Choice Act.

As I said, in 1978, during the labor law reform debate, the NLRB is one of the finest and most efficient organizations in the Federal Government, and its lawyers serve the public interest by representing the Nation's employees—not unions or employers but employees. They are among the best lawyers in Government or, for that matter, anywhere in the private sector, anywhere in private practice law firms, and their representation of employees is free of charge. Although I certainly do not always agree with the NLRB or its decisions, I have consistently defended the agency over the 31 years I have been in the Senate.

NLRB lawyers in Washington and throughout the country in regional and subregional offices are among the most dedicated protectors of employee rights—apparently even more so than unions if one considers the unions' position on H.R. 800 denying secret ballot rights of employees and depriving employees of a vote on wages and terms and employment conditions resulting from a federally imposed union contract.

If H.R. 800 were to pass, NLRB lawyers would have to become, in effect, handwriting analysts, making sure employee signatures on union-solicited authorization cards are not forged or fraudulent. The proud record of the agency and its lawyers in conducting secret ballot elections for union representation and in protecting the rights of employees in the election process would be history. The voting booth, the ballot box, the American flag, the NLRB agent standing guard to make sure the election is conducted without intimidation or coercion by unions or employers—all that would be thrown out and replaced with one role: simply counting union authorization cards submitted by union organizers. With that, of course, would potentially come the loss of career NLRB jobs, since how many handwriting experts does the NLRB have or need? They deserve better treatment from organized labor, as do the employees the NLRB seeks to protect.

Lost also under H.R. 800 would be the significance for employees of walking into the voting booth to cast a private vote for or against a union. After all, under the card check system in H.R. 800, employees do not get to vote against union representation even though they will be bound by principles of majority rule and exclusive representation.

Let's get that clear. If 50 percent of the employees plus one sign cards, the other 49.9 percent are disenfranchised. If they don't want a union, that is tough; they are automatically unionized. That is not right. Under the card check system in H.R. 800, employees do not get to vote against union representation even though they will be bound by principles of majority rule and exclusive representation. Their vote, if one can call it that, is not signing a card, assuming they are even asked to sign a card, which is far different from having the opportunity of saying no.

Under the current NLRB secret ballot election process, all employees designated as an appropriate unit get to vote, even though some may not exercise that right. Under the card check system in H.R. 800, apparently all a union organizer has to do is define a unit of employees appropriate for collective bargaining—for example, a group of employees who share a community of interest—and then solicit authorization cards from a majority of employees in that unit. Once the organizers reach signatures from 50 percent plus one, all they do is then take the signed cards to the NLRB for certification, regardless of what the other 50 percent of the employees really feel about the process.

As under current law, of course, the NLRB may make a determination that the unit is an appropriate unit for bargaining, although not necessarily the appropriate unit. However, under the card check process of H.R. 800, the other 49 percent of the employees may not even know until after the fact that they were part of a petitioned-for-bargaining unit since they would never have been given an opportunity to vote or even asked to sign union authorization cards. At least under the current system, they are notified that they are part of a petitioned-for-bargaining unit and given the opportunity to vote for or against the union in a secret ballot election.

There are many victims of H.R. 800—employees, employers, the NLRB and its career employees and, most importantly, sound national labor public policy. The only winners under H.R. 800 would be the union leaders and those who slavishly do their bidding in exchange for political support.

Of course, I believe those who vote against cloture on the motion to proceed to H.R. 800 will be the true political winners since we will have joined the majority of Americans for protecting the rights of employees through a secret ballot election and against fear, coercion, and intimidation by union organizers to have employees sign union authorization cards. We will have stood by employees and not the union bosses. By defeating cloture on this radical legislation, we will have prevented the economic catastrophe of having federally appointed arbitrators impose wages, benefits, and terms of employment.

Ultimately, the employees will be the winners by stopping this antiemployee legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the debate we are having in the Senate on the Employee Free Choice Act is about workers' rights. It is about the plight of the American worker. It is about workers being able to organize. And my guess is that the Senator from Illinois, the Presiding Officer, perhaps even the Senator from Utah, was in the Chamber of the House some years ago when a man from Poland came to speak to us. I want to recount that today because I want to recount how strongly our country felt then and how much we admired the man from Poland who spoke to a joint session of Congress and what it means symbolically for workers to be able to organize.

It was interesting to watch from afar an organization called Solidarity in Poland, a group of workers organized under the banner of Solidarity. Well, one day, in a joint session of Congress, we heard from a foreign leader.

The joint session is full of pageantry. The House and the Senate are gathered together in the Chamber of the House, and the Doorkeeper announces the Supreme Court, then announces the Cabinet Secretaries, then the Senate Members, and then everyone is in the Chamber. And usually they announce the President of the United States as he comes to give a State of the Union Address, or perhaps, on rare occasions, a special message. On even rarer occasions, they will announce a foreign leader.

On this day, the Doorkeeper of the House of Representatives announced Lech Walesa from Poland, and this rather short, chubby man came forward, with a handlebar mustache. He came to the dais in the House of Representatives. The applause began and continued and continued and continued. This man, Lech Walesa from Poland, began speaking, and he gave an enormously powerful speech. Here is what he said.

He reminded us that it had been 10 years prior to that time, on a Saturday morning in a shipyard in Gdansk, Poland, that this man had been fired as an electrician in that shipyard. He was leading a strike of Polish workers in that shipyard against the Communist government.

He recounted that on that Saturday he was seized by the Communist secret police and beaten, and he was beaten badly. He was taken over to the side of the shipyard and was hoisted on top of and thrown over the barbed-wire fence, and he lay on the ground face down, bleeding, outside of that shipyard wondering what to do next.

What should this man, this unemployed electrician who had now just been beaten by the Communist secret police and thrown over the barbed-wire fence at the shipyard in Gdansk, Poland, what should he do next? He lay face down on the ground wondering.

The history books tell us what he did next. He pulled himself up off the dirt, brushed himself off, and climbed back over the fence into the same shipyard to continue leading the strike. And 10 years later, he was announced at the back door of the House of Representatives as the President of the country of Poland. This man, Lech Walesa, was not an intellectual, not a soldier, not a businessman, and not a diplomat. He was an unemployed electrician leading an organization called Solidarity, which is an organization about working people.

These workers risked everything in pursuit of one central idea—that people ought to be free to choose their own destiny. And because of Solidarity and because of the work they did, they threw off the yoke of communism, the heavy boot of communism that existed in Poland, and Poland became free. Then it happened in Czechoslovakia, and then Romania, and East Germany. They lit the fuse that caused the explosion that got rid of communism in Eastern Europe.

Here is what Lech Walesa said about what happened inside that shipyard and the years following. He said: You know, we didn't have any guns—the Communist government in Poland had all the guns. We didn't have any bullets—the Communist government had all the bullets. We were a bunch of workers armed with an idea that people ought to be free to choose their own destiny.

And he said: My friends, ideas are more powerful than guns.

This country loved Solidarity. Ronald Reagan, the American people, the Congress—we embraced these workers of Poland—Lech Walesa and the courageous workers who followed him, workers organizing under a banner called Solidarity. The ability to form labor organizations, the development of what those organizations mean to people, was key to defeating communism and to the cause of freedom. Think of what labor meant to Eastern Europe. It was the spark. Yes, workers organizing represented the spark that defeated communism in Eastern Europe. These were ordinary people with extraordinary courage, uncommon valor.

When Lech Walesa spoke from the dais in the House of Representatives 10 years after he was beaten in that shipyard, 10 years after laying face down in the dirt wondering what to do next, he showed up at the door of our legislative Chamber as the President of this country saying: Ideas are more powerful than guns.

Now, fast-forward to today, a time when workers in this country all too often are left behind, especially workers who are working hourly jobs. Workers who are going to work wondering whether they will have a job tomorrow because their employers are becoming bigger and stronger and more powerful. Employers that have decided that the bottom line is what is important and that they can actually increase their profits by moving jobs overseas. So, they think, we will just tell our workers: You know what. You are just like wrenches. We can use you and throw you away, and we will move the job to Sri Lanka, to Bangladesh, to India, or to China. So American workers are told: You don't matter much.

I have been on the Senate floor 100 times talking about all of these companies that have decided they want all the benefits America has to offer, but they don't want to hire Americans. They want to produce their products elsewhere, where they can pay pennies an hour. What has happened in recent years to the American workers is downward pressure on their income, fewer retirement benefits, fewer health care benefits, the threat of seeing their jobs moved overseas. One might ask, if labor organizing is so effective, why is this occurring in this country? Why can't workers get together to represent the countervailing power against big companies so workers get their fair share of the income?

The answer is the deck is stacked against them at this point. That is why there is legislation on the floor of the Senate today being considered to try to see if we can't give people the opportunities to organize effectively once again.

Do you know that in nearly one-half of the cases in this country, 2 years after workers have already voted to form a union they still don't have a contract because the employer refuses to bargain with the union—2 years after the employees voted to form a union and they have not yet been able to form a union. Let me say that again. In almost one-half the cases where they have already decided to vote to form a union, 2 years later workers do not have a contract. Why would that be the case? Because there are a dozen ways for employers to fight it and prevent it. This legislation is legislation that says let's try to even up the score a little bit, provide some balance, provide some opportunity for workers to get together to organize.

The evidence is pretty overwhelming. The income of workers who have the capability of organizing is significantly different. Cashiers at grocery stores and other stores earn 46 percent more if they are union than if they are nonunion. Union food preparation workers earn nearly 50 percent more than nonunion workers. Union maids and housekeepers earn 31 percent more than their nonunion counterparts. Union workers are twice as likely to have employer-sponsored health benefits and pensions at work. They are four times more likely to have a secure defined benefit pension plan than nonunion workers. Those facts are pretty clear—they are the benefits of workers being able to organize.

The legislation we have before us is legislation that says we think the right of people to organize is very important.

I have talked at length on the floor about these issues as well. I spoke about James Filer many times. James Filer died, I said, of lead poisoning. He was shot 54 times, I guess that is lead poisoning. In Ludlow, CO, shot 54 times. Do you know why James Filer was shot 54 times? Because he believed people who were sent down underground to dig for coal, to mine for coal, ought to be able to have two things: No. 1, work in a safe workplace and, No. 2, be paid a fair wage. Because James Filer spent his life working for that, believing that workers who go underground ought to get a fair day's pay and ought to work in a safe mine, he was killed.

I could give you other names of those who have fought for workers' rights, risked their lives fighting for workers' rights. This country has been better and moved forward as a result of workers being able to organize.

Yes, we need entrepreneurs, we need capitalists, we need investors, we need incentives—we need all the things that come together in this society to succeed. But we need workers. Workers are not disposable. The American worker is not disposable. Workers represent one of the significant building blocks of progress in this country.

In recent years, what has happened to us is we have decided American workers should compete against a different standard. The standard is someone in China working for 30 cents an hour. If you can't compete against that, tough luck, you lose your job.

I will not go through all the stories. I could stand here for hours telling stories, company after company, about that. But the fact is, American workers have struggled. The struggle in this country has taken place for a century, to lift our standards up: Safe workplace, child labor laws, wage-and-hour laws, minimum wages, the right to organize. For a century, we went through that process and we lifted America up and expanded the middle class dramatically. That has been the success of this great country.

Now we are seeing, brick by brick, that foundation being taken apart. This legislation is one piece of the remedy. It says, if we care about and stand for and believe in the right of workers to organize, then that right has to be a right we expect to be available to workers, rather than a right that is abrogated by employers who do not want to have anything to do with workers who organize.

The stories are endless about the bad things that happen to workers who try to organize. One in five active union supporters is illegally fired during union-organizing campaigns—20 percent are fired. In 78 percent of the elections, employers require supervisors to deliver anti-union messages to the workers whose jobs they pay and control. In 51 percent of the elections, employers force workers to attend closed-door, anti-union meetings, and they threaten to close the workplace if employees vote for union representation.

These are a few of the one-sided election rules that tilt the playing field in favor of the management of the company. The worker hardly stands a chance. That is what is happening.

For all of the hyperbole that is trying to scare people about it, this legislation is very simple, and it is very democratic. If the majority of employees in a workplace sign up to decide they want to organize as a workplace, then this country ought to respect that. That is why we need legislation.

I started by talking about Lech Walesa and Solidarity. It is not only foreign workers who organize whom we should respect. We should respect the right of workers in this country who organize as well.

I would like to hear someone on the floor of the Senate stand up—I have not heard that yet—but stand up and say Circuit City is a wonderful example of where we ought to head in this country. Circuit City announced one day, in a newspaper account, that they decided to get rid of some 3,400 of their workers. Their CEO apparently authorized that announcement to be made. The CEO was making $10 million a year and 3,400 workers were to get fired because they were making $11 an hour, and that was too much money to be paying American workers. So Circuit City said—again with a CEO and other executives making millions of dollars a year—we will fire 3,400 people and rehire people at $8 an hour and save money.

I suppose you can save money that way. I am not sure that is a particularly good message to American workers: Come work here, get some experience here and by the time you get some experience, we think we can find somebody who will work for less money than you. That's the message: we prefer to have inexperienced workers rather than experienced workers, we think $11 an hour is too much for you and your family. What kind of a message is that? I didn't hear anybody talk about that much. It was one big yawn around here with that sort of thing.

That kind of approach, that I think devalues the workforce in this country, is something I think we ought to care about. The underlying legislation we are talking about is something we ought to care about as well because it stands up for American workers. It says, in this country, we live free. If you want to organize, you have a right to organize and the rules ought to be fair. The deck ought not be stacked against you. That is why we have legislation being considered today and I am pleased to support it.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator BOND be given the floor immediately after my remarks and I be granted up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I listened very carefully to my friend from North Dakota. He is a friend and very fine man and good Senator, but I have been a little bit amazed at some of the things he said. First, I have only been here 31 years, but I was one of those who did a lot to help Lech Walesa. My dearest friend in the labor movement happened to be the international vice president of the AFL-CIO, Irving Brown. Irving Brown headed our tripartite representation at the International Labor Organization in Geneva, Switzerland. He was probably the most respected labor leader in the world. He took on the Soviets and their phony trade union organization that was trying to take over the French docks and he beat them. He risked his life every day of his life for free trade unionism, internationally.

When he died I was, as far as I could see, the only Republican invited to his memorial service. He went into Paris at the end of the Second World War—before the end of the Second World War—through the underground, and stayed there and helped topple the Nazis and then stayed there and defeated the Communists who tried to take over the French docks. If they had been able to do that, they would have had a worldwide trade union that would have been anything but in the best interests of the workers. He was the one who came up with the idea for the National Endowment for Democracy, and I worked very hard to get that enacted here and also was one of the first members of the board of directors of the National Endowment for Democracy.

I think he would have been horrified with what this bill does, taking away the right of workers to have a secret ballot election and replacing it with the ability of 50 percent of the workers plus one, who sign cards, mandating a union for every other employee. The fact of the matter is, doing away with secret ballot elections is anything but Democratic.

I have to say I am amazed they are trying to sell this to the American public. I don't think they can. They can't sell it to the union members out there, roughly 70 percent of whom are against doing away with secret ballot elections—and for good reason. Once they start down that road, then you can have Government interference and a whole bunch of other interferences that will take away people's freedoms and rights.

This bill is a disgrace. Even worse is the mandatory arbitration this bill imposes on employers and employees for up to 2 years if they do not agree within 90 days of collective bargaining, which usually always takes longer, and 30 days of mediation. Then the Federal Government can step in and determine the wages, terms, and conditions of employment.

That is a ridiculous approach. That is even more dangerous than the card-check part of this. I can tell you this, as one who helped Lech Walesa, who met with him in Gdansk, who had dinner with him over in Gdansk, and also with Father Jankowski, who was the Catholic priest who held mass on the docks with guns trained upon his back, all I can say is I do not think their belief in free trade unionism consisted of having a card check system. A system that would bind 100 percent of employees to a union when only 50 percent plus 1 decided to unionize through a coerced and nontransparent signing of a card.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to H.R. 800, the misleadingly named Employee Free Choice Act or card-check bill. As Americans, we cast secret ballots when we vote for the President, Congress, Governors, mayors, and city council members. Yet this bill would take away that essential right within the workplace.

It reminds me of the story from my home country, Audrain County, Missouri, often called the "heart of little Dixie" in Missouri, because it was settled by Democrats. The folklore has it that in the 1864 election, when President Lincoln was running for reelection and everybody had to stand up on the courthouse steps and announce for whom they were voting, one brave or foolhardy soul got up and said he wanted to cast a vote for Abraham Lincoln. To show you how kind and generous and hospitable the people of Audrain County were, they gave him a full 24 hours to get out of town. While I cannot document that story with the names of the specific individuals involved, that is an example of why a secret ballot is important.

A secret ballot allows people to exercise a free choice without fear of coercion from either side, either management or fellow workers who support management or fellow workers who support a union and union organizers.

Rather than enhancing and enabling secret ballots within the workplace, this bill would eliminate that choice. Under the so-called card-check bill, an employer would no longer carry the right to demand a secret ballot election in order to certify a union as the employee's bargaining unit. The reauthorization of the National Labor Relations Act of 1947, the original benchmark for secret ballot union elections, was enacted to safeguard the rights of workers and the companies they worked for, to promote collective bargaining, and to restrain certain private sector labor and management practices, which could pose a threat to the general welfare of workers, to business, and to our Nation's economy.

Now, as we all know, NLRA allows for an exception to the rule of a secret ballot election. If an employer is willing to accept union authorization cards that have been signed from a majority of the employees represented, the organized union becomes the bargaining unit for that specific group of workers.

Therefore, as you see under existing law, there are exceptions which allow for authorization cards to be accepted. But to remove completely the ability of workers to have a confidential and private vote on whether they choose to become a part of a union is utterly objectionable and goes against all of the principles we hold so dear in this democracy.

I feel that this ill-advised legislation will replace a federally supervised secret ballot election process with a system that would open the door for harassment, intimidation, coercion, forgery, and fraud. If enacted, this bill would permit union organizers to gain signatures from workers wherever they feel free to do so. Therefore, as a result, a worker could see an organizer choose to show up at the place where he or she eats, at their residence, or at a family outing just to obtain a signature for representation.

Might I say also my constituents, who are small businesses, who know their employees on a first-name basis, are violently opposed to this kind of working operation. The small businesses are the dynamic engine that keeps this economy growing. They are creating the jobs, they are the ones that grow. If they thought they could have a union imposed upon them by card check, without going through a secret ballot, it would kill the ability of those small businesses to grow and hire more workers.

In fiscal year 2005, the National Labor Relations Board conducted 2,745 elections. It is interesting to note that 1,504 secret ballot elections were won by organized labor. Therefore, the total percentage of elections won by labor unions was 55 percent.

In 2004, organized unions won 51 percent out of 2,826 total elections conducted that year. During the Clinton administration in 1994, organized labor won only 44 percent of the total secret ballot elections.

According to a polling report conducted in January of this year, out of the many individuals who were asked whether they would prefer an authorization card over secret ballot, 89 percent of those polled overwhelmingly chose the secret ballot.

As you see from the numbers, employees who have a real free choice of confidentially deciding whether to become part of the union have freely been able to employ their given right for union representation if they choose. In the last few years, under the secret ballot election, a majority of workers have decided to join a union. If a majority of prospective union employees does not wish to join, then they have a right, by secret ballot, to decline.

If labor unions are continuously increasing their election win margin each fiscal year, why prefer to use a system that threatens the protective rights of the confidential vote for each employee? Why not leave the ultimate decision to the employees where support for the secret ballot continues to remain strong?

The answer to that question may be in the fact that while secret ballot elections recently produced a victory of 55 percent in 2005, it does not match the success of a 90-percent win rate that the card-check system produces.

Many small businesses back home in Missouri have come to me and expressed concern with this bill, from machinists to mechanics to food distributors, and many other small companies. They have all voiced their resistance, distrust, and strong opposition to this bill.

We must understand that over 93 percent of our Nation's businesses have fewer than 100 employees. This bill would place a heavy burden on the livelihood of these small businesses, since they are the least likely to have experience in labor negotiations or have experienced legal counsel to represent them. They have to work on a first-name basis with their employees. They know what their challenges are. They know who they are, and they are in the best position to be able to help their workers. But they don't want to have the threat of a nonsecret ballot imposing a union on them.

Passage of the bill will mean that unions could unfairly target considerably smaller businesses, more than before, given that the amount of resources necessary to organize a business would be significantly less. Prohibiting a secret ballot for the purposes of assisting organized labor with efforts to bolster membership is not the remedy needed to ensure every worker's right to a safe, confidential, union election, where their God-given rights to a secret ballot, which we hold dear in the United States, would be denied.

I urge my colleagues not to permit this bill to go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Madam President, I thank my able colleague from Missouri. He is one of our most valuable and able members in the Senate. I value his thoughts on that and share his thoughts, actually.

I want to move off of that and some of the comments that Senator DORGAN had about working Americans and what they are facing today.

I remember addressing this point last year in the debate on immigration. I think it was at night when not many people were on the floor. Senator KENNEDY was here. I raised the question of what was happening to wages of working Americans as a result of large-scale immigration, and quoted professors and experts who had demonstrated that where those areas—where immigration reached its highest levels, wages had gone down for workers; they hadn't gone up.

Now we are told that businesses cannot get workers, and we are told we are at full employment, but apparently something is awry if wages are not going up in many areas.

I want to mention to you what we have with regard to the immigration bill that is coming before us. We will have cloture vote on it in the morning. This is what I want to say to my colleagues. The legislation promises that it will bring legality to the system. They say we have an illegal system and we have got a comprehensive plan to fix it.

What does our own Congressional Budget Office say? They just did an analysis of it. The Congressional Budget Office looked at the legislation that is proposed. They made an opinion about how much it would cost the U.S. Treasury. It was about $30 billion over the next 10 years; not for the cost of enforcement, just the cost of additional social and welfare benefits provided to those who are here illegally, who will be made legal.

They made that analysis, and they also made one more analysis that is so stunning and so remarkable that I remain baffled that my colleagues have not picked up on it. What the Congressional Budget Office, our own budget office—a budget office that answers to the House, answers to the Senate, answers to the majority leader, HARRY REID, answers to the Speaker, NANCY PELOSI—the Congressional Budget Office concluded that net illegal immigration, after the passage of this bill, would only be reduced 13 percent.

Now what kind of reform is that, I ask my colleagues? I submit to you this is not a reform. A fix that is supposed to bring legality to a system that only reduces illegality by 13 percent. Last year we arrested 1 million people entering our country illegally. These are huge numbers. I would have thought we would want to see an 80 or 90 percent reduction of illegality at our border. This is a bill that by our own evaluation does not bode well.

There is another factor that many of my colleagues probably do not know, have never understood. My staff has worked very hard to account for the actual flow of legal immigration into the country. In the next 20 years, this country, if this bill is passed, will see a doubling of the legal permanent residents in America. That is the number of people who are given a green card. That is the next step to citizenship. Anybody with legal permanent residence can move on to citizenship. It will double the number of legal permanent residents, which is what we call green card holders.

So we are not going to have any reduction in illegality, and we are going to have a major increase—a doubling of legal immigration. I am worried about that. We have been talking here about this debate about card check and unions. What it is about is wages and fairness for American workers, is it not?

Mr. Tonelson testified at one of our hearings before the Senate Judiciary Committee. This was a hearing I requested and asked for. We were able to get him, and he testified about areas in construction, in meat packing, in restaurant work, where there was high level of immigration from 2000 to 2005. Wages went down. You bring into this country more wheat, the price of wheat will go down. You bring into our country more cotton, the price will go down. Bring in more iron ore, the price of iron ore will go down. You bring in more labor, the price of American labor will go down. That is a fact.

I support a legitimate guest worker program. I believe we do have certain needs in certain industries and situations such as Hurricane Katrina where the need was so dramatic on the gulf coast. I know there are needs for some guest workers, temporary workers. I am prepared to help write legislation which would meet that need. I believe in immigration into America in general. I am not asking that we slash the amount of legal immigration into the country. But I doubt most Americans, when they hear about the great group I affectionately call the "masters of the universe" who met in secret and wrote this bill, had any understanding that their promise of comprehensive reform of the illegal immigration system we have today—and that is a fair way to describe it—they had no idea this bill would only reduce illegal immigration by 13 percent. I don't believe they had any idea it would double the numbers who were coming in legally.

That brings me to my point. The longer this legislation has been out for review, the less the public has liked it. I can see why. If you remember, Senator REID first called the bill up. He actually called up the old bill that the House wouldn't even look at last year. He let it sit for about a week and then plopped down, on a Tuesday, an entirely new bill, over 700 legislative pages, and wanted us to vote on it by Friday of that week. Why? That is what they attempted to do. We pushed back and said: No, this is a big issue; we can't vote on Friday; we are not going to vote this week. We fought that, and they backed off. We had a week's break and came back. We got back on the bill and proceeded with it and had some amendment votes and were moving along, and then Senator REID pulled the bill off the floor on a Thursday night. So we thought maybe that was the end of it.

But after working on it, they decided to bring it back up. It is going to be brought back tomorrow. The bill is filed. Cloture was filed. We now find ourselves prepared to vote tomorrow on whether to invoke cloture on the motion to proceed, go to this bill, and actually discuss it on the floor. We know there are probably 51 Senators who have committed to vote for final passage of the bill. I think they have made a mistake. Some probably didn't understand it fully. I am sure some are uneasy about that commitment. But more than 50, I am confident, are committed to voting for the legislation. Some really think anything is better than the current system. Maybe this is better, they say. They are prepared to vote for it. So by going to the bill, we are setting ourselves on a pathway that leads to final passage of legislation I believe is not worthy of the U.S. Senate.

More than that, I urge my colleagues to think about this. We have been told—and if I am mistaken, I ask the majority leader to tell me I am wrong—that an unprecedented procedure will be utilized to eliminate as much time of debate as possible and to completely control the amendment process to this legislation in a way that has never been done before in the history of the Senate. It has never been done this way. The majority leader is going to fill the tree. He is going to file a second-degree amendment. That amendment will be divisible into a number of different amendments so he can say which amendments will be voted on and which will not, and other amendments will not be allowed to be voted on. It is complete control of the process. They will say: We adopted some of your amendments, you complainers. We have some of your amendments in that group.

This process has been prepared with the care and precision of the Normandy invasion. This has been prepared meticulously for weeks, how they are going to move this bill through and how they are going to control the amendments. The amendments that will be allowed, I am confident, will be amendments they are confident they have the votes to defeat or amendments they don't care if passed. But they will not allow amendments to go to the core of this agreement by those masters of the universe who put it together, anything that would actually threaten this legislation's agreement they put together.

Some have been told: Don't worry, Senator, vote for cloture tomorrow, and we will let your amendment be voted on. If your amendment is selected, it is likely that they have the votes to vote it down or the crowd that put this bill together doesn't object if it passes. But anything that really goes at this mechanism, this special agreement they have put together in secret without committee hearings of any kind, will not be allowed to be voted on. That is a big mistake.

I say to my colleagues on the other side of the aisle, I have been in the Senate 10 years, most of which Republicans had the majority. This procedure was never used against the Democrats when Republicans were in the majority. This is the first time it has been used in the Senate. What if it is used against Senators in the future on both sides of the aisle? The great free debate this Senate is so proud of would be eroded.

So for two reasons I urge my colleagues tomorrow to vote against cloture. First, we need to have this bill pulled down. We need to go back and review what it is that has caused the American people to reject it so overwhelmingly. We need to find out why the Congressional Budget Office has concluded that it will reduce illegal immigration by only 13 percent. My goodness. We need to ask ourselves, do we really want to double on top of that the legal immigration into America?

What are we afraid of? Why is there this obsession to move this flawed piece of legislation through, utilizing the unprecedented procedural gambit to do so? I ask why?

Three weeks before we had the final vote and Senator REID pulled it down, after the debate continued a couple of weeks ago, a Rasmussen poll showed support for the bill in the high 20s. Then fell to 23 percent, and the last poll showed only 20 percent of Americans supported this bill. Only 20 percent of the American people said we should pass this bill. A decent respect for the opinions of the people who elect us, I suggest—if nothing else, maybe for our own self-interest—would call on us to say: What is it that people are worried about? Why don't we pull this bill and see if we can't make a decent piece of legislation that we could be proud of and move it forward? What possible reason is there to be obsessed with just ramming it through this Senate? I am amazed. It takes my breath away. There is every kind of reason to suggest that we should pull the bill down and work on it.

I will conclude with these thoughts. Let's don't go forward tomorrow. Let Members of the Senate say to those who are promoting the legislation—one former law officer called them mandarins; I jokingly called them the masters of the universe—this legislation will not work. They are good people. They think they were doing good. But the product they produced won't work, and the American people don't like it. I say vote against cloture tomorrow because a vote for cloture is a vote ultimately to move this bill passage.

No. 2, I say vote against cloture tomorrow because unless the majority leader declares otherwise, we will have to assume that what we have been hearing is correct, and he will use an unprecedented procedure—a procedure dubbed "the clay pigeon"—to completely control the amendment process and to bring this bill up for final vote with amendments only he has approved in a minimal amount of time that can be expended on such legislation. Any legislation this big deserves time. Any legislation this big or with this many flaws deserves a lot of work.

I urge my colleagues, in light of these factors and others they may personally care about—and there are many more problems—to reject cloture tomorrow. It would be a clear message to the leadership that is trying to move this legislation that we are not going to have it. We want better legislation, if you want us to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, there is a widespread perception among the people of our country that things are getting worse, not better. Polls seem to indicate that people feel that life for the middle class in the last 10 years is not as good as it used to be. By very strong numbers, the people of our country believe the economy is getting worse, not better. We are the greatest country in the history of the world, but there is something wrong when, if current economic trends continue, the young people in our country will have a lower standard of living than their parents. We are moving in many respects in exactly the wrong direction, and it is our job as Members of the Senate to turn that around and to begin making government work for all people rather than just the wealthy and the powerful who have so much power over what goes on in this institution.

I rise in strong support of the Employer Free Choice Act. I commend Senator KENNEDY for his leadership on this issue.

Year after year, millions of American workers have been working longer hours for lower wages. In Vermont, it is not uncommon for people to work two jobs and on occasion work three jobs in order to cobble together an income in order to cobble together some health insurance.

Consider the facts: Since 2001, median household income has fallen by nearly $1,300; wages and salaries now make up their lowest share of the economy in nearly six decades; the number of Americans who lack health insurance has grown by 6.8 million since 2001, to over 46 million Americans without any health insurance today; the number of Fortune 1,000 companies that have frozen or terminated their pension plans has more than tripled since 2001. Indeed, the middle class itself has shrunk. Over 5 million more Americans have slipped into poverty since the year 2000. So what we are seeing is the average American worker working longer hours for lower wages.

Today there are millions of Americans who work who scarcely have any vacation time whatsoever. People are losing their health insurance, they are losing their pensions, and they are sitting around looking at the reality that if we do not turn this around, their kids will be even worse off than they are—all at the same time technology is exploding and worker productivity is increasing.

Meanwhile, while the middle class shrinks and poverty increases, corporate profits today make up their largest share of the economy since the 1960s. While the middle class is shrinking, millionaires and billionaires in this country have never had it so good since the late 1920s.

Today, the wealthiest 1 percent of Americans own more wealth than the bottom 90 percent. The CEOs of our largest corporations now earn 400 times as much as the average worker. This is not just an economic issue, this is a moral issue. Is this what America is supposed to be about, the wealthiest 1 percent owning more wealth than the bottom 90 percent, and the gap between the rich and the poor growing wider every day, as the middle class continues to shrink. I do not believe that is what America is supposed to be.

At the same time, workers are seeing a decline in real wages, are being forced to pay more for their health insurance, and are seeing their pensions slashed. The CEOs of large corporations are making out like bandits.

Just one simple example: Several years ago, the former CEO of ExxonMobil, Lee Raymond, received a $400 million retirement package—while we are paying over $3 for a gallon of gas, and ExxonMobil, last year, enjoyed the highest profits of any corporation in the history of the world.

But it is not just CEOs such as Mr. Raymond. At a time when big banks are ripping off American consumers by charging outrageous interest rates and sky-high fees, Richard Fairbank, the CEO of Capital One Financial, received over $300 million in total compensation over the past 5 years.

While consumers have been getting ripped off at the gas pump, Ray Irani, the CEO of Occidental Petroleum, raked in over $500 million in total compensation over the past 5 years. And on and on it goes, CEOs making out like bandits, workers paying $3 for a gallon of gas, losing their health insurance, losing their pensions, losing their homes.

The middle class is shrinking, poverty is increasing, and millionaires and billionaires have never had it so good. It is our job to turn that around. There are a lot of reasons for the growing inequality in our economy, and economists may differ, but there is clearly agreement on some of the basic reasons the gap between the rich and the poor is growing wider and the middle class is shrinking.

The failure, up until very recently, to raise the minimum wage is an obvious example. Millions and millions and millions of workers today—before the new minimum wage goes into effect—are making $5.15 an hour. Yes, the U.S. Congress has provided hundreds of billions of dollars in tax breaks for the wealthiest 1 percent, but we could not raise the minimum wage until a few weeks ago. That is certainly one of the reasons poverty in America is increasing.

Another reason is that unfettered free trade, which forces American workers to compete against desperate workers in China, Mexico, and Vietnam, is also responsible for an increase in poverty and a lower standard of living for millions of American workers. No, American workers should not be forced to compete against desperate workers in China who are making 30 cents an hour. That is not a level playing field. That is wrong, and that is another reason the middle class in this country is in decline.

But perhaps the most significant reason for the decline in the middle class is the rights of workers to join together and bargain for better wages, better benefits, and better working conditions have been severely undermined over the years.

Today, if an employee is engaged in a union organizing campaign, that employee has a one in five chance of getting fired.

Today, half of all employers threaten to close or relocate their business if workers choose to form a union.

Today, when workers become interested in forming unions, 92 percent of private sector employers force employees to attend closed-door meetings to hear antiunion propaganda; 80 percent require supervisors to attend training sessions on attacking unions; 78 percent require supervisors to deliver antiunion messages to workers they oversee; and 75 percent hire outside consultants to run antiunion campaigns.

In 2005 alone, over 30,000 workers were discriminated against, losing wages or even their jobs, for exercising their constitutional right of freedom of association—a right guaranteed under the Constitution of the United States.

Further, Human Rights Watch has said:

> Freedom of association is a right under severe, often buckling pressure when workers in the United States try to exercise it.

The right to come together to form a union is a constitutional right. It is under severe, unprecedented attack today.

Even when workers—who are faced with all of these enormous obstacles—win union elections, more than one-third of the victories do not result in a first contract for workers.

Today, corporate executives are routinely negotiating obscenely high compensation packages for themselves, but then they deny their own employees their ability to come together to create better wages and working conditions and better lives for themselves. That is wrong. This Senate has to stand up for those workers.

It is time to turn this around. It is time to stand up for the working people of this country. That is what the Employee Free Choice Act is all about.

The House of Representatives did the right thing when it passed the Employee Free Choice Act by a vote of 241 to 185 earlier this year. Now it is time for the Senate to act.

This legislation is very simple. The Employee Free Choice Act would simply allow workers to join unions when a majority sign valid authorization cards stating they want a union as their bargaining representative. As Senator KENNEDY has correctly pointed out, card check recognition was the law of the land in the United States from 1941 to 1966. In other words, all this legislation does is give workers the same rights they had 41 years ago.

More than half of the U.S. workforce—nearly 60 million workers—say they would join a union right now if they had the opportunity. Yet only 12 percent of the workforce has a union. This is much different from other industrialized countries around the world.

In Canada, where card check is the law of the land, twice as many workers belong to unions than in the United States. In Britain, where card check recognition is the law of the land, 60 percent of workers belong to unions.

What has strong union participation meant for workers in other countries? This is an important point to be made because it is terribly important we in the Senate see what is going on in the rest of the industrialized world, see and note the benefits workers around the world are receiving that our workers are not.

Just a few examples. In Finland, where two-thirds of workers belong to unions—guess what—unlike college graduates in the United States who are graduating $20,000 in debt, Finland provides a free college education, including law and medical schools, to all qualified citizens. That is pretty good. They encourage young people to go to college and graduate school tuition free.

While the cost of childcare in the United States is skyrocketing—millions of American families cannot afford quality childcare—in Finland, day care is free to all citizens.

Unlike the United States, where the 2-week vacation is becoming a thing of the past, in Finland, workers are guaranteed 30 days of paid vacation and 60 days of paid sick leave.

In Norway, where the union participation rate is about 60 percent, women receive 42 weeks of maternal leave at full pay—full pay—while U.S. workers only receive 12 weeks of unpaid maternal leave.

In Belgium, France, and Sweden over 90 percent of workers belong to unions. Workers in those countries all have much stronger pensions, health care, childcare, and vacation benefits than American workers.

In addition to the card check provision, the Employee Free Choice Act would also stiffen penalties against employers who illegally fire or discriminate against workers for their union activity during an organizing or first contract drive.

Perhaps most importantly, this legislation will make it easier for workers who win union elections to negotiate a first contract. We will end the situation where, when workers decide to form a union—they go to negotiate—the employer simply refuses to negotiate.

In order to strengthen America's middle class, we have to restore workers' rights to bargain for better wages, benefits, and working conditions.

After all, union workers in this country earn 30 percent more, on average, than nonunion workers who are performing the same jobs.

Madam President, 80 percent of union workers have employer-provided health insurance; only 49 percent of nonunion workers do.

Madam President, 68 percent of union workers have a guaranteed pension through a defined benefit plan; only 14 percent of nonunion workers do.

Madam President, 62 percent of union workers have short-term disability benefits; only 35 percent of nonunion workers do.

Union workers have, on average, 15 days of paid vacation; while nonunion workers, on average, have fewer than 11 days of paid vacation.

Again, I thank Senator KENNEDY for his leadership on this issue. We have to do everything we can from a moral perspective to reverse the decline of the middle class, to lower our poverty rates, to improve the standard of living of American workers, and passing the Employee Free Choice Act is an important step in that direction.

Madam President, thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 40 minutes remaining.

Mr. KENNEDY. Mr. President, I think we have had a very good discussion over the course of the afternoon and earlier. As I mentioned in my opening comments, a number of our colleagues spoke about this issue during the last week. So this is a matter of importance. It is a matter of economic justice and economic fairness. It is an extremely important issue, I think, a defining issue in terms of what is happening to the middle class in this country. Are they going to have voices and votes that are going to be taken seriously? Are they going to be able to participate in a meaningful way in terms of our economy? This involves their families and their future, their own personal future, their economic future, the future of their retirement, the future of their health care, and the future of their ability to be able to educate their children. So it is a very important matter.

I have been listening to the debate and the discussion. It is an interesting fact that the bill itself is only three pages long. It is only three pages long. But the difference it would make for working families is enormously significant and incredibly important. So this legislation, although it is written in some technical language, is understandable and should be. Basically, what it does is it gives the worker the kinds of expression and the rights in the workplace which increasingly they have been denied.

I wish to go over very briefly exactly how this legislation works, because if you were someone back home listening to the discussion and the debate, I think you would wonder what this legislation is all about. I thought I would take a few moments to go through this. As I mentioned, a majority sign up in a workplace for employee free choice requires the employer to recognize the union if a majority of the employees sign valid authorization cards; if the employees want to have an election, then there can be an election. The idea that has been suggested around here is that this eliminates the opportunity for free elections and that, of course, is not so. But what it is saying is that the people who are going to be the most affected by it will be able to make the decision as to whether it is going to be an open election or whether it will be the card check-off.

Then we have the instructions by the NLRB to make clear and fair rules for how that signup is to protect the workers' rights.

Then, this says, the Employee Free Choice Act brings the employers to the table within 10 days to start bargaining. The majority has indicated through the card check that they want to form a union and this is a process spelled out in this legislation about getting the employer to the table within 10 days and provides a reasonable timetable for negotiations and creates an incentive for both parties to reach an agreement and provides for mediation and binding arbitration as a last resort.

This idea we have heard during the course of the afternoon that this is going to require Government imposing a judgment and decision on companies is, of course, completely fallacious.

This is the timeline. Although it may be somewhat difficult to see, it is not enormously complicated. The union is certified, requests to bargain, it takes 10 days, and the bargaining begins. It goes on for 90 days. It can be extended. As long as there is a demonstration on both sides that they want to continue to move ahead, they will go ahead. If not, either party may request they go to mediation.

What we have found out, and history demonstrates, that 86 percent of the cases that go to mediation are actually settled. This is an extraordinary achievement and a record. So it gives full opportunity for the 90 days, continued opportunities for the sides, if they think they are making progress. If one or the other sides requests the mediation, they go to mediation. Then, only at the very end, if they are unable to get, through the mediation, if they are unable to resolve their questions in collective bargaining, then there is going to be 30 days after that which will be for the arbitration.

Now, a point that has been missed during this debate and discussion is that on the issue of arbitration, it is not in the interest of the union to put the employer out of business because they wouldn't have jobs, and it isn't in the interest of the employer to be so arbitrary that they will find they are not going to have a workforce. So there are forces that are out there to bring the situation together, and that is how it has worked in the past and is working.

The example that has been used, of course, is in our neighboring country of Canada, where it has met with great success. This is not enormously complicated, but the impact this will have in terms of permitting the 60-odd million individuals across this country who want to participate in a union to be a member of a union is dramatic.

I wish to reiterate for the membership what is happening in the real world. I explained earlier the kinds of activities employers have had to discourage, effectively to demean the workers themselves and destroy their economic life by firing them, even after there is a successful outcome in favor of a union. I wish to show what the numbers are. This is in 2005, when over 30,000 workers received backpay after the National Labor Relations Board found that employers had violated their rights—30,000 workers across the country. This isn't 5 or 6 workers, where it is happening in New England, or 4 or 5 workers down in Los Angeles or in another part of the country; this is 30,000 across the country. Thirty thousand across the country are receiving the backpay in one particular year. It demonstrates what is out there and the difficulty. That means they have been fired or their rights have been violated for being involved in union activity, to try to get an expression in their workplace, and they get fired or their rights are violated. What happens is they get fired or somehow their rights are violated, and it can be 2, 3, 4, or 5 years, luckily, if they ever get a reinstatement, so many of them become discouraged and completely drop out of the market.

Now let's see, after the National Labor Relations Board says they have been harshly and illegally treated, what is the burden then on the employer to pay them? Look at this. The average backpay of those 30,000 workers, many of whom are out 1, 2, 3, 4, or 5 years, is $2,660. That is the backpay. That is the average backpay for those 30,000 workers. Talk about a slap on the wrist. It is not even a slap on the wrist. This is the cost of doing business. Compare this to the unauthorized reproduction of Smokey the Bear. The penalty is $10,000 and up to 6 months in prison. This is the unfairness to American workers when they have been unfairly treated or fired, risking their family's future and their future, reinstated by the National Labor Relations Board and receiving the average pay of $2,660. So you can understand very easily why these many unscrupulous—not all, and we have given examples of informed and enlightened employers—but we can understand why many employers say go ahead, give me those firms that you have a list of, and we will take these kinds of penalties any time, rather than going ahead with the union. That is what is out there, in terms of its impact, by failing to move ahead.

We illustrated earlier in the day when it wasn't this way—when we had strong unions, speaking for working families, increase in productivity, increase in wages, and the result was that America was growing together. America was growing together toward being the strongest economy with the strongest national security in the world. The opportunities for those families to continue their being a part of what I call the march for progress, being a part of an America that was offering better opportunities than these families had or that their parents had. That was the promise of America. That isn't where we are today. We have gone through that earlier in the afternoon.

Since there have been a number of references to the National Labor Relations Board, I wish to include a letter from an extraordinary former Secretary of Labor. His name is Ray Marshall. He was an extraordinary Secretary of Labor under President Carter. He now continues to be a professor at the Johnson School of Public Affairs. He wrote, on March 21—and I will include his letter in the RECORD. I wish to mention briefly the relevant and very important part of his letter pointing out numerous studies, including those by the Commission on the Future of Worker-Management Relations, the Dunlop Commission. The Dunlop Commission was led by John Dunlop, who taught at Harvard Business School, a Republican, a Secretary of Labor for a number of Republican Presidents, and generally perceived to be one of the most thoughtful Secretaries of Labor we have had, in fact, over the last 50 years, and there was a Dunlop Commission which he took great pride in, in reviewing labor-management relations. That is what Ray Marshall is referring to.

He pointed out the Dunlop Commission documented the failure of American labor law to adequately protect workers' rights, bargaining rights. The National Labor Relations Act's major weaknesses include: Giving employers too much power to frustrate workers' organizing efforts through unlawful means.

This is the Dunlop Commission, former Republican Secretary of Labor, included in a letter from Ray Marshall.

No. 1: Giving employers too much power to frustrate workers' organizing efforts, often through unlawful means.

No. 2: Weak penalty for illegal actions by company representatives.

We gave an example of both of those.

No. 3: Employers' refusal to bargain in good faith after workers vote to be represented by unions.

The letter goes on. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS, THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, TX, March 21, 2007.

Hon. TED KENNEDY, Chair,
U.S. Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR SENATOR KENNEDY: I regret very much that a scheduling conflict precludes the opportunity to accept your invitation to testify on the Employee Free Choice Act (EFCA), which I strongly support.

There is abundant evidence that free and democratic societies and broadly shared prosperity require strong and democratic organizations to represent employees at work and in the larger society. This is one reason all democratic countries, including the United States, have declared the right of workers to organize and bargain collectively to be fundamental human rights.

Unfortunately, despite our support of this declaration, U.S. labor law actually makes it very difficult for American workers to bargain collectively, even though polls show that nearly 60 million of them wish to do so. Indeed, unlike most other advanced democracies, the United States requires wokers to engage in unfair high-stakes contests with their employers to gain bargaining rights. Numerous studies, including those by the Commission on the Future of Worker-Management Relations (the Dunlop Commission) have documented the failure of American labor law to adequately protect workers' bargaining rights. The National Labor Relations Act's (NLRA) major weaknesses include: giving employers too much power to frustrate workers' organizing efforts, often through unlawful means; weak penalties for illegal actions by company representatives; and employers' refusal to bargain in good faith after workers vote to be represented by unions.

By strengthening the right of workers to select bargaining representatives without going through lengthy and unfair election processes, facilitating first contracts, and creating stronger and more equitable penalties, the EFCA would cause the NLRA to be much more balanced.

The EFCA is important to all Americans, not just to workers. We are not likely to have either sound public policies or fair and effective work practices if millions of American workers' voices remain unheard. It is significant that stagnant and declining real wages for most workers, along with growing and unsustainable income inequalities, have coincided with declining union strength.

Good luck with this important legislation. Please let me know if I can help in any way.

Sincerely,

RAY MARSHALL.

Mr. KENNEDY. Mr. President, I think these summarize the challenge and the problem and what we are trying to do to address them.

There have been comments about who will benefit—that it is going to be the union bosses who will coerce the people; the union representatives have no power over workers; the employer can fire you. He can hire you and fire you. He can decide whether you are going to have any kind of health insurance, or vacation, or paid sick leave. They are the ones who hold the whip, and we should not forget it. There is the claim that this is a payback for union leaders. It is the people who care about the workers who support this.

That brings me to this point. We have a letter from 124 religious leaders. I will read quickly part of this excellent letter:

> As religious leaders, we will continue to work to disseminate within our communities of faith this message: That the right of workers to freely organize in a democracy, and families and communities are strengthened when workers can bargain for fair wages, adequate benefits, and safe working conditions.
>
> We, as leaders of faith communities that represent the entire spectrum of U.S. religious life, call upon the U.S. Senate to bring the Employee Free Choice Act to the floor of the Senate as soon as possible. We urge that the Senate vote to pass this historic legislation as a public representation that this bill offers the best remedy to the egregious violations of workers' rights and best hope to restore to workers a voice in the workplace free from fear and harassment.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER FROM RELIGIOUS LEADERS TO THE U.S. SENATE TO SUPPORT THE RIGHT OF WORKERS TO ORGANIZE

We, the undersigned religious leaders and representatives of faith-based-organizations, are deeply concerned about the pervasive violation of the rights of working people when they attempt to exercise their basic freedom to form unions and bargain collectively for a better life.

Over the past 30 years, workers' living standards have declined in well-documented ways—stagnant or low pay, longer hours spent at work, unaffordable or no health care benefits, and increasing insecurity. Increasing income inequality is the hallmark of our time.

U.S. labor law protects the legal right of workers to form unions, yet employers regularly and effectively block that right. Employer violations of workers' rights are routine and illegal firings of union supporters in labor organizing drives are at epidemic levels. In 2005 National Labor Relations Board (NLRB) annual report 31,358 people—or one worker every 17 minutes—received back pay because of illegal employer discrimination for activities legally protected by the National Labor Relations Act. But the perpetrating corporations pay no effective price.

This routine and flagrant violation of workers' rights has created a climate of fear and intimidation in the workplace. The results are that too many workers do not try to exercise their freedom for fear of losing their jobs. They quietly suffer hazardous working conditions, falling wages, and declining benefits.

America's faith traditions are nearly unanimous in support of the right of workers to organize, and by using sacred text and tradition, our faith communities have developed social statements supporting the freedom of workers, too vulnerable to systemic injustices in the workplace, to organize and collectively bargain.

The Employee Free Choice Act is the first step to fixing this badly broken system by strengthening penalties for companies that break the law by coercing or intimidating employees. It will also establish a third-party mediation process when employers and employees cannot agree on a first contract, and enable employees to form unions when a majority expresses their decision to join the union by signing authorization card. It makes real the principle that the free choice about whether to form unions should belong to workers.

As religious leaders, we will continue to work to disseminate within our communities of faith this message: That the right of workers to freely organize their workplaces is required in a democracy, and families and communities are strengthened when workers can bargain for fair wages, adequate benefits, and safe working conditions.

We, as leaders of faith communities that represent the entire spectrum of U.S. religious life, call upon the U.S. Senate to bring the Employee Free Choice Act to the floor of the Senate as soon as possible. We urge that the Senate vote to pass this historic legislation as a public representation that this bill offers the best remedy to the egregious violations of workers' rights and the best hope to restore to workers a voice in the workplace free from fear and harassment.

Sincerely, (Signed by 124 leaders)

Mr. KENNEDY. That isn't just the Senator from Massachusetts, the Senator from Vermont, or others who have spoken in favor of this. This is an open letter from 124 religious leaders, representing all of the great faiths, who are urging us as a matter of social consciousness and morality to give a voice and expression in the form of support for that legislation.

I also include a letter from 16 Governors from around the country. In part, they say:

> The freedom to form and join unions is a fundamental human right protected by our constitutional freedom of association, our Nation's labor laws, and international human rights laws . . . it is a right for which millions of Americans have struggled. The freedom to form unions is of special importance to the civil and women's rights movements because unions help ensure adequate wages, health care coverage, and retirement security. It was the right to form a union that Dr. Martin Luther King, Jr. was supporting during the Memphis sanitation strike when he was assassinated in 1968. Unions also helped to reduce the wage gap for women, people of color, and can prevent arbitrary and discriminatory employer behavior.

So 16 Governors are recommending that we move ahead with this legislation.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> *June 21, 2007.*
>
> Hon. HARRY REID,
> *Senate Majority Leader, U.S. Capitol Building, Washington, DC.*
> Hon. MITCH MCCONNELL,
> *Senate Minority Leader, U.S. Capitol Building, Washington, DC.*
>
> DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As governors, we ask for your support of the "Employee Free Choice Act," introduced by U.S. Senator Edward Kennedy and U.S. Representative George Miller. This legislation provides for recognition of a union when the majority of employees voluntarily sign authorizations, offers mediation and binding arbitration to resolve first contracts, and strengthens penalties for violations during organizing and first contract efforts.
>
> The freedom to form and join unions is a fundamental human right protected by our constitutional freedom of association, our nation's labor laws, and international human rights laws, including the 1948 Universal Declaration of Human Rights. It is a right for which millions of Americans have struggled. The freedom to form unions is of special importance to the civil and women's rights movements because unions help ensure adequate wages, health care coverage and retirement security. It was the right to form a union that Dr. Martin Luther King, Jr. was supporting during the Memphis sanitation strike when he was assassinated in 1968. Unions also help to reduce the wage gap for women and people of color, and can prevent arbitrary and discriminatory employer behavior.
>
> The National Labor Relations Act of 1935 has long allowed employers to recognize a union when the majority of workers sign authorization cards, designating the union as their bargaining agent. The right to form a union, however, has been eroded over the last several years, resulting in increasing employer harassment, discrimination, and sometimes termination for workers taking initial steps toward forming a union. Twenty-five percent of private-sector employers illegally fire at least one worker for union activity during organizing campaigns. Even where workers successfully form unions, employers often refuse to bargain fairly with the workers. Moreover, 92% of employers illegally force employees to attend mandatory, closed-door meetings against the union. The Employee Free Choice Act will protect workers from these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers rights.
>
> When workers try to form unions, all too often they are harassed, intimidated, and even fired for their support of the union. These attacks on workers' rights, for which there are only weak—if any—remedies, occur all too frequently among the most vulnerable workers of our society, including women, the working poor or all races, and recent immigrants. As a result, those workers who need unions the most are often those who have the least chance of achieving the benefits of unionization.
>
> We strongly urge you to support the Employee Free Choice, legislation that would begin to reinstate the right to form unions that Congress protected for America's workers over 65 years ago.
>
> Sincerely,
>
> Governor Bill Ritter, Jr., Colorado; Governor Chet Culver, Iowa; Governor John Baldacci, Maine; Governor Jennifer Granholm, Michigan; Governor Bill Richardson, New Mexico; Governor Ted Strickland, Ohio; Governor Edward G. Rendell, Pennsylvania; Governor Joe Manchin III, West Virginia; Governor Rod Blagojevich, Illinois; Governor Kathleen Sebelius, Kansas; Governor Martin O'Malley, Maryland; Governor Jon Corzine, New Jersey; Governor Eliot Spitzer, New York; Governor Ted Kulongoski, Oregon; Governor Chris Gregoire, Washington; Governor Jim Doyle, Wisconsin.

Mr. KENNEDY. Finally, we have a letter from the Leadership Conference on Civil Rights. Two hundred civil rights groups are endorsing this legislation.

In part, their letter says this:

> This bill will reform the current system for selecting a union to give all working people the freedom to make their own decision about whether to choose a union and bargain for better wages and benefits. LCCR strongly believes that a healthy labor movement invests America's diverse working people with a powerful voice with which to challenge workplace discrimination and demand equality.

I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> LEADERSHIP CONFERENCE
> ON CIVIL RIGHTS
> *Washington, DC, June 18, 2007.*
>
> DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with nearly 200 member organizations, we urge you to support the Employee Free Choice Act (EFCA) (S.1041). [The bill will reform the current system for selecting a union to give all working people the freedom to make their own decision about whether to choose a union and bargain for better wages and benefits. LCCR strongly believes that a healthy labor movement invests America's diverse working people with a powerful voice with which to challenge workplace discrimination and demand equality.]
>
> Under the current system, where the National Labor Relations Board (NLRB) conducts polling after a long and bitter campaign period, employers are given ample opportunity to intimidate and coerce employees to vote against unions. Until workers can exercise a free choice, they will continue to lose power in our country, living standards will continue to suffer, and our middle class will continue to decline. LCCR urges the Senate to vote yes on cloture for the EFCA, and to promptly join the House in passing the bill.
>
> The EFCA levels the playing field for employees by: (1) certifying union representation when a majority of workers sign cards designating the union as their bargaining representative; (2) strengthening penalties against companies that illegally punish employees for supporting a union; and (3) bringing in a neutral third party to settle a contract when a company and a newly certified union cannot agree on a contract after three months.
>
> A recent analysis of NLRB data reveals the necessity of reform. One in five active union supporters is illegally fired for union activity during NLRB election campaigns; workers are fired for union activity in 25 percent of campaigns; in 78 percent of NLRB campaigns, employers require supervisors to deliver anti-union messages to the workers whose jobs and pay they control; in 92 percent of NLRB campaigns, employers force workers to attend closed door anti-union meetings; and in 51 percent of NLRB campaigns, employers threaten to close the workplace if employees vote for union representation.
>
> LCCR and the civil rights community care deeply about this bill. The labor movement has long been a forceful advocate for equal opportunity and equal dignity in our nation. The critical role played by labor in achieving passage of Title VII of the Civil Rights Act is well-known. But unions also facilitate enforcement of civil rights laws by policing the workplace and using the grievance process to halt discriminatory practices. Moreover, unions raise the wages and benefits of women and people of color. Workers who belong to unions earn 30 percent more than non-union workers, and enjoy substantially better health care. These improvements are even more pronounced for women and people of color.
>
> Labor unions today are in crisis. Union membership in the private sector continues its precipitous decline of the past several years. Fierce, concerted resistance to unions by employers and the weakening of existing labor protections have made union organizing extraordinarily difficult. Surveys demonstrate that American workers want unions. Yet the campaigns of intimidation and coercion mounted by employers during organizing drives and the lack of an adequate legal remedy for such employer conduct have reduced existing polling procedures to a farce. The EFCA presents an important opportunity to guarantee workers a free, uncoerced choice in choosing union representation.
>
> The Senate should seize this opportunity and vote for the EFCA. Should you require further information or have any questions, please contact Paul Edenfield, Counsel and

Policy Analyst, at 202/263-2852, regarding this or any issue.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Deputy Director.

Mr. KENNEDY. So there it is. The oustanding religious leaders, the Governors, those who have been speaking out to protect and advance the cause of women and minorities in the workplace, all see this legislation as being a major consequence to economic justice to workers' rights in this country. That is why we are in such strong support of this legislation. We are hopeful we will get a strong vote on tomorrow.

I reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, as a U.S. Senator, I am fighting for jobs today and jobs tomorrow. Unions play a vital role in ensuring safe and fair working conditions. That is why I support the right to form and join unions and I will continue to fight to preserve the rights of workers.

It is time to get behind the working people's agenda. That is why I am proud to stand with the labor movement. I wear the union label on my clothes, on my heart, and on the floor of the Senate. I am proud of union members. You all work hard. You work three shifts: one at your jobs to make a living, then with your family to make that living worthwhile, and a third with your union to make a difference.

I know the importance of unions, and that is why I am an original cosponsor of the Employee Free Choice Act. With union membership at its lowest point in more than 60 years, this bill takes several steps to make it easier to unionize without employer coercion. Workers understand the benefits of joining a union—53 percent say they could join one today if they could. But the right to organize is deliberately denied by many employers.

Unions raise wages, improve working conditions, and ensure fair treatment on the job. In many jobs they make the difference between living in poverty and making ends meet or the difference between just getting by and making enough to make a better life for a family.

Workers face three obstacles when trying to unionize: unfair union election rules, meaningless penalties, and employers' refusal to bargain with employees. This bill would level the playing field by letting workers choose how to form a union, establishing meaningful penalties, and guaranteeing both sides bargain in good faith.

Workers organize themselves by signing a document saying they want to join a union. Once a majority of workers signup, they can ask their employers to be recognized as a union and collectively bargain for a contract. However, employers often refuse to recognize the union and require workers to go through an intimidating anti-union campaign that ends in an unfair election.

The Employee Free Choice Act makes it easier to form a union by not allowing employers to veto employees' decisions about how to organize and force an unfair election. Workers could still request an election, but it would be their choice—not the employers.

The other big problem for workers who want to unionize is that the penalties for companies that break the laws are too low. Employers who break union election rules only have to post a sign saying that they won't do it again. Employers who fire a worker for being pro-union are only required to pay wages they would have owed if they had followed the law minus whatever the fired employee earned since his or her firing. And because cases can be tied up in court for years, employers are able to fight dirty against unions and workers with near impunity.

The Employee Free Choice Act raises penalties for unfair labor violations to $20,000, requires employers to pay workers who were unfairly fired three times backpay, and requires the NLRB to seek an injunction when they have evidence that an employer has violated a union election law.

Even when unions are able to overcome these slanted rules, employers still undermine the will of their employees by refusing to negotiate in good faith. Today, if a union and an employer can't agree on a contract within a year, the employer can call an election to disband the union and another unfair antiunion campaign begins. While not bargaining in good faith is prohibited by law, the NLRB has set the standard of proof too high to ever be met except in the most blatant cases. This gives antiunion employers every reason to stall during negotiations, and that is why one-third of unions formed through elections don't get a contract within a year.

This bill ensures fair negotiations by establishing reasonable time tables for negotiation and mediation. In the rare cases when that fails to produce an agreement, this would also require arbitration so that parties have incentives to compromise and find a middle ground that benefits everyone.

Unfair rules, lax enforcement, and insincere negotiating has crippled union organizing and threatened the middle-class lifestyle that was once the economic pride of our country. The Employee Free Choice Act gives workers the rights they deserve, restores integrity to our Nation's labor laws, and lays the foundation for working and middle class Americans to once again share in our country's economic prosperity.

America's economy continues to grow but working class economic security and opportunity have gone in the opposite direction. Wages are lower today than they were 30 years ago, employers no longer offer good benefits, and workers don't make enough to save for retirement or send their kids to college. Despite working longer and being more productive, American families find it harder to break into the middle class and families in the middle class are finding it harder to stay there. This bill is a step in the right direction for working Americans. I strongly urge my colleagues to join me in supporting it.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I have the deepest respect for the Senator from Massachusetts, and this is one Senator who makes no accusations that this is payback. I proudly say the Senator from Massachusetts believed before that this is the right thing, he believes it today, and he will believe it tomorrow; and no one could convince me he could change his mind. It is refreshing in this institution to find somebody who is so entrenched that the press, public opinion, or anything cannot move him.

But acknowledging that about Senator KENNEDY, I have to express my strong disagreement from the standpoint that he says this is easy to do. I hope it is not easy to do. I hope it is not easy in America, in a democracy, to do away with the private ballot. I believe it is something we cherish, something we protect, something we understand is part of the tenets of democracy.

I think it is important that we look back. We have heard a lot about where we are. But how did we get to the point that we have a system where if 30 percent of the employees sign a sheet to have an election—30 percent, not 50 percent—in fact, they get that right. It was in 1947 when they changed the National Labor Relations Act. Why did they change it? Because through the 1930s and 1940s, there was widespread intimidation by the labor unions on workers and on employers. Rather than to have that intimidation that mobilized one's commitment to unionize a business, they rewrote the law and they provided the right of a private ballot in this infant democracy—what we did for elections we adopted for employees, a secret way for every employee not to be bullied or intimidated as to how they wanted to be represented by their employer or by a union.

Employee Free Choice Act. That sounds easy, and I think that is why he suggested it is. The reality is Americans will give up the private ballot. But the Employee Free Choice Act violates that tenet of our democracy because it would prevent every worker's vote from counting. I will say that again. It would prevent every worker's vote from counting. We have had battles over the last 10 years in this country about every vote counting. Not only would it prevent every vote from being counted, it would deny the right to vote to some employees, because now just with 50 percent plus one additional worker there would be no need for a vote. He is right. You would enter into a 10-day process that would accelerate, in all likelihood, to mediation because you have a union that shot for the stars and an employer that can only pay X. The history of the country is that we split the difference and the employer decides if they can even stay in business.

Under current law, the most frequent form of union organizing is a private ballot, with 30 percent of the employees signing their name on a dotted line, which initiates an election process where employees will decide by private ballot as to whether the union represents them. I cannot think of anything more fair than 30 percent initiating and 50 plus 1 making the final decision. In Winston-Salem in the past year and a half, I had a good friend whose company was forced to have a ballot—or at least they pushed it as far as they could. You see, at the end of the day, I am not sure they had 30 percent of the employees sign. But if you had seen what happened in that community, if you had seen the posters that were put on telephone poles about the owner of this business, the fliers mailed to his neighbors—it had nothing to do with his business or employees. It was a character assassination on the individual who owned the business because the labor unions thought if they could break his character, he would give in to a vote and they would have a chance of organizing his business.

The great news out of that story is he didn't break; he fought them and he won. In fact, they didn't have 30 percent who signed. They didn't have an election because the employees decided they didn't want to be represented by the union. I can tell you that in the town I live in, they make pretty good money. They may not make as much as they would like to, but they make as much as the industry they represent can bear and that the town they live in can afford to pay.

When we talk about intimidation, I assure you that there is intimidation against the employer. It is happening every day in communities across this country. If there are any examples of what I saw as to what would happen if we did away with the private ballot, I would hate to see what would happen to employees in this country if unions had the ability to bully and intimidate them into agreeing to sign on because there was no longer the secrecy of a private ballot.

In the last 10 years, we have seen increased effort by unions to seek union recognition outside of the secret ballot process already—the so-called use of card check. It has become a critical component of big labor's organizing strategy. Card check circumvents workers' rights to private ballot to union certification elections. The legislation would instead force workers into a union once union organizers have obtained those 50 percent plus 1 signature.

This invites worker intimidation and character assassination by the union. I believe all votes should be counted. Under card check, that would not happen. Many individuals will be denied access to vote. Many votes will go uncounted because no votes would take place.

Do you find it odd that in 2001, the authors of this bill demanded private ballots in Mexico? As recently as 2001, the cosponsors of card check legislation urged Mexico to guarantee secret ballots to their workers voting in union-recognized campaigns. So they will propose private ballots in Mexico, but they won't support their continued existence in the United States. Unions know private ballots prevent coercion when it comes to making a choice about unions. Even the AFL–CIO has called the secret ballot the surest means for avoiding decisions that are the result of group pressure and not individual decisions. That statement was made in a legal brief regarding union decertification elections.

The Employee Free Choice Act is, quite frankly, antiworker legislation. Unions should not be enhancing their power by weakening workers' rights. I cannot think of a more important right than the right to vote, the right to a secret ballot, the right to make sure that your vote is cast, that it is counted, and that it counts. The authors of this bill suggest that we throw that away.

I will end with this story. We all had the opportunity—"all" meaning the entire world—to see the first free elections in Iraq in a number of decades. We saw people with purple fingers acknowledging the fact that they had risked their lives to travel to a polling place to cast a private ballot for a slate of candidates to elect their representatives.

In my office today is a ballot from one of those polling places in Iraq. It is framed next to a flag that a pilot, who patrolled over that polling site protecting those Iraqi people, brought back and was told by the Iraqis: Give this to a Member of the U.S. Senate who represents you and tell them how much it means to us.

If this is, in fact, how we see democracies emerge and the importance of an individual's right to vote, to elect their representatives, to decide their future, and yet we, the strongest democracy in the world, throw out private ballots, disregard this important piece of democracy because it is easy, if we neglect history and we forget what happened in 1930 and 1940 and why we changed it in 1947, and we fall prey to what seems easy, then what example do we set for the rest of the world? How hard will people fight in the future for democracy and freedom? Will people be willing to risk their lives when they see the ability to weigh in on who represents them? I seriously doubt it.

I think the worst example we can send to the world is that there is a piece of American democracy where private ballots are no longer needed, where we just disregard that part of the rights of the American people.

I am hopeful that tomorrow we will vote not to proceed, that this legislation will not be considered, and we can assure the American people we have protected their rights with the private ballots and not accept what is easy, and that is to throw it away.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today to also voice my opposition to the Employee Free Choice Act. It is a House bill which has been sent over to the Senate, H.R. 800. It is commonly referred to as the card check legislation. I am not concerned about the rights or about unions. I am not particularly concerned how the members of a union or how employees decide they want to organize. I am not concerned about corporations or businesses or how those businesses may decide they want to organize themselves. But what I am concerned about is the individual, and I am concerned about whether this is the best way to move forward in a democratic process where the individual is so very important. If we talk about a democratic process, we simply talk about free elections, which assures us the privacy of the ballot box.

My home State of Colorado continues to maintain a low unemployment rate, far below the national average. According to the Bureau of Labor Statistics, only 3.5 percent of Coloradans are currently unemployed. This is significant when compared to the national average of 4.5 percent. This is something about which Colorado should be proud to boast. This is the type of information businesses review when they mull over starting up or expanding in the great State of Colorado. This low unemployment rate is the result of Colorado's strong economy and highly productive workforce.

So when we consider the so-called and wildly misnamed Employee Free Choice Act, I know it threatens to turn the clock back on progress we have made. In fact, this is an issue which Colorado has already rejected. This year, our newly elected Democratic Governor vetoed an attempt to enact a similar measure into State law. That vetoed bill would have repealed the Colorado law requiring that once a company's employees approve a union, they have a second secret ballot vote on how dues will be assessed with a 75-percent supermajority required for approval.

Governor Ritter's vote put a stop to the rushed efforts by Democrats in the State legislature who tried to ram the bill through, not unlike those here today. Governor Ritter's efforts protected the 92 percent of Colorado workers who are not members of unions.

Union leaders responded to Governor Ritter's actions with threats to move the Democratic convention from Denver if they don't get their way. If unions are able to make such threats on State governments and State legislatures and State Governors, I question what keeps them from intimidating workers who choose not to join their labor organizations.

Similar rushed efforts are being made at the Federal level, hiding under the deceptive name of the Employee Free Choice Act. It is advertised as an effort to restore economic opportunity for working families. In fact, this legislation threatens the fundamental right of workers to hold democratic elections in the workplace. Private ballot elections would be replaced with publicly signed card check elections. This would invite coercion from both employers and union activists.

Secret ballots guarantee the confidentiality of an employee's wishes without fear of exploitation, ostracism, or retribution. Common sense tells us that if corporate intimidation was a problem, private elections would do more to protect the true wishes of the employee.

History recognizes this democratic system as suitable for electing America's leaders, including every Member of Congress who serves today. Workers deserve the same rights at work as they do when they cast their ballot on election day. Only private ballot elections ensure democracy in the workplace. Ask yourself: Do publicly signed cards reliably reveal a worker's true intentions? Workers should be able to express their true desire about joining a union without pressure or fear of reprisal. Just as undue employer pressure is unacceptable on an employee, so is union pressure.

We speak of big business, but most union elections over the past several years involve employers with less than 30 eligible employees. Compare that to the massive organization labor has built to advance its agenda.

What we are really talking about is big labor versus small business. Secret ballot elections, in my view, must be preserved, not eliminated. So I am asking my colleagues to join me and others in opposing the Employee Free Choice Act because, in my view, it is not about unions. It is not about corporations or big business. This is about the democratic process. It is about free elections and the privacy of the ballot box.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I would like to speak for a few minutes about a couple of bills that are going to be offered this week. There are two bills that probably make a good point about where we are as a Senate, and particularly I think where my Democratic colleagues are. We have one bill that takes away almost a sacred right of American workers, and then we have a second bill that will be offered tomorrow that gives new rights and benefits to non-Americans who came to this country illegally.

The first bill has been given lots of names today. I think it is S. 1041. Some call it card check. I call it the "Worker Intimidation Act." One of the most central parts of our whole free society, whether you are talking about local school board elections, elections to Congress, or where workers decide whether to become part of a union, has always been the secret ballot. The very fact that this Congress is considering eliminating that secret ballot should give all of us pause as to where we are as a country.

The very thought that we would call this in some way worker protection is amazing, and that we are saying this bill will somehow help unemployment in this country, when we know it would not. Unions have been declining for years in the private sector because, in an age of lean manufacturing, continuous quality improvement, and just-in-time inventories, it is becoming increasingly impossible to have a third-party decisionmaker involved in that whole process.

I spent years consulting for continuous quality improvement, and it is hard enough, with your customers and workers and your company, to figure out how to make that dynamic work profitably. But when a third party is involved with collective bargaining in decisions about how your operations work it is almost impossible to make a company competitive in this global economy.

We have seen in our own country the companies and industries we are proudest of—our auto industries, and we have seen it in the airlines where, basically, unionization and the union contracts have brought these companies either to bankruptcy or close to it.

There is a reason that unions are not prospering in the private sector. The only place they are prospering is in government. As the government grows, it doesn't have any competition. The inefficiencies are very well known, the incompetencies. Third-party decisionmaking does nothing but make us more and more inefficient and inept as a government, which we see in everything from Katrina to almost everything we do.

As we look at this other bill that we are going to bring up, where we add 128,000 new border agents who will be unionized and part of collective bargaining, we will continue to see dysfunction at the border. We are not helping workers when we take away their right to vote as to whether to become a union. We have heard a lot of explanations of what this bill does, but it is really a desperate attempt to try to salvage unionization and union bosses in this country. It is just not right to tell a worker they can be intimidated to join a union, and that is basically what it comes down to.

So I am here to encourage all my colleagues to vote this bill down tomorrow. I am very surprised the majority leader is even willing to bring it up.

That brings me to the second bill where, on one hand, we are willing to take rights away from American workers—and I think America is increasingly concerned as it sees our laws and justice system seeming to work against them. It seems to work for the criminals rather than the victims. It tends to take rights away from Americans and give them away and send our money overseas. I hear that from everyone I talk to. But one of the most emotionally charged issues of our day is this immigration bill, which many call the amnesty bill, that will also be brought up.

We all know there are millions of people all over the world who have been waiting years to come to this country and work legally, to be a part of this country and to share our values. At the same time, we also know for many years, millions and millions of folks have snuck in illegally and continue to be here to this day, and the bill we are talking about this week is going to reward those who came here illegally while basically putting at a disadvantage those who have been trying to work the system legally for years.

All of us in Congress have tried to help people for many years, whether it is to get their passports or green cards, to try to get their citizenship, or to help people who want to get visas to come here because industry needs them to come, and it is difficult working within this legal system. We make it so hard for people to come here legally, and we have made it easy for them to come here illegally.

We have talked about—during the debate today and we will a little more tomorrow—how back in 1986 we saw we had a problem with 2 or 3 million illegals who were here, and we passed a bill that was going to secure our borders and get a verifiable worker ID system, and we were going to grant amnesty to those who were here but then no more. We were just going to do it that once. But what we did was send a signal all over the world that if you can get here illegally, we are eventually going to make you legal. And so here we are again, except this time with 12 to 20 million illegals who have come to this country, breaking our laws as their first act of coming across our border.

This bill—and I know there are a lot of good intentions behind it—is holding hostage the reforms we need to secure our borders, to develop a workable immigration system. We are holding that part hostage, which we really need, to this whole idea of amnesty. They are telling those of us who want to make a system that works to get in the guest workers our farmers and hotel operators need, to get in the skilled workers in our high-tech industries, that in order to do that and to develop an enforcement system to make that work, we have to give 12 million people who came here illegally permanent residency and a pathway to citizenship.

I don't buy that grand bargain, and I don't think America has either. In fact, I know America hasn't. Our offices have had thousands of calls from all over the country from people who are desperate and wondering why we are not willing to enforce our laws. And what would make them think we are going to enforce this new law if we have not even shown an inclination to enforce the laws that have already been passed—not just in 1986 but last year we passed a stronger border enforcement bill than is in this current amnesty bill. Yet we have done very little to move ahead with it. We are holding it hostage to this brand-new amnesty program.

It is not fair to Americans because the American worker will have to pay for this in their taxes. We know these illegals who are here are going to continue to use government services: health care, and emergency rooms, free education for children, day care, free lunch programs, housing programs, and eventually Social Security and Medicare. We don't even know how we are going to keep these promises to our own citizens. Yet we are being asked to give permanent legal residency and a path to citizenship to those who came here illegally.

Tomorrow, we are going to bring up two bills. One is to take away a right of American workers to a secret ballot when it comes to whether they are unionized. The second is to give new benefits and rights to millions of people who disobeyed our laws, who came to this country illegally, and who jumped in front of those trying to obey our laws. Both bills should be voted down.

I encourage my colleagues to respond to the American people on this one, to show them we can listen, that we are not as callous as we appear. Their concerns go far beyond just this immigration bill or this secret ballot bill. They believe they are being sold out. They think they are being betrayed. They think we are just moving from whim to whim in the Senate, and we are refusing to go by the rule of law and enforce the laws we have actually passed in Congress. They are concerned at a level and alienated at a level I have never seen.

At a time when the trust and favorable ratings of Congress and the President are at historical lows, we have chosen to stick down the throats of the American people legislation they do not trust and they do not want.

I appeal to the President. I appeal to the leaders on the Democratic side and the Republican side to take this a step at a time and allow us to earn the trust of the American people, to show them that we will enforce our laws and secure our borders, to show them we will follow through on a worker ID program that is verifiable so we will know who is legal and who is not. And if we develop a legal immigration system that works, then the decisions about what to do with the illegals who are here will become easy because we will have a workable system we can work with.

To vote for the bill, the motion to proceed tomorrow on this immigration bill, is a vote to pass it. Every Senator here knows, regardless of how this bill ends up, that there are 51 Senators who will vote for it. So moving this bill along tomorrow by voting for this cloture motion to proceed is voting to pass this bill.

I have heard some say: I am going to vote for the motion to proceed, but I will vote against the bill. America will see through it because they are looking at this one. We did the same thing last week on the Energy bill, where some folks said: Well, I am going to vote for the cloture motion, but I am going to vote against the bill, when they knew if they helped pass cloture they were passing the bill. The same is happening with this immigration bill. There are some who think the American people will not notice they pushed this bill all the way to final vote. Even if they vote against the final bill, they voted to pass it.

Tomorrow will reveal who wants to listen, who is going to listen to the American people, by voting against this cloture motion to proceed. This bill has come up and been voted down three times already in the last month. It is unprecedented in Congress after a failure of that magnitude to bring a bill back in a couple of weeks and try to stuff it down the American people's throats again.

This is the wrong bill. It is a flawed bill. It is the wrong time to ask the American people to trust Congress when we have not proven to be trustworthy in the past. We need to take this a step at a time, and we need to stop this cloture motion tomorrow. I encourage my colleagues to listen to the American people, to vote against the elimination of a secret ballot for unions, and to vote against the amnesty bill that will follow it tomorrow.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I want to share some thoughts about immigration and the situation in which we currently find ourselves and offer a bit perspective, I think fairly, on where we are.

We are the world's most free nation and are having one of the strongest periods of economic growth—maybe our strongest ever. Billions of people all over the world, however, are in poverty and live in countries that are corrupt and backward. One expert has said that all would live a better life if they came to the United States. I think that is a true fact.

We are indeed a nation of immigrants, and that heritage has caused us to continue one of the most generous legal immigration systems of any nation in the world. I submit, however, that immigration policy is an issue of national sovereignty, as Canada, Mexico, Spain, Japan, England—all nations understand and respect. This is an acknowledged fact. I chaired the Mexican-American Senate Interparliamentary Group for 2 years. We talked about those things. Everybody understands setting immigration policy is your nation's prerogative.

It is amazing to me that our majority leader—in this case, our Democratic leader—will use the power of first recognition to call up an immigration bill again, just two weeks after the American people have basically rejected it. In fact, the polling numbers show that support for the Senate bill is dropping further and further. He then will use, I understand, an unprecedented, never-before-used procedure that would block amendments. This is the so-called clay pigeon procedure others have described. He will file a first degree amendment, and then file a second degree to it to fill the tree, so no other second-degree or unapproved amendments will be allowed votes. He will divide his own second degree into 20 or so amendments and then work every procedural trick in the book to ensure that the underlying bill and its

20 hand picked amendments move the legislation through this Senate as fast as possible. The mandarins who are managing this piece of legislation want it out of here. They don't want any more calls from their constituents. They don't want any more talk show people explaining some of the things that are in it. They want it off their plate. Good policy? Well, they say, that is for another day. We just want the bill out of here.

Well, the opposition to this bill is gaining momentum. Thoughtful Senators who wanted to vote for something are analyzing the fine print of the bill and realizing that the "vision" bill supporters describe is not supported by the text. Senators are announcing that they will be voting no. Senators who participated in the debates and wanted to vote for something and hoped to be able to vote for this bill after examining it in more detail are indicating that they are going to vote against it.

It is quite clear that the same special interest forces who produced the 1986 bill are the ones who worked behind the scenes to produce this one. It was produced in secret meetings of politicians without any public hearings. It did not go through a single committee markup. But you can be sure the activist open border immigration forces, and the business interests, were having their voices heard in these meetings. Does anybody doubt that? What about the American public? Were they in the room? Were their opinions sought after? What about experts in law enforcement, were their opinions sought after? I suggest not.

The mandarins, in their faux wisdom, treated this as a political problem that could be solved by compromise. We have to pass something, they said. That was the mantra. So in the end it seems that passing something means passing anything, regardless of whether, in the end, it will work to end illegality or establish good policies that will serve our long-term national interest.

This Senator will never support a bill that will fail as spectacularly as the 1986 legislation failed. I have to tell my colleagues, my best judgment, and we looked at this hard, is that this one will fail. Even the Congressional Budget Office, our investigative analysis arm, in its June 4—just a few weeks ago—cost estimate, says that illegality after the passage of this bill would be reduced a mere 13 percent. Mr. President, 8.7 million illegal aliens would be expected over the 20-year period instead of 10 million under current law. That is what their estimate is.

So our masters—and I say that affectionately; I call them masters of the universe. These are good friends and good Senators. They have tried to do something. They got it in their head that if they just all met and they just put out the realpolitik and they worked out the political deals and split the babies and all this, they could do a bill that served America's interests. I watched with interest. I thought some of the things they said they wanted to accomplish were good improvements over last year's bill. But I have to tell you, I don't believe it worked. I don't believe they got there.

They don't want to pay attention to those of us who question what they have done, you see. They believe they are wonderful and bright and thoughtful and love America and are compassionate. The rest of us, they say you see, we are nativists. They say we just oppose immigration—despite the fact that we don't oppose immigration. They say we don't like immigrants. They say we don't have courage. How many times have I heard that? You have to have courage to vote for this turkey, I guess. That is supposed to be something that would be good. But sometimes I think hanging in here and opposing the machinery of this process takes a little gumption on the part of those of us who oppose it.

They say we do not believe in immigration or we lack compassion. I want to reject those charges flatout. They are false. I believe in immigration. I believe in a guest worker program. But I want a guest worker program that will work, will not be an avenue of expanded illegality, as the CBO said this one will.

In fact, because of the guest worker program, the Congressional Budget Office has said visa overstays, those people who come in legally but do not go home when they are supposed to, will increase under this bill, not decrease.

I thought we were supposed to be fixing illegality not enhancing illegality. So I wish to say to my colleagues, first, it is indisputable that the passage of this bill will not create a lawful system of immigration. This bill does not live up to their promises. Our good friends the masters came out of their secret meeting, and they announced they had fixed immigration; they announced that they had a comprehensive plan that is going to fix immigration, and that we are finally going to end this illegality.

But their own Congressional Budget Office that responds to them, that responds to the Democratic leaders, Senator REID or Speaker PELOSI, it is pretty much a nonpartisan group, but they are under the control of the Congress. This group under the control of the Congress says it will not work, says visa overstays will increase and the net impact on illegal immigration only be to reduce illegal immigration by 13 percent.

Now, I consider that one event so significant, so earth shaking, that I cannot see how the Majority Leader could still take up this legislation and jam it down the throat of this Senate through an unprecedented procedure to pass it, especially when the American people do not like it either.

So it will not create a lawful system. We can be sure of that. We felt that when we analyzed it. My chief counsel, Cindy Hayden, and others looked at it, we found loophole after loophole. I made a speech of about 20 loopholes that were in the legislation. There were many more than the specific 20 I talked about. But we knew it was not going to be an effective law enforcement bill. It was not going to secure the border. So what does the CBO say? They agreed with our analysis.

Secondly, what else is fundamentally in here? The legislation fails to move to a merit-based system and, in fact, triples low-skilled and chain migration over the next 8 years. The promise was made that the bill would move us to a system more like Canada has, which makes so much sense; a system that Canada is very proud of. They believe it serves the Canadian interest.

They still have the same number of refugees and humanitarian immigrants that they always did, but they have—with regard to the rest of their immigration policy—reached a point where 60 percent of the people who enter into Canada have to come through a point system. If you are admitted and come in, you can bring your wife and children, but to do that, you basically have to first demonstrate that you can contribute to Canada.

One of the things they gave you points for, in an objective evaluation, is education. We know that if an immigrant has had any college courses, they do much better economically. They ask if you speak English or French. You get extra points if you do that.

You even get extra points if you are younger. You get extra points if you have skills Canada needs. They even give you points if you move to areas of Canada that are underpopulated and have a particular job shortage.

That is the way the deal works. They promised we would have that in this legislation. That was part of the announcement. But when you read the fine print, you see that was eroded away in the political compromise. The bill's merit based system will not have any substantial effect until 8 years after this date. So I don't know what will happen in 8 years. You never know. But we would like to see this kind of thing in the bill.

I congratulate the people who produced it, that they began to discuss it because last year it was not even discussed. I talked about it on the floor repeatedly. I asked how we could debate comprehensive immigration reform and nobody even ask what they are doing in Canada. So they put the Canadian system in here. But it is so weak that it is a great disappointment.

Well, I indicated that illegal immigration would only drop 13 percent.

What about the proposal for legal immigration on the legislation? Well, it is going to go up 100 percent. Legal immigration will double in the next 20 years.

Now we have looked at the numbers. I think this is indisputable. We will have twice as many people getting legal permanent residence over the next 20 years as we would under current law. I am not sure when the average citizen listened to our colleagues and they announced on that big day, the grand bargain, that we were talking about a proposal that would hardly limit legal immigration at all and would double legal immigration, I don't think that is what they had in mind when comprehensive reform was discussed.

What about cost? The Congressional Budget Office dealt with that issue. They have to score legislation. Well, what does the cost factor say? Under the CBO analysis, the cost to the taxpayers of the United States—now I wanted to make this clear, this is not for border enforcement, Border Patrol acts, barriers or anything such as that—this is costs that will be incurred by the recipients of amnesty, who will be given amnesty under this bill, because all of a sudden they will be entitled to welfare, Medicare, and other types of tax credits and other types of benefits.

They concluded this legislation will add to the taxpayers of America an additional $25 billion in cost over the next 10 years. They have admitted, without any hesitation, those costs will greatly increase in the outyears, because the way this thing is staggered, people's benefits do not come immediately. But as the years go by, they are entitled to more welfare and social benefits.

So they have admitted we are going to have an increase significantly in the future because, in fact, the persons who are here illegally, for the most part, have little education. Approximately half, maybe even more, do not have a high school diploma at all, and their skill levels are low.

We have statics and scientific data on that. I am not disparaging anyone. I respect anyone who works hard and wants to come to America and work hard. I respect that. But I can say with certainty these are basically low-wage workers that are going to be legalized.

My fifth point is, that the way the bill is written, it will reduce the wages of working Americans. We bring in more cotton in this country, the price of cotton goes down. You bring in more iron ore, the price of iron ore goes down. If you reduce the amount of oil coming into the country, the price of oil goes up. You bring in more laborers, the price of labor goes down.

I would submit that if one of the charges I have made out of these five is true, this legislation should be pulled from the floor; it should not become law. But I am going to take a few moments now to demonstrate, I believe with hard evidence, all of these charges are true. The legislation, in effect, will not end the unlawfulness of our current system and will shift the balance against American workers and create another amnesty that will encourage even more illegals in the future.

The effect will be to continue the erosion of confidence by the American people in Congress, and in the Government overall, which is at an all time low, virtually. I am not sure since I have been in the Senate, we have such a large number of people who believe this country is on the wrong track.

I have to believe, and experts have told me, that their distrust and dissatisfaction over immigration is a big part of the way, the cause of this cynicism. Let me take some points here, one by one.

Will this grand bargain we are presented with create an honest, legal, fair system for the future? The answer is no. That was our conclusion after we studied the bill. But let's look at what others might say. I mentioned the CBO study. They said specifically that the bill would limit the amount of illegal flow across our border by 25 percent but would increase illegal visa overstays significantly.

The net result was only a 13-percent reduction in illegals, from 10 million illegals projected to come into our country under current law over the next 10 years, to 8.7 illegals coming in over the next 10 years. That is a 13-percent reduction only. That is not good enough. We should be at the 80, 90 percent of increased lawfulness. Aren't we trying to create a system of law?

I was a Federal prosecutor for 15 years, 12 years as U.S. attorney. This is not acceptable. People come to America because they believe we are a Nation of laws: their rights will be protected. I happened to be at a birthday party reception for a friend of mine. A lady from England there came up to me and she said: I hope you stand up for this. She had a distinct British accent. She said: I thought you ought to play right by the law and people shouldn't come in illegally. I tried to do the right thing.

Well, what about others? What do they say? What experts are out there who know something about immigration? What do they think of this bill? What about Border Patrol officers, people who carry out their daily responsibilities to enforce the border, who have lived with this illegality for so long? They are real experts. I assure you they were not in the meeting with the masters of the universe when they crafted this legislation.

They know what is happening. A group of them, a prominent group of retired Border Patrol officers held a press conference at the National Press Club on June 4. Their purpose was to express their opinion about the legislation. I have to tell you, their opinions are not a pretty sight. I am going to quote from them and show you what they said; not what this Senator said but what they said.

Hugh Brien, the former Chief of the Border Patrol from 1986 to 1989, after the 1986 failed bill became law—He was appointed by former President George H.W. Bush. He is himself an immigrant to America. He came here as a young man. This is what he had to say about the bill. It is, he said:

> A complete betrayal of the Nation.

Is that harsh? It was his job. That is what he said about it. He went on to say:

> It is a slap in the face.

To the millions who came here legally, such as the lady I met today, such as a lady from India who was written up in the Montgomery Advertiser, I believe, yesterday, who talked about having to hire a lawyer and filing all of the paperwork and taking several years, but she was proud to be here legally, and she did not appreciate people coming illegally, or such as the lady I met at a funeral not long ago who had come into this country after a number of years who said: I hope you make the law enforced for everybody equally; I did it right.

Now don't tell me that when you ignore law there are no consequences. In a real sense, as my experience as a prosecutor says, when you don't enforce the law, you make chumps of the guys who do it right, and when you provide benefits to those who cheat, it is not a good thing for a Nation who respects its legal system.

What else did Mr. Hugh Brien, former head of the Border Patrol say? He said:

> It is a sell-out.

He went on to note that in 1986, when this same debate was occurring and he was about to take office as the head of the immigration system, and these are the words he used—it is not funny, he said: Our masters, our mandarins, promised us their bill would work. These are tough words, but these are people who are entitled to express them. They are not my words.

Powerful politicians who are unaware of the reality of what it takes to actually create a legal enforcement system without experience in these matters have arrogantly cut a political deal and they have cut one, unfortunately, that doesn't work. I guess that is not too far from the definition of a mandarin.

Mr. Hugh Brien added these final important words:

> Based on my experience, it's a disaster.

He has the experience to say so. He was charged with enforcing the 1986 immigration law which proved to be a disaster and he did, as chief of the Border Patrol from 1986 to 1989.

What about the national chairman of the Association of Former Border Patrol Agents, Kent Lundgren. This is what he had to say. He had some harsh words, too. With regard to the promise that the system will do 24-hour background checks, he said, after studying the bill, there are "no meaningful criminal or terrorist checks" in the bill. That is a bad thing. We have been told this bill will make us safer. He says there are no meaningful criminal or terrorist checks in the bill. He knows how the system works and how this 24-hour check will occur. He is scoring the screening procedure set forth in the bill saying "the screening will not happen, period." He added: "There's no way records can be done in 24 hours."

As to the promise that this bill will work, he concluded—these are not my words; he is presently the associational head of the former Border Patrol Officers, the national president: "Congress is lying about it."

On a separate issue, the provision that allows gang members, even members of the very violent international MS–13 gang, to become lawful permanent residents if they check a box to renounce their gang membership, he said, "What planet are they from," talking about us. Why would our colleagues write a bill that allowed for this?

These are real views, harsh views of a man who led the border patrol association and had a press conference a few weeks ago to express deep concern.

Another one at the press conference was Jim Dorsey, a former Border Patrol agent, who served 30 years. He served as inspector general with the Department of Justice. He was promoted up from the Border Patrol, which is a part of the Department of Justice, to the Department of Justice, and was given responsibility to investigate serious allegations of corruption. That is quite a responsible position to be chosen for that as investigator. He had these things to say: "The 24-hour check is a recipe for disaster."

As to the overall legislation, Mr. Dorsey said at the National Press Club: "I call it the al-Qaida dream bill."

Roger Brandemuehl, chief of the Border Patrol from 1980 to 1986 under President Reagan—this is another chief of the Border Patrol for 6 years under President Reagan—he said: "We have fallen into a quagmire." He added: "The so-called comprehensive reform is neither comprehensive nor reform. It's flawed."

What about the current Border Patrol Association, the Border Patrol union? It is not just the retired patrol officers who oppose the bill; the current ones do as well. In May, the National Border Patrol Council, affiliated with the AFL–CIO, sent out a press release titled "Senate Immigration Reform Compromise is a Raw Deal for America." These are the people who are out doing it every day. The press release stated:

> Every person who has ever risked their life securing our boarders is extremely disheartened to see some of our elected representatives once again waving the white flag on issues of illegal immigration and border security. Rewarding criminal behavior has never induced anyone to abide by the law, and there's no reason to believe that the outcome will be any different in this case.

I spent the better part of my professional career as a prosecutor. If you make it clear that you are not going to enforce laws, people assume the laws won't be enforced. In fact, when law enforcement officers don't enforce the law, they de facto wipe out legislative actions and eviscerate policy. You have to enforce the laws.

He goes on to say:

> Passage of time has proven the 1986 amnesty to be a mistake of colossal proportions. Instead of wiping the slate clean, it spurred a dramatic increase in illegal immigration.

He goes on:

> Rather than the meaningless triggers of the additional personnel and barriers outlined in the compromise, Americans must insist that border security be measured in absolute terms.

That is a strong, crystal-clear condemnation of this act by the officers whose lives are on the line this very moment on our border trying to enforce our laws. Are we going to listen to them? Or are we going to listen to our mandarins, our masters meeting in secret, who plopped a bill down here, 700 pages long, that they say will make the system work? I wish it would. I even had hopes this spring, and I said so publicly. I was hoping they might make real progress. But I am afraid we haven't. Talk to the experts. Talk to CBO.

This is a another very significant, but discrete issue that I believe we should think about, and it is a weakness I had not fully comprehended until I read a piece in the Washington Times by Michael Cutler on June 21. He also participated in a press conference, a different one than the Border Patrol one, at the National Press Club on June 19. The event focused on the grave threat to national security the immigration bill represents. Mr. Cutler authored an op-ed in the Washington Times last Friday entitled "Immigration Bill Is a No Go" that focused on security issues raised by the bill. People are going to be invited to come in who are here illegally, give their name and so forth, and within 24 hours they will be receiving a legal status in the country, a probationary visa. It will soon be converted into this Z visa that people will have, but immediately within 24 hours, they will be provided that, unless something shows up of a serious nature in their background. But as these experts have told us, it is not possible to do a very effective check in 24 hours, as you can imagine. Even though you can do a computer run, it still has great weaknesses in it. So he focuses on this whole issue and says this:

> If a person lies about his or her identity and has never been fingerprinted anywhere in our country, what will enable the bureaucrats at the USCIS—

that is the agency that will be handing out the immigration benefits—

> to know the person's true identity? If the adjudicators simply run a fictitious identity through a computerized database, they will simply find the name has no connection to any criminal or terrorist watch lists.

I am quoting him now.

> What is the true value? Remember, we are talking about a false name.

Let me continue quoting:

> There is absolutely no way this program would have even a shred of integrity and the identity documents that would be given these millions of illegal aliens would enable every one of them to receive a driver's license, Social Security card, and other such official identity documents in a false name.
>
> Undoubtedly, terrorists would be among those applying to participate in this ill-conceived program. They would then be able to open bank accounts and obtain credit cards in that same false name. Finally, these cards would enable these aliens to board airliners and trains even if their true names appear on all of the various terrorist watch lists and "no fly" lists. That is why I have come to refer to this legislation as the "Terrorist Assistance and Facilitation Act of 2007."

There has been a lot of talk in this Senate about Mexico's consulates throughout the United States issuing matricula cards and that these matricula cards are given based on documents that nobody knows for sure how good they are. Therefore, the cards they have are not really guaranteed to be a valid identity, but they are being utilized around the country as legitimate identification. What Mr. Cutler says is the identification documents we will be giving out under this bill will not be any better than matricula cards. It is going to prove nothing more than what the person said to get the card. He may come here, be one of those people who planned to hijack our airplanes and crash them on 9/11. Several of them were apprehended by state and local police. But, under this act, unless we had their fingerprints on record—and I am sure none of those fingerprints were on record—they would be given an official ID from the United States government, giving them complete freedom to go anywhere in the country.

That is why he calls it "the Terrorist Assistance and Facilitation Act of 2007." That is a very serious professional criticism of a core part of this legislation.

How about this? Mr. Kris Kobach, a former Department of Justice attorney under Attorney General Ashcroft and a specialist on terrorism and immigration, agrees with Mr. Cutler. He posted an article on the Heritage Foundation

Web site titled "The Senate Immigration Bill, a National Security Nightmare." The article states:

> The bill will make it easier for alien terrorists to operate in the United States by allowing them to create fraudulent identities with ease.

Wow, is that a charge? Should we be hell bent to go forward tomorrow and move on to a bill that the American people reject and that could be called a terrorist dream bill that would actually allow and make it easier for terrorists to obtain fraudulent identity in this country?

Mr. Kobach, a fine lawyer, now professor, goes on to write:

> Supporters of the Senate's comprehensive immigration reform bill have revived it under the guise of national security. However, the new public relations campaign is a farce. The bill offers alien terrorists a new pathway to obtain legal status which will make it easier for them to carry out deadly attacks against American citizens. The top priority in this bill is extending amnesty as quickly and easily as possible to as many illegal aliens as possible. The cost of doing so is to jeopardize national security.

That is a statement from a former Assistant Attorney General of the United States of America charged with these kinds of issues, now a professor.

Well, we know this: We know the sheriffs along the border have absolutely been in an uproar over our failure to back them up in their efforts to create a lawful border. Is anybody listening to them? The truth is, the Senate bill is not going to stop illegal immigration or even substantially reduce it. According to the Congressional Budget Office, the new Senate bill will only reduce net annual illegal immigration by 13 percent. There will be additional visa overstays: 550,000 by 2017 and up to 1 million 10 years later, according to the CBO.

Now, I mentioned that it promised, at the beginning, a move to a more merit-based point system for evaluating those applying for citizenship instead of the much-criticized chain migration policy we now have. The Canadians have adopted such a policy, after a very careful study over a period of years, and they are very happy with it. I talked to the head of the Canadian immigration system—Monte Goldburg—about it. He said they are very happy with it. They would like to take it even further toward a merit-based system than the current law by which they now admit 60 percent of the immigrants in their country based on a competitive skills-based system.

But, unfortunately, the bill fails to meet this goal. For the next 8 years—almost a decade—instead of moving to a merit-based system and ending the chain-based system, chain migration will increase. After that, merit admissions will reach just more than one-third of all immigrants entering our country. So we will continue this system that, in effect, favors lack of education and low-skill workers, and denies entry to those who have higher skills, education, speak English, and have college degrees.

How does that chain migration work? You see, if you are here, you got amnesty last time, or if you came here legally, you are then allowed to bring your wife and children. I think we should always have that. So I am not opposing wives and children. But under current law, you are allowed to also immigrate your parents, and your brothers and your sisters. You can bring a brother, and the brother can bring his wife and their children; and your sister, likewise. These would come based on their family connection only and not based on any skills they might offer to our country. So I am worried about that. I do not think we have accomplished a large enough move in the direction the drafters indicated they would. I thank them for at least dealing with the issue this year, which was not dealt with last year.

This is very important—very, very important. I will just say, you see, it is a zero-sum game. We cannot admit everybody who would like to be an American citizen. That is a fundamental principle. That is a fundamental principle. In the year 2000, 11 million people applied for the 50,000 lottery slots. There are 50,000 slots in America where they draw your name out of a hat. You send your name in, they put it in there, and they draw the names. Mr. President, 11 million applied. That gives an indication of how many people would like to come to America.

So if you have an overall cap on how many people can come legally and you are allowing parents and brothers and sisters—without any reference to whether they have any skills or not—then you are denying slots to people. Let's say two people apply from Honduras. One was valedictorian of his high school class. He wants to come to America and learn English. He has 2 years of college and technical training. That person applies. Another one is a brother of somebody who is in the United States. That brother maybe does not have a high school diploma, maybe is basically illiterate even in the language of which he was raised. Who is going to get in? The brother gets in and denies, therefore, a slot, an entry right to somebody who has a better chance, statistically speaking, of flourishing in the great American experience.

So I do not think it is a harsh thing for America to say: If you leave your community and you come to America and we agree to allow you to be an American citizen, what obligation do we, then, have to you to say you get to bring your parents and your brothers and sisters, whether or not they will provide and be able to be successful in America?

I just do not get it. I think the country has a right to say: Let's have people compete for those slots, and the best persons—the ones who are likely to prosper the most and be most successful—ought to be the ones who get the benefits.

My fine staff people, Cindy Hayden and Jenny Lee, have examined the details of this legislation. They have consulted others and concluded that over the next 20 years the law will provide twice as many persons with legal permanent status in our country as we would under current law. I do not believe the American people understand this. I do not believe they think that is what reform is about.

Of course, as I noted, illegal immigration is not going to go down but 13 percent. So I would pose this question to my colleagues: How can you call this a "grand bargain"? It is more like a Faustian one, to me. Just like in 1986, there is a grant of amnesty to virtually everyone here—no illegal alien left behind, and a lack of enforcement.

In fact, this amnesty will be another incentive for illegals to believe they will be given amnesty in the future once again. Indeed, no one has promised to not give amnesty again. I thought a most interesting speech—I happened to catch it—was by CHUCK GRASSLEY, the Senator from Iowa, who was here in 1986. He said he is not supporting this bill. He said: I was here in 1986, and everybody said this is a one-time amnesty. It will not happen again. We are going to fix this system. Trust us.

Of course, we did not fix the system, and they gave 3 million people amnesty then. Now we are looking at 12 million. But the key thing in Senator GRASSLEY's speech that I thought went to the core of what we are about and why we ought to have a pause here is, he said: Nobody has come on this floor and said we won't give amnesty again in the future. He said: You will not hear them say it. Why? Because we moved into a pattern of ignoring the law and not enforcing it.

What about costs? You have heard the talk: If given amnesty, our illegal population will pay taxes. They are hard working. This will help America. It will help increase our population. The Medicare and Social Security systems are in long-term jeopardy. These new workers will help us save Medicare and Social Security.

You have heard those arguments. I have to tell you, I wish that were true. I even myself thought it might be several years ago. But the fact is, nothing could be further from the truth. Out of 12 million people who would be given amnesty—I call it amnesty. Different people have different words. It is not a loaded question to me. I have said repeatedly that persons who are here unlawfully now, who came here wrongly, who have been here a number of years, who have worked hard, who have obeyed the law, have children, perhaps, deep roots in our society—I do not think we can ask all those people to leave. I am not asking for that to be a part of my proposal to fix immigration. But when you give people an absolute status, I guess I think amnesty is a fair word for it.

My personal view is we should never, ever, after 1986, give people who come to our country illegally all the benefits we give to people who come to our country legally. That is my view of it. We will make a mistake if we do it again this time. But some sort of lawful process where people can stay and be legal and not have these burdens—for those who have earned it and done well—I am willing to accept it. But of the 12 million who are here, half do not have a high school diploma. Most have lower skills. They overwhelmingly are lower income workers. They will immediately be treated like green card holders—legal permanent residents—and be entitled to all the benefits that low-income American workers get, which are paid for by the U.S. taxpayers. As low-income workers, they will pay little, if any, income taxes—we know that—while gaining the child tax credit for their children, food stamps, subsidized housing, education, and health care at our emergency rooms.

So in one part of the analyses, the Congressional Budget Office adds up all these numbers, and they conclude that the cost over the next 10 years to the taxpayers of this country—not including enforcement, fences, border patrol, all that stuff; just the cost from legalizing those who are here illegally—will be over $30 billion.

Now, with my amendment I offered to delay the earned-income tax credit payments to illegal immigrants who are here, and to delay it until at least they became a legal permanent resident, we would reduce that to maybe $25 billion. That passed by a narrow margin, which I was pleased to have passed, but all the rest of the benefits are there, so we are looking at perhaps a $25 billion net drain on the U.S. Treasury, according to the Congressional Budget Office. They admit it will be much greater in the future.

In the outyears, the costs will increase because the way the bill is written, certain benefits are not made available initially to those who are given legal status, but their benefits will increase in the years to come. How much will those increases be? When asked if it would be a substantial increase in the future, the Congressional Budget Office—which did not score beyond the 10 years—said certainly, absolutely, it would be a substantial increase.

One institution has looked at this figure: the Heritage Foundation. The Heritage Foundation's senior fellow, Robert Rector, has spent months on this very issue. He used the best available statistics in calculating the costs to the American Government—State, Federal, and local treasuries—of amnesty. It is a picture that I think, as responsible legislators, as representatives of our own constituents, we have to think about, we have to acknowledge. The number he came up with is so large that many people have just tried to dismiss it without any thought. But Robert Rector is one of the foremost experts in this country on welfare and social programs. He was the architect of the welfare reform President Clinton vetoed two or three times and finally signed and took credit for for the rest of his tenure. How wonderful it was. It did work exceedingly well. Mr. Rector's analysis cannot be lightly dismissed. He concludes that the cost to Federal, State, and local governments from just retirement of the 12 million to their death would be $2.6 trillion.

It is clear any short-term benefit—whatever the exact number is out there, whatever the exact number is—any short-term benefit provided to American businesses who would enjoy these low-skilled workers would be more than offset by the lifetime costs of tax credits, welfare, food stamps, Social Security, Medicaid, and Medicare that will be picked up by the American public—the taxpayers.

Mr. Rector said: "This is a fiscal disaster."

Finally, I believe this legislation, because it will not reduce illegal immigration and will double—only a 13-percent reduction—and will double legal immigration, will put even more stress than we currently have on working middle-class Americans. It will have a tendency to pull down wages of American workers. That is their asset: their labor. But workers are more than a mere asset; they are human beings. They are created with inalienable rights, according to our Declaration, and they are citizens who are the ultimate shareholders of America. Citizenship carries responsibilities for them and for us. We pay taxes. We serve in the military to the point of giving our lives for our country.

I have talked to a lot of mamas and fathers in the last several years who have had their sons—middle-class Americans who are serving our country in Iraq and Afghanistan who have lost their lives in service to our country.

We have an obligation to obey the law. We accept court rulings even if they are silly and absurd. That is what we do. We grumble, but we follow what the court says. We obey laws passed by this Congress, whether we like them or not, whether they make sense or not. That is the responsibility of citizenship in this Nation we have inherited.

Those of us now in Congress I submit have an obligation to those dutiful citizens who serve every day doing the right thing. We owe them something. One thing we owe them is consistent and fair application and enforcement of the law. Another is to make sure those who do the right thing are rewarded or allowed to prosper and those who do not are disadvantaged. This is the definition of a morally ordered society. We are a community of people, voluntarily bound together in many ways. It is the uniqueness of America. It is our strength. But do not ever doubt that that moral order, that proper balance, can be eroded if we are irresponsible in this body. It can even be lost.

Labor is more than barrels of oil, tons of iron ore, bales of cotton, or kilowatts of electricity. Our workers are our citizens, created beings of infinite worth. They have every right to expect, to demand, that their elected representatives protect their interests, their country's legitimate national interests, not just what might be seen as an immediate benefit to that abstraction we might refer to as "the economy."

So I believe in immigration. I support immigration. I do not want to end it. I support an effective temporary worker program. But let's tell the truth about immigration and wages in this country. The elites are doing very well in this boom period, corporations are making record profits, but what about our citizens of this Republic who are less skilled? What have their wages done?

We have had a series of witnesses, including Dr. Chiswick from the University of Illinois. We had Professor Borjas of the Kennedy School at Harvard. We had Alan Tonnel at a Senate hearing. We had a hearing and all of them testified and all of them agreed that large numbers of immigrants are, in fact, reducing wages of American citizens.

I left this Senate Chamber Friday after talking about this issue, and I mentioned wages. I went out, and right on the corner there was a gentleman with a homemade cardboard sign. He had white hair and gray in his beard.

I said: Well, what brings you here?

He said: Well, I wanted to come up and have my say about this immigration bill. He told me he was a master carpenter and that he was from Melbourne, FL, and that in the 1990s he made $75,000 a year. He said he can hardly stay in business today because of the large flow of immigrant workers that has pulled down his ability to have the kind of income he would like.

Now, some may think that is too much money for a carpenter. I don't, not if he works hard and not if he is good. Don't think there are not millions of Americans who have given their lives to developing a skill and a craft and that, in the blink of an eye, can be made less valuable by an unwise, ineffective, inappropriate immigration policy.

So there is a lot we need to think about as we debate this bill. I am absolutely convinced it will not do what it promises, and what it will do may be adverse to our country. I am very worried about it. There is no reason whatsoever in the face of overwhelming public opposition that we should be bringing it up, and there is no reason whatsoever that the majority leader should be utilizing this clay pigeon procedure which, apparently, he will execute tomorrow, that will allow us to vote only on the amendments he chooses and to craft this procedure for handling this bill to minimize to the *n*th degree the amount of time we have available to debate it. I think that is a mistake. I object to that and urge my colleagues to vote tomorrow not to proceed to the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. DURBIN. Madam President, before making my closing procedural remarks and turning the floor over to the Senator from Indiana, I would like to use morning business for a brief moment to respond to the Senator from Alabama.

Our views on the immigration issue are much different. I happen to believe the current immigration system is a disaster. It is unfair to the people of America to allow 800,000 or more undocumented people to come into our country each year, three-fourths of whom will remain in our country, as they have over the last 20 years.

Today there are about 12 million undocumented people. We have to stop the flow of undocumented across the border. The underlying immigration bill focuses on enforcement. The version that will be before us this week for the very first time invests $4 billion in enforcement. Those who argue we need to have stronger borders instead of broken borders, those who argue we should have enforcement in the workplace, should support this bill. It creates the laws and the tools to do that.

I might also add I don't believe the procedural arguments are valid. First, let me say this bill has been on the floor pending, available for scrutiny for weeks—4 weeks, 5 weeks, at least. Anyone who argues they haven't had a chance to look at this bill, it isn't for lack of opportunity, as everyone should for a bill of this consequence.

The second argument that somehow this process we are about to embark upon is so unusual as to be unfair, what the Senator failed to note is that the amendments which will be considered this week are an agreed-upon list of amendments on a bipartisan basis. Democratic leaders, Republican leaders came together and are offering over 20 amendments which will be debated on and considered this week. There are amendments offered by Senators who are going to oppose this bill no matter what it says and amendments offered by those who support it.

There will be ample opportunity for more debate on a bill that has already been debated for weeks—a bill which has been subjected to almost 40 amendments. I think most people understand the gravity of this bill, the importance of this bill, and the complexity of this bill. It is the effort of the majority leader, HARRY REID, to finally bring this matter to closure and a vote.

There are some, who for a variety of different reasons, oppose this bill who have said: We will do everything within our power to stop this matter from coming to a vote. That is their right as Senators in this Chamber. It is the right of those who want to bring it to a vote to use the rules for their purposes. That is the nature of this body. That is what the Senate is all about. So I think it will be a fair process.

At the end of the week, we will have considered this bill in its entirety and subjected it to amendment and debate. That is what the Senate should be about, and that is what this bill is concerned with.

SUPREME COURT RULING

Mr. McCONNELL. Mr. President, 6 years ago I took to this floor to express the view that any campaign finance law must be written within the boundaries of the first amendment. It states:

> Congress shall make no law, respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

This very amendment adorns the facade of the yet-to-open Newseum a few blocks from here on Pennsylvania Avenue—a building constructed, both philosophically and physically, upon the cornerstone of our first amendment rights.

Today the U.S. Supreme Court decided that the U.S. Congress went too far 5 years ago in legislating restrictions on First Amendment rights. In its ruling this morning in Wisconsin Right to Life vs. FEC, the Court righted that wrong.

It took an important first step toward restoring the rights of organizations to petition the government and members of Congress.

The court rejected an intent-and-effect test for advertisements and instead went with a susceptible of no other reasonable interpretation than an appeal to vote for or against a candidate.

However, and most importantly, in a debatable case the tie is resolved in favor of protecting speech.

As the Chief Justice noted in his decision for the majority:

> Where the First Amendment is implicated, the tie goes to the speaker, not the censor:

It is fitting that this opinion should come down as we approach the Fourth of July recess, when we return home to celebrate those freedoms for which our forefathers fought and died.

What better tribute to their efforts than the affirmation of our right—not just ability—but right of freedom to speech and the right to petition the government for a redress of grievances.

This afternoon, we will witness our new colleague from Wyoming be sworn, reminding us of the oath we all took upon election to this body to, "Preserve, protect and defend the Constitution of the United States of America."

Chief Justice Roberts summed up this case and, in fact, the entire campaign finance debate so well that I would like to close with his words. He wrote:

> These cases are about political speech. The importance of the cases to speech and debate on public policy issues is reflected in the number of diverse organizations that have joined in supporting Wisconsin Right to Life before this Court: the American Civil Liberties Union, the National Rifle Association, the American Federation of Labor and Congress of Industrial Organizations, the Chamber of Commerce of the United States of America, Focus on the Family, the Coalition of Public Charities, the Cato Institute, and many others.

In his closing paragraph, the Chief Justice reminded us what lies at the heart of this issue. After quoting the language of the first amendment, he wrote:

> The Framers' actual words put these cases in proper perspective. Our jurisprudence over the past 216 years has rejected an absolutist interpretation of those words, but when it comes to drawing difficult lines in the area of pure political speech—between what is protected and what the Government can ban—it is worth recalling the language we are applying: when it comes to defining what speech qualifies as the functional equivalent of express advocacy subject to such a ban—the issue we do have to decide-we give the benefit of the doubt to speech, not censorship. The First Amendment's command that "Congress shall make no law . . . abridging the freedom of speech" demands at least that.

It is a good day for the first amendment.

I yield the floor.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, last week, pursuant to section 309 of S. Con.

Res. 21, I filed revisions to S. Con. Res. 21, the 2008 Budget Resolution. Those revisions were made for Senate amendment No. 1704, an amendment pending to Senate amendment No. 1502, an amendment in the nature of a substitute to H.R. 6, the energy bill.

The Senate did not adopt Senate amendment No. 1704. As a consequence, I am further revising the 2008 Budget Resolution and the adjustments made last week pursuant to section 309 to the aggregates and the allocation provided to the Senate Energy and Natural Resources Committee for Senate amendment No. 1704.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	$1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.348
FY 2008	2,495.957
FY 2009	2,517.006
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,719.054
(3) Budget Outlays	
FY 2007	2,299.749
FY 2008	2,468.215
FY 2009	2,565.589
FY 2010	2.599.173
FY 2011	2,691.657
FY 2012	2.703.260

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION

[in billions of dollars]

Current Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	$5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,636
FY 2008 Outlays	5,322
FY 2008–2012 Budget Authority	29,583
FY 2008–2012 Outlays	28,475
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−565
FY 2008 Outlays	−565
FY 2008–2012 Budget Authority	−3,745
FY 2008–2012 Outlays	−3,745
Revised Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5.016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,071
FY 2008 Outlays	4,757
FY 2008–2012 Budget Authority	25,838
FY 2008–2012 Outlays	24,730

REMEMBERING SENATOR CRAIG THOMAS

Mr. VOINOVICH. Mr. President, all of us in the Senate will miss Craig Thomas. I got to know Craig when we both served on the Senate Ethics Committee. During that time, I came to admire him as a wonderful human being, a man of character and integrity, and someone who spoke plainly on how he felt about things.

I also admired Craig for speaking up in policy lunch and at the steering committee on so many occasions. He always got to the nub of the problem and never failed to tell it just as he saw it. On many occasions, I sensed he had a great frustration with the system, but he stayed in there and was an encouragement to many.

When he got sick, Janet and I put him on our prayer list. I also looked at some health care alternatives for him in Cleveland, but he felt he had great care at the Bethesda Naval Hospital. The last time I saw him, he looked like the old Craig, full of vim and vigor. We were shocked when we heard of his passing. It is said that it is not the number of years one lives that counts but what one does with those years that matters. We will all miss Craig but know that he is in heaven with our father eternally happy.

POSITIVE ENERGY DIRECTION

Mr. FEINGOLD. Mr. President, last week this body passed energy legislation that finally sets the U.S. energy policy in a new, positive direction. In 2005, I opposed the Energy bill because it did not establish a sound and fiscally responsible energy policy. The Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 will help wean the United States of oil dependence, encourage the development of renewable energy, and promote energy efficiency, and I was pleased to support it.

The bill includes many important provisions. A renewable fuel standard of 36 billion gallons of renewable fuel by 2022 will help spur the development of advanced fuels such as cellulosic ethanol, which holds a lot of promise for my home State of Wisconsin. The bill also includes anti-price gouging language, based on Senator CANTWELL's bill that I cosponsored, to protect consumers from price gouging by sellers and distributors of oil, gasoline, or petroleum distillates during natural disasters and abnormal market disruptions.

The bill also includes a proposal of mine that supports local renewable energy—an issue I am committed to advancing and hear a lot about during the listening sessions I annually hold in every county of Wisconsin. My amendment, cosponsored by Senators SANDERS and MENENDEZ, guarantees that a new energy and environmental block grant program would provide resources to cities and counties nationwide to reduce fossil fuel emissions, reduce energy use, and improve energy efficiency while ensuring these improvements do not harm the environment and retain the benefits of activities within the local community, such as encouraging local or cooperative ownership of bioenergy efforts.

Our Nation's addiction to oil poses a significant threat to our economy, our security, and our environment. The Federal Government should allow and encourage State and local governments to improve their energy policies while creating opportunities for rural Americans to produce and benefit from renewable energy. My amendment is based on my larger effort to increase opportunities for rural America outlined in my Rural Opportunities Act. Introduced in February 2007, the Rural Opportunities Act helps sustain and strengthen rural economies for the future and create more opportunities in rural communities. A crucial component of the bill is ensuring that the potential benefits from domestic renewable energy are gained in an environmentally responsible manner that benefits local communities.

During debate on this important bill, I also supported several efforts to improve it. I was pleased to cosponsor several successful amendments including one offered by the senior Senator from Wisconsin, Mr. KOHL, to make oil-producing and exporting cartels illegal, and make colluding oil-producing nations liable in U.S. court for violations of antitrust law. I also cosponsored the amendment from the Senator from Colorado, Mr. SALAZAR, that states the sense of Congress that America's agricultural, forestry, and working lands should provide 25 percent of the total energy consumed in the United States from renewable sources by the year 2025 while continuing to produce safe, abundant, and affordable food, feed, and fiber.

I supported an amendment offered by the Senator from Indiana, Mr. BAYH, that sets aggressive targets for reducing oil consumption by 10,000 billion barrels a day by 2030. The language is simple—it sets our goal, and we have to figure out how to get there. We are a country of innovators. Whether it is wind, solar, biodiesel, or a technology we still have not dreamed of yet, we can—and we must—break our addiction to oil. This bold, aggressive amendment can help ensure that we meet our goal of real energy independence and security.

Any plan to move away from our dependence on oil needs to address fuel efficiency standards for our vehicles. In the last few years, I have joined a majority of my Senate colleagues in supporting legislation requiring the administration to increase fuel efficiency, but we have so far been unsuccessful in getting this requirement enacted. I supported a proposal from several of my colleagues, including Senators PRYOR and LEVIN, that was crafted to increase fuel efficiency standards substantially without jeopardizing the jobs of many hard-working Wisconsinites. It is unfortunate this amendment was never offered. I will be following the House and Senate conference closely to ensure that the final bill strikes the right balance on this issue.

I am also disappointed that the Senate was unable to muster the necessary votes to overcome Republican objections to a tax package reported by the Finance Committee that would boost energy efficiency and renewable energy programs. The cost of these new or extended tax incentives was fully offset. It is also unfortunate that the Senate could not once again pass a renewable portfolio standard to ensure that all States' utilities are producing a minimum percentage of renewable energy. My home State of Wisconsin is one of about 20 States that currently have such a standard, but a Federal standard would help level the playing field.

It is encouraging, however, that the Senate soundly rejected proposals to mandate the use of and direct Federal money to develop coal-to-liquid facilities. Private investors have not been willing to invest in this technology in the United States because of significant capital costs and risks, not to mention the unproven technology to capture and store greenhouse gas emissions.

Energy security is an important issue for America and one which my Wisconsin constituents take very seriously. I am pleased this bill rejects the efforts of some of my colleagues to insist on drilling for oil and gas in the Arctic National Wildlife Refuge. Drilling in the Arctic National Wildlife Refuge would sacrifice one of America's greatest natural treasures for a supply of oil that would not significantly enhance our energy security. The supply of oil in the Arctic Refuge may not last more than a year, would not be available for many years to come, and would decrease gas prices by only a penny when the Refuge is at its highest rate of production. Drilling in the Arctic Refuge does nothing to address the immediate need of the Federal Government to respond to fluctuations in gas prices and help expand refining capacity. Those who offer the Refuge as the solution to our need for energy independence are pointing us in the wrong direction.

This year's Energy bill finally moves past this misguided debate and other fiscally and environmentally irresponsible proposals. The United States is at an important juncture. By supporting the Energy bill, I am supporting a new direction for our Nation's energy policy: one that encourages renewable energy, conservation of the resources we have, and American innovation.

HONORING OUR ARMED FORCES

STAFF SERGEANT ROY P. LEWSADER, JR.

Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude, I honor the life of a brave soldier from Clinton. Roy P. Lewsader, Jr., 36 years old, was killed on June 16 while deployed in Tarin Kowt, Afghanistan, when a rocket-propelled grenade detonated near his vehicle. With a promising future ahead of him, Roy risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Roy was killed while serving his country in Operation Enduring Freedom, his second tour of duty in the ongoing war against terrorism. He was assigned to the 1st Brigade, 1st Infantry Division, stationed in Fort Riley, KS.

Today, I join Roy's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Roy, a memory that will burn brightly during these continuing days of conflict and grief.

Roy was known for his dedication to his family and his love of country. Today and always, Roy will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Roy's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Roy's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Roy P. Lewsader, Jr. in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Roy's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Roy.

TRIBUTE TO ROBERT E. STURM

Mr. HARKIN. Mr. President, at the end of this week Robert E. Sturm will retire following a long and distinguished career of exemplary service to the U.S. Senate, most recently as chief clerk of the Committee on Agriculture, Nutrition and Forestry. We could not have had a more capable, conscientious and dedicated chief clerk for these many years. More important, though, we will miss Bob's friendly helpfulness to each member of our committee, to all of the staff who work on and with our committee and to the many members of the public who follow the work of our committee.

Bob Sturm began his service to the Senate 33 years ago in 1974, shortly after graduating from college, as a mail room clerk for Senator Birch Bayh of Bob's home State of Indiana. He served as mailroom clerk and mailroom manager for Senators Dick Clark of Iowa, Donald Stewart of Alabama, and Russell B. Long of Louisiana. For 2 years he was an office systems consultant for the Senate Computer Center where he assisted 18 Senate offices and helped lay the groundwork for today's Senate-wide computer network.

Bob served as Senator PATRICK LEAHY's office manager before he became the financial clerk and systems administrator for the Committee on Agriculture, Nutrition and Forestry in 1987, when Senator LEAHY became chairman. Bob was promoted to chief clerk for the committee under Chairman DICK LUGAR in 1995 and has held the position under several succeeding chairmen. Of course, I was pleased have Bob continue as chief clerk when I became chairman in 2001. He then continued in that position when Senator COCHRAN and Senator CHAMBLISS chaired the committee and when I once again became chairman earlier this year. It is a tremendous testament to Bob's abilities, professionalism and dedication that he has served as chief clerk for such a number of chairmen of both parties.

For all of these years, we could always count on Bob to take care of all types and any number of details to make sure our committee functioned smoothly. He took responsibility for everything from stocking supplies, to covering the front office, to troubleshooting the computer system, to handling the whole range of committee finances, rules and legislative documents and reports. Bob starts the day early and on many occasions, without hesitation, has stayed late into the night, or even overnight, to do what needed to be done. Thanks to this high level of dedication, we could always be sure that the paperwork and other details were in order for hearings and committee meetings. Also, of special note, Bob very successfully oversaw the recent renovation of our beautiful committee hearing room in the Russell Building.

Former Senator Margaret Chase Smith of Maine once said, "Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the Nation." Those words perfectly capture the extraordinary dedication of Bob Sturm.

We all congratulate Bob on the milestone of his retirement from the Senate. I also thank him for all of his great work and express my gratitude for his friendship and invaluable help to all of us over the years. I am but one of many who wish Bob all the best, with many years of health and happiness, as he begins this new phase in life.

ADDITIONAL STATEMENTS

NATIONAL GRASSLANDS WEEK

• Mr. DOMENICI. Mr. President, while many may not know, last week was National Grasslands Week. I would like to join Secretary Johannes and the U.S. Department of Agriculture to celebrate and recognize the legacy represented by the establishment and maintenance of our national grasslands and to honor all of the individuals that have worked so diligently over the years to preserve New Mexico's precious grassland ecosystem.

In my home State of New Mexico we enjoy the luxury of hosting two officially designated national grassland areas. Those are the Kiowa and the Rita Blanca National Grasslands. These grassland reserves, located near the towns of Clayton and Roy, in the northeastern part of the State, are chartered under the Cibola National Forest System. They are both ongoing ecosystem restoration projects that were implemented following the Dust Bowl in the 1930s.

While the Kiowa and Rita Blanca National Grasslands started as a means to preserve the environment and wildlife, they are rich in cultural significance as well. The lands were once inhabited by a number of Native-American tribes, including the Comanche, Kiowa, and Kiowa-Apaches. They were nomadic tribes whose culture depended heavily on hunting Buffalo and gathering food from the areas vast array of native plants. The area also plays a significant part in the history of the Wild West as the Homestead Act of 1862 brought thousands of settlers out West, many of which settle in the grasslands of eastern New Mexico. They contain over 100 individual grazing permits, which incorporate the use of a wide variety of grazing management techniques, a large range of piñon-juniper management programs, which includes prescribed burning and mechanical treatment along with a personal use fuel wood program, and many active partnerships with State and local governments, and other entities such as Quail Unlimited and New Mexico State University's Clayton Livestock Research Center.

The National Grasslands of northeastern New Mexico provide thousands of acres of wildlife habitat, livestock forage and even serve as centers for recreation and clean energy initiatives. The Kiowa and Rita Blanca National Grasslands also attract many visitors who get to see firsthand the biological wealth, culture, and heritage the grasslands preserve and maintain. Visitors can participate in a wide range of activities like camping, picnicking, fishing, and wildlife viewing and get a taste of our western heritage.

The New Mexico's Grasslands provide a place of peace, quiet, and beautiful sunsets. Next time you are in my home State, I invite and encourage you to visit these great places in northeast New Mexico. I commend USDA, which has managed public grasslands to meet the needs of the American people for over seven decades, and salute the staff of the Cibola National Forest and the people of New Mexico who work so hard to help administer these grasslands in a way to maintain and preserve sustainable use.•

HONORING COACH TERRY HOEPPNER

• Mr. BAYH. Mr. President, today Senator LUGAR and I, with heavy hearts, honor the life of a great Hoosier from Woodburn, IN, Terry Hoeppner. Coach Hoeppner died last week after battling brain cancer for several years.

He graduated from Franklin College in 1969. After graduation, he began his career as a coach, spending time coaching high school football in Indiana, South Carolina, and Alabama until he was hired by his alma mater's football program in 1980.

He was the defensive coordinator for 6 years at Franklin College until he was hired by Miami University in Oxford, OH. He spent 13 years as an assistant coach until 1999, when he was promoted to head football coach, a position he held for 6 years.

Coach Hoeppner came to Indiana University in 2004 as the new head football coach and brought with him a new energy to Bloomington. At his first press conference, he stated that, "Our goals are simple—100 percent graduation rate, and the Rose Bowl. We will shoot for perfection, and we can settle for excellence."

In March, doctors were forced to hold Coach Hoeppner out of spring practices, and on June 19, 2007, he finally succumbed to the disease. He is survived by his wife, Jane; his children, Drew, Amy, and Allison; and his grandchildren, Tucker, Spencer, Tate, and Quinn.

Coach Hoeppner was held in high esteem by both colleagues and former players. Pat Fitzgerald, Northwestern University football coach said, "He was one of the great role models in our coaching profession."

Ben Roethlisberger, Pittsburgh Steelers quarterback, who played for Hoeppner at Miami said, "He has been a second father, a teacher and a friend. He believed in me and I owe everything to him for where I am in life. I hold the deepest love and respect for him, his wife Jane, and their family. He has been a role model for so many young men. I aspire to be as honorable and touch as many lives as Coach Hep. I will miss him more than words can describe."

It is our sad duty to add the name of Terry Hoeppner in the official record of the Senate for the role he played in the lives of so many young athletes. May God grant strength and peace to those who mourn.•

HONORING POLICE OFFICER FRANK C. DENZINGER

• Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude I honor the life of a dedicated police officer from Indiana. Frank Denzinger, 32 years old, died on June 18, 2007, from a gunshot wound he suffered in the line of duty as a Floyd County sheriff's deputy. Frank risked his life, every day, to serve and protect Hoosiers in order to make Indiana a better place.

Frank was a good man and was well loved by the Floyd County community. He was best known for his devotion to his family as a loyal father, husband, son, and brother. He was a loving husband to Tara, who said their 2-year-old daughter, Avery, was his "pride and joy." He is also survived by his parents Frank W. and Patricia, as well as his sisters, Sara Rowe and Amy Cook.

Frank was a graduate of Floyd Central High School, and also graduated with honors from Vincennes University and Eastern Kentucky University. He was a 4-year veteran of the Floyd County Sheriff's Department. The former Floyd County Sheriff who hired him, Randy Hubbard, described him as being an "excellent, high-quality" deputy, who was always willing to lend a hand to families, "helping them work out problems, little things."

Frank's last action was one of incredible heroism. After being shot in the back, he pushed a woman out of the line of fire and into safety. This final act of bravery not only encompassed his dedication to his job and duty to protect, but also illustrated his extraordinary character. His friend and fellow deputy, Jeff Firkins, said, "He was a hero to the end. He took every care to make sure everybody else was safe. He was a great person and he had a heart of gold."

Today, I join Frank's family and friends in mourning his death. While we struggle to bear sorrow over this loss, we can also take pride in the example he set, bravely serving to make America a safer place. It is his heroism and strength of character that people will remember when they think of Frank, a memory that will burn brightly during these continuing days of conflict and grief.

When I think about Frank's profound commitment to protect and the pain that accompanies the unjust loss of this outstanding officer, I hope that some comfort can be brought to all the loved ones Frank left behind through the words of Peter 3:14, "but even if you should suffer for what is right, you are blessed." Both Frank's final heroic act, as well as his everyday lifestyle, epitomized doing what is right. May God be with all of you who mourn this tragic loss, as I know He is with Frank.

It is my sad duty to enter the name of Frank C. Denzinger in the official record of the United States Senate for his service to the State of Indiana and the United States of America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the appropriate committees.

(The nomination and withdrawal received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions, and referred as indicated:

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, without amendment:

S. 1686. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–89).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. SPECTER):

S. 1685. A bill to reduce the sentencing disparity between powder and crack cocaine violations, and to provide increased emphasis on aggravating factors relating to the seriousness of the offense and the culpability of the offender; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1686. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. KENNEDY, and Mr. CASEY):

S. 1687. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

By Mr. CASEY:

S. 1688. A bill to amend title 10, United States Code, to extend the time limit for the use of education assistance by members of the Selected Reserve and members of the reserve component supporting contingency operations and certain other operations; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1689. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. BENNETT):

S. 1690. A bill to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER:

S. 1691. A bill to amend title 18, United States Code, to restrict the public display on the Internet of all or any portion of social security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. BAYH, Mrs. CLINTON, Mr. ISAKSON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MURKOWSKI, and Mr. VITTER):

S. 1692. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 253. A resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. REED):

S. Res. 254. A resolution supporting efforts for increased healthy living for childhood cancer survivors; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was withdrawn as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 479

At the request of Mr. HARKIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 1011

At the request of Mr. BIDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1011, a bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1163

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1163, a bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1266

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1266, a bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1346

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1346, a bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1519

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1519, a bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Colorado

(Mr. SALAZAR) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1621

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1681

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 12

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S.J. Res. 12, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 222

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 222, a resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month.

At the request of Mrs. CLINTON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 222, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. SPECTER):

S. 1685. A bill to reduce the sentencing disparity between powder and crack cocaine violations, and to provide increased emphasis on aggravating factors relating to the seriousness of the offense and the culpability of the offender; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce S. 1685, the Fairness in Drug Sentencing Act of 2007. I am joined in this effort by my colleagues, Senators KENNEDY, FEINSTEIN, and SPECTER. This bipartisan, balanced effort will adjust the existing statutory ratio for cocaine sentencing to craft a more rational and effective sentencing policy. I must underscore that this bill continues to offer significant penalties for drug dealers and ensures that those who continue to peddle dangerous substances in our communities will endure harsh consequences for their destructive choices; at the same time, though, S. 1685 rectifies a longstanding disparity in cocaine sentencing that should have been fixed two decades ago.

Some background might be appropriate for my colleagues at this point. In 1986, Congress enacted the anti-drug abuse law to address the growing problem of drug use in our country. This legislation created the basic framework of statutory mandatory minimum penalties which are currently applicable to Federal drug trafficking offenses.

The law differentiated between powder and crack cocaine by establishing significantly higher penalties for crack cocaine offenses. It is likely this was done based on assumptions that crack cocaine was considered more dangerous and had increased levels of violence associated with its usage. Based on these assumptions, the law provided for quantity-based penalties which differed dramatically between the two forms of cocaine. Under that law, the current law, it takes 100 times more powder cocaine than crack cocaine to trigger the same 5- and 10-year mandatory minimum sentences. This penalty structure is referred to as the "100 to 1 drug ratio."

Over the last decade, public officials, lawmakers, interest groups, criminal justice practitioners, and judges have all criticized and questioned the fairness and practicality of the Federal sentencing policy for cocaine offenses created by the 1986 law. This 100-to-1 ratio is widely viewed as an unjustifiable disparity. Crack and powder cocaine are pharmacologically the same drug, and although the level of violence associated with crack is higher, it does not warrant such an extreme sentencing disparity.

It should also be noted that during the negotiations in 1986 that produced the 100-to-1 ratio law, a bill was introduced at the request of President Reagan which represented the Reagan administration's views on drug policy. This bill was described as the "culmination" of President Reagan's efforts in his commitment to fight drug abuse. The Reagan legislation utilized the same quantity of crack cocaine necessary to trigger a 5-year mandatory minimum as what is called for in the legislation we are introducing today, reducing the sentencing disparity to a 20-to-1 ratio.

While many individuals can disagree on what the appropriate ratio should be, I am completely comfortable recommending the same amount previously requested by President Reagan. I supported his proposed 20-to-1 ratio in 1986, and I support this same ratio today.

Many organizations share our concern, and the U.S. Sentencing Commission has advocated that Congress reduce the sentencing disparity on four different occasions between 1995 and 2007. The Commission has conducted a voluminous amount of research on this topic. This research has led to many conclusions by the Commission, including that the current penalties exaggerate the relative harmfulness of crack, sweep too broadly and apply most often to lower level offenders, and fail to provide adequate proportionality.

The Fairness in Drug Sentencing Act continues to recognize that crack and powder cocaine are not coequal in their destructive effects. On the contrary, the five-fold reduction in the crack-powder ratio corrects the unjustifiable disparity, while appropriately reflecting the greater harm to our citizens and communities posed by crack cocaine.

This legislation also seeks to emphasize the defendant's role in the crime and will require the U.S. Sentencing Commission to examine sentencing enhancements for all Federal drug violations, including methamphetamine. The Commission's examination should include appropriate sentencing enhancements for offenders who brandished a weapon, sold to minors or pregnant women, sold drugs near schools, were involved in the importation of the illegal drugs into our country, or have previous felony drug trafficking convictions.

Finding ways to reduce drug crime is not and should not be a partisan issue. All individuals involved in this process have tried to design a blueprint to curb the spread of drug trafficking and abuse. An easy, straightforward blueprint has unfortunately proven to be elusive. Since the 1970s, Congress has been working to improve Federal sentencing policy and has routinely made necessary changes to make our sentencing structure more just and effective. The bill we introduce today seeks to remedy mistakes of the past and will provide a rational and just sentencing schedule while continuing to reflect the fundamental and befitting goals of the criminal justice system.

Mr. KENNEDY. Mr. President, I am pleased to join Senator HATCH in support of this important legislation to reduce the difference in sentencing between crack and powder cocaine. It is important to ameliorate harsh drug laws that have discriminatory consequences.

The Sentencing Reform Act was enacted over 20 years ago to reduce unwarranted disparities and assure proportionality in punishment. Instead, the severity of crack-cocaine sentencing has had a harsh impact on low-income and African-American communities and has undermined public confidence in the fairness of the criminal justice system. Unfair sentencing feeds the perception that the criminal justice system unjustly targets the poor and minority communities.

The crack powder laws were intended to punish those at the highest levels of the illegal drug trade, such as traffickers and kingpins. But the low amount needed to trigger the harsh sentences is not associated with high-level drug dealing. As the Sentencing Commission reported in 2005, only 15 percent of Federal cocaine traffickers were high-level dealers. The overwhelming majority of defendants were low-level participants, such as street dealers, lookouts, or couriers. Harsh sentencing in such cases has only a limited impact on the drug trade because they involve low level offenders who are not at the top of the drug chain. The mass incarceration resulting from these sentences has done nothing to decrease drug use. Recent data indicate that such use has actually increased over time.

When these laws were enacted, there was widespread belief in the extraordinary dangers of crack cocaine. It was viewed as highly addictive and likely to cause violent behavior. We know much more about crack cocaine now than we did 20 years ago. The rationale that crack is more dangerous or more addictive than powder is not supported by research. In fact, research has demonstrated that the effects of crack cocaine are much like the effects of powder cocaine.

Medical experts have determined that the pharmacological effects of crack were overstated. They found that crack use doesn't incite violent behavior. As with other drugs, the violence is related to the distribution of the drug.

Changes in the drug market have also called the 100-to-1 ratio into question. Demand for crack cocaine by new users has decreased significantly, and the violence associated with crack cocaine has declined. How can Congress continue to support a policy it knows is flawed? Changes are long overdue and will be an important step in reducing the disparity that plagues drug sentencing policies.

Under the current sentencing laws, the statutory ratio for powder and crack cocaine is 100 to 1. One gram of crack cocaine triggers the same penalty as 100 grams of powder cocaine. Possession of 5 grams of crack triggers a 5-year mandatory minimum penalty. It is the only drug with a mandatory prison sentence for a first-time possession offense. This disparity results from an early attempt by the Commission to incorporate congressionally mandated minimum penalties into the guidelines, even though such harsh mandatory minimums are completely inconsistent with the structure and goals of the Sentencing Reform Act.

Judges, experts, and practitioners in the Federal criminal justice system have long opposed mandatory minimums on the ground that they undermine the goals of the Sentencing Reform Act by creating unwarranted disparities, subjecting defendants with different levels of culpability to the same punishment, and adding another unnecessary layer of complexity to the sentencing process.

In its 2002 report, as well as an updated report to Congress in May, the commission has repeatedly recognized that the 100-to-1 ratio exaggerates the relative harm of crack cocaine and creates unwarranted disparities that are correlated with race and class. With a new sense of urgency, the Commission continues to call on Congress to eliminate the 100-to-1 ratio.

Senator HATCH's legislation takes two important steps toward this goal. It reduces the ratio from 100-to-1 to 20-to-1, and it eliminates the mandatory minimum sentence of 5 years for first-time possession. Under the new sentencing scheme proposed by this legislation, the amount of crack cocaine triggering a mandatory minimum sentence would be raised from 5 grams to 25 grams, an amount that targets the more serious traffickers. This change will make cocaine laws more consistent with the penalty structure for other types of drugs that require much greater amounts to trigger a mandatory minimum. For heroin and marijuana, it is 100 grams. Even for methamphetamine, the triggering amount is 10 grams. Congress must take action to support the recommendations of the Sentencing Commission.

Changing the ratio will also provide important benefits to the criminal justice system as a whole. The Sentencing Commission estimates that the 20-to-1 ratio could save over 3,000 prison beds in the Federal system over a 5-year period, with millions of dollars in savings each year. Resources for prosecution could also be redirected toward more serious drug offenders, whose prosecution may actually make a difference in drug trafficking. Adjusting the ratio will also help to restore public confidence and fairness in the criminal justice system. Currently, 5,000 people are convicted under the Federal crack cocaine laws every year. The Sentencing Commission recently proposed amended guidelines for crack cocaine by reducing sentencing ranges, a change that will affect 78 percent of Federal defendants. The commission's proposed amendment to the guideline will result in an average sentence reduction of 16 months.

Drug abuse and addiction are increasingly being recognized as public health issues, not just as crime problems. More resources must be directed at breaking the cycle of drug addiction, which often leads to involvement in crimes. More resources must also be directed toward drug courts, which provide nonviolent drug offenders with treatment, not punishment. We are currently working to reauthorize SAMSHA to improve substance abuse treatment, since punishment and incarceration only address one part of the overall drug problem.

The commission recognizes, however, that its efforts are only a partial step to eliminate unwarranted disparities in the Federal crack powder laws. It has strongly urged Congress to address the problems with the 100-to-1 ratio. It is important for us to move forward on this issue without any effort to raise penalties for powder cocaine. Current law provides for 5-year and 10-year mandatory minimum sentences for offenses involving, respectively, 500 and 5000 grams of powder cocaine. There is no evidence that existing powder-cocaine penalties are too low.

Our goal is to return to the original intent of these laws and direct our limited resources to arresting and prosecuting high level drug traffickers. Our harshest punishments should be reserved for those who truly deserve them.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. KENNEDY, and Mr. CASEY):

S. 1687. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, many have called the 20th Century "the American century." The 21st Century will be one, too, provided that we understand and act on a new reality: that global interactions make each country, even the U.S., more dependent upon others. Nowhere is this more striking than in our battle against emerging infectious diseases and bioterrorism. Whether we like it or not, the very security of our Nation depends upon the capability of nations in remote regions to contain epidemics before they spread.

Today, I am introducing the Global Pathogen Surveillance Act of 2007. I am very pleased to have as original cosponsors Senator HAGEL, who is an esteemed colleague on the Foreign Relations Committee, and Senator KENNEDY, who chairs the HELP Committee. Each of these gentlemen also cosponsored earlier versions of this bill. Also cosponsoring this bill is one of my fine new colleagues on the Foreign Relations Committee, Senator CASEY.

Our action today is timely, as there is still time to prevent bioterrorist attacks on the U.S. It is urgent, because the disease surveillance capabilities in foreign countries that this act will promote are vitally needed to protect our country against not only bioterrorism, but also natural diseases such as avian influenza, which threatens to become the greatest pandemic since at least 1918. And it is long overdue, as this bill was first passed by the Senate in 2001 and was again passed in 2005. All of us hope that the third time will be the charm.

The purpose of this bill is to bolster the ability of developing countries to detect, identify and report disease outbreaks, with particular attention to outbreaks that could be the result of terrorist activity. My concern, as Chairman of the Senate Foreign Relations Committee, is that today, the many deficiencies in the capability of developing nations to track and contain disease epidemics are the equivalent of cracks in a levee. Right now, when the epidemiological "big one" hits, whether it is a natural outbreak or a terrorist attack, the world simply won't be able to respond in time.

The odds of a major bioterrorism event are very low, but they are hardly zero. In 2001, the American news media, the U.S. Postal Service and this United States Senate learned first-hand what it is like to receive deadly pathogens in the mail. To this day, we do not know whether the murderous anthrax letters were just a criminal act or actually a bioterrorist attack. But we surely know that neither our military power nor our economic wealth or geographical distance affords us immunity from the risk that a deranged person or group will visit biological destruction upon us.

The odds of a major outbreak of a new, but natural, disease are much higher, and the possible consequences, while variable, are truly frightening. At the high end, an avian flu pandemic similar to the Spanish flu of 1918 could kill many millions of people and threaten social cohesion everywhere, including in the U.S. Viruses and other pathogens respect no borders. Increased contact between humans and animals, coupled with vastly increased travel of goods and people, has made it possible for a new and distant outbreak to become a sudden threat to every continent.

The SARS epidemic was a good example of this. Now the world watches nervously as avian flu spreads westward from Asia, occasionally striking poultry flocks in Europe and Africa. We wonder when it will reach the Western Hemisphere and whether, or when, it will mutate into a disease that is readily transmitted between humans, who lack any immunity to it.

Last month, a man with extensively drug-resistant tuberculosis, or XDRTB, flew across one ocean, twice, and drove across several national borders, reminding us how readily a disease can be spread in the modern world. We dodged a bullet this time; XDRTB is especially difficult to treat, but does not spread as readily as influenza or some other diseases. Authorities knew who the disease vector was, moreover, and they knew what he had. The risk with avian flu or a bioterrorism attack is heightened by the likelihood that the disease will spread before anybody even knows it's here.

As if that were not enough, recent advances in biotechnology that open the door to new cures for diseases could also lead to the development of new diseases, or new strains of old ones, with much greater virulence than in the past or with the ability to resist our current vaccines or medicines. Such man-made diseases have already been developed by accident, and there is a clear risk of their being developed on purpose.

The U.S., and this Senate, have acted to address the twin threats of bioterrorism and new pathogens. We enacted the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, introduced by Senators Frist and KENNEDY, to buttress the ability of U.S. public health institutions to deal with a bioterrorism emergency. In 2004 we enacted the Project BioShield Act to spur the development of new vaccines and medicines.

The Centers for Disease Control has a program to put electronic surveillance systems in 8 American cities as the cornerstone of an eventual national network. Delaware is developing the first State-wide, electronic reporting system for infectious diseases, which will serve as a prototype for other States. And the Department of Health and Human Services funded a 3-year, $5.4 million program, early warning infectious disease surveillance, to assist the Government of Mexico to improve its disease surveillance capabilities near the U.S. border. Other funds were provided to U.S. States on the Mexican border.

But these efforts, as vital as they are, address the threats of disease and bioterrorism only when they are inside our house or on our doorstep. We must lift our eyes and look farther, to the places around the world where diseases and terrorism so often breed. We must battle bioterrorism not just at home, but also in those countries where lax governance and the lack of public health resources could permit both strange groups and stranger diseases to get a foothold and to get out of hand. We must not treat the threat of a massive biological pandemic the way we treated the threat of a category 5 hurricane striking New Orleans. If we do not prepare to combat realistic, once-in-a-century threats, then we will be left again to pick up the pieces after enduring massive physical and social harm.

There are precedents in current programs, moreover, for promoting disease surveillance as a means to lessen the risk of bioterrorism. For example, our programs to find useful careers for former Soviet biological weapons scientists, under the leadership of the State Department's Office of Cooperative Threat Reduction, currently fund the disease surveillance activities of anti-plague institutes in six states of the former Soviet Union, which had a major pathogen surveillance program ever since tsarist days. The Department of Defense also has programs with former Soviet scientists, as well as overseas laboratories that work with doctors in developing countries.

We need to build on those programs. We must create a world-wide disease surveillance capability that matches that of the old anti-plague institutes. We must help the rest of the world gain the capability to detect, contain, and report on disease outbreaks in a timely manner, and especially to spot outbreaks that may be the result of biological terrorism.

Part of the answer to the threat of new natural diseases is to stockpile vaccines and medicines, and the means to deliver them quickly. But rapid detection and identification of an outbreak is equally necessary, wherever it occurs. Only disease surveillance can give us the lead time to manufacture vaccines and enable the world community to help control a disease outbreak where it initially occurs.

In 2005, two sets of researchers reported in the journals Nature and Science that, based on computer simulations, if an outbreak of human-to-human-transmitted avian flu occurred in a rural part of Southeast Asia, it might be possible to stem that dangerous epidemic by using anti-viral drugs to treat the tens of thousands of people who might have been exposed in the initial outbreak. One key requirement, however, was that the outbreak would have to be discovered, identified and reported very quickly; in one study, the assumption was that countermeasures were instituted when only 30 people had observable symptoms. That is a tall order for any country's disease surveillance system, let alone a poorly equipped one.

The National Intelligence Council, NIC, reported in January 2000 that developing nations in Africa and Asia have only rudimentary systems, at best, for disease surveillance. They lack sufficient trained personnel and laboratory equipment, and especially the modern communications equipment that is needed for speedy analysis and reporting of disease outbreaks. The NIC estimated that it would take at least a decade to create an effective world-wide disease surveillance system.

According to an August 2001 report by the General Accounting Office, World Health Organization officials said that more than 60 percent of laboratory equipment in developing countries was either outdated or nonfunctioning, and that the vast majority of national personnel were not familiar with quality assurance principles for handling and analyzing biological samples. Deficiencies in training and equipment meant that many public health units in Africa and Asia were simply unable to perform accurate and timely disease surveillance.

The poor sanitary conditions, poverty, close contact between people and animals, and weak medical infrastructure make developing countries ideal breeding grounds for epidemics.

So it is vital to give these countries the capability to track epidemics and to feed that information into international surveillance networks. Disease surveillance is a systematic approach that requires trained public health personnel, proper diagnostic equipment to identify viruses and pathogens, and prompt transmission of data from the doctor or clinic level all the way to national governments and the World Health Organization, WHO.

The Global Pathogen Surveillance Act will offer such help to those countries that agree to give the United States or the World Health Organization prompt access to disease outbreaks, so that we can help determine their origin. Recipients of this training will also be able to learn to spot diseases that might be used in a bioterrorist attack.

In drafting this bill, we worked closely with the Department of Defense and others, which have all supported the underlying goals of the bill. We also accepted several suggestions for improving the bill from the State Department and, in 2005, from the HELP Committee, all of which contributed to making this a better bill.

This bill targets U.S. assistance to developing nations in the following areas: Training of public health personnel in epidemiology; aquisition of laboratory and diagnostic equipment; Acquisition of communications technology to quickly transmit data on disease patterns and pathogen diagnoses to national public health authorities and to international institutions like the WHO; expansion of overseas CDC and Department of Defense laboratories engaged in infectious disease research and disease surveillance, which expansion could take the form of additional laboratories, enlargement of existing facilities, increases in the number of personnel, and/or expanding the scope of their activities; and expanded assistance to WHO and regional disease surveillance efforts, including expansion of U.S.-administered foreign epidemiology training programs.

Two years ago the Secretary of State, Dr. Condoleezza Rice, expressed her strong backing for this legislation:

> We believe that the Global Pathogen Surveillance Act will indeed help strengthen developing countries' abilities to identify and track pathogens that could be indicators of dangerous disease outbreaks—either naturally-occurring or deliberately-released. Improved disease surveillance and communication among nations are critical defenses against both bioterrorism and natural outbreaks. We look forward to working with you in support of the Global Pathogen Surveillance Act.

Secretary Rice went on to make clear that she shares the sense of urgency that Senators HAGEL, KENNEDY, CASEY and I feel on this subject:

> One of the true "nightmare" scenarios—of a bioterrorist attack or a naturally-occurring disease—involves a contagious biological agent moving swiftly through a crowded urban area of a densely populated developing nation. Thus, we believe that it is critical to increase efforts to strengthen the public health and scientific infrastructure necessary to identify and quickly respond to infectious disease outbreaks—and that the Global Pathogen Surveillance Act will provide valuable support in these efforts.

The WHO also shares our concern. During the SARS epidemic, Dr. Michael Heymann, who was the highest-ranking American in the WHO, stated: "it is clear that the best defense against the spread of emerging infections such as SARS is strong national public health, national disease detection and response capacities that can identify new diseases and contain them before they spread internationally." He went on to highlight the important role that disease surveillance plays in combating both natural and terrorist outbreaks:

> Global partnerships to combat global microbial threats make good sense as a defense strategy that brings immediate benefits in terms of strengthened pubic health and surveillance systems. The resulting infectious disease intelligence brings dual benefits in terms of protecting populations against both naturally occurring and potentially deliberately caused outbreaks. As SARS has so vividly demonstrated, the need is urgent and of critical importance to the health of economies as well as populations.
>
> Support to developing countries such as proposed in the Global Pathogen Surveillance Act . . . will help strengthen capacity of public health professionals and epidemiologists, laboratory and other disease detection systems, and outbreak response mechanisms for naturally occurring infectious diseases such as SARS. This in turn will strengthen WHO and the world's safety net for outbreak detection and response, of which the United States is a major partner. And finally, strengthening this global safety net to detect and contain naturally occurring infectious diseases will strengthen the world's capacity to detect and respond to infectious diseases that may be deliberately caused.

The purpose of the Global Pathogen Surveillance Act is precisely to build these partnerships. And today, with the global war on terrorism an ever-present concern and with the threat of avian flu on the horizon, we have no time to waste. I urge my Senate colleagues to once again pass this bill and, with new leadership in the other body and with the support of Secretary Rice, I look forward to its speedy enactment.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1689. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise in support of the Civil Rights Tax Relief Act of 2007, which I joined Senator BINGAMAN in introducing today.

The primary purpose of this bill is to continue our efforts to remedy an unintended consequence of the Small Business Job Protection Act of 1996, which made damage awards that are not based on "physical injuries or physical sickness" part of a plaintiff's taxable income. Because most acts of employment discrimination and civil rights violations do not cause physical injuries, this provision means that plaintiffs who succeed in proving that they have suffered employment discrimination or other intentional violations of their civil rights are taxed on the compensation they receive.

Until a few years ago, this problem was compounded by the fact that attorneys' fees awarded in successful civil rights actions were treated as the plaintiff's taxable income, despite the fact that these fees were paid over to the plaintiff's attorney, who was also taxed on the money. Back in the 108th Congress, I joined with Senator BINGAMAN in offering legislation to correct this inequity, and I am glad to say that this double taxation of attorneys' fees was eliminated as part of the JOBS Act we passed in 2004.

But more remains to be done. Plaintiffs who are successful in employment discrimination or civil rights cases often receive a lump-sum award meant to compensate them for years of employment. Unfortunately, these awards are then taxed at the highest marginal tax rates, as if the award reflected the plaintiff's normal annual salary. As if that were not bad enough, successful plaintiffs can also find themselves subject to alternative minimum tax.

Let me explain how our bill eliminates this unfair taxation. First, the bill excludes from gross income amounts awarded other than for punitive damages and compensation attributable to services that were to be performed, known as "backpay," or that would have been performed but for a claimed violation of law by the employer, known as "frontpay." Second, award amounts for frontpay or backpay would be included in income, but would be eligible for income averaging according to the time period covered by the award. This correction would allow individuals to pay taxes at the same marginal rates that would have applied to them had they not suffered discrimination. Our bill also ensures that these awards do not trigger the AMT.

The Civil Rights Tax Relief Act would encourage the fair settlement of costly and protracted litigation of employment discrimination claims. Our legislation would allow both plaintiffs and defendants to settle claims based on the damages suffered, not on the excessive taxes that are now levied.

This bill is a "win-win" for civil rights plaintiffs and defendant businesses. I invite my colleagues to join in support of this commonsense legislation.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. BENNETT):

S. 1690. A bill to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs each year.

Today, I rise with Senators KERRY and BENNETT to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This is not a new crisis. Over 46 million Americans are currently uninsured. We have now experienced double digit percentage increases in health insurance premiums in 4 of the past 6 years. Small businesses face difficult choices in seeking to provide affordable health insurance to their employees. The time to act is now.

Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our Nation's uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed. Furthermore, many of the small businesses whom we meet with tell us how they feel like the cost and complexity of the health care system has moved health insurance far beyond their reach.

That is why today we introduce the Small Business Health Insurance Options Act of 2007. This bipartisan measure would establish a pilot, competitive matching-grant program for Small Business Development Centers, SBDCs, to provide educational resources and materials to small businesses designed to increase awareness regarding health insurance options available in their areas. Recent research conducted by the Healthcare Leadership Council has found that following a brief education and counseling session, small businesses are up to 33 percent more likely to offer health insurance to their employees.

Our bill capitalizes on the well-established national SBDC framework. SBDCs are one of the greatest business assistance and entrepreneurial development resources provided to small businesses that are seeking to start, grow, and flourish. Currently, there are over 1,100 service locations in every State and territory delivering management and technical counseling to prospective and existing small business owners.

Our legislation would require the Small Business Administration to provide up to 20 matching grants to qualified SBDCs across the country. No more than two SBDCs, one per State, would be chosen from each of the SBA's 10 regions. The grants shall be more than $150,000, but less than $300,000, and shall be consistent with the matching requirement under current law. In creating the materials for their grant programs, participating SBDCs should evaluate and incorporate relevant portions of existing health insurance options, including materials created by the Healthcare Leadership Council, the Kaiser Family Foundation, and the National Association of Insurance Commissioners.

Enacting this legislation is an important step in the right direction towards assisting small businesses as they work to strengthen themselves, remain competitive against larger businesses that are able to offer affordable health insurance, and in turn bolster the entire economy.

We encourage our colleagues to join us in supporting this bill, and to continue to work to address the issues facing the small business community.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Insurance Options Act of 2007".

SEC. 2. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration.

(3) ASSOCIATION.—The term "association" means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is accredited under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(5) PILOT PROGRAM.—The term "pilot program" means the small business health insurance information pilot program established under this section.

(6) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.—The Administrator shall establish a pilot program to make grants to small business development centers to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(c) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (c)(1) is posted on the website of the Administration and the date on which the information described in subsection (c)(1) is published in the Federal Register.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—

(A) IN GENERAL.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(B) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under subparagraph (A), a participating small business development center shall provide neutral and objective information regarding health insurance options in the geographic area served by the participating small business development center, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options defined in section 2791 of the Public Health Services Act (42 U.S.C. 300gg–91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(f) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(g) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

(h) REPORTS.—Each participating small business development center shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.

By Mr. CARDIN (for himself, Mr. BAYH, Mrs. CLINTON, Mr. ISAKSON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MURKOWSKI, and Mr. VITTER):

S. 1692. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today, on the 57th anniversary of the start of the Korean war, to introduce legislation to help honor American veterans who served our Nation during that war by granting a Federal charter to the Korean War Veterans Association, KWVA, a nonprofit fraternal veterans' organization. A companion measure is being introduced in the House by the distinguished majority leader, STENY HOYER, and Representative SAM JOHNSON, who have led this effort in previous Congresses along with my predecessor, Senator Paul Sarbanes.

The Korean war is sometimes referred to as the "Forgotten War," because it has been overshadowed by World War II and the Vietnam war, and its importance has often been overlooked in American history. But for the nearly 1.2 million American veterans of the Korean war still alive today, the war is anything but forgotten. During the 3-year course of the war, some 5.7 million Americans were called to serve, under some of the most adverse and trying circumstances ever faced in wartime, for the cause of freedom. Alongside Korean and United Nations allies, our forces fought with extraordinary courage and valor. By the time the Korean Armistice Agreement was signed in July 1953, more than 36,000 Americans had died, 103,284 had been wounded, 7,140 were captured, and 664 were missing.

Granting a Federal charter to the Korean War Veterans Association would give our Nation an opportunity to honor veterans who served in that war, as well as those who have served subsequently in defense of the Republic of Korea. The KWVA is the only fraternal veterans' organization in the United States devoted exclusively to Korean war veterans and the only U.S. member of the International Federation of Korean War Veterans Associations.

Incorporated in 1985, the 20,000-member charitable association is also one of the few veterans' service organizations in America that has not been recognized with a Federal charter. These veterans are a source of strength and pride for our country. While we cannot repay the debt we owe them for the sacrifices they made, we can and should acknowledge and commemorate their service and help the association to expand its mission and further its charitable and benevolent causes.

This recognition for the KWVA is long overdue, and I am hopeful that this year, Congress will act swiftly to approve this measure. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Tax-exempt status required as condition of charter.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.
"120112. Definition.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

“§ 120102. Purposes

“The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

“(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

“(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

“(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

“(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

“(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

“§ 120103. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

“§ 120104. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

“§ 120105. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

“§ 120106. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

“(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

“§ 120107. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 120108. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

“§ 120109. Service of process

“The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

“§ 120110. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 120111. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 120112. Definition

“For purposes of this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

“1201. Korean War Veterans Association, Incorporated ....120101”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—EXPRESSING THE SENSE OF THE SENATE THAT THE ESTABLISHMENT OF A MUSEUM OF THE HISTORY OF AMERICAN DIPLOMACY THROUGH PRIVATE DONATIONS IS A WORTHY ENDEAVOR

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 253

Whereas the role of diplomacy in the foreign policy of the United States deserves recognition;

Whereas the day-to-day efforts of American diplomats serving in overseas embassies and in the United States also deserve recognition;

Whereas, in 1998, the Department of State began to explore the feasibility of establishing a Museum of the History of American Diplomacy (in this resolution referred to as the “Museum”);

Whereas the Foreign Affairs Museum Council (in this resolution referred to as the “Council”), a 501(c)(3) charitable foundation, was created subsequently to raise funds for the Museum through donations from private sector organizations, former diplomats, and concerned citizens;

Whereas no taxpayer funds will be used for the establishment of the Museum;

Whereas former Secretaries of State Henry Kissinger, Alexander Haig, George Schultz, James Baker III, Lawrence Eagleburger, Warren Christopher, Madeleine Albright, and Colin Powell serve as Honorary Directors of the Council;

Whereas experienced and noteworthy diplomats and foreign policy experts, including Elizabeth Bagley, Keith Brown, Frank Carlucci, Elinor Constable, Leslie Gelb, William Harrop, Arthur Hartman, Herbert Hansell, Stephen Low, Thomas Pickering, Richard Solomon, and Terence Todman, serve on the Board of Directors of the Council;

Whereas former members of the Senate, including the Honorable Paul Sarbanes, and of the House of Representatives, including the Honorable Lee Hamilton, also serve on the Board of Directors of the Council;

Whereas the Honorable Charles “Mac” Mathias, a former Senator and member of the Committee on Foreign Relations of the Senate, is the Chairperson of the Board of Directors of the Council;

Whereas the Council has already raised over $1,300,000 through private donations; and

Whereas $300,000 has been spent to complete an initial concept design for the Museum: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the diplomats of the United States serving overseas and in the United States are in many cases the front line of our national security policy;

(2) the people of the United States deserve a better understanding of the efforts of these brave men and women;

(3) talented young people and their families should be encouraged to consider careers in foreign affairs as an important contribution to their country;

(4) the establishment of a Museum of the History of American Diplomacy that highlights the work of these men and women throughout the history of the United States is a worthy endeavor; and

(5) the current plan of the Foreign Affairs Museum Council to fund the museum through private donations is appropriate and deserves the support of the Department of State.

SENATE RESOLUTION 254—SUPPORTING EFFORTS FOR INCREASED HEALTHY LIVING FOR CHILDHOOD CANCER SURVIVORS

Mr. COLEMAN (for himself and Mr. REED) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas an estimated 9,000 children under the age of 15 will be diagnosed with cancer in the year 2007;

Whereas oncology, the study of cancer and tumors, has made significant progress in the prevention, treatment, and prognosis of many childhood cancers;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas despite this progress, cancer is the chief cause of death by disease in children under age 15, and the fourth leading cause of death in children ages 1 to 19;

Whereas childhood cancer varies from adult cancers in development, treatment, response to therapy, tolerance of therapy, and prognosis;

Whereas, in most cases, childhood cancer is more responsive to therapy, the child can tolerate more aggressive therapy, and the prognosis is better;

Whereas extraordinary progress has been made in improving the cure rates for childhood cancers, but this progress involves varying degrees of risks for both acute and chronic toxicities;

Whereas many childhood cancer survivors and their families have courageously won the fight against cancer, but continue to be challenged in their attempt to regain quality of life, and will never fully return to their pre-cancer life;

Whereas half of all childhood cancer survivors have long-term learning problems as a result of their cancer or the treatment of their cancer;

Whereas the prolonged absences or reduced energy levels that frequently occur during treatment may contribute to difficulties for a child;

Whereas recent scientific reports indicate that treatment for cancer during childhood or adolescence may affect cognitive and educational progress due to neurotoxic agents (such as chemotherapy or radiation);

Whereas cancer that may spread to the brain or spinal cord requires therapy that can sometimes affect cognition, attention and processing speed, memory, and other learning abilities;

Whereas children with brain tumors, tumors involving the eye or ear, acute lymphoblastic leukemia or non-Hodgkin's lymphoma face a higher risk of developing educational difficulties;

Whereas the educational challenges of a childhood cancer survivor may appear years after treatment is completed and are frequently misdiagnosed or ignored all together;

Whereas few educators are aware of the educational late effects related to cancer treatment;

Whereas childhood cancer survivors and their parents deserve and need neuropsychological testing to help them achieve academic success and have productive, hopeful futures;

Whereas some progress has been made, but a number of opportunities for childhood cancer research still remain under funded; and

Whereas increased recognition and awareness of neuropsychological testing for childhood cancer survivors can have a significant impact on the education and ultimately the quality of life and productivity of people with childhood cancer: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should—

(1) support neuropsychological research and testing of childhood cancer survivors and their families;

(2) work with health care providers, educators, and childhood cancer advocacy and education organizations to encourage neuropsychological testing;

(3) recognize and reaffirm the commitment of the United States to fighting childhood cancer by promoting awareness about the causes, risks, prevention, and treatment of childhood cancer;

(4) promote new education programs about, research of, and expanded medical treatment for childhood cancer survivors;

(5) support research and expanded public-private partnerships to improve post-cancer life for childhood cancer survivors; and

(6) encourage the early diagnosis and access to high-quality care for childhood cancer patients and survivors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1871. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1872. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1873. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1874. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1875. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1876. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1877. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1878. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1879. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1880. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1881. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1882. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1883. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1884. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1885. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1886. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1887. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1888. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1889. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1890. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1891. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1892. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1893. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1894. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1895. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1896. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1897. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1899. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1900. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1901. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1902. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1871. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 572, line 2, strike "may" and insert "shall".

On page 572, lines 20 and 21, strike "by the end of the next business day".

On page 573, line 19, strike "or the end of the next business day, whichever is sooner".

On page 584, line 22, strike "may" and insert "shall".

SA 1872. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, line 21, strike "If, during the one-year" and all that follows through page 571, line 2.

SA 1873. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, strike line 22 and all that follows through page 575, line 6.

SA 1874. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 608, strike line 3 and all that follows through "(b)" on line 7.

SA 1875. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ALLOCATION OF FIELD AGENTS.

(a) IN GENERAL.—Section 103(f) (8 U.S.C. 1103(f)) is amended to read as follows:

"(f) MINIMUM NUMBER OF AGENTS ALLOCATED TO STATES.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of United States Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of United States Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) for any State with a population of fewer than 2,000,000 residents, according to the most recent information published by the Bureau of the Census.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1876. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 582, strike line 11 and all that follows through page 584, line 4, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 65 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1877. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 580 between lines 7 and 8, insert the following:

(6) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

SA 1878. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 619, strike line 3 and all that follows through "(b)" on line 7.

SA 1879. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 580, between lines 7 and 8, insert the following:

(6) MEDICAL EXAMINATION.—An applicant for Z nonimmigrant status shall, at the alien's expense, obtain proper immunizations and undergo an appropriate medical examination that conforms to generally accepted professional standards of medical practice.

SA 1880. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between 11 and 12, insert the following:

(7) STAFF ENHANCEMENTS FOR INTERIOR ENFORCEMENT.—The Assistant Secretary for Immigration and Customs Enforcement has hired not less than 2,000 additional special agents to conduct investigations, including worksite enforcement.

SA 1881. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(7) USCIS ADJUDICATORS.—The Director of United States Citizenship and Immigration Service has hired 300 additional adjudicators.

SA 1882. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, strike lines 15 through 17 and insert the following:

"(C) Of the amounts collected under this paragraph—

"(i) 14.38 percent shall be deposited in the Treasury in accordance with section 286(aa); and

"(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(bb).".

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act, as amended by sections 2, 402(b), 623, and 714 of this Act, is further amended—

(1) by inserting after subsection (z), as added by section 2, the following:

"(aa) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 14.38 percent of the fees collected under section 214(c)(15).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.)."; and

(2) by redesignating subsection (x), as added by section 714, as subsection (bb), and moving such subsection to the end of section 286.

SA 1883. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 478, strike line 23 and all that follows through page 479, line 23, and insert the following:

(a) H-1B AMENDMENTS.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) under section 101(a)(15)(H)(i)(b) may not exceed 200,000 for each fiscal year; or";

(2) by striking paragraphs (6), (7), and (8), as redesignated by section 409(2); and

(3) in paragraph (9), as redesignated by section 409(2)—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "The annual numeric limitations described in clause (i) shall not exceed" and inserting the following: "Without respect to the annual numeric limitation described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:"; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

SA 1884. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 568, strike line 5 and all that follows through line 24, and insert the following:

(B) PENALTY.—An alien making an initial application for Z nonimmigrant status shall pay a penalty of $5,000, in addition to the processing fee required under subparagraph (A).

SA 1885. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 38, strike "not".

SA 1886. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 12 and 13, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking "and" at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting "; and" and

(C) by adding at the end the following:

"(V) a second conviction for driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.".

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.

SA 1887. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike "noncitizens" and insert "all citizens".

On page 336, line 3, strike "noncitizens" and insert "all citizens".

SA 1888. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 530, between lines 2 and 3, insert the following:

(d) VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, for each fiscal year beginning after the date of the enactment of this Act, 10,000 of the immigrant visas allocated by section 203(a)(1) of the Immigration and Nationality Act for parents of a citizen of the United States shall be made available to aliens seeking immigrant visas under section 203(b) of the Immigration and Nationality Act who—

(A) achieve a score in the top 10th percentile on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(B) take the exams described in subparagraph (A) in the English language.

(2) LIMITATION.—If more than 10,000 aliens described in paragraph (1) apply for immigrant visas in a fiscal year, the 10,000 such aliens with the highest scores on the exams described in paragraph (1)(A) shall receive immigrant visas.

SA 1889. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 526, strike line 3 and all that follows through page 529, line 12, and insert the following:

"(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment	....	**47**
Occupation	U.S. employment in specialty occupation. (as defined by the Department of Labor)–**20 pts**. U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**.	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary).	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**.	
Experience	Years of work for U.S. firm–**2 pts/year**. (max 10 points)	
Age of worker	Worker's age: 25-39–**3 pts**	
"Education *(terminal degree)*	M.D., M.B.A., Graduate degree, etc.–**20 pts**. Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts**. Completed certified Perkins Vocational Education program–**5 pts**. Completed Department of Labor Registered Apprenticeship–**8 pts**. STEM, associates and above–**8 pts**.	**28**
"English and civics	Native speaker of English or. TOEFL score of 75 or higher–**15 pts**. TOEFL score of 60-74–**10 pts**. Pass USCIS Citizenship Tests in English & Civics–**6 pts**.	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 pts**. Adult (21 or older) son or daughter of a legal permanent resident–**6 pts**. Sibling of United States citizen or LPR–**4 pts**. If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**.	**10**
"Total	....	**100**

"(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

"(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 412 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

"(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

"(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

"(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including section 204(c).

"(G) Notwithstanding any other provision of this Act, an alien seeking Z nonimmigrant status pursuant to section 101(a)(15)(Z) shall—

"(i) be subject to the requirements of the merit-based evaluation system in the same manner and to the same extent as aliens seeking visas under this section; and

"(ii) shall be exempt from the worldwide level of merit-based, special, and employment creation immigrants provided under section 201(d).".

SA 1890. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639. to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603, and insert the following:

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a denial, termination, or recession of benefits or status under this title may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a denial, termination, or recession.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the Immigration and Nationality Act, shall be placed immediately in removal proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (i), (iii), or (iv) of section 601(d)(1)(F) shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of section 242(h)(3)(C) of the Immigration and Nationality Act and shall represent the exhaustion of all review procedures for purposes of sections 601(h) and 601(o).

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection, an alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or the Attorney General's decision whether to consider any such motion is in the discretion of the Secretary or the Attorney General.

SA 1891. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639. to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 12, strike "(b)" and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

(d)

SA 1892. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

On page 559, strike line 17 and all that follows through "January 1, 2007" on page 561, line 9, and insert the following:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004.

SA 1893. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 564, lines 13 and 14, strike "(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I)," and insert "(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),".

SA 1894. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

SA 1895. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, beginning on line 21, strike "If, during the one-year initial period" and all that follows through page 571, line 2.

SA 1896. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 616, lines 23 and 24, strike "or any probationary benefits based upon application for such status".

SA 1897. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 572, strike line 15 and all that follows through page 573, line 20, and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

SA 1898. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 549, lines 18 through 23, strike ". The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure".

SA 1899. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 582, strike line 9 and all that follows through page 583, line 17, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1900. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 3 and 4, insert the following:

(8) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1901. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 6 and all that follows through page 27, line 7, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)(B), by striking "but" at the end;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) may not provide the alien with release on bond or with conditional parole if the alien—

"(A) is a national of a noncontiguous country;

"(B) has not been admitted or paroled into the United States; and

"(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.".

SA 1902. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew the nonimmigrant's status.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 28, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on discussion draft legislation regarding the regulation of class III gaming.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, June 25, 2007, at 11 a.m., in order to conduct a hearing entitled "Excessive Speculation In The Natural Gas Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Amber Fricke and Theresa Loth of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT H.R. 6

Mr. DURBIN. Madam President, I ask unanimous consent that H.R. 6, as passed by the Senate on June 21, be printed as passed.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

ORDER FOR DISCHARGE AND REFERRAL—S. 1615

Mr. DURBIN. Madam President, I ask unanimous consent that S. 1615 be discharged from the HELP Committee and referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that when Senator LUGAR is recognized to speak this evening, he be permitted to speak for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 26, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, June 26; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume en bloc the motions to proceed to H.R. 800 and S. 1639, with the time until 11:30 a.m. equally divided and controlled between Senators KENNEDY and ENZI or their designees; with the time from 11:30 to 11:40 a.m. reserved for the Republican leader, and the time from 11:40 to 11:50 to the majority leader; that at 11:50 a.m., without further intervening action, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 800; to be followed immediately by a vote on the motion to invoke cloture on the motion to proceed to S. 1639, as provided for under a previous order; that following the conclusion of the second vote, the Senate then stand in recess until 2:15 p.m. in order to accommodate the respective conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Madam President, I ask unanimous consent that following the remarks of Senator LUGAR, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

A COURSE CHANGE IN IRAQ: CONNECTING IRAQ STRATEGY TO VITAL INTERESTS

Mr. LUGAR. Mr. President, I rise today to offer observations on the continuing involvement of the United States in Iraq. In my judgment, our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond. Our continuing absorption with military activities in Iraq is limiting our diplomatic assertiveness there and elsewhere in the world. The prospects that the current "surge" strategy will succeed in the way originally envisioned by the President are very limited within the short period framed by our own domestic political debate. And the strident, polarized nature of that debate increases the risk that our involvement in Iraq will end in a poorly planned withdrawal that undercuts our vital interests in the Middle East. Unless we recalibrate our strategy in Iraq to fit our domestic political conditions and the broader needs of United States national security, we risk foreign policy failures that could greatly diminish our influence in the region and the world.

The current debate on Iraq in Washington has not been conducive to a thoughtful revision of our Iraq policy. Our debate is being driven by partisan political calculations and understandable fatigue with bad news—including deaths and injuries to Americans. We have been debating and voting on whether to fund American troops in Iraq and whether to place conditions on such funding. We have contemplated in great detail whether Iraqi success in achieving certain benchmarks should determine whether funding is approved or whether a withdrawal should commence. I would observe that none of this debate addresses our vital interests any more than they are addressed by an unquestioned devotion to an ill-defined strategy of "staying the course" in Iraq.

I speak to my fellow Senators, when I say that the President is not the only American leader who will have to make adjustments to his or her thinking. Each of us should take a step back from the sloganeering rhetoric and political opportunism that has sometimes characterized this debate. The task of securing U.S. interests in the Middle East will be extremely difficult if Iraq policy is formulated on a partisan basis, with the protagonists on both sides ignoring the complexities at the core of our situation.

Commentators frequently suggest that the United States has no good options in Iraq. That may be true from a certain perspective. But I believe that we do have viable options that could strengthen our position in the Middle East, and reduce the prospect of terrorism, regional war, and other calamities. But seizing these opportunities will require the President to downsize the United States military's role in Iraq and place much more emphasis on diplomatic and economic options. It will also require Members of Congress to be receptive to overtures by the President to construct a new policy outside the binary choice of surge versus withdrawal. We don't owe the President our unquestioning agreement, but we do owe him and the American people our constructive engagement.

In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I do not come to this conclusion lightly, particularly given that General Petraeus will deliver a formal report in September on his efforts to improve security. The interim information we have received from General Petraeus and other officials has been helpful and appreciated. I do not doubt the assessments of military commanders that there has been some progress in security. More security improvements in the coming months may be achieved. We should attempt to preserve initiatives that have shown promise; such as engaging Sunni groups that are disaffected with the extreme tactics and agenda of al-Qaida in Iraq. But three factors—the political fragmentation in Iraq, the growing stress on our military, and the constraints of our own domestic political process—are converging to make it almost impossible for the United States to engineer a stable, multi-sectarian government in Iraq in a reasonable time frame.

First, it is very doubtful that the leaders of Iraqi factions are capable of implementing a political settlement in the short run. I see no convincing evidence that Iraqis will make the compromises necessary to solidify a functioning government and society, even if we reduce violence to a point that allows for some political and economic normalcy.

In recent months, we have seen votes in the Iraqi parliament calling for a withdrawal of American forces and condemning security walls in Baghdad that were a reasonable response to neighborhood violence. The Iraqi parliament struggles even to achieve a quorum, because many prominent leaders decline to attend. We have seen overt feuds between members of the Iraqi Government, including Prime Minister Maliki and Vice President Tariq al-Hashimi, who did not speak to each other for the entire month of April. The Shia-led government is going out of its way to bottle up money budgeted for Sunni provinces. Without strident intervention by our embassy, food rations are not being delivered to Sunni towns. Iraqi leaders have resisted de-Baathification reform, the conclusion of an oil law, and effective measures to prevent oil smuggling and other corrupt practices.

Iraqi Foreign Minister Zebari has told me that various aspects of an oil law and revenue distribution could be passed by September. But he emphasized that Iraqis are attempting to make policy in a difficult environment by broad consensus—not by majority vote. He believes other policy advancements will take considerable time, but that consensus is the safest and most appropriate approach in a fledgling democracy.

This may be true, but Americans want results in months. Meanwhile, various Iraqi factions are willing to wait years to achieve vital objectives. Even if the results of military operations improve in the coming months, there is little reason to assume that this will diminish Sunni ambitions to reclaim political preeminence or Shia plans to dominate Iraq after decades of Saddam's harsh rule. Few Iraqi leaders are willing to make sacrifices or expose themselves to risks on behalf of the type of unified Iraq that the Bush administration had envisioned. In contrast, there are many Iraqi leaders who are deeply invested in a sectarian or tribal agenda. More often than not, these agendas involve not just the protection of fellow Sunnis, Shiites, and Kurds, but the expansion of territorial dominance and economic privileges.

Even if United States negotiators found a way to forge a political settlement among selected representatives of the major sectarian factions, these leaders have not shown the ability to control their members at the local level. After an intense year-and-a-half of bloodletting, many subfactions are thoroughly invested in the violence. We have the worst of both worlds in Iraq—factional leaders who don't believe in our pluralist vision for their country and smaller subfactions who are pursuing violence on their own regardless of any accommodations by more moderate fellow sectarians. As David Brooks recently observed in the New York Times, the fragmentation in Iraq has become so prevalent that Iraq may not even be able to carry out a traditional civil war among cohesive factions.

Few Iraqis have demonstrated that they want to be Iraqis. We may bemoan this, but it is not a surprising phenomenon. The behavior of most Iraqis is governed by calculations related to their history, their personal safety, their basic economic existence, and their tribal or sectarian loyalties. These are primal forces that have constrained the vision of most ordinary Iraqis to the limits of their neighborhoods and villages.

In this context, the possibility that the United States can set meaningful benchmarks that would provide an indication of impending success or failure is remote. Perhaps some benchmarks or agreements will be initially achieved, but most can be undermined or reversed by a contrary edict of the Iraqi Government, a decision by a faction to ignore agreements, or the next terrorist attack or wave of sectarian killings. American manpower cannot keep the lid on indefinitely. The anticipation that our training operations could produce an effective Iraqi army loyal to a cohesive central government is still just a hopeful plan for the future.

I suspect that for some Americans, benchmarks are a means of justifying a withdrawal by demonstrating that Iraq is irredeemable. For others, benchmarks represent an attempt to validate our military presence by showing progress against a low fixed standard. But in neither case are benchmark tests addressing our broader national security interests.

Equally unproven is the theory voiced by some supporters of a withdrawal that removing American troops from Iraq would stimulate a grand compromise between Iraqi factions. Some Iraqi leaders may react this way. But most assume that we will soon begin to withdraw troops, and they are preparing to carry on or accelerate the fight in the absence of American forces. Iraqi militias have shown an ability to adapt to conditions on the ground, expanding or contracting their operations as security imperatives warrant.

American strategy must adjust to the reality that sectarian factionalism will not abate anytime soon and probably cannot be controlled from the top.

The second factor working against our ability to engineer a stable government in Iraq is the fatigue of our military. The window during which we can continue to employ American troops in Iraqi neighborhoods without damaging our military strength or our ability to respond to other national security priorities is closing. Some observers may argue that we cannot put a price on securing Iraq and that our military readiness is not threatened. But this is a naive assessment of our national security resources.

American Armed Forces are incredibly resilient, but Iraq is taking a toll on recruitment and readiness. In April, the Defense Department announced it would lengthen tours of duty for soldiers serving in Iraq and Afghanistan from 12 to 15 months. Many soldiers are now on their way to a third combat tour.

Last month, for the 27th consecutive year, in a ceremony witnessed by tens of thousands of Hoosiers, I swore in new military recruits on Pit Road at the Indianapolis Motor Speedway. Over the course of the weekend, I visited with the recruits, with the recruiters, and with military officials. I heard personal stories of the 70-hour work weeks put in by recruiters to meet recruiting goals. I was impressed with each of the 66 young men and women I swore in. They are joining a military at war, and each of them is showing tremendous courage and commitment to our country.

The swearing-in ceremony was preceded by a briefing from Army officials here in Washington who assured me that we are fielding the best equipped, best trained, and most capable force we have ever had. Yet, they also reported that the Army has exhausted its bench. Instead of resting and training for 3 to 12 months, brigades coming out of the field must now be ready almost immediately for redeployment.

Basic recruiting targets are being met, but statistics point to significant declines in the percentage of recruits who have high school diplomas and who score above average on the Army's aptitude test. Meanwhile, the Army has dramatically increased the use of waivers for recruits who have committed felonies, and it has relaxed weight and age standards.

The Army is asking for $2 billion more this year for recruitment incentives, advertising, and related activities. It needs $13 to $14 billion a year to reset the force to acceptable readiness ratings, and they will need that amount for up to 3 years after the end of the current operations. The Army needs $52 billion more this year to fill equipment shortages and modernize. These figures do not include the billions of dollars required to implement the planned 65,000 soldier increase in the size of the active force.

Filling expanding ranks will be increasingly difficult given trends in attitudes toward military service. This has been measured by the Joint Advertising Market Research and Studies Program, which produced a "Propensity Update" last September after extensive research. The study found that only 1 in 10 youths has a propensity to serve—the lowest percentage in the history of such surveys. Sixty-one percent of youth respondents report that they will "definitely not serve." This represents a 7 percent increase in less than a year. These numbers are directly attributable to policies in Iraq. When combined with the Army's estimate that only 3 of 10 youths today meet basic physical, behavioral, and academic requirements for military service, the consequences of continuing to stretch the military are dire.

The United States military remains the strongest fighting force in the world, but we have to be mindful that it is not indestructible. Before the next conflict, we have much to do to repair this invaluable instrument. This repair cannot begin until we move to a more sustainable Iraq policy.

The third factor inhibiting our ability to establish a stable, multisectarian government in Iraq is the timetable imposed by our own domestic political process. The President and some of his advisors may be tempted to pursue the surge strategy to the end of his administration, but such a course contains extreme risks for United States national security. It would require the President to fight a political rearguard holding action for more than a year and a half against congressional attempts to limit, modify, or end military operations in Iraq. The resulting contentiousness would make cooperation on national security issues nearly impossible. It would greatly increase the chances for a poorly planned withdrawal from Iraq or possibly the broader Middle East region that could damage U.S. interests for decades.

The President and his team must come to grips with the shortened political timeline in this country for military operations in Iraq. Some will argue that political timelines should always be subordinated to military necessity, but that is unrealistic in a democracy. Many political observers contend that voter " dissatisfaction in 2006 with administration policies in Iraq was the major factor in producing new Democratic Party majorities in both Houses of Congress. Domestic politics routinely intrude on diplomatic and military decisions. The key is to manage these intrusions so that we avoid actions that are not in our national interest.

We do not know whether the next President will be a Democrat or a Republican. But it is certain that domestic pressure for withdrawal will continue to be intense. A course change should happen now, while there is still some possibility of constructing a sustainable bipartisan strategy in Iraq. If the President waits until Presidential election campaign is in full swing, the intensity of confrontation on Iraq is likely to limit United States options.

I am not implying that debate on Iraq is bad. I am suggesting what most Senate observers understand intuitively: Little nuance or bipartisanship will be possible if the Iraq debate plays out during a contentious national election that will determine control of the White House and Congress.

In short, our political time line will not support a rational course adjustment in Iraq, unless such an adjustment is initiated very soon.

In January, the Senate Foreign Relations Committee heard from former Secretary of State Henry Kissinger, who recalled a half century of U.S. involvement in the Middle East. He argued that this history was not accidental. We have been heavily involved in the region because we have enduring vital interests at stake. We may make tactical decisions about the deployment or withdrawal of forces in Iraq, but we must plan for a strong strategic position in the region for years to come.

This is not just a maxim from diplomatic textbooks. The vitality of the U.S. economy and the economies of much of the world depend on the oil that comes from the Persian Gulf. The safety of the United States depends on how we react to nuclear proliferation in the region and how we combat terrorist cells and ideologies that reside there.

The risk for decision-makers is that after a long struggle in Iraq, accompanied by a contentious political process at home, we begin to see Iraq as a set piece—as an end in itself, distinct from the broader interests that we meant to protect. We risk becoming fixated on artificial notions of achieving victory or avoiding defeat, when these ill-defined concepts have little relevance to our operations in Iraq. What is important is not the precise configuration of the Iraqi Government or the achievement of specific benchmarks, but rather how Iraq impacts our geostrategic situation in the Middle East and beyond. The President's troop surge is an early episode in a much broader Middle East realignment that began with our invasion of Iraq and may not end for years. Nations throughout the Middle East are scrambling to find their footing as regional power balances shift in unpredictable ways.

Although the Bush administration has scaled back its definition of success in Iraq, we are continuing to pour our treasure and manpower into the narrow and uncertain pursuit of creating a stable, democratic, pluralist society in Iraq. This pursuit has been the focal point of the administration's Middle East policy. Unfortunately, this objective is not one on which our future in the region can rest, especially when far more important goals related to Middle East security are languishing. I am not suggesting that what happens in Iraq is not important, but the Bush administration must avoid becoming so quixotic in its attempt to achieve its optimum forecasts for Iraq that it misses other opportunities to protect our vital interests in the Middle East.

To determine our future course, we should separate our emotions and frustrations about Iraq from a sober assessment of our fundamental national security goals. In my judgment, we should be concerned with four primary objectives:

First, we have an interest in preventing Iraq or any piece of its territory from being used as a safe haven or training ground for terrorists or as a repository or assembly point for weapons of mass destruction.

Second, we have an interest in preventing the disorder and sectarian violence in Iraq from upsetting wider regional stability. The consequences of turmoil that draws neighboring states into a regional war could be grave. Such turmoil could topple friendly governments, expand destabilizing refugee flows, close the Persian Gulf to shipping traffic, or destroy key oil production or transportation facilities, thus diminishing the flow of oil from the region with disastrous results for the world economy.

Third, we have an interest in preventing Iranian domination of the region. The fall of Saddam Hussein's Sunni government opened up opportunities for Iran to seek much greater influence in Iraq and in the broader Middle East. An aggressive Iran would pose serious challenges for Saudi Arabia, Jordan, Egypt, and other Arab governments. Iran is pressing a broad agenda in the Middle East with uncertain consequences for weapons proliferation, terrorism, the security of Israel, and other U.S. interests. Any course we adopt should consider how it would impact the regional influence of Iran.

Fourth, we have an interest in limiting the loss of U.S. credibility in the region and throughout the world as a result of our Iraq mission. Some loss of confidence in the United States has already occurred, but our subsequent actions in Iraq may determine how we are viewed for a generation.

In my judgment, the current surge strategy is not an effective means of protecting these interests. Its prospects for success are too dependent on the actions of others who do not share our agenda. It relies on military power to achieve goals that it cannot achieve. It distances allies that we will need for any regional diplomatic effort. Its failure, without a careful transition to a back-up policy would intensify our loss of credibility. It uses tremendous amounts of resources that cannot be employed in other ways to secure our objectives. And it lacks domestic support that is necessary to sustain a policy of this type.

A total withdrawal from Iraq also fails to meet our security interests. Such a withdrawal would compound the risks of a wider regional conflict stimulated by Sunni-Shia tensions. It would also be a severe blow to U.S. credibility that would make nations in the region far less likely to cooperate with us on shared interests. It would increase the potential for armed conflict between Turkey and Kurdish forces in Iraq. It would expose Iraqis who have worked with us to retribution, increase the chances of destabilizing refugee flows, and undercut many economic and development projects currently underway in Iraq. It would also be a signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

Moreover, advocates of an immediate withdrawal have tended to underestimate the requirements and complexities of such an operation. Gen. Barry McCaffrey testified at a Senate Foreign Relations Committee hearing on January 18, 2007, that an immediate withdrawal aimed at getting out of Iraq as fast as possible would take 6 months. A carefully planned withdrawal that sought to preserve as much American equipment as possible, protect Iraqis who have worked with us, continue anti-terrorist operations during the withdrawal period, and minimize negative regional consequences would take months longer.

Our security interests call for a downsizing and re-deployment of U.S. military forces to more sustainable positions in Iraq or the Middle East. Numerous locations for temporary or permanent military bases have been suggested, including Kuwait or other nearby states, the Kurdish territories, or defensible locations in Iraq outside of urban areas. All of these options come with problems and limitations. But some level of American military presence in Iraq would improve the odds that we could respond to terrorist threats, protect oil flows, and help deter a regional war. It would also reassure friendly governments that the United States is committed to Middle East security. A re-deployment would allow us to continue training Iraqi troops and delivering economic assistance, but it would end the U.S. attempt to interpose ourselves between Iraqi sectarian factions.

Six months ago, the Iraq Study Group endorsed a gradual downsizing of American forces in Iraq and the evolution of their mission to a support role for the Iraqi army. I do not necessarily agree with every recommendation of the Iraq Study Group, and its analysis requires some updating given the passage of time. But the report provides a useful starting point for the development of a "Plan B" and a template for bipartisan cooperation on our Iraq strategy.

We should understand that if the redeployment of a downsized force is to be safe and effective, our military planners and diplomats must have as much time as possible to develop and implement the details. We will need the cooperation of the Iraqi Government and key states in the region, which will not come automatically. The logistics of a shift in policy toward a residual force will test military planners, who have been consumed with the surge. In 2003, we witnessed the costs that came with insufficient planning for the aftermath of the Iraq invasion. It is absolutely essential that we not repeat the same mistake. The longer we delay the planning for a re-deployment, the less likely it is to be successful.

The United States has violated some basic national security precepts during our military engagement in Iraq. We have overestimated what the military can achieve, we have set goals that are unrealistic, and we have inadequately factored in the broader regional consequences of our actions. Perhaps most critically, our focus on Iraq has diverted us from opportunities to change the world in directions that strengthen our national security.

Our struggles in Iraq have placed U.S. foreign policy on a defensive footing and drawn resources from other national security endeavors, including Afghanistan. With few exceptions, our diplomatic initiatives are encumbered by negative global and regional attitudes toward our combat presence in Iraq.

In this era, the United States cannot afford to be on a defensive footing indefinitely. It is essential that as we attempt to reposition ourselves from our current military posture in Iraq, we launch a multifaceted diplomatic offensive that pushes adversarial states and terrorist groups to adjust to us. The best counter to perceptions that we have lost credibility in Iraq would be a sustained and ambitious set of initiatives that repairs alliances and demonstrates our staying power in the Middle East.

The Iraq Study Group report recommended such a diplomatic offensive, stating "all key issues in the Middle East—the Arab-Israeli conflict, Iraq, Iran, the need for political and economic reforms, and extremism and terrorism—are inextricably linked." The report stressed that diplomacy aimed at solving key regional issues would "help marginalize extremists and terrorists, promote U.S. values and interests, and improve America's global image."

A diplomatic offensive is likely to be easier in the context of a tactical drawdown of U.S. troops in Iraq. A drawdown would increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multilateral organizations and European allies, who have sought to limit their association with an unpopular war.

A first step is working with like-minded nations to establish a consistent diplomatic forum related to Iraq that is open to all parties in the Middle East. The purpose of the forum would be to improve transparency of national interests so that neighboring states and other actors avoid miscalculations. I believe it would be in the self-interest of every nation in the region to attend such meetings, as well as the United States, EU representatives, or other interested parties. Such a forum could facilitate more regular contact with Syria and Iran with less drama and rhetoric that has accompanied some meetings. The existence of a predictable and regular forum in the region would be especially important for dealing with refugee problems, regulating borders, exploring development initiatives, and preventing conflict between the Kurds and Turks. Just as the Six-Party talks have improved communications in northeast Asia beyond the issue of North Korea's nuclear program, stabilizing Iraq could be the occasion for a diplomatic forum that contributes to other Middle East priorities.

Eventually, part of the massive U.S. embassy under construction in Baghdad might be a suitable location for the forum. It is likely that the embassy compound will exceed the evolving needs of the United States. If this is true, we should carefully consider how best to use this asset, which might be suitable for diplomatic, educational, or governmental activities in Iraq.

We should be mindful that the United States does not lack diplomatic assets. Most regional governments are extremely wary of U.S. abandonment of the Middle East. Moderate states are concerned by Iran's aggressiveness and by the possibility of sectarian conflict beyond Iraq's borders. They recognize that the United States is an indispensable counterweight to Iran and a source of stability. The United States should continue to organize regional players—Saudi Arabia, Jordan, Egypt, Turkey, the Gulf States, and others—behind a program of containing Iran's disruptive agenda in the region.

Such a re-alignment has relevance for stabilizing Iraq and bringing security to other areas of conflict, including Lebanon and the Palestinian territories. The United States should make clear to our Arab friends that they have a role in promoting reconciliation within Iraq, preventing oil price spikes, splitting Syria from Iran, and demonstrating a more united front against terrorism.

A diplomatic offensive centered on Iraq and surrounding countries would help lift American interests in the Middle East. But credibility and sustainability of our actions depend on addressing the two elephants in the room of U.S. Middle East policy—the Arab-Israeli conflict and U.S. dependence on Persian Gulf oil. These are the two problems that our adversaries, especially Iran, least want us to address.

They are the conditions that most constrain our freedom of action and perpetuate vulnerabilities. The implementation of an effective program to remedy these conditions could be as valuable to our long-term security as the achievement of a stable, pro-Western government in Iraq.

The Arab-Israeli conflict will not be easily solved. Recent combat between the Hamas and Fatah Palestinian factions that led to Hamas's military preeminence in the Gaza Strip complicates efforts to put the peace process back on track. But even if a settlement is not an immediate possibility, we have to demonstrate clearly that the United States is committed to helping facilitate a negotiated outcome. Progress in the Arab-Israeli conflict would not end the sectarian conflict in Iraq, but it could restore credibility lost by the United States in the region. It also would undercut terrorist propaganda, slow Iranian influence, and open new possibilities related to Syria.

Clearly, the United States does not have the influence to solve the Arab-Israeli conflict unilaterally. In contrast, our dependence on Persian Gulf oil is largely within our capacity to fix. Do not underestimate the impact on Iran and other nations of a concerted U.S. campaign to reduce our oil consumption. A credible well-publicized campaign to definitively change the oil import equation would reverberate throughout the Middle East. It would be the equivalent of opening a new front in Middle Eastern policy that does not depend on the good will of any other country.

Many options exist for rapid progress in reducing our Persian Gulf oil dependence, but I would emphasize two. First, President Bush or his successor could establish the national goal of making competitively priced biofuels available to every motorist in America. Such an accomplishment would transform our transportation sector and cut our oil import bill. It would require multiple elements, including ensuring that virtually every new car sold in America is a flexible fuel vehicle capable of running on an 85 percent ethanol fuel known as E-85; that at least a quarter of American filling stations have E-85 pumps; and that ethanol production from various sources is expanded to as much as 100 billion gallons a year within the next 15 to 20 years. Such a campaign could achieve the replacement of 6.5 million barrels of oil per day by volume—the rough equivalent of one-third of the oil used in America and one-half of our current oil imports. None of these goals are easy, but they are achievable if presidential advocacy and the weight of the Federal Government are devoted to their realization. Brazil already has achieved the large-scale deployment of ethanol as a national transportation fuel, and its success is a source of public pride in that country.

Second, the President could commit to a radical increase in the miles per gallon of America's auto fleet. The Federal Government has numerous tools to make this happen, from direct Federal support for research, to Government fleet purchasing, to market regulations and incentives.

Incredibly, cars in America today get less mileage per gallon than they did 20 years ago. Meanwhile, hybrids, plug-in hybrids, and fully electric cars are at or nearly at commercialization, yet there is not enough incentive for consumers to buy them or producers to make them on the mass scale necessary. For fiscal year 2008, the administration requested just $176 million for new vehicle technology research—an amount that was less than what was requested 5 years ago.

Given that other developed nations have made great strides in improving fuel economy, this is fertile ground for rapid improvement. In fact, achievements on this front largely would be a matter of generating and sustaining political will that has, thus far, been disappointing.

The issue before us is whether we will refocus our policy in Iraq on realistic assessments of what can be achieved, and on a sober review of our vital interests in the Middle East. Given the requirements of military planners, the stress of our combat forces, and our own domestic political timeline, we are running out of time to implement a thoughtful plan B that attempts to protect our substantial interests in the region, while downsizing our military presence in Iraq.

We need to recast the geo-strategic reference points of our Iraq policy. We need to be preparing for how we will array U.S. forces in the region to target terrorist enclaves, deter adventurism by Iran, provide a buffer against regional sectarian conflict, and generally reassure friendly governments that the United States is committed to Middle East security. Simultaneously, we must be aggressive and creative in pursuing a regional dialogue that is not limited to our friends. We cannot allow fatigue and frustration with our Iraq policy to lead to the abandonment of the tools and relationships we need to defend our vital interests in the Middle East.

If we are to seize opportunities to preserve these interests, the administration and Congress must suspend what has become almost knee-jerk political combat over Iraq. Those who offer constructive criticism of the surge strategy are not defeatists, any more than those who warn against a precipitous withdrawal are militarists. We need to move Iraq policy beyond the politics of the moment and reestablish a broad consensus on the role of the United States in the Middle East. If we do that, the United States has the diplomatic influence and economic and military power to strengthen mutually beneficial policies that could enhance security and prosperity throughout the region. I pray that the President and the Congress will move swiftly and surely to achieve that goal.

IRAQ

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to say a word about the remarks just made by my colleague from Indiana, Senator LUGAR. It has been my honor to serve with Senator LUGAR now for 11 years. I count him as a friend, as a valued colleague, as a neighbor in the Midwest.

I believe the speech which he has just made on the floor of the Senate is in the finest tradition of the Senate, like its author. Senator LUGAR's speech was thoughtful, thorough, and honest. It was a challenge to all of us on both sides of the aisle, Democrat and Republican alike: To step back from the debate on Iraq, take an inventory of where we are, make an honest appraisal, and move forward.

I think it is a challenge to all Senators. I am sorry it was delivered at the time of night when few of our colleagues were here, but if we are fortunate some followed it on C-SPAN as Senator LUGAR presented it.

I made notes during the course of the speech. I am sure I have missed some valuable and important things that Senator LUGAR said, but I will just tell you that I do not disagree with his conclusion. I believe, as he does, that the factionalism in Iraq has reached catastrophic proportions, that it is doubtful they will be able to patch together in the near term the goverment which we had hoped for.

I agree with Senator LUGAR completely about the fatigue of our military. We have the greatest military in the world, the best and bravest, not only in Indianapolis but in Springfield, IL, and all across the Nation. We are so proud of these men and women and what they fight for and the representation of our great Nation.

I think Senator LUGAR hit the nail on the head when he said the strongest fighting force in the world is not indestructible. We are pushing them to the absolute limit, and that is a reality.

His third point about the timetable of our debate is a valuable one. Some wonder if there are members of the administration who are waiting for the clock to run out, the day to come when they leave Washington to turn this issue over to another. That would be a serious mistake, because in the meantime we know that American lives will be lost and opportunities may be squandered.

That point was made very effectively by Senator LUGAR this evening. I made some notes of things he said that I believe summarize our situation so effectively. He said that a course change should happen now. He called for a sustainable, bipartisan strategy in dealing with Iraq. He called for a rational course adjustment that must be initiated very soon. He said that far more important than just Iraq are our Middle Eastern goals that are languishing because of our current strategy.

I could not agree with him more on the four points he set out as our Middle Eastern objectives to keep Iraq from becoming a terrorist haven, to stop Iraq from spreading instability into the region, to prevent Iranian dominance of the region, and to limit the loss of U.S. credibility in the region as a result of this war.

I think he is correct in his analysis. He said that the current surge strategy is not effective. He believes, as I do, at this moment in time total withdrawal is not consistent with our regional goals. I want to bring American troops home as quickly as possible, as many as possible.

We have said from the beginning on the Democratic side that there are certain responsibilities we must still accept in that region: To stop the spread of al-Qaida terrorism, to make certain the Iraqis, as best we can, are prepared to fight this battle, and to protect our own forces during the withdrawal.

He called for downsizing to more sustainable positions, to put our troops in a position where they can respond if necessary. He called for attempts to end imposing our forces between sectarian warring factions. That, I believe, is our highest priority. To think that our men and women in uniform are now caught in the crossfire of a civil war with its origins 14 centuries ago in a sectarian battle is just unacceptable.

He said the longer we delay plans for redeployment, the less likely it will be successful. I could not agree with him more. He called for a tactical drawdown of U.S. troops to make diplomatic efforts more likely to succeed.

I agree with Senator LUGAR when he said we are running out of time; we have to move the Iraqi policy between the politics of the moment. He said the administration and Congress must suspend knee-jerk political combat over Iraq.

Forty years ago as a law school student, I came and sat in that gallery in a chair and watched as Senator Robert Kennedy came to the floor to give a speech on Vietnam. He walked through those doors with his brother, Senator TED KENNEDY. Their families were in the gallery. He stood on this floor, again, in the evening hours after most Senators had gone home. He spoke about bringing the war in Vietnam to a close. It was an important speech in the history of our Nation and certainly in the history of the Senate, and I think it made a difference. I believe the speech that was given tonight by my colleague from Indiana, Republican Senator RICHARD LUGAR, is that kind of speech. I think it is the starting point for a meaningful debate, a debate which looks at the Middle East in a new context and in a realistic context, and realizes that it is time to change direction in our course in Iraq.

I salute my colleague. I hope every Member of the Senate tomorrow will ask for a copy of the speech from the CONGRESSIONAL RECORD, read it carefully, and then come to this floor when we return after the Fourth of July break and begin our debate over the Defense authorization bill, and realize that during the course of that debate we can reach across the aisle on a bipartisan basis and make a difference.

I thank Senator LUGAR for his contribution to this most important issue which challenges us today.

Madam President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Thereupon, the Senate, at 8:48 p.m., adjourned until Tuesday, June 26, 2007, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate June 25, 2007:

EXECUTIVE OFFICE OF THE PRESIDENT

JIM NUSSLE, OF IOWA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE ROBERT J. PORTMAN.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 25, 2007 withdrawing from further Senate consideration the following nomination:

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR., WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

CONGRATULATING FRAZIER LOCKART

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to an exemplary constituent and public steward, Mr. Frazer Lockart of Evergreen, Colorado. Mr. Lockart is a finalist for the 2007 Service to America Medals, a prestigious national awards program designed to pay honor to those individuals who have demonstrated great accomplishment in public service. Presented by the Partnership for Public Service, these awards highlight the successes of Federal employees who have made significant contributions to the country. This year, Mr. Lockart's achievements in completing the first successful cleanup of a former nuclear weapons production facility are commended.

Rocky Flats, located near Denver, Colorado, was a nuclear weapons production facility which closed in 1989 after Federal investigators discovered grave amounts of radioactive pollutants in surrounding soil and water sources. The extent of the pollution was so severe some officials deemed the facility beyond the point of recovery, even suggesting the site should be abandoned outright. A 1995 cleanup estimate of the facility was projected at $35 billion over a 70-year span.

Mr. Lockart, managing an intergovernmental and private-sector contingent, began work to clean and restore the site. It took just 10 years and $7 billion to complete. To date, the Rocky Flats project is the largest and most successful Federal cleanup, with over 95% of formerly contaminated land now reopened for public use. In fact, Congress passed the Rocky Flats National Wildlife Refuge Act of 2001, setting aside 6,400 acres for protection and public enjoyment. None of this would have been possible without the efforts of Mr. Lockart.

The ability to effectively and efficiently handle this great undertaking is a profile to Mr. Lockart's abilities and vision. Through his efforts, all Americans are now able to enjoy the natural beauty of Colorado, and local residents now live in a healthy environment. In addition, his management style and leadership abilities have become prime examples for the success of future restoration projects.

Madam Speaker, please join me in paying tribute and congratulating Mr. Lockart for his great contribution to this Nation.

A TRIBUTE TO NIA ELENA HENRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the 16th birthday of Nia Elena Henry. Nia was born in Brooklyn, NY, and attended pre-school at the Montessori Academy in Park Slope. She stayed at the Montessori Academy throughout elementary school, after which she attended the Crown School for Law and Journalism.

At the Crown School Nia discovered her affinity for filmmaking. She demonstrated an ability to lead, and was selected to be a "Prefect" of a community service team. While serving this position, Nia orchestrated a project in which she visited and delivered gifts from her schoolmates and New York Assemblyman Clarence Norman to a disabled woman.

During the summer of seventh grade, Nia enrolled in a cultural arts program called Ifetayo. Through the program, Nia was able to take African and Modern Dancing classes, as well as participate in a program called "Rites of Passage," which she continues to attend. Nia was able to apply her filming abilities in order to make a movie about the death of her grandfather. She also volunteered to complete a cinematic project about Guatemala.

Ms. Henry currently attends the Benjamin Banneker Academy for Community Development where she became a student of the Chinese language during her freshman year. She also helped to complete a school movie made for media communications. Nia is a student with broad horizons and great ambitions. Her desire to help others is reflected in her ultimate career goal, which is to become a doctor.

Madam Speaker, I would like to recognize the 16th birthday of Nia Elena Henry, who has achieved much more in 16 years than most are able to accomplish in a lifetime.

Madam Speaker, I urge my colleagues to join me in paying tribute to Nia Elena Henry.

HONORING DR. ALBERT J. SIMONE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation and delight I rise today to honor a distinguished and dedicated leader, educator, administrator, and neighbor who for a decade and a half has moved his institution and his community forward.

As President of Rochester Institute of Technology, RIT, Dr. Albert J. Simone has left a lasting and profound mark not only on his professional school, but on the region it calls home. At RIT, Dr. Simone brought innovation, energy, vision and success after success to a school with 15,500 students from all across America and the world, helping make it one of the Nation's leading career-oriented universities.

The effect of his leadership has been felt well beyond campus limits and will be felt for generations to come in Rochester and western New York. A believer in education through collaboration, Dr. Simone has been indispensable in cultivating enriching relationships with local and federal government, western New York businesses, the local community, and nations across the globe. Whether he was engaging students in college classrooms or becoming the first American university president to officially visit North Korea and Vietnam when these regions were largely closed to the United States, Dr. Simone has understood the importance of reaching out, connecting, and working together.

Ever since arriving in Rochester from Hawaii in 1992, Dr. Simone has immersed himself and RIT in the western New York community. Involved in countless organizations—including the Rochester Business Alliance, the Center for Governmental Research, the Executive Committee of Upstate Partners, and High Technology of Rochester, just to name a few—Dr. Simone has put his characteristic zeal and intelligence to work to make Rochester work. Although an incomparable educator at heart, having taught at MIT, Northeastern University, Boston College, and others, Dr. Simone has become a regional leader as much as an educational leader.

Thus, Madam Speaker, in recognition of the indelible mark Dr. Simone has left on RIT, Rochester and western New York, his remarkable educational and administrative accomplishments, and his spirit to make his community a better place, I ask that this honorable body join me in honoring Dr. Albert J. Simone.

A TRIBUTE TO DARNELL P. SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the work and achievements of Darnell P. Smith. Darnell began to demonstrate his leadership abilities at a very young age. While attending Brooklyn Technical High School, he was named President of the 81st Precinct Youth Council. Darnell went on to attend Hampton University, where he earned the admiration and respect of his peers by founding the African Studies Cluster of Hampton University, and serving as Vice President of the Student Government Association.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Darnell Smith continued to serve his community as a probation officer and the founder of WeCare2Cure Inc. He still works with WeCare2Cure Inc, where he is committed to providing education, employment and affordable healthcare opportunities throughout the community of Brooklyn.

Madam Speaker, I would like to recognize the selfless efforts of Darnell P. Smith, who continues to work to improve the lives of the residents of Brooklyn.

Madam Speaker, I urge my colleagues to join me in paying tribute to Darnell P. Smith.

HONORING SERGEANT GREGORY J. RUDOLPH

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. REYNOLDS. Madam Speaker, with great pride and appreciation I rise today to honor a dedicated, determined and now highly acclaimed law enforcement officer who has stopped at nothing to serve his country and his neighbors.

Today I am delighted to join the chorus of well-deserved praise for Sergeant Gregory J. Rudolph, an officer who has led a life deeply committed to making his Wyoming County community a better and safer place. This year, Sgt. Rudolph was honored by both the New York State Sheriff Association and then the National Sheriff's Association as Deputy of the Year, an award reflecting Sgt. Rudolph's supreme service as an officer.

Yet more than any awards can show, Sgt. Rudolph is a true hero—a selfless individual who has risked his own life to protect the lives of others. And more than my words can demonstrate, Sgt. Rudolph is an inspiration to those in Wyoming County and beyond—a survivor who has overcome each and every challenge with a positive attitude and a steadfast strength of will.

After graduating from Genesee Community College, Sgt. Rudolph began his career of service in 1994 by enlisting in the United States Navy. While serving admirably as a Front Line Supervisor for 3 years, Sgt. Rudolph was confronted with an enemy beyond the scope of his military training—the onset of cancer. It was a battle that Sgt. Rudolph would wage with characteristic resolve and dignity, and it was a battle he would win, surviving a horrible disease and continuing on even stronger than before.

After his honorable discharge in 1997, Sgt. Rudolph returned to Wyoming County to serve in a different capacity, as a substitute teacher at Attica Central School. While teaching, he would begin his law enforcement career at the Attica Police Department in 1997, and 4 years later joined the Wyoming County Sheriff's Office as a deputy sheriff. Described as reliable, loyal, unselfish and sincere by fellow officers, Rudolph was promoted to sergeant in 2005.

Sgt. Rudolph's well-known qualities were never more apparent than on March 15, 2006, when he would again summon his tremendous willpower to serve and protect to the best of his abilities. Responding to a call of an armed man threatening suicide, Sgt. Rudolph was struck in the face by shotgun blasts after the occupant of the house opened fire without warning or provocation. Despite his injuries, Sgt. Rudolph maintained communication with other officers and provided invaluable information, eventually leading to the peaceful arrest of the gunman and saving other officers and innocent civilians from any further injuries. Sgt. Rudolph would soon fully recover and in remarkable time return to work. A partial pellet still left lodged in his face, Sgt. Rudolph today supervises the 3 to 11 p.m. shift, a survivor yet again and a role model to us all.

Thus, Madam Speaker, in recognition of his tremendous and selfless service, as a serviceman, an educator, an officer, and a Wyoming County neighbor, I ask that this honorable body join me in honoring a hero and a survivor, Sergeant Gregory J. Rudolph.

TRIBUTE TO MR. ROBERT WARREN, JR.

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to pay tribute and honor the life of Mr. Robert Warren, Jr.

Mr. Warren was born in Jacksonville, FL, on September 18, 1940 to Robert and Alma Moore Warren and passed away on June 14, 2007. As a child he was affectionately tagged with the name Bobo, a selective and endearing form of Robert. Mr. Warren was spiritually nurtured in the Historic Metropolitan AME Church in Washington, DC but remained a life long member of the Historic Mount Zion AME Church in Jacksonville, FL.

Robert attended school in Jacksonville and graduated from New Stanton Senior High School in 1958. While at New Stanton, Robert was a member of the National Honor Society, the Foreign Language Club, and the New Stanton High School Marching and Concert Bands.

In August 1958, Robert left Jacksonville to attend Florida Agricultural and Mechanical University, FAMU, in Tallahassee, FL. While at FAMU, Robert was a member of the world famous "Marching 100" and served in the Beta Nu chapter of Alpha Phi Alpha Fraternity, Inc. Robert was also active with the French club, the NAACP, YMCA, and graduated in 1962 with a bachelor of science degree with a major in French and a minor in Spanish.

Robert moved to Washington, DC to earn a master's degree in French from Catholic University of America in 1970. Also, he was a fellow at the Sorbonne University in Paris, France, and studied at several other institutions of higher learning including the Universite de Basancon in France and Howard University in Washington, DC. Robert taught in the public schools of the District of Columbia and influenced many young minds throughout his career at home and abroad.

Since moving to the DC area, Robert remained supportive of his university and became a life member of the FAMU National Alumni Association. He continued to serve his fraternity by participating in events sponsored by all three Washington, D.C. alumni chapters.

Robert was an avid swimmer and won various swimming meets sponsored by the Golden Dolphin Senior Citizens Olympics. He was a lifetime member of the Anthony Bowen YMCA.

Mr. Robert Warren will not only be missed throughout the entire Jacksonville, Washington, DC, Florida A&M University, and Alpha Phi Alpha fraternity communities but many more across this Nation.

Madam Speaker, today I ask that you join me in honoring the life of a man who leaves behind a record of service that speaks volumes about his life.

A TRIBUTE TO ANALEITHA E. SIMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the work and achievements of Analeitha E. Simpson. As a child growing up in St. Mary, Jamaica, Analeitha's parents instilled in her the values of hard work and dedication. Analeitha was quick to take the lessons learned from her parents, and communicate them to her peers in St. Mary.

Analeitha became deeply involved in her community while attending high school. As a teenager, she provided food and basic necessities to both the sick and prison inmates in Jamaica through the help of her local church. She was instrumental in forming an after school program at her house where she created a study group for her fellow high school classmates. The program also provided a homework assistance program for younger students, including an initiative for the donation of used text books for those who could not afford to purchase new ones.

Analeitha spent 1 year at the University of the West Indies after graduating high school. During that time she entered a leadership program that helped to create a state of the art recreational center for students at The August Town Primary School. Analeitha says that her time at the university allowed her to lay the foundation of who she was and what she would become.

Analeitha moved to New York City in 1999. Following the move, she became a liaison for patients and family members at the Critical Care Department of New York's Presbyterian Hospital. She later moved on to the Department of Neurological Surgery at Weill Cornell Medical College—New York Presbyterian Hospital, where she established several departmental policies and practices that have helped to facilitate patient care in an effective and timely manner.

Analeitha's drive to help others has resulted in her current enrollment in nursing school at Medgar Evers College. She is now developing a program to help promote healthy lifestyles for the elderly.

Madam Speaker, I would like to recognize the selfless efforts of Analeitha E. Simpson to improve the health, education, and general welfare of all who cross her path.

Madam Speaker, I urge my colleagues to join me in paying tribute to Analeitha E. Simpson.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Thursday, June 21, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows:

Rollcall No. 527 "no" (on agreeing to the Diaz-Balart Amendment to H.R. 2764).

Rollcall No. 528 "no" (on agreeing to the Wolf Amendment to H.R. 2764).

Rollcall No. 529 "yes" (on agreeing to the Shays Amendment to H.R. 2764).

Rollcall No. 530 "no" (on agreeing to the Garrett (NJ) Amendment to H.R. 2764).

Rollcall No. 531 "no" (on agreeing to the Foxx Amendment to H.R. 2764).

Rollcall No. 532 "no" (on agreeing to the Pitts Amendment to H.R. 2764).

Rollcall No. 533 "yes" (on agreeing to the Lowey Amendment to H.R. 2764).

Rollcall No. 534 "no" (on agreeing to the Smith (NJ) Amendment to H.R. 2764).

Rollcall No. 535 "no" (on agreeing to the Boustany Amendment to H.R. 2764).

Rollcall No. 537 "no" (on agreeing to the Jordan Amendment to H.R. 2764).

Rollcall No. 538 "no" (on agreeing to the Price (GA) Amendment to H.R. 2764).

Rollcall No. 539 "no" (on agreeing to the Musgrave Amendment to H.R. 2764).

Rollcall No. 540 "yes" (on agreeing to the Pence Amendment to H.R. 2764).

Rollcall No. 541 "no" (on agreeing to the King (IA) Amendment to H.R. 2764).

Rollcall No. 542 "yes" (on Final Passage of H.R. 2764).

IN ETHIOPIA, FEAR AND CRIES OF ARMY BRUTALITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. PAYNE. Madam Speaker, I would like to submit for the RECORD an excellent article written by Mr. Jeffrey Gettleman of The New York Times June 18, 2007 entitled "In Ethiopia, Fear and Cries of Army Brutality." It is about the forgotten people of the Ogaden and accurately describes in great detail the systematic abuses against civilians by the Ethiopian government security forces.

IN THE OGADEN DESERT, ETHIOPIA.—The rebels march 300 strong across the crunchy earth, young men with dreadlocks and AK-47s slung over their shoulders.

Often when they pass through a village, the entire village lines up, one sunken cheekbone to the next, to squint at them.

"May God bring you victory," one woman whispered.

This is the Ogaden, a spindle-legged corner of Ethiopia that the urbane officials in Addis Ababa, the capital, would rather outsiders never see. It is the epicenter of a separatist war pitting impoverished nomads against one of the biggest armies in Africa.

What goes on here seems to be starkly different from the carefully constructed up-and-coming image that Ethiopia—a country that the United States increasingly relies on to fight militant Islam in the Horn of Africa—tries to project.

In village after village, people said they had been brutalized by government troops. They described a widespread and long-standing reign of terror, with Ethiopian soldiers gang-raping women, burning down huts and killing civilians at will.

It is the same military that the American government helps train and equip—and provides with prized intelligence. The two nations have been allies for years, but recently they have grown especially close, teaming up last winter to oust an Islamic movement that controlled much of Somalia and rid the region of a potential terrorist threat.

The Bush administration, particularly the military, considers Ethiopia its best bet in the volatile Horn—which, with Sudan, Somalia and Eritrea, is fast becoming intensely violent, virulently anti-American and an incubator for terrorism.

But an emerging concern for American officials is the way that the Ethiopian military operates inside its own borders, especially in war zones like the Ogaden.

Anab, a 40-year-old camel herder who was too frightened, like many others, to give her last name, said soldiers took her to a police station, put her in a cell and twisted her nipples with pliers. She said government security forces routinely rounded up young women under the pretext that they were rebel supporters so they could bring them to jail and rape them.

"Me, I am old," she said, "but they raped me, too."

Moualin, a rheumy-eyed elder, said Ethiopian troops stormed his village, Sasabene, in January looking for rebels and burned much of it down. "They hit us in the face with the hardest part of their guns," he said.

The villagers said the abuses had intensified since April, when the rebels attacked a Chinese-run oil field, killing 9 Chinese workers and more than 60 Ethiopian soldiers and employees. The Ethiopian government has vowed to crush the rebels but rejects all claims that it abuses civilians.

"Our soldiers are not allowed to do these kinds of things," said Nur Abdi Mohammed, a government spokesman. "This is only propaganda and cannot be justified. If a government soldier did this type of thing they would be brought before the courts."

Even so, the State Department, the European Parliament and many human rights groups, mostly outside Ethiopia, have cited thousands of cases of torture, arbitrary detention and extrajudicial killings—enough to raise questions in Congress about American support of the Ethiopian government.

"This is a country that is abusing its own people and has no respect for democracy," said Representative Donald M. Payne, Democrat of New Jersey and chairman of the House Foreign Affairs subcommittee on Africa and global health.

"We've not only looked the other way but we've pushed them to intrude in other sovereign nations," he added, referring to the satellite images and other strategic help the American military gave Ethiopia in December, when thousands of Ethiopian troops poured into Somalia and overthrew the Islamist leadership.

According to Georgette Gagnon, deputy director for the Africa division of Human Rights Watch, Ethiopia is one of the most repressive countries in Africa.

"What the Ethiopian security forces are doing," she said, "may amount to crimes against humanity."

Human Rights Watch issued a report in 2005 that documented a rampage by government troops against members of the Anuak, a minority tribe in western Ethiopia, in which soldiers ransacked homes, beat villagers to death with iron bars and in one case, according to a witness, tied up a prisoner and ran over him with a military truck.

After the report came out, the researcher who wrote it was banned by the Ethiopian government from returning to the country. Similarly, 3 New York Times journalists who visited the Ogaden to cover this story were imprisoned for 5 days and had all their equipment confiscated before being released without charges.

ETHIOPIA'S TIANANMEN SQUARE

In many ways, Ethiopia has a lot going for it these days: New buildings, new roads, low crime and a booming trade in cut flowers and coffee. It is the second most populous country in sub-Saharan Africa, behind Nigeria, with 77 million people.

Its leaders, many whom were once rebels themselves, from a neglected patch of northern Ethiopia, are widely known as some of the savviest officials on the continent. They had promised to let some air into a very stultified political system during the national elections of 2005, which were billed as a milestone on the road to democracy.

Instead, they turned into Ethiopia's version of Tiananmen Square. With the opposition poised to win a record number of seats in Parliament, the government cracked down brutally, opening fire on demonstrators, rounding up tens of thousands of opposition supporters and students and leveling charges of treason and even attempted to kill top opposition leaders, including the man elected mayor of Addis Ababa.

Many opposition members are now in jail or in exile. The rest seem demoralized.

"There are no real steps toward democracy," said Merera Gudina, vice president of the United Ethiopian Democratic Forces, a leading opposition party. "No real steps toward opening up space, no real steps toward ending repression."

Ethiopian officials have routinely dismissed such complaints, accusing political protesters of stoking civil unrest and poking their finger into a well-known sore spot. Ethiopia has always had an authoritarian streak. This is a country, after all, where until the 1970s rulers claimed to be direct descendants of King Solomon. It is big, poor, famine-stricken, about half-Christian and half-Muslim, surrounded by hostile enemies and full of heavily armed separatist factions. As one high-ranking Ethiopian official put it, "This country has never been easy to rule."

That has certainly been true for the Ogaden desert, a huge, dagger-shaped chunk of territory between the highlands of Ethiopia and the border of Somalia. The people here are mostly ethnic Somalis, and they have been chafing against Ethiopian rule since 1897, when the British ceded their claims to the area.

The colonial officials did not think the Ogaden was worth much. They saw thorny hills and thirsty people. Even today, it is still like that. What passes for a town is a huddle of bubble-shaped huts, the movable homes of camel-thwacking nomads who somehow survive out here. For roads, picture Tonka truck tracks running through a sandbox. The primary elements in this world are skin and bone and sun and rock. And guns. Loads of them.

Camel herders carry rifles to protect their animals. Young women carry pistols to protect their bodies. And then there is the Ogaden National Liberation Front, the machine-gun-toting rebels fighting for control of this desiccated wasteland.

REBELS LIVE OFF THE LAND

Lion. Radio. Fearless. Peacock. Most of the men have nicknames that conceal their real identities. Peacock, who spoke some English, served as a guide. He shared the bitter little plums the soldiers pick from thorn bushes—"Ogaden chocolate," he called them. He showed the way to gently skim water from the top of a mud puddle to minimize the amount of dirt that ends up in your stomach—even in the rainy season this is all there is to drink.

He pointed out the anthills, the coming storm clouds, the especially ruthless thorn trees and even a graveyard that stood incongruously in the middle of the desert. The graves—crude pyramids of stones—were from the war in 1977–78, when Somalia tried, disastrously, to pry the Ogaden out of Ethiopia's hands and lost thousands of men. "It's up to us now," Peacock said.

Peacock was typical of the rebels. He was driven by anger. He said Ethiopian soldiers hanged his mother, raped his sister and beat his father. "I know, it's hard to believe," he said. "But it's true."

He had the hunch of a broken man and a voice that seemed far too tired for his 28 years. "It's not that I like living in the bush," he said. "But I have nowhere else to go."

The armed resistance began in 1994, after the Ogaden National Liberation Front, then a political organization, broached the idea of splitting off from Ethiopia. The central government responded by imprisoning Ogadeni leaders, and according to academics and human rights groups, assassinating others. The Ogaden is part of the Somali National Regional State, one of nine ethnic-based states within Ethiopia's unusual ethnic-based federal system. On paper, all states have the right to secede, if they follow the proper procedures. But it seemed that the government feared that if the Somalis broke away, so too would the Oromos, the Afar and many other ethnic groups pining for a country of their own.

The Ethiopian government calls the Ogaden rebels terrorists and says they are armed and trained by Eritrea, Ethiopia's neighbor and bitter enemy. One of the reasons Ethiopia decided to invade Somalia was to prevent the rebels from using it as a base.

The government blames them for a string of recent bombings and assassinations and says they often single out rival clan members. Ethiopian officials have been pressuring the State Department to add the Ogaden National Liberation Front to its list of designated foreign terrorist organizations. Until recently, American officials refused, saying the rebels had not threatened civilians or American interests.

"But after the oil field attack in April," said one American official who spoke on the condition of anonymity, "we are reassessing that."

American policy toward Ethiopia seems to be in flux. Administration officials are trying to increase the amount of nonhumanitarian aid to Ethiopia to $481 million next year, from $284 million this year. But key Democrats in Congress, including Mr. Payne, are questioning this, saying that because of Ethiopia's human rights record, it is time to stop writing the country a blank check.

In April, European Commission officials began investigating Ethiopia for war crimes in connection to hundreds of Somali civilians killed by Ethiopian troops during heavy fighting in Mogadishu, Somalia's capital.

WOMEN ARE SUFFERING THE MOST

In the Ogaden, it is not clear how many people are dying. The vast area is essentially a no-go zone for most human rights workers and journalists and where the Ethiopian military, by its own admission, is waging an intense counterinsurgency campaign.

The violence has been particularly acute against women, villagers said, and many have recently fled.

Asma, 19, who now lives in neighboring Somaliland, said she was stuck in an underground cell for more than six months last year, raped and tortured. "They beat me on the feet and breasts," she said. She was freed only after her father paid the soldiers ransom, she said, though she did not know how much.

Ambaro, 25, now living in Addis Ababa, said she was gang-raped by 5 Ethiopian soldiers in January near the town of Fik. She said troops came to her village every night to pluck another young woman.

"I'm in pain now, all over my body," she said. "I'm worried that I'll become crazy because of what happened."

Many Ogaden villagers said that when they tried to bring up abuses with clan chiefs or local authorities, they were told it was better to keep quiet.

The rebels said that was precisely why they attacked the Chinese oil field: To get publicity for their cause and the plight of their region (and to discourage foreign companies from exploiting local resources). According to them, they strike freely in the Ogaden all the time, ambushing military convoys and raiding police stations.

Mr. Mohammed, the government spokesman, denied that, saying the rebels "will not confront Ethiopian military forces because they are not well trained."

Expert or not, they are determined. They march for hours powered by a few handfuls of rice. They travel extremely light, carrying only their guns, two clips of bullets, a grenade and a tarp. They brag about how many Ethiopians they have killed, and every piece of their camouflage, they say, is pulled off dead soldiers. They joke about slaughtering Ethiopian troops the same way they slaughter goats.

Their morale seems high, especially for men who sleep in the dirt every night. Their throats are constantly dry, but they like to sing.

"A camel is delivering a baby today and the milk of the camel is coming," goes one campfire song. "Who is the owner of this land?"

A TRIBUTE TO LEONA WILLIAMSON MOSLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ms. Leona Williamson Mosley of Brooklyn, NY, on her 100th birthday. Ms. Williamson Mosley is a woman deeply committed to family and faith. She was born on June 23, 1907, in Clinton, NC. She is one of eight children born to her parents, Lewis and Hattie Williamson. Ms. Williamson Mosley grew up in a crowded household and worked hard to help her family. She spent many years working in her family's tobacco fields.

Ms. Williamson Mosley married Daniel Webster Mosley and moved to New York to start their lives together. From this union came six children—three boys and three girls—which included one set of twins. She worked odd jobs while raising her children, however, once they became teenagers she went to work full time at Brooklyn Hospital where she retired in 1969.

Ms. Williamson Mosley keeps the church as a constant in her life. She joined the Concord Baptist Church in the 1940's and to date is a fixture in that very same church. She has made tremendous contributions to her community with her tireless work through her church.

Ms. Williamson Mosley's legacy will continue to live on in her extended family. She has 17 grandchildren, 34 great-grandchildren, 5 great-great-grandchildren and one great-great-great grandchild. She currently resides with her namesake, her daughter Leona who is her last living child.

Madam Speaker, it is with pleasure that I recognize and honor Ms. Williamson Mosley as she celebrates her 100th birthday.

Madam Speaker, I urge my colleagues to join me in paying tribute to Leona Williamson Mosley, a true national treasure.

IN HONOR OF HOLY CROSS LUTHERAN SCHOOL AND THEIR EFFORTS TO PROMOTE SUN SAFETY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. SESSIONS. Madam Speaker, I rise to acknowledge Holy Cross Lutheran School and their recognition by the United States Environmental Protection Agency. Recently the Achievements in Stratospheric Ozone Protection: Progress Report, a publication by the United States Environmental Protection Agency, highlighted the school's assistance in encouraging sun safety.

The United States Environmental Protection Agency raises awareness about the effects of ozone depletion on public health. It also works to educate young children about the harmful effects of ultraviolet rays and how to reduce the risk of skin cancer as a result from over exposure to the sun. The efforts of the United States Environmental Protection Agency would not be possible without the volunteer assistance of schools like Holy Cross Lutheran School.

I know I speak for all of Dallas when I say that we are very proud to have such an outstanding school in the 32nd District of Texas. The school is an example to all and I wish to thank them here on the floor of the U.S. House of Representatives for all of their hard work.

CONGRATULATING SACRED HEART CATHOLIC CHURCH OF WACO ON THEIR 50TH ANNIVERSARY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. EDWARDS. Madam Speaker, on June 24, 2007, the parishioners and community of Waco celebrate the 50th anniversary of the Sacred Heart Catholic Church, a cornerstone of our central Texas community.

Like many Spanish Franciscan churches in this great Nation, Sacred Heart Parish had a very humble beginning. In 1946, the priests of St. Francis Church established three catechetical centers: Hernandez at 2306 Bagby Avenue; Gonzalez at 2224 James Street; and Rosas at 2313 Bagby Avenue. On June 30, 1957, in what became known as a very moving ceremony, the Most Reverend Louis J. Reicher, Bishop of Austin dedicated the Sacred Heart Catholic Church.

Several outstanding and dedicated pastors have demonstrated their devotion and commitment to the growth and development of the Sacred Heart Catholic Church over the past 50 years including Father Francisco Dols, Father Miguel Rigo, Reverend Anthony Ferrer, Father Gonzalo Ferrer, and presently Father Lawrence Soler.

Under the leadership of Father Lawrence Soler, the Sacred Heart Church has impacted the lives of many people. Father Soler, recognized for over 50 years in the priesthood, has a history of unselfish devotion to others, and a legacy of personal achievement as well as an unwavering commitment to his faith.

The profound words of Father Lawrence spoken during the 25th anniversary of the Sacred Heart Catholic Church best describe the impressive past, as well as the bright future of the Sacred Heart Catholic Church: "From a few scattered families it has grown into a closely knit community of faith, pooling its talents, coordinating its efforts for more effectiveness, so that God may be glorified and mankind served. Our greatest strength in the future will be, as it was in the past, our Faith, our Hope, and our Love."

With this compelling mission of faith and the spiritual message of serving others to guide them, the people of Sacred Heart Catholic Church of Waco have touched countless lives. On their 50th anniversary, I rise to honor the moral leadership, dedication to community, and generous spirit of Sacred Heart Catholic Church, and extend my warmest wishes for continued blessings in the years ahead.

RECOGNIZING THE ACCOMPLISHMENTS OF LINDA HOLLOWAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Linda Holloway for being honored as the 2007 Southern District Elementary School Physical Educator of the Year by the National Association for Sport and Physical Education, NASPE.

As a National Board Certified Teacher in physical education, Linda has dedicated 34 years of faithful service teaching in the Okaloosa County public school system. She received both her bachelor's and master's degrees from the University of West Florida.

Out of her passion for teaching and her love for children, Linda encourages all of her students to set and actively pursue personal goals that focus on healthy lifestyle behaviors that promote physical wellness.

Throughout her career, Linda has maintained active membership in numerous professional organizations. These include the National Association for Sport and Physical Education/American Alliance for Health, Physical Education, Recreation, and Dance, NASPE/AAHPERD; the Florida Alliance of Health, Physical Education, Recreation, and Dance, FLAHPERD; and the United States Tennis Association.

As an extraordinary educator, Linda's leadership and knowledge have helped to create a better life for the youth of the community by giving them the confidence, knowledge, and inspiration needed to succeed.

When discussing her teaching techniques, the award-winning physical educator explains, "I offer positive experiences in my classes that encourage students to succeed and enjoy physical activity. By devoting time to skills instruction, it increases the chances that students will use the skills throughout life and will maintain health and fitness."

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Linda Holloway for exemplary service in physical education at Valparaiso Elementary School and wish her continued success throughout her career.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. NUNES. Madam Speaker, on the legislative day of Friday, June 22, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 543, "nay"; rollcall 544, "nay"; rollcall 545, "aye"; rollcall 546, "aye"; rollcall 547, "aye"; and rollcall 548, "nay."

CONGRATULATING THE CHESTNUT LOG MIDDLE SCHOOL READING TEAM

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise to honor a great accomplishment by students in my Congressional district. I offer my congratulations to members of the Chestnut Log Middle School Reading Team of Douglasville, GA, for winning the Helen Ruffin Reading Bowl. This competition was held at the University of Georgia in Athens on April 21, 2007.

Students read from a statewide book list and answered questions from the novels in order to earn points and win the contest. To be eligible for the State competition, Chestnut Log students first won the Douglas County Reading Bowl in February, then a regional competition at West Georgia University in Carrollton in March. In April, they became State champions.

I want to recognize the members and coaches of the Chestnut Log Middle School Reading Team. These individuals are Seth Blair, Isaac Carter, Zachary Fowler, Will Gay, Patrick Ray, and Caroline Wesson. Special recognition goes to coaches Jan Easterwood, Margaret Robbins, and Susan Bissell for their guidance of this team and devotion to fostering good reading habits among youth.

In closing, Madam Speaker, I want to commend these students for their great accomplishment. As an avid reader, I wish to persuade all of my constituents, no matter young or old, to read and to encourage reading within their communities.

RECOGNITION OF MARGO PELLEGRINO'S 2,000-MILE JOURNEY FROM MIAMI TO MAINE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. PALLONE. Madam Speaker, I proudly rise today to pay tribute to Margo Pellegrino for her remarkable Journey from Miami, FL to Camden, ME. On Monday, May 7, 2007 Margo Pellegrino, a 40-year-old mother of 2, with limited training, began paddling her 20-foot outrigger canoe up the Intracoastal Waterway, ICW, and along the Atlantic coast. Her reason? To highlight the importance of coastal issues up and down the coast.

Ms. Pellegrino's efforts are an inspiration to us all. During her 11 week trip she will make 74 stops along the East Coast in her personal quest to help save our oceans from pollution, overfishing, and habitat destruction.

She understands that we need responsible management of our rich coastal resources. Margo Pellegrino is doing her part to ensure that our Nation's coastal beauty can continue to be enjoyed by both present and future generations. She shares my commitment of improving the quality of our coastal environment while enhancing the interests of those who live and work in America's coastal communities. Her efforts will help achieve those goals.

As Ms. Pellegrino paddles her 40 miles a day she has encountered endangered reefs and dredged beaches—problems that she wants to bring to light throughout her journey. One of Margo's major concerns is dwindling fish populations. Overfishing is largely responsible for the rapid decrease in fish populations and has put our oceans in peril.

It is important to note that Ms. Pellegrino is not a professional athlete. She is a mother and an environmentalist who is showing her children how to make a difference in the world and inspire others to take an active role in the stewardship of our oceans.

This week, she paddles along the coast of New Jersey. As she continues her journey up through New England to Maine, I wish her the best. And I once again ask my colleagues to join me in recognizing Margo Pellegrino for her exceptional journey from Miami to Maine to bring attention to our coastal environment.

MARKING THE CENTENNIAL OF THE LIMA CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. JORDAN of Ohio. Madam Speaker, I am honored to pay special tribute to the outstanding women of the Lima Chapter of the Daughters of the American Revolution. The chapter marked its 100th anniversary with a special reception on June 3, 2007.

Chartered on April 10, 1907, the Lima Chapter has served the people of Lima in countless ways through the years. From their work in support of servicemembers and veterans to their committed work with the youth of Allen County, Ohio, the women of the Lima DAR have compiled a long and distinguished record of service in times of war and peace.

Fifty-two women have served the Lima Chapter as Regent, starting with Mrs. Clara Paine Ohler. The chapter's membership through the years has included women from all walks of life who have distinguished themselves in numerous ways through their service.

The Lima DAR is especially noted for its work in local schools to promote civic education, reflecting the group's love of country and its high regard for the gift of freedom that we all enjoy. They are true examples of the DAR's high calling to "cherish, maintain, and extend the institutions of American freedom."

Madam Speaker, I invite all of my colleagues to join me in paying tribute to the Lima Chapter of the Daughters of the American Revolution. Our Nation is better served through their hard work and diligence. We wish them all the best at their centennial celebration.

IN TRIBUTE TO FRANCES SWIGART

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize an outstanding citizen, community leader, and world traveler of the 4th Congressional District, Frances Swigart. Fran Swigart passed away on June 17, 2007.

Fran served in leadership roles on many non-profit boards: Interchange, UWM Board of Visitors, the Volunteer Center of Greater Milwaukee, League of Women Voters, MATA Community Media, Future Milwaukee, Discovery World at Pier Wisconsin, and the City of Milwaukee Ethics Committee. She was the Executive Director of Future Milwaukee for 9 years, preparing community leaders. Fran was president of the MacMurray College (Jacksonville, IL) Alumni Board, serving two terms.

Fran was a member and leader in the League of Women Voters organization and believed strongly in people's right to exercise their franchise. She proudly served as an election site supervisor for 6 years. Fran facilitated numerous political candidate debates for the League of Women Voters throughout Milwaukee County. She also helped eliminate the bureaucratic barriers that prevented the League of Women Voters from registering new citizens to vote immediately following their swearing in ceremonies. Fran was a candidate for Wisconsin State Representative in the 22nd Assembly District, in 1992. Fran served as a panelist at my "Citizenship Day" events explaining why it was important to register and vote.

In her spare time, Fran loved traveling; in fact, she reached every continent but Australia. She was also a 30-year member of a gourmet cooking group. Fran devotedly served her church, Immanuel Presbyterian, as an elder, deacon, trustee, and mission worker.

Madam Speaker, Milwaukee has suffered a great loss with the passing of Fran Swigart, and we celebrate her life and her many contributions to the life of our community.

KOREAN WAR VETERANS ASSOCIATION FEDERAL CHARTER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. HOYER. Madam Speaker, today on the 22nd anniversary of its founding, I rise to offer legislation that would grant the Korean War Veterans Association a Federal Charter, enabling the Association to expand its mission and further its charitable and benevolent causes. The Association, comprised exclusively of Korean War veterans, has over 25,000 members and is one of the few such organizations of its size without a Federal Charter.

Being awarded such a charter will afford the Korean War Veterans Association the same status as other major veterans' organizations and allow it to participate as part of select committees with other congressionally chartered veterans and military groups. A Federal Charter—at no cost to the government—will also accelerate the Association's accreditation with the Department of Veterans Affairs, enabling its members to assist in processing veterans' claims.

More than 50 years have passed since the war-weary men and women who served in Korea returned home. Half a century later, history has revealed that the sacrifices made by these brave soldiers stemmed the expansion of communism and effectively contributed to a more peaceful world.

Granting this Federal Charter is a small expression of our appreciation for the extraordinary courage and sacrifice of our forces in Korea. This bipartisan legislation is an opportunity to express our gratitude and respect for our military, past and present, and to give Korean War veterans the long-awaited recognition they deserve to ensure that the "forgotten war" is forgotten no more.

TRIBUTE TO SOLDIERS OF THE KOREAN WAR

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. WALZ of Minnesota. Madam Speaker, 57 years ago today, on June 25, 1950, the Korean war began when North Korean forces invaded South Korea. Two days later, President Truman sent U.S. forces to support South Korea and the United Nations followed suit. This initial conflict led to a 3-year war in which American forces defended South Korean territory against Communist invaders from North Korea and China. The United States and our allies suffered numerous successes and setbacks, engaging in a difficult struggle for terrain on the Korean peninsula. In the end, over 54,000 American service members died during the Korean War and over 100,000 were wounded.

We are still living with the legacy of the Korean war today. Thousands of American servicemembers remain on guard on the Korean peninsula along the Demilitarized Zone. While the Korean war is sometimes called the "Forgotten War," it is certainly not forgotten in the 110th Congress. I am proud to honor the commitment and service of those soldiers who fought in Korea and those who continue to stand watch at their posts on the peninsula today. On this day, the 57th anniversary of the start of the Korean war, we honor the sacrifice and service of America's Armed Forces and pledge to continue to work on their behalf in this Congress and beyond.

TURNING THE BATTLE AROUND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to proudly honor, but sadly send away, one of Baltimore's finest citizens and leaders: Dr. Stanley F. Battle, who recently left his post as the President of Coppin State University, located in my district.

Dr. Battle is a man of vision—and true to his name, he turned the battle around to achieve victory for thousands of college students, faculty and the entire Baltimore community.

When Dr. Battle took the helm of this great historically black liberal arts institution in March 2003, Coppin was at a different place than it is today.

Then classified as a college, Coppin was severely underfunded—a situation further escalated by budget cuts to higher education institutions, and a slow economy.

Yet, where critics saw dark clouds—Dr. Battle saw sunlight.

One of his most notable accomplishments was to establish the campus as the first completely wireless campus in the University System of Maryland.

Through Dr. Battle's leadership, Coppin pioneered the Tegrity Campus, which combines digital audio and video recording of the class lectures with electronic note-taking and computer usage. These technological innovations were noticed by the prestigious U.S. News & World Report magazine, which ranked Coppin as one of the top 50 U.S. colleges and universities with absolute wireless capacity.

Then, within 1 year and 1 month of Dr. Battle's tenure as president, Coppin received university status for the first time in its history.

The following academic year, enrollment increased by 11 percent.

Dr. Battle's innovation reached beyond the campus—as he created several initiatives to uplift children in Baltimore City Schools, and empower them to attend college. One such initiative was the Academic Enrichment Academy that offers a free SAT Camp.

Another project he spearheaded was the Talented Ten African American Male Mentoring Program. He also collaborated with Baltimore Public Schools to create several programs to uplift children.

He continued building strong relationships with Baltimore's faith-based community.

Joining with the Coppin Heights Community Development Corporation, Dr. Battle also helped bring together members of the university and the neighbors of the campus to redevelop and revitalize the area surrounding Coppin. He further facilitated the campus's growth from 38 to 52 acres.

In terms of research expansion, Dr. Battle facilitated increased external research grants and established the Raymond V. Haysbert Research Center.

As the Congressman representing Coppin, I was proud to work with Dr. Battle as I helped secure a grant for a major research project, and other funding for educational and transportation programs.

On July 1, 2007, Dr. Battle will begin his role as the Chancellor at North Carolina Agricultural and Technical University in Greensboro, NC.

It is a great loss for the Baltimore community and for Coppin State University.

However, he leaves behind a legacy that has forever changed us—and made an impact on the future leaders of America.

Nevertheless, as a strong believer in expanding high quality education to all Americans, I am joyful that the community of North Carolina A&T University is receiving a great gift as Dr. Battle as its chancellor.

Dr. Battle's legacy of turning around battles will continue to reverberate throughout Maryland for years to come.

RECOGNIZING THE ADA, OKLAHOMA CEMENT PLANT FOR A CENTURY OF CONTINUOUS OPERATION, AND CONGRATULATING THE HOLCIM (US) ADA PLANT FOR ITS USE OF RECYCLED MATERIALS, AND DIRECTING DISTRIBUTION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. COLE of Oklahoma. Madam Speaker, today I rise to honor the Holcim (US) cement plant in Ada, OK, for ensuring a century of continuous cement operations, for its use of recycled materials and for directing distribution. The Holcim plant in Ada provides jobs to over 100 employees, and many of their families have worked at the plant for two generations.

Madam Speaker, since 1921 the Holcim plant has produced more than 33 million tons of cement used in the construction of roads, highways, airports, homes, and oil wells throughout Oklahoma. As such, this plant has been a dependable business in the region, a great example of American ingenuity and technology, and a leader in Oklahoma's industrial revolution.

Madam Speaker, companies like this are rare. When so many have moved to other States and Nations, we are truly fortunate and blessed that Holcim has remained in place. I truly believe that this is testament not only to the company, but to the workers and the larger community of Ada, OK. Companies can only be faithful to a community if a community reciprocates. Ada's demonstrated dedication and its people reveal the pride we all have in our hearts for Holcim.

Madam Speaker, I ask my colleagues to join me in congratulating the Holcim cement plant in Ada, OK for a century of continuous service. The plant is a part of the fabric that makes up present-day Oklahoma, and is an integral part of the economy for Ada by providing jobs and opportunities for our citizens. During Oklahoma's centennial year I want to salute Holcim (US) for the company's contributions to this State.

TRIBUTE TO STS–117

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to commemorate the success of NASA's latest mission to the International Space Station. I also wish to celebrate the safe return of the STS–117 *Atlantis* crew and honor the accomplishments of the astronauts, including Colorado's very own Steven Swanson.

From a distinguished member of the Phi Kappa Phi Honor Society to a recipient of the NASA Exceptional Achievement Medal, Mission Specialist Swanson's path to space is paved with miles of achievements. Long before he took in the majestic sights of our galaxy, a young Swanson was in search of new heights of adventure amidst our Rocky Mountains. After whetting his appetite for sky-high ventures in Steamboat Springs, Mr. Swanson went on to graduate from the University of Colorado with a bachelor's degree in engineering physics. A year after he received a master of applied science in computer systems from Florida Atlantic University, Steve Swanson joined NASA.

As a systems engineer in the Aircraft Operations Division of Johnson Space Center, JSC, Swanson worked on the Shuttle Training Aircraft, eventually earning both the JSC Certificate of Accommodation and the Flight Simulation Engineering Award. After earning a doctorate in computer science from Texas A&M University in 1998, Swanson was selected as an Astronaut Candidate and successfully completed intensive training to eventually become a member of the crew on STS–117.

Building on the lessons and mission objectives of the two previous NASA shuttle missions, STS–115 and STS–116, the STS–117 mission focused on further construction of the International Space Station. The seven-astronaut crew, under the command of Marine Colonel Rick Sturckow and the piloting of Air Force Colonel Lee Archambault, successfully installed a large truss needed to expand the orbiting space research facility and added a third pair of solar wings to power the station. The STS–117 mission represented the 28th flight of the space shuttle *Atlantis* and NASA's 118th shuttle mission.

As the 18th graduate of the University of Colorado to fly in space for NASA, Steve Swanson's safe return not only reaps great pride for his family and friends but the entire state of Colorado as well. Colorado has a rich history of accomplished space pioneers as the state has the second highest private aerospace employment concentration in the country. Swanson serves as a great embodiment of the determination and fearless pursuit of adventure found so deeply ingrained in the American West.

In fact, the entire *Atlantis* crew embodies the very best of the American ingenuity and limitless capacity for human achievement that make this country great. I join my fellow Members of Congress in celebrating and honoring the fine astronauts of STS–117 and the accomplishments of the National Aeronautics and Space Administration.

MOURNING THE LOSS OF RUTH GRAHAM

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. SHULER. Madam Speaker, I rise today in honor of the memory of Ruth Bell Graham, wife of the Reverend Billy Graham. On Thursday, June 14, 2007, Ruth Graham passed away, after being bed-ridden for several months with pneumonia, surrounded by her husband and all five of her children. She may be best known as the wife of the world-famous evangelist Reverend Billy Graham, but Ruth made her own mark on the world as an author, poet, mother, and spiritual leader in her own right.

Ruth Bell, the second child of five children, grew up in China where her parents were missionaries. They instilled in her the dependence on the Bible for strength and guidance. Reverend Billy Graham would later confide in her, relying on her knowledge of the Scripture and her strength of character as guidance.

Due to her husband's travels, she bore major responsibility for raising the couple's five children: Franklin (William Franklin III), Nelson, Virginia, Anne, and Ruth.

Ruth Graham was the author or co-author of 14 books, including collections of poetry and the autobiographical scrapbook "Footprints of a Pilgrim."

In 1996, the Grahams were each awarded the Congressional Gold Medal for "outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion."

She helped establish the Ruth and Billy Graham Children's Health Center in Asheville, and the Billy Graham Training Center near Montreat.

I am honored to have Reverend and Mrs. Graham as two of my constituents in Western North Carolina. The Grahams moved to Montreat many decades ago, and have made an indelible mark on the area. I have the utmost respect for Reverend Graham.

Madam Speaker, the legacy of Ruth Graham will live on long after she is gone. Ruth Bell Graham has served her Lord for a lifetime, and it is an honor to have served Ruth Graham in the United States Congress.

I ask my colleagues to join me in expressing remorse for the loss of Ruth Graham and may God bless and comfort the family and friends she has left behind.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 26, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 27

9:30 a.m.

Judiciary
Constitution Subcommittee
To hold an oversight hearing to examine the federal death penalty.
SD–226

Veterans' Affairs
Business meeting to markup pending legislation; to be immediately followed by a full committee hearing to examine the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).
SD–562

10 a.m.

Finance
To hold hearings to examine the Stealth Tax, focusing on how to stop the alternative minimum tax from sneaking up on unsuspecting taxpayers.
SD–215

Health, Education, Labor, and Pensions
Business meeting to consider S. 793, to provide for the expansion and improvement of traumatic brain injury programs, and S. 1011, to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health, original bills entitled, "Biologics Price Competition and Innovation Act", "Wired for Health Care Quality Act", and other pending calendar business.
SD–628

Environment and Public Works
Transportation Safety, Infrastructure Security, and Water Quality Subcommittee
To hold hearings to examine protecting water quality at America's beaches.
SD–406

10:30 a.m.

Aging
To hold hearings to examine the relationship between doctors and the drug industry.
SD–106

11 a.m.

Joint Economic Committee
To hold hearings to examine the economic case for early care and education.
SH–216

11:15 a.m.

Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

11:30 a.m.

Homeland Security and Governmental Affairs
To continue hearings to examine violent Islamist extremism, focusing on the European experience.
SD–342

2 p.m.

Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009, and Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008.
SR–328A

2:30 p.m.

Commerce, Science, and Transportation
Business meeting to consider S. 704, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, S. 950, to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, S. 1650, to establish a digital and wireless network technology program, and S. 1661, to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad, and promotion lists in the United States Coast Guard.
SR–253

Energy and Natural Resources
To hold hearings to examine S. 1171, to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water.
SD–366

JUNE 28

9:30 a.m.

Indian Affairs
To hold hearings to examine draft legislation regarding the regulation of class III gaming.
SR–485

10 a.m.

Environment and Public Works
To hold hearings to examine global warming issues in the power plant sector.
SD–406

Judiciary
Business meeting to consider S. 1145, to amend title 35, United States Code, to provide for patent reform, and S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation.
SD–226

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration.
SR–253

2 p.m.

Appropriations
Business meeting to markup proposed legislation making appropriations for State, Foreign Operations, and Related Programs, Commerce, Justice, Science, and Related Agencies, and Energy and

Water Development for the fiscal year ending September 30, 2008.

SH-216

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine financial management systems modernization at the Department of Homeland Security, focusing on systems and processes needed to support the Department's mission and operations.

SD-342

JULY 9

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To continue hearings to examine excessive speculation in the natural gas market.

SD-342

JULY 10

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine community services and support, focusing on planning across the generation.

SD-106

JULY 11

10 a.m.

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).

SD-226

JULY 17

2:30 p.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense education issues.

SD-562

JULY 18

10 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH-216

JULY 25

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD-562

SENATE—*Tuesday, June 26, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who is above all, You are the source of our joy. Continue to lead our lawmakers on the right road. Enter their hearts and enlighten their minds so that they become instruments of Your glory. Strengthen them to take up their daily cross with willing hearts and open hands. May they abandon all of life's petty concerns and embrace Your loving providence. Make them exemplary models of merciful service. May the matter-of-fact orientation of this scientific age never blind them to the glory, the wonder, and the mystery of life.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, this morning, following any time used by the two leaders, the Senate will resume consideration of the two motions to proceed to H.R. 800 and S. 1639. Debate time will extend until 11:30 this morning. That time will be equally divided and controlled between Senators KENNEDY and ENZI or their designees. At 11:30, the two leaders will control 10 minutes each, with the Republican leader controlling the time from 11:30 to 11:40 and the majority leader controlling the time from 11:40 to 11:50. Therefore, if the leaders use the time available to them, the first vote will occur about 11:50. The first vote will be on the motion to invoke cloture on the motion to proceed to H.R. 800, the Employee Free Choice Act. Regardless of the outcome of that vote, even if cloture is invoked on that motion, the Senate will then proceed to vote on the motion to proceed to S. 1639, the immigration bill. Following the second vote, the Senate will then recess until 2:15 in order to permit the respective party conference meetings.

The schedule is difficult. Last week, we worked things out so we didn't have to be in on the weekend, and that was because the cloture vote did not succeed and we saved some 30 hours. Had that succeeded, we would have had to work into the weekend.

IRAQ

Mr. REID. Madam President, yesterday the U.S. Conference of Mayors highlighted the toll of the Iraq war, the toll it is taking on our health, safety, and well-being here at home, by voting for a resolution to bring the war to a responsible end. Stanford, CT, Mayor Dan Malloy said the war has drained desperately needed funds from classrooms and municipal services. David Cicilline, Mayor of Providence, RI, said:

> Continued U.S. military presence in Iraq is resulting in the tragic loss of American lives and wounding of American soldiers . . . reducing federal funds for needed domestic investments in education, health care, public safety, homeland security and more.

The mayors understand this as much as any other political body in the country. They are the ones who are seeing that desperately needed funds are not going to projects they believe are so important to their constituents, the people who live within those cities, because the money is going at the rate of $10 billion a month to Iraq. I appreciate the Conference of Mayors for taking the important stand they did.

Finally, last evening, just before the Senate went out, RICHARD LUGAR, former chairman of the Agriculture Committee, the Foreign Relations Committee, and ranking member on the Foreign Relations Committee today, made a very important speech, one of the most important speeches we have had in the Senate in a long time. He is a soft-spoken man and doesn't really talk a lot. He is a Rhodes scholar, a brilliant man, an academic with experience, prior to coming here, as mayor of one of the major cities in America. I appreciate what he did last night, what he said last night. On foreign policy, he has the credentials to speak.

Yesterday, he gave voice to the growing sentiment among his Republican colleagues that we must change course in Iraq and change now—not in September but now. Senator LUGAR said:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I recommend and suggest to all Senators, Democrats and Republicans, that they read the brilliant speech given by DICK LUGAR last night. It was very good. It was, I am sure, prepared by him, every word. I understand it is not easy to speak out against the war. I can vouch for that. I also recognize how difficult it is for Republicans to speak out against the war. It has been hard enough for this Democrat to speak out against the war. Senator LUGAR's comments and those of a handful of other Republicans who share his view—to this point, two have said so publicly—takes real courage. Courage is the only way we will change course in Iraq.

Some floor speeches go unnoticed. Most floor speeches go unnoticed. Senator RICHARD LUGAR's speech last night is not one of them. When this war comes to an end—and it will come to an end—and the history books are written—and they will be written—Senator LUGAR's words yesterday could be remembered as a turning point in this intractable civil war in Iraq. But that will depend on whether more Republicans take the stand Senator LUGAR took, a courageous stand, last night.

I look forward to working with Senator LUGAR—and hope and believe a growing number of Republicans—to put his words into action by delivering a responsible end to the war that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

American people demand and the American people deserve.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED

COMPREHENSIVE IMMIGRATION REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume en bloc the motions to proceed to H.R. 800 and S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.
>
> Motion to proceed to the consideration of S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 will be equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Wyoming, Mr. ENZI, or their designees, with the time from 11:30 to 11:40 reserved for the Republican leader and the time from 11:40 to 11:50 for the majority leader.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

Mr. GREGG. Mr. President, if the Senator will respond to an inquiry, would it be possible to have an order set up so that we could know when we are going? If I could get Senator KENNEDY's attention, would it be possible that Senator ALEXANDER be recognized and I be recognized, both for 5 minutes, at some point after Senator SPECTER, on Senator ENZI's time? Is that possible?

Mr. KENNEDY. That is agreeable. We will try to accommodate the time. Senator SPECTER wanted 15 minutes; others are 5 minutes. But we will be glad to accommodate, so if he goes for 15, you can go for 5.

Mr. GREGG. Senator ALEXANDER can be recognized for 5 and then I can be recognized for 5.

Mr. KENNEDY. That would be fine.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished chairman for yielding time. I have sought recognition to speak on the legislation entitled the "Employee Free Choice Act." I have had numerous contacts on this bill, both for it and against it, very impassioned contacts. People feel very strongly about it. The unions contend they very desperately need it. The employers say it would be an abdication of their rights to a secret ballot. I believe there are a great many important issues which need to be considered on this matter, and that is why I will vote, when the roll is called, to impose cloture so that we may consider the issue. I emphasize that on a procedural motion to invoke cloture—that is, to cut off debate—it is procedural only and that my purpose in seeking to discuss the matter is so that we may consider a great many very important and complex issues. I express no conclusion on the underlying merits in voting procedurally to consider the issue.

In my limited time available, I will seek to summarize. I begin with a note that the National Labor Relations Act does not specify that there should be a secret ballot or a card check but says only that the employee representative will represent in collective bargaining where that representative has been "designated or selected" for that purpose. The courts have held that the secret ballot is preferable but not exclusive.

In the case captioned "Linden Lumber Division v. National Labor Relations Board," the Supreme Court held that "an employer has no right to a secret ballot where the employer has so poisoned the environment through unfair labor practices that a fair election is not possible."

The analysis is, what is the status with respect to the way elections are held today? The unions contend that there is an imbalance, that there is not a level playing field, and say that has been responsible in whole or in part for the steady decline in union membership.

In 1954, 34.8 percent of the American workers belonged to unions. That number decreased in 1973 to 23.5 percent and in 1984 to 18.8 percent; in 2004, to 12.5 percent; and in 2006, to 12 percent. In taking a look at the practices by the National Labor Relations Board, the delays are interminable and unacceptable. By the time the NLRB and the legal process has worked through, the delays are so long that there is no longer a meaningful election. That applies both to employers and to unions, that the delays have been interminable.

In the course of my extended statement, I cite a number of cases. In Goya Foods, the time lapse was 6 years; Fieldcrest Cannon, 5 years; Smithfield—two cases—12 and 7 years; Wallace International, 6 years; Homer Bronson, 5 years.

In the course of my written statement, I have cited a number of cases showing improper tactics by unions, showing improper tactics by employers. In the limited time I have, I can only cite a couple of these matters, but these are illustrative.

In the Goya Foods case, workers at a factory in Florida voted for the union to represent them in collective bargaining. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain.

In February of 2001, the administrative law judge found the company had illegally fired the employees and had refused to bargain. But it was not until August of 2006 that the board in Washington, DC, adopted those findings, ordered reinstatement of the employees with backpay, and required Goya to bargain in good faith—a delay of some 5 years.

In the Fieldcrest Cannon case, workers at a factory in North Carolina sought an election to vote on union representation. To discourage its employees from voting for the union, the company fired 10 employees who had vocally supported the union. The employer threatened reprisal against other employees who had voted for the union and threatened that immigrant workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the administrative law judge did not decide the case until 3 years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—a lapse of some 5 years. In my written statement, I cite seven additional cases.

Similarly, there have been improper practices by unions. On the balance, I have cited nine on that line, the same number I cited on improper activities by employers.

At a Senate Appropriations subcommittee hearing, which I conducted in Harrisburg, PA, in July of 2004, we had illustrative testimony from an employee, Faith Jetter:

> Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . there was continuing pressure on me to sign.

At a hearing of the House Committee on Labor this February, witness Karen Mayhew testified about offensive pressure tactics by the unions. I would cite some of my own experience with the issue. When I was an assistant district attorney in Philadelphia, I tried the first case against union coercive tactics to come out of the McClellan Committee investigation. The McClellan Committee had investigated Local 107 of the Philadelphia Teamsters Union, found they had organized a goon squad, beat up people, and exercised coercive tactics to form a union. That case was brought to trial in 1963 and resulted in convictions of all six of the union officials and they all went to jail. Without elaborating on the detailed testimony, it was horrendous what the union practices were in that case.

There is no doubt if you take a look at the way the National Labor Relations Board functions—it is not functioning at all—but that it is dysfunctional.

If you take a look at the statistics, on the one category of intake, it declined from 1,155 in 1994, to 448 in 2006. In another category, it declined from almost 41,000 in 1994, to slightly under 27,000 in 2006. On injunctions, where the NLRB has the authority to go in and get some action taken promptly, it is used very sparingly, and again there is a steep decline: from 104 applications for injunctions in 1995, to 15 in 2005, and 25 in 2006. The full table shows a great deal of the ineptitude as to what is going on.

So what you have, essentially, is a very tough fought, very bitter contest on elections, very oppressive tactics used by both sides and no referee. The National Labor Relations Board is inert. It takes so long to decide the case that the election becomes moot, not important anymore. What they do is order a new election and they start all over again and, again, frequently the same tactics are employed.

If there is an unfair labor practice in a discharge, the most the current law authorizes the NLRB to do is to reinstate the worker with backpay. That is reduced by the amount the individual has earned otherwise, which is in accordance with the general legal principle of mitigation of damages. But there is no penalty which is attached. So when you take a look at what the NLRB does, it is totally ineffective.

Those are issues which I think ought to be debated by the Senate. We ought to make a determination whether the current laws are adequate and whether there ought to be changes and whether there ought to be remedies. We ought to take a look, for example, at the Canadian system. When I did some fundamental, basic research, I was surprised to find that 5 of the 10 provinces of Canada employ the card check; that is, there is no right to a secret election. One of the provinces had the card check, rejected it, and then I am told went back to the card check. So their experiences are worthy of our consideration.

In Canada, elections are held 5 to 10 days after petitions are filed. I believe this body ought to take a close look at whether the procedures could be shortened, whether there could be mandatory procedures for moving through in a swift way—justice delayed is justice denied, we all know—whether there ought to be the standing for the injured parties to go into court for injunctive relief. That is provided now in the act, but only the NLRB can undertake it.

This vote, we all know, is going to be pro forma. We have the partisanship lined up on this matter to the virtual extreme. There is no effort behind the debate which we are undertaking today to get to the issues. There is going to be a pro forma vote on cloture. Cloture is not going to be invoked. We are going to move on and not consider the matter. We know there are enough votes to defeat cloture. The President has promised a veto. So it is pro forma.

But that should not be the end of our consideration of this issue because labor peace—relations between labor and management—is very important, and we ought to do more by way of analyzing it to see if any corrections are necessary in existing law.

It is worth noting, in the history of the Senate, there has been considerable bipartisanship—not present today. But listen to this: In 1931, the Davis-Bacon Act was passed by a voice vote. In 1932, the Norris LaGuardia Act was passed by a voice vote. In 1935, the National Labor Relations Act, also known as the Wagner Act, was passed by a voice vote. In 1938, the Fair Labor Standards Act was passed, again, by a voice vote. In 1959, only two Senators voted against the Landrum-Griffin bill.

A comment made by then-Senator John F. Kennedy, on January 20, 1959, commenting on the Landrum-Griffin bill, is worth noting. I quote only in part because my time is about to expire, but this is what Senator John F. Kennedy had to say:

> [T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . .The extremists on both sides are always displeased. . . .Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject.

Madam President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. In conclusion, it would be my hope we would take a very close look at this very important law in this very important field and recognize that harmonious relations between management and labor are very important. That is not the case today, with a few illustrations I have given in my prepared statement. We ought to exercise our standing, which we pride ourselves as the world's greatest deliberative body.

Although that will not be done today because cloture is not going to be invoked, I intend to pursue oversight through the subcommittee where I rank which has jurisdiction over the NLRB.

Madam President, I ask unanimous consent that my extensive statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER—S. 1041, THE EMPLOYEE FREE CHOICE ACT

Mr. SPECTER. Mr. President, I seek recognition today to discuss the legislation entitled the Employee Free Choice Act. The Senate will later today vote on Cloture on the Motion to Proceed to this important legislation. The Senate prides itself on being the world's greatest deliberative body, and I am voting for cloture to enable the Senate to deliberate on this legislation and the important issues it raises in an open and productive manner.

The Employee Free Choice Act is an issue of deep and abiding interest to labor organizations and to employers. There has been intense advocacy on both sides. At the field hearing in Pennsylvania in July 2004, and in the many discussions that I have had with labor leaders and employers since that time, I have heard evidence indicating that employees are often denied a meaningful opportunity to determine whether they will be represented by a labor union. There are many stories and cases about employers asserting improper influence over their employees prior to an election, and there are also many cases of unions attempting to assert undue influence over workers in an attempt to establish a union. I am talking about threats, spying, promises, spreading misleading information, and other attempts to coerce workers and interfere with their right to determine for themselves whether they wish to be represented by a labor organization. Based on what I have heard, I have concerns that we have lost the balance of the National Labor Relations Act's fundamental promise—that workers have the right to vote in a fair election conducted in a non-threatening atmosphere, free of coercion and fear, and without undue delay. Workers should be assured that their decisions will be respected by their employer and the union—with the support of the government when necessary. The overwhelming evidence demonstrates that the NLRB is not doing its job and is dysfunctional.

In light of the numerous contacts I have had with constituents on both sides of this issue, and in consideration of the evidence that has been presented by both sides, I have decided to hold off on cosponsoring the Employee Free Choice Act in the 110th to give more opportunity to both sides to give me their views and to give me more time to deliberate on the matter. At a time when union membership is decreasing and when employers face increasing competition in a global economy, it is our duty in Congress to have a vigorous debate and to reach a decision on the issues that the Employee Free Choice Act purports to resolve.

The 1935 Wagner Act guarantees the right of workers to organize, but it does not require that unions be chosen by election. Instead, Section 9 provides more broadly that an employee representative that has been "designated or selected" by a majority of the employees for the purpose of collective bargaining shall be the exclusive representative of those employees in a given bargaining unit. The Act further authorizes the National Labor Relations Board to conduct secret ballot elections to determine the level of support for the union when appropriate. Since 1935, secret ballot elections have been the most common method by which employees have selected their representatives.

Labor organizations have experienced a sharp decline in membership since the 1950s. Unions represented 34.8 percent of American workers in 1954, 23.5 percent in 1973, 18.8 percent in 1984, 15.5 percent in 1994, 12.5 percent in 2004, and 12 percent in 2006. In Senate debate, we should consider whether labor laws have created an uneven playing field that has led to this dramatic decline.

We should also consider where the fault lies in deciding what changes, if any, should be made to our labor laws. There are certainly abuses by both unions and employers. The Supreme Court described the problem in *NLRB* v. *Gissel Packing Co.*, 395 U.S. 575 (1969), noting that "we would be closing our eyes to obvious difficulties, of course, if we did not recognize that there have been abuses, primarily arising out of misrepresentations by union organizers as to whether the effect of signing a card was to designate the union to represent the employee for collective bargaining purposes or merely to authorize it to seek an election to determine that issue." The following cases and testimony are illustrative of this problem:

At a July 2004 Senate Appropriations Subcommittee I held in Harrisburg, Pennsylvania entitled "Employee Free Choice Act—Union Certifications," a letter from employee Faith Jetter was included in the record. In that letter, Ms. Jetter testified: "Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . I felt like there was continuing pressure on me to sign."

In testimony before the Senate Committee on Health, Education, Labor, and Pensions on March 27, 2007, in a hearing entitled "The Employee Free Choice Act: Restoring Economic Opportunity for Working Families," Peter Hurtgen, a former chairman of the NLRB, testified that "in my experience, neutrality/card check agreements are almost always the product of external leverage by unions, rather than an internal groundswell from represented employees."

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled "Strengthening America's Middle Class through the Employee Free Choice Act," Karen Mayhew, an employee at a large HMO in Oregon, testified that local union organizers had misled many employees into signing authorization cards at an initial question-and-answer meeting. She said: "At the meeting, employees asked the union agents questions about the purpose of the cards. The union agents responded by telling us that signing the card only meant that the employee was expressing an interest in receiving more information about the union, or to have an election to decide whether or not to bring the union in. It was made clear to all of us there in attendance that those authorization cards did NOT constitute a vote right there and then for exclusive representation by SEIU."

A May 22, 2007 National Review article by Deroy Murdock entitled "Union of the Thugs" quoted Edith White, a food-service worker from New Jersey who recalled being visited by a union organizer who told her that she "wouldn't have a job" if she did not sign the authorization card and that "the Union would make sure" that she was fired.

A June 29, 2006 Boston Globe article by Christopher Rowland entitled "Unions in Battle for Nurses" reported that organizers at a local hospital had told nurses that signing an authorization card would "merely allow them to get more information and attend meetings." The nurses were quoted as saying that the process "left [them] feeling deceived and misled."

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled "Strengthening America's Middle Class through the Employee Free Choice Act," Jen Jason, a former labor organizer for UNITE HERE, testified that she was trained to create a sense of agitation in workers and to capitalize on the "heat of the moment" to get workers to sign union support cards. She compared the American system of free ballots to the check card system in Canada, where she also worked as a union organizer, noting "my experience is that in jurisdictions in which 'card check' was actually legislated, organizers tend[ed] to be even more willing to harass, lie, and use fear tactics to intimidate workers into signing cards." She also noted that "at no point during a 'card check' campaign is the opportunity created or fostered for employees to seriously consider their working lives and to think about possible solutions to any problems."

At that same hearing before the House Committee on Labor, Education and Pensions, a former union organizer, Ricardo Torres, testified that he resigned because of "the ugly methods that we were encouraged to use to pressure employees into union ranks." He testified that "I ultimately quit this line of work when a senior Steelworkers union official asked me to threaten migrant workers by telling them they would be reported to federal immigration officials if they refused to sign check-off cards during a Tennessee organizing drive . . . . Visits to the homes of employees who didn't support the union were used to frustrate them and put them in fear of what might happen to them, their family, or homes if they didn't change their minds about the union."

Enactment of the Landrum-Griffin Act in 1959 followed extensive Senate hearings by the McClellan Committee on union abuses. Based on evidence compiled by that Committee, where Senator John F. Kennedy was a member and Robert F. Kennedy was General Counsel, I secured the first convictions and jail sentences from those hearings for six officials of Local 107 of the Teamsters Union in Philadelphia. That union organized a "goon squad" to intimidate and beat up people as part of their negotiating tactics. Their tactics were so open and notorious that my neighbor, Sherman Landers, with whom I shared a common driveway, sold his house and moved out, afraid the wrong house would be fire-bombed. The trial, which occurred from March through June 1963, was closely followed by Attorney General Kennedy who asked for and got a personal briefing on the case and then offered me a position on the Hoffa prosecution team.

Similarly, there are many examples of employer abuses during campaigns and initial bargaining. Each of the following cases illustrates the principle often attributed to William Gladstone: "Justice delayed is justice denied."

In the Goya Foods case, 347 NLRB 103 (2006), workers at a factory in Florida voted for the union to represent them in collective bargaining negotiations. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain. In February of 2001, the Administrative Law Judge found that the company had illegally fired the employees and had refused to bargain. It was not until August of 2006, however, that the Board in Washington, D.C. adopted those findings, ordered reinstatement of the employees with back pay, and required Goya to bargain in good faith—six years after the employer unlawfully withdrew recognition from the union.

In the Fieldcrest Cannon case, 97 F.3d 65 (4th Cir. 1996), workers at a factory in North Carolina sought an election to vote on union representation in June of 1991. To discourage its employees from voting for the union, the company fired at least 10 employees who had vocally supported the union, threatened reprisal against employees who voted for the union, and threatened that immigrant workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the Administrative Law Judge did not decide the case until three years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—five years after the election.

In the Smithfield case, 447 F.3d 821 (D.C. Cir. 2006), employees at the Smithfield Packing Company plant in Tar Heel, North Carolina filed a petition for an election. In response, the employer fired several employees, threatened to fire others who voted for a union and threatened to freeze wages if a union was established. The workers lost two elections—one in 1994 and one in 1997. Workers filed an unfair labor practices case. The administrative law judge ruled for the workers in December of 2000, but the NLRB did not affirm that decision until 2004, and the Court of Appeals did not enforce the order until May of 2006—twelve years after the first tainted election.

In another case involving the Smithfield Company, 347 NLRB 109 (2006), employees at the Wilson, North Carolina location sought an election for union representation. Prior to the election, the company fired employees who were leading the union campaign and threatened and intimidated others. The union lost the election in 1999. The workers filed an unfair labor practices case and the Administrative Law Judge found in 2001 that the employer's conduct was so egregious that a Gissel bargaining order (which mandates a card check procedure instead of an election) was necessary because a fair election was not possible. However, by the time the NLRB affirmed the ALJ's decision in 2006, it found that the NLRB's own delay in the case prevented the Gissel bargaining order from being enforceable and—7 years after the employer prevented employees from freely participating in a fair election—the remedy the Board ordered was a second election.

In the Wallace International case, 328 NLRB 3 (1999) and 2003 NLRB Lexis 327 (2003), the employer sought to dissuade its employees from joining a union by showing its workers a video in which the employer threatened to close if the workers unionized and the town's mayor urged the employees not to vote for a union. The union lost an election in 1993. The Board ordered a second election, which was held in 1994, that was also tainted by claims of unfair labor practices. The employees brought unfair labor practice cases after the election. In August 1995, the ALJ found against the employer and issued a Gissel bargaining order because a fair election was impossible. However, as in the Smithfield case, by the time the NLRB finally affirmed the ALJ's decision, in 1999, the Gissel order was not enforceable. In subsequent litigation, an ALJ found that the employer's unlawful conduct, including discriminatory discharge, had continued into 2000—7 years after the first election.

In the Homer Bronson Company case, 349 NLRB 50 (2007), the ALJ in 2002 found that the employer had unlawfully threatened employees who were seeking to organize that the plant would have to close if a union was formed. The Board did not affirm the decision until March 2007, again noting that a Gissel order, though deemed appropriate by the NLRB General Counsel, would not be enforceable in court because of the delays at the NLRB in Washington, D.C.

The National Labor Relations Board found unlawful conduct by employers in a number of recent cases in my home state of Pennsylvania:

In the Toma Metals case, 342 NLRB 78 (2004), the Board found that at least eight employees at Toma Metals in Johnstown, PA were laid off from their jobs because they voted to unionize the company. In addition, David Antal, Jr. was terminated because he told his supervisor that he and his fellow employees were organizing a union. He was laid off the same evening the union petition was filed.

In the Exelon Generation case, 347 NLRB 77 (2006), the Board found that the employer in Limerick and Delta, PA threatened employees during an organizing campaign that they would lose their rotating schedules, flextime, and the ability to accept or reject overtime if they voted for union representation.

In the Lancaster Nissan case, 344 NLRB 7 (2005), the Board found that the employer failed to bargain in good faith following a union election victory by limiting bargaining sessions to one per month. The employer then unlawfully withdrew recognition from the union a year later based on a petition filed by frustrated employees, automotive technicians.

In addition to showing employer abuses, these cases demonstrate the impotency of existing remedies under the NLRA to deal effectively with the problem. Further, the convoluted procedures and delays in enforcement actions make the remedies meaningless.

In 1974, in Linden Lumber Division v. NLRB, 419 U.S. 301 (1974), the court made it clear that an employer may refuse to recognize a union based on authorization cards and insist upon a secret ballot election in any case, except one in which the employer has so poisoned the environment through unfair labor practices that a fair election is not possible. In those cases involving egregious employer conduct, the Board may impose a "Gissel" order that authorizes card checks. This remedy takes its name from NLRB v. Gissel Packing Co., which I cited earlier.

Most often, however, when the Board finds that an employer improperly interfered with a campaign, it typically only orders a second election, often years after the tainted election, and requires the employer to post notices in which it promises not to violate the law.

The standard remedy for discriminatory discharge, the most common category of charges filed with the NLRB, is an order to reinstate the worker with back pay, but any interim earnings are subtracted from the employer's back pay liability, and often this relief comes years after the discharge.

The other common unfair labor practice case involves an employer's refusal to bargain in good faith. The remedy is often an order to return to the bargaining table.

In relatively few cases each year, the NLRB finds that the unfair labor practices are so severe that it chooses to exercise its authority under Section 10(j) of the NLRA to seek a federal court injunction to halt the unlawful conduct or to obtain immediate reinstatement of workers fired for union activity. The NLRB too rarely exercises this authority, and the regional office must obtain authorization from Washington, D.C. headquarters to seek injunctive relief.

Additionally, under the procedures of the Act, after the union wins an election, the employer may simply refuse to bargain while it challenges some aspect of the pre-election or election process. The union must then file an unfair labor practice charge under Section 8(a)(5), go through an administrative proceeding, and ultimately the matter may be reviewed by a Federal court of appeals, since a Board order is not self-enforcing. All of this takes years.

The following tables reflect that from 1994 to 2006 the number of cases handled by the NLRB regional offices declined steadily from 40,861 cases in 1994 to 26,717 in 2006. Yet, despite this decline in workload, in 2005 the median age of unresolved unfair labor practice cases was 1232 days, and for representation cases the median age was 802 days. In 1995, the NLRB sought 104 injunctions; in 2005, it sought 15; and in 2006, 25 injunctions. In Washington, D.C., the Board's caseload declined from 1155 cases in 1994 to 448 cases in 2006.

The number of decisions issued declined from 717 in 1994 to 386 in 2006. The backlog hit a peak of 771 cases in 1998 and declined to 364 in 2006, but that decline must be viewed in the context of a case intake for the Board that had fallen to only 448 cases in 2006.

TABLE 1: REGIONAL OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	40861	39935	38775	39618	36657	33715	31787	29858	26717
ULP (Case Age in Days)	758	893	846	929	985	1030	1159	1232	—
Representation (Case Age in Days)	152	305	369	370	473	473	576	802	—
Section 10(j)	83	104	53	45	17	14	15	25	—

TABLE 2: WASHINGTON OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	1155	1138	997	1084	1083	818	754	562	448
Decisions	717	935	709	873	708	543	576	508	386
Case Backlog	585	459	495	672	771	673	636	544	364

What has the Board been doing? Although many cases are resolved at earlier stages out in the regions where the NLRB may be generally effective, one must ask why it took years for the Board to order reinstatement in the cases cited earlier?

During the Senate's debate on the Employee Free Choice Act, it is important that we focus on the employees' interests, not on the employers' or the unions' interests. We must protect employees from reprisals from either side. We must ensure they have an environment in which they may make a free choice. We must ensure that employees' decision, whether it is for or against representation, is respected. And we must ensure that if the employees do choose to be represented, they can have confidence that their employer will bargain with the union, and that the employer will not try to undermine the union by threatening the employees during bargaining for an initial agreement.

And finally, we must ensure that the Federal statute designed to provide this protection of employees—and the government agency tasked with the statute's enforcement—are effective. If the statute needs to be modified to provide stronger remedies or more streamlined procedures, then that should be addressed. If the NLRB itself is causing delay and confusion as to what the law is, then that should be addressed. We do not need symbolic votes. We need meaningful debate and careful consideration of these important issues. America's workers deserve nothing less.

It is worthwhile to look at the experience of our neighbor, Canada, where five of the ten provinces use the card check procedure instead of secret ballot elections. In hearings this year before the Senate and the House concerning the Employee Free Choice Act, witnesses testified that unions are more successful in their organizing campaigns under the card check system—perhaps an indication that card check prevents employers from exercising undue influence over workers to prevent unionization. On the other hand, there was testimony suggesting that the Canadian card check system has allowed unions to exert undue influence on employees in order to obtain their signatures on union recognition cards.

In a 2004 study of the gap between Canadian and U.S. union densities, an economics professor from Ontario found that simulations suggest that approximately 20 percent of the gap could be attributed to the different recognition procedures—card check or secret ballot elections—in the two countries. She further noted that the election procedures in Canada are not identical to those of the U.S. I am intrigued by the fact that union elections in Canada must take place within 5 to 10 days after an application or petition is filed, depending on the province. In the U.S. there is no such statutory time limit between petition and voting, and it may be several months before the election is held. This creates a wider window of opportunity for the employer to influence workers, using legal or illegal means. The professor also notes that when unfair labor practices occur, the differences in procedures and the role of the courts in the two countries mean that it is faster and less expensive to process complaints in Canada than in the U.S.

In 2001, another economics professor published a study in which he noted that in the previous decade, an increased number of Canadian provinces had abandoned their longstanding tradition of certification based on card check by experimenting with mandatory elections. In British Columbia, for example, legislation requiring elections was enacted in 1984 and then abandoned in 1993. In examining the impact of union suppression on campaign success in British Columbia, the professor tested whether the length of an organizing drive had an impact on organizing success. The evidence demonstrated that the probability of a successful organization of employees decreased by 1 percent for every two days of delay when an unfair labor practice was involved. The unfair labor practice itself decreased the probability of success even further. The professor observed that mandatory elections, as compared with a card check system, were detrimental to unions' success. He found that not only did success rates fall, but the number of certification attempts fell substantially as well. He concluded that unions believe organizing will be more difficult under mandatory voting as so are less willing to invest in it. He concluded his paper with this observation:

> It seems more likely, however, that the recent trend towards compulsory voting represents a shift in beliefs towards elections as a preferable mechanism for determining the true level of support within the bargaining unit. . . . If governments are opting for a more neutral stance towards unions, our results suggest that stricter employer penalties should be considered. Currently even when an [unfair labor practice claim] is found to be meritorious, penalties for illegal employer coercion are largely compensatory. . . . Furthermore, our evidence shows that strict time limits form a useful policy tool in encouraging neutrality in the organizing process since the combination of union suppression and a length certification process is quite destructive.

I also note a 2006 study published in the Industrial Law Journal by an Oxford professor who has studied the statutory recognition procedures in England's Trade Union and Labour Relations Act of 1992. He compares the English, Canadian and American systems, and states at page 9: "Indeed, the law itself has erected the most substantial barriers to unions' organizational success, and this is manifest in the dilatoriness of legal procedures. Delay erodes the unions' organizational base by undermining workers' perceptions of union instrumentality." These studies of the Canadian and the English experiences are instructive if we are to carefully consider the many aspects of the secret ballot election process.

Since 1935, there have been two major substantive amendments to Federal labor law. In 1947, Congress passed the Taft-Hartley Act and, in 1959, it passed the Landrum-Griffin Act. These additions to the law strengthened workers' right to refrain from union activity and regulated the process of collective bargaining and the use of economic weapons during labor disputes, but Congress has not amended the provisions of federal labor law that protect the right of self-organization.

On July 18, 1977, President Carter asked Congress for labor law reform legislation. His proposals were incorporated into H.R. 8410, which was introduced on July 19, 1977. An identical bill, S. 1883, was introduced that same day by Senators Williams and Javits. Ten days of hearings by the Subcommittee on Labor-Management Relations began on July 25, 1977.

UNIONS, FORMER SECRETARIES OF LABOR, CIVIL RIGHTS AND THE RIGHT TO WORK COMMITTEE TESTIFIED AGAINST H.R. 8410

In the House alone, from 1961 through 1976, over 60 days of hearings were held on the National Labor Relations Act. Nineteen days of hearing were held between July 15, 1975 and May 5, 1976, concerning, among other bills: H.R. 8110, to expedite the processes and strengthen the remedies of the Labor Act with respect to delegation and treble damages; H.R. 8407 to include supervisors within the protection of the Act; H.R. 8408, to improve the administration and procedures of the Board in terms of technical amendments; H.R. 8409, to strengthen the remedial provision of the Act against repeated or flagrant transgressors; and H.R. 12822, to amend the National Labor Relations Act to expedite elections, to create remedies for refusal-to-bargain violations, and other purposes. In 1978, H.R. 8410 was debated for 20 days in the Senate. After failing 5 cloture votes on the bill and amendments, the bill was returned on June 22, 1978 to the Senate Committee on Human Resources, and there it died. We should try again to address the problems raised during these extensive hearings and debates.

The National Labor Relations Act created a system of workplace democracy that to a large extent has served our nation well for more than 70 years. American labor unions, with a strong history of social progress and accomplishments in improving the workplace, have made America and the American economy strong. Yet, despite these successes, the NLRA is too often ineffective at guaranteeing workers' rights in the face of bad conduct by some employers and some unions.

The essential plan and purpose of the Wagner Act was described by President Franklin Roosevelt when he signed the measure into law:

> "This act defines, as part of our substantive law, the right of self-organization of employees in industry for the purpose of collective bargaining, and provides methods by which the government can safeguard that legal right. It establishes a National Labor Relations Board to hear and determine cases in which it is charged that this legal right is abridged or denied, and to hold fair elections to ascertain who are the chosen representatives of employees.
>
> A better relationship between labor and management is the high purpose of this act. By assuring the employees the right of collective bargaining, it fosters the development of the employment contract on a sound and equitable basis. By providing an orderly procedure for determining who is entitled to represent the employees, it aims to remove one of the chief causes of wasteful economic strife. By preventing practices which tend to destroy the independence of labor it seeks, for every worker within its scope, that freedom of choice and action which is justly his . . ."

It has been too long since the Senate has fully and freely debated whether our labor laws continue to adequately safeguard workers' rights. It is important that we focus on the real problems with the NLRA and try to achieve a result that can garner bipartisan support. Just take a look at the bipartisan support that has been a necessary basis of any successful labor legislation:

In 1926, only 13 Senators voted against the Railway Labor Act.

In 1931, the Davis-Bacon Act was passed by voice vote.

In 1932, the Norris-LaGuardia Act was passed by voice vote.

In 1935, the National Labor Relations Act (also known as the Wagner Act) was passed by voice vote.

In 1936, the Walsh-Healey Public Contracts Act was passed by voice vote.

In 1938, the Fair Labor Standards Act was passed by voice vote.

In 1947, the Taft-Hartley Act was passed when 68 Senators voted to override President Truman's veto.

In 1959, only 2 Senators voted against the Labor-Management Reporting and Disclosure Act (also known as the Landrum-Griffin Act).

In 1965, the McNamara-O'Hara Service Contract Act was passed by voice vote.

In 1974, not a single Senator voted against the Employee Retirement Income Security Act.

On January 20, 1959, Senator John F. Kennedy introduced a section of the Landrum-Griffin Act. His remarks in his floor speech were instructive and prophetic:

> "[T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . . So let us avoid . . . unnecessary partisan politics or uninformed or deliberate distortions. This is particularly true in the controversial field of labor—which is precisely why no major labor legislation has been passed in the last decade. The extremists on both sides are always displeased. . . . [But] in the words of Business Week magazine . . . 'wise guidance in the public interest can be substituted for concern over wide apart partisan positions.' I wish to mention the key provisions of the bill introduced today—the basic weapons against racketeering which will be unavailable in the battle against corruption if such a measure is not enacted by the Congress this year: . . . Secret ballot for the election of all union officers or of the convention delegates who select them. . . . This is, in short, a strong bill—a bipartisan measure—a bill that does the job which needs to be done without bogging down the Congress with unrelated controversies. Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject."

I am voting for cloture today because I believe that it is time for Congress to thoroughly debate this issue and to address the shortcomings in the National Labor Relations Act in a bipartisan and comprehensive manner.

Mr. SPECTER. Madam President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Madam President, I thank the Senator from Wyoming.

I have enjoyed the remarks, as always, by the Senator from Pennsylvania. It is not a bad idea to consider labor-management relations in a bipartisan way. A good place to start doing that is in the Senate committees, where this discussion belongs, rather than bringing directly to the floor the question of whether we should just one day decide to get rid of the secret ballot in elections.

The Senator from Pennsylvania has done a beautiful job of looking at history. Let me point to some history as well.

May 13, 1861, was the day set aside in North Carolina for the election of delegates to the State Convention on Secession from the Union. This is a book by William Trotter about bushwhackers. Part of the United States in which I grew up and my family has come from is where counties and families were divided during the Civil War.

On that day, May 13, 1861, according to Mr. Trotter's book, there was to be a vote about secession, and one of the most visible people in the square on that misty spring day was the sheriff, who was an ardent spokesman for secession. He had been elected, according to the author, and supported by the wealthier farmers and merchants, nearly all of whom favored the idea of secession.

The sheriff had gotten a little whiskey and was boisterous and encouraged by his supporters. He went around town making it clear the prevailing sentiment in the county was for secession. He was in an exuberant mood because he knew, at the end of day, secession would be ratified. So exuberant was he, that he shot one of the Unionists, and that person's father then shot the sheriff. That day is called "Bloody Madison" in western North Carolina.

But the point is that when the secret ballots were counted, despite the sheriff and the wealthy farmers and merchants, there were only 28 votes for secessionist delegates, and 144 voted to stay with the United States of America. The secret ballot they exercised that day was for a reason. It made a difference.

In a little more personal way, a few months ago, we had a contest here among friends for our No. 2 position on the Republican side of the aisle. I sought it. So did my friend of 40 years, TRENT LOTT, the Senator from Mississippi. Going into the election, I had 27 votes. When the votes were counted, I had 24. The secret ballot we employ in our Senate caucus we employ for a reason. It makes a difference.

The unions, in the 1930s, when they were gaining a foothold and being established, insisted on a secret ballot. They still have a secret ballot when the vote is to decertify a union.

In our democracy, the right to vote is prized. We keep candidates away from polling places. We don't want people looking over your shoulder while you vote. We help you, if you can't read the ballot. We got rid of the poll tax to give you access to the ballot. The Voting Rights Act has become the single greatest symbol of the civil rights movement in the 1960's. The right to vote is the essence of our democracy.

This proposed legislation is brazen kowtowing to union bosses. This bill creates the possibility that large union recruiters might come stand around you at the work site and encourage you to sign a card. They might visit your home. They might make phone calls. They might be like the sheriff in Madison County, elected by the powerful and very persuasive, going around with his pistol or his gun or his influence, or looking over your shoulder while you voted. Fortunately, instead of that scenario, we have a secret ballot, and we ought to keep it.

What is next if we get rid of the secret ballot for union elections? Will we get rid of the secret ballot for union leaders, for Senators, for Governors, for managers of the pension funds? Even most union members want to keep the secret ballot. According to a Zogby poll in 2004, 71 percent said that the secret ballot process is fair, and 78 percent said they favored keeping the current system in place.

So whether it is voting day in Madison County at the beginning of the civil war, whether it is the Senate caucus on the Republican or Democratic side, or whether it is a union election to organize or to decertify, the right to vote is precious in America. Not having someone looking over your shoulder while you vote makes that precious right even more precious. There is a reason we have a secret ballot. It makes a difference.

I intend to vote no on cloture. I urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, we are debating two things this morning, the card check and immigration. I yield 5 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I appreciate the courtesy of the Senator from Massachusetts earlier who made it possible for us to get an order for speaking.

Let me associate myself with the remarks made by the Senator from Tennessee relative to card check. It is totally inappropriate to eliminate secret ballots in a democracy.

I wish to talk a little bit about the immigration bill. This is going to come to a vote in a few minutes, or in about an hour, and there are some serious issues relative to the process. Since this is a process vote, I wanted to raise those issues. These are the issues: This bill could have been handled well. It could have been addressed through a process that would have allowed amendments that Members wanted to hear and take up, but it hasn't been.

What has happened is there is a working organization which produced the bill, and it is now controlling the amendment process. For example, I have requested that we have an effective, clean amendment on the issue of how we do H–1Bs. H–1Bs are a critical element of getting quality people to come to the United States and do jobs which we don't presently have people to do, mostly in the science field. Those people create jobs; they don't lose jobs. By bringing a person like that, we are actually creating a job center because that type of individual adds value to the American workplace. So we need a robust H–1B program. I wasn't saying it had to be in the bill, but I did say we have to have a clean vote on it so we can get an up-or-down vote on whether we are going to have a robust and effective H–1B program.

What has happened, however, is, through this process which has been developed—which prejudices those of us who are not members of the process, and since there are only five or six people in the process, it is prejudicing obviously about 90 of us—there is a situation that has been created where even if I get a clean vote on H–1B, which I am not sure they will even give me that under this clay pigeon approach, there will be language put in the managers' package which will basically gut the H–1B program. It is called the Durbin language.

The practical effect of the Durbin language is this: It says if you bring somebody in under H–1B, you must pay them the prevailing wage under skill level 2 of the prevailing wage. Well, the practical effect of that is it essentially means if you bring someone in under H–1B, after you have paid all the fees, all the finding fees, all the attorney's fees, which adds a lot for bringing that type of individual into this country, you then must pay a wage which is significantly higher than other people working in that same area.

Take a small software company in New Hampshire, of which there are many, that would use H–1B types of individuals, scientists, coming into our country. Let's say they had 10 positions, they only filled 9, so they had to bring in a 10th person. The average wage for a software person is about $80,000 in New Hampshire for nine of those people, but the person who came into the country would get $100,000. On top of that, they would also have the fees, the attorney's fees for getting the permit to bring the individual into the country. Obviously, the practical effect of that would be that H–1B would not work.

So this language, which is essentially killer language to the H–1B program, is going to be put in the managers' package, as I understand—although I don't really know that because nobody will actually tell us what is going on; this is just a rumor—or alternatively, it is going to be put into somebody else's amendment, which we know will pass. But, anyway, there is a deal in the works which says the people who drafted this bill are going to lock hands and make sure that language is put in the bill which, even if we get a decent vote on a decent H–1B program, will gut that vote.

That raises serious issues of process and obviously fairness. I just wanted to make it clear that I am not comfortable with it in its present form and have significant reservations.

Madam President, I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Madam President, on behalf of Senator KENNEDY, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, history shows when the union movement is strong, the middle class is strong. When the middle class is strong, our Nation is strong.

But when the union movement is under attack, the middle class is under attack. When the middle class is under attack, our Nation is weaker economically and politically. Let there be no mistake, the union movement and our middle class are under attack. Just take a look at the numbers.

Since 1973, 26 percent of the workers in America belong to unions. The pay and benefits, the working conditions, the basic dignity they fought for spilled over to the rest of working class Americans. We are all better off for it.

I would like to show you a couple of charts. Between 1947 and 1973, if you look at rising income growth, and based on the percentile of income shown on this chart, essentially everyone from 1947 to 1973—the rising tide lifts all boats, and it lifted all boats—there was an actual real income growth of almost 118 percent for the lowest 20 percentile. The top 20 percentile grew over 80 percent. There was some genuine equity.

Then take a look at what happened as the union movement began to take blows from the Supreme Court and the NLRB. There used to be card check back in those days, by the way. If you wanted to join a union, you got a card check, a little like we are talking about now.

Look what happened between 1973 and the year 2000. Real income growth, the lowest 20 percent, grew just about 12 percent. The top 20 percent grew over 67 percent. We begin to see the building inequities as a consequence of the demise of the American union movement, as well as tax policy and the types of jobs we are creating.

Now, because I only have 5 minutes, I am going to do this quickly. Let's fast-forward to the era of President Bush, George W. Bush. Look what has happened in terms of real income growth, in terms of 2004 dollars. There has actually been a net decline in the income of the lowest 20 percent, almost 5 percent; the second lowest tier, almost 4 percent; the middle income, people making between $40,000 and $60,000 per family, their real income actually dropped over 2 percent—all the way across the board, everybody but the top 1 percent. You have to have an income roughly of $435,000 to make it into that category. Average salary income in that category is $1.4-plus million per year. That is the only outfit growing, and look at what happened.

If I could superimpose a chart on organized labor, you would see a direct decline; you would see an inverse proportion of what happened. As labor declined, the economic power of corporate America increased, and the power of the wealthiest among us skyrocketed.

It is time to change. Today, just 12 percent of American workers belong to unions, and the spending power of the paycheck is actually lower than it was in 1973. The median income is lower, but productivity is up more than 80 percent since 1973.

It used to be we had a grand bargain in this country. As labor increased productivity, as they did more, as businesses and stockholders were able to benefit from the increased productivity, they benefited. Now it is in inverse proportion. On the sweat and their backs, they have increased productivity, and they have been penalized for it.

Even in my State of Delaware, the hourly wage is down since 2000. The median family income is below its 2000 level. The number of workers represented and protected by unions has fallen from 1 in 4 in 1973 to 1 in 10 today. The basic social compact that built our economy, that built our middle class, that built our country after World War II, has been broken. That compact said if workers produce more, they would share in the gains. Today, that is not true. Unions help to cut that deal, and they kept their end of the bargain. Business and government have not kept their part of the deal.

It is harder now to organize, harder to get a union certified to represent the interests of the workers. It is harder because business is fighting back harder because this administration has launched its own unrelenting attack on the union movement. It is not just pay that has taken a hit. Basic benefits such as health care, pensions—things unions fought for and won—they are, more and more, just a thing of the past.

More and more of the American people have no health insurance—46 million as of last year—a number that just keeps growing. In my State of Delaware there are 100,000 uninsured.

Just imagine the fear, the insecurity, the helplessness that the families must feel, going from day to day—the man lying in bed and the woman lying in bed at night staring at the ceiling, having no insurance, looking over at his pregnant wife, knowing it is a premature child, and they will literally lose their house.

I yield myself 3 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Madam President, a quarter of a century ago, 9 out of 10 American workers could count on a pension plan with a guaranteed payout. They had security in knowing they could pay their bills. Today, only about one-third of Americans are in that shape.

Union membership means more security. The facts are clear. Union jobs earn 30 percent more than nonunion jobs.

We have to stop and reverse the decline of union membership, and that means passing the Employee Free Choice Act, which I have supported from the beginning, and which used to exist.

In Delaware right now the Laborers International Union of North America says the majority of the workers at the Walker International Transportation Company near my home in New Castle, DE, want to join them. They want to join because they need the benefits such as decent health care, pay, and working conditions for which unions have fought. Since May, the union has filed four complaints with the NLRB, complaints that the company is interfering with their organizing efforts.

Under current law, this process could be drawn out indefinitely. They should be able to resolve this with a clear, simple count of cards, certified by the National Labor Relations Board.

The Employee Free Choice Act will make the will of the majority of workers clearer. It will punish employers who break the law, and it will guarantee that new unions will get their first contract, not just another runaround.

It is time to bring the strength of the union movement back within the reach of the American people. It is time to rebuild the middle class by giving organized labor the strength to fight for decent pay and benefits.

My colleagues, it is time for a new social compact, a new social compact because of white-collar workers who never thought they needed a union, and who all of a sudden are finding out their companies are not so generous with them when they walk in and shut down a division and shut them out. I say to my colleagues, I believe American white-collar workers who never thought about the union movement are prepared to think about it now.

I don't want to just reverse the slide of organized labor in America, I want to energize a new compact between white-collar workers and blue-collar workers to give back power to the middle class so this graph you see here from the year 2008 through 2020 looks more like this graph that existed from 1947 to 1973. It is the only way to keep the middle class in the game. They are getting crushed now. They are getting crushed.

I yield the floor, and I thank my colleague for the time.

Mr. ENZI. Madam President, as I allocate the time, I do want people to know that the next sentence I say is tongue in cheek. I had no idea that taking the secret ballot away from America's workers could solve all the problems of the world.

I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. CORKER. Madam President, I thank the Senator from Wyoming.

It never ceases to amaze me the tremendous creativity that exists in the Senate, just by virtue of the name of this act we are discussing today, the Employee Free Choice Act, and to, of course, hear my colleague, the Senator from Delaware, talk about some of the ills that face labor today. Certainly, I want to say that as someone who has worked as a laborer and as someone who has worked with people who have worked in labor, I want to make sure the American people have good wages.

I agree with that 100 percent. I think all of us in America want to see people make a good living, to be able to raise their families in a way that certainly is full of respect. I want to see the same things occur.

I wish to say this debate today is most unusual. To talk about this vote we are going to have a little later today as being one about "free choice" is most ironic. Unlike most people who serve in the Senate, I have actually carried a union card. I have actually paid union dues. I have actually served as a trustee on a pension fund to ensure employees of mine who were union employees were able to receive their pensions down the road. So I worked with labor and I have been a laborer. I have been one of those people who certainly was talked to about organization and about people being members of a union.

I wish to say again—to reiterate what the Senator from Wyoming said—it is amazing that all of the ills relating to the labor movement today can be brought back to this one act that we are talking about today that has to do with card check.

I know people have talked about Supreme Court rulings and about books and about a lot of things. I wish to talk about what it means to be out on a jobsite and to be talking with union representatives, whether it is on a picket line or on the jobsite itself. If this act were to pass, instead of people having a secret ballot, such as we have in the Senate when we select our leadership, such as people have when they vote for us to be in the Senate—instead of that, what would occur is that each individual would be talked to about whether they would like to see a union come in. I have witnessed this, where people would go up to a water cooler on a construction site, and four or five large people representing the union gather around that person and ask them if they would like to be a member of the union. I have witnessed this when people are living out in rural areas and they don't want to vote for the union, but people pay them a visit in the dark of night suggesting they should check off a card, if you will, so they can call the union to form in the organization they happen to work for.

This is not about free choice. Certainly, this is about making sure the union leaders don't have to do the job that is necessary to cause people to want to join their union by offering the membership things they would like to have, but instead they would have the ability to strongarm people and cause people to do things that are not in their own interest. What is amazing to me is that union membership doesn't even want to see this happen.

What this, in essence, would do is cause union leadership not to even have to carry out their jobs in a way that would cause people to want to be a member of the union but instead threaten people at the jobsite, at their homes late at night, to cause them to be a member of the union.

For that reason, and because of the time we have at this point, I urge all those in the Senate to vote against this piece of legislation, which goes against the very principle we all support, and that is secret ballots, freedom of choice. I vehemently oppose this legislation because I believe this would set our country back a hundred years. I urge my fellow Senators to vote against this act.

I yield the rest of my time to the Senator from Wyoming.

Mr. ENZI. Madam President, we are hearing two debates today, and that was intentional. We will shift gears and go to immigration.

I yield 5 minutes to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming, a fine Senator and a great manager of legislation.

I have to tell you we pretty well know this card check bill is going down like a lead balloon. We have an issue that has galvanized the attention of the American public—and we will be voting on that at the same time—and that is the immigration bill that we are about to go to.

I think it is odd that the allocators of time allocated a rather small amount of time to Senator ENZI to allocate to those who oppose this legislation.

Let me—since I only have 5 minutes and maybe now 4—see if I can succinctly say to my colleagues why the legislation before us today is a bad piece of legislation. Yes, we need to reform immigration; yes, we need to reform immigration in much the way those who are promoting this legislation say it should be reformed. But the bill we are going to vote on will not do that—very much like 1986, when the promoters of that bill said: Let's give amnesty to 3 million people and we will create a legal system in the future that will work.

Why would I say that, that this bill does not work? Our own Congressional Budget Office, on June 4—this month—did an analysis of the legislation. They concluded that if this bill were to become law, illegal immigration would only be reduced 13 percent. What an astounding number. Only 13 percent? We have been hearing we must pass this immigration bill, and if you don't like amnesty, you must vote for it because that is the only way we are going to create a legal system of immigration in America.

My analysis, before CBO came out with theirs, was that the bill would not be effective; it had loophole after loophole. They concluded the same. They say a 25-percent reduction in the border security and an increase in visa overstays nets a 13-percent reduction. That is in the CBO report, which is available to every Senator. We should look at that. How can we vote for legislation that we know is not going to work as it is promised to work?

Second, I don't know that the American people or Members of this body realize it will double the legal immigration flow into America over the next 20 years, giving twice as many green card statuses, legal permanent resident statuses, as the current law provides. We are not going to get any substantial reduction in illegality. We are going to double illegality. It will cost, according to CBO, the Treasury of the United States $30 billion—not expenses of enforcement, none of that, but for additional welfare and other benefits that would be paid to those who come into the country illegally.

Senator BIDEN talked about the middle class. This is not a little issue. I don't know that his numbers were exactly correct. But for some time I have been troubled by the fact that middle and lower skilled workers have not seen their income levels rise at the rate that corporate executives are seeing their income levels rise. Friday, when I left this body, right on the street there was a gentleman out there who had gray hair and a gray beard and he had a sign about jobs. I spoke to him. He said he opposed this immigration bill. He was a master carpenter from Melbourne, FL. He told me that he, in the 1990s, was making $75,000 a year. Now he is making a fraction of that. He is going to have to get out of the business. He attributed that solely to illegal immigration, this incredible flow of almost unlimited numbers of workers into his neighborhood, which had made his skill far less valuable.

If we are concerned about the middle class, we have to ask how many workers this country can accept without seeing a marked drop in their income. The American people do not like this bill. Our phones are ringing off the hook. A decent respect for our constituents, I urge my colleagues, would be to say you have rejected this bill.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. SESSIONS. I thank the Chair. I yield the floor and urge that we vote against cloture on this legislation.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Madam President, I was forwarded a copy of a transcript of an interview of a White House official yesterday commenting on some remarks I made on the floor regarding the immigration bill. I wish to speak to that.

I have argued the current bill sets up the Department of Homeland Security for failure because it requires the Department of Homeland Security to grant full work and travel authorization to applicants for Z visas within 24 hours of their application, whether or not a background check has been completed. That is the text in the current immigration bill. Yesterday, though, the White House told reporters this was part of a "misunderstanding and mythology" surrounding this provision.

Let me quote the text of the provision. It reads:

> No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

That is what the bill says. There is no mythology, no misunderstanding. I know people think that draft language is a perfect draft and believe it should attain its own mythological status, but this is pretty straightforward. If an alien applies, he or she gets legal status, full travel and work authorization no later than the next day.

The White House official believes this provision is workable because, as he says, "Four of the layers of that background check are almost invariably completed within 24 hours." "Almost" always completing a background check within 24 hours is not always completing a background check within 24 hours. He acknowledges that one of the checks takes longer than 24 hours. So by his own admission, the Department of Homeland Security will confer legal status to nearly every applicant, even though they have not completed a background check.

This is not what the American people are hearing when they are selling this bill. The American people are being told that foreign nationals will have to pass a background check before they are granted legal status. This is not true, according to the text of the underlying bill, and it is not factually possible, according to the lead negotiator from the White House.

Not to be deterred by facts, however, this official believes this should be of no concern because if anything comes up in the background check beyond the 24-hour period, then the Department of Homeland Security will declare that person ineligible and deport them.

Certainly, that is a concept we can all support; that is, if someone is ineligible, they should be deported. My concern is the gulf between the promise being made to the American people and the likelihood that that promise will be carried out. The White House said this is of no concern because they will declare them ineligible and deport them. But the question Americans are asking is: Will they? Can they? If they already have this capability, why has nothing been done about 623,000 alien absconders already?

The Department of Homeland Security has reportedly created a unit to track down, apprehend, and deport these fugitives, but no appreciable dent has been made in this number. The Department of Homeland Security has information on these individuals already.

But let's keep in mind that as the Department of Homeland Security is so diligently tracking down the thousands of criminal aliens who have already had a chance and have gone underground, or have left the country and reentered illegally based on a deportation order, they have to do a lot of other things, and Americans are asking can they get all of this done? Can they train, hire, and deploy up to 20,000 additional Border Patrol agents? Can they implement a worker verification system to screen the workers around the country? Can they build up to the 370 miles of fencing and 300 miles of vehicle barriers? Can they deploy the secure border initiative? Can they deploy the exit monitoring system of the US-VISIT Program? Can they process 12 million initial applicants for Z visas? Can they build 105 radar and camera towers? Can they detain all removable aliens caught on the southern border utilizing detention facilities with a capacity of only 31,500 people per day?

I think the American people can be forgiven for doubting the commitment of the Federal Government and the willingness of the Federal Government to actually do all the things it is promising. That is why this bill is such a tough sell, to say the least—especially because, as of 2 years ago, we were doing nothing to beef up border security. It is hard to take the commitment at face value that, yes, now we are serious about it.

So I fear that, similar to 1986, we are being promised something the American people know we cannot and will not deliver. We should slow down, read this bill, offer and debate amendments that will improve the bill and vote on amendments freely.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 minute.

The fact is, if we sink this bill, if we vote against this bill, we wouldn't even have tried to do all the background checks, we wouldn't even have tried to get a secure border.

We know what so many Members of this body are against, but we have yet to hear what they are for. The Senator from Texas outlined in very considerable detail the kind of security to which we believe this legislation is committed. Defeat this legislation and all of that security is out the window.

This bill may not be perfect, but it is the best opportunity we have to do something significant and substantial, and I believe the bill is good.

I see my friend from Ohio. I yield him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Madam President, I rise in support of the Employee Free Choice Act which will be in front of this body this week. Historians who take a cleareyed look at the last 30 years will tell you productivity has been rising, our economy has been expanding, corporate profits are up, executive salaries are way up, and yet the workers responsible for our Nation's prosperity have not reaped anywhere near their share of the benefits.

The hallmark of our economy for generations has been those people who produce the wealth, people who work with their hands, people who work with their minds, the employees of this country. Those who produce wealth will share in the wealth they create. As productivity goes up, through most of our history, certainly in the last 100 years, so have wages. But things have changed.

In 2005, the real median household income in America was down 3 percent from the median income in 2000. In

Ohio, my State, it was down almost 10 percent. Meanwhile, the average CEO makes 411 times more than the average worker. In 1990, the average CEO made 107 times more. We can see, as productivity goes up for workers, executives make more, profits are higher, but workers are not sharing in the wealth they create. That is what made the 2006 elections so important because the middle class spoke up, the middle class understanding their wages are stagnated, understanding they have not shared in the wealth they created. That is what makes today so important.

We are considering today landmark legislation supported by workers, employers, religious organizations, civil rights groups, advocates for children's legislation, which will give employees a real choice on whether they want to join a union.

This legislation probably won't pass this week. Republicans have again, one more time, threatened to filibuster and one more time we probably won't get the 60 votes to pass this legislation. But it is clear a majority of the American people want it, a majority of the House of Representatives wants it, a majority of the Senate wants it. We will keep coming back year after year supported by these workers, employers, religious organizations, civil rights groups, and advocates for children.

I would point out, in pursuit of economic justice, why this Employee Free Choice Act is so important and what has happened to our economy in the last six decades. Each of these bars represents 20 percent of wage earners in this country, the lowest 20-percent wage earners and the highest 20 percent. We can see, from 1947 to 1973, the height of unionism in our country, the period when the most American workers belonged to unions, what happened. There was strong economic growth for all of society, for all workers in every category, but the strongest economic growth in wages was the lowest 20-percent of wage earners from 1947 to 1973.

In the seventies and eighties, the percentage of American workers in unions declined. Other things were going on too, such as the trade surplus went to a trade deficit, and other things. The big part of that was unionization. Look at 1973 to 2000; there was still economic growth in all segments of our society. On average, in each category, workers' incomes went up, but the lowest 20 percent had the lowest percentage growth in income, and the highest 20 percent had the highest growth in income. We can already see a splitting apart, where wage growth did not quite track productivity.

Since 2000, we can see something else happened. This trend has exploded. Since 2000, all five categories have seen their wages go down. The lowest 20 percent has had the biggest decline. Only when we cut off the top 1 percent have we seen incomes go up. The top 1 percent has seen their incomes go up 6 percent; the lowest has seen their incomes drop about 5 percent. Again, that is in large part because fewer and fewer Americans belong to labor unions, and it is more and more difficult to join a union.

Employers are stronger. Employers spend more money. Employers hire more firms with great expertise on how to stop union drives, to defeat unions, to refuse to bargain if a union is voted in. Literally there have been tens of thousands of infractions those employers have engaged in against their employees. This bill makes sense.

The PRESIDING OFFICER (Mr. TESTER). The Senator has used 5 minutes.

Mr. BROWN. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge my colleagues to vote "no" on cloture on the check card bill. I urge them to do this because a secret ballot is not only a part of the political process in the United States, but a part of a process in many organizations to make sure that people vote their convictions and not their emotions or emotions that have been forced upon them.

I want to use a personal example of why I think, in union elections in particular, a secret ballot is so important. I have told some of my colleagues, not very often, but in past debates on the floor of the Senate that while I was a member of the State legislature, I worked at a factory in Cedar Falls, IA, called Waterloo Register Company. We made furnace registers. I had the glorious job for those 10 years of putting screw holes with a small punch in those registers. I worked there from September of 1961 until the plant shut down in March of 1971. During that period of time, from February of 1962 until the plant shut down, I was a member of the International Association of Machinists. Everything was going all right for that plant until about 1967, 1968, 1969, when our products made by the International Association of Machinists were not being installed by the Sheet Metal Workers Union members in Pennsylvania, is what I was told at the time. Our company wanted us to change from the International Association of Machinists to Sheet Metal Workers. This is not an instance of the company trying to keep a union out. There was already a union there. The company was getting behind the Sheet Metal Workers Union in a dispute that involved an illegal secondary boycott against our products. So our management thought if we were part of the Sheet Metal Workers Union we would get our products installed easier around the country by sheet metal worker installers. Presumably, we were one of the few companies making registers at that particular time that was a member of the International Association of Machinists, as opposed to being a member of the Sheet Metal Workers.

So our company and that union pushed to have an election to change unions from International Association of Machinists to Sheet Metal Workers. It was highly debated. Obviously, machinists and their members loyal to them wanted the machinists union to stay. The company and some workers who were sympathetic to the company point of view would rather have the Sheet Metal Workers Union because we were told they would not stay in business if the Sheet Metal Workers were not there.

We had an election. I forget the exact date. I tried to look up newspaper stories for this debate, and I couldn't find them. My recollection is that in March of 1969 or March of 1970, we had an election. I remember driving 100 miles from Des Moines where the legislature was in session to my factory—I had a leave of absence—to vote in that election. I don't mind telling people how I voted. I voted to keep the International Association of Machinists because I had been a member for 6 or 7 years. I thought they were serving my interests right. I wanted to keep them in there, and I didn't believe the story of the management and I didn't believe we should ratify an illegal secondary boycott.

In the meantime, we obviously got a lot of pressure both ways—from the machinists to keep the machinists, and we got a lot of pressure from management to change the union. There was a lot of intimidation. But we could go into that secret voting booth and cast our ballot, and nobody knew how we voted. We did vote, and we kept the International Association of Machinists in that particular election.

I know the overall reasons haven't changed in the last 40 years to have a secret ballot. They have been debated well here. But I thought I would share with my colleagues a personal story about the intimidation that can come from management, not necessarily from the union, to vote a certain way.

Consequently, I was fortunate we were able to keep our International Association of Machinists, and everybody went on happily until the plant finally closed down a couple years later.

So, I urge colleagues to vote against cloture and preserve the secret ballot to ensure that the intimidation that can be active by management as well as labor isn't used.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to urge my colleagues to vote "yes" on the motion to proceed to S. 1639, the immigration reform package. This immigration reform legislation has been long in coming. Immigration has been debated on the floor in the last year for almost a month. We debated it earlier this year for several weeks. It has been the subject of multiple hearings.

The fact is this national security problem is not going to go away until the Members of the Senate have the courage to stand up and deal with this issue.

The legislation before this body may not be the perfect legislation everybody wants, and there are people who will find fault with the legislation, but at the end of the day, it addresses three fundamental principles we must address on immigration reform.

The first of those principles is that it secures America's borders, and it does that with tough provisions in how we police the borders, the addition of more Border Patrol agents, 370 miles of fencing, 70 ground-based radar and camera towers, 200 miles of vehicle barriers, new checkpoints of entry, and so forth.

Second, this law will enforce our Nation's immigration laws for the first time. For far too long, for the last 20 years, what has happened is America has looked the other way and turned a blind eye toward the enforcement of our laws in this country. This legislation has significant enforcement provisions in it that will, in fact, be enforced and funded.

Third, this legislation secures America's economic future. It does it by the passage of the AgJOBS Act which is supported by more than 800 organizations, farmers, ranchers, and the agricultural community throughout our great Nation.

It addresses the economic needs of America by moving forward with a new temporary worker program that will address the needs of America today in terms of jobs that other people do not want.

And finally, it sets forth a realistic solution for America's undocumented workforce, and it is a far cry from what those who are on the other side of this issue will say—that it is amnesty. It is not. When we are having the people pay the kinds of penalties we have in the bill, when we have them go to the back of the line, when we put them through an 8-year purgatory, when we put them through that probationary period of time, what we are saying to them is: You have broken the law, you are going to pay significantly to get back into the line relative to the possibility of having a green card which will not come until 8 to 13 years from now.

So I think we have struck the right balance here, and I would urge my colleagues to move forward and to give us a "yes" vote on the motion to proceed to debate this fundamental issue of national security.

Finally, I would say that the moral issues which are at stake, which are at the foundation of this debate on immigration, are moral issues we cannot escape from. This Senate has to have the courage to stand up and say we are going to address those issues now.

Mr. KERRY. Mr. President, we are here today to bring a long overdue measure of fairness to a system that because of years of powerful opposition and millions of dollars spent remains rigged against the American worker.

Today, it is simply too difficult for workers to claim their legal right to join a union and too easy for employers to prevent them from doing so. This is no accident, and it must change.

Throughout our history, it is the labor movement above all else which has stood up as the driving force in support of working Americans, a gateway to the middle class. So much of what we take for granted today—the 5-day workweek, paid vacations, pensions, health insurance didn't happen by accident; they became reality because people in organized labor were willing to fight, willing to march, and sometimes willing to die to stand up for the rights of the American worker.

But the work of making America a little bit more fair and a little bit more just isn't over—and once again to achieve another milestone we must stand with labor over the objections of powerful corporate opposition.

As a cosponsor and strong supporter of the Employee Free Choice Act of 2007, I urge my colleagues to vote for cloture to pass this important legislation and continue the march of progress in this century which organized labor began in the last one.

In 1935 Congress passed the National Labor Relations Act, NLRA, historic legislation that marked the first time the Federal Government recognized collective bargaining as a right for workers. Employees won the right to organize and a legal forum to settle disputes with management, air grievances, and generally improve workplace standards.

This 1935 law represented a tremendous breakthrough for workers, but its unintended consequences have worked to undo its basic promise that when a majority of workers want to join a union, they have the right to do so.

Unfortunately, the union recognition process today allows antiunion employers to stall both the organizing and bargaining process for months and even years—opening up the door for the very abuses the NLRA explicitly seeks to prevent.

First, once workers decide and demonstrate that they would like to unionize, our current system offers employers a window of time in which to lobby, cajole, and otherwise pressure them not to do so before holding a surreptitious secret vote. When presented with signatures from a majority of employees, employers can call for a secret election—delaying the process and creating a window of opportunity during which employers can hire antiunion consultants, conduct an unlimited number of employee meetings, and bar labor representatives from the workplace.

Second, under the current rules, there are too few penalties to dissuade companies from taking illegal actions far beyond the questionable practices permissible under the NLRA. Facing light penalties, companies make a rational calculation that it is cheaper to violate labor laws and be punished than it is to follow them.

In 2005, the National Labor Relations Board, NLRB, reported that 31,000 workers were disciplined or fired for union activity. Studies show that employees are fired in one-quarter of all organizing campaigns and that one in five workers who openly advocate for a union during an election campaign is fired.

The odds are stacked against workers: when they present a majority, their employers are given every chance to dissuade them from unionizing. When employers cross these already generous lines and break the law, they are not held to account.

The Employee Free Choice Act of 2007 brings the letter of the law in line with the spirit of the law. It takes practical measures to protect and deliver what is supposedly already guaranteed: workers' right to organize.

The bill requires the NLRB and businesses to recognize a union when a majority of employees have signed their names to authorization cards and presented them to the National Labor Review Board. It also requires a binding arbitration process if an employer and a new union cannot reach agreement on an initial contract, empowers the NLRB to enforce compliance with the law in Federal court, and levies substantial fines on employers that engage in union-busting activities.

This legislation is about fundamental fairness. Millions of Americans want to join a union and ought to be able to, but can't. Just ask John Elia of Melrose, MA, field technician for Verizon who wants to organize his unit within the Communication Workers of America. John has been trying for months to get Verizon to recognize the union authorization cards he and the majority of his coworkers have signed. He even handed the signed cards to Verizon's CEO Ivan Seidenberg and asked him to accept them, but he was refused. Earlier this year, Congressman STEPHEN LYNCH, Congressman JOHN TIERNEY, Massachusetts Lieutenant Governor

Tim Murray, and I publicly verified the field technician's authorization cards and called on Verizon to recognize them but we were refused as well.

John Elia wants what every worker wants—better pay, decent health care, a stable retirement plan, and real job security. Research shows that unionized workers are paid 30 percent more than nonunion workers, 92 percent of unionized workers have some health care coverage, and three out of four have defined benefit retirement plans—compared to just one in six nonunion members. No wonder a majority of Americans say they would join a union if they could.

This bill is especially timely because the Bush administration has rolled back the clock on worker rights and created an atmosphere that has emboldened many employers to engage in the kind of illegal activity that this bill would help end. For instance, Wal-Mart has been known to shut down stores and relocate them with different employees to prevent them from organizing. The Employee Free Choice Act would require the country's biggest employer to finally recognize its employees' right to form unions and bargain for better pay and benefits.

Opponents of this bill including the Chamber of Commerce want us to believe that instant card check recognition is undemocratic and will hurt businesses. In fact, it fulfills the promise of the National Labor Relations Act of 1935 by ensuring that a majority organizing vote will be honored. What is more democratic than honoring the wishes of the majority? Doubters at the Chamber of Commerce may also want to talk to cell phone provider Cingular, which has voluntarily agreed to honor instant card check unionization. Cingular reported $9 billion in revenue and a record $782 million fourth quarter profit in 2006. It hardly seems to be struggling under the weight of its unions.

Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, let me assure you that this bill is not bad for small businesses. It is aimed at large businesses that engage in union-busting, something small businesses cannot afford to do. In fact, 20 million out of America's 26 million small businesses don't have any employees.

We must restore balance to a broken labor system that breeds resentment on both sides. We must do so most of all so that millions of Americans see their hard work translate into a better standard of living. I urge my colleagues to support cloture so that we can improve conditions for hardworking Americans everywhere.

Mr. DODD. Mr. President, I rise in strong support of the Employee Free Choice Act, a bill that will ensure dignity and prosperity for millions of American workers.

It is no secret that unions helped build in America the largest and strongest middle class the world had ever seen. But where does that middle class stand today? Since 2000, real median household income is down, real wages are down; real wages, in fact, are lower now than they were in 1973. Nearly 50 million Americans, and more every day, are without health insurance. And all this stagnation while corporate profits are up 83 percent since 2005, while the pay of CEOs has skyrocketed to 411 times the pay of their workers.

It is no secret that, while American inequality has reached these heights, fewer and fewer workers are members of unions. In large part, that is not by choice. Worker intimidation is not the activity of a few outlaws—it is persistent, it is systemic, and it is devastating. Employers illegally fired workers in one quarter of union organizing drives. In 2005, more than 30,000 workers were discriminated against in connection with union-busting activities.

If we are going to preserve the American middle class—if workers are going to have the ability to bargain for their fair share—then we need to deter coercion and discrimination; we need a way for workers to fearlessly let their voices be heard.

The Employee Free Choice Act is the tool they need. It has three key provisions.

First, the bill recognizes that union elections are often the high point of employers' intimidation tactics. Rather than provide them a concentrated target, the EFCA establishes majority signup: If a majority of workers sign cards stating that they want union representation, a union is certified as their official collective bargaining agent. Workers are still free to participate in a secret ballot election supervised by the National Labor Relations Board if they so choose; but the Employee Free Choice Act gives that choice to workers themselves.

Second, the bill provides strict penalties for employers interfering with their workers' free choice to join or establish a union. Under the bill, the National Labor Relations Board may obtain a court injunction against an employer that is illegally firing or otherwise harassing workers. Illegally fired workers will be entitled to three times their back pay—a strong deterrent. And willful and repeated violation of workers' rights will result in a civil fine of $20,000 per incident. These penalties replace consequences that, to date, have proven ineffective. Companies will no longer have an incentive to ignore the law.

Third, the bill makes it easier for unions and employers to reach their first contract. It stipulates that bargaining must begin within 10 days of a new union being certified. If, after 90 days, no agreement has been reached, this legislation then authorizes either party to seek mediation through the Federal Mediation and Conciliation Service, which, in 2006 handled more than 5,500 cases and had an 86 percent success rate; if no contract is reached after 30 days of mediation, the parties will then submit to binding arbitration, which will impose a contract that lasts for 2 years. This clear process ensures that unions serve their purpose—because, without contracts, collective bargaining is meaningless.

There is no doubt that majority signup, stricter intimidation penalties, and the clear first contract process will strengthen American unions. But this is not a union bill, not if that term is understood to mean any narrow constituency or any narrow interest. Whatever his or her choice, it is in the interest of every American worker to have that choice recorded fairly, free from fear and threat. When the unfair and illegal barriers are removed, however, I am confident that more and more workers will put their trust in unions. Unions offer millions of us better wages, sounder health care, and more secure pensions. They are the best way we have yet discovered to share the fruits of our prosperity more equally. Workers know that, Mr. President—and they are waiting to be heard.

Mr. McCAIN. Mr. President, I am strongly opposed to H.R. 800, the so-called Employee Free Choice Act of 2007. Not only is the bill's title deceptive, the enactment of such an ill-conceived legislative measure would be a gross deception to the hard-working Americans who would fall victim to it.

Since the inception of our democracy, we as citizens have placed a great amount of pride in our ability to freely cast votes and voice our opinions on how Federal, State, and local business should be conducted. Our ability to voice opinions through secret ballots stands as one of the hallmarks of our democratic process. Certainly, now, perhaps more than ever, we should be working to uphold this hallmark, not tear it down for the convenience of organized labor, which has been struggling with a declining membership. This bill is the product of partisan politics at its worst, and it must be soundly defeated.

During the early 20th century, we experienced a rapid growth in our labor force and, as a result, a push by unions to increase their membership. In response to aggressive and questionable recruiting practices by some unions, Congress passed the National Labor Relations Act, NRLA, of 1947. One of the main tenets of this legislation was to afford hard-working Americans the right to privately cast their vote on whether to organize, free of intimidation and coercion from union representatives and employees. Unfortunately, before us today is a bill that seeks to strip this fundamental right from our Nation's workers. Ironically dubbed the "Employee Free Choice Act of 2007," this legislation would enact a "card check" process, allowing unions to bypass the long used and successful secret balloting system.

The proposed legislation is a direct attack on one of the most basic tenets of our democratic process, which is why it is opposed by a majority of American workers. A recent poll conducted by the nonpartisan Coalition for a Democratic Workplace found that 90 percent of union households oppose this legislation. Another poll by McLaughlin and Associates indicated that almost 9 out of 10 voters agree that workers should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union.

My concern is—and it is a concern shared by many—that if enacted this measure would expose workers to intimidation and the fear of retaliation for votes cast. We simply cannot allow this assault on democracy from becoming law. Instead, we should be working for the swift enactment of S. 1312, the Secret Ballot Protection Act of 2007, which I am proud to cosponsor along with 26 of my colleagues, to ensure secret ballot elections for employees.

I strongly urge my colleagues to vote no on H.R. 800 and to halt the full Senate's debate on this ill-conceived, flawed measure.

Mrs. BOXER. Mr. President, I rise today in strong support of the Employee Free Choice Act. For far too long, our Nation's labor laws have created an environment that has made it harder and harder for workers to organize and form unions.

The current system overwhelmingly favors the employer, who too often use their advantage to intimidate and coerce their employees.

The end result of this system has led to a squeeze on America's middle-class families, and the time has come to put an end to a union election system where employer intimidation tactics prevent middle-class workers from earning decent wages, health care, and fair working conditions.

It should come as no great surprise that middle-class families are facing increased economic hardships because of the Bush administration's policies.

Corporate profits have jumped 83 percent since 2001, with the richest Americans getting richer, while health care, energy, food, and education costs have skyrocketed, creating the largest income gap in 65 years.

In 2005, households in the bottom 90 percent experienced a .6-percent income loss, while workers at the top enjoyed a 16-percent increase in income.

Real wages for U.S. workers are lower today than in 1973, and in California, the real median hourly wage fell by 2.7 percent between 2003 and 2005.

In addition to seeing their wages squeezed, many middle-class workers are unable to provide health care for their families.

Over 7 million Californians are uninsured and the numbers of uninsured increase every year.

In fact, from 1999 to 2005, the number of Californians with employer-provided health care dropped from 60 percent to 55 percent.

To put into perspective the pressure being placed on the middle class, I recently found my son Doug's pay stub from when he worked as a checker at a supermarket in 1986.

Twenty-one years ago, a checker at his supermarket earned $7.41 per hour. According to the United Food and Commercial Workers union, an entry-level checker starting today would earn around $8.90 per hour, which is $4.86 less than my son's 1986 wages adjusted for inflation.

This downward pressure on middle-class wages must stop—and increased union participation can help solve this problem.

Encouraging more participation in unions is a simple and proven way to help middle-class families.

Union wages are on average more than 30 percent higher than nonunion wages. Union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion workers.

To help increase participation in unions, the Employee Free Choice Act puts to an end the current culture of intimidation and coercion that surrounds some union elections, and instead presents a choice to workers contemplating unionization.

Under EFCA, workers can choose to proceed with union elections through secret ballot or they can choose organization through a simple card check procedure. Under current law, only the employer can choose how its employees choose to elect union representation.

Responsible employers, like Kaiser Permanente and Cingular, gave their employees such a choice, and the results have been great.

At a Kaiser Permanente health care facility in Orange County, CA, nurses were able to quickly and easily form a union without fear of intimidation and illegal firings. The smooth unionization process has led to an all-time low nurse vacancy rate and low nurse-to-patient ratios, which has increased the quality of health care provided to Kaiser's patients.

But workers who have not been given a choice on how to proceed with union elections have faced unfairly harsh consequences.

Employer intimidation and coercion are serious problems.

In 2005, over 30,000 workers lost wages or were fired because they were involved in union organizing activities.

The current union election system is badly broken and breeds fear in the workplace.

Workers under open threat of firings and layoffs from their employers are not given a real choice in choosing to organize a union.

Workers are fired in 25 percent of all private sector union organizing campaigns, and 1 in 5 workers involved in union organizing efforts is fired.

Over 75 percent of private employers require managers to give anti-union messages to employees, and over half of all employers threaten to close or relocate the business if workers elect a union.

At a Rite Aid distribution center in Lancaster, CA, workers thought forming a union would help them negotiate better working conditions. Workers at this distribution center work with no job security, mandatory overtime after 10-hour shifts, and no temperature controls in the warehouse.

When the union movement began to gain momentum, one of the lead employees, who had worked there for 6 years with a spotless record, was fired for poor performance.

Said the worker after his termination, "People were afraid to sign union cards because they saw what happened to me."

At the Los Angeles Airport Hilton Hotel, two workers leading the union effort were fired on trumped-up charges. One of them, Alicia Melgarejo, is a single mother of a 14-year-old daughter, who worked as a housekeeper at the hotel for 8 years.

Despite the fact that she had never been disciplined in 8 years on the job, she was immediately fired after being accused by management of stealing towels.

She asked management to show her video to back up their claim, but they refused. She believes she was simply fired for her role in union organizing efforts and her active support of Los Angeles' living wage law.

Under current law, these gross examples of intimidation can only be penalized by what amounts to a slap on the wrist for large companies. Employers can ruin lives, like they did to Alicia and her daughter, yet they often build into their budgets the costs of union-busting activities and the small penalties authorized by the National Labor Relations Board.

The current union election system creates a battle between employer and employee, with no real winner.

Our workers have earned the right to work in an environment free from fear, and they should be given the right to choose if they want a union through a process that doesn't provide incentives for employers to coerce and intimidate their employees.

EFCA changes the game and provides workers with a fair choice in choosing to organize.

It also takes away incentives for employers to break the law and illegally fire union organizers by requiring back pay for workers who are fired or retaliated against, increasing civil fines to up to $20,000 for each illegal act, and authorizing Federal court injunctions to immediately return fired workers to their jobs.

EFCA provides employees with a choice in choosing a union, gives teeth to penalties for violations to prevent employer bullying and intimidation, and levels the playing field for workers seeking well-deserved living wages, health care, and fair workplace treatment.

I urge my colleagues to support cloture on the motion to proceed to this bill.

Mr. OBAMA. Mr. President, all across the country, Americans are anxious about their future. In a global economy with new rules and new risks, they have watched as their Government has shifted those risks onto the backs of the American worker, and they wonder how they are ever going to keep up.

In coffee shops and town meetings, in VFW halls and all along the towns that once housed the manufacturing facilities that built our country, the questions are all the same. Will I be able to leave my children a better world than I was given? Will I be able to save enough to send them to college? Will I be able to plan for my retirement? Will my job even be there tomorrow? Who will stand up for me in this new world?

The Employee Free Choice Act can alleviate some of these concerns. I support this bill because in order to restore a sense of shared prosperity and security, we need to help working Americans exercise their right to organize under a fair and free process and bargain for their fair share of the wealth our country creates.

The current process for organizing a workplace denies too many workers the ability to do so. The Employee Free Choice Act offers to make binding an alternative process under which a majority of employees can sign up to join a union. Currently, employers can choose to accept—but are not bound by law to accept—the signed decision of a majority of workers. That choice should be left up to workers and workers alone.

Moreover, workers who want to form a union today are vulnerable to a concentrated period of union-busting tactics by employers. Far too often, workers petition to form a union, the employer is notified, and then the employer uses the time between notification and the vote to force workers into closed-door meetings where they might mislead and scare their employees into opposing the organizing drive. In thousands of cases, employers just start firing prounion employees to send a message. And they consider any penalties that result from that behavior an acceptable cost of doing business.

The Employee Free Choice Act would give workers the right to collect signed cards from a majority of their colleagues to form a union and would require the employer to respect and accept that decision. It increases penalties to discourage employers from punishing workers trying to organize their colleagues, and it encourages both sides to negotiate the first contract in good faith by sending stalemates to binding arbitration.

As executive compensation skyrockets and money managers rake in millions in income annually, American workers are wondering if the rules aren't tilted against them. They question whether their vote and their efforts matter. They feel they have an increasingly weaker voice in the decisions their employers and their Government make. They find themselves competing against workers abroad who lack fair pay and benefits. And they feel ill-equipped to challenge employers who are cutting wages or refusing to raise wages at the same time as they are shedding their health care and retirement contributions.

What the history of America's middle class teaches us—and what we have to make real today—is the idea that in this country, we must value the labor of every single American. We must be willing to respect that labor and reward it with a few basic guarantees—wages that can raise a family, health care if we get sick, a retirement that is dignified, working conditions that are safe.

To protect that labor, we need a few basic rights: organization without intimidation, bargaining in good faith, and a safe workplace. These are commonsense principles, and this bill affirms those principles. For this reason, I stand in solidarity with working people around the country as an original cosponsor of the Employee Free Choice Act, and I urge my colleagues to pass it.

Mr. ENSIGN. Mr. President, I rise today to address the so-called Employee Free Choice Act.

Over the past few weeks the Democrats have painted a very partisan picture for the American public; coloring their failures by laying blame at the feet of the Republicans. In reality, Republicans have come to the table in good faith time and again to address the issues facing this Nation and its hard-working citizens.

Now, this week, despite their promises to deliver energy solutions, the Democrats have chosen to set aside the only energy bill they have brought before the Senate. Sadly, we only had mere days to debate proposals that could have put this country on the path to lower gas prices and energy independence.

What is more important than securing America's future?

It is with complete disregard for the rights of American workers that the Democrats have brought to the floor—at the cost of vital legislation—the deceptively titled "Employee Free Choice Act." This act would revoke the right of workers to cast secret ballots in elections when voting on whether to form a union. Workers could now be unionized by the practice known as "card check," which would make employees cast their vote publicly by signing cards that would be allowed to count as votes in place of a secretly cast ballot. This practice would allow for unionization as soon as a majority of employees give consent, thus eliminating the voice and vote of a significant percentage of employees.

This country is founded on the fundamental principles of freedom and choice. Let's be clear, this is not a debate about the merits of unionization, rather this is a debate about ensuring that Americans maintain their right to make their choice in private, from the voting booth to the workplace. The United States has a rich tradition of Americans choosing their elected representatives by secret ballot in free and fair elections. Every Member of Congress was elected through a secret ballot process, something I have worked throughout my career to protect. Ensuring that employees maintain the right to secret-ballot elections protects those who would choose to not unionize from undue peer pressure, public scrutiny, coercion, and possible retaliation. We cannot allow political payback to undermine 60 years worth of democracy in the workplace.

This is not what the American worker wants. Although I do not believe in governing by polls, it is an important tool to gauge support on an issue such as this. According to a Zogby poll, 78 percent of union workers favor keeping the current secret ballot process in place. It is also important to note that preserving the rights of workers does not mean the end of unionization. As a matter of fact, a study conducted by the National Labor Relations Board confirmed that unions win 60 percent of all elections conducted by a secret ballot. Knowing that would prompt any reasonable person to ask why the Democrats are so eager to secure the favor of big labor, especially when it is at the cost of the workers they claim to protect.

This bill would reverse 60 years of Federal labor law that has guaranteed workers the right to cast a private ballot. In 1947, Congress made a decision to amend the National Labor Relations Act and expressly mandated that workers be given the right to a secret ballot. Both the National Labor Relations Board, which oversees unions, and the Supreme Court have upheld the law and the rights of workers by recognizing that secret-ballot elections are the most satisfactory way to establish a union. Public support for the secret ballot for union representation is strong and an overwhelming number of union employees agree that a worker's vote to organize should remain private.

Currently, during union elections, all votes are cast secretly, and every vote is counted. This is important to protect employees from coercion and retaliation, not only from the employer but also from union officials. You see, what people fail to realize is that union officials have been as guilty of applying pressure, as they can alienate individuals, kill careers, or even threaten with physical force. Employees have had representatives from big labor visiting their places of employment, writing down license plate numbers, and visiting their homes later that night. Casting votes in secret provides all employees protection from these and other pressures.

Allowing the Employee Free Choice Act to pass into law would result in a dictatorial rule over laborers and their civil rights. I encourage this body to stand up and ensure that the Democrats are not allowed to make political fodder of the civil rights of hard working Americans. We cannot restrict the rights of workers by denying them their fundamental right to cast a private ballot in union organizing elections. Let's call this for what it is—a political payback—and vote against the "Employee No Choice Act."

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I believe I have 6 minutes: is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, again I wish to thank my friend from Colorado for putting into 3 short minutes the compelling case for the support for cloture we will be voting on in just a very short period of time and thank him not only for his eloquence and his passion but also the strong ongoing effort he has made to try to make sure this legislation is worthy of the goals he has outlined. He has made an extraordinary contribution, and history will show it.

If the Chair will let me know when I have 1 minute left.

Mr. President, on the employee checkoff legislation, first of all, we want to point out that free elections are in the Employee Free Choice Act. They are in the legislation. We have heard a lot of issues and questions about whether they are in or they are not in. They are in the legislation. But let me really point out, in the few minutes that remain, why this legislation is necessary.

It is necessary because of the impact of what is happening today to so many workers who are trying to be able to pursue their economic interests.

This is Verna Bader, a machine operator in Taylor, MN. Verna wanted to form a union to help address health and safety problems at work. This is often the case. It isn't just their own economic interest; it is the health and safety problems they see on the job. She and other union supporters were harassed by the foreman, who threatened: "If you do get a union in here, you're gonna find out that you aren't gonna have a job." We have heard of intimidation, and this is the type of intimidation which so many workers, when they try to form a union, are faced with.

After employees voted to form a union, the harassment became unbearable for Verna. "There's days that I literally went out of there crying. This is the kind of conditions that the employer set."

Taylor Machine illegally shut down the department where union supporters worked. Eventually, the NLRB ordered the company to give them back their jobs. The company refused and appealed the ruling, delaying justice for the workers. Verna and her coworkers didn't get the backpay the company owed them until 8 years later.

This is Bonny Wallace, a nurse from Roseburg, OR. Bonny and her coworkers decided to form a union after the hospital began increasing nurses' patient loads, forcing them to work mandatory overtime. Many times, these workers would come down exhausted at the end of their 8-hour shift and be told: No, you are going to have to continue to work. Many of them had children at home or children they were picking up at school, and they were told they had to go out. The workers tried to find out if they couldn't get at least some kind of recognition of their needs. "We needed some help and some representation. We needed someone to listen to us, when management would not. That's why we called the union."

The hospital started a campaign of fear and intimidation. Despite a shortage of workers, the hospital forced them to attend antiunion meetings during their shifts. The meetings were demeaning and dehumanizing. "We felt insulted by the half-truths they put forward."

The nurses won the election, but 1 year after the union was certified, they still had no contract. Management has come to bargaining meetings unprepared to negotiate, stalling the negotiations and slow-walking the outcome.

So you have the situation where an individual is fired and another situation where they have just refused to negotiate.

Now, what happens every year? These are the figures from 2005: 30,000 workers—30,000 workers—have had to get backpay from the National Labor Relations Board because of examples I have just given here this afternoon. And these are not the exception. This is what is happening all over America. It didn't used to be that way. It didn't used to be that way.

Years ago, when they did have the card and the checkoff, the numbers that were actually being talked about at that time were about 3,000 individuals. Now, as has been pointed out during the course of the debate, the powers that are out there to defeat these workers, humiliate these workers, intimidate these workers are very effective, and we have 30,000 who get backpay.

Employees are fired in one-quarter of all the private sector union-organizing campaigns. One in five workers who openly advocate for a union during an election campaign is fired. That is the technique used in order to destroy. That is what we are trying to deal with in this legislation. That is what this legislation is all about. Let us allow the workers to have the choice and the employee recognition that they can vote for or vote against having a union but not have intimidation.

Finally, what are the penalties? I mentioned 30,000 different instances where they had to get backpay. The average backpay in 2005 was $2,660. Imagine that worker out of work for 8 years and finally gets the backpay, and the backpay is $2,660. If you had the violation on this Smokey Bear image, it would be $10,000.

This is not only an economic issue, it is a moral issue, and we have this open letter from 124 religious leaders that states: We as leaders of the faith communities, representing the entire spectrum of U.S. religious life, call upon the U.S. Senate to pass the Employee Free Choice Act so that workers will be able to represent themselves.

It is a civil rights issue. The Leadership Conference on Civil Rights and the Governors understand this. There is a letter from some 16 Governors, who think this makes sense.

There is also this extraordinary letter from a former Secretary of Labor, Ray Marshall, and he quotes the Dunlop Commission. John Dunlop, a Republican, was probably one of the greatest Secretaries of Labor in the history of this country.

Mr. KENNEDY. Mr. President, over the past several days I have addressed the Senate several times about the dramatic changes in our economy, and the overwhelming challenges facing American workers. I am deeply concerned about the growing divide between the haves and have-nots in our country. Working families are not receiving their fair share of our economic gains, and it is threatening the vitality of the American middle class and the American dream.

It is time to have a real conversation about economic security. We need to be talking about how we can return to the days where the rising tide really did lift all boats, and working Americans shared in the Nation's prosperity.

Unfortunately, my colleagues on the other side of the aisle don't seem interested in having that conversation. Instead, they have chosen to spread misconceptions and half-truths about the Employee Free Choice Act.

Before we can continue talking about the economic challenges facing America's workers, we need to set the record straight. I would like to clear up the misconceptions and half-truths about this legislation so we can return to focusing on the issues that matter to working families.

First, several of my Republican colleagues have come to the Senate floor to argue that the current system for choosing a union works just fine. They argue that there is no real problem here because 60 percent of NLRB elections are won by unions.

Actually, I still find that number disappointing, because in a substantial percentage of the elections that unions lose, the organizing efforts had majority support before the election process began. And nearly half the election petitions filed by unions are withdrawn even before the election occurs because union support has been so eroded that there is no point in going forward. Something happened during the election process to scare and intimidate workers.

But more importantly, the number of NLRB elections that unions win does not tell the whole story. What tells the story is how many employees want a union and don't have one. What tells the story is how many workers never get to that stage of the process.

According to a December 2006 poll by Peter Hart Research Associates, 58 percent of America's nonmanagerial workers—nearly 60 million—say they would join a union right now if they could. But only 7 percent of employees in the private sector have a union in their workplace. This shows that NLRB elections are not working to get workers the unions they want.

Some critics have also taken issue with some of the supporting statistics that I and my Democratic colleagues have used to demonstrate the widespread problem of anti-union behavior and abuses of the law by employers. Specifically, they have attacked a study performed by Professor Kate Bronfenbrenner of Cornell University concluding that employees are fired in one-quarter of all private-sector union organizing campaigns. These attacks are unfounded.

Professor Bronfenbrenner's study is one of many research projects that confirm what many of us have long known—that abuses of employees who try to form a union are rampant and our current system has proved inadequate to protect workers' rights.

Kate Bronfenbrenner's research has been relied upon for 20 years by Congress and the U.S. Trade Deficit Review Commission, USTDR, among others, to gauge the extent of employer behavior that affects the exercise of rights by workers. Her research has been published in a number of peer-reviewed books and journals where it was found to have upheld the stringent standards for methodological review for those publications.

It's abundantly clear that there is a serious problem, but Republicans argue that the Employee Free Choice Act is not the solution. They have pointed to a 2004 Zogby survey of union workers and a 2007 poll of workers by McLaughlin and Associates to argue that workers—even union workers—don't want this.

Both the McLaughlin poll and the Zogby poll are unpersuasive. Both of these surveys presented people with a false choice—between majority sign-up and a fair and democratic election. Neither asked workers to choose between majority sign-up and the NLRB election process.

I think if the choice was presented accurately those results would have been much different, because a fair and democratic choice is just not what the NLRB election process provides. NLRB elections are so skewed in favor of the employer there's nothing fair or democratic about them.

The Hart research survey I have cited is far more accurate—I'll use the exact wording so there's no chance of misunderstanding:

> Under majority signup, once a majority of employees at a company join the union by signing authorization cards, the company must recognize and bargain with the union, with no election held. Do you favor or oppose this proposal?

When asked this question—with no slant or bias in it—70 percent of union members and 50 percent of workers overall supported majority sign-up, compared to only 20 percent of union members and 36 percent of workers overall who opposed it.

Beyond public perceptions, when it comes to the substance of the bill, each of the three major provisions of the act—the majority sign-up, the first contract timeline, and the enhanced penalties—has been the subject of misleading and inaccurate attacks. I will address each of these sections of the bill in turn.

On majority sign-up, the most common criticism I have heard is that the Employee Free Choice Act is undemocratic or that it eliminates the secret ballot election. Neither of these assertions is true—the bill does not abolish the NLRB election process, and if the goal of a democratic system is to have an outcome that reflects the will of the people, the Employee Free Choice Act establishes a far more democratic alternative to the current system.

Initially, the bill does not abolish the secret ballot election process. That process would still be available. It just gives workers—not employers—the choice whether to use the NLRB election process or majority signup.

My friend and colleague from Wyoming, Senator ENZI, has cited a letter from the Congressional Research Service, arguing that this letter proves that the bill eliminates secret ballot elections. With respect, I think that's a misreading of CRS's conclusions. What CRS said was that the bill would not permit an election when the majority of the employees has already signed valid authorizations designating a union as their collective bargaining representative. And that is correct—if the majority has already spoken and chosen a representative by signing authorization cards, the employees have already decided how they want to choose a union. It's that majority choice—the decision to choose a union through majority signup—that we want to protect. If the workers were to choose to use the election process instead—if they were to sign cards asking for an election rather than designating a bargaining representative—they would get an election. The Employee Free Choice Act lets the workers use the system they want. This makes perfect sense—after all, it is the workers' representative, why should the employer get to control how the workers get to choose?

In their discussions of the majority signup process, my Republican colleagues seem to suggest that the NLRB election process is a model of democratic fairness. But nothing could be further from the truth. NLRB elections are nothing like the public elections we use to elect our Congressional representatives. One side has all the power. Employers control the voters' paychecks and livelihood, have unlimited access to voters, and can intimidate and coerce them with impunity. By the time employees get to vote in an NLRB election, the environment is often so poisoned that free choice is no longer possible. That is not a free election or a fair election. Workers should have the option to choose a better process.

Another common criticism raised about majority signup is that employees may be coerced by their colleagues, or by union representatives, into supporting the union. This is really not a cause for significant concern. It is already clearly against the law for unions to coerce or intimidate employees into signing union authorization cards. Those cards are invalid and cannot be counted towards majority signup, and nothing in the Employee Free Choice Act changes that.

Along these same lines, several of my colleagues have cited a Supreme Court case—NLRB v. Gissel Packing Company—for the proposition that authorization cards are an "inherently unreliable" indicator of true employee support for a union. I am distressed that my colleagues would take this quotation so drastically out of context.

Those words—"inherently unreliable"—were used by the Court to articulate the employer's contention, which the Court rejected. In fact the Court in Gissel held the exact opposite!

They found that authorization cards can adequately reflect employee desires for representation and the NLRB's rules governing the card collection process are adequate to guard against any coercion that might occur.

I don't understand my colleague's suggestion that authorization cards aren't a valid indicator of a worker's wishes. We have always used these cards to determine whether workers want an election or not, and there's never been any suggestion that coercion or misrepresentation makes the process unfair.

Majority signup is a better system. It respects the free choice of workers by giving them the freedom to choose a union in a simple, peaceful way. Experience has shown that when majority signup replaces the battlefield mentality of the NLRB election process, conflict is minimized and the workplace becomes more cooperative and productive—a win for both sides.

Briefly, there are three more concerns that have been raised about majority signup that I would like to dispel. Each of these concerns reflects a misunderstanding of how the bill would affect current law.

First, my Republican colleagues claim that the Employee Free Choice Act would require "public" card signings, which is simply untrue. Under the act, signing a card will be no more or less confidential than it is now. Under current law, workers can request an election if 30 percent of them sign cards saying they are interested in an election. The NLRB keeps the cards—and the card signer's identity—confidential and will not reveal that information to the employer. The Employee Free Choice Act does that change these NLRB confidentiality requirements that protect workers from being targeted by their employers for later retaliation.

Second, some of my colleagues have suggested that the Employee Free Choice Act will "silence" employers and restrict their ability to express their views about the union. But nothing in the Employee Free Choice Act changes the free speech rights of an employer. Employers are still free to express their views about the union as long as they do not threaten or intimidate workers. The act also does not change the types of anti-union activity that are prohibited by law. What the act does do is strengthen the penalties for anti-union activity that are prohibited by law. It also allows workers to find an alternative to the contentious NLRB election process, when many of these violations of the law can occur.

My friend and colleague from Utah, Senator Hatch, claims that by giving workers an alternative to the NLRB election process, the employer is "effectively silenced" because it is possible that the employer will not know about the majority signup campaign until the cards are presented to the employer. While that is theoretically possible, it is highly unlikely. Most employers know when employees are thinking about forming a union. Even in the rare instance where an employer was truly taken by surprise, the employer has no "right" to an additional period of time to engage in anti-union tactics. Majority signup is about workers choosing their own representative. Why should the employer have a guaranteed say in the workers' decision about their own representative? That would be like saying that one party in a court case can't hire a lawyer until the other party has a guaranteed period of time to argue that his opponent shouldn't be allowed to have a lawyer. It is nonsensical.

Third, critics have argued that the Employee Free Choice Act inappropriately lets employees choose the appropriate unit for bargaining, instead of the National Labor Relations Board. Again, this reflects a misunderstanding of current law, and of the scope of the Employee Free Choice Act.

Under current law, when employees petition for an election they have a right to choose the unit for bargaining. Employees need only choose an appropriate unit, not the most appropriate unit. Employers then have the right to ask the National Labor Relations Board to determine whether the unit chosen by the employees is inappropriate or unlawful. The Employee Free Choice Act does not alter the law in this respect. Employees will still have the right to choose their bargaining unit. EFCA maintains this important right for employees, while continuing to protect employers from being forced to recognize an inappropriate or unlawful unit.

Unfortunately, opponents of this bill have not confined their misguided attacks to the majority signup provisions. They have also raised several unjustified criticisms of the provisions in the bill providing a timetable to get workers a first contract.

Primarily, my Republican colleagues have argued that these provisions would allow the government to impose a contract on the parties, threatening business's bottom line. These sensationalistic references to "government-imposed contracts" are way off-base. It is a scare tactic that has no relationship to what this bill actually does.

The Employee Free Choice Act does not compel arbitration whenever the parties have difficulty reaching a contract, as my colleagues suggest. It provides a procedure where unions or employers can seek assistance from the Federal Mediation and Conciliation Service if they are encountering difficulties in their negotiations. The first step of this process is mediation. Collective bargaining mediation provides a neutral, third-party mediator to assist the two sides in reaching contract agreement on their own. The FMCS has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and they have an 86 percent success rate in helping the parties agree to a contract. That is a pretty impressive record.

Only in the rare instance where mediation fails does the act provide for arbitration. Binding arbitration is a last resort, and will rarely be used. It primarily serves as an incentive to bring the parties to the table. Neither the union nor the employer wants any uncertainty in the process, and therefore the parties have a strong reason to sit down at the table and work things out on their own rather than letting an arbitrator rule. The bill's negotiating framework is similar to what is used in most Canadian provinces. Canada's experience shows that arbitration is rarely used, and is an incentive—rather than a roadblock—to parties reaching their own agreement.

Finally, even in the rare case where parties do resort to arbitration, it will be limited to the issues that the parties are unable to agree on. These arbitrations will be handled by highly qualified FMCS arbitrators with long experience in crafting fair contract provisions. They will not impose unfair or extreme terms. I also don't know where my colleagues get the impression that an arbitration through the FMCS would produce a contract biased in favor of the union. It is not in anyone's interest to put a company out of business—workers would lose their jobs and unions would lose their members. Typically, arbitration produces middle-ground solutions that everyone can live with, and often parties settle their disputes during arbitration, alleviating the need for the arbitrator to render a decision at all.

The second criticism that has been leveled against the first contract timeline is that in the rare instance where a contract is actually imposed through the arbitration process, workers will lose their "right" to vote to ratify the contract. This reflects a complete misunderstanding of current law. Under current law, employees do not have a "right" to ratify a collective-bargaining agreement. A ratification vote is a courtesy that unions routinely give the workers they represent as a matter of policy. It is not a legal requirement.

Under the bill, if unions want to provide their members with input during the first contract negotiation process, they could submit the union's arbitration proposal to the membership for a ratification vote. This would ensure that the position the union takes in arbitration is consistent with the views of the membership.

Perhaps most importantly, in the rare case where a union gets a contract through arbitration, this contract will only be for a 2-year term—a relatively short timeframe for a labor contract. And, during the short duration of the first contract, the membership will no doubt still be far better off than if they had no contract at all.

Finally, opponents of the bill have argued that arbitration of first contracts is incompatible with the collective bargaining process. In support of this assertion, they cite a text on arbitration written by Elkouri and Elkouri, quoting it to say that using arbitration to reach a first contract is the "antithesis of free collective bargaining."

My Republican colleagues are taking this quotation out of context. Read in full, the text says: "The arguments against compulsory arbitration as revealed in literature on the subject, are, broadly stated, that it is incompatible with free collective bargaining . . ." Elkouri and Elkouri are merely reporting arguments made by others, not endorsing this position.

Indeed, later in the book, the authors acknowledge that, in some instances in which "the parties find it difficult or impossible to reach agreement by direct negotiation," and "the use of economic weapons [may] be costly and injurious to both parties" or to the public, "interest arbitration by impartial, competent neutrals, whether voluntary or statutorily prescribed, offers a way out of the dilemma."

Using interest arbitration to resolve difficult situations is hardly unheard of. In fact, it has become quite common in public sector employment, public utilities, and railroads. It is also used in most Canadian provinces, where it has been perfectly consistent with a robust system of collective bargaining.

The system established by the Employee Free Choice Act gives a responsible employer every opportunity to pursue a contract fairly. There's bargaining, then there's mediation—arbitration is only a last resort. And the parties can always agree to keep talking or to extend any of the deadlines in the timetable. The process can last as long as it takes to reach a deal, so long as the parties are acting reasonably and can agree to keep talking.

Finally, I would like to take just a brief moment to respond to an argument raised by my friend from Utah, Senator HATCH, regarding penalties. He argued that the Employee Free Choice Act is unfair because it requires employers—but not unions—to pay triple backpay when they violate workers rights. While it is true that the bill does not provide for the same treble backpay penalty against unions, this is hardly problematic. Backpay is a remedy for wages to which an employee would otherwise have been entitled. Unions do not have the power to fire, demote, layoff, or take away workers' raises or overtime pay. Those are abuses only an employer can impose. Because unions cannot retaliate against workers in this manner, there is no reason to impose treble backpay on them.

In 2005 alone, over 30,000 workers received backpay from employers who violated their rights. In contrast, unions paid backpay to only 132 employees. This small set of backpay awards against unions primarily involves mishandled employee benefits—not the types of appalling abuses the Employee Free Choice Act is intended to address. When it comes to causing workers to lose their pay and benefits, it is employers—not unions—that are the problem, and the Employee Free Choice Act provides a solution, putting real teeth in the law, so that unscrupulous employers can no longer dismiss the penalties for violating workers rights as a minor cost of doing business.

The Employee Free Choice Act does one thing—it empowers workers. It gives them the freedom to choose—without fear of intimidation or harassment—whether they want union representation. There's nothing more democratic than that.

I hope that my comments today have set the record straight. I hope that we can now move on to discussing the critical role this legislation can play in helping working families to overcome the challenges of new economy return to a time of shared prosperity. I urge all of my colleagues to vote to proceed to this bill so we can have that important debate.

Mr. ROCKEFELLER. Mr. President, we have before us a bill that will strengthen the historic right of workers to join together for higher wages, safer working conditions, and better benefits. The Employee Free Choice Act, which I have cosponsored for the last three Congresses, will allow workers to bolster their rights in the employment negotiation process. It will offer real deterrents for that small minority of employers who exercise undue influence over fairly and legally held elections for union representation, and as a result it will ensure workers more control of their working conditions.

Passage of this bill will have an enormous effect in my State of West Virginia. It will protect the rights of working men and women in my State, allowing them to bargain for increased wages, employer-provided health care and pension benefits, as well as better working conditions.

In fact, the pendulum has swung for too long solidly in favor of employers. This bill will bring us closer to equilibrium, giving employees more of a level playing field. The Employee Free Choice Act will enable a majority of employees to clearly and unambiguously make their decision known to organize.

If a majority of workers want a union, then they should be able to band together and speak as one. It is simple and fair, and this right should be free from intimidation. Today, even within legal strictures in place, the current election system allows that small—group of employers to intimidate workers in the midst of a union election, which is simply unacceptable. For example, under the current regime, employers may discourage organizing activities while workers who support unions may not use the workplace as a vehicle to show their support.

The current system leaves employees who want to organize in a vulnerable position. They may be threatened with the loss of their job or the closure of their plant. Among workers who openly advocate for a union during an election campaign, one in five is fired. In my own State, Ms. Mylinda Casey Hayes was unlawfully discharged from her job as a production line worker after she stopped wearing an antiunion button and began supporting employee efforts to organize.

I could give you many other examples of hard-working West Virginians fighting for their rights as employees who face similar tactics. Frankly, the penalties for employers who use these tactics are small—a mere slap on the wrist that does nothing to deter them from improperly and illegally influencing the election. It is high time that we put an end to this practice by showing that there are consequences for ignoring workers' rights. We must strengthen the penalties for companies that coerce or intimidate employees. The increased penalties in the Employee Free Choice Act will restore a more level playing field for employers and employees.

Now, we have the opportunity to extend democratic principles to all workers across the country. The Employee Free Choice Act will give workers the freedom to make their own choices free from intimidation and harassment. This freedom affects the wages, health care, pensions, and other benefits of our Nation's families. When America's hard working men and women are given the opportunity to improve their economic situations, we are all improved. This bill will improve wages, health care, pensions, and working conditions—in turn bolstering our economy. I strongly support this legislation, and I hope my colleagues will join me.

The PRESIDING OFFICER. The Senator's time is up.

Mr. KENNEDY. I will include those references in the RECORD, and I thank the Chair.

Mr. ENZI. Mr. President, I yield myself the remainder of my time.

We are actually debating two things here this morning because we are going to have two cloture votes right in a row. And there are some similarities between the two bills. The similarities are that neither has been through the committee process. Neither bill has been to committee. And I will tell you, when you don't send bills to committee around here, at least in my 11 years here, I don't think I have seen one bill pass that didn't go to committee. Why? Because people don't feel as if they had any input into it.

Just imagine. A coalition gets together and puts bills together and leaves everybody out and then tries to limit the amount of amendments that can be offered on them. The way the coalition works is that one person has this piece of a bill which they are really enamored with but hardly anybody likes it. Another person has this piece of a bill which he is really enamored with but hardly anybody likes it. And you get enough of those people together, throwing their bad parts of the bill in and agreeing to support it to the bitter end in order to pass the bill, but it is a conglomeration, sometimes, of bad things. So it shouldn't be a surprise when cloture isn't invoked on these bills that don't go through the committee process. The only chance for the person who is not in the coalition to have any kind of a voice is at the time of cloture.

Both of these bills, both the immigration bill and the card check bill, have not been through committee. The main bill I am talking about is the Employee Free Choice Act—I have to give them a lot of credit for picking a good name. Ironically, however, it is not about free choice; it is about taking away free choice. It should be called the "Employee Intimidation Act" or the "Take Away the Secret Ballot Act." It should not be called the Employee Free Choice Act, and I urge my colleagues to vote no on cloture on the motion to proceed.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. This legislation does exactly the opposite and would strip away from working men and women their fundamental democratic right. Should cloture be invoked, we will get to talk about this for 30 hours, and I am going to go through each and every one of the charts the other side has used to show that statistics aren't always the truth. But everybody knew that already.

We see some charts that show how much people made during one 25-year period and which group, which 20 percent, made the most. Then we switch to another chart, and we show how that changed in the next 25 years. But the third chart is the fascinating one. If you count the spaces on that chart, we have gone from five slots of 20 percent to six slots because the emphasis is on what the top 1 percent in the country made. If you are going to have honest charts, you have to show what the top 1 percent made on the first two charts as well. Statistics—yes, you can get them to say what you want.

Another chart claimed that 30,000 people got backpay because they were fired for organizing. That isn't 30,000 people who got backpay because of organizing efforts; that is 30,000 people whom the National Labor Relations Board—through all of their proceedings has awarded backpay. They do a whole lot of cases that don't have anything to do with union organizing, such as contract interpretation, and those can result in settlements that award backpay. For example, in 200, two thirds of the recipients of "backpay" were involved in a single case involving contract interpretation, it had nothing to do with organizing.

But I don't want to go into all that now. I will have plenty of time if we do invoke cloture. I suspect there are plenty of people around here who can see the flaw in something called the Free Choice Act which takes away the right of people to vote, so I won't dwell on that.

For generations, we have guaranteed all workers in our country the right to choose whether they do or do not wish to be represented by a union. We have secured that right through the most basic means of a free people—the use of the secret ballot election. Now, however, proponents of this legislation would cast that right aside. One can almost feel the discomfort from our colleagues across the aisle as they grasp at straws to ultimately prevent a futile effort to justify the shameful assault on workers' rights.

We have had related to us that it would solve fair trade, it would solve executive pay, and untold issues in the world would just be solved if we just took away the right to vote from people who are being organized.

We have been told the system is broken and the bill is needed to fix it. Simply untrue. Unions that participate in the democratic election process have never in history enjoyed as much success as in the last decade, a record of 10 straight years of an increasing winning rate, the last 2 years at record rates of 62 percent. I guess they are upset that in 38 percent of the votes, they lost.

Employer unfair labor practice allegations are down dramatically, more than 40 percent over prior decades. Most importantly, the National Labor Relations Board has only found it necessary to invalidate less than 1 percent of the elections it held last year. In fact, we took a look at 2,300 elections, and there were only 19 that were rerun, and those were because of union violations as well as employer violations.

We are told, secondly, that something must be wrong with the system because there are fewer unionized employees in the workforce. That is true, but I would suggest unions need to look elsewhere to explain this phenomenon. Many observers believe the problem for unions is that today's employees see them as out of step, too political. They talk about not having enough money to take on management. If they took some of the money they put into political campaigns and went after management, they would probably win more of the elections. Their members see them as being too political and too concerned with their own agenda rather than the workers. I don't know if that is true, but I do know that when unions push an undemocratic bill such as this, which takes rights away from workers, it does little to dispel that view.

I also note that the level of union membership has absolutely nothing to do with the law this bill seeks to radically alter. The law governing unionization and the law providing for a secret ballot has not changed for over 60 years. It is the same today as generations ago when union membership was at 35 percent. The law is plainly not the problem.

Third, we have been told increased unionization is necessary to boost worker pay and benefits. Increased benefits and pay cost money, and unions do not contribute a penny to such costs. Thus, the notion that these two are causally linked is simply smoke and mirrors.

But even if that were the case, the promise of higher wages and benefits is exactly the kind of appeal a union is free to make to employees in a free election process with a secret ballot. It is not an excuse to strip them of the right to vote. This bill is nothing more than a transparent payoff to union bosses to help them artificially and unfairly boost their membership numbers, to increase their bank accounts through more union dues, and increase the political leverage that such money buys. Pandering to special interests is a bad enough problem, but when the cost of such pandering is the most basic of American rights for American workers, it is disgraceful.

I urge my colleagues to reject this effort and to vote no on cloture.

I ask how much time I have remaining?

The PRESIDING OFFICER. The time now belongs to the Republican leader, the next 10 minutes.

Mr. ENZI. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, first let me thank my friends and colleagues, Senator HATCH and Senator ENZI, for their hard work on the card check issue. They have been passionate and persuasive in defending worker rights. The Republican conference and the American worker are grateful.

We heard a lot yesterday from supporters of the so-called Employee Free Choice Act about the potential effect this bill would have in expanding unions. But we heard next to nothing from them about how it would bring that about. The way we do things in this country is just as important as what we do. This is what has always set us apart as a nation. So it is important we be clear about what this bill would do and how and why it must be defeated.

First, what would it do? Sixty years ago, Congress gave Americans the same voting rights at work they had always enjoyed outside of work. Worker intimidation was common during union organizing drives in those days, so Congress amended the National Labor Relations Act to include a right for workers to vote for or against a union without somebody looking over their shoulder.

As a result, a lot of workers stopped joining unions. Since the 1950s, the number of unionized workers in our country has fallen sharply. For one reason or another, voters opted out. This is their choice. Today, less than 8 percent of private sector jobs in our country are unionized. The so-called Employee Free Choice Act would reverse that law. It would strip workers of a 60-year-old right that was created to protect them from coercion, rolling back the basic worker protection that no one has questioned until now. This is what the bill would do.

Who is behind it? It should be obvious. The unions are desperate. They are losing the game, and now they want to change the rules. But in this case the rule they want to change happens to be one that is so deeply engrained in our democratic traditions that few people would believe it is even being debated today on the Senate floor. Surveys show that 9 out of 10 Americans oppose rolling back the right to a private ballot at the workplace, including an astonishing 91 percent of Democrats. Indeed, many of our colleagues on the other side have defended the secret ballot with passion and eloquence in the past. This is why we hear about the effects but not the cause.

The Democrats are rolling over in support of this antidemocratic bill. All but two Democrats in the House voted against their version of it in March. I expect even fewer Senate Democrats will defect from the party line today. They know the bill will fail. Senate and House Republicans have vowed to block it. The President has vowed to veto it. Yet Senate Democrats are forcing us to vote on it anyway. Why? As the senior Senator from Delaware told a reporter yesterday:

> I'll be completely candid . . . I would not miss that vote because of the importance to labor.

Republicans appreciate the candor, and we will be candid too. This antidemocratic bill will be defeated today, but it will not be forgotten. Republicans will remind our constituents about the fact that Democrats proposed to strip workers of their voting rights. No one can put voting rights on the table and expect to get away with it.

For Democrats, the end in this case clearly justifies the means. But the American people disagree with the means and the end. Voting in this country is sacred, and it is secret.

Republicans will stand together in defense of that basic right today by proudly defeating this dangerous and antidemocratic bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. President Franklin Delano Roosevelt said:

> It is one of the characteristics of a free and democratic nation that it have free and independent labor unions.

Roosevelt's New Deal lifted America through the Great Depression by showing us the rights of working people can go hand in with economic growth. His call for equality and basic fairness, which guaranteed our country a permanent workforce of skilled, trained, and professional employees, is something that is one of his legacies. But now, 70 years later, for many Americans the New Deal has become a raw deal.

Today in America, hourly wages are down, way down, while the number of uninsured is up, way up. Today in America, household income is down, way down, while the average chief executive officer's pay is a staggering, record-shattering, 411 times higher than the pay of the average working person, and going up every day. This has happened in part because, to use a term from Las Vegas, "the boss holds all the chips."

I rise to support that we proceed to the Employee Free Choice Act, a bill that will level the playing field for the American worker. It is unquestioned that when employees join labor unions, their standard of living improves and they become more productive employees. It is a win-win for employers and employees alike. Yet too often some employers coerce, harass, and threaten their employees to keep them from organizing. Our current laws give our employees little recourse when that happens, and it happens a lot. The Employee Free Choice Act puts the choice to organize squarely on the shoulders of the employees, and that is where it belongs.

This bill requires employers to recognize the formation of a union when the majority of employees express their support by signing a simple authorization card—a card check. It gives both sides a right to bring in the Federal Mediation Service to mediate the first contract once a union is formed, and enforces stronger penalties for companies that interfere with the right to organize.

Providing the American workers with free choice will ensure access to higher wages and better benefits, better fringe benefits. That means more working families will have good health care and will be able to save, for example, for a college education for their children and maybe even for a better retirement. They will be guaranteed fair benefits, such as vacation time, a reasonable workday, better on-the-job safety.

This is particularly true for African Americans, Latinos, and certainly women. There are some who claim this is a political vote, a gesture to labor. It is a gesture to the American working men and women. I can only venture to guess that those people who do not understand what this bill is all about are those who do not like the bill. This bill is an honest attempt to help improve the lives of Americans who often work hardest and are rewarded the very least.

Opponents of this bill, I guess, see it differently. Lobbyists for big business argue the status quo NLRB secret ballot election works just fine. It is not just fine. It doesn't work just fine. In reality, the status quo is often unfair and undemocratic. Big business wields tremendous power in secret balloting, and too often they use that power abusively. Big business controls the paychecks of the voters and livelihoods of labor. Big business sets the work schedule and terms of employment. And big business has a captive audience, an unfiltered audience to voters. All of us, save our new colleague who was sworn in at 3:15 yesterday, Dr. BARRASSO, have earned a place in the Senate through an election. But I guarantee everyone here, everyone within the sound of my voice, in any of the elections of the other 99 Senators who serve here now, if our opponents controlled 100 percent of the information that voters receive, none of us would be here.

That is what this is all about. There is nothing more democratic in politics and in government and the workplace than a level playing field.

For those who are skeptical of this legislation, let me remind you that it is already working. The NLRB permits the use of majority signup, or card check as it is often described. For example, in Nevada, a State where business and labor work together, most union organizing drives are implemented through majority signup.

Let me say this. Let me be very clear. This bill does nothing to limit employee options in right-to-work States such as Nevada, nor does it eliminate secret ballot elections, as some have said. It simply gives employees the choice to determine their path to union representation. That seems fair. That is the level field we are talking about.

Skeptics of this bill should look to Nevada to see that labor organizing does not have to be adversarial. The Employee Free Choice Act will be good for both sides: It will be good for labor, and it will be good for management. This legislation will help provide the fair, square deal for working people that President Roosevelt first promised 70 years ago and will keep our country strong and certainly more competitive.

I encourage all my colleagues to join in supporting the Employee Free Choice Act. That is what it is, a free choice act.

Mr. President, after we vote on the Employee Free Choice Act, we will return to immigration. Attention will be brought back to that issue, which is so critical—comprehensive immigration reform.

We would not have been able to revisit this issue if Democrats and Republicans hadn't put aside their differences to move forward. We may not all agree on the destination, but we now do at least have a roadmap. The process for this debate and the number of amendments we will consider were decided with the complete support of the Republican leader, Senator McCONNELL. Senator McCONNELL and I have worked together in good faith to ensure a full, open, and productive debate on an issue of such overriding national importance. But this bill will not get done without Republican support. The bill is here, but we need Republican support.

Sunday I had the good fortune to visit with the President. I spoke the same evening with Secretary Gutierrez. I spoke to Josh Bolton, the President's Chief of Staff. I explained to them, this is not a Democratic bill. They understand that. We had a Democratic bill last year. It died because the Republicans wouldn't allow us to go to conference. This is a bill that was negotiated in good faith with the total support of the President. He has made public statements that he supports this legislation. Throughout this debate, Democrats have done our part. Eighty percent of us voted for the President's bill; 14 percent of Republicans did the same. That is not enough. We are not asking the Republicans to equally match our support, although I wish they would, for their President's bill. If they deliver even 50 percent of their caucus, the legislation will pass. We need 25 Republicans to support us in this matter.

This is important legislation. The stakes are too high for inaction. We are the Senate of the United States. People have said the issue is too complex; let's not do it.

We have to take hard votes. We have an immigration system that is broken and needs to be fixed. That is what we are trying to do, fix it. We would be derelict in our duties if we didn't make every effort to get this legislation passed.

When we finish here, is it over with? Of course not. It goes to the House, and they will take up a measure. They will do what they think is appropriate. It will go to conference and we will come up with something that hopefully will solve most of the problems of immigration. I believe that to be the case. Comprehensive immigration reform will require us to tackle a number of difficult issues, such as border security. We have done a remarkably important thing in this bill regarding border security. Previously, there was authorization for money to do border security. This bill gives direct funding of $4.4 billion to address border security. If for no other reason, people should vote for this. I am confident this bill will take care of border security more than anything we have talked about in recent years. It will also look at a fair temporary worker program. There is in the legislation an agricultural workers program that is excellent. In this legislation there is the DREAM Act for education for children who previously could not be educated. Of course, there are employer sanctions which are important.

I am confident this bill addresses all four of these issues in a way that honors our country, our strong immigrant history, and sets us on the path to a stronger future.

I was looking at some commentary, talking about me and immigration. Actually, they made fun of fact that my father-in-law came from Russia, as if it were a negative. My wife's father was born in Russia. That is the strength of our country. My grandmother was born in England. I used to talk to my grandmother. She didn't remember much about anything, but she remembered a few things. The fact that my father-in-law came from Russia, my grandmother came from England makes us a better country. Immigrants are the strength of this country. This legislation honors that fact.

We need to proceed with this legislation and send the American people a better life for everybody. That is what this legislation will do. It will allow us to solve the problem, secure our borders, have a temporary worker program that meets the demands of our country, and put 12 million people on a pathway to legalization. As Secretary Gutierrez said, it is not amnesty. If we do nothing, there is silent amnesty. What this bill does is make sure that people learn English. It makes sure they pay their taxes. It makes sure they work, stay out of trouble, pay penalties and fines. Even then, they go to the back of the line. Remember, these people, whether we like it or not, have American children. This will allow them to come out of the shadows, be productive citizens and with the great work we have done on border security, stop illegals from coming into the country in the future. That is what this legislation is all about. It is good legislation. We have an obligation, as the legislative branch of Government, to do something to work with the President and get this passed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez

Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1639, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—64

Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Craig
Dodd
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Schumer
Snowe
Specter
Stevens
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—35

Alexander
Allard
Barrasso
Baucus
Bayh
Bunning
Byrd
Chambliss
Coburn
Cochran
Corker
Cornyn
Crapo
DeMint
Dole
Dorgan
Enzi
Grassley
Hatch
Hutchison
Inhofe
Isakson
Landrieu
McCaskill
Roberts
Rockefeller
Sanders
Sessions
Shelby
Smith
Stabenow
Sununu
Tester
Thune
Vitter

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrible terrorist attacks of September 11, it is painfully clear we have much work left to do to protect this Nation from these awful attacks. Osama bin Laden and his No. 2 still remain at large, and al-Qaida has grown in strength and is determined to attack globally. The administration's failed Iraq policy has catalyzed a whole new generation of extremists who can be expected to carry out attacks against the U.S. and our friends around the world. Objective analyses, including the final report of the 9/11 Commission, conclude that this Nation has failed to take the steps necessary to protect America from terrorist attacks.

We need only go back to look at the report card the Bush administration received in implementing the 9/11 Commission Report: Ds and Fs. The threats the 9/11 Commission talked about and are encompassed in this bill are real and growing. When Democrats took control of the Congress at the start of this year, we said we would finally and fully implement the unanimous recommendations of the bipartisan 9/11 Commission. It is something we fought for when we were in the minority, and it was one of the first bills we passed at the start of this session of Congress.

The House passed its version early this year, January 9, by a vote of 299 to 128—broad bipartisan support. We passed our bill on March 13. It, too, had bipartisan support, passing 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences in these two bills. I have had numerous conversations with Chairman LIEBERMAN. This preconference process has carried on for months, on a bipartisan basis, with full transparency and good-faith efforts to produce a final bill. Progress has been made.

The American people, though, don't expect progress. They expect results, and that is what we need. We need to finish the work on this bill yesterday—as soon as possible. That is why I believe we need to take the next procedural step to finish these negotiations, to appoint conferees. That is what we normally would do.

When this bill is finally signed into law, it will make America more secure. It will improve the morale, training, and efficiency of the TSA screening workforce, allowing them to work more effectively to protect air travelers. It will improve the screening of all maritime cargo—all maritime cargo—so Americans can be assured we are doing all we can to prevent the smuggling of weapons—even a nuclear weapon—through America's ports. It will improve the congressional oversight of intelligence to be sure we are building the best capabilities possible to stop terrorist attacks. It will improve communication sharing and communications interoperability among first responders so they can work swiftly to protect us from terrorist attacks. It will ensure that transportation and mass transit infrastructures are hardened against terrorist attacks.

We need to work together to protect the American people from terrorism, and we need to do so immediately. We asked numerous times in the last Congress to be able to finish the 9/11 bill, and we were denied that ability. I would hope that this unanimous consent request allowing us to go to conference would be granted.

I am told the minority is going to object to this request that we go to conference. That is too bad. Although Senate Republicans have thrown procedural hurdles in front of virtually everything we have tried to do in the Senate this year, I was hoping they would reconsider their obstruction when it comes to getting through legislation that makes America more secure. There have been issues raised, but couldn't we handle these in conference?

Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, on behalf of the minority, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my distinguished friend, the Senator from Oklahoma, we are glad to have you back. We are glad the medical procedure went well and that you are back with the same fighting spirit you had the first day you came here. We are happy to have you back.

Mr. President, I will renew my request at a subsequent time, and probably a few more times, until we get this done. I think a number of people have had calls from the 9/11 survivors, those people who lost loved ones in the 9/11 attack. They want us to get this done. We need to get this done. This is an issue that affects the safety and security of our Nation.

So I would hope that there would be a reconsideration of this objection at a subsequent time because I am going to continue to offer this until we are able to go to conference.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 4 AND H.R. 1

Mr. KYL. Mr. President, I would like to propound a unanimous consent request, please.

I ask unanimous consent that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation; that is, H.R. 1 and S. 4, that compromises the security of America's transportation system by eliminating the flexibility given to the Transportation Security Administration to manage its employees to most effectively counter terrorist threats against Americans.

Before the Chair responds, if I could just make a very brief statement.

The President has clearly said he will veto any measure that makes collective bargaining rights for airport screeners a higher priority than protecting our national security and defeating terrorists. Passing a conference report that includes such a provision would be an exercise in futility and a waste of time, as the legislation would certainly be vetoed. We should be working to write a conference report that we know can be signed into law so we can enhance our national security and better protect the American people from the terrorists we know are plotting every day to harm us.

Mr. President, I renew my request that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation that compromises our national security by eliminating the critical personnel management flexibility given to the Transportation Security Administration to enable it to respond to terrorist threats.

The PRESIDING OFFICER. Is there objection? The majority leader is recognized.

Mr. REID. Mr. President, I very much appreciate the minority coming forward and outlining their objections to the 9/11 bill. It seems pretty clear that the objection deals with collective bargaining, which is in the Senate-passed version of the bill. I appreciate very much that being on the record.

It seems, that being the case, we at least know what we are dealing with. It appears if that weren't in the bill—but it is in the bill—we could go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 2316

Mr. REID. Mr. President, I want to visit with everyone present for just a few minutes about S. 1, the ethics and lobbying reform bill. We hope to appoint conferees on this important bill today. By doing this today, we would enact this critical legislation that is so important to be done. It is the most significant lobbying ethics reform, I believe, in the history of this country. It makes tremendous reforms—long overdue. It will restore the people's confidence in their elected officials.

Last year, Americans rightly got sick and tired about story after story of corruption, the culture of corruption some called it, here in Washington led by Jack Abramoff, who is now in prison; Randy Cunningham, who is now in prison; Bob Ney, who is now in prison; Safavian, the head of Government contracting, led away from his office in handcuffs; Scooter Libby—numerous people who worked for various House Members who were involved in corrupt activities, airplane trips to golf in Scotland and places that are hard to imagine.

The American people responded at the polls last November with a clear message that they wanted a new direction, and we, the Democrats, responded by passing the most sweeping ethics and lobbying reform in a generation. We did it with the help of the minority. I do not say that lightly. But let's see what is in this bill. Let's review it for a bit to find out what this bill does.

It prohibits lobbyists and entities that hire lobbyists from giving gifts to lawmakers and their staffs. It prevents corporations and other entities that hire lobbyists from paying for trips for Members or staffs. And it prohibits lobbyists from participating in or paying for any such trips. It requires Senators to pay fair market value prices for charter flights, which put an end to the abuses of corporate travel.

Many people in this Chamber flew in corporate jets and paid first-class airfare. That did not corrupt any Members of Congress, but it was corrupting. It didn't look right, and therefore it is important it be stopped. And I hope it stopped. We need legislation to make sure it is stopped.

This legislation also slows the so-called revolving door by extending a ban on lobbying by former Members of Congress and senior staffers, and prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected. This legislation puts an end to pay-to-play schemes, such as the notorious "K Street Project." It provides dramatic improvements to disclosure and lobbying activities by doubling the frequency that lobbyists must file reports on their activities, requiring disclosure of contributions and bundled contributions, requiring that lobbyists' disclosures be publicly available on the

Internet in a searchable form. This is for the first time ever.

This legislation requires lobbyists to certify in writing that they have not violated House or Senate gift and travel rules. It ends the practice of corporations hiding their lobbying activities behind bogus coalitions with friendly sounding names, and increases civil and criminal penalties for lobbyists who violate the law.

The bill has brought about a revolution in earmark disclosure.

For the first time ever, the Senate will identify all earmarks in bills, the Senator who requested it, and the entity or location that receives it. Further, every Senator has certified that he or she has no monetary interest in their earmarks. Let me say that. This disclosure is the first time ever that this information will be disclosed. The Senate could have required the disclosure last year or the year before or the year before that, while the number of earmarks was exploding under a Republican Congress, but it did not. This year we took the lead and changed the way we do business around here. At the beginning of the year, we sent a message that ethics and lobbying reform was our No. 1 commitment by designating the bill S. 1. We worked hard to make this a bipartisan bill. Now we must take the next step by appointing conferees. I look forward to moving the ethics bill forward so we can reassure the American people that Congress is as good and honest as the people it represents.

I have gone over most everything in this bill. There are other things in it, but this is strong, important information the American people deserve. It is a law that should become a reality as quickly as possible.

I, therefore, ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, lobbying disclosure; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

UNANIMOUS CONSENT REQUEST— S. 223

Mr. BENNETT. Madam President, reserving the right to object, on behalf of the Republican leader, I would add an additional unanimous consent request that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, under the following limitations: That the committee-reported amendment be agreed to and that the only other amendment in order be a McConnell or his designee amendment, with 1 hour of debate equally divided in the usual form on the bill and 1 hour equally divided on the McConnell amendment, and that following the use or yielding back of the time, the Senate proceed to vote in relation to the McConnell amendment, followed by a vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, here we go again, doing their best—that is, the Republicans—to stop us from going ahead on ethics and lobbying reform. The suggestion of the distinguished Senator from Utah is reasonable, but it should be a different matter. In fact, once we look at the amendment, we may be willing to accept it. But it is only an effort to divert attention from ethics and lobbying reform, those matters—corporate jets, what lobbyists can do, what they can't do, bundling, what we need to do with earmarks. It is an effort to divert attention from that. Attention may be diverted for a few minutes this afternoon, but we are going to continue to focus on it. We need to pass this legislation. It is important we do so.

We, the Democrats, support what the Senator has suggested, basic electronic filing of FEC reports. There is no problem with that. Senator FEINSTEIN moved it through the Rules Committee and has been seeking consent to pass it on the floor unanimously. We have never seen the amendment Senator MCCONNELL wishes to stick on this. Once we have a chance to review it, we will be able, perhaps, to move forward on this consent request. In any event, let's not muddy the waters on the ethics bill. We want to move forward on that comprehensive bill, the most sweeping reforms in a long time, probably ever.

I wanted everyone to know there has been objection made by the minority to going forward on a conference. The conference will be led by JOE LIEBERMAN on our side, a man who is certainly fair to both sides. Why would we not go to conference on this important legislation?

I will be back. I will be back and hope there will be the revelation to the Republicans that we are going to do everything we can on this legislation. We are going to focus attention on why it is not going to conference. It is not going to conference because the Republicans are stonewalling our ability to do so, coming up with something as diverting as FEC reports being filed electronically.

I object to the request of my friend.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BENNETT. In that case, Madam President, on behalf of the Republican leader, I must object to the request of the majority leader.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, we are waiting for the legislative counsel to bring us the legislation we are going to be dealing with, so I think it would be appropriate that we be in a period of morning business until 10 of 4 and that Senators be allowed to speak for up to 10 minutes each for the next however many minutes it is, and that at 10 to the hour I be recognized. I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask that I be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Madam President, last Thursday night, very late in the evening, this Chamber put its arms around a new energy bill. It is an energy bill that deals with making sure we move forward with alternative fuels in a robust and real way for the future of America. It is an energy bill that says we have had enough as Americans wasting 60 percent of our energy, and we can do much better on efficiency. It is an energy bill that says it is time for us to move forward from the point in time where we have tolerated vehicles that have not had the kind of efficiency we know is technologically possible in America, so we are going to adopt new CAFE standards. It is a piece of energy legislation that says we recognize the linkage between how we use fossil fuels here in America and the global warming that is occurring around our globe. So we said we would move forward and take some new steps in the way of sequestration of carbon dioxide emissions. This is a good piece of legislation. It is a bill which we hope—I hope and I know many Members of this Senate, led by Senator BINGAMAN and Senator FEINSTEIN and others, and Senator REID—makes it to the President's desk.

I wish to remind my colleagues while I have the floor for a few minutes that, in fact, this is one of the things we have been working on in the Senate for the last several years.

In 2005, we passed the Energy Policy Act of 2005, and we said to the world: We are going to start taking the concept of energy independence for America in a very real and serious way. Last year, after some significant debate on this floor, we also opened up lease sale 181 and its extensions on the gulf coast for exploration and development of our resources.

This year, with the passage last week of the 2007 act, we put another layer on the cake in terms of trying to move forward to the reality of a world that embraces energy independence.

We still have a long way to go. We have a long way to go with this legislation. It is my hope we don't get it caught up in a procedural quagmire, either here in the Senate or in the House of Representatives, and that ultimately we get legislation that is adopted which President Bush ultimately signs into law. It is good legislation and the kind of legislation we ought to be working on in this body.

Even though there has been a lot of focus lately on the President's domestic initiative relative to immigration, the fact is that when one looks at the state of the Union and what the President said in his State of the Union Address, we as Americans are addicted to foreign oil. He said it is time for us to move forward in an aggressive and ambitious way to get rid of the addiction we have to foreign oil. We have been able to do that by embracing the committee's legislation which had that bipartisan goal in mind, that we would take some significant steps forward in this 110th Congress to deal with our overaddiction to foreign oil.

From my point of view, as I talked about this issue with the people I represent, the nearly 5 million people in the State of Colorado, I am reminded of the fact that we have come a long way in this debate on energy and that we are now facing some inescapable forces which have grabbed the attention of the American public in a way they never have before.

The first of those inescapable forces is national security. How can we as the United States say we are secure as a nation when we import, as we did in March of last year, 66 percent of our oil from foreign countries? Many of those countries we are importing our oil from are countries that are spawning terrorism around the world. So from a national security point of view, it seems to me that embracing the concept of getting rid of this addiction to foreign oil is an inescapable force of our time.

That is why on this floor of the Senate you will see Republicans and Democrats, conservatives and progressives, coming together to say that as a matter of national security, this inescapable reality is something we must deal with. It was on that basis that several years ago the Energy Futures Coalition, led by the distinguished progressive, my colleague and good friend, former Senator Tim Wirth, who now runs the United Nations Foundation, together with a friend of his, C. Boyden Gray, one of the leading voices of conservative causes, came together and founded a piece of legislation that we are trying to get through this Senate now that is called the Set America Free legislation. We gave it another name as we went through our processes here in the Senate, calling it the DRIVE Act, and broke it up into different pieces of legislation. But at the end of the day, the Energy Futures Coalition and the Set America Free concept, the proposal they pushed forward, have been embodied and embraced in the legislation that was adopted by this body just this last week.

So the national security implications of what we are doing here are, in fact, an inescapable reality and an inescapable force that will lead us to a clean energy future for America in the 21st century.

Secondly, there is a major issue for us and another inescapable force we deal with in our country today, and that is the issue of our own environmental security. How will we deal with the issue of global warming? We know that is an issue we will have to deal with some more, and there will be adequate time to debate the particulars on how we might be able to move forward. This legislation, with its efforts on efficiency, with its efforts on renewable energies, including what we do with biofuels, takes us a step in that direction.

In addition, the environmental security of our Nation is also addressed in that legislation because we deal for the first time in a very real way with the issue of carbon sequestration. I see my good friend from Kentucky here who often has lauded the importance of coal, and I understand why. When you are from Kentucky, you would see the importance of coal, as I do as well, being from Colorado, as does my good friend JON TESTER from the State of Montana.

So the issue for us as we look at the coal resources of our Nation, where we have enough coal to supply the needs of the United States of America for 200 years, is how can we use this abundant energy resource in a manner that doesn't compromise our environment? We can do that. We can do that with the new technologies we have with respect to IGCC. We can do that as we learn how to sequester the carbon emissions from the burning of coal. It is not a new technology. It is a technology which has been around for a very long time in the oilfields of my State, the oilfields of Canada, and the oilfields of many places around Colorado, as the past oil efforts we have had in our country have been dependent upon us being able to put carbon dioxide into the ground. So this sequestering of carbon dioxide is something which has been going on for a very long time.

The inescapable force of global warming and environmental security is one that is with us for a long time to come, and it is something that, in the energy legislation we passed last week, is very much addressed in that legislation.

Finally, the other inescapable force is the economic reality of our Nation with respect to a clean energy economy. I think the clean energy future for the United States of America in the 21st century creates very significant opportunities. All of us know how difficult the challenge of energy is, and all of us also know there is not going to be only one answer which is going to lead us to the necessary conclusion that we need to deal with these inescapable forces; it is going to be a portfolio. It is going to have a number of different items on that menu which deal with the energy needs of our Nation and of our world. But at the end of the day, the door we have opened here with respect to a clean energy future will create millions upon millions of jobs in America. It will create millions of jobs in those areas where perhaps they have had the most difficult time in their communities, they will be creating a viable economic activity.

For me, when I look at my State of Colorado, 2 years ago out on the eastern plains, part of that forgotten America, much like the farmland of America, whether it is Oklahoma, Kansas, the Dakotas, or the eastern part of my State, we had a population which was declining in huge numbers in many of our counties, rural and remote, and withering on the vine—part of that forgotten America where most people are not able to stay there because there are such limited opportunities. Yet, in a matter of 2 years since, in the State of Colorado we adopted a new renewable energy program, and we have seen things turn around in a very significant way. We have ethanol plants that are now functioning, providing jobs, and creating hundreds of millions of gallons of ethanol in places such as Yuma and in places such as Fort Morgan.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SALAZAR. Madam President, I ask unanimous consent for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. So as we look at the economic opportunity that has come by way of rural America, I think that causes us all to say there is a way in which we can revitalize rural America. We do that in the legislation we passed here last week with the 36-billion-gallon renewable fuels standard and the other programs we have in there that will open the door to a new era of biofuels. It goes beyond corn because we all understand there are limitations on corn. But the Department of Energy 2005 study itself found that somewhere over 125 billion gallons of cellulosic ethanol could, in fact, be derived once we open that new technology door. The experts who have been dealing with cellulosic ethanol say we may only be a year, a year and a half away from being able to commercially deploy that technology.

I make these comments only to say that as we deal with the issue today of immigration, as we move forward to that later on this afternoon, there are other very difficult issues we face in our Nation and in our world today. Last week, we took a significant step in moving forward with a new energy future for America. I hope it is only the beginning and that time will see us develop an even more robust, effective, and successful clean energy future for America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I ask unanimous consent to speak in morning business for 12 to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT OF 2007

Mr. BUNNING. Madam President, today I rise to speak in opposition to the so-called Employee Free Choice Act which we defeated by cloture vote. But cloture votes don't necessarily kill a bill; they have a way of resurrecting themselves, as we are about to do with the immigration bill.

Oftentimes in Congress, the people who write bills try to come up with some interesting titles for their bills, something they hope will make people remember it or tell them something about what it does. Many times, these titles can be somewhat misleading. This bill's title, the Employee Free Choice Act, takes this concept to a whole new level.

The Employee Free Choice Act actually removes choice from the employees. It removes the right of a secret ballot in elections—a cornerstone of American democracy under current law. If a group of employees wants to form a union, they must collect petition signatures or sign cards known as card checks. If 30 percent of the workers sign in favor of creating a union, then they or their employer has a right to request a secret ballot election to decide on forming a union. This election is overseen by the National Labor Relations Board, a neutral board of observers created by the Federal Government.

The misnamed Employee Free Choice Act would change all of this. This legislation would overturn 70 years of labor law and allow unions to form in workplaces without a private ballot election by the workers. Instead, if unions could twist the arms of just over half of the employees to sign cards expressing consent, then the union is automatically certified as the union for all of the workers. Unions would be allowed to collect signatures just about anyplace: at the workplace, at home, at grocery stores, and at other places. It is easy to see how union persuasion tactics could become harassment of those who do not wish to publicly declare support for union representation.

What would politics be like if Senators and Representatives simply had to convince people to sign cards instead of voting secretly at the polls? Imagine if there were no private voting booths where people could vote their conscience privately. Small armies of campaign volunteers would hang around your house, drop by your children's school, or find you at church in the hopes of securing your signature.

Then if you signed the card, your vote is made public for your employer, your neighbors or anyone else to see. This is why we currently use this secret ballot protection for union organizations in the first place.

In the past, there were concerns that elections held without privacy would be observed by employers, and then if an employee voted to unionize, they would suffer some sort of reprisals. Apparently, my colleagues supporting this bill and their allies in big labor no longer fear employer reprisals. I think it is great that they now trust employers to observe how their workers vote to join a union. We have made a lot of progress in labor-management relationships, apparently.

However, I don't think these ballot choices should be unprotected and out in the open for both union organizers and employers to see. Whenever privacy in elections is compromised, the door is open to intimidation and coercion. Why take a chance on that? It would seem that big labor feels they can increase union membership if they know how many employees are voting on organizing. I wonder what they plan to do with this information to achieve their goals of creating more unions.

Americans enjoy the right to join a union, but the decision to join a union should be freely made in private and without intimidation or coercion. That is the only way to ensure that the choice is truly free and not forced.

According to the National Labor Relations Board, drives to form unions are successful around 60 percent of the time under the rules in place now—60 percent of the time. That is the highest it has been in 20 years. Back then, the union success rate was under 50 percent. So there is no indication that it is more difficult now to convince workers to organize a union than before. So why does big labor want to change this system? They don't want to ever lose these elections. Even though they win most of these elections, union membership has declined significantly in the past few years. The percentage of employees in labor unions is down from 20 percent in 1983 to 12 percent today. Because labor unions simply are not as attractive to workers as they once were, labor bosses have come to Congress to demand a legislative mandate designed to circumvent private ballot elections. They want more dues-paying members.

Throughout this debate, there is a clear example of hypocrisy in the argument in favor of the new card check system. Under current law, the process to certify a union is the same as the process to decertify a union. However, this bill and its supporters are silent on this matter. Apparently, they believe that when it comes to removing a union, workers will be best served by a secret ballot. But when it comes to forming one, they don't deserve that protection. This kind of logic and inconsistency is further proof that this proposal is half-baked and indefensible.

Congress should not empower big labor bosses by depriving individual workers of their right to be free of intimidation. Taking away private ballot elections and subjecting workers to undue pressure and coercion goes against the basic principles on which this country was founded. The secret ballot election must be protected at the workplace.

I understand the new majority in Congress feels they owe a great deal of debt to their allies in big labor for the success they enjoyed in November of 2006. That is why we are considering this flawed bill. As the majority, they can bring up any piece of legislation they choose. Fair enough. However, this bill is purely political payback in its worst kind of policy. I urge my colleagues—which they have done in the first instance—to vote against considering this piece of legislation, as they did when we had our cloture vote earlier today.

This is a personal aside. In 1964, I was a professional athlete. We were forming a players' union at the time so we could compete with the owners on an equal basis when it came to negotiations. We acquired 30 percent of the signatures from our players and we had an election. But it was a private-ballot election and 85 percent of the ballots collected were in favor of forming that union. I think the same should go with every union that is trying to be formed under the circumstances in today's market. Not only did we form a union, we formed one of the most successful unions in the history of the United States of America. Now all players at the major league level are covered by that union and represented by that union. The benefits derived by that player union in major league baseball have been significant—the same as most unions would have when they do it correctly with a private ballot.

I thank my colleagues for voting against cloture today. I urge them, if it comes back to the floor again, to do likewise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, at 2:15, the amendment was 10 minutes away. We called a few minutes ago and it is now 5 minutes away. I don't know how time is kept in the legislative office, but I understand that people have made minor changes and that has caused the need to reprint part of the amendment. I wish to waste as little time as possible. I think it will be a few more minutes, so maybe we can adjourn subject to the call of the Chair, and as soon as it gets here, I will let everyone know.

I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

There being no objection, the Senate, at 3:54 p.m., recessed subject to the call of the Chair until 5:38 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

COMPREHENSIVE IMMIGRATION REFORM ACT

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 1639 is agreed to.

Under the previous order, the Senate will proceed to the consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B. A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that there be a limitation of 26 first-degree amendments to S. 1639, the immigration bill. This is the list of the 13 Democratic amendments, the 12 Republican amendments, and 1 managers' amendment, which each are at the desk; that there be a time limitation of 1 hour equally divided for each amendment; that they be subject to relevant second-degree amendments under the same time limitation; and that upon the disposition of the amendments, the bill be read the third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object, Mr. President. We just received the substitute.

The PRESIDING OFFICER. The Senator from South Carolina objects.

Mr. REID. Mr. President, I renew my request and ask that we have an hour and a half per amendment, with the same conditions I just propounded.

The PRESIDING OFFICER. Is there objection?

Mr DeMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how about 2 hours per amendment, with the same conditions and provisions in the previous unanimous consent requests I made.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, Mr. President, with all deference to the majority leader, this procedure has excluded many of us from our right to offer amendments on the floor. I think he understands our discomfort with this process. There will not be an amount of time that will pave over the loss of our rights to offer amendments on this very important bill that needs to be dealt with. So it is not in terms of trying to delay what the majority leader is trying to do, but there is not going to be a period of time on this particular set of amendments, unless there is a set of amendments that we will be allowed, as Senators in the United States of America, to offer on behalf of our constituencies.

Mr. REID. So I take it there is an objection.

Mr. COBURN. Yes.

The PRESIDING OFFICER. There is objection.

Mr. REID. Mr. President, I say to my distinguished friend, the junior Senator from Oklahoma, he always comes directly to the point. I appreciate him and his objection.

AMENDMENT NO. 1934

Mr. REID. Mr. President, I tried to line up these 26 amendments for debate and vote. We have been told that no matter what the time per amendment is that would be allocated, that is not good enough. I also included second-degree amendments. That was objected to. I have no choice but to offer, after consultation with the Republican leadership, an amendment that contains these Democratic and Republican amendments and ask that it be divided so that these 26 Senators may get votes in relation to their amendments.

I now call up that amendment, which is at the desk, on behalf of Senators KENNEDY and SPECTER.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. KENNEDY and Mr. SPECTER, proposes an amendment numbered 1934.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The assistant legislative clerk continued with the reading of the amendment.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, in light of our discussion with the distinguished majority leader under which we won't take further action until tomorrow, so we can begin to digest this mammoth amendment, I move to waive reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I did have a conversation with the junior Senator from Louisiana and a number of his colleagues. I think it is only fair that they have the evening and night to work on this big piece of legislation. It took a lot longer to get here, as always happens. It is "always on its way," be here "right away," "another 5 minutes."

Of course, it took several hours. I think in fairness, it is only the right thing to do. We are going to come back at 10 o'clock in the morning. There will be no morning business tomorrow. I would say to all Senators, there is a briefing that starts at 10 o'clock with Admiral McConnell. I have not had the opportunity to speak to him yet. But I am confident that for any Senators who are unable to go to that briefing because of being obligated to be here on the Senate floor, another time can be arranged that he and/or his staff would be happy to come and visit with another group of Senators. So we are not going to be in recess during the time of that briefing. But I would hope tomorrow we can get some movement on this bill, and the Senator from Louisiana and others will better understand this tomorrow, and make a decision of how if, in fact, they want to proceed, along with a number of others.

So that being the case, I express my appreciation to the Senator from Louisiana and his colleagues we met with earlier today.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no more votes tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a colleague and a friend—someone whose presence is missed but whose legacy will undoubtedly endure.

Senator Craig Thomas was a westerner through and through. The story of his life reflects the spirit of the West—his work ethic, his strength of character, and his love for the land and resources of his cherished Wyoming.

Craig's life lessons were formed as a summer horseback guide, as a competitive wrestler, as a marine, as a husband, and as a father. He brought those lessons with him to Washington, D.C., as a Congressman and a Senator, and he never forgot them or strayed from them. That is clear from the issues he held closest to his heart.

As a fellow westerner, I always admired Craig's commitment to being an exemplary steward of our national parks. His love for them probably developed during his childhood summers around Yellowstone National Park, but he was able to translate that passion into monumental improvements that generations of Americans will enjoy.

He also worked tirelessly on issues impacting public land management, agriculture, rural healthcare, and fiscal responsibility—all issues that greatly benefited his constituents in Wyoming. And they understood and appreciated his advocacy for their well being by electing him time and again to represent them in the Nation's Capital.

Craig definitely had a special presence on Capitol Hill. He never gave up a fight; he had a certain grit that drew others to him; and he loved to joke around—all tributes that led to his being described as a cowboy or a Western hero.

The epitome of the American cowboy, John Wayne, has inscribed on his headstone: "Tomorrow is the most important thing in life. Comes into us at midnight very clean. It's perfect when it arrives and it puts itself in our hands. It hopes we've learnt something from yesterday."

Craig Thomas treated every "tomorrow" as a new and exciting opportunity to make a difference for the people of Wyoming and the United States. He loved his work; he loved his family; and he loved life. While he is no longer serving as the voice of the westerner in the Senate, his years of dedicated service ensured that his legacy will survive.

Craig was a statesman and a leader, a fighter and a friend. The Thomas family, the people of Wyoming, and those of us who worked with Craig will always remember the spirit of Western freedom, trusted integrity, and heartfelt kindness that he embodied. We are all fortunate to have known such a remarkable person.

WORLD DAY OF REMEMBRANCE

Mr. DODD. Mr. President, I am proud to submit S. Con. Res. 39, a resolution supporting the goals and ideals of a world day of remembrance for road crash victims. This resolution is the Senate companion to H. Con. Res. 87, which was recently submitted in the House.

Each crash might seem to us, in its immediacy, like an isolated tragedy, but when we step back, we see that each has its part in a global crisis that is deepening year by year. The day of remembrance—set by the United Nations General Assembly for the third Sunday of November—is not just for the 40,000 people who die in road crashes each year in America; it is for the 1.2 million who die in crashes in every part of the world and for the staggering 20 to 50 million who are injured. In fact, the World Health Organization predicts that, by the year 2020, the death rate from crashes each year will surpass the death rate from AIDS.

True, many of these crashes are unique disasters, but that leaves many more whose causes are systemic and preventable. Unsafe roads, poor medical facilities, and inadequate driver education all contribute their share to the death toll. And unsurprisingly, the toll is highest, and rising, in middle- and low-income countries. Road safety, then, is an issue of economic justice.

On the world day of remembrance, we will recall all of the victims of road crashes; we keep their families in our thoughts, and we pray for the full recovery of those still living. But our compassion for individuals must not obscure the bigger picture. "We have to change the way we think about crashes," said Diza Gonzaga, the mother of a car-crash victim in Brazil. "The majority of people think that crashes are due to fate. We have to think of a crash as a preventable event."

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 7, 2006 in San Diego, CA, James Hardy strangled Raymund Catolico, a gay man, to death in the victim's apartment. Allegedly, the two men met at a bus station and went to Catolico's apartment to have drinks and play video games. At some point Hardy attacked Catolico strangling him to death. Following the murder, Hardy went out for food and brought it back to the apartment to finish playing his computer game. According to Deputy District Attorney Dan Link, Catolico's sexuality was, "a substantial motivation" for the killing. Hardy is charged with a hate crime and is being held without bail.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST JOSIAH HOLLOPETER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Josiah Hollopeter of Valentine, NE. Specialist Hollopeter was killed on June 14 in Al Muqdadiyah, Iraq. He was 27 years old.

Specialist Hollopeter graduated from Valentine High School in 1998. He played high school football as a defensive end, starting as a senior opposite his brother Tyler, a sophomore at the time. Tyler would also go on to serve in Iraq as an Army helicopter pilot.

Before joining the Army, Specialist Hollopeter worked construction jobs in Omaha and San Diego. He also worked for a canoe outfitter along the Niobrara River for several summers.

Like so many young men and women of his generation, the terrorist attacks of September 11 had a profound impact on Specialist Hollopeter and inspired him to serve his country. He enlisted with the Army in January 2006. He served with the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based at Ford Hood, Texas. We are proud of Specialist Hollopeter's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother, Specialist Hollopeter is survived by his parents Ken and Kelly Hollopeter; wife Heather; and sister Anna Hollopeter.

I ask my colleagues to join me and all Americans in honoring SPC Josiah Hollopeter.

RETIREMENT OF FRANK J. MONAHAN

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the distinguished career of Frank Monahan, who will retire in a few days after 36 years of service to the U.S. Conference of Catholic Bishops.

Since 1971, Frank Monahan has worked on many of the great social justice issues of our day, always taking the side of the vulnerable, the voiceless, and the victims, always standing firm in his belief that here on earth, God's work must be our own. In the finest Jesuit tradition of his alma mater, Loyola University of Chicago, Frank Monahan is a man who has dedicated himself to serving others.

Early in his career, he was a Peace Corps volunteer in Nigeria. He was responding to President Kennedy's call to a new generation of Americans to engage themselves in public service and to help spread hope and the message of peace and cooperation throughout the world. He went on to work in Chicago public schools, helping to implement antipoverty programs and improve school lunch programs so that poor and hungry children would be free to learn, without fear of want.

His good nature, strong commitment, and eternal optimism that we can leave the world better than we found it will be missed by all of us in Congress, but they will not soon be forgotten.

It has been my great privilege through the years—under seven different Presidential administrations—to work with Frank on issues of fundamental fairness and justice. When I think of him, I am reminded of my brother Robert F. Kennedy's words:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

I commend Frank Monahan for the countless ripples of hope he has sent out in his career.

We will be sad to see him leave, but heart in the fact that this great friend and ally will continue, in new and different fields, to live out the words of the Gospel of Mathew:

> For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me.

He has certainly earned his retirement. As Frank and his family look forward to meeting the new challenges and opportunities that lay ahead, I am sure God is looking down on him now and saying, "Well done, my good and faithful servant."

THE FACE OF COURAGE

Mr. LUGAR. Mr. President, I appreciate this opportunity to honor the distinguished service of my fellow Hoosier, SFC Jeffrey E. Mittman.

Throughout his remarkable career in the U.S. Army, Sergeant Mittman has exemplified the professionalism and dedication that is a hallmark of our Nation's Armed Forces, including during deployments in support of Operations Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom. On July 7, 2005, while assisting an Iraqi Public Order Brigade in Central Baghdad as a member of the Special Police Transition Team, SFC Jeffrey E. Mittman was wounded by an improvised explosive device. Since that day Sergeant Mittman has worked to recover from the injuries he sustained.

I also appreciate this opportunity to share my best wishes with Sergeant Mittman's wife Christy and children Jamie and Payton. As Sergeant Mittman works to recover from the grievous injuries he suffered while serving his nation in Iraq, I know that his children will benefit from the example of service and dedication that he and Christy have set.

I ask unanimous consent that a poem by Albert Caswell honoring SFC Jeffrey Mittman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE FACE OF COURAGE

A Beautiful Man,
Who with The Heart of A Hero now here so stands!
Who within this his short lifetime, has so made a difference . . . so very grand!

Who with but half a face,
Who now so in history holds such a place . . .
One of such honor, one of such sacrifice . . . one of such most magnificent splendid grace!

As this warrior battles both night and day,
To rebuild his life, from which from him has so been taken away!
In this his valiant quest, courage's best, a hero no less . . . as to our world he'll bless, in so many ways!

Beauty,
Beauty, is but skin deep!
For all of those whom have so made a difference, up in Heaven in his arms our Lord shall keep!

For we will all grow old some day,
As so surely all of our beauty shall so slip away!
So what then do our lives portray? So how can we so find heaven's way? As in a mirror we gaze!

For all that is good, of which God creates . . .

For all that is beautiful, so surely comes from within hearts as made!
As from where all true beauty so radiates, as from where so very deep down inside so emanates!

The Heart,
Is from where we so gait, from where all of our new steps are made . . . to play our part!
To rebuild from where none is left, through such pain, heartache and death . . . as God's work of art!

As before me I so see the face of God this day!
In this fine hero, with but half a face . . . who's beauty within so surely shows me the way!
All hearts melt this day, upon gazing at courage's face . . . no more beautiful man our world has so graced!

And we so watch you take each new step . . .
As we stand in awe at what you have met, with what your most magnificent heart accepts!
As you so battle through all of your pain and heartache, as our world you so bless . . . until none is left!

As now we so understand,
In courage's face! For what the true meaning the word beauty stands!
Brought to us through a young patriot's heart, one of our Lord's greatest of works of art . . . this Man!

So bless you our most gallant of all ones . . .
If ever I have a child, a boy . . . I hope but pray, he could be like you most splendid one!
As to where the true meaning of beauty runs, a reflection of our Lord in all you've done!
In The Face of Courage!

ADDITIONAL STATEMENTS

TRIBUTE TO THE OREGON STATE BEAVERS

• Mr. SMITH. Mr. President, as a proud Oregonian and a proud member of "Beaver Nation," I congratulate Coach Pat Casey and the Oregon State University baseball team, who for the second straight year have brought home to Corvallis from the College World Series in Omaha, NE, the NCAA Baseball Championship trophy.

By defeating the University of North Carolina in the championship, the Beavers have joined the elite group of college baseball teams who claim consecutive national championships. What's more, the Beavers swept to the title with the most lopsided scores in College World Series history.

As impressive as the Beaver's athletic accomplishments are, even more impressive is the type of individuals they are. Each and every time a Beaver was interviewed, they didn't speak about themselves, they spoke about the team. They spoke of heart, character, and giving it your best.

Oregonian Columnist John Canzano wrote, "What you didn't see on the field Sunday was the pediatrics unit of Nebraska Medical Center. Coach Casey toured the place with players, visiting sick children this week. . . . What you probably didn't see where thousands of fans from Iowa and Nebraska who were dressed in orange, and cheering for Oregon State because they identify with hard-working, salt-of-the-earth overachievers and couldn't help themselves."

I am delighted to join with my colleague Senator WYDEN in submitting this resolution extending the congratulations of the United States Senate to Oregon State University, and I urge my colleagues to visit OregonLive.com to read touching stories about this truly inspiring team.

Allow me to specifically mention the names of all the coaches and players who have made my State so very proud: Head Coach Pat Casey, Associate Head Coach Dan Spencer, Assistant Coach Marty Lees, Volunteer Assistant Coach David Wong, and players Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells and Joey Wong.●

IN RECOGNITION OF BARBARA KERR

● Mrs. BOXER. Mr. President, I ask my colleagues to join me for a moment as I reflect on the many accomplishments of Barbara Kerr, who has just stepped down as president of the California Teachers Association. Barbara's dedication to California's teachers is matched only by her dedication to California's schoolchildren.

Barbara Kerr began her career in education as a first grade teacher at Woodcrest Elementary School in Riverside, CA. After a very long involvement with the California Teachers Association, she took the reins as its president 4 years ago. During her presidency, Barbara has had an intimate hand in six statewide elections, and she has been on the winning side in most of them. Her success can be attributed to her boundless energy, her ability to connect across the political spectrum, her keen insight, and her passion for giving every child the best possible educational opportunities.

Last year, the Los Angeles Times named Barbara Kerr the third most powerful person in southern California, ranking her well ahead of both business leaders and elected officials. And the Los Angeles Times was right. Barbara has led the California Teachers Association through some of the most turbulent times in California's history and has done so with a clear aim to put California schools and their teachers and students first.

Barbara is retiring from both the California Teachers Association and from teaching. I know that teachers across California will miss her strong leadership, and I will miss her perspective and wisdom on issues of education and more. But Barbara is also considering where the future may lead, and I can only hope that she will continue to stay involved and stay active. Where ever the future leads her, I know that Barbara will continue putting the needs of our children first.●

REMEMBERING DR. NATHAN CARLINER

● Ms. MIKULSKI. Mr. President, I wish to pay tribute to the life and legacy of Dr. Nathan Carliner. Dr. Carliner was a well-respected cardiologist who practiced at the Baltimore Veterans Affairs Medical Center and a professor at the University of Maryland School of Medicine. He will be remembered for his commitment to his patients, his colleagues, and his students, as well as his devotion to friends and family.

Dr. Carliner was born in Baltimore and raised on South Road in Mount Washington. He followed in the footsteps of his father, Dr. Paul Carliner, who was also a doctor and codiscovered Dramamine in 1947. After his father's untimely death at just 46 years old, Nathan decided to devote his life to medicine. He was a 1958 Gilman School graduate and earned a bachelor of science degree at Johns Hopkins University. He went on to graduate from Hopkins Medical School in 1965.

After completing his internship and residency, Dr. Carliner joined the Army Medical Corps. He was medical service chief at the 3rd Mobile Army Surgical Hospital, MASH, at Binh Thuy in the Mekong Delta during the Vietnam war. After the war, Dr. Carliner studied cardiology and advanced electrocardiography before moving back to Baltimore in the 1970s. Once he returned to his hometown, Nathan continued his service both to his state and his country. He was a full professor at the University of Maryland School of Medicine and he was associate chief of cardiology and director of noninvasive cardiology services at the veterans hospital.

Dr. Carliner was known not just for his professionalism and his experience but also for his calming demeanor and his commitment to mentoring medical students and postgraduate trainees. Nathan touched so many lives and made many great contributions both to his field and to his colleagues.

Nathan Carliner's death is a tragedy. Yet his life was a triumph. I offer my heartfelt condolences to his family—his brother Mark, his sister Esther Carliner Viros, and his four nephews, particularly Paul Carliner, who worked in my office for over 12 years and who shares his uncle's commitment and dedication to helping others.

I ask my colleagues to join me in saluting this extraordinary man.●

RECOGNIZING HASTINGS, NEBRASKA

● Mr. NELSON of Nebraska. Mr. President, I wish to recognize the City of Hastings, NE, for being named "America's Greenest City" by Yahoo, Inc., the online search engine. During a time when people around the world are concerned about energy security and environmental quality, they need look no further than the city of Hastings as a perfect example of what a community can do to help clean up the environment.

Hastings, with a population of 25,000, located in south-central Nebraska, has just won Yahoo's "Be a Better Planet—Greenest City in America" challenge, beating 350 other cities across the Nation which had entered the competition. Some of the environmental projects accomplished by the city of Hastings include conversion of methane to energy at its pollution control center, production of E85 ethanol, installation of energy-efficient street lighting, and creation of an extensive network of parks and hiking and biking trails.

Hastings, NE, the birthplace of Kool-Aid, is in the heart of farm country, which most certainly contributed to its environmentally sound policies. Farmers have always been leaders when it comes to being good stewards of the land, water, and air.

For its efforts, Yahoo offered the city of Hastings its choice of either a fleet of hybrid taxi cabs, similar to those donated to New York City during the campaign's kickoff on May 14, 2007, or the equivalent cash donation. Hastings, which has signed the U.S. Mayor's Climate Protection Agreement, selected the latter in order to further its environmental programs and become an even greener city. In addition to the top prize awarded to Hastings, the top five cities are being rewarded with deliveries of thousands of energy-efficient compact fluorescent lightbulbs, compliments of Yahoo.

Hastings mayor Matt Rossen plans to solicit ideas from residents for future projects, and Global Green USA will also work with the city of Hastings to identify potential city greening projects, such as expansion of renewable energy programs and energy-efficient renovations for city buildings.

As Nebraska's Senator, I am extremely proud of Hastings, NE, which has shown an outstanding commitment to the development of renewable and sustainable energy solutions for protecting the environment, improving health, and saving money. In commending the city of Hastings, NE, for being named America's Greenest City, I wish to highlight the sentiments expressed by Yahoo's cofounder, David Filo, who said, "The determined green spirit demonstrated by the people of Hastings, Nebraska, underscores Yahoo's belief that individual actions can add up to significant change."•

RECOGNIZING KATIE BEHRENS

• Mr. THUNE. Mr. President, today I recognize Katie Behrens, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Katie is a graduate of Lincoln Senior High School in Sioux Falls, SD. Currently she is attending the University of Tennessee-Martin, where she is majoring in political science and public relations. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katie for all of the fine work she has done and wish her continued success in the years to come. •

RECOGNIZING JAN CHRISTENSEN

• Mr. THUNE. Mr. President, today I recognize Jan Christensen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Jan is a graduate of Mitchell High School in Mitchell, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jan for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING KIMBERLY HEINEMANN

• Mr. THUNE. Mr. President, today I recognize Kimberly Heinemann, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kimberly is a graduate of Flandreau High School in Flandreau and Augustana College in Sioux Falls where she received a bachelor of arts in biology with a minor in chemistry. This fall she will begin studying at the University of Nebraska Medical Center College of Dentistry. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kimberly for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING ADAM KLIPPENSTEIN

• Mr. THUNE. Mr. President, today I recognize Adam Klippenstein, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Adam is from Oral, SD, and a graduate of the Academy of the New Church in Bryn Athyn, PA. Currently he is attending Briar Cliff University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Adam for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING KELSEY MILLER

• Mr. THUNE. Mr. President, today I recognize Kelsey Miller, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelsey is a graduate of Belle Fourche High School in Belle Fourche, SD. Currently she is attending Dakota Wesleyan University, where she is majoring in public service and leadership and church music. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING BADGER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Badger, SD. The town of Badger will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Badger has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Badger will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Badger on their anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING LOWRY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Lowry, SD. The town of Lowry will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Lowry has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Lowry will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Lowry on their anniversary and wish them continued prosperity in the years to come.•

LOUISIANA TECH UNIVERSITY

• Mr. VITTER. Mr. President, today I wish to acknowledge Louisiana Tech University for its scientific breakthrough and innovation in the department of nanotechnology. I would like to take a few moments to expand on Louisiana Tech's achievements and wish the facility and student body continued success.

Nanotechnology is the art of manipulating materials on an atomic and molecular level, and Louisiana Tech University has risen to the top of this scientific threshold. This year a trade magazine, Small Times, ranked LA Tech third in micro and nanotechnology education. Small Times evaluated each college based on various criteria, and Louisiana Tech surfaced as one of the elite universities. Louisiana Tech also stands as one of the only universities in the country that offers a nanotechnology degree at both the undergraduate and graduate levels. Their diversity within the program, and their excellence in both faculty innovation and curriculum ranks them among the best major scientific universities.

Louisiana Tech University also ranked tenth in the Nation for commercializing nanotechnology inventions, or the capability to process patents and turn them into profitable ideas. The university alone applied for 24 patent applications in the last year.

20 of which involved micro and nanotechnology, proving Louisiana Tech's dedication as a national contributor to the scientific spectrum. As Louisiana Tech blossoms, many profitable institutions have invested and settled within the university, such as Avoyelles Renewable Fuels, which is working to discover a way to convert biomass waste into a biofuel through a nanocatalyst.

I would also like to take a moment to honor Joshua Michael Brown. At Louisiana Tech University, he became this first person in the entire world to graduate with a nanosystems engineering degree. He will continue at Louisiana Tech University in order to gain his doctorate in micronanotechnology.

Thus, today I congratulate Louisiana Tech for its innovation in the ever-changing fields of science, and I look forward to the continued growth of the school and its students as they shape the future development of micro and nanotechnology.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 26, 2007, he had signed the following enrolled bill, previously signed by the Speaker of the House:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week.

The message further announced that the House has passed the following bills, without amendment:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

S. 801. An act to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

The message also announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. WOOLSEY of California and Mr. LAHOOD of Illinois.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. RUPPERSBERGER of Maryland, Mr. CUMMINGS of Maryland, Mr. KLINE of Minnesota, and Mr. WICKER of Mississippi.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 923. To provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2359. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Outgoing Quality Control Requirements: Correction" (Docket No. FV06-981-1C) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2360. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California: Change in Reporting Requirements" (Docket No. FV07-925-1) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2361. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Late Payment and Interest Charges on Past Due Assessments Under the Nectarine and Peach Marketing Orders" (Docket No. AMS-FV-07-0012) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2362. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006–2007 Marketing Year” (Docket No. AMS–FV–06–0175) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2363. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Onions Grown in South Texas; Change in Regulatory Period” (Docket No. AMS–FV–06–0214) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2364. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “User Fees for 2007 Crop Cotton Classification Services to Growers” ((RIN0581–AC68)(Docket No. AMS–CN–07–0060)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2365. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Amendments to Regulations Under the Perishable Agricultural Commodities Act to Ensure Trust Protection for Produce Sellers When Using Electronic Invoicing or Other Billing Methods” ((RIN0581–AC53)(Docket No. FV05–373)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2366. A communication from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, a copy of the Bank's 2006 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–2367. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Grapeland, Elgin, Burnet, Cameron, Calvert, Junction and Mason, TX” (MB Docket No. 03–149) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2368. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 1 .80(b)(1) of the Commission's Rules; Increase of Forfeiture Maxima for Obscene, Indecent, and Profane Broadcasts to Implement the Broadcast Decency Enforcement Act of 2005” (FCC 07–94) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2369. A communication from the Acting Legal Advisor to the Chief, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 90 of the Commission's Rules” ((WP Docket No. 07–100)(FCC 07–85)) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2370. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Idaho and Washington; Interstate Transport of Pollution” (FRL No. 8330–9) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Iowa” (FRL No. 8330–7) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2372. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Buprofezin; Pesticide Tolerance” (FRL No. 8133–1) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2373. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tobacco Mild Green Mosaic Tobamovirus; Temporary Exemption from the Requirement of a Tolerance” (FRL No. 8134–5) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2374. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Active Conduct of a Trade or Business” (Rev. Rul. 2007–42) received on June 25, 2007; to the Committee on Finance.

EC–2375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of the Model 1471/APX–119 Airborne IFF Transponder for Japan; to the Committee on Foreign Relations.

EC–2376. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Petition to Request an Exemption from 100 Percent Identity Testing of Dietary Ingredients; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements” ((RIN0910–AB88)(Docket No. 2007N–0186)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2377. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements” ((RIN0910–AB88)(Docket No. 1996N–0417)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 185. A bill to restore habeas corpus for those detained by the United States (Rept. No. 110-90).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-91).

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 1538. An original bill to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110-92).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes (Rept. No. 110-93).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 553. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 110-94).

S. 580. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes (Rept. No. 110-95).

S. 686. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail (Rept. No. 110-96).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes (Rept. No. 110-97).

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail (Rept. No. 110-98).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1152. A bill to promote wildland firefighter safety (Rept. No. 110-99).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the “National Museum of Wildlife Art of the United States” (Rept. No. 110-100).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 161. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes (Rept. No. 110-101).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 376. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes (Rept. No. 110-102).

H.R. 497. A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion (Rept. No. 110-103).

H.R. 512. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes (Rept. No. 110-104).

H.R. 658. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes (Rept. No. 110-105).

H.R. 1047. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System (Rept. No. 110-106).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

*Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy.

*Preston M. Geren, of Texas, to be Secretary of the Army.

Navy nomination of Vice Adm. Eric T. Olson, 6412, to be Admiral.

Army nomination of Lt. Gen. Douglas E. Lute, 2691, to be Lieutenant General.

Marine Corps nomination of Col. Rex C. McMillian, 9683, to be Brigadier General.

Navy nomination of Capt. Michael J. Browne, 0732, to be Rear Admiral (lower half).

Navy nomination of Capt. Thomas F. Kendziorski, 3120, to be Rear Admiral (lower half).

Navy nomination of Capt. Lothrop S. Little, 1617, to be Rear Admiral (lower half).

Navy nomination of Capt. Kenneth J. Braithwaite, 9527, to be Rear Admiral (lower half).

Navy nomination of Capt. Joseph D. Stinson, 1305, to be Rear Admiral (lower half).

Navy nomination of Capt. Jerry R. Kelley, 9193, to be Rear Admiral (lower half).

Navy nomination of Capt. Cynthia A. Dullea, 9603, to be Rear Admiral (lower half).

Navy nomination of Capt. Patricia E. Wolfe, 6159, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Garry J. Bonelli and ending with Capt. Robert O. Wray, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2007.

Navy nomination of Rear Adm. (lh) Gregory A. Timberlake, 6473, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Albert Garcia III, 3459, to be Rear Admiral.

Navy nomination of Rear Adm. Anthony L. Winns, 7593, to be Vice Admiral.

Air Force nominations beginning with Colonel Mark A. Atkinson and ending with Colonel Margaret H. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of Col. Michael D. Devine, 6922, to be Brigadier General.

Navy nomination of Capt. David W. Titley, 5416, to be Rear Admiral (lower half).

Navy nomination of Capt. Michael S. Rogers, 9688, to be Rear Admiral (lower half).

Navy nomination of Capt. David A. Dunaway, 0499, to be Rear Admiral (lower half).

Navy nomination of Capt. Samuel J. Cox, 9719, to be Rear Admiral (lower half).

Navy nomination of Capt. David G. Simpson, 8388, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Edward H. Deets III, 2048, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Charles H. Goddard and ending with Rear Adm. (lh) Kevin M. McCoy, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Capt. Terry J. Benedict and ending with Capt. Michael E. McMahon, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Marine Corps nomination of Col. Kenneth F. McKenzie, Jr., 6735, to be Brigadier General.

Army nomination of Maj. Gen. Richard P. Zahner, 3707, to be Lieutenant General.

Navy nomination of Rear Adm. Joseph Maguire, 0399, to be Vice Admiral.

Army nominations beginning with Brigadier General Augustus L. Collins and ending with Colonel Charles F. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2007.

Army nomination of Maj. Gen. Francis H. Kearney III, 9443, to be Lieutenant General.

Army nominations beginning with Col. Jonathan E. Farnham and ending with Col. Hugo E. Salazar, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Rear Adm. (lh) Carol M. Pottenger, 3454, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Jeffrey A. Lemmons and ending with Rear Adm. (lh) Robin M. Watters, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Air Force nomination of Brig. Gen. Garbeth S. Graham, 5388, to be Major General.

Army nomination of Col. Jimmie J. Wells, 3197, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Emerson N. Gardner, Jr., 0157, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Christine M. Bruzek-Kohler, 7779, to be Rear Admiral.

Air Force nominations beginning with Brigadier General Michael D. Akey and ending with Colonel Eric G. Weller, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nomination of Maj. Gen. John D. Gardner, 1994, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Richard G. Anderson and ending with Mitchell Zygadlo, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Christopher R. Abramson and ending with Annamarie Zurlinden, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Alice A. Hale and ending with Natalie A. Jagiella, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Air Force nominations beginning with Anne M. Beaudoin and ending with Justina U. Paulino, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Eric D. Adams and ending with David S. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nominations beginning with Jeffrey S. Almony and ending with Daniel A. Zeleski, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nomination of Kenneth C. Simpkiss, 9979, to be Lieutenant Colonel.

Army nominations beginning with Anthony G. Hoffman and ending with Patricia L. Wood, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nominations beginning with Roy V. McCarty and ending with Hung Q. Vu, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nomination of Karen L. Ware, 8863, to be Major.

Army nomination of Jeanetta Corcoran, 7277, to be Major.

Army nominations beginning with Richard L. Klingler and ending with Carlos M. Garcia, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Deepti S. Chitnis and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Jacob W. Aaronson and ending with David W. Wolken, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nomination of Birget Batiste, 3681, to be Major.

Army nomination of James P. Houston, 5536, to be Lieutenant Colonel.

Army nomination of John C. Loose, Jr., 3475, to be Colonel.

Army nominations beginning with Bruce Bublick and ending with James Madden, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jackie L. Byas and ending with William R. Clark, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffrey R. Keim and ending with Stan Rowicki, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Philip A. Horton and ending with Patricia Young, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Bernadine F. Peletzfox and ending with Susan P. Stattmiller, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffery H. Allen and ending with Bobby C. Thornton, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Dirk R. Kloss and ending with Mark C. Strong, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with David M. Griffith and ending with Brian N. Witcher, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Marine Corps nominations beginning with Eric M. Arbogast and ending with James L. Wetzel IV, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Navy nomination of Michael R. Murray, 5104, to be Captain.

Navy nomination of Curt W. Dodges, 5943, to be Captain.

Navy nomination of Michael L. Incze, 7492, to be Captain.

Navy nomination of Sandra C. Irwin, 9030, to be Captain.

Navy nominations beginning with William R. Fenick and ending with Isaac N. Skelton, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Robert B. Caldwell, Jr. and ending with Ellen E. Moore, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Dawn H. Driesbach and ending with Glenn S. Rosen, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Nicholas J. Cipriano III and ending with Stephen C. Woll, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Rhetta R. Bailey and ending with Kelly J. Wild, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Jeffrey S. Cole and ending with Timothy J. White, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Bruce A. Bassett and ending with Michael A. Yukish, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Julie S. Chalfant and ending with Paul J. Vanbenthem, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Daniel J. Macdonnell and ending with Michael J. Wilkins, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Harry S. Deloach and ending with Mark Q. Schwartzel, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Kenneth Branham and ending with Kevin J. Mcgovern, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven P. Clancy and ending with Stewart B. Wharton III, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with James A. Albani and ending with Robert R. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Patrick J. Barrett and ending with Jeannine E. Snow, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Beth Y. Ahern and ending with Daniel E. Zimberoff, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven D. Brown and ending with Mark G. Steiner, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Richard K. Giroux and ending with Denise E. Stich, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Mark A. Admiral and ending with Daniel F. Verheul, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael D. Anderson and ending with Bruce C. Urbon, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Scot K. Abel and ending with Leland D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael J. Cerneck and ending with Michael L. Peoples, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with John W. Chandler and ending with James A. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Arne J. Anderson and ending with Kevin E. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Leigh P. Ackart and ending with Kurt E. Waymire, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Pius A. Aiyelawo and ending with Penny E. Walter, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Wendy M. Boruszewski and ending with Patricia A. Tordik, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Cherie L. Bare and ending with Kathryn A. Summers, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Darius Banaji and ending with Michael D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Charles S. Cleckler and ending with Patrick P. Whitsell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Randy L. Quinn and ending with Smith S. B. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with David A. Arzouman and ending with Gregg Wolff, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Christina M. Alvarado and ending with John Zdencanovic, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Kenneth W. Bowman and ending with Gary L. Ulrich, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Hsingchien J. Cheng and ending with Bradley S. Trotter, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Norman J. Aranda and ending with Sarah E. Supnick, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Patricia A. Brady and ending with Melvin D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Nathan L. Ammons III and ending with Daniel W. Stehly, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Carlos E. Gomez-Sanchez, 2507, to be Lieutenant Commander.

Navy nominations beginning with Scott F. Adams and ending with William A. Zirzow IV, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, and Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. THUNE, Mr. CASEY, Mrs. CLINTON, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DURBIN, Mr. BROWN, and Mr. KERRY):

S. 1694. A bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. HATCH, Mrs. CLINTON, and Mr. ENZI):

S. 1695. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mr. THUNE):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures; to the Committee on Finance.

By Mr. COLEMAN:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council; to the Committee on Foreign Relations.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS:

S. 1700. A bill to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON:

S. Res. 255. A resolution recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. JOHNSON):

S. Res. 256. A resolution designating June 2007 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 257. A resolution congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 156

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 545

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 793, supra.

S. 805

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 903

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 999

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1096

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1096, a bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1219

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1219, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1509

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1509, a bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

At the request of Mr. STEVENS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1661, supra.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the

Congress regarding low-power FM service.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 1886

At the request of Mrs. DOLE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 1886 intended to be proposed to S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is long past time for the Nation's health care industry to adopt modern information technology. Such technology has revolutionized a wide array of American industries, and it holds the same promise for the health care industry. It has a clear capacity to increase efficiency and reduce costs at a time when the industry is being plagued by the alarming rise in health costs.

Staggering inefficiencies imbedded in our health care system prevent patients across the country from receiving the type of care they deserve. Forty percent of Americans have been victims of preventable medical errors, and as many as 100,000 patients die each year from such errors. In a Nation which already spends more on health care than any other country, a modest investment in health IT is a small price to pay for a safer and less costly health care system.

Some health facilities with resources at their disposal have already invested in IT systems with great success. Meanwhile, the most vulnerable institutions lag further and further behind in the adoption of necessary technology. It now costs a physician's office about $40,000 to implement a new IT system. Providers with financial need deserve access to information technology to close the health IT gap, so that patients across the country have access to quality health care.

The Senate unanimously approved the Wired for Health Care Quality Act in the last Congress. Today, Senator ENZI, Senator HATCH, Senator CLINTON, and I are reintroducing that bill, and we urge its swift passage. By setting national standards for health information technology and by offering funds for IT investment, the legislation will help providers overcome both the technical and the financial barriers to adopting and implementing health IT systems.

Recognizing the financial challenges of such investments, our bill establishes several Federal funding mechanisms to encourage the adoption of this technology. The legislation authorizes Federal grants for providers in need and funds low interest loans in order to ease the burden on health care professionals who invest in new systems for electronic medical records and other purposes. Since the ability of physicians to share information is essential to ensuring effective treatment and eliminating wasteful spending, our bill also provides financial assistance to establish regional and local health IT networks.

Rapid exchange of information is essential to ensuring that providers have complete patient information, but the adoption of such technology must be accompanied by strong patient privacy protection. Our bill specifies that the American Health Information Community will be a body to make recommendations to the Secretary of Health and Human Services on patient privacy, information security, and appropriate uses of the technology. In addition, the bill ensures that freestanding health information databases are subject to the same privacy rules as other health care entities and requires grant recipients to implement strong privacy protections themselves.

To encourage the implementation of modern health information systems across the Nation, the legislation codifies the role of the National Coordinator for Health Information Technology in the Department of Health and Human Services to coordinate and expedite the adoption of health IT by Federal agencies. In addition, the bill establishes a public-private partnership, the Partnership for Health Care Improvement, to streamline the nationwide implementation of health information systems by establishing standards for interoperability that must be adopted by grant recipients and Federal contractors.

Estimates indicate that the widespread adoption of electronic health records could save up to 30 percent in annual health spending, or more than $600 billion a year. Since 45 million Americans are uninsured, we can't delay the nationwide adoption of health IT systems any longer. Interoperability standards will eliminate inefficiencies caused by lack of uniform technology. Increased funding will reduce the widening health IT gap, making the advances of the information age available to all health facilities. The savings generated by these initiatives have the potential to give all Americans access to the Nation's state-of-the-art health care industry.

I especially commend the work of my colleagues Senator ENZI, Senator CLINTON, and Senator HATCH in developing this needed legislation, and I look forward to its enactment as soon as possible.

Mr. ENZI. Mr. President, I rise today to speak about my commitment to improve the quality and reduce the cost of health care in this Nation.

Some of the most serious challenges facing health care today, medical errors, inconsistent quality, and rising costs, can be addressed through the effective application of available health information technology linking all elements of the health care system. Information sharing networks have the potential to enable decision support anywhere at any time, thus improving the quality of health care and reducing costs.

But what does this mean for patients? Well, first of all, the widespread use of health IT would allow medical data to move with people as they move. When someone goes to the doctor's office, he or she won't have to take the clipboard and write down everything they can remember about themselves. Better use of health IT also would cut down on medical errors with prescriptions, instead of trying to decipher the doctor's handwriting, a pharmacist could access the prescription information electronically.

The widespread use of health IT could also save lives. If someone is traveling and gets in a car wreck or gets hurt in some other way, the emergency room doctor would be able to find out everything he or she needs to know to make the right treatment decisions. If someone falls into a coma and can't tell a doctor or nurse about their medications, being able to access an electronic medical record could prevent dangerous drug reactions.

Beyond saving lives and saving time, more effective use of health IT also could save us a lot of money. A Rand study suggested that health IT has the potential to save the health care system $162 billion a year. In order for these savings to be realized, we must create an infrastructure for interoperability. The bill I am introducing today is the first step toward building that infrastructure.

Last Congress, the Senate unanimously passed the Wired for Health Care Quality Act, which I wrote with Senator KENNEDY. We have worked with Senator HATCH and Senator CLINTON and are introducing an updated bill today. We plan to bring this revised bill before our committee this Wednesday.

This legislation addresses one of the primary barriers to widespread adoption of interoperable health IT, which is the lack of agreed-upon standards, common implementation guides, and a certification process. The bill directs the Secretary to establish and chair the public-private American Health Information Collaborative, which is composed of representatives of the public and private sectors. The greatest improvements in quality of health care and cost savings will be realized when all elements of the health care system are electronically connected and speak a common technical language; that is, they are interoperable.

In order to address the health information technology "adoption gap" in the U.S., the bill authorizes three grant programs that will carefully target financial support to health care providers and consortia for the purpose of facilitating the adoption of interoperable health information technology.

Another barrier to greater adoption is cultural. I recognize that many physicians and hospitals are hesitant to move from paper-based systems to electronic systems. Some physicians have been writing prescriptions by hand for many years and may resist changing to electronic prescribing. One way to address this cultural barrier is to support teaching hospitals that integrate health information technology in the clinical education of health care professionals. Exposing students and residents to effective everyday uses of health IT will lead to a greater adoption by these students and residents when they graduate and begin practicing on their own.

The wise deployment of health IT is also critical for effective response in public health emergencies. Interoperable health IT systems will help to track infectious disease outbreaks and increase the Federal Government's rapid response in emergency situations.

I am eager to work with members of the Finance Committee to ensure we produce a bill that will pass the Senate unanimously once again this Congress. This bill ensures that avenues to measure and report the quality of care are available through health information technology. Improving the quality of care provided in this country is one of my top legislative priorities.

I look forward to passing this important legislation, which will help facilitate the widespread adoption of electronic health records to ultimately result in fewer mistakes, lower costs, better care, and greater patient participation in their health and well being. This is a great stride forward in the journey to improve our Nation's health care system. I look forward to seeing meaningful health information technology legislation signed into law this Congress.

Mrs. CLINTON. Mr. President, for several years now I have been promoting the adoption of health information technology as a means to improve our health care system. Modernizing our system will improve quality of care and reduce costs. A RAND study found that, as a nation, we could save more than $77 billion annually through the widespread use of electronic medical records, and these savings could double with the addition of prevention and chronic disease management components.

I introduced comprehensive health quality and IT legislation in 2003 to set us on the path to creating a health IT infrastructure. Subsequently, the Senate unanimously passed bipartisan legislation that I worked on with Senators Frist, KENNEDY, and ENZI. We were unable to reach final agreement on that bill before the adjournment of the 109th Congress and today are reintroducing the Wired for Healthcare Quality Act to bring our health care system into the 21st century.

I am pleased to be working again on this critical effort with Senators KENNEDY and ENZI and want to welcome Senator HATCH and thank him for his work and contributions to the bill we are introducing today.

While there are a number of things I believe we need to do to improve our health care system, one of the most fundamental avenues for change is modernizing our system of care by developing a nationwide interoperable health information technology infrastructure that protects patient privacy. It is past time that our health care delivery system allow providers to easily manage their information needs and securely and privately manage the needs of their patients.

We have the most advanced medical system in the world, yet patient safety and quality is compromised because health care providers are treating patients without all the information they need. It happens in the emergency room or when you are seeing multiple doctors who are unaware of treatments you are receiving from others. Harnessing the potential of information technology will eliminate these problems and help reduce errors and improve quality in our health care system.

Interoperable health IT will also help eliminate inefficiency and duplication in the system. Every time patients see a doctor, they fill out forms, have to remember their medical history, their medications, immunizations, and previous test results. No wonder a study in California found that one out of every five lab tests and x rays were conducted solely because previous lab results were unavailable.

There is no reason why people's health files—their medical history, test results, lab records, x rays—can't be accessed securely and confidentially from a doctor's office or hospital. In fact, if all hospitals used a computerized physician order entry system, an estimated 200,000 fewer adverse drug events would occur, saving roughly $1 billion per year.

We should also eliminate administrative inefficiencies that drive up health care costs. Today, processing paper claims costs an average of $1.60 to $2.20 per claim. It costs 85 cents for an electronic claim.

We can also use information technology to disseminate clinical research. A government study recently showed it takes 17 years from the time of a new medical discovery to the time clinicians actually incorporate that discovery into their practice at the bedside. Health IT will dramatically reduce this time and help drive improvements in care.

The Wired for Healthcare Quality Act is designed to address these issues through Federal leadership to develop and adopt the technology standards necessary to ensure that electronic medical records are fully portable and confidential for patients and accessible to their health care providers. The legislation encourages the development of a private and secure nationwide interoperable health IT infrastructure through:

Codifying the role of the National Coordinator for Health Information Technology in coordinating the policies of federal agencies regarding health IT.

Establishing a public-private partnership known as the Partnership for Health Care Improvement to provide recommendations to the Secretary with regard to technical aspects of interoperability, standards, implementation specifications, and certification criteria for the exchange of health information.

Requiring all Federal IT purchases to conform to the standards recommended by the Partnership and adopted by the President.

Establishing the American Health Information Community as a body providing recommendations to the Secretary regarding policies to promote the development of a nationwide interoperable health information technology infrastructure. These include recommendations regarding patient privacy, information security, and appropriate uses of health information. A wide variety of stakeholders including patients, providers, insurers, employers, and experts in information technology, privacy, security, and quality—will have representation on the AHIC.

Establishing three competitive grant programs for the adoption and increased utilization of qualified health information technology systems. The first grant program would award funding to eligible entities, including nonprofit hospitals, community health centers, and small physician practices to purchase, train, and use qualified health information technology systems and improve the management of chronic diseases. The second grant program would award funding to States to establish loan funds for the purchase of qualified systems, and the final competitive grant program would assist with the establishment of regional or local health information technology exchanges.

Ensuring privacy and security by delineating the rights of individuals to inspect and correct their records and take action to address fraud, as well as requiring breach notification and audit trails so patients can know who has accessed their information.

Establishing a Health Information Technology Resource Center to provide technical assistance and highlight best practices associated with the adoption, implementation and effective use of health information technology systems.

I am especially pleased by the focus that this legislation places on ensuring that information technology will improve the quality of care delivered in our Nation. The Wired for Healthcare Quality Act will prioritize quality through the following provisions: Developing quality and efficiency reports at the national, regional, and, when requested, institutional or individual provider level, that will help to improve quality and efficiency and enhance the ability of consumers to evaluate the quality and delivery of healthcare services; Establishing a process through which to develop evidence-based, consensus health care quality measures, through which to determine the quality and efficiency of care received by patients; and adopting the quality measures established by such process and providing for the integration of these measures into the nationwide health IT infrastructure, thus fostering uniformity in quality measures across our healthcare system.

Information technology has radically changed business and other aspects of American life. It is time we use the power of the information age to improve health care. If we do, we can dramatically improve the quality of care we all receive. The Wired for Healthcare Quality Act is critical to this effort. Again I want to thank my colleagues, Senators KENNEDY, ENZI and HATCH for their partnership on this legislation, and I look forward to working with them and all of my colleagues to enact this important bill.

Mr. HATCH. Mr. President, I am proud to be an original cosponsor of S. 1693, the Wired for Healthcare Quality Act. The goal of achieving high quality health care is not reachable without use of information technology. For instance, the 21 quality measures that hospitals now report for Medicare must usually be manually extracted from paper charts. The Government Accountability Office reports that hospitals are near the limit of the number of quality measures that they can report by these antiquated techniques. Implementation of information technology is critical because with it there is no practical limit on the ability to measure quality.

Dr. Brent James, a national quality expert from Intermountain Healthcare of Salt Lake City, UT, tells me that a health care provider who wishes to improve performance starts by defining detailed measures of quality health care and then builds information technology around the measures so that routine, automatic reporting of compliance with the measures becomes part of the health information technology platform. The Wired for Healthcare Quality Act does not just impose standards for interoperability of information technology it creates a mechanism by which quality measures are embedded in those standards.

The legislation encourages the development of standards by codifying the office of the National Coordinator for Health Information Technology who coordinates the health information technology policies of Federal agencies.

It creates a public-private partnership, the Partnership for Health Care Improvement to advise the Secretary on technical aspects of interoperability, on standards, on implementation, and on certification of compliance with those standards.

The bill establishes the American Health Information Community as a body providing recommendations to the Secretary regarding the broad policy issues of implementation of technical standards created by the partnership. For instance, it will advise the Secretary on issues of patient privacy, information security, and appropriate uses of health information.

The bill directs the Secretary to provide for the development and use of quality measures in the health information technology platform by an arrangement with a private entity that establishes standards for measurement development and coordinates and harmonizes measures so that providers are able to use the same set of measures, if not the same measures, for all their patients.

The legislation requires that all Federal information technology purchases conform to the standards recommended by the Partnership and adopted by the President within 1 year and that all Federal agencies comply within 3 years. Adoption of these standards is voluntary for private entities except for functions they contract with the Federal Government.

The legislation encourages the adoption of qualified health information technology by providing grants for the purchase of health information technology systems to providers demonstrating financial needs, by providing low interest loans to states to help providers acquire health information technology systems, and by providing grants to facilitate the implementation of regional or local health information exchanges.

The legislation provides for the development of national reports of health care quality based on Federal health care data and private data that is publicly available. Reports are to be contracted to quality reporting organizations.

The legislation assures strong privacy protections for electronic health information by forbidding funding under the bill to any information technology system that lacks strong privacy and security protections, by requiring recipients of funding to notify patients if their medical information is wrongfully disclosed and by requiring that the national strategy on health information technology include strong privacy protections.

Before I close, I must raise a concern with the bill. Building a national, interoperable health care information technology platform is like building two houses with a common driveway. Federal programs such as Medicare and Medicaid are one house. Private health plans are the other. They both must share common standards for health information technology so that systems all talk with one another. They both must implement from a common pool of quality standards otherwise providers will be impossibly confused. The two houses will not look alike but they must share a common driveway and common building standards.

I use this analogy to emphasize that the rules for the quality measures used by the Medicare Program are the jurisdiction of the Senate Finance Committee on which I serve as a senior member. The rules for quality measures in a national health information technology standard, and private health insurance plans, are under the jurisdiction of the Health, Education, Labor and Pensions Committee. We must be certain that these distinctions are made with clarity to avoid confusing ourselves and the medical community. I look forward to working with Senators ENZI, KENNEDY, and CLINTON, and my colleagues Chairman MAX BAUCUS and Ranking Minority Member CHUCK GRASSLEY on the Finance Committee to ensure that these important distinctions are made.

If we do not accomplish the task of integrating quality and health information technology standards between public and private programs, providers will be placed in the impossible position of having one set of quality and information technology standards for publicly insured patients and other requirements for privately insured patients. If such a Tower of Babel is allowed to develop, providers will simply not be able to implement the improvements in care that we all want to see through the use of health information technology. We cannot miss this chance.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am joined by Mr. COCHRAN in introducing important legislation, the Strengthening Kids' Interest in Learning and Libraries, SKILLs, Act, to support our Nation's school libraries and librarians. This legislation is also being introduced in the House of Representatives by Representative GRIJALVA and Representative EHLERS.

The SKILLs Act enhances the value of school libraries by reauthorizing and strengthening the Improving Literacy through School Libraries program of the No Child Left Behind Act. The Department of Education found that the Improving Literacy through School Libraries program is successful in improving the quality of school libraries receiving grants and school libraries are a critical component in improving student literacy skills and academic achievement by giving students access to up-to-date library materials, including well-equipped and technologically advanced school library media centers.

The SKILLs Act seeks to build on this success in several ways. It ensures that funds serve elementary, middle, and high school students. It encourages the hiring of highly qualified school library media specialists in our Nation's school libraries. Additionally, it expands professional development to include information literacy instruction appropriate for all grade levels, an assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies.

Today's librarians do so much more than catalogue collections and check out books, they are educators in every sense of the word.

They provide tech support, guidance, and social services to patrons in need. They help teach our children how to safely and effectively navigate electronic media like the Internet and help instill a love of learning and reading in young students. In short, school libraries and librarians play an essential role in helping students get the skills they need to succeed in an increasingly competitive world and this legislation provide the necessary support for that endeavor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Kids' Interest in Learning and Libraries Act" or the "SKILLs Act".

TITLE I—SCHOOL LIBRARY MEDIA SPECIALIST REQUIREMENTS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking "2002" and inserting "2008".

SEC. 102. STATE PLANS.

Section 1111(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)) is amended—

(1) in subparagraph (D), by striking "and" after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) how the State educational agency will meet the goal of ensuring that there is not less than 1 highly qualified school library media specialist in each school receiving funds under this part, as described in section 1119(h)(2); and".

SEC. 103. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112(b)(1)(N) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(N)) is amended by inserting ", including ensuring that there is not less than 1 highly qualified school library media specialist in each school" before the semicolon.

SEC. 104. SCHOOLWIDE PROGRAMS.

Section 1114(b)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(b)(1)(D)) is amended by inserting "school library media specialists," after "teachers,".

SEC. 105. TARGETED ASSISTANCE SCHOOLS.

Section 1115(c)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6315(c)(1)(F)) is amended by inserting "school library media specialists," after "teachers,".

SEC. 106. QUALIFICATIONS FOR TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS.

(a) IN GENERAL.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in the section heading, by striking "**TEACHERS AND PARAPROFESSIONALS**" and inserting "**TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS**";

(2) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively;

(3) by inserting after subsection (g) the following:

"(h) SCHOOL LIBRARY MEDIA SPECIALISTS.—

"(1) LOCAL EDUCATIONAL AGENCY REQUIREMENT.—Each local educational agency receiving assistance under this part shall ensure, to the extent feasible, that each school that is served by the local educational agency and receives funds under this part employs not less than 1 highly qualified school library media specialist.

"(2) STATE GOAL.—Each State educational agency receiving assistance under this part shall—

"(A) establish a goal of having not less than 1 highly qualified school library media specialist in each public school that is served by the State educational agency and receives funds under this part; and

"(B) specify a date by which the State will reach this goal, which date shall be not later than the beginning of the 2010–2011 school year."; and

(4) in subsection (i) (as redesignated by subsection (a)(2)), by striking "and paraprofessionals" and inserting ", paraprofessionals, and school library and media specialists".

(b) CONFORMING AMENDMENT.—Section 1119(l) of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (a)(2)) (20 U.S.C. 6319(l)) is amended by striking "subsection (l)" and inserting "subsection (m)".

SEC. 107. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

Section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383) is amended—

(1) in subsection (a), by striking "well-trained, professionally certified" and inserting "highly qualified";

(2) in subsection (e)(3)—

(A) by striking "DISTRIBUTION.—The" and inserting the following: "DISTRIBUTION.—

"(A) GEOGRAPHIC DISTRIBUTION.—The"; and

(B) by adding at the end the following:

"(B) BALANCE AMONG TYPES OF SCHOOLS.—In awarding grants under this subsection, the Secretary shall take into consideration whether funding is proportionally distributed among projects serving students in elementary, middle, and high schools.";

(3) in subsection (f)(2)—

(A) in subparagraph (A)—

(i) by inserting "the need for student literacy improvement at all grade levels," before "the need for"; and

(ii) by striking "well-trained, professionally certified" and inserting "highly qualified";

(4) by striking subparagraph (B) and inserting the following:

"(B) a needs assessment of which grade spans are served, ensuring funding is proportionally distributed to serve students in elementary, middle, and high schools;";

(5) in subsection (g)—

(A) in paragraph (1), by striking the semicolon at the end and inserting "and reading materials, such as books and materials that—

"(A) are appropriate for students in all grade levels to be served and for students with special learning needs, including students who are limited English proficient; and

"(B) engage the interest of readers at all reading levels;"; and

(B) in paragraph (4), by striking "professional development described in section 1222(d)(2)" and inserting "professional development in information literacy instruction that is appropriate for all grades, including the assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies in all content areas".

TITLE II—PREPARING, TEACHING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS

SEC. 201. TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in the title heading, by striking "**HIGH QUALITY TEACHERS AND PRINCIPALS**" and inserting "**HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS** "; and

(2) in the part heading, by striking "**TEACHER AND PRINCIPAL**" and inserting "**TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL**".

SEC. 202. PURPOSE.

Section 2101(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601(1)) is amended to read as follows:

"(1) increase student academic achievement through strategies such as—

"(A) improving teacher, school library media specialist, and principal quality; and

"(B) increasing the number of highly qualified teachers in the classroom, highly qualified school library media specialists in the library, and highly qualified principals and assistant principals in schools; and".

SEC. 203. STATE APPLICATIONS.

Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended—

(1) in paragraph (4), by inserting ", school library media specialists," before "and principals"; and

(2) in paragraph (10), by inserting ", school library media specialist," before "and paraprofessional".

SEC. 204. STATE USE OF FUNDS.

Section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting "highly qualified school library media specialists," before "principals"; and

(B) in subparagraph (B), by inserting ", highly qualified school library media specialists," before "and principals"; and

(2) in paragraph (6), by striking "teachers and principals" each place the term appears and inserting "teachers, school library media specialists, and principals".

SEC. 205. LOCAL USES OF FUNDS.

Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)) is amended by inserting after paragraph (8) the following:

"(9)(A) Developing and implementing strategies to assist in recruiting and retaining highly qualified school library media specialists; and

"(B) providing appropriate professional development for such specialists, particularly related to skills necessary to assist students to improve the students' academic achievement, including skills related to information literacy.".

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

Section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking "and" after the semicolon;

(2) in subparagraph (C)(ii)(VII), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) when used with respect to a school library media specialist employed in an elementary school or secondary school in a State, means that the school library media specialist—

"(i) holds at least a bachelor's degree;

"(ii) has obtained full State certification as a school library media specialist or passed the State teacher licensing examination, with State certification in library media, in such State, except that when used with respect to any school library media specialist teaching in a public charter school, the term means that the school library media specialist meets the requirements set forth in the State's public charter school law; and

"(iii) has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.".

SEC. 302. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to section 1119 and inserting the following:

"Sec. 1119. Qualifications for teachers, paraprofessionals, and school library media specialists.";

(2) by striking the item relating to title II and inserting the following:

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS"; AND

(3) by striking the item relating to part A of title II and inserting the following:

"PART A—TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—RECOGNIZING AND SUPPORTING THE LONG DISTANCE RUNS THAT WILL TAKE PLACE IN THE PEOPLE'S REPUBLIC OF CHINA IN 2007 AND THE UNITED STATES IN 2008 TO PROMOTE FRIENDSHIP BETWEEN THE PEOPLES OF CHINA AND THE UNITED STATES

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 255

Whereas, in 1984, American long distance runner Stan Cottrell of Tucker, Georgia, was welcomed into the People's Republic of China where he completed the 2,125-mile Great Friendship Run along the Great Wall of China in 53 days, an event which was chronicled in the international press and serves as a sign of international friendship;

Whereas those involved in the Great Friendship Run over 2 decades ago are committed to running again to revisit the experience and to promote friendship between the peoples of China and the United States;

Whereas in China, a 2,200-mile run from the Great Wall of China to Hong Kong will take place October 15 to December 15, 2007;

Whereas in the United States, a 4,000-mile relay style run from San Francisco, California, to the United States Capitol Building in Washington, D.C., will take place May 7 to June 20, 2008, and cross the continent; and

Whereas 3 Chinese long distance runners will participate with Stan Cottrell and others in the run to take place in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and supports the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States.

SENATE RESOLUTION 256—DESIGNATING JUNE 2007 AS "NATIONAL APHASIA AWARENESS MONTH" AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. BIDEN (for himself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this "silent" disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

SENATE RESOLUTION 257—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES FOR BECOMING THE FIRST UNIVERSITY TO WIN 100 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I TEAM TITLES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the "Bruins") won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1903. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1906. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1907. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1908. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1909. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1910. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1911. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1913. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1914. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1915. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1916. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1917. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1918. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1919. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1920. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1922. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1923. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1924. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1925. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1927. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1928. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1931. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S.

1639, supra; which was ordered to lie on the table.

SA 1933. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, supra.

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1936. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1937. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1938. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1939. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1940. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1941. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1942. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1943. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1944. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1945. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1946. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes..

TEXT OF AMENDMENTS

SA 1903. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 1906. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and ____________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ____________, transmitted to Congress by the President on ___________, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SA 1907. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 641, strike line 21 and all that follows through page 642, line 20, and insert the following:

"(B) TIMING OF PROBATIONARY BENEFITS.—An alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa, may receive the probationary benefits described in subparagraph (A) after the Secretary has conducted, completed, and resolved all appropriate background checks, to include name and fingerprint checks.

SA 1908. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 635, strike line 12 and all that follows through page 636, line 14, and insert the following:

"(4) GROUNDS OF INADMISSIBILITY.—

"(A) IN GENERAL.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa, the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 shall apply.

"(B) CONSTRUCTION.—Nothing in this paragraph may be construed to affect the authority of the Secretary to waive provisions of section 212(a).

SA 1909. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 135, between lines 11 and 12, insert the following:

(C) by amending subsection (d) to read as follows:

"(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a)—

"(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, shall order consular officers in that foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

"(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and

"(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.".

SA 1910. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 119, lines 21 and 22, strike "which is punishable by a sentence of imprisonment of 5 years or more,".

On page 571, lines 19 and 20, strike "renunciation of gang affiliation;".

SA 1911. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

On page 570, between lines 3 and 4, insert the following:

(8) GOOD MORAL CHARACTER.—The alien shall establish that he or she has been a person of good moral character during the most recent 3-year period.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike lines 19 through 24 and insert the following:

"(B) STATE IMPACT ASSISTANCE FEE.—Each alien applying for a Y–1 nonimmigrant visa shall pay, at the time of filing an application for Y–1 nonimmigrant status—

"(i) a State impact assistance fee of $750; and

"(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.c

On page 569, strike lines 1 through 6 and insert the following:

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, each alien applying for probationary Z–1 status described in subparagraph (h) or renewable Z–1 status described in subparagraph (i) shall pay, at the time the alien files an application for such status—

(i) a State impact assistance fee of $750; and

(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.

SA 1913. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between line 24 and the matter following line 24, insert the following:

SEC. 230. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in a proceeding before an immigration judge or in an administrative appeal of such proceeding, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d)(1) Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section—

"(A) shall be the alien's current residential mailing address; and

"(B) may not be a post office box, another nonresidential mailing address, or the address of an attorney, representative, labor organization, or employer.

"(2) The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) An alien who is being detained by the Secretary under this Act—

"(A) is not required to report the alien's current address under this section while the alien remains in detention; and

"(B) shall notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e)(1) Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II of the Immigration and Nationality Act (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 of the Immigration and Nationality Act (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Any alien or any parent or legal guardian in the United States of a minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk.

"(3) The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

On page 592, strike line 14.

On page 592, line 17, strike the period at the end and insert "; or".

On page 592, between lines 17 and 18, insert the following:

(G) the alien fails to comply, at any time after being granted probationary Z nonimmigrant status under subsection (h) or renewable Z nonimmigrant status under subsection (i), with the address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305).

SA 1914. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 18 and 19, insert the following:

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

"(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.".

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (e) the following:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON OTHER DETENTION.—The length of detention under this section shall not affect the validity of any detention under section 241."; and

(C) in subsection (f), as redesignated, by adding at the end the following: "Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.".

(c) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

SA 1915. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be—

(A) discussed and explained in writing in the order granting prospective relief; and

(B) sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) PENDING MOTIONS.—

(A) 45 DAYS OR LESS.—Any motion pending for 45 days or less on the date of the enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for more than 45 days on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government's motion. No further postponement of any such automatic stay pursuant to this subsection shall be available under paragraph (2)(C).

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (a) shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(c) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action identified in subsection (a), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to the extent that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(f) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(g) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(h) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected by such finding.

SA 1916. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, strike line 14 and all that follows through page 575, line 6, and insert the following:

(5) BEFORE THE APPLICATION PERIOD.—The Secretary, in the sole and unreviewable discretion of the Secretary, may provide an alien with a reasonable opportunity to file an application under this section after regulations are promulgated if the alien—

(A) is apprehended after the date of the enactment of this Act and before the date on which the period for initial registration closes under subsection (f)(2);

(B) is not described in, or subject to, paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts); and

(C) can establish prima facie eligibility for Z nonimmigrant status.

(6) DURING CERTAIN PROCEEDINGS.—

(A) IN GENERAL.—The Attorney General may determine that an alien who is in removal proceedings as of the date of the enactment of this Act is prima facie eligible for Z nonimmigrant status and permit the alien a reasonable opportunity to apply for such status.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any alien—

(i) who is currently in removal proceedings; or

(ii) who, after the date of the enactment of this Act, is subject to removal under section 237(a)(1) of the Immigration and Nationality Act (for inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act), paragraph (2) or (4) of section 237(a) of such Act, or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts).

(C) UNREVIEWABLE DECISION.—A decision by the Attorney General to permit an alien currently in removal proceedings to apply for Z nonimmigrant status is in the sole and unreviewable discretion of the Attorney General.

SA 1917. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 121, strike line 8 and all that follows through page 122, line 13, and insert the following:

(b) INADMISSIBILITY.—

(1) IN GENERAL.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

"(i) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security determines has at any time has participated in a criminal gang, or knows or has reason to believe, has participated in a criminal gang knowing or having reason to know that such participation will promote, further, aid, or support the illegal activity of the criminal gang is inadmissible.

"(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive the applicability of clause (i) if the alien—

"(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under section 237(a)(1)(A) (for inadmissibility under this paragraph or paragraph (3)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (3), or paragraph (2) or (4) of section 237(a));

"(II) establishes urgent humanitarian reasons or significant public benefit for allowing the alien to remain in the United States; and

"(III) can establish that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

"(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect in the date of enactment of this Act and apply to acts or conduct that occurred before, on or after the date of enactment.

(c) DEPORTABILITY.—

(1) IN GENERAL.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

"(i) IN GENERAL.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation would promote, further, aid, or support the illegal activity of the criminal gang, is deportable.

"(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive ineligibility under subsection (i) if the alien—

"(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under paragraph (1)(A) (for inadmissibility under paragraph (2) or (3) of section 212(a)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (4), or paragraph (2) or (3) of section 212(a));

"(II) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

"(III) establishes that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

"(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to acts or conduct that occurred before, on, or after such date of enactment.

On page 563, strike line 22 and all that follows through "(2)" on page 564, line 4, and insert the following:

(2) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the applicability of paragraph (1)(B) if the alien—

(i) has not been physically removed from the United States pursuant to the outstanding final order of removal, deportation or exclusion;

(ii) has never departed the United States since any order of exclusion, deportation, or removal became final and subject to execution or been previously removed pursuant to a final order of removal;

(iii) has been continuously physically present in the United States since January 1, 2007;

(iv) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

(v) can establish that his or her departure from the United States would result in extreme hardship to the alien's spouse or minor child.

(B) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.

(C) EFFECTIVE DATE.—This paragraph shall take effect on the date of the enactment of this Act and shall apply to any application for Z nonimmigrant status submitted on or after such date.

(3)

SA 1918. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639. to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 604, line 12, strike the period and insert "with the Secretary not later than 30 days after the date of the decision. The filing of a motion to reopen or reconsider does not toll the time for filing an administrative appeal under paragraph (2).".

On page 604, lines 20 and 21, strike "or the mailing thereof, whichever occurs later in time".

On page 604, line 22, strike "The Secretary" and all that follows through page 605, line 9, and insert the following: "Except as provided under paragraph (2), the Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal (including a removal order that has not been executed or is subject to reinstatement pursuant to section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)). No court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings or review the order of removal, except as otherwise provided by law. If the alien failed to file a timely petition for review of an administratively final order of removal, as required under section 242(b) of such Act, no court shall have jurisdiction to review the final order of removal and an alien may only seek review of the denial under section 601(h), termination under section 601(o), or revocation under section 601(p), pursuant to section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)).".

On page 605, line 20, strike "may" and insert "shall".

On page 606, lines 2 through 4, strike "clauses (1)(F) (i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may" and insert "clause (i), (iii), or (iv) of section 601(d)(1)(F) shall".

On page 606, strike lines 7 through 17 and insert the following:

(C) FINAL DENIAL, TERMINATION, OR REVOCATION.—Notwithstanding subsection (a)(2), the Secretary's denial, termination, or revocation of the status of any alien described in subparagraph (A) or (B) may be reviewed only in removal proceedings initiated pursuant to this paragraph and shall represent the required exhaustion of all review procedures for purposes of seeking judicial review under section 242(h)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(h)(3)(C)) of a denial under section 601(h), a termination under section 601(o), or a revocation under section 601(p).

On page 606, line 21, strike the period and insert "with the Attorney General not later than 90 days after the date of a final decision under paragraph (2)(C). The filing of a motion to reopen or reconsider with the Attorney General does not toll the time for filing a petition for review of a final removal order under section 242(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(1)).".

On page 608, line 3, insert "within 2 years after the date of such denial, termination, or revocation, and only" after "only".

SA 1919. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639. to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 12, strike "(b)" and insert the following:

(b) LIMITATION ON LANDOWNER'S LIABILITY.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after subsection (g) the following:

"(h) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

"(1) IN GENERAL.—Subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

"(A) such owner has been found negligent by a Federal or State court in any tort litigation;

"(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

"(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

"(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

"(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

"(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

"(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

"(B) maintaining an attractive nuisance;

"(C) gross negligence; or

"(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.".

(c)

SA 1920. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 23 and 24, insert the following:

(e) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary submits a written certification under subsection (a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a); and

(B) indicates the date on which Secretary's intends to submit a written certification under subsection (a).

(2) GOVERNORS' AFFIRMATION.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to the appropriate congressional committees that—

(A) analyzes the accuracy of the information received from the Secretary; and

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) will be established, funded, and operational before the Secretary's certification is submitted.

(3) EFFECT OF GOVERNORS AFFIRMATION.—If a majority of the border governors indicate their agreement with the Secretary under paragraph (2)(B), the Secretary may submit the certification under subsection (a).

(f) CONGRESSIONAL REVIEW OF GOVERNORS AFFIRMATION.—

(1) IN GENERAL.—If a majority of the border governors do not submit a report under subsection (e)(2) that indicates agreement with the information received from the Secretary before the end of the 60-day period described in subsection (e)(2), subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented if, during the first 90-calendar day period of continuous session of the Congress after the end of such period, Congress passes a Joint Resolution of Immigration Enforcement expressing opposition to the certification submitted by the Secretary under subsection (a), in accordance with this subsection.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the end of the 60-day period described in subsection (e)(2), a Joint Resolution of Immigration Enforcement shall be introduced (by request) in the Senate—

(I) by the Majority Leader or Minority Leader of the Senate; or

(II) if such resolution is not introduced as provided under subclause (II), by any Senator on the third day on which the Senate is in session after the end of such period.

(ii) REFERRAL.—Upon introduction, a Joint Resolution of Immigration Enforcement shall be referred jointly to each of the appropriate congressional committees by the President of the Senate. Upon the expiration of 60 days of continuous session after the end of the 60-day period described in subsection (e)(2), each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—After each committee to which a Joint Resolution of Immigration Enforcement has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) The resolution shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this subsection.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—A Joint Resolution of Immigration Enforcement shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. At the time any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition by the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions originating in the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; and

(II) on any vote on final passage of a resolution originating in the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution originating in the House of Representatives.

(g) DEFINED TERM.—In this section, the term "operational control" means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 379, between lines 21 and 22, insert the following:

Subtitle C—Strengthening American Citizenship

SECTION 716. SHORT TITLE.

This subtitle may be cited as the "Strengthening American Citizenship Act of 2007".

SEC. 717. DEFINITION.

In this subtitle, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section __31(a)(2).

CHAPTER 1—LEARNING ENGLISH

SEC. 718. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

SEC. 719. SAVINGS PROVISION.

Nothing in this chapter shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section 725(b)).

CHAPTER 2—EDUCATION ABOUT THE AMERICAN WAY OF LIFE

SEC. 721. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section 722(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 722. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 723. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this chapter may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. 724. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this chapter and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this chapter and chapter 1 successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this chapter and chapter 1.

CHAPTER 3—CODIFYING THE OATH OF ALLEGIANCE

SEC. 725. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(2) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

CHAPTER 4—CELEBRATING NEW CITIZENS

SEC. 726. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 727. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SA 1922. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 376, between lines 11 and 12, insert the following:

SEC. 711A. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1923. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 376, strike lines 9 through 11, and insert the following:

(b) ASSESSMENT TOOLS.—The Director of the United States Citizenship and Immigration Services, in consultation with the Secretary of Education, shall develop valid and reliable assessment tools to measure the progress of individuals—

(1) in the acquisition of the English language under subsection (a); and

(2) in meeting any other English language requirements in this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Education such sums as are necessary to carry out the purposes of this section.

SA 1924. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 375, strike lines 25 through 34, and insert the following:

SEC. 710. HISTORY AND GOVERNMENT TEST.

(a) IN GENERAL.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship.

(b) TEST REDESIGN.—The goals of any naturalization test redesign undertaken by the Office of Citizenship of the United States Citizenship and Immigration Services with respect to determining if a candidate for naturalization meets the requirements relating to the English language and the fundamentals of the history, and of the principles and form of government, of the United States, under section 312 of the Immigration and Nationality Act, shall include that a candidate demonstrate—

(1) a sufficient understanding of the English language for usage in everyday life;

(2) an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

(5) an understanding of the rights and responsibilities of citizenship in the United States.

(c) REPORT.—The United States Citizenship and Immigration Service shall report to Congress on how the current test redesign is meeting the requirements described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) KEY DOCUMENTS.—The term "key documents" means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term "key events" means the critical turning points in the history of the United States , including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term "key ideas" means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term "key persons" means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

SA 1925. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 8 and 9, strike "based on analysis by and in consultation with the

Comptroller General" and insert the following: "based on analysis by the Comptroller General, and in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives".

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SA 1927. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 4, insert ", even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements," after "15 years".

On Page 117, line 14, strike lines 14 beginning at and through page 118, line 8, and insert:

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ",(c)," after "924(b)" and by striking "or" at the end, and

(B) by adding at the end the following new clauses:

"(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

"(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);"; and

(7) by amending subparagraph (F) to read as follows:

"(F) either—

"(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

"(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;".

(b) Effective Date.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 203B. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) Inadmissibility On Criminal and Related Grounds; Waivers.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

"(J) Certain firearm offenses.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(K) Aggravated felons.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

"(L) Crimes of domestic violence, stalking, or violation of protection orders; crimes against children.—

"(i) Domestic violence, stalking, and child abuse.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) Violators of protection orders.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding."; and

(2) in subsection (h)—

(A) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), and (L) of subsection (a)(2)";

(B) by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" in the next to last sentence and inserting "if since the date of such admission the alien"; and

(C) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(b) Deportability for Criminal Offenses Involving Identification.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

"(F) Criminal offenses involving identification.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) Construction.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 119, lines 21 and 22, strike ", which is punishable by a sentence of imprisonment of five years or more".

On page 121, beginning with line 15, through page 17, strike "Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any" and insert "Any".

On page 121, strike beginning line 8 then page 122. line 13.

On page 122, lines 10 through 13, strike "The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.".

On page 123, strike all text beginning at line 23 through page 128 line 25.

On page 562, strike lines 1 through 6, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 563, strike lines 22 through page 564, line 3, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 564, line 14, strike "(9)(C)(i)(I),".

On page 565, line 11, strike "section 212(a)(9)(C)(i)(II)" and insert "section 212(a)(9)(C)".

On page 565, between lines 15 and 16, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 565, strike lines 16 through 22.

On page 567, between lines 13 and 14, insert:

(5) Good moral character.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

On page 567, line 14 strike "(5)" and insert "(6)".

On page 569, line 22 strike "(6)" and insert "(7)".

On page 569, line 24 strike "(7)" and insert "(8)".

SA 1928. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place at the end of section 1, insert the following at the end of section 1:

"(e) Reduction in Illegal Immigration.—the Secretary shall submit a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General as follows:

"(1) within 18 months of enactment that illegal immigration at the border is reduced by 50% and the current level of overstay by nonimmigrant visa holders is reduced by 50%; and

"(2) within 24 months of enactment that illegal immigration at the border is reduced by 65% and the current level of overstay by nonimmigrant visa holders is reduced by 65%; and

"(3) within 30 months of enactment that illegal immigration at the border is reduced by 75% and the current level of overstay by nonimmigrant visa holders is reduced by 75%; and

"(4) within 36 months of enactment that illegal immigration at the border is reduced by 90% and the current level of overstay by nonimmigrant visa holders is reduced by 90%; and

"(5) within 42 months that effective systems are in place to maintain a permanently secure border and prevent the overstay of nonimmigrant visa holders."

SA 1929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 21, strike "(v) Implementation of programs authorized in titles IV and VI".

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through page 6, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) In General.—With the exception of the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that subsections (e) through (i) have been fulfilled and after the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) Operational control of the international border with Mexico.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) Staff enhancements for border patrol.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) Strong border barriers.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) Catch and return.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) Workplace enforcement tools.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) Processing applications of aliens.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) Sense of Congress.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) Presidential Progress Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) Progress not sufficient.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO Report.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) Certification of Implementation of Existing Provisions of Law.—

(1) In general.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) Existing law.—The following provisions of existing law shall be fully implemented, as directed by Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act, and as further amended by this Act, have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting "sanctuary" policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, the programs described in the matter preceding paragraph (1) of subsection (a) shall not be implemented unless, during the first 90-calendar day period of continuous session of Congress after the receipt of notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of such resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Presidential Certification of Immigration Enforcement" means the certification required under this section, which is signed by the President, and reads as follows:

"Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.".

(2) CERTIFICATION.—The term "certification" means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term "immigration enforcement measure" means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Resolution of Presidential Certification of Immigration Enforcement" means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

"That Congress approves the certification of the President of the United States submitted to Congress on _______ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.".

SA 1931. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:.

SEC. . PROHIBITION ON WELFARE BENEFITS FOR ILLEGAL ALIENS.

Notwithstanding section 602(a)(6), in no event shall a Z nonimmigrant, as that term is defined in subsection (r) of the first section 601 (contained in title VI relating to nonimmigrants in the United States previously in unlawful status), or an alien granted probationary benefits under subsection (h) of such section 601 be eligible for assistance under the designated Federal program described in section 402(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(A)) before the date that is 5 years after the date on which the alien's status is adjusted under this section to that of an alien lawfully admitted for permanent residence.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, strike line 6 and all that follows through page 261, line 13, and insert the following:

"(2) PREEMPTION.—This section preempts any State or local law that—

"(A) requires the use of the EEVS in a manner that—

"(i) conflicts with any Federal policy, procedure, or timetable; or

"(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

"(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

"(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority; or

"(ii) shall carry out any other activity to facilitate the employment by others of—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the prope of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority.".

SA 1933. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(h), strike paragraphs (1) and (2), and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status may, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted and completed appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the bill, add the following:

TITLE _—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

Subtitle A—Z Nonimmigrants

SEC. _00. REPEAL OF TITLE VI.

Title VI of this Act is repealed and the amendments made by title VI of this Act are null and void.

SEC. _01. Z NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or a dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this title.

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following:

"(Z) subject to title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services, or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who is described in clause (i) or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) such spouse has been battered or subjected to extreme cruelty by such alien; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in clause (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days, or more than 180 days in the aggregate, shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(i) is inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(ii) subject to subparagraph (B), is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(iii) subject to subparagraph (B), is described in or is subject to section 241(a)(5) of such Act (8 U.S.C. 1231(a)(5));

(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(v) is an alien—

(I) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense (as described in section 101(h) of such Act (8 U.S.C. 1101(h))) outside the United States before arriving in the United States; or

(II) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(vi) has been convicted of—

(I) a felony;

(II) an aggravated felony (as defined in section 101(a)(43) of such Act);

(III) 3 or more misdemeanors under Federal or State law; or

(IV) a serious criminal offense (as described in section 101(h) of such Act);

(vii) has entered or attempted to enter the United States illegally on or after January 1, 2007; or

(viii) is an applicant for Z–2 nonimmigrant status, or is under 18 years of age and is an applicant for Z–3 nonimmigrant status, and the principal Z–1 nonimmigrant or Z–1 nonimmigrant status applicant is ineligible.

(B) WAIVER.—The Secretary may, in the Secretary's discretion, waive ineligibility under clause (ii) or (iii) of subparagraph (A) if the alien has not been physically removed from the United States and if the alien demonstrates that the alien's departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child.

(C) CONSTRUCTION.—Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)(i)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of such Act (relating to criminals);

(II) section 212(a)(3) of such Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of such Act;

(IV) paragraph (6)(A)(i) of section 212(a) of such Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II) of such Act; or

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of such Act (relating to polygamists, child abductors, and unlawful voters); and

(iii) the Secretary may, in the Secretary's discretion, waive the application of any provision of section 212(a) of such Act not listed in clause (ii) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of such Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien does not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien is not inadmissible as a nonimmigrant to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided in subsection (d)(2) of this section, regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 nonimmigrant status, Z–2 nonimmigrant status, or Z–3 nonimmigrant status, the alien shall—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be, on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) IN GENERAL.—An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(ii) FEE FOR EXTENSION APPLICATION.—An alien applying for extension of the alien's Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but not more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) IN GENERAL.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) DERIVATIVE STATUS.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 nonimmigrant status or Z–3 nonimmigrant status derivative to such applicant for Z–1 nonimmigrant status.

(iii) CHANGE OF Z NONIMMIGRANT CLASSIFICATION.—An alien who is a Z–2 nonimmigrant or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by subsection (w) of such section 286, as added by section 402.

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by subsection (x) of such section 286.

(6) HOME APPLICATION.—

(A) IN GENERAL.—An alien granted probationary status under subsection (h) shall not be eligible for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status until the alien has completed the following home application requirements:

(i) SUBMISSION OF SUPPLEMENTAL CERTIFICATION.—An alien awarded probationary status who seeks Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall, within 2 years of being awarded a secure ID card under subsection (j), perfect the alien's application for such nonimmigrant status at a United States consular office by submitting a supplemental certification in person in accordance with the requirements of this subparagraph.

(ii) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(h). The probationary status of an alien making a false certification under this subparagraph shall be terminated pursuant to subsection (o)(1)(G).

(iii) PRESENTATION OF SECURE ID CARD.—The alien shall present the alien's secure ID card at the time the alien submits the supplemental certification under clause (i) at the United States consular office. The alien's secure ID card shall be marked or embossed with a designation as determined by the Secretary of State and the Secretary of Homeland Security to distinguish the card as satisfying all requirements for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status.

(iv) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall file the supplemental certification described in clause (ii) at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(B) EFFECT OF FAILURE TO COMPLY.—The probationary status of an alien seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(C) EXEMPTION.—Subparagraph (A) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(D) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (C), an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to depart and reenter the United States in accordance with subparagraph (A) may not be issued a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant visa under this section.

(E) DEPENDENTS.—An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status shall be awarded such status upon satisfaction of the requirements set forth in subparagraph (A) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraph (A) may not be issued a Z–3 or minor Z–A dependent nonimmigrant visa under this section unless the principal Z–1 alien is exempted under subparagraph (C).

(7) INTERVIEW.—An applicant for Z nonimmigrant status shall appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610, the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning not more than 180 days after the date of the enactment of this Act. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may, in the Secretary's discretion, extend the period for accepting applications by not more than 1 year.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status shall submit biometric data in accordance with procedures established by the Secretary.

(4) HOME APPLICATION.—No alien may be awarded Z nonimmigrant status until the alien has completed the home application requirements set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including—

(i) information concerning the alien's physical and mental health;

(ii) complete criminal history, including all arrests and dispositions;

(iii) gang membership or renunciation of gang affiliation;

(iv) immigration history;

(v) employment history; and

(vi) claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not award Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) shall be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien may be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire not later than 6 months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of the enactment of this Act and the date on which the period for initial registration closes under subsection (f)(2), and the alien is able to establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (j), to an applicant for Z nonimmigrant status who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under subsection (x) of section 286 of the Immigration and Nationality Act, as added by section 402, shall within 90 days of the enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of the Internal Revenue Code of 1986, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of subparagraph (A), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(4) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(A) IN GENERAL.—An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have the alien's application denied and may not file additional applications.

(B) FAILURE TO SUBMIT INFORMATION.—An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except if the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have the alien's application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that may be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title III; and

(E) shall be issued to the Z nonimmigrant by the Secretary promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years beginning on the date on which the alien is first issued a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a). The alien may make up to 3 attempts to demonstrate such understanding and knowledge, but shall satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirements of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to meet the requirements of such subclauses;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 nonimmigrant status or Z–3 nonimmigrant status, an alien shall demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent period of authorized admission as of the date of application.

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that shall be completed to the satisfaction of the Secretary before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of a period of authorized admission under this paragraph, or a change of status to another Z nonimmigrant status under subsection (l), may not be approved for an applicant who failed to maintain Z nonimmigrant status or if such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized admission expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized admission expired, if it is demonstrated at the time of filing that—

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated the alien's Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z-1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in the Secretary's discretion, from the requirements under subsection (m) for a period of up to 180 days; and

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if—

(i) the alien has violated any term or condition of the alien's Z nonimmigrant status, including failing to comply with the change of address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305);

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 nonimmigrant or a Z–3 nonimmigrant, the principal alien's Z-1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(B) CHANGE FROM Z–A STATUS.—A Z–A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act, as added by section 631.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in the Secretary's discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z–1 AND Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 nonimmigrants and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 nonimmigrant or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z-1 or Z-3 nonimmigrant, shall remain continuously employed full time in the United States as a condition of such nonimmigrant status, except if—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set out in subsection (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status shall establish that such alien is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of this Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 of such Act (8 U.S.C. 1227) (except as provided in subsection (d)(2)); or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 nonimmigrant or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated;

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied; or

(G) with respect to an alien awarded probationary status who seeks to become a Z nonimmigrant or a Z–A nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within 2 years of receiving a secure ID card.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z-2 nonimmigrant or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under this section, but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary of Homeland Security may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under this section, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top 5 principal languages, as determined by the Secretary in the Secretary's discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title:

(1) Z NONIMMIGRANT.—The term "Z nonimmigrant" means an alien admitted to the United States under subparagraph (Z) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by subsection (b). The term does not include aliens granted probationary benefits under subsection (h) or whose applications for nonimmigrant status under such subparagraph (Z) have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT.—The term "Z–1 nonimmigrant" means an alien admitted to the United States under clause (i) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(3) Z–A NONIMMIGRANT.—The term "Z-A nonimmigrant" means an alien admitted to the United States under subparagraph (Z-A) of section 101(a)(15) of the Immigration and Nationality Act, as added by section 631.

(4) Z–2 NONIMMIGRANT.—The term "Z–2 nonimmigrant" means an alien admitted to the United States under clause (ii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(5) Z–3 Nonimmigrant.—The term "Z–3 nonimmigrant" means an alien admitted to the United States under clause (iii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SEC. 02. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) Z–1 Nonimmigrants.—

(1) Prohibition on immigrant visa.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(2) Adjustment.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–1 nonimmigrant may be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence.

(3) Requirements.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502, the following requirements:

(A) Status.—The alien must be in valid Z–1 nonimmigrant status.

(B) Approved petition.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(C) Admissibility.—The alien must not be inadmissible under section 212(a) of such Act, except for those grounds previously waived under subsection (d)(2) of section 601.

(D) Fees and penalties.—In addition to the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 nonimmigrant who is the head of household shall pay a $4,000 penalty at the time of submission of any immigrant petition on the alien's behalf, regardless of whether the alien submits such petition on the alien's own behalf or the alien is the beneficiary of an immigrant petition filed by another party.

(b) Z–2 and Z–3 Nonimmigrants.—

(1) Restriction on visa issuance or adjustment.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant who is under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(2) Adjustment of status.—

(A) Adjustment.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–2 nonimmigrant or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(B) Requirements.—A Z–2 nonimmigrant or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(i) Status.—The alien must be in valid Z–2 nonimmigrant or Z–3 nonimmigrant status.

(ii) Approved petition.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(iii) Admissibility.—The alien must not be inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except for those grounds previously waived under subsection (d)(2) of section 601.

(iv) Fees.—The alien must pay the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa.

(c) Maintenance of Waivers of Inadmissibility.—The grounds of inadmissibility not applicable under subsection (d)(2) of section 601 shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this section.

(d) Application of Other Law.—In processing applications under this section on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply—

(1) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(2) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(e) Back of the Line.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) that were filed before May 1, 2005.

(f) Ineligibility for Public Benefits.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(g) Medical Examination.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(h) Payment of Income Taxes.—

(1) In general.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z nonimmigrant status by establishing that—

(A) no such tax liability exists;

(B) all outstanding liabilities have been paid; or

(C) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) IRS cooperation.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(A) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(B) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(i) Deposit of Fees.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(j) Deposit of Penalties.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under subsection (w) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 402.

SEC. 03. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) Administrative Review for Aliens Who Have Applied for Status Under This Title.—

(1) Exclusive review.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) Administrative appellate review.—Except as provided in subsection (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under this Act.

(3) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) Limitation on motions to reopen and reconsider.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) Removal of Aliens Who Have Been Denied Status Under This Title.—

(1) Self-initiated removal.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection (h) of section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as added by subsection (c), as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) Aliens who are determined to be ineligible due to criminal convictions.—

(A) Aggravated felons.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (II) of subsection 601(d)(1)(A)(vi) because the alien has been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))) may be placed forthwith in proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (I), (III), or (IV) of section 601(d)(1)(A)(vi) may be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of subsection (h)(3)(C) of section 242 of the Immigration and Nationality Act, as added by subsection (c), and shall represent the exhaustion of all review procedures for purposes of subsection (h) or (o) of section 601, notwithstanding subsection (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as appropriate.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

“(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER THE SECURE BORDERS, ECONOMIC OPPORTUNITY AND IMMIGRATION REFORM ACT OF 2007.—

“(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

“(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 beyond the period for receipt of such applications established by section _01(f) of that Act. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

“(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—A denial, termination, or rescission of status under section 01 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that—

“(A) the venue provision set forth in subsection (b)(2) shall govern;

“(B) the deadline for filing the petition for review in subsection (b)(1) shall control;

“(C) the alien has exhausted all administrative remedies available to the alien as of right, including the timely filing of an administrative appeal pursuant to section _03(a) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

“(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

“(E) notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under title of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

“(F) an alien may file not more than 1 motion to reopen or to reconsider in proceedings brought under this section.

“(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary of Homeland Security's denial, termination, or rescission of status under title of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

“(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

“(A) IN GENERAL.—Any claim that title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement such title, violates the Constitution of the United States or is otherwise in violation of law, is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under such title from asserting that an action taken or decision made by the Secretary with respect to the applicant's status under such title was contrary to law in a proceeding under section _03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and subsection (b)(2) of this section.

“(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph—

“(i) shall, if it asserts a claim that title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement such title violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of such Act, not later than 1 year after the date of the enactment of such Act; and

“(ii) shall, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

“(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

“(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section 03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

“(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section 03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of this Act.”.

SEC. _04. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 01 and 02, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section _01 and _02 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 01 and 02, any application to extend such status under section _01(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 02, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section _02, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 01 or 02 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 01 or 02, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 01 or 02 are references to sections _01 and _02 of this Act and the amendments made by those sections.

SEC. _05. EMPLOYER PROTECTIONS.

(a) IN GENERAL.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title ___, or under the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. _06. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the prompt enumeration of a social security account number after the Secretary has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 07. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

"(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

"(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).".

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 08. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) PROCEDURES.—The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in section 01(e)(5)(B) and section 02(a)(3)(D) through an installment payment plan.

(b) USE.—Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) Such penalties shall be credited as offsetting collections to appropriations provided pursuant to section 11 for the fiscal year in which this Act is enacted and the subsequent fiscal year.

(2) Such penalties shall be deposited and remain available as otherwise provided under this title.

SEC. 09. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud, or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for eligibility for an immigration benefit described in subsection (a) may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. 10. RULEMAKING.

(a) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule within 6 months of the date of the enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset 2 years after issuance unless the Secretary issues a final rule within 2 years of the issuance of the interim final rule.

(b) EXEMPTION.—The exemption provided under this section shall sunset not later than 2 years after the date of the enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections _01 and _02.

Subtitle B—Dream Act

SEC. 20. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. _21. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 22. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary

of Homeland Security may beginning on the date that is 3 years after the date of the enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of the enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) subject to paragraph (2), the alien has not abandoned the alien's residence in the United States;

(D) the alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge;

(E) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(2) ABANDONMENT.—The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary or Z nonimmigrant status and has satisfied the requirements of paragraphs (A) through (F) of subsection (a)(1) shall beginning on the date that is 8 years after the date of the enactment of this Act be considered to have satisfied the requirements of section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 23. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. _24. HIGHER EDUCATION ASSISTANCE.

(a) INAPPLICABILITY OF OTHER LAWS.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) ASSISTANCE.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 622(a)(1), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

SEC. 25. DELAY OF FINES AND FEES.

(a) IN GENERAL.—Payment of the penalties and fees specified in section 01(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 22(a)(1) until the date that is 6 years and 6 months after the date of the enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section 22(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section 22(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section _01(e)(5) consistent with the procedures set forth in section 08 within 90 days.

(b) REFUNDS.—With respect to an alien who meets the eligibility criteria set forth in subparagraphs (A) and (F) of section 22(a)(1), but not the eligibility criteria in section _22(a)(1)(B), the individual who pays the penalties specified in section 01(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section _22(a)(1).

SEC. 26. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section _22;

(2) the number of aliens who applied for adjustment of status under section _22; and

(3) the number of aliens who were granted adjustment of status under section 22.

SEC. 27. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary of Homeland Security shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

Subtitle C—Agricultural Workers

SEC. 30. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

PART I—ADMISSION

SEC. _31. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 01(b), is further amended by adding at the end the following new subparagraph:

"(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A; or

"(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.".

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following:

"SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

"(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

"(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

"(B) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by such Act.

"(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

"(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

"(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

"(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

"(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

"(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

"(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is issued a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

"(3) AUTHORIZED TRAVEL.—An alien who is issued a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

"(c) QUALIFICATIONS.—

"(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, issued a Z–A visa to an alien if the Secretary determines that the alien—

"(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

"(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

"(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

"(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

"(E) meets the requirements of paragraph (3).

"(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall issue a Z–A dependent visa to an alien who is—

"(A) described in section 101(a)(15)(Z–A)(ii);

"(B) meets the requirements of paragraph (3); and

"(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

"(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

"(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

"(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

"(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

"(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) APPLICATION.—

"(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

"(2) SUBMISSION.—Applications for a Z–A visa under paragraph (1) may be submitted—

"(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

"(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—

"(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

"(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

"(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

"(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

"(A) REQUIREMENTS.—Each qualified designated entity shall agree—

"(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

"(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

"(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

"(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

"(5) APPLICATION FEES.——

"(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

"(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

"(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

"(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

"(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order.

"(7) TREATMENT OF APPLICANTS.—

"(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

"(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

"(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

"(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

"(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which the alien's application for a Z–A visa is denied.

"(B) TIMING OF PROBATIONARY BENEFITS.—

"(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under this subsection, including any evidence required under this subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

“(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

“(II) the end of the next business day after the date that the Secretary receives the alien's application for a Z–A visa.

“(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

“(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may, by regulation, establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

“(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

“(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

“(A) BEFORE APPLICATION PERIOD.—Beginning on the date of the enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

“(i) may not be removed; and

“(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

“(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

“(i) may not be removed; and

“(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

“(e) NUMERICAL LIMITATIONS.—

“(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

“(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

“(f) EVIDENCE OF NONIMMIGRANT STATUS.—

“(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

“(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

“(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

“(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

“(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

“(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

“(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

“(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

“(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

“(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien issued a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

“(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien issued a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

“(3) TERMS OF EMPLOYMENT.—

“(A) PROHIBITION.—No alien issued a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

“(B) TREATMENT OF COMPLAINTS.—

“(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens issued a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

“(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

“(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

“(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is issued a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

“(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

“(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

“(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

“(4) RECORD OF EMPLOYMENT.—

“(A) IN GENERAL.—Each employer of an alien who is issued a Z–A visa shall annually—

“(i) provide a written record of employment to the alien; and

“(ii) provide a copy of such record to the Secretary.

“(B) CIVIL PENALTIES.—

“(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien issued a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

“(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

“(i) TERMINATION OF A GRANT OF Z–A VISA.—

“(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa issued to an alien only if the Secretary determines that the alien is deportable.

"(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

"(A) the Secretary finds, by a preponderance of the evidence, that the issuance of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

"(iv) in the case of an alien issued a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

"(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien issued a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

"(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien issued a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

"(A) QUALIFYING EMPLOYMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

"(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

"(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

"(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of enactment.

"(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

"(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

"(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

"(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

"(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

"(i) the record of employment described in subsection (h)(4); or

"(ii) such documentation as may be submitted under subsection (d)(3).

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) renew the alien's Z visa status as described in section 601(k)(2).

"(D) FINE.—The alien pays to the Secretary a fine of $400.

"(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

"(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

"(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

"(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

"(5) PAYMENT OF TAXES.—

"(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all such outstanding tax liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

"(6) ENGLISH LANGUAGE.—

"(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, a Z–A nonimmigrant who is 18 years of age or older shall pass the naturalization test described in paragraph (1) and (2) of section 312(a).

"(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

"(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

"(ii) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

"(iii) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

"(7) PRIORITY OF APPLICATIONS.—

"(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

"(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

"(C) CONSULAR APPLICATION.—

"(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence shall be filed in person with a United States consulate abroad.

"(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

"(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this section shall be afforded confidentiality as provided under section __04 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

"(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—Any person who—

"(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–54) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z-A visa under subsection (b) or an adjustment of status under subsection (j).

"(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section _03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

"(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.".

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by this Act, is further amended—

(A) in subparagraph (A), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (N)"; and

(B) by adding at the end the following:

"(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.".

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of such Act (8 U.S.C. 1152) is amended by adding at the end the following:

"(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.".

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

"Sec. 214A. Admission of agricultural workers.".

SEC. _32. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

"(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

"(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.".

SEC. 33. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle and the amendments made by this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. _34. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SEC. . ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.

(a) IN GENERAL.—Section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601(b), is amended to read as follows:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

"(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

"(II) is employed, and seeks to continue performing labor, services, or education; and

"(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

"(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

"(bb) the amount of cumulative time the applicant has lived in the United States;

"(cc) whether the applicant owns property in the United States;

"(dd) whether the applicant owns a business in the United States;

"(ee) the extent to which the applicant knows the English language;

"(ff) the applicant's work history in the United States;

"(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

"(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

"(ii) whether the applicant has been convicted of criminal activity in the United States; and

"(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

"(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

"(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

"(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).".

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary shall use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by subsection (a).

(c) ADDITIONAL Z NONIMMIGRANT ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of section 601(e), an alien is not eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I) of the Immigration and Nationality Act unless—

(A) the alien was physically present in the United States on the date that is 4 years before the date of the enactment of this Act and has maintained physical presence in the United States since that date; and

(B) the alien was, on the date that is 4 years before the date of the enactment of this Act, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) TREATMENT OF APPLICANTS.—Notwithstanding any provision of section 601(h), an alien who files an application for Z nonimmigrant status shall submit sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act before receiving any benefit under section 601(h).

(3) APPLICATION.—Notwithstanding any provision of section 602(a)(1), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SEC. ___. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

Notwithstanding any provision of section 602—

(1) a Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202); and

(2) the status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

(a) PREFERENCE CATEGORIES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c) of this Act, is further amended to read as follows:

“(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted immigrant visas as follows:

“(1) PARENTS OF A CITIZEN OF THE UNITED STATES IF THE CITIZEN IS AT LEAST 21 YEARS OF AGE.—Qualified immigrants who are the parents of a citizen of the United States if the citizen at least 21 years of age shall be allocated immigrant visas in a number not to exceed the sum of—

“(A) 90,000; and

“(B) the number of visas not required for the classes specified in paragraph (3).

“(2) SPOUSES OR CHILDREN OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR A NATIONAL.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States (as defined in section 101(a)(22)(B)) who is resident in the United States shall be allocated immigrant visas in a number not to exceed the sum of—

“(A) 87,000; and

“(B) the number of visas not required for the class specified in paragraph (1).

“(3) FAMILY-SPONSORED IMMIGRANTS WHO ARE BENEFICIARIES OF FAMILY-BASED VISA PETITIONS FILED BEFORE MAY 1, 2005.—Immigrant visas totaling 440,000 shall be allotted as follows:

“(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

“(i) 70,400; and

“(ii) the number of visas not required for the class specified in subparagraph (D).

“(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the sum of—

“(i) 110,000; and

“(ii) the number of visas not required for the class specified in subparagraph (A).

“(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

“(i) 70,400; and

“(ii) the number of visas not required for the classes specified in subparagraphs (A) and (B).

“(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the sum of—

“(i) 189,200; and

“(ii) the number of visas not required for the classes specified in subparagraphs (A), (B), and (C).”.

(b) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act, is amended to read as follows:

“(s) PARENT VISITOR VISAS.—

“(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

“(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

“(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

“(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

“(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

“(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

“(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

“(B) shall, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

“(C) may not be issued employment authorization by the Secretary or be employed.

“(4) PERMANENT BARS FOR OVERSTAYS.—

“(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

“(i) asylum under section 208(a);

“(ii) withholding of removal under section 241(b)(3); or

“(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

“(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(ii) the alien has not otherwise violated his or her nonimmigrant status.

“(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

“(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

“(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

“(6) CONSTRUCTION.—Except as specifically provided in this subsection, nothing in this subsection may be construed to make inapplicable—

“(A) the requirements for admissibility and eligibility; or

“(B) the terms and conditions of admission as a nonimmigrant under section 101(a)(15)(B).”.

SEC. . REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS.

(a) PREFERENCE CATEGORIES.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c), is further amended—

(1) by striking “not to exceed” and inserting “equal to”; and

(2) by adding at the end the following: “If the number of visas issued pursuant to this paragraph is fewer than 87,000, such unused visas may be available for visas issued pursuant to paragraph (1).”.

(b) PARENT VISITOR VISAS.—Section 214(s)(4) of the Immigration and Nationality Act, as added by section 506(b), is amended by striking “7 percent” each place it appears and inserting “5 percent”.

SEC. . EFFECT OF EXTENDED FAMILY ON MERIT-BASED EVALUATION SYSTEM.

Section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502(b)(1), is amended by striking the merit-based evaluation system set forth in all the matter relating to “Extended family” and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen – **10 points**	15
	Adult (21 or older) son or daughter of a legal permanent resident – **10 points**	....
	Sibling of a United States citizen or legal permanent resident – **10 points**	....
	If an alien had applied for a family visa in any of the above categories after May 1, 2005 – **5 points**	....
Total		**105**

SEC. ___. IDENTIFICATION CARD STANDARDS.

(a) Repeal.—Section 306 of this Act is repealed.

(b) Limitation.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109–13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided under this Act to assist States to meet such standards to establish employment authorization or identity in order to be hired by an employer.

TITLE ___—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. _01. REPEAL OF TITLE III.

Title III of this Act is repealed and the amendments made by title III of this Act are null and void.

SEC. 02. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Use of labor through contract.—

"(A) In general.—It is unlawful for an employer to obtain, or continue to obtain, the labor of an alien through a contract, subcontract, or exchange knowing that the alien is, or has become, an unauthorized alien with respect to such employment.

"(B) Rebuttable presumption.—There shall be a rebuttable presumption that the employer has violated subparagraph (A) if the employer fails to terminate such contract or subcontract upon written or electronic notice from the Secretary that such alien is, or has become, an unauthorized alien with respect to such employment.

"(C) Notification.—The Secretary shall establish procedures to permit the notification of employers under subparagraph (B).

"(4) Defense.—

"(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) Order of Internal Review and Certification of Compliance.—

"(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) Attestation by employer.—

"(A) Requirements.—

"(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) Standards for examination.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) Identification documents.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

"(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

"(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

"(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

"(C) Authority to prohibit use of certain documents.—

"(i) Authority.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) Requirement for publication.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) Attestation of employee.—

"(A) Requirements.—

"(i) In general.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) Signature for examination.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) Penalties.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) Retention of attestation.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) Document retention and recordkeeping requirements.—

"(A) Retention of documents.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) In general.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) Other documents.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

"(B) Use of retained documents.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) Penalties.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) No authorization of national identification cards.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) Electronic Employment Verification System.—

"(1) Requirement for system.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

"(B) such individual is eligible for employment in the United States.

"(2) Requirement for participation.—

"(A) New employees.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

"(B) Other employees.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

"(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(1)(21) of the Internal Revenue Code of 1986; and

"(ii) has not been previously verified through the System.

"(3) Other participation in system.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) Requirement to notify.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

"(5) Registration of employers.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) Additional guidance.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) Consequence of failure to participate.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) Design and operation of system.—

"(A) In general.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

"(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) Initial inquiry.—

"(i) Information required.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth;

"(II) the individual's social security account number;

"(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

"(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

"(ii) Submission to system.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

"(C) Initial response.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

"(D) Confirmation or nonconfirmation.—

"(i) Confirmation upon initial inquiry.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

"(ii) Tentative nonconfirmation.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

"(iii) No contest.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

"(iv) Contest.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

"(v) Effective period of tentative nonconfirmation notice.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

"(vi) Effective period of final notice.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

"(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(vii) Prohibition on termination.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

"(viii) Recording of contest resolution.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

“(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(E) RESPONSIBILITIES OF THE SECRETARY.—

“(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

“(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

“(II) a determination of whether the individual is authorized to be employed in the United States.

“(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

“(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

“(I) information about the reason for such notice;

“(II) the right to contest such notice;

“(III) contact information for the appropriate agency and instructions for initiating such contest; and

“(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

“(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

“(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

“(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

“(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

“(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(10) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

“(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

“(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

“(i) the decision rules, processes, or procedures utilized by the System;

“(ii) a natural disaster, or other event beyond the control of the government;

“(iii) acts or omissions of an employee or official operating or responsible for the System;

“(iv) acts or omissions of the individual's employer;

“(v) acts or omissions of the individual; or

“(vi) any other reason.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

“(I) the date which is 180 days thereafter; or

“(II) the day after the date the individual receives a confirmation described in subparagraph (C).

“(11) JUDICIAL REVIEW.—

“(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

“(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

“(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

“(I) the date which is 180 days thereafter; or

“(II) the day after the date the individual receives a reversal described in clause (i).

“(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

“(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

“(B) AUTHORIZATION OF APPROPRIATION OF FUNDS.—There is authorized to be appropriated such sums as may be necessary to provide the compensation or reimbursement provided for under such paragraphs. An appropriation made pursuant to this authorization shall be in addition to any funds otherwise authorized to be appropriated to the Department of Homeland Security.

“(13) LIMITATION ON COLLECTION AND USE OF DATA.—

“(A) LIMITATION ON COLLECTION OF DATA.—

“(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

“(I) information necessary to register employers under paragraph (5);

“(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

“(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

“(IV) information necessary to detect and prevent employment-related identity fraud; and

“(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

“(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

“(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

"(15) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

"(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

"(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

"(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

"(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of $1,000 for each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

"(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

"(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

"(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

"(j) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

"(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

"(l) DEFINITIONS.—In this section:

"(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(c) and (d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(c)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) EEVS DETERMINATIONS.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 01(f)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

"(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

"(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

"(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

"(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.".

(2) AGREEMENT.—Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: "Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).".

(3) DISCLOSURE OF DEATH INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

"(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

"(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

"(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year,

"(IV) who is not authorized to work in the United States, according to the records so maintained, or

"(V) who is not a national of the United States, according to the records so maintained,

and the taxpayer identity of each such employee or recipient.

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

"(i) preventing identity fraud;

"(ii) preventing unauthorized aliens from obtaining employment in the United States;

"(iii) establishing and enforcing employer participation in the System;

"(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

"(v) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

"(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

"(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p) of such Code is amended by adding at the end the following:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

“(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

“(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

“(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

“(D) certifies to the Secretary, for the most recent annual period, that such contractor is in compliance with all such requirements, by submitting the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking “or (20)” and inserting “(20), or (21)”.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: “The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).”.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking “or (17)” both places it appears and inserting “(17), or (21)”; and

(ii) by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting “or paragraph (9)” after “subparagraph (A)”.

(E) Section 7213(a)(2) of such Code is amended by striking “or (20)” and inserting “(20), or (21)”.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. _03. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of United States Immigration and Customs Enforcement personnel during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by United States Immigration and Customs Enforcement personnel is used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. 04. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking “citizen” and inserting “national”.

SEC. _05. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),” after “the individual for employment”; and

(B) in subparagraph (B), by striking “in the case of a protected individual (as defined in paragraph (3)),”; and

(2) by striking paragraph (3) and inserting the following:

“(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

“(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

“(ii) to use the verification system for screening of an applicant prior to an offer of employment;

“(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

“(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

“(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.”.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking “$250 and not more than $2,000” and inserting “$1,000 and not more than $4,000”;

(2) in subclause (II), by striking “$2,000 and not more than $5,000” and inserting “$4,000 and not more than $10,000”;

(3) in subclause (III), by striking “$3,000 and not more than $10,000” and inserting “$6,000 and not more than $20,000”; and

(4) in subclause (IV), by striking “$100 and not more than $1,000” and inserting “$500 and not more than $5,000”.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting “and an additional $40,000,000 for each of fiscal years 2008 through 2010” before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SEC. . DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section

312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

“Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

“(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

“(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

“(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

“(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

“(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

“(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

“(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

“(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

“(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

“(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

“(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

“(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution, the matter after the resolving clause of which is as follows: ‘That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and ________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of , transmitted to Congress by the President on , is hereby approved.’, the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the

Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SEC. ___. IMMIGRATION ENFORCEMENT IMPROVEMENTS.

(a) VISA EXIT TRACKING SYSTEM.—In addition to the border security and other measures described in paragraphs (1) through (6) of section 1(a), the certification required under section 1(a) shall include a statement that the Secretary of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act at designated ports of entry or designated United States consulates abroad.

(b) PROMPT REMOVAL PROCEEDINGS.—Subject to the availability of appropriations, the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under subparagraph (B) (admitted under the terms and conditions of section 214(s)), (H)(ii) (as amended by title IV), or (Y) of section 101(a)(15) of the Immigration and Nationality Act, and who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

(c) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary of Homeland Security submits a written certification under section 1(a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a) and section 1(a); and

(B) indicates the date on which the Secretary intends to submit a written certification under subsection (a) and section 1(a).

(2) GOVERNOR'S RESPONSE.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to Congress that—

(A) analyzes the accuracy of the information received by the Secretary;

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) and section 1(a) will be established, funded, and operational before the Secretary's certification is submitted; and

(C) makes recommendations regarding new border enforcement policies, strategies, and additional programs needed to secure the border.

(3) CONSULTATION.—The Secretary shall consult with any governor who submits a report under subsection (2) before submitting written certification under section 1(a).

(d) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(1) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—In each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in United States Immigration and Customs Enforcement—

(A) to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States;

(B) to investigate immigration fraud; and

(C) to enforce workplace violations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(3) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

(e) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act, as amended by section 111(a), is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by striking subsection (c), as added by section 111(a)(3), and inserting the following:

"(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—The Secretary of Homeland Security shall require an alien entering and departing the United States to provide biometric data and other information relating to the alien's immigration status.

"(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under subparagraph (B) (under the terms and conditions of section 214(s)), (H)(ii), or (Y) of section 101(a)(15) to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

"(2) FAILURE TO RECORD DEPARTURE.—If an alien does not record the alien's departure as required under paragraph (1), the Secretary, not later than 48 hours after the expiration of the alien's period of authorized admission, shall enter the name of the alien into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission.

"(3) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—Consistent with the authority of State and local police to assist the Federal Government in the enforcement of Federal immigration laws, the information in the database described in paragraph (2) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D.".

(f) EFFECTIVE DATE OF AGGRAVATED FELONY SECTION.—

(1) IN GENERAL.—Notwithstanding section 203(b), and except as provided under paragraph (2), the amendments made by section 203(a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION WITH RESPECT TO CONVICTIONS FOR SEXUAL ABUSE OF A MINOR.—Notwithstanding paragraph (1), the amendment made by section 203(a)(2) related to the sexual abuse of a minor shall apply to any conviction for sexual abuse of a minor that occurred before, on, or after the date of the enactment of this Act.

(3) APPLICATION OF IIRAIRA AMENDMENTS.—In accordance with section 203(b)(2) of this Act, the amendments to section 101(a)(43) of

the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 11 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

(g) Increased Criminal Penalties Related to Drunk Driving.—

(1) Inadmissibility.—Section 212(a)(2)(K) of the Immigration and Nationality Act, as added by section 205(a)(1), is amended by inserting "or 2 convictions for driving under the influence under Federal or State law," after "imprisonment,".

(2) Deportability.—Section 237(a)(2)(F) of the Immigration and Nationality Act, as added by section 205(a)(2), is amended by inserting "or 2 convictions for driving under the influence under Federal or State law," after "imprisonment,".

(h) Definition of Criminal Gang.—Section 101(a)(52)(B)(iv) of the Immigration and Nationality Act, as added by section 204(a), is amended by striking "which is punishable by a sentence of imprisonment of 5 years or more,".

(i) Aliens Associated With Criminal Gangs.—

(1) Inadmissibility.—Section 212(a)(2)(F) of the Immigration and Nationality Act, as added by section 204(b), is amended to read as follows:

"(F) Aliens associated with criminal gangs.—

"(i) In general.—An alien is inadmissible if—

"(I) a consular officer, the Secretary of Homeland Security, or the Attorney General knows, or has reason to believe, that the alien is a member of a criminal gang; or

"(II) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

"(ii) Waiver.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's inadmissibility under clause (i).".

(2) Deportability.—Section 237(a)(2) of the Immigration and Nationality Act, as added by section 204(c), is amended to read as follows:

"(F) Aliens associated with criminal gangs.—

"(i) In general.—An alien is deportable if—

"(I) there is a preponderance of the evidence to believe the alien is a member of a criminal gang; or

"(II) there is reasonable ground to believe the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

"(ii) Waiver.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's deportability under clause (i).".

(j) Temporary Protected Status.—Section 244(c)(2)(B) of the Immigration and Nationality Act, as amended by section 204(d), is further amended—

(1) in clause (ii), by striking "or" at the end and inserting a semicolon;

(2) in clause (iii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iv) the alien is a member of a criminal gang.".

(k) Effective Date.—Notwithstanding any other provision of this Act, the amendments made by subsections (i) and (j) of this section and subsections (b), (c), and (d) of section 204 shall apply to—

(1) all aliens required to establish admissibility on or after such date of enactment; and

(2) all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(l) Detention Pending Deportation of Aliens Who Overstay.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226)is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Detention of Aliens Who Exceed the Alien's Period of Authorized Admission.—

"(1) Custody.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

"(2) Waiver.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien.".

SEC. . WORKSITE ENFORCEMENT.

(a) Notification of Expiration of Admission.—Notwithstanding any other provision of this Act, an employer or educational institution shall notify an alien in writing of the expiration of the alien's period of authorized admission not later than 14 days before such eligibility expires.

(b) Unlawful Employment of Aliens.—

(1) In general.—Section 274A(a) of the Immigration and Nationality Act, as amended by section 302(a), is further amended—

(A) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

"(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS.

"(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as are necessary to prevent knowing violations of this paragraph after rulemaking pursuant to section 553 of title 5, United States Code. The Secretary may issue widely disseminated guidelines to clarify and supplement the regulations issued hereunder and disseminate the guidelines broadly in coordination with the Private Sector Office of the Department of Homeland Security."; and

(B) by striking paragraph (6) and inserting the following:

"(6) A rebuttable presumption is created that an employer has acted with knowledge or reckless disregard if the employer is shown by clear and convincing evidence to have materially failed to comply with written standards, procedures or instructions issued by the Secretary. Standards, procedures or instructions issued by the Secretary shall be objective and verifiable.".

(2) Definitions.—Section 274A(b) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by striking paragraph (2) and inserting the following:

"(2) Definition of employer.—In this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for a fee for employment in the United States. Franchised businesses that operate independently do not constitute a single employer solely on the basis of sharing a common brand.

"(3) Definition of critical infrastructure.—In this section, the term 'critical infrastructure' means agencies and departments of the United States, States, their suppliers or contractors, and any other employer whose employees have access as part of their jobs to a government building, military base, nuclear energy site, weapon site, airport, or seaport.".

(3) Management of EEVS.—Section 274A(d)(9)(E)(v) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by adding at the end the following: "The Secretary shall further study the feasibility of providing other alternatives for employers that do not have Internet access.".

(4) Repeat violator.—Section 274A(h)(1) of the Immigration and Nationality Act, as amended by section 302(a), is amended by adding at the end the following: "The Secretary shall define 'repeat violator', as used in this subsection, in a rulemaking that complies with the requirements of section 553 of title 5, United States Code.".

(5) Preemption.—Section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a), is amended by striking paragraph (2) and inserting the following:

"(2) Preemption.—The provisions of this section shall preempt any State or local law that requires the use of the EEVS in a fashion that—

"(A) conflicts with Federal policies, procedures or timetables;

"(B) requires employers to verify whether or not an individual is authorized to work in the United States; or

"(C) imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.".

(c) Authorization of Appropriations.—Notwithstanding the matter preceding subparagraph (A) of section 310(a)(1), there are authorized to be appropriated to the Secretary of Homeland Security, in each of the 2 fiscal years beginning after the date of the enactment of this Act, such sums as may be necessary to annually hire not less than 2,500 personnel of the Department of Homeland Security, who are to be assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities described in subparagraphs (A) through (O) of section 310(a)(1).

SEC. . TEMPORARY WORKER PROGRAM.

(a) H-1B Streamlining and Simplification.—Section 214(g) of the Immigration and Nationality Act, as amended by this Act, is further amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 115,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and "(iii) 180,000 for any fiscal year;"; and

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "The annual numerical limitations described in clause (i) shall not exceed" and inserting "Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:"; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by title IV, is further amended—

(A) by striking paragraph (6), as redesignated by section 409 of this Act, and inserting the following:

"(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

"(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 20,000, has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States;

"(B) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 40,000, has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965); and

"(C) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 50,000—

"(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965; 20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

"(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization."; and

(B) by adding at the end the following:

"(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment-authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or greater than 15 percent of the number of such full-time employees, may file not more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.".

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1)(A) shall apply to any petition or visa application pending on the date of the enactment of this Act and any petition or visa application filed on or after such date.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established under section 502(d).

(c) DOCUMENT REQUIREMENT.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking ", and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) will provide to the H-1B nonimmigrant—

"(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

"(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor."; and

(2) by adding at the end the following:

"(L) An H-1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.".

(d) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall, subject to the availability of appropriations, submit to Congress a fraud risk assessment of the H-1B visa program.

(e) GROUNDS OF INADMISSIBILITY.—Section 218A(f) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) WAIVER.—For a Y nonimmigrant, the Secretary of Homeland Security may waive those provisions of section 212(a) for which the Secretary had discretionary authority to waive before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007.".

(f) TERMINATION.—Section 218A(j) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under paragraph (1)(D) if the alien attests under the penalty of perjury and submits documentation to the satisfaction of the Secretary of Homeland Security that establishes that such unemployment was the result of—

"(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

"(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

"(C) any other period of temporary unemployment that is the direct result of a force majeure event.

"(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall immediately depart the United States.".

(g) REGISTRATION OF DEPARTURE.—Section 218A(k) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking the subsection heading and inserting the following:

"(k) LEAVING THE UNITED STATES.—

"(1) REGISTRATION OF DEPARTURE.—

"(A) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated United States consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

"(B) EFFECT OF FAILURE TO DEPART.—If an alien described in subparagraph (A) fails to depart the United States or to register such departure as required under subsection (j)(3), the Secretary of Homeland Security shall—

"(i) take immediate action to determine the location of the alien; and

"(ii) if the alien is located in the United States, remove the alien from the United States.

"(C) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in subparagraph (A) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 274A.

"(2) VISITS OUTSIDE THE UNITED STATES.—".

(h) OVERSTAY.—Section 218A(o) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraph (2) and inserting the following:

"(2) Except as provided in paragraph (3) or (4), any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is permanently barred from any future benefits under Federal immigration law.".

SEC. ___. IMMIGRATION BENEFITS.

(a) NUMERICAL LIMITS.—Section 201(d)(1)(A) of the Immigration and Nationality Act, as amended by section 501(b), is further amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking "Section 502(d) of the [Insert title of Act]." and inserting "section 502(d) of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007;"; and

(3) by adding at the end the following:

"(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1) on January 1, 2007; and

"(iv) the remaining visas shall be allocated as follows:

"(I) In fiscal years 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.".

(b) MERIT-BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act, as amended by section 502(b)(1) of this

Act, is further amended by adding at the end the following:

"(G) Any employer desiring and intending to employ within the United States an alien qualified under subparagraph (A) may file a petition with the Secretary of Homeland Security for such classification.

"(H) The Secretary shall collect applications and petitions not later than July 1 of each fiscal year and shall adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit-based threshold is insufficient for the number of visas available that year, the Secretary may continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.".

(c) EFFECTIVE DATE FOR PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Notwithstanding the provisions under section 502(d)(2)—

(1) petitions for an employment-based visa filed for classification under paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (as such paragraphs existed on the date before the date of the enactment of this Act) that were filed before the date on which this Act was introduced and were pending or approved on the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa;

(2) the beneficiary, who has been classified as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed;

(3) the application for adjustment of status filed under paragraph (2) shall not be approved until an immigrant visa becomes available; and

(4) aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(d) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b), is amended—

(1) in paragraph (2)(B), by striking "$1,000, which shall be forfeit" and inserting "$2,500, which shall be forfeited"; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

"(A) may not stay in the United States, within any calendar year—

"(i) in the case of a spouse or child sponsored by a nonimmigrant described in section 101(a)(15)(Y)(i), for an aggregate period in excess of 30 days; and

"(ii) in the case of a parent sponsored by a United States citizen child, for an aggregate period in excess of 100 days;".

SEC. . Z NONIMMIGRANT STATUS.

(a) APPLICATION AND BACKGROUND CHECKS.—Notwithstanding any provision of section 601(g) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) the application forms created pursuant to section 601(g)(1) of this Act and section 214A(d) of the Immigration and Nationality Act shall request such information as the Secretary determines necessary and appropriate, including information concerning the alien's—

(A) physical and mental health;

(B) complete criminal history, including all arrests and dispositions;

(C) gang membership;

(D) immigration history;

(E) employment history; and

(F) claims to United States citizenship; and

(2) the Secretary shall utilize fingerprints and other biometric data provided by the alien pursuant to section 601(g)(3)(A) and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under section 601 of this Act or section 214A of the Immigration and Nationality Act; and

(3) appropriate background checks conducted pursuant to paragraph (2) for applicants determined to be from countries designated as state sponsors of terrorism or for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States shall include—

(A) other appropriate background checks involving databases operated by the Department of State and other national security databases; and

(B) other appropriate procedures used to conduct terrorism and national security background investigations.

(b) PROBATIONARY BENEFITS.—Notwithstanding any provision of section 601(h) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) no probationary benefits described in section 601(h)(1) of this Act or section 214A(d)(7) of the Immigration and Nationality Act may be granted to any alien unless the alien passes all appropriate background checks under such section;

(2) an alien awaiting adjudication of the alien's application for probationary status under such sections shall not be considered unauthorized to work pending the granting or denial of such status; and

(3) the term unauthorized alien, for purposes of such section, has the meaning set forth in section 274A(b) of the Immigration and Nationality Act, as added by section 302(a) of this Act.

(c) RETURN HOME REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of title VI, an alien who is applying for a Z-1 nonimmigrant visa under section 601 shall not be eligible for such status until the alien, in addition to the requirements described in such section, has completed the following requirements:

(A) The alien shall demonstrate that the alien departed from the United States and received a home return certification of such departure from a United States consular office in order to complete the alien's application for Z status. The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop an appropriate certification for such purposes.

(B) The certification provided under subparagraph (A) shall be obtained not later than 3 years after the date on which the alien was granted probationary status. Failure to obtain such certification shall terminate the alien's eligibility for Z status for a Z-1 applicant and the eligibility of the applicant's derivative Z-2 or Z-3 applicants pursuant to section 601.

(C) Unless otherwise authorized, an applicant for a Z-1 nonimmigrant visa shall file a home return supplement to the alien's application for Z status at a consular office in the alien's country of origin. The Secretary of State may direct a consular office in a country that is not a Z nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, if the Z nonimmigrant's country of origin is not contiguous to the United States, to the extent made possible by consular resources.

(2) RULEMAKING.—The Secretary of Homeland Security shall promulgate regulations to ensure a secure means for Z applicants to fulfill the requirements under paragraph (1).

(3) CLARIFICATION.—Notwithstanding any other provision of this Act, The return home requirement described in paragraph (1) shall be the sole return home requirement for Z-1 nonimmigrants.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z-A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z-A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) MANDATORY DISCLOSURE OF INFORMATION.—The provisions of section 604 shall apply to the information provided pursuant to the process established under this section.

(e) PERJURY AND FALSE STATEMENTS.—Notwithstanding any other provision of this Act, all application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(f) FRAUD PREVENTION PROGRAM.—Notwithstanding any other provision of this Act, the head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall, subject to available appropriations, develop an administrative program to prevent fraud within or upon such program or authority. Such program shall provide for fraud prevention training for the relevant administrative adjudicators within the department and such other measures as the head of the department may provide.

(g) ELIGIBILITY FOR MILITARY SERVICE.—In addition to the benefits described in subparagraphs (A) through (D) of section 601(h)(1), an alien described in such section shall be eligible to serve as a member of the Uniformed Services of the United States.

SEC. . GOVERNMENT CONTRACTS.

(a) GOVERNMENT CONTRACTS.—Section 274A(h) of the Immigration and Nationality Act, as amended by section 302 of this Act, is further amended by striking paragraphs (1) and (2) and inserting the following:

"(1) EMPLOYERS.—

"(A) IN GENERAL.—If an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

"(2) CONTRACTORS AND RECIPIENTS.—

"(A) IN GENERAL.—If an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.".

(b) LIMIT ON PERCENTAGE OF H–1B AND L EMPLOYEES.—Subparagraph (I) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as added by section 420(d), is amended to read as follows:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).".

(c) WAGE DETERMINATION FOR H–1B NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(p)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(3)) is amended by adding at the end the following sentence: "The wage rate required under subsections (n)(1)(A)(i)(II) and (t)(1)(A)(i)(II) shall be determined and issued by the Secretary of Labor, pursuant to a request from an employer filing a labor condition application with the Secretary for purposes of those subsections and as part of the adjudication of such application. The Secretary shall respond to such a request within 14 days.".

(2) LABOR CONDITION APPLICATIONS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i) the following new clauses:

"(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate;

"(iii) in no instance will pay more than 30 percent of the H–1B nonimmigrants employed by the employer wages equivalent to the lowest wage level under section 212(p)(4); and".

(3) NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended in paragraph (1)(A) of the first subsection (t) (as added by section 402(b)(2) of Public Law 108–77 (117 Stat. 941))—

(A) in clause (i), by striking "and" at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i) the following new clause:

"(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate; and".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(d) PROHIBITION ON OUTPLACEMENT OF H–1B NONIMMIGRANTS.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this Act, is further amended—

(A) in paragraph (1), by amending subparagraph (F), as amended by section 420, to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer where there are indicia of an employment relationship between the nonimmigrant and such other employer unless the employer of the alien has been granted a waiver under paragraph (2)(E)."; and

(B) in paragraph (2), by amending subparagraph (E), as amended by section 420, to read as follows:

"(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

"(i) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

"(ii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

"(iii) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.".

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(e) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided"; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

"(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and".

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

"(B) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

"(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.".

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(f) WAGE DETERMINATION FOR L NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the prevailing wage level for the occupational classification in the area of employment; or

"(bb) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) Effective date.—The amendment made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(g) Prohibition on Outplacement of L Nonimmigrants.—

(1) In general.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

"(M)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer where there are indicia of an employment relationship between the alien and such other employer unless the employer of the alien has been granted a waiver under clause (ii).

"(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

"(I) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

"(II) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

"(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.".

(2) Application.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(c)(2)(M)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SEC. . H–1B PROVISIONS.

(a) Repeal of Certain Temporary Worker Provisions.—The following amendments are null and void and have no effect:

(1) The amendments to subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) made by subsection (c) of section 418 of this Act.

(2) The amendments to subsection (h) of such section 214 made by subsection (d) of such section 418.

(3) The amendments to subsection (g) of such section 214 made by subsection (a) of section 419 of this Act.

(4) The amendments to paragraph (2) of subsection (i) of such made by subsection (b) such of section 419.

(b) Granting Dual Intent to Certain Nonimmigrant Students.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by striking "(H)(i)(b) or (c)," and inserting "(F)(iv), (H)(i)(b), (H)(i)(c),"; and

(2) by striking "if the alien had obtained a change of status" and inserting "if the alien had been admitted as, provided status as, or obtained a change of status".

(c) H–1B Amendments.—Subsection (g) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 15,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year;";

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "The annual numerical limitations described in clause (i) shall not exceed" and inserting "Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(d) Ensuring Access to Skilled Workers in Specialty Occupations.—

(1) In general.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

"(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

"(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

"(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

"(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

"(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

"(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.".

(e) Employer Requirement.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

"(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.".

(f) Applicability.—The amendment made by subsection (d) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subsection (e) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

(g) Document Requirement.—Paragraph (1) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by this Act, is further amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following:

"(iii) will provide to the H–1B non-immigrant—

"(I) a copy of each application filed on behalf of the n nonimmigrant under this section; and

"(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.";

(2) by adding at the end the following:

"(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.".

(h) Fraud Assessment.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

(i) Merit-Based Immigrants.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 11519(d)), as amended by section 501(b) to is amended to read as follows:

"(d) Worldwide Level of Merit-Based, Special, and Employment Creation Immigrants.—

"(1) In general.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection for a fiscal year—

"(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which—

"(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y);

"(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of section 502(d) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

"(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

"(iv) the remaining visas be allocated as follows:

"(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.".

(j) Amendments to Merit-Based Immigrant Provisions.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as amended by section 502(b), is further amended in paragraph (1) by adding at the end the following new subparagraphs:

"(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

"(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.".

(k) Effective Date.—

(1) Repeal.—Paragraph (2) of section 502(d) is null and void and shall have no effect.

(2) Pending and Approved Petitions and Applications.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of section 502) that were pending or approved at the time of the effective date of section 502, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SEC. . INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The certification submitted under section 1(a) shall include a statement that the Secretary of Homeland Security has promulgated a regulation stating that no person, agency, or Federal, State, or local government entity may prohibit a law enforcement officer from acquiring information regarding the immigration status of any individual if the officer seeking such information has probable cause to believe that the individual is not lawfully present in the United States.

(b) Rule of Construction.—Nothing in subsection (a) may be construed—

(1) to limit the acquisition of information as otherwise provided by law; or

(2) to require a person to disclose information regarding an individual's immigration status prior to the provision of medical or education services.

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) Authorization of Fee.—

(1) In general.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) Fees contingent on appropriations.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) Deposit and Expenditure of Fees.—

(1) Deposit.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) Availability of fees.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. . INCLUSION OF PROBATIONARY BENEFITS IN TRIGGER PROVISION.

Notwithstanding section 1(a), no probationary benefit authorized under section 601(h) may be issued to an alien until after section 1 has been implemented.

SEC. ___. CERTIFICATION REQUIREMENT.

(a) In General.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) Effect of Mass Layoff.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) Exemption.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

TITLE —STRENGTHENING AMERICAN CITIZENSHIP

SEC. _01. SHORT TITLE.

This title may be cited as the "Secure Borders, Economic Opportunity and Immigration Reform Act of 2007".

SEC. _02. DEFINITION.

In this title, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section _31(a)(2).

Subtitle A—Learning English

SEC. _11. ENGLISH FLUENCY.

(a) Education Grants.—

(1) Establishment.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) Use of funds.—Grant funds awarded under this subsection shall be paid directly

to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

SEC. _12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section _31(b)).

Subtitle B—Education About the American Way of Life

SEC. 21. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section _22(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. 24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. _31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(2) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. _41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 42. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SEC. . EMPLOYER OBLIGATION TO DOCUMENT COMPARABLE JOB OPPORTUNITIES.

(a) IN GENERAL.—Section 218B(b) of the Immigration and Nationality Act, as added by section 403 of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and insert "; and"; and

(C) by adding at the end the following:

"(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y-1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

"(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

"(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1), the following:

"(2) PENALTY FOR FAILURE TO DOCUMENT COMPLIANCE.—The failure of an employer to document compliance with paragraph (1)(E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under paragraph (1)(E) in communications with employers, and encourage State agencies to also publicize such requirement, to help employers become aware of and comply with such requirement in a timely manner.".

(b) DEFINITION OF EMPLOYER.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), as amended by subsection (a) of the first section 302 (relating to unlawful employment of aliens), is further amended by striking paragraph (2).

SEC. . TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

"(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

"(B) has remained in the United States as of the date of the enactment of this paragraph.".

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SEC. . PREEMPTION.

In section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a) of this Act, strike paragraph (2) and insert the following:

"(2) PREEMPTION.—This section preempts any State or local law that—

"(A) requires the use of the EEVS in a manner that—

"(i) conflicts with any Federal policy, procedure, or timetable; or

"(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

"(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

"(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority; or

"(ii) shall carry out any other activity to facilitate the employment by others of—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority.".

SEC. ___. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking "; or" and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting "; or"; and

(iii) by adding at the end the following:

"(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act."; and

(B) in subparagraph (D)(i), by striking "may" and inserting "shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,"; and

(2) in subsection (d)(9)(B)(v)(I), by striking "as specified in (D)" and inserting "as specified in subparagraph (D), including photographs and any other biometric information as may be required".

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: "As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card."

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) by striking subsections (c) and (d), as added by section 607, and inserting the following:

"(c) The criterion specified in this subsection is that the individual, if not a citizen or national of the United States—

"(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements under subclause (I) or (III) of section 205(c)(2)(B)(i); or

"(2) at the time any such quarters of coverage are earned—

"(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

"(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)); and

"(C) the business engaged in, or service as a crewman performed, is within the scope of the terms of such individual's admission to the United States.

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e)(3) of such Act, as added by section 607(b)(3), is amended—

(1) by inserting "who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007" after "earnings of an individual";

(2) by striking "for any year"; and

(3) by striking "section 214(c)" and inserting "section 214(d)".

(c) EFFECTIVE DATE.—Notwithstanding section 607(c), the amendments made by this section and by section 607 shall take effect on the date of the enactment of this Act.

SEC. ___. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) of the Immigration and Nationality Act is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

"(W) subject to section 214(s), an alien—

"(i) who the Secretary of Homeland Security determines—

"(I) is a scholar; and

"(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

"(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;".

(b) CONDITIONS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act, is further amended by adding at the end the following:

"(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien demonstrates that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

"(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

"(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

"(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

"(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

"(5) DURATION OF STATUS.—

"(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

"(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 addi+tional 2-year period.".

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(d) INFORMATION SHARING.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240D, as added by section 223(a) of this Act, the following:

"SEC. 240E. INFORMATION SHARING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Consistent with the authority of State and local law enforcement agencies and political subdivisions to assist the Federal Government in the enforcement of Federal immigration laws, the Secretary of Homeland Security or the Attorney General may make available information collected and maintained pursuant to any provision of this Act. Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(b) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(c) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (a)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be equal to—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (b) and the time of transfer into Federal custody.

"(d) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(e) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (b), into Federal custody.

"(f) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary may not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(g) PROVISION OF INFORMATION TO NATIONAL CRIME INFORMATION CENTER.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

"(A) against whom a final order of removal has been issued;

"(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) or (b)(2) of section 240B or who has violated a condition of a voluntary departure agreement under section 240B;

"(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

"(D) whose visa has been revoked.

"(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

"(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and for each subsequent fiscal year for the detention and removal of aliens who are not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

(f) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: "regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or".

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character." and inserting "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(g) PENDING PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(h) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) of such Act (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(i) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "In any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(j) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(k) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking "the Attorney General if'' and all that follows and inserting "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(l) DISTRICT COURT JURISDICTION.—Section 336(b) of the Immigration and Nationality Act (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

SEC. . REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall constantly report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 26 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a).

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

TITLE — MISCELLANEOUS

Subtitle A—Other Matters

SEC. ___. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b), is further amended by adding at the end the following:

"(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

"(A) primary care physicians and physicians practicing specialty medicine; and

"(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

"(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

"(ii) a Mental Health Professional Shortage Area;

"(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

"(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

"(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 1395l(u)(4))).

"(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).".

(b) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Alien physicians who have completed service requirements under section 214(l).".

SEC. . REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than February 1, 2008, and each year thereafter through 2011, the Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the fiscal year preceding the report, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview to occur not more than 30 days following the submission of a visa application.

SEC. ___. REPEAL OF SPECIAL RULE FOR ALIENS TO PROVIDE MEDICAL SERVICES.

The amendments made by paragraph (3) of section 425(h) are null and void and shall have no effect.

SEC. ___. TECHNICAL CORRECTION TO QUALIFICATIONS FOR CERTAIN IMMIGRANTS.

(a) REPEAL OF TECHNICAL AMENDMENT.—The amendment made by paragraph (6) of subsection (e) of the first section 502 (relating to increasing American competitiveness through a merit-based evaluation system for immigrants) is null and void and shall have no effect.

(b) REPEAL OF LABOR CERTIFICATION REQUIREMENT.—Paragraph (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. ___. TECHNICAL CORRECTIONS TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, "Border tunnels and passages", and inserting the following:

"555. Border tunnels and passages.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking "554" and inserting "555".

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking "554" and inserting "555".

SEC. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "Any person" and inserting the following:

"(i) Except as provided in clause (ii), any person"; and

(B) by adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

SEC. ___. REPORTS ON BACKGROUND AND SECURITY CHECKS.

(a) REPEAL OF REPORT REQUIREMENT.—The requirement set out in subsection (c) of section 216 that the Director of the Federal Bureau of Investigation shall submit the report described in such subsection is null and void and shall have no effect.

(b) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by United States Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a description of the obstacles that impede the timely completion of such background checks;

(E) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(F) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks; and

(D) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SEC. ___. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) VISA APPLICATION INTERVIEWS.—

"(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

"(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

"(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

"(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

"(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.".

SEC. ___. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.

Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SEC. ___. REPEAL OF ENGLISH LEARNING PROGRAM.

The requirements of section 711 are null and void and such section shall have no effect.

SEC. . REPEAL OF AUTHORIZATION OF ADDITIONAL PORTS OF ENTRY.

The requirements of the first section 104 (relating to ports entry) are null and void and such section shall have no effect.

SEC. ___. LIMITATION ON SECURE COMMUNICATION REQUIREMENT.

Notwithstanding section 123, the Secretary may develop and implement the plan described in such section only subject to the availability of appropriations for such purpose.

SEC. ___. DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.

Notwithstanding clause (ii) of subsection (e)(6)(E) of the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), the fees collected under subparagraph (C) of subsection (e)(6) of such section 601 shall be deposited in the State Impact Assistance Account established under the first subsection (x) (relating to the State Impact Assistance Account) of section 286 of the Immigration and Nationality Act, as added by subsection (b) of the first section 402 (relating to admission of nonimmigrant workers), and used for the purposes described in such section 286(x).

SEC. ___. ADDITIONAL REQUIREMENTS FOR THE BORDER PATROL TRAINING CAPACITY REVIEW.

(a) ADDITIONAL COMPONENT OF REVIEW.—The review conducted under subsection (a) of section 128 shall include an evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of border patrol agents.

(b) CONSIDERATIONS.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled "Homeland Security: Information on Training New Border Patrol Agents" and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(c) CONSULTATION.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SEC. ___. Y-2B VISA ALLOCATION BETWEEN THE FIRST AND SECOND HALVES OF EACH FISCAL YEAR.

(a) NUMERICAL LIMITATIONS.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 409(1), is further amended in subparagraph (D) by striking "101(a)(15)(Y)(ii)(II)" and inserting "101(a)(15)(Y)(ii)".

(b) TECHNICAL CORRECTION.—

(1) REPEAL.—The amendment made by paragraph (3) of section 409 shall be null and void and shall have no effect.

(2) CORRECTION.—Paragraph (10)(A) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by paragraph (2) of section 409, is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.".

(c) ALLOCATION.—Paragraph (11) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409(2), is amended—

(1) by inserting "(A)" before "The"; and

(2) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.".

SEC. . H-2A STATUS FOR FISH ROE PROCESSORS AND TECHNICIANS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting "for employment as a fish roe processor or fish roe technician or" before "to perform agricultural labor or services".

SEC. . AUTHORITY FOR ALIENS WITH PROBATIONARY Z NONIMMIGRANT STATUS TO SERVE IN THE ARMED FORCES.

An alien who files an application for Z nonimmigrant status shall under the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), upon submission of any evidence required under paragraphs (f) and (g) of such section 601 and after the Secretary of Homeland Security has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible shall be eligible to serve as a member of the Armed Forces of the United States.

SEC. . CONSULTATION WITH CONGRESS.

Notwithstanding subsection (a) of the first section 1 (relating to effective date triggers), the certification by the Secretary of Homeland Security under such subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

SEC. ___. PILOT PROGRAM RELATED MEDICAL SERVICES IN UNDERSERVED AREAS.

Clause (iii) of section 214(l)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), is amended by striking subclause (I) and inserting the following:

"(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

"(aa) 15; or

"(bb) the number of the waivers received by the State in the previous fiscal year;".

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. The primary function of the satellite office shall be to prosecute and deter criminal activities associated with illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SEC. ___. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other prescreening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.".

SEC. . WORKING CONDITIONS FOR Y NONIMMIGRANTS.

Paragraph (1) of subsection (c) of section 218B of the Immigration and Nationality Act, as added by section 403, is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C), the following:

"(D) WORKING CONDITIONS.—Y nonimmigrants will be provided the same working conditions and benefits as similarly employed United States workers.".

SEC. ___. MATTERS RELATED TO TRIBES.

(a) BORDER SECURITY ON CERTAIN FEDERAL LANDS.—

(1) REPEAL OF REQUIREMENTS.—Subparagraph (B) of section 122(b)(1) shall be null and void and have no effect.

(2) TRAINING REQUIREMENTS.—In addition to the requirements of subparagraphs (A) and (C) of section 122(b), to gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned (as that term is defined in section 122(a), shall provide Federal land resource, sacred sites, and Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (commonly referred to as NAGPRA) training for U.S. Customs and Border Protection agents dedicated to protected land (as that term is defined in section 122(a)).

(b) BORDER RELIEF GRANT PROGRAM.—

(1) REPEAL OF DEFINITION.—Paragraph (2) of subsection (d) of section 132 shall be null and void and have no effect.

(2) HIGH IMPACT AREA DEFINED.—For the purposes of section 132, the term "High Impact Area" means any county or Indian reservation designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United State border and the rise, if any, of criminal activity in that county or Indian reservation; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(c) NATIONAL LAND BORDER SECURITY PLAN.—Notwithstanding subsection (a) of section 134, the Secretary of Homeland Security shall consult with representatives of Tribal law enforcement prior to submitting to Congress the National Land Border Security Plan required by such subsection.

(d) REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.—Notwithstanding paragraph (2) of subsection (c) of section 219, the report required by such subsection shall not include the material described in such paragraph.

SEC. . EB-5 REGIONAL CENTER PROGRAM.

Paragraph (3) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as redesignated and amended by section 502(b)(3) of this Act, is further amended—

(1) by striking "2,800" and inserting "10,000"; and

(2) by striking "1,500" and inserting "7,500".

Subtitle B—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. 2. PURPOSE.

The purpose of this subtitle is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this subtitle as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the latter of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this subtitle.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section ___3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. ___7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Amendments Related to the AgJOBS Act of 2007

SEC. 1. EVIDENCE OF IDENTITY AND WORK AUTHORIZATION.

Clause (iii) of section 274A(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(c)(1)(B)), as amended by section 302, is further amended inserting "or Z-A visa." at the end.

SEC. ___2. TECHNICAL CORRECTION.

Paragraph (1) of section 218C(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking "218E, 218F, and 218G" and inserting "218D and 218E".

SEC. ___3. H-2A EMPLOYMENT REQUIREMENTS.

(a) TECHNICAL CORRECTION TO REQUIREMENTS FOR MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Subsection (b) of section 218D of the Immigration and Nationality Act, as added by section 404, is amended in the matter preceding paragraph (1) by striking "218C(b)(2)" and inserting "218C(a)".

(b) LIMITATION ON REQUIRED WAGES.—Paragraph (3) of such section 218D(b) is further amended by striking subparagraph (B) and inserting the following:

"(B) LIMITATION.—Effective on the date of the enactment of section 404 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.".

(c) RANGE PRODUCTION OF LIVESTOCK.—Section 218D of the Immigration and Nationality Act, as added by section 404, is amended by striking subsection (e) and inserting the following:

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.".

(d) EVIDENCE OF NONIMMIGRANT STATUS.—Such section 218D is further amended by striking subsection (f).

SEC. ___4. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

(a) IDENTIFICATION DOCUMENT.—Paragraph (2) of subsection (g) of section 218E of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) The document shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States;

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses;

"(iii) shall, during the alien's authorized period of admission as an H–2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

"(I) instead of a passport and visa if the alien—

"(aa) is a national of a foreign territory contiguous to the United States; and

"(bb) is applying for admission at a land border port of entry; or

"(II) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(iv) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(v) shall be issued to the H–2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H–2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.".

(b) SPECIAL RULES.—Such section 218E is further amended by striking subsection (i) and inserting the following:

"(i) SPECIAL RULE FOR ALIENS EMPLOYED AS SHEEPHERDER OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

"(1) may be admitted for a period of up to 3 years;

"(2) shall be subject to readmission; and

"(3) shall not be subject to the requirements of subsection (h)(4).".

"(j) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

"(1) may be admitted for a period of up to 3 years;

"(2) may not be extended beyond 3 years;

"(3) shall not be subject to the requirements of subsection (h)(4)(A); and

"(4) shall not after such 3 year period has expired be readmitted to the United States as an H–2A or Y–1 worker.".

SEC. ___5. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

Paragraph (7) of section 218F(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraph (C).

SEC. 6. DEFINITIONS.

(a) SEASONAL.—Section 218G of the Immigration and Nationality Act, as added by section 404, is amended by striking paragraph (11) and inserting the following:

"(11) SEASONAL.—

"(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

"(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

"(B) EXCEPTION.—Labor performed on a dairy farm or on a horse farm shall be considered to be seasonal labor."

(b) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), as amended by subsection (c) of section 404, is further amended, by striking "dairy farm," and inserting "dairy farm or horse farm,".

SEC. 7. ADMISSION OF AGRICULTURAL WORKERS.

(a) LIMITATION ON ACCESS TO INFORMATION.—Subsection (d) of section 214A of the Immigration and Nationality Act, as added by section 622(b), is amended by striking paragraph (6), and insert the following:

"(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to section 604.".

(b) TERMS OF EMPLOYMENT.—Subsection (h)(3)(b) of such section 214A is amended by striking clause (iv) and inserting the following:

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z-A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (j)(1)(A).".

(c) RECORD OF EMPLOYMENT.—Subsection (h)(4) of such section 214A is amended by striking subparagraph (B) and inserting the following:

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted Z–A nonimmigrant status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(iii) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations requiring an alien granted Z–A nonimmigrant status to file a report by the conclusion of the 4-year period beginning on the date of enactment showing that the alien is making satisfactory progress toward complying with the requirements of subsection (j)(1)(A).".

(d) TERMINATION OF A GRANT OF Z–A VISA.—Subsection (i) of such section 214A is amended by striking paragraph (3).

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—Paragraph (1) of subsection (j) of such section 214A is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) change status to Z nonimmigrant status pursuant to section 601(l)(1)(B) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, provided that the alien also complies with the requirements for second renewal described in section 601(k)(2) of such Act, except for sections 601(k)(2)(B)(i) and (iii).

"(D) FINE.—The alien pays to the Secretary a fine of $400.".

(f) ENGLISH LANGUAGE.—Paragraph (6) of such subsection (j) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or is renewed under section 601(l)(1)(B), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in paragraphs (1) and (2) of section 312(a).".

(g) ELIGIBILITY FOR LEGAL SERVICES.—Such section 214A is amended by striking subsection (m) and inserting the following:

"(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321–53) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (d) or an adjustment of status under subsection (j).".

SEC. ___8. EFFECTIVE DATE.

Subsection (a) of section 1 in the material preceding paragraph (1) shall be deemed to read as follows:

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, section 214A(d) of the Immigration and Nationality Act, as added by section 622, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —U.S. BORDER HEALTH

SEC. _01. SHORT TITLE.

This title may be cited as the "Border Health Security Act of 2007".

SEC. _02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 03. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. _04. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. _05. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

SEC. _06. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats; disasters of mass scale, or bioterrorism along the border area.

SEC. _07. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. 08. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

"(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.".

SA 1936. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 454, strike line 3 and all that follows to line 16, and insert the following:

"Notwithstanding any other provision of this Act,

"(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

"(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

"(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.

"(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

"(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

"(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2-year work periods).".

SA 1937. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place at the end of section 409, insert the following:

"Notwithstanding any other provision of this Act,

"(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

"(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

"(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2-year work periods).".

SA 1938. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 454, strike line 3 and all that follows to line 16, and insert the following:

"Notwithstanding any other provision of this Act,

"(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

"(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

"(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.".

SA 1939. Mr.. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 12 and 13, insert the following:

(s) Numerical Limitation.—Notwithstanding any other provision of this Act, not more than 13,000,000 visas authorized to be issued under this title may be issued to aliens described under section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SA 1940. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 12 and 13, insert the following:

(s) Numerical Limitation.—Section 214(g) (8 U.S.C. 1184(g)), as amended by title IV, is further amended by adding at the end the following:

"(13) Notwithstanding any provision of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, not more than 13,000,000 visas authorized to be issued under title VI of such Act may be issued to aliens described under section 101(a)(15)(Z).".

SA 1941. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 668, between lines 12 and 13, insert the following:

Subtitle D—Self-Sufficiency

SEC. 631. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

(a) In General.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 213A the following:

"SEC. 213B. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

"(a) In General.—In addition to the eligibility requirements under section 601(e) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien applying for Z nonimmigrant status under section 601 of such Act shall submit a signed a guarantee of self-sufficiency in accordance with this section.

"(b) Enforceability.—

"(1) In general.—No guarantee of self-sufficiency may be accepted by the Secretary or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such guarantee is executed as a contract—

"(A) which is legally enforceable against the guarantor of self-sufficiency by the alien seeking immigration benefits, the Federal Government, and by any State (or any political subdivision of such State) providing any means-tested public benefits program during the 10-year period beginning on the date on which the alien last received any such immigration benefit;

"(B) in which the guarantor of self-sufficiency agrees to financially support the alien to prevent the alien from becoming a public charge; and

"(C) in which the guarantor of self-sufficiency agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

"(2) Scope.—A contract under paragraph (1) shall be enforceable with respect to means-tested public benefits (other than the benefits described in subsection (g)) provided to the alien before the alien is naturalized as a United States citizen under chapter 2 of title III.

"(c) Forms.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall develop a form of guarantee of self-sufficiency that is consistent with the provisions under this section.

"(d) Remedies.—

"(1) In general.—Remedies available to enforce a guarantee of self-sufficiency under this section include—

"(A) any of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code;

"(B) an order for specific performance and payment of legal fees and other costs of collection; and

"(C) corresponding remedies available under State law.

"(2) Collection.—A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

"(e) Notification of Change of Address.—

"(1) In general.—The guarantor of self-sufficiency shall notify the Secretary and the State in which the guaranteed alien is a resident not later than 30 days after any change of address of the guarantor of self-sufficiency during the period specified in subsection (b)(2).

"(2) Penalty.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

"(A) not less than $25,000 and not more than $50,000; or

"(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than $50,000 or more than $100,000.

"(f) Reimbursement of Government Expenses.—

"(1) Request.—

"(A) In general.—Upon notification that a guaranteed alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the guarantor of self-sufficiency equal to the amount of assistance received by such alien.

"(B) Rulemaking.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

"(2) Civil action.—If the appropriate Federal, State, or local agency has not received a response from the guarantor of self-sufficiency within 45 days after requesting reimbursement, which indicates that such guarantor is willing to commence payments, an action may be brought against the guarantor of self-sufficiency to enforce the terms of the guarantee of self-sufficiency.

"(3) Failure to comply with repayment terms.—If the guarantor of self-sufficiency fails to comply with the repayment terms established by such agency, the agency may, not earlier than 60 days after such failure, bring an action against the guarantor of self-sufficiency pursuant to the affidavit of support.

"(4) Statute of limitations.—No cause of action may be brought under this subsection later than 50 years after the alien last received a benefit under any means-tested public benefits program.

"(5) Collection agencies.—If a Federal, State, or local agency requests reimbursement under this subsection from the guarantor of self-sufficiency in the amount of assistance provided, or brings an action against the guarantor of self-sufficiency pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a guarantor of self-sufficiency for the amount of assistance provided, or from bringing an action against a guarantor of self-sufficiency pursuant to an affidavit of support.

"(g) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—A guarantor shall not be liable under this section for the reimbursement of any of the following benefits provided to a guaranteed alien:

"(1) Emergency medical services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2) Short-term, non-cash, in-kind emergency disaster relief.

"(3) Assistance or benefits under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(4) Assistance or benefits under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

"(6) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 4403 of this Act.

"(7) Programs, services, or assistance (including soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which—'

"(A) deliver in-kind services at the community level, including through public or private nonprofit agencies;

"(B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

"(C) are necessary for the protection of life or safety.

"(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

"(9) Benefits under the Head Start Act (42 U.S.C. 9831 et seq.).

"(10) Means-tested programs under the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

"(11) Benefits under the Job Training Partnership Act (Public Law 97–300).

"(h) DEFINITIONS.—In this section:

"(1) GUARANTOR OF SELF-SUFFICIENCY.—The term 'guarantor' means an individual who—

"(A) seeks a benefit under title IV or VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or under any amendment made under either such title;

"(B) is at least 18 years of age; and

"(C) is domiciled in any of the 50 States or in the District of Columbia.

"(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, food assistance, and social services) administered by the Federal Government, a State, or a political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program or the amount of such benefits is determined on the basis of income, resources, or financial need of the individual, household, or unit.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 213A the following:

"Sec. 213B. Requirement for guarantee of self-sufficiency.".

SA 1942. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 311, strike line 17 and all that follows through page 315, line 14, and insert the following:

"(f) GROUNDS OF INADMISSIBILITY.—

"(1) WAIVED GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility as a Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

"(2) WAIVER.—The Secretary may in the Secretary's discretion waive the application of any provision of section 212(a) not listed in paragraph (2) of such section on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a).

"(g) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking a Y nonimmigrant visa or Y nonimmigrant status unless all appropriate background checks have been completed to the satisfaction of the Secretary of State and the Secretary of Homeland Security.

"(h) GROUNDS OF INELIGIBILITY.—

"(1) IN GENERAL.—An alien is ineligible for a Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

"(2) INELIGIBILITY OF DERIVATIVE Y–3 NONIMMIGRANTS.—An alien is ineligible for Y–3 nonimmigrant status if the principal Y nonimmigrant is ineligible under paragraph (1).

"(3) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

"(i) PERIOD OF AUTHORIZED ADMISSION.—

"(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

"(A) Y–1 NONIMMIGRANTS.—Except as provided in paragraph (2), aliens granted admission as Y–1 nonimmigrants shall be granted an authorized period of admission of 2 years. Subject to paragraph (4), such 2-year period of admission may be extended for an indefinite number of subsequent 2-year periods if the alien remains outside the United States for the 12-month period immediately prior to each 2-year period of admission.

"(B) Y–2B NONIMMIGRANTS.—Aliens granted admission as Y–2B nonimmigrants shall be granted an authorized period of admission of 10 months.

"(2) FAMILY MEMBERS.—A Y–1 nonimmigrant—

"(A) may not be accompanied by the nonimmigrant's spouse or other dependants while in the United States under Y–1 nonimmigrant status; and

"(B) may not sponsor a family member to enter the United States through a 'parent visitor visa' authorized under section 214(s).

SA 1943. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 137, on line 25, strike "." and insert the following:

'; or

'(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States."

SA 1944. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 663, line 7, strike "not".

SA 1945. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting ", including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income)," after "means-tested public benefit".

SA 1946. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for

other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 203B. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. 203C. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; as follows:

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m., in closed session to receive an updated briefing from the Joint Improvised Explosive Device Defeat Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, June 26, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing on the Impact of Media Violence on Children hearing will focus on issues related to the impact of violent television programming on children, including issues raised by the recently released Federal Communications Commission (FCC) report, Violent Television Programming and Its Impact on Children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities has been rescheduled.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 10 a.m. to conduct a hearing to receive testimony on Smithsonian Institution governance reform and a report by the Smithsonian's Independent Review Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup of S. 1671 "Entrepreneurial Development Act of 2007," S. 1622 "Small Business Venture Capital Act of 2007," and other pending business on Tuesday, June 26, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2007 at 1:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 26, 2007, at 2:30 p.m., to conduct a hearing entitled "Ending Mortgage Abuse: Safeguarding Homebuyers."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, I ask unanimous consent that Ms. Kathleen Pepper, a detailee in the office of Senator KYL, be granted the privileges of the floor today and tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

On Thursday, June 21, 2007, the Senate passed H.R. 6, as amended, as follows:

H.R. 6

Resolved, That the bill from the House of Representatives (H.R. 6) entitled "An Act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Relationship to other law.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

Sec. 111. Renewable fuel standard.
Sec. 112. Production of renewable fuel using renewable energy.
Sec. 113. Sense of Congress relating to the use of renewable resources to generate energy.

Subtitle B—Renewable Fuels Infrastructure

Sec. 121. Infrastructure pilot program for renewable fuels.
Sec. 122. Bioenergy research and development.
Sec. 123. Bioresearch centers for systems biology program.
Sec. 124. Loan guarantees for renewable fuel facilities.
Sec. 125. Grants for renewable fuel production research and development in certain States.
Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 127. Biorefinery information center.
Sec. 128. Alternative fuel database and materials.
Sec. 129. Fuel tank cap labeling requirement.
Sec. 130. Biodiesel.
Sec. 131. Transitional assistance for farmers who plant dedicated energy crops for a local cellulosic refinery.
Sec. 132. Research and development in support of low-carbon fuels.

Subtitle C—Studies

Sec. 141. Study of advanced biofuels technologies.
Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 143. Pipeline feasibility study.
Sec. 144. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
Sec. 146. Study of engine durability associated with the use of biodiesel.
Sec. 147. Study of incentives for renewable fuels.
Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
Sec. 149. Study of effects of ethanol-blended gasoline on off-road vehicles.
Sec. 150. Study of offshore wind resources.

Subtitle D—Environmental Safeguards

Sec. 161. Grants for production of advanced biofuels.
Sec. 162. Studies of effects of renewable fuel use.
Sec. 163. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 164. Anti-backsliding.

TITLE II—ENERGY EFFICIENCY PROMOTION

Sec. 201. Short title.
Sec. 202. Definition of Secretary.

Subtitle A—Promoting Advanced Lighting Technologies

Sec. 211. Accelerated procurement of energy efficient lighting.
Sec. 212. Incandescent reflector lamp efficiency standards.
Sec. 213. Bright Tomorrow Lighting Prizes.
Sec. 214. Sense of Senate concerning efficient lighting standards.
Sec. 215. Renewable energy construction grants.

Subtitle B—Expediting New Energy Efficiency Standards

Sec. 221. Definition of energy conservation standard.
Sec. 222. Regional efficiency standards for heating and cooling products.
Sec. 223. Furnace fan rulemaking.
Sec. 224. Expedited rulemakings.
Sec. 225. Periodic reviews.
Sec. 226. Energy efficiency labeling for consumer electronic products.
Sec. 227. Residential boiler efficiency standards.
Sec. 228. Technical corrections.
Sec. 229. Electric motor efficiency standards.
Sec. 230. Energy standards for home appliances.
Sec. 231. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 232. Deployment of new technologies for high-efficiency consumer products.
Sec. 233. Industrial efficiency program.

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

Sec. 241. Lightweight materials research and development.

Sec. 242. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 243. Advanced technology vehicles manufacturing incentive program.
Sec. 244. Energy storage competitiveness.
Sec. 245. Advanced transportation technology program.
Sec. 246. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 247. Commercial insulation demonstration program.

Subtitle D—Setting Energy Efficiency Goals

Sec. 251. Oil savings plan and requirements.
Sec. 252. National energy efficiency improvement goals.
Sec. 253. National media campaign.
Sec. 254. Modernization of electricity grid system.
Sec. 255. Smart grid system report.
Sec. 256. Smart grid technology research, development, and demonstration.
Sec. 257. Smart grid interoperability framework.
Sec. 258. State consideration of smart grid.
Sec. 259. Support for energy independence of the United States.
Sec. 260. Energy Policy Commission.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

Sec. 261. Federal fleet conservation requirements.
Sec. 262. Federal requirement to purchase electricity generated by renewable energy.
Sec. 263. Energy savings performance contracts.
Sec. 264. Energy management requirements for Federal buildings.
Sec. 265. Combined heat and power and district energy installations at Federal sites.
Sec. 266. Federal building energy efficiency performance standards.
Sec. 267. Application of International Energy Conservation Code to public and assisted housing.
Sec. 268. Energy efficient commercial buildings initiative.
Sec. 269. Clean energy corridors.
Sec. 270. Federal standby power standard.
Sec. 270A. Standard relating to solar hot water heaters.
Sec. 270B. Renewable energy innovation manufacturing partnership.
Sec. 270C. Express loans for renewable energy and energy efficiency.
Sec. 270D. Small business energy efficiency.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

Sec. 271. Weatherization assistance for low-income persons.
Sec. 272. State energy conservation plans.
Sec. 273. Utility energy efficiency programs.
Sec. 274. Energy efficiency and demand response program assistance.
Sec. 275. Energy and environmental block grant.
Sec. 276. Energy sustainability and efficiency grants for institutions of higher education.
Sec. 277. Energy efficiency and renewable energy worker training program.
Sec. 278. Assistance to States to reduce school bus idling.
Sec. 279. Definition of State.
Sec. 280. Coordination of planned refinery outages.
Sec. 281. Technical criteria for clean coal power initiative.
Sec. 282. Administration.
Sec. 283. Offshore renewable energy.

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

Sec. 291. Definition of marine and hydrokinetic renewable energy.
Sec. 292. Research and development.
Sec. 293. National ocean energy research centers.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

Sec. 301. Short title.
Sec. 302. Carbon capture and storage research, development, and demonstration program.
Sec. 303. Carbon dioxide storage capacity assessment.
Sec. 304. Carbon capture and storage initiative.
Sec. 305. Capitol power plant carbon dioxide emissions demonstration program.
Sec. 306. Assessment of carbon sequestration and methane and nitrous oxide emissions from terrestrial ecosystems.
Sec. 307. Abrupt climate change research program.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

Sec. 401. Short title.
Sec. 402. Cost-effective and geothermal heat pump technology acceleration program.
Sec. 403. Environmental Protection Agency demonstration grant program for local governments.
Sec. 404. Definitions.

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

Sec. 411. Installation of photovoltaic system at Department of Energy headquarters building.

Subtitle C—High-Performance Green Buildings

Sec. 421. Short title.
Sec. 422. Findings and purposes.
Sec. 423. Definitions.

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Sec. 431. Oversight.
Sec. 432. Office of High-Performance Green Buildings.
Sec. 433. Green Building Advisory Committee.
Sec. 434. Public outreach.
Sec. 435. Research and development.
Sec. 436. Budget and life-cycle costing and contracting.
Sec. 437. Authorization of appropriations.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Sec. 441. Definition of high-performance school.
Sec. 442. Grants for healthy school environments.
Sec. 443. Model guidelines for siting of school facilities.
Sec. 444. Public outreach.
Sec. 445. Environmental health program.
Sec. 446. Authorization of appropriations.

PART III—STRENGTHENING FEDERAL LEADERSHIP

Sec. 451. Incentives.
Sec. 452. Federal procurement.
Sec. 453. Federal green building performance.
Sec. 454. Storm water runoff requirements for Federal development projects.

PART IV—DEMONSTRATION PROJECT

Sec. 461. Coordination of goals.
Sec. 462. Authorization of appropriations.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Sec. 501. Short title.
Sec. 502. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 503. Amending Fuel Economy Standards.
Sec. 504. Definitions.
Sec. 505. Ensuring safety of automobiles.
Sec. 506. Credit Trading Program.
Sec. 507. Labels for fuel economy and greenhouse gas emissions.
Sec. 508. Continued applicability of existing standards.
Sec. 509. National Academy of Sciences Studies.
Sec. 510. Standards for Executive agency automobiles.
Sec. 511. Increasing Consumer Awareness of Flexible Fuel Automobiles.
Sec. 512. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 513. Tire fuel efficiency consumer information.
Sec. 514. Advanced Battery Initiative.
Sec. 515. Biodiesel standards.
Sec. 516. Use of Civil Penalties for research and development.
Sec. 517. Energy Security Fund and Alternative Fuel Grant Program.
Sec. 518. Authorization of appropriations.
Sec. 519. Application with Clean Air Act.
Sec. 520. Alternative fuel vehicle action plan.
Sec. 521. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.

TITLE VI—PRICE GOUGING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Prohibition on price gouging during energy emergencies.
Sec. 604. Prohibition on market manipulation.
Sec. 605. Prohibition on false information.
Sec. 606. Presidential declaration of energy emergency.
Sec. 607. Enforcement by the Federal Trade Commission.
Sec. 608. Enforcement by State Attorneys General.
Sec. 609. Penalties.
Sec. 610. Effect on other laws.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Sense of Congress on energy diplomacy and security.
Sec. 704. Strategic energy partnerships.
Sec. 705. International energy crisis response mechanisms.
Sec. 706. Hemisphere energy cooperation forum.
Sec. 707. National Security Council reorganization.
Sec. 708. Annual national energy security strategy report.
Sec. 709. Appropriate congressional committees defined.
Sec. 710. No Oil Producing and Exporting Cartels Act of 2007.
Sec. 711. Convention on Supplementary Compensation for Nuclear Damage contingent cost allocation.

TITLE VIII—MISCELLANEOUS

Sec. 801. Study of the effect of private wire laws on the development of combined heat and power facilities.

SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Biofuels for Energy Security and Transportation Act of 2007".

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term "advanced biofuel" means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term "advanced biofuel" includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term "conventional biofuel" means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term "renewable biomass" means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term "renewable fuel" includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy

(7) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of advanced biofuels (in billions of gallons):**
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term "facility" means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term "renewable energy" has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term "renewable energy" includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce

Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking "$251,000,000" and inserting "$377,000,000"; and

(2) in paragraph (3), by striking "$274,000,000" and inserting "$398,000,000".

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: ", including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts".

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

"(f) RENEWABLE FUEL FACILITIES.—

"(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

"(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

"(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

"(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

"(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

"(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

"(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

"(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).".

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) In General.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as "eligible entities") to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) Phases.—The Secretary shall conduct the program in the following phases:

(1) Development.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) Implementation.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) Administration.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking "The Federal Trade Commission" and inserting the following:

"(1) In general.—The Federal Trade Commission"; and

(2) by adding at the end the following:

"(2) Fuel tank cap labeling requirement.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.".

SEC. 130. BIODIESEL.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) Regulations.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) National Biodiesel Fuel Quality Standard.—

(1) Quality regulations.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) Enforcement.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) Funding.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

SEC. 131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) Definitions.—In this section:

(1) Cellulosic crop.—The term "cellulosic crop" means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) Cellulosic refiner.—The term "cellulosic refiner" means the owner or operator of a cellulosic refinery.

(3) Cellulosic refinery.—The term "cellulosic refinery" means a refinery that processes a cellulosic crop.

(4) Qualified cellulosic crop.—The term "qualified cellulosic crop" means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(b) Transitional Assistance Payments.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) Amount of Payment.—

(1) Determined by formula.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) Limitation.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) Regulations.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) Declaration of Policy.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) Purpose.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) Definition of Fuel Emission Baseline.—In this section, the term "fuel emission baseline" means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) Grant Program.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;
(2) $50,000,000 for fiscal year 2010;
(3) $55,000,000 for fiscal year 2011;
(4) $60,000,000 for fiscal year 2012; and
(5) $65,000,000 for fiscal year 2013.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E-85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;
(B) B10;
(C) B20; and
(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of

Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

SEC. 150. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(2) MATTERS TO BE STUDIED.—

"(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

"(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

"(i) in air and water quality and the quality of other natural resources;

"(ii) in land use patterns;

"(iii) in the rate of deforestation in the United States and globally;

"(iv) to greenhouse gas emissions;

"(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

"(vi) in the long-term capacity of the United States to produce biomass feedstocks.

"(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

"(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

"(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

"(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.".

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle—

"(A) if, in the judgment of the Administrator, any fuel or fuel additive or";

(2) in subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that"; and

(3) by striking ", or (B) if" and inserting the following: "; or

"(B) if".

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

"(u) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

"(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

"(B) make a determination that no such measures are necessary.

"(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supersedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.".

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Energy Efficiency Promotion Act of 2007".

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

"(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

"(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

"(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.".

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

"(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

Lamp Type	*Nominal Lamp Wattage*	*Minimum CRI*	*Minimum Average Lamp Efficacy (LPW)*	*Effective Date (Period of Months)*
4-foot medium bi-pin	*>35 W*	*69*	*75.0*	*36*
	≤35 W	*45*	*75.0*	*36*
2-foot U-shaped	*>35 W*	*69*	*68.0*	*36*
	≤35 W	*45*	*64.0*	*36*
8-foot slimline	*65 W*	*69*	*80.0*	*18*
	≤65 W	*45*	*80.0*	*18*
8-foot high output	*>100 W*	*69*	*80.0*	*18*
	≤100 W	*45*	*80.0*	*18*

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	*Minimum Average Lamp Efficacy (LPW)*	*Effective Date (Period of Months)*
40–50	*10.5*	*36*
51–66	*11.0*	*36*
67–85	*12.5*	*36*
86–115	*14.0*	*36*
116–155	*14.5*	*36*
156–205	*15.0*	*36*

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.".

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of

10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(i) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term "Alaska small hydroelectric power" means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term "ocean energy" includes current, wave, and tidal energy.

(B) EXCLUSION.—The term "ocean energy" excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term "renewable energy project" means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

"(6) ENERGY CONSERVATION STANDARD.—

"(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

"(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

"(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

"(iii) for clothes washers and dishwashers—

"(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

"(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

"(B) INCLUSIONS.—The term 'energy conservation standard' includes—

"(i) 1 or more design requirements, if the requirements were established—

"(I) on or before the date of enactment of this subclause; or

"(II) as part of a consensus agreement under section 325(hh); and

"(ii) any other requirements that the Secretary may prescribe under section 325(r).

"(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.".

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

"(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

"(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

"(ii) are economically justified.

"(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

"(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

"(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

"(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

"(4) PROCEDURE.—

"(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

"(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

"(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

"(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

"(ii) describing the reasons for the delay.

"(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

"(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

"(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

"(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

"(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

"(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

"(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

"(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

"(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

"(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

"(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.".

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "subsection (e)" and inserting "subsection (f)"; and

(ii) in paragraph (3)—

(I) by striking "subsection (f)(1)" and inserting "subsection (g)(1)"; and

(II) by striking "subsection (f)(2)" and inserting "subsection (g)(2)"; and

(B) in subsection (c)(3), by striking "subsection (f)(3)" and inserting "subsection (g)(3)".

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

"(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).".

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

"(E) FINAL RULE.—

"(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

"(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).".

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

"(5) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

"(B) PUBLIC COMMENT.—The Secretary shall—

"(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

"(ii) publish a response to each comment so received.

"(C) WITHDRAWAL OF DIRECT FINAL RULES.—

"(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

"(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

"(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

"(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking "(1)" and all that follows through the end of the paragraph and inserting the following:

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

"(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

"(ii) publish notice in the Federal Register of any determination not to amend a test procedure.".

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

"(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

"(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

"(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product."; and

(3) in paragraph (4) (as so designated), by striking "(4) An" and inserting the following:

"(4) APPLICATION OF AMENDMENT.—An".

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking "(6)(A)(i)" and all that follows through the end of subparagraph (A) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.".

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking "(a)" and all that follows through the end of paragraph (1) and inserting the following:

"(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

"(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

"(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(H) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any

product covered by paragraph (2)(H) or (6) of subsection (a).".

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) BOILERS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

"(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

"(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

"(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

"(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

"(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

"(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.".

SEC. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking "82" and inserting "87".

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking "but before January 1, 2010,".

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking "bulb" and inserting "the arc tube"; and

(ii) in clause (ii), by striking "has a bulb" and inserting "wall loading is";

(B) in paragraph (47)(A), by striking "operating at a partial" and inserting "typically operating at a partial vapor";

(C) in paragraph (48), by inserting "intended for general illumination" after "lamps"; and

(D) by adding at the end the following:

"(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

"(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

"(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.".

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting "(other than specialty application mercury vapor lamp ballasts)" after "ballasts".

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) The term 'electric motor' means—

"(I) a general purpose electric motor—subtype I; and

"(II) a general purpose electric motor—subtype II.

"(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

"(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

"(I) A U–Frame Motor.

"(II) A Design C Motor.

"(III) A close-coupled pump motor.

"(IV) A footless motor.

"(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

"(VI) An 8-pole motor.

"(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).".

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

"(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

"(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

"(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking "or, in the case of" and inserting "and, in the case of residential clothes washers, residential dishwashers,".

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

"(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.".

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

"(D) CLOTHES WASHERS.—

"(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

"(I) a modified energy factor of at least 1.26; and

"(II) a water factor of not more than 9.5.

"(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

"(E) DISHWASHERS.—

"(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

"(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

"(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

"(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.".

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting "and before October 1, 2012," after "2007,"; and

(2) by striking paragraph (2) and inserting the following:

"(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.".

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking "2010" and inserting "2009".

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term "energy savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term "high-efficiency consumer product" means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term "energy-intensive commercial applications" means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term "feedstock" means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term "materials manufacturers" means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term "partnership" means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term "program" means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal

share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking "grants to automobile manufacturers" and inserting "grants and loan guarantees under section 1703 to automobile manufacturers and suppliers".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.".

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term "adjusted average fuel economy" means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment and developing new manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term "Council" means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term "Department" means the Department of Energy.

(D) FLYWHEEL.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term "ultracapacitor" means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i).

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

(iv) surface and interface dynamics;

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms; and

(vii) thermal behavior and life degradation mechanisms.

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems; and

(G) thermal management systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

(9) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITIONS.—In this subsection— .

(A) BATTERY.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term "plug-in electric drive vehicle" means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of plug-in electric drive vehicles.

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt-hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of plug-in electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(6) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term "qualified electric transportation project" means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term "qualified electric transportation project" includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term "energy storage device" means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term "energy storage device" includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term "engine dominant hybrid vehicle" means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term "nonroad vehicle" means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term "plug-in electric drive vehicle" means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the "Dr. Andrew Frank Plug-In Electric Vehicle Competition".

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

"(a) DEFINITIONS.—In this section:

"(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

"(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

"(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

"(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

"(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

"(B) is propelled by an electric motor and on-board, rechargeable energy storage system that

is rechargeable using an off-board source of electricity.

"(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

"(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

"(B) an internal combustion engine or heat engine using any combustible fuel.";

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking "The Secretary" and inserting the following:

"(1) ALLOCATION.—The Secretary"; and

(B) by adding at the end the following:

"(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a hybrid electric vehicle;

"(II) a plug-in hybrid electric vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a neighborhood electric vehicle; or

"(V) a medium- or heavy-duty electric vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) a reduction in vehicle emissions.";

(4) in subsection (c) (as redesignated by paragraph (1)), by striking "subsection (a)" and inserting "subsection (b)"; and

(5) by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.".

SEC. 247. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term "advanced insulation" means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term "covered refrigeration unit" means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109–58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005";

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) Goals.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) Strategic Plan.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) Public input and comment.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) Plan Contents.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) Plan Updates.—

(1) In general.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) Contents.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) Report to Congress and Public.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) In General.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) Contract With Entity.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) Use of Funds.—

(1) In general.—Amounts made available to carry out this section shall be used for the following:

(A) Advertising costs.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) Administrative costs.—Operational and management expenses.

(2) Limitations.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) Reports.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) Decreased oil consumption.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) Statement of Policy.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) Programs.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

SEC. 255. SMART GRID SYSTEM REPORT.

(a) In General.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the "Secretary"), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) Power Grid Digital Information Technology.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) Smart Grid Regional Demonstration Initiative.—

(1) In general.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) Goals.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best

practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the "Commission"), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to consider include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) total costs;

"(ii) cost-effectiveness;

"(iii) improved reliability;

"(iv) security;

"(v) system performance; and

"(vi) societal benefit.

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.".

SEC. 259. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 260. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "National Commission on Energy Independence" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(2) PLAN.—

"(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

"(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(i) the use of alternative fuels;

"(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

"(iii) the substitution of cars for light trucks;

"(iv) an increase in vehicle load factors;

"(v) a decrease in vehicle miles traveled;

"(vi) a decrease in fleet size; and

"(vii) other measures.

"(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

"(A) telecommuting;

"(B) public transit;

"(C) carpooling; and

"(D) bicycling and the use of 2-wheeled electric drive devices.

"(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

"(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

"(c) REPLACEMENT TIRES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

"(2) EXCEPTIONS.—This section does not apply to—

"(A) law enforcement motor vehicles;

"(B) emergency motor vehicles; or

"(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

"(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

"Sec. 400FF. Federal fleet conservation requirements.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) REQUIREMENT.—

"(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

"(A) Not less than 10 percent in fiscal year 2010.

"(B) Not less than 15 percent in fiscal year 2015.

"(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

"(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

"(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

"(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

"(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack."; and

(2) by adding at the end the following:

"(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy may be made for a period of not more than 50 years.".

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

"(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

(d) NOTIFICATION.—

(1) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting "and" after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting "and any termination penalty exposure" after "the energy and cost savings that have resulted from such contracts".

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term "secondary savings" includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	**Percentage reduction**
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27

“Fiscal Year	**Percentage reduction**
2015	*30.”.*

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

“(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

“(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

“(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).”.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking “this paragraph” and by inserting “the Energy Efficiency Promotion Act of 2007”; and

(2) in clause (i)—

(A) in subclause (I), by striking “and” at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

“(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

“Fiscal Year	**Percentage reduction**
2007	*50*
2010	*60*
2015	*70*
2020	*80*
2025	*90*
2030	*100;*

and”.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking, “, where such standards are determined to be cost effective by the Secretary of Housing and Urban Development”;

(2) in subsection (a)(2)—

(A) by striking “the Council of American Building Officials Model Energy Code, 1992” and inserting “2006 International Energy Conservation Code”; and

(B) by striking “, and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(3) in subsection (b)—

(A) in the heading, by striking “MODEL ENERGY CODE.—” and inserting “INTERNATIONAL ENERGY CONSERVATION CODE.—”;

(B) after “all new construction” in the first sentence insert “and rehabilitation”; and

(C) by striking “, and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(4) in subsection (c)—

(A) in the heading, by striking “MODEL ENERGY CODE AND”; and

(B) by striking “, or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(5) by adding at the end the following:

“(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.”;

(6) by striking “CABO Model Energy Code, 1992” each place it appears and inserting “the 2006 IECC”; and

(7) by striking “1989” each place it appears and inserting “2004”.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term “consortium” means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term “energy efficient commercial building” means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term “initiative” means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

SEC. 269. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking “(1) Not later than” and inserting the following:

“(1) IN GENERAL.—Not later than”;

(B) by striking paragraph (2) and inserting the following:

“(2) REPORT AND DESIGNATIONS.—

“(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

“(i) increases costs to consumers;

“(ii) limits resource options to serve load growth; or

“(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

“(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice

and comment by interested persons and affected States on the application.";

(C) in paragraph (3), the striking "(3) The Secretary" and inserting the following:

"(3) CONSULTATION.—The Secretary"; and

(D) in paragraph (4)—

(i) by striking "(4) In determining" and inserting the following:

"(4) BASIS FOR DETERMINATION.—In determining"; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

"(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

"(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

"(ii) a diversification of supply is warranted;

"(C) the energy independence of the United States would be served by the designation;

"(D) the designation would be in the interest of national energy policy; and

"(E) the designation would enhance national defense and homeland security."; and

(2) by adding at the end the following:

"(l) RATES AND RECOVERY OF COSTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

"(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.".

SEC. 270. FEDERAL STANDBY POWER STANDARD.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term "Agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term "Agency" includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term "eligible product" means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

SEC. 270A. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.".

SEC. 270B. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SEC. 270C. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) an energy efficiency project for an existing business.".

SEC. 270D. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric

utility, until the cost of the purchase or installation is repaid;

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the "Efficiency Pilot Program") to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the "Telecommuting Pilot Program").

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the

small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) Selection of Regions.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) Report to Congress.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) Termination.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) Authorization of Appropriations.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) Encouraging Innovation in Energy Efficiency.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) Encouraging Innovation in Energy Efficiency.—

"(1) Federal Agency Energy-Related Priority.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

"(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) Consultation Required.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

"(3) Guidelines.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

"(4) Definitions.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "$700,000,000 for fiscal year 2008" and inserting "$750,000,000 for each of fiscal years 2008 through 2012".

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "fiscal year 2008" and inserting "each of fiscal years 2008 through 2012".

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) Electric Utilities.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) Integrated Resource Planning.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) Rate Design Modifications to Promote Energy Efficiency Investments.—

"(A) In General.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) Policy Options.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class; and

"(v) allowing timely recovery of energy efficiency-related costs.".

(b) Natural Gas Utilities.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) Energy Efficiency.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

"(6) Rate Design Modifications to Promote Energy Efficiency Investments.—

"(A) In General.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) Policy Options.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.".

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

"SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

"(a) Definitions.—In this section

"(1) Eligible Entity.—The term 'eligible entity' means—

"(A) a State;

"(B) an eligible unit of local government within a State; and

"(C) an Indian tribe.

"(2) Eligible Unit of Local Government.—The term 'eligible unit of local government' means—

"(A) a city with a population—

"(i) of at least 35,000; or

"(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

"(B) a county with a population—

"(i) of at least 200,000; or

"(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

"(3) Secretary.—The term 'Secretary' means the Secretary of Energy.

"(4) State.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(b) Purpose.—The purpose of this section is to assist State, Indian tribal, and local governments in implementing strategies—

"(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

"(2) to reduce the total energy use of the States, Indian tribes, and units of local government; and

"(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

"(c) Program.—

"(1) In General.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

"(2) Eligible Activities.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of

Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

"(3) ALLOCATION TO STATES, INDIAN TRIBES, AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

"(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

"(i) 68 percent to eligible units of local government;

"(ii) 28 percent to States; and

"(iii) 4 percent to Indian tribes.

"(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

"(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

"(C) DISTRIBUTION TO STATES.—

"(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

"(I) at least 1.25 percent to each State; and

"(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

"(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

"(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

"(D) DISTRIBUTION TO INDIAN TRIBES.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

"(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

"(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

"(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

"(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

"(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3); and

"(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

"(3) COST-SHARING REQUIREMENT.—

"(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

"(B) NON-FEDERAL SHARE.—

"(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

"(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

"(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, tribal, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

"(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

"(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States, Indian tribes, and units of local government that are not eligible entities or to consortia of such units of local government.

"(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, Indian tribe, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

"(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

"(A) States with populations of less than 2,000,000; and

"(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.".

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

"(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

"(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

"(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

"(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

"(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

"(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

"(A) involve—

"(i) an innovative technology that is not yet commercially available; or

"(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

"(B) have the greatest potential for testing or demonstrating new technologies or processes; and

"(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

"(d) AWARDING OF GRANTS.—

"(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

"(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

"(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

"(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

"(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

"(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 277. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c), the following:

"(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

"(1) PURPOSE.—It is the purpose of this subsection to—

"(A) create a sustainable, comprehensive public program that provides quality training that is linked to jobs that are created through renewable energy and energy efficiency initiatives;

"(B) satisfy industry demand for a skilled workforce, to support economic growth, to boost America's global competitiveness in the expanding energy efficiency and renewable energy industries, and to provide economic self-sufficiency and family-sustaining jobs for America's workers, including low wage workers, through quality training and placement in job opportunities in the growing energy efficiency and renewable energy industries;

"(C) provide grants for the safety, health, and skills training and education of workers who are, or may be engaged in, activities related to the energy efficiency and renewable energy industries; and

"(D) provide funds for national and State industry-wide research, labor market information and labor exchange programs, and the development of nationally and State administered training programs.

"(2) GRANT PROGRAM.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the 'Secretary'), in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (3) to achieve the purposes of this subsection.

"(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

"(i) target populations of individuals eligible for training and other services shall include, but not be limited to—

"(I) veterans, or past and present members of the reserve components of the Armed Forces;

"(II) workers affected by national energy and environmental policy;

"(III) workers displaced by the impacts of economic globalization;

"(IV) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency;

"(V) formerly incarcerated, adjudicated, nonviolent offenders; and

"(VI) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

"(ii) energy efficiency and renewable energy industries eligible for such assistance and services shall include—

"(I) the energy-efficient building, construction, and retrofits industries;

"(II) the renewable electric power industry;

"(III) the energy efficient and advanced drive train vehicle industry;

"(IV) the bio-fuels industry; and

"(V) the deconstruction and materials use industries.

"(3) ACTIVITIES.—

"(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (2), the Secretary, acting through the Bureau of Labor Statistics, shall provide assistance to support national research to develop labor market data and to track future workforce trends resulting from energy-related initiatives carried out under this section. Activities carried out under this paragraph shall include—

"(i) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

"(ii) the tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

"(iii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

"(iv) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

"(v) collaborating with State agencies, industry, organized labor, and community and nonprofit organizations to disseminate successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology.

"(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

"(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out national training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

"(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

"(II) demonstrates—

"(aa) experience in implementing and operating worker skills training and education programs;

"(bb) the ability to identify and involve in training programs carried out under this grant, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries; and

"(cc) the ability to help workers achieve economic self-sufficiency.

"(iii) ACTIVITIES.—Activities to be carried out under a grant under this subparagraph may include—

"(I) the provision of occupational skills training, including curriculum development, on-the-job training, and classroom training;

"(II) the provision of safety and health training;

"(III) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

"(IV) individual referral and tuition assistance for a community college training program;

"(V) the provision of customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

"(VI) the provision of career ladder and upgrade training; and

"(VII) the implementation of transitional jobs strategies.

"(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange informational programs that include the implementation of the activities described in clause (ii).

"(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

"(I) The identification of job openings in the renewable energy and energy efficiency sector.

"(II) The administration of skill and aptitude testing and assessment for workers.

"(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

"(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

"(ii) ACTIVITIES.—

"(I) IN GENERAL.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

"(II) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

"(aa) consist of non-profit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

"(bb) demonstrate experience in implementing and operating worker skills training and education programs; and

"(cc) demonstrate the ability to identify and involve in training programs, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries.

"(iii) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate linkages of activities under the grant with—

"(I) meeting national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

"(II) meeting State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases.

"(iv) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees, including providing—

"(I) outreach and recruitment services, in coordination with the appropriate State agency;

"(II) occupational skills training, including curriculum development, on-the-job training, and classroom training;

"(III) safety and health training;

"(IV) basic skills, literacy, GED, English as a second language, and job readiness training;

"(V) individual referral and tuition assistance for a community college training program;

"(VI) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

"(VII) career ladder and upgrade training; and

"(VIII) services under transitional jobs strategies.

"(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

"(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

"(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this subsection, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $100,000,000 for each fiscal year, of which—

"(A) not to exceed 20 percent of the amount appropriated in each fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (3)(A) and State labor market information and labor exchange research under paragraph (3)(C); and

"(B) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (3)(B) and State energy training partnership grants under paragraph (3)(D).

"(6) DEFINITION.—In this subsection, the term 'renewable electric power' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).".

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 279. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

"(8) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.".

SEC. 280. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term "planned refinery outage" means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term "planned refinery outage" does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term "refined petroleum product" means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term "refinery" means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authoirze the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 281. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

"(I)(aa) to remove at least 99 percent of sulfur dioxide; or

"(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;".

SEC. 282. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

"(h) ADMINISTRATION.—

"(1) PERSONNEL APPOINTMENTS.—

"(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

"(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) COMPENSATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

"(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

"(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

"(3) TEMPORARY SERVICES.—

"(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

"(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

"(4) FEES, CHARGES, AND COMMISSIONS.—

"(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

"(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.".

SEC. 283. OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by inserting after "Secretary of the Department in which the Coast Guard is operating" the following: ", the Secretary of Commerce,";

(2) by striking paragraph (3) and inserting the following:

"(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

"(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

"(B) the lease, easement, or right-of-way—

"(i) is for the placement and operation of a meteorological or marine data collection facility; and

"(ii) has a term of not more than 5 years; or

"(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists."; and

(3) by adding at the end the following:

"(11) Clarification.—

"(A) In general.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

"(B) Transmission of power.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).".

(b) Consideration of Certain Requests for Authorization.—In considering a request for authorization of a project pending before the Commission on the outer Continental Shelf as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(c) Savings Provision.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project on the outer Continental Shelf, for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 291. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) In General.—In this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) Exclusion.—Except as provided in subsection (a)(3), the term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 292. RESEARCH AND DEVELOPMENT.

(a) Program.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 293. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) In General.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) Evaluations.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) Location.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) Coordination.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

(e) Authorization of Appropriations.—There are authorized to be appropriate such sums as are necessary to carry out this section.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Carbon Capture and Sequestration Act of 2007".

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

*(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";*

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and storage research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and storage technologies related to energy systems";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) Programmatic Activities.—

"(1) Energy research and development underlying carbon capture and storage technologies and carbon use activities.—

"(A) In general.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

"(B) Program integration.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

"(i) development of new or improved technologies for the capture and storage of carbon dioxide;

"(ii) development of new or improved technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the storage of carbon dioxide;

"(iii) modeling and simulation of geological sequestration field demonstrations;

"(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

"(v) research and development of new and improved technologies for—

"(I) carbon use, including recycling and reuse of carbon dioxide; and

"(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

"(vi) research and development of new and improved technologies for oxygen separation from air.

"(2) Field validation testing activities.—

"(A) In general.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) deep saline formations;

"(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity;

"(vi) deep geologic systems containing basalt formations; and

"(vii) coal-bed methane recovery.

"(B) Objectives.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geological formations;

"(iii) to refine storage capacity estimated for particular geological formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

"(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

"(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

"(3) LARGE-SCALE TESTING AND DEPLOYMENT.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests involving at least 1,000,000 tons of carbon dioxide per year for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to collect and validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

"(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

"(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

"(A) conduct a review of programmatic activities carried out under this subsection; and

"(B) make recommendations with respect to continuation of the activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $150,000,000 for fiscal year 2008;
"(2) $200,000,000 for fiscal year 2009;
"(3) $200,000,000 for fiscal year 2010;
"(4) $180,000,000 for fiscal year 2011; and
"(5) $165,000,000 for fiscal year 2012.".

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term "assessment" means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term "risk" includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term "storage formation" means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term "industrial sources of carbon dioxide" means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification);

(F) manufacture transportation fuels from coal; or

(G) manufacture biofuels.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or *(ii) other geological storage projects approved by the Secretary.*

(C) PURITY LEVEL.—A purity level of at least 95 percent carbon dioxide by volume for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading "PUBLIC BUILDINGS", under the heading "UNDER THE DEPARTMENT OF THE INTERIOR"—

(1) by striking "ninety thousand dollars:" and inserting "$90,000.": and

(2) by striking "Provided, That hereafter the" and all that follows through the end of the proviso and inserting the following:

"(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

"(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

"(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

"(2) ESTABLISHMENT OF PROGRAM.—

"(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

"(i) the availability of carbon capture technologies;

"(ii) energy conservation and carbon reduction strategies; and

"(iii) security of operations at the Capitol power plant.

"(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

"(3) REQUIREMENTS.—

"(A) PROVISION OF GRANTS.—

"(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

"(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

"(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

"(II) the carbon dioxide energy efficiency of the proposed project; and

"(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

"(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

"(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

"(I) by not less than 3 other facilities (including a coal-fired power plant); and

"(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

"(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

"(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

"(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

"(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

"(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

"(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

"(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.".

SEC. 306. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) FEDERAL LAND—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term "terrestrial ecosystem" means any ecological and surficial geological system on Federal land.

(B) INCLUSIONS.—The term "terrestrial ecosystem" includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) Federal forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005"; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

SEC. 307. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Public Buildings Cost Reduction Act of 2007".

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

SEC. 411. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

Subtitle C—High-Performance Green Buildings

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "High-Performance Green Buildings Act of 2007".

SEC. 422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) high-performance green buildings—

(A) reduce energy, water, and material resource use and the generation of waste;

(B) improve indoor environmental quality, and protect indoor air quality by, for example, using materials that emit fewer or no toxic chemicals into the indoor air;

(C) improve thermal comfort;

(D) improve lighting and the acoustic environment;

(E) improve the health and productivity of individuals who live and work in the buildings;

(F) improve indoor and outdoor impacts of the buildings on human health and the environment;

(G) increase the use of environmentally preferable products, including biobased, recycled, and nontoxic products with lower lifecycle impacts; and

(H) increase opportunities for reuse of materials and for recycling;

(2) during the planning, design, and construction of a high-performance green building, the environmental and energy impacts of building location and site design, the minimization of energy and materials use, and the environmental impacts of the building are considered;

(3) according to the United States Green Building Council, certified green buildings, as compared to conventional buildings—

(A) use an average of 36 percent less total energy (and in some cases up to 50 to 70 percent less total energy);

(B) use 30 percent less water; and

(C) reduce waste costs, often by 50 to 90 percent;

(4) the benefits of high-performance green buildings are important, because in the United States, buildings are responsible for approximately—

(A) 39 percent of primary energy use;

(B) 12 percent of potable water use;

(C) 136,000,000 tons of building-related construction and demolition debris;

(D) 70 percent of United States resource consumption; and

(E) 70 percent of electricity consumption;

(5) green building certification programs can be highly beneficial by disseminating up-to-date information and expertise regarding high-performance green buildings, and by providing third-party verification of green building design, practices, and materials, and other aspects of buildings; and

(6) a July 2006 study completed for the General Services Administration, entitled "Sustainable Building Rating Systems Summary," concluded that—

(A) green building standards are an important means to encourage better practices;

(B) the Leadership in Energy and Environmental Design (LEED) standard for green building certification is "currently the dominant system in the United States market and is being adapted to multiple markets worldwide"; and

(C) there are other useful green building certification or rating programs in various stages of development and adoption, including the Green Globes program and other rating systems.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to encourage the Federal Government to act as an example for State and local governments, the private sector, and individuals by building high-performance green buildings that reduce energy use and environmental impacts;

(2) to establish an Office within the General Services Administration, and a Green Building Advisory Committee, to advance the goals of conducting research and development and public outreach, and to move the Federal Government toward construction of high-performance green buildings;

(3) to encourage States, local governments, and school systems to site, build, renovate, and operate high-performance green schools through the adoption of voluntary guidelines for those schools, the dissemination of grants, and the adoption of environmental health plans and programs;

(4) to strengthen Federal leadership on high-performance green buildings through the adoption of incentives for high-performance green buildings, and improved green procurement by Federal agencies; and

(5) to demonstrate that high-performance green buildings can and do provide significant benefits, in order to encourage wider adoption of green building practices, through the adoption of demonstration projects.

SEC. 423. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COMMITTEE.—The term "Committee" means the Green Building Advisory Committee established under section 433(a).

(3) DIRECTOR.—The term "Director" means the individual appointed to the position established under section 431(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term "Federal facility" means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term "Federal facility" does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term "life cycle", with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term "Office" means the Office of High-Performance Green Buildings established under section 432(a).

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 431. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 432; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 432. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 433;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 434, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 435;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 435;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 436; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this subtitle and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by the standard for high-performance green buildings identified in accordance with subsection (d);

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to

product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) IDENTIFICATION OF STANDARD.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 60 days after the date of enactment of this Act, the Director shall identify a standard that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standard identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the adequacy of the standard, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) national recognition within the building industry.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standard identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

(e) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 433. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the "Green Building Advisory Committee".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 432(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 434. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 435. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 436;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 436. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decision-making; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 437. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 441. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this part, the term "high-performance school" has the meaning given the term "healthy, high-performance school building" in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 442. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 443. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop voluntary school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff;

(3) the efficient use of energy; and

(4) the potential use of a school at the site as an emergency shelter.

SEC. 444. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 445. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this subtitle and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 435(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

PART III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 451. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

SEC. 452. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

(A) are energy-efficient; and

(B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 453. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 454. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

PART IV—DEMONSTRATION PROJECT

SEC. 461. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in part I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this subtitle; and

(B) achieve the highest available rating under the standard identified pursuant to section 432(d).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 462. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 461(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**NON-PASSENGER AUTOMOBILES.—**" *in subsection (a) and inserting* "**PRESCRIPTION OF STANDARDS BY REGULATION.—**";

(2) by striking "(except passenger automobiles)" in subsection (a); and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

"(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

"(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.".

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

"(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

"(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

"(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

"(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

"(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.".

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

"(l) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

"(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(1) may prescribe a standard higher than that required under subsection (b); or

"(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

"(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

"(A) Economic security.

"(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(F) Such additional factors as the Secretary deems relevant.

"(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

"(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

"(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting "(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

"(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

"(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

"(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

"(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

"(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

"(A) the manufacturer that applied for the alternative average fuel economy standard;

"(B) all automobiles to which this subsection applies; or

"(C) classes of automobiles manufactured by eligible manufacturers.

"(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

"(A) imports; or

"(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

"(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

"(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

"(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

"(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

"(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

"(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

"(C) a work truck."; and

(2) by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsection (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking subsection (e) and inserting the following:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or nonpassenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) DEFINITIONS.—In this section:

"(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§30123A. Tire fuel efficiency consumer information

"(a) RULEMAKING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section *shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".*

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

"30123A. Tire fuel efficiency consumer information".

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.".

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability and cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term "alternative fuel automobile" means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) Other Terms.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SEC. 521. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) Study.—

(1) In General.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) Components.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the "Petroleum Consumer Price Gouging Protection Act".

SEC. 602. DEFINITIONS.

In this title:

(1) Affected Area.—The term "affected area" means an area covered by a Presidential declaration of energy emergency.

(2) Supplier.—The term "supplier" means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) Price Gouging.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) Unconscionably Excessive Price.—The term "unconscionably excessive price" means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) Commission.—The term "Commission" means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) In General.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) Factors Considered.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) In General.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) In General.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) Scope and Duration.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) Extensions.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) Enforcement.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 603 of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) Violation Is Treated as Unfair or Deceptive Act or Practice.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Commission Actions.—Following the declaration of an energy emergency by the President under section 606 of this Act, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 603 of this Act, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this Act, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline or petroleum distillates in violation of section 603 of this Act.

(b) Notice.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) Authority To Intervene.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) Venue; Service of Process.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) Limitation on State Action While Federal Action Is Pending.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) No Preemption.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) Civil Penalty.—

(1) In general.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this Act is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) Method.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) Multiple offenses; mitigating factors.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) Criminal Penalty.—Violation of section 603 of this Act is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) Other Authority of the Commission.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) State Law.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the "Energy Diplomacy and Security Act of 2007".

SEC. 702. DEFINITIONS.

In this title:

(1) Major energy producer.—The term "major energy producer" means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) Major energy consumer.—The term "major energy consumer" means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) Findings.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) Sense of Congress.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end,

there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

(5) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves

and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

SEC. 708. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 709. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SEC. 710. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2007" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

SEC. 711. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established

under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied,

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Articie XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

Amend the title so as to read: "An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.".

CONDEMNING VIOLENT ACTIONS OF THE GOVERNMENT OF ZIMBABWE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. Con. Res. 25.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 25) condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 25) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 25

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina ("Operation Throw Out the Trash") against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 1,700 percent and unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008 if nominated;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the ZANU-PF government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of European Union and Africa, Caribbean, and Pacific Group of States lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU–PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed "great concern" about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that "We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.";

Whereas Zambian President, Levy Mwanawasa, has urged southern Africa to take a new approach to Zimbabwe instead of the failed "quiet diplomacy", which he likened to a "sinking Titanic," and stated that "quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe";

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns the harassment and intimidation of lawyers attempting to carry out their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern Africa Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

INTERNATIONAL EMERGENCY ECONOMIC POWERS ENHANCEMENT ACT

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 199, S. 1612.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1612) to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1947) was agreed to, as follows:

(Purpose: To modify the effective date provision)

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

The bill (S. 1612), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Emergency Economic Powers Enhancement Act".

SEC. 2. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

"SEC. 206. PENALTIES.

"(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

"(b) EFFECTIVE DATE.—

"(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

"(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

"(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

THE CALENDAR

Mr. SALAZAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 214, S. Res. 225; Calendar No. 215, S. Res. 230; and Calendar No. 216, S. Res. 235.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MEDICINE ABUSE AWARENESS MONTH

The resolution (S. Res. 225) designating the month of August 2007 as "National Medicine Abuse Awareness Month," was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly, but the abuse and recreational use of these medicines can be extremely dangerous and produce serious side effects;

Whereas 6,400,000 individuals who are age 12 or older reported using prescription medicines non-medically in a recently sampled month, and abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas, recent studies indicate that 1 in 10 youth ages 12 through 17, or 2,400,000 children, has intentionally abused cough medicine to get high from its dextromethorphan ingredient, and 1 in 5 young adults (4,500,000) has used prescription medicines non-medically;

Whereas, according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas teens' and parents' lack of understanding of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their misuse;

Whereas, when prescription drugs are misused, they are most often obtained through friends and relatives, but are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine misuse;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines are to be taken only as labeled or prescribed, and when used recreationally or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising misuse of medicines;

Whereas some groups, such as the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important proactive steps like creating educational toolkits, such as "A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts", which includes guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of cough and cold medicines and over-the-counter drug abuse;

Whereas the nonprofit Partnership for a Drug-Free America and its community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts of this dangerous trend with their teens and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb this disturbing rise in over-the-counter and cough medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2007 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

NATIONAL TEEN SAFE DRIVER MONTH

The resolution (S. Res. 230) designating the month of July 2007 as "National Teen Safe Driver Month," was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas automobile accidents involving teenage drivers result in the highest cause of death and injury for adolescents between the ages of 15 and 20 years;

Whereas, each year, 7,460 teenage drivers between the ages of 15 and 20 years are involved in fatal crashes, and 1,700,000 teenage drivers are involved in accidents that are reported to law enforcement officers;

Whereas driver education and training resources have diminished in communities throughout the United States, leaving families underserved and lacking in opportunities for educating the teenage drivers of those families;

Whereas, in addition to costs relating to the long-term care of teenage drivers severely injured in automobile accidents, automobile accidents involving teenage drivers cost the United States more than $40,000,000,000 in lost productivity and other forms of economic loss;

Whereas technology advances have increased the opportunity of the United States to provide more effective training and research to novice teenage drivers; and

Whereas the families of victims of accidents involving teenage drivers are working together to save the lives of other teenage drivers through volunteer efforts in local communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of July 2007 as "National Teen Safe Driver Month"; and

(2) calls upon the members of Federal, State, and local governments and interested organizations—

(A) to commemorate National Teen Safe Driver Month with appropriate ceremonies, activities, and programs; and

(B) to encourage the development of resources to provide affordable, accessible, and effective driver training for every teenage driver of the United States.

NATIONAL BOATING DAY

The resolution (S. Res. 235) designating July 1, 2007, as "National Boating Day," was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the United States boating population exceeds 73,000,000 individuals utilizing and enjoying nearly 18,000,000 recreational watercraft;

Whereas the recreational boating industry provides more than $39,000,000,000 in sales and services to the United States economy and provides nearly 380,000 manufacturing jobs;

Whereas there are approximately 1,400 active boat builders in the United States with parts and materials being contributed from all fifty States;

Whereas boating appeals to all age groups and is a haven for relaxation that includes sailing, diving, fishing, water skiing, tubing, sightseeing, swimming, and more;

Whereas boaters serve as monitors and stewards of the environment, educating future generations in the value of this country's abundant water and other natural resources; and

Whereas Congress passed the Federal Boat Safety Act of 1971 and later created the Aquatic Resources Trust Fund in 1984, both of these actions having resulted in a decline in the rate of boating injuries: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 1, 2007, as "National Boating Day";

(2) recognizes the value of recreational boating and commemorates the boating industry of the United States for its environmental stewardship and innumerable contributions to the economy and to the mental and physical health of those who enjoy boats; and

(3) urges citizens, policy makers, and elected officials to celebrate National Boating Day and to become more aware of the overall contributions of boating to the lives of the people of the United States and to the Nation.

NATIONAL APHASIA AWARENESS MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 256 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) designating June 2007 as "National Aphasia Awareness Month", and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this "silent" disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the "Bruins") won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

ORDERS FOR WEDNESDAY, JUNE 27, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, June 27; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the comprehensive immigration bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 27, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 26, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIRES).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 26, 2007.

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PLIGHT OF IRAQI REFUGEES

Mr. BLUMENAUER. Mr. Speaker, this last week I had the opportunity to meet a true American hero in Iraq, Kirk W. Johnson. No matter what your position on the war in Iraq, how it started, where it's going, how it will end up, you should be deeply concerned by the 4 million Iraqis who have been forced to flee their homes. And you cannot help but be impressed by Mr. Johnson and his deep concern for their plight.

This young Arabist, who worked for the USAID as regional coordinator on reconstruction in Fallujah—from, I might add, impeccable Republican lineage—figured prominently in George Packer's haunting essay in The New Yorker on March 26 of this year. That essay, entitled "Betrayed: The Iraqis Who Trusted America the Most," had a profound impact on me. It is a harsh title, but the facts are harsh. In a country with a population about the size of Texas, 4 million Iraqis have been forced to flee their homes. Two million are currently outside the country, primarily in Jordan and Syria where there are jarring press accounts, for instance, of women forced into prostitution to feed their families in Syria. Mr. Johnson has been focusing on a special subset of these unfortunate people, people whose lives are at risk because they helped the United States, translators, guides, people who worked on the reconstruction effort. He has compiled a list of over 500 Iraqis that he knows personally are in that category. Five hundred, not one of whom has been able to yet make it to the United States for asylum. They are part of the tip of the refugee iceberg. Two million, as I say, in Jordan and Syria.

Mr. Johnson asks the question that each Member of Congress must confront: What kind of superpower can't convert its "very top priority"—the words, by the way, of Ellen Sauerbrey, the Assistant Secretary of State for Population, Refugees, and Migration in her testimony before the United States Senate—can't convert its very top priority into a program that starts saving the lives of people who helped us before their visas expire?

The stark reality is that only 70 Iraqis since October of last year have been admitted to the United States. Only eight in March, one in April and another in May.

I strongly urge that my colleagues join me in supporting H.R. 2265. This comprehensive refugee legislation will allow for more Iraqis to be granted refugee status in the United States. Why should the United States accept fewer refugees than Sweden? It would allow them to apply for refugee status in Iraq. Why should they be forced to flee the country, to Jordan, for instance, when we have the largest embassy in the world in Baghdad? This legislation would put somebody in charge, having a special coordinator to help us make sure that this problem is solved. I strongly urge my colleagues to make sure that Congress does its part to deal with the greatest continuing refugee crisis in the world with the possible exception of the Darfur. This is a crisis for which the United States has a unique responsibility and a unique role in its solution.

Please examine H.R. 2265, add your name as cosponsor, but, more important, join Mr. Kirk Johnson in making the plight of these millions of unfortunate people, especially those who helped us, part of your mission in Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In these uncertain times, when thousands of refugees have left their homeland in the search for peace, and so many of Your people immigrate for food, for a job, or for a better way of life for their children, the words of Ruth, the refugee in the Scriptures, echo in the aching hearts of so many in today's world.

"Wherever you go, I will go, wherever you stay, I will stay. Your people will be my people, and your God will be my God too. Wherever you die, I will die, and I will lie down beside you. I swear an oath before the Lord God: Nothing but death shall divide us."

Lord, such expression to faithfulness in a human relationship builds strong families and nations. Ruth's oath speaks of a deep commitment and creates hope for the future.

Dear Lord, uphold the fragile life of refugees. Grant stability to marriages in this Nation. Sustain the families of Members of Congress and the military with patience, endurance and faithfulness.

May Your eternal love and faithfulness sometimes hinted at in the human relationships of Your people be revealed to those who take flight even today. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VICE PRESIDENT CHENEY NEEDS TO TAKE A CIVICS CLASS—HE IS A MEMBER OF THE EXECUTIVE BRANCH

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Vice President CHENEY has been serving as the Vice President now for 7 years, and he is claiming that he is not a member of the executive branch.

We didn't hear the Vice President disputing his place in the executive branch when he claimed executive privilege at congressional attempts to have CHENEY make public his energy task force members.

No, CHENEY is once again trying to do an end-run around the rules. Last week the House Oversight Committee learned that CHENEY had exempted his office from the Presidential order that establishes government-wide procedures for safeguarding classified national security information.

Editorials nationwide are decrying CHENEY's actions. The Kansas City Star said that this is another example of his "insistence on secrecy and his disdain for open government." USA Today said there was "no surer way for leaders to get the country in trouble than to mix arrogance with secrecy."

Let's see if the President is still actually standing up to his second.

JUDGE ROBERT E. COYLE COURTHOUSE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, today I rise in support of Senate bill 1801, a bill to rename the U.S. courthouse in Fresno, California, as the Robert E. Coyle United States Courthouse. In previous Congresses, I have introduced identical legislation, and I am pleased to see that this is finally happening.

A local man, Judge Coyle was born in Fresno, California, and earned his B.A. from California State University Fresno. After completing his undergraduate work, Judge Coyle didn't have to travel far to earn his J.D. at Hastings College of Law in San Francisco. Nominated for appointment in 1980 by President Ronald Reagan, Judge Coyle was subsequently elevated to chief judge in 1990 and served in that capacity until 1996, where he took senior status.

Judge Coyle has dedicated himself to a lifetime of service in the central valley. He has proven himself a strong community leader, and was instrumental in the construction of the new courthouse downtown. It's only fitting that the building bears his name.

This should be a proud day for Judge Coyle and his family. I wish him the best in the years to come and thank him for his tireless devotion to public service.

SO-CALLED GLOBAL WAR ON TERRORISM CANNOT BE WON BY MILITARY MIGHT ALONE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the so-called global war on terrorism cannot be won by military might alone. It is a war of ideas and philosophies. Terrorism is the tactic used by people who seem to hate what the U.S. stands for more than they love life itself. But it is hard to hate the concepts of justice, individual freedoms and human rights.

The problem is that as long as our enemies can claim that we deny justice and abuse human rights and individual freedoms, we lose ground in this war of ideas. In fact, as long as we maintain the Guantanamo Bay detention facility, we undermine our standing, our credibility, throughout the world.

This is not what America stands for. America stands for the concept of habeas corpus and human rights. Guantanamo Bay is unAmerican, and that's why it needs to be closed.

PLAYING THE FIDDLE WHILE THE BORDER BURNS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, U.S. Border Patrol agents report that illegals and drug smugglers are entering the United States through our national forests. They are setting forest fires at the border, at patrol stands and watch towers, attempting to smoke out the agents and divert their attention from the illegal crossings.

National forest firefighters have reported seeing illegals and drug smugglers move right on through fires as the firefighters try to put out the fires. Once assaulted with rocks, cars, guns, now agents must worry about fires. And these arsonist illegals are not just stopping at setting those fires. Reports indicate some illegals have engaged in throwing Molotov cocktails—a crude bomb made from gasoline—at our agents.

The border war has escalated. These new invaders are not the migrants in search of a better life, they are violent land burners who will do anything to invade the United States, including assaulting U.S. border agents.

There is a wildfire of illegal crossings at the border, and the Potomac amnesty-for-all crowd is fiddling the violin of blissful ignorance while the border burns.

And that's just the way it is.

IT'S TIME FOR THE VICE PRESIDENT TO REMOVE THE SECRECY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, over the last 7 years, DICK CHENEY has convinced himself that Saddam Hussein was involved in 9/11, that Iraq had weapons of mass destruction and that the insurgency was in its last throes. Now it seems he's convinced himself that he is not actually Vice President, insisting that he, unlike the previous 44, is not a member of the executive branch.

It's difficult for any American who's taken seventh grade civics to miss the hypocrisy of this claim, especially when it comes from a man who so frequently has withheld information from Congress based on the assertion of executive privilege.

It's time for the Vice President to remove the secrecy, reject hypocrisy, and honor his pledge to support the Constitution. It's time for DICK CHENEY to start respecting the citizens who pay his salary and start leveling with us. Even a child can tell you, you can have special privileges if you obey the rules, and even the Vice President can't have it both ways.

Many of us wish you weren't part of the executive branch, Mr. Vice President, but so long as you accept the executive perks, we will demand executive responsibility and accountability.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to engage in personalities with regard to the Vice President.

AUTO WORKERS ARE AMERICANS WHOSE JOBS ARE WORTH PROTECTING

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I was appalled last week by the words of the Senate Majority Leader HARRY REID asking Senators to vote for a job-killing fuel economy standards bill for cars by asking them to, "speak for the American people, not for the three car companies that are closing plants and laying off people."

Well, the last time I looked, the over 1 million people who work directly for the big three are actually American citizens, and millions of others whose jobs are supported by the big three are Americans as well, the last time I looked. Everyone knows that the biggest producer of CO_2 emissions is electricity production, and yet I didn't hear the Senate majority leader volunteer to make the blazing neon blazing casinos in his home State of Nevada more energy efficient. How about we regulate their energy consumption?

Let's hope that the Democratic leaders in this House understand that millions of American workers and their jobs are worth protecting and don't follow the Senate's lead in their attempt to destroy them.

DEMOCRATS MAKE NATIONAL PARKS AND WATER INFRASTRUCTURE A PRIORITY IN INTERIOR BILL

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, this week the House will consider legislation that begins to restore our commitment to our national parks and our environmental protection.

Over the past 6 years, the Republican-led Congress has cut critical funding to maintain and restore our national parks and our water infrastructure. This new Democratic Congress is not going to allow them to crumble from neglect. That is why we are making a major investment in upgrading our national parks and our water infrastructure.

The bill also improves the quality of drinking water throughout the country by restoring funding to the Clean Water Revolving Fund Act, an important program that saw significant cuts under the previous Republican-led Congress.

This bill is further proof that Democrats are taking America in a new direction, investing in key priorities that will protect our drinking water and our national parks.

THE IMPORTANCE OF LIBRARIES IN LOCAL COMMUNITIES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today in support of America's local libraries. Libraries have long been the locus of learning, cultural exchange and imagination for young and old alike.

As a former librarian, I know that libraries play a crucial role in providing generation after generation with access to great books and world-changing ideas. Libraries serve our communities as a sort of guidepost along an often overwhelming path of information in the Internet age. Librarians still provide the invaluable service of helping us answer the toughest questions and directing us to the most reliable sources for research.

For many Americans, libraries are the only place they have ready access to thousands of books on almost any topic. By their very nature, libraries encourage us to branch out and pursue interests that we might not be naturally inclined to pursue.

The phenomenon that best describes libraries, contribution to local communities is a patron wandering through the stacks and simply selecting a book because it caught his or her eye. It's this ability to ignite our imaginations and spur us to learn that makes libraries a lynchpin for thousands of communities across the Nation.

VICE PRESIDENT IS IN THE EXECUTIVE BRANCH

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, 5 years ago, when the Vice President met with the senior executives of big oil companies, and we wanted to know what they discussed when it came to energy policy for the country, the Vice President exerted executive privilege and said those meetings were private.

Now when we want to know what he is doing as it relates to America's national security in the lead-up to the war in Iraq and after the fact, the Vice President has declared he is a member of the legislative branch, the legislative branch.

Every 10-year-old who is studying social studies in the United States knows that the Vice President is in the executive branch. So we have decided that if the Vice President is no longer a member of the executive branch, therefore, we will no longer fund the executive branch of his office, and he can live off the funding for the Senate presidency.

We will follow the logic of this ludicrous argument that the Vice President of the United States is in the legislative branch, no longer in the executive branch. The Vice President is acting like he is unaccountable and above the law.

In fact, there is a real consequence to his decisions. His decision to avoid the historical record as it relates to America's national security has consequences. For too long he has acted like he is above the law and not accountable, and it's time we bring him back to earth.

□ 1015

VISIT WITH SECRETARY OF THE NAVY TO BEAUFORT BASES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday I had the pleasure of joining Secretary of the Navy Donald Winter on tours of the Marine Corps air station at Beaufort and the Marine Corps recruit depot at Parris Island. I was honored to have the Sergeant Major of the Marines Corps, Carlton W. Kent, join us as well. The mission at Parris Island became crystal clear as we had breakfast with the dedicated drill instructors followed by a briefing led by its commanding officer, Brigadier General Paul Lefebvre. It was inspiring to see the determined recruits in action as they practiced firing the SAW M249, learned swimming, and participated in pugle sticks. Lieutenant Colonel William Ferrell welcomed the Secretary to the air station. After visiting with the Secretary and community leaders, I am more confident than ever that the air station is uniquely suited to take on F–35 Joint Strike Fighter. County Council Chairman Weston Newton, Council Military Liaison Skeet Von Harten, Beaufort Mayor Bill Rauch, Port Royal Mayor Sam Murray, along with other chamber and civic leaders expressed support for the Marine and Navy installations.

I'd like to thank the Secretary, the Sergeant Major, Lieutenant Phil MacNaughton and their staffs for making this visit so possible.

In conclusion, God bless our troops. We will never forget September 11th.

INCREASE IN CAFE STANDARDS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, last week the Senate took historic action by approving the first meaningful increase in CAFE standards in over 30 years.

The Senate bill would raise the average efficiency of all cars on the road to 35 miles per gallon by 2020. The result would be dramatic relief for working families at the gas pump, significant cuts in demand for foreign oil, and the reduction of tailpipe emissions that lead to climate change and air pollution.

If we are serious about ending our dependence on foreign oil and combating climate change, we have to take real action on car efficiency. At a time when many cars on the road are already capable of meeting this standard, the consumers are voting with their dollars by buying record numbers of hybrids. We simply cannot wait.

By acting to raise CAFE standards to 35 miles per gallon, this House can take courageous action to meet some of the greatest challenges of our time, keep our domestic auto industry competitive, keep those jobs in these countries, and do not concede the efficiency market to foreign manufacturers.

I hope the House will take this visionary action.

DEMOCRATS WILL ADDRESS GLOBAL WARMING

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, did you know that our planet is showing the disconcerting signs of global climate change? That should serve as a wake-up call to all of us. Scientists have found that 11 and 12 of the warmest years on record have occurred since 1995. The water in our lakes and rivers has warmed, and ice is being lost in the Arctic Sea at unprecedented rates.

Steps should be taken to stop or reverse these trends as soon as possible, and the Democratic Congress is doing just that as a part of the Interior and Environmental appropriations bill.

The legislation includes provisions to focus our efforts on global climate change by establishing a commission of the government's top scientific experts tasked with identifying key areas of scientific research and empowering them with the resources to finance their work. It also provides for funding, over the President's request, for clean water funds, reducing diesel emissions, clean air grants, and ensuring that environmental laws and justice and regulations are followed.

Mr. Speaker, the Democratic Congress is committed to taking steps necessary to protect our natural resources and address global climate change. There's still time to save our planet.

WE MUST END THE WAR IN IRAQ NOW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to add my voice to others who are calling for an end to the war in Iraq. We must end this war, and we must end it now. We cannot wait, and we must not wait.

Every month, every week, every hour, every minute, every second, every moment that another young American is killed, their innocent blood is on all of our hands. We have a moral obligation to bring this madness to an end. Nothing but nothing good can come out of this war. It is destroying Iraq and destroying the very soul of our Nation.

As Members of Congress, we must find a way to stop it and stop it now.

REPUBLICAN FISCAL MISMANAGEMENT WILL NOT SOON BE FORGOTTEN

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, last week, Republican leaders sent a letter to the White House vowing to support the President's plans to veto essential legislation to protect our homeland, put thousands of new agents on America's borders, and invest in our country's priorities.

This sudden and newfound interest in fiscal responsibility is nothing more than hypocritical rhetoric. It does not match their actions or their record. Under Republican leadership, earmarks and deficit spending exploded.

For 6 years, Republicans and President Bush set the standard for fiscal mismanagement and turned record surpluses, created in the last years of the Clinton administration, into record deficits. And the President has refused to change course, once again proposing a budget for the upcoming year that does not find balance within the next 5 years.

Unlike the President's budget, the final Democratic budget blueprint brings us out of the red in the next 5 years, while also investing in critical homeland security initiatives. Instead of threatening to veto this essential legislation that the President claims is his top priority, President Bush should work with the Congress and sign this important legislation into law.

DAY OF SILENCE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, many of the 70 million Americans who enjoy music over the Internet woke up and their music was silent today, and the reason, because of an outrageous decision by a Federal agency that caused outrageous increases of 300 to 1200 percent of the copyright fees that Internet Web broadcasters have to pay. And in protest of that outrageous decision, Web broadcasters today have joined together in a day of silence to let Americans know what's going to happen if Congress refuses to act to right this wrong.

And I call today on my colleagues who will be hearing and have heard from many of their constituents on this day of silence. I hope they will cosponsor H.R. 2060, the Internet Radio Equality Act.

The simple fact is, if we do not pass this bill, Web broadcasters are going to go out of business. Many of the 70 million Americans who enjoy music over the Internet will not get to listen to it.

Congress needs to act. It's the right thing to do. Let's pass this bill.

MOURNING THE LOSS OF CORPORAL CHARLES W. LINDBERG

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to honor the memory of Corporal Charles W. Lindberg, and I offer my most sincere condolences to his family.

Mr. Lindberg, a fellow marine and fellow Minnesotan, was the last survivor of the six U.S. Marines who raised the first flag over Iwo Jima during World War II.

On the morning of February 23, 1945, Corporal Lindberg and his fellow marines made their way to the top of Mount Suribachi. At the request of their battalion commander, they placed an American flag at the summit.

Years later, as he reflected on that fateful day, Corporal Lindberg said, "Down below the troops started to cheer, the ship's whistles went off, and it was just something that you would never forget."

This was the first time a foreign flag was flown on Japanese soil. The moment was captured in a photo by Sergeant Lou Lowery. This event, along with the famous photo made by Joe Rosenthal of the second flag raising, became a symbol of courage and victory in our country.

Just weeks after the flag raising in Iwo Jima, Corporal Lindberg was injured in the line of duty. For his bravery, he was awarded a Purple Heart and the Silver Star.

Mr. Speaker, in this Chamber we often speak of service to our country. Corporal Lindberg's story is a symbol for generations on the importance of service and duty.

After his retirement, Corporal Lindberg spoke to hundreds of veterans groups and student groups, inspiring all who heard him. He is much loved and admired by those who knew him.

God bless the Lindberg family, and God bless America.

RESPECTED REPUBLICAN PULLING AWAY FROM THE BUSH ADMINISTRATION ON WAR IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday, an influential Republican voice on foreign affairs admitted that the war in Iraq is doing more harm than good and that, I quote, "Our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond."

Those are the words of Republican Senator RICHARD LUGAR of Indiana, who went to the Senate floor last night to say that changes in strategy need to be made before September. LUGAR's comments should be listened to very carefully by my Republican colleagues who continue to hold out hope that the President's troop escalation strategy can work.

Senator LUGAR is just the latest to admit that the President's plan is not working and that a new strategy is needed in Iraq. Last week, General Petraeus himself said that we will not meet the target of seeing any positive results from the troop escalation plan by September.

Now, Senator LUGAR's realistic assessment of the war in Iraq is commendable, but words are simply not enough. If LUGAR is convinced that the war in Iraq is no longer in our Nation's best interest, he must join us in finding an alternative that begins to bring our troops home.

TRIBUTE TO THE MEMORY OF MARINE SERGEANT SHAWN MARTIN

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, I rise this morning to salute and pay tribute to the memory of Marine Sergeant Shawn Martin, who gave his life in service to his country in Iraq. He died on June 20. His funeral will be on Thursday morning.

Sergeant Martin's death is a reminder to all of us that, regardless of how we feel about this particular war, that young men and women across our country put on the uniform of the United States military and are willing to go anywhere in the world at the direction of our government to protect American interests.

It reminds me not to let even a single day go by without remembering with deepest gratitude all of those who, like my own brother, Bill, made the supreme sacrifice, all those like Shawn who made the supreme sacrifice, and all of those who serve in the military with great honor and then come back home, render outstanding service in the community and raise beautiful families to carry on their fine traditions. These are the things that I'm most grateful for today as a citizen of the United States of America.

So today I extend my deepest sympathies to Shawn's wife, to his parents, to all the members of his family for his tremendous service to our country for making the supreme sacrifice, and we shall never forget this true American hero.

PROVIDING FOR CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2643 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my namesake and good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 514 provides for consideration of H.R. 2643, the Department of the Interior, Environment and Related Agencies Appropriations Bill for Fiscal Year 2008. It is an open rule, and allows all Members the opportunity to amend the bill.

☐ 1030

Mr. Speaker, the funding levels in the underlying bill make clear the change in priorities of this new Democratic Congress. This bill refocuses our Nation's priorities to ensure that all Americans have access to clean water and air as well as appropriately addressing climate change and conservation, all of which have not been seen since Democrats last controlled this body in 1994. Democrats are restoring our obligation to the American people to protect and preserve the land and shores and all creatures who inhabit this Earth.

I commend Chairman DICKS and Representative TIAHRT for their hard and, perhaps most importantly, bipartisan work on this legislation. I do believe that they did a tremendous job in crafting this bill.

This bill restores our promise to America's underserved minority communities and to our children to ensure that our cherished land, water, and air will be preserved for generations to come. I commend the committee for including funding for important environmental justice programs I have long advocated for such as $1.1 billion for the Clean Water State Revolving Fund. This is $437 million above the administration's request and will help over 150 communities with drinking water and wastewater infrastructure projects.

The bill also includes $140 million for sewer and water grants, which received zero funding in 2007 and was not in the President's budget request this year. Further, this legislation provides $16 million for rural water technical assistance that was also zeroed out in the President's budget request. We are ensuring that all communities have clean and safe drinking water.

The underlying legislation also includes limitation language that I authored in the 109th Congress, ensuring that EPA respects the needs of environmental justice communities. It appropriate $7 million for environmental justice programs, the amount that Congresswoman HILDA SOLIS, I, and others requested. This is $3 million over the administration's budget request and $2 million over fiscal 2007 levels.

This bill provides much-needed funding for our national parks and wildlife protection. The legislation includes $2.5 billion for our national parks, $223 million above the 2007 levels.

Democrats are appropriating $1.4 billion for the Fish and Wildlife Service,

$86 million above 2007 levels and $130 million above the President's budget request.

Ladies and gentlemen, our national parks have been shortchanged for too long. This funding will be used for critical maintenance and repair, conservation, and recreation, and for the preservation of our natural heritage.

Importantly, the underlying legislation maintains the longstanding Presidential and congressional moratoria on drilling for natural gas on the Outer Continental Shelf. The committee rightly rejected attempts to permit drilling to occur off the shores of coastal States, including my home State of Florida, and I am sure my colleague from Tampa (Ms. CASTOR) will speak more specifically to that issue during her time on the rule. In doing this, we continue to protect and preserve the health of Florida's beaches and tourism industry, the largest industry in our State.

Amendments may be offered today on the floor that will seek to strip Florida and other coastal States of their protections. I urge all of my colleagues to do what is right for our Nation and reject such amendments. Drilling for natural gas on the Outer Continental Shelf will have zero impact at the gas pumps. It will not under any circumstances reduce the cost of a gallon of gasoline.

This legislation offers a more forward thinking approach to our Nation's energy needs. Instead of looking for short-term, short-sighted solutions, Democrats have a smarter, long-term energy strategy. For starters, Democrats have increased funding for programs such as the global climate change research, providing $10 million above the President's request for new research on global climate change and its impact on rivers, groundwaters, and on organisms.

The bill also increases our investment in energy conservation and alternative fuels and research capabilities by nearly 60 percent. What a difference a change in Congress does make for our Nation.

Critically important to my district and to the entire State of Florida is restoration of America's Everglades, one of the most biologically diverse areas in the world and a unique and world-renowned eco-region. The Everglades is one of the Nation's most fragile ecosystems and remains an area of national and international significance. Increased funding to advance this restoration initiative ensures that the Federal Government keeps its commitment to the River of Grass, the largest environmental rescue in the world. Chairman DICKS and Representative TAYLOR, in my judgment, should both be applauded for their continued effort to restore and preserve this pristine ecosystem.

Democrats also take significant steps to finally work to fulfill our promise to our neglected Native American communities. In all, the bill provides almost $250 million more in funding for Native American health care and education opportunities than last year.

This legislation truly provides for each and every one of us. By investing in the health of America's natural resources, we are investing in the future of this majestic country.

Finally, Mr. Speaker, later today I intend to offer an amendment that would designate $1 million for grants for the National Underground Railroad Network to Freedom, the only national program dedicated to the preservation, interpretation, and dissemination of underground railroad history. I urge my colleagues to support this important amendment.

I am pleased to support this rule and the underlying bill, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the Rules Committee heard testimony nearly 2 weeks ago from my good friend and colleague from Washington, Subcommittee Chairman NORM DICKS and the Ranking Member TODD TIAHRT of Kansas. When they appeared before the Rules Committee, concerns were raised that the bill at that time did not include a list of earmarks or earmark sponsors and that no Member could challenge, discuss, and call for a vote on earmarks on the House floor.

Fortunately, Mr. Speaker, Republicans succeeded in forcing the Democrat majority to restore the earmark transparency and enforceability rules that they had changed at the beginning of this Congress, and now spending bills are being brought to the floor with earmarks where they can be discussed, debated, and voted upon, as they should be.

Mr. Speaker, I am pleased that the fiscal year 2008 Interior and Environment Appropriations bill that we will consider today contains a list of earmarks and the names of the sponsors of those earmarks. This means that Members will have the opportunity to review them before casting their vote on the House floor and not just see them added months from now, as was previously tried.

Mr. Speaker, the Central Washington area that I represent covers more than 19,000 square miles, much of which is controlled and managed by the Federal Government. The Federal agencies funded in this bill directly impact those that I represent on a number of levels. When storms and mudslides wipe out trails and roads, it affects not only my constituents that enjoy camping, hiking, and hunting on public roads, but also visitors to the area and the local businesses that rely on tourism. When invasive species, plant pests, and wildfire threats are not adequately controlled on Federal land, the problems do not stop at the property line.

I think I speak for many Western Members of the House when I talk about the huge stake we have in the general direction of the agencies funded under this bill. For this reason, Mr. Speaker, I am concerned that at a time when Federal land agencies struggle to manage the land they now have, this Congress would provide tens of millions of dollars for the Federal Government to buy up more land. This takes private property off the tax rolls and leaves county governments with a heavier burden to pay for emergency services, roads, and schools.

I have stood on this floor before to discuss the importance of another program, the Secure Rural Schools program, which compensates local governments that are negatively affected by Federal forest land policy and ownership and the virtual shutdown of the Federal timber program over the last 15 years. We need to get the Secure Rural Schools program reauthorized and we need to get the Payment in Lieu of Taxes program fully funded for the long term before we start spending millions of dollars adding more and more land to the Federal estate.

Finally, I want to express my concern about the overall increase in spending that this bill represents. I know that the chairman of the subcommittee and the ranking member worked very hard to try to manage the many demands for funding under this bill. However, this bill represents a $680 million increase over last year. As I have said previously with respect to other appropriation bills this year, we simply must rein in spending in order to prevent the massive tax increases that the Democrat majority is poised to impose, as reflected in their budget.

Congress must work for balancing the Federal budget in 5 years. There are two ways to balance the budget, whether it is your family budget or the Federal budget. You can either, one, reduce the amount of money being spent or, two, increase the amount coming in. This bill highlights the Democrat majority's allegiance to option number two: spending more money each and every year and at a rate faster than inflation, while relying on tax increases to balance the budget down the road.

Mr. Speaker, we don't need a bigger Federal Government. We need a balanced approach that holds the line on spending; provides for our Nation's most fundamental priorities; and allows taxpayers to keep more of their hard-earned money to spend, save, and invest as they see fit.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 6 minutes to my good friend and member of the Rules Committee, the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank my colleague from Florida (Mr. HASTINGS), who has been an outspoken advocate for environmental justice for this great country and a strong supporter of Everglades restoration. So I thank the gentleman.

Mr. Speaker, our natural environment and clean neighborhoods are vital to the health of the folks that we represent back home. This bill, and the rule, contains much to recommend it to the American people. But I rise in support today because my community, the Tampa Bay area, will benefit greatly due to the new investments being made under the leadership of this new Democratic Congress.

See, our communities have suffered over past years while environmental agencies were infiltrated by industry lobbyists. That was a strategy of this White House, unfortunately. And some in past Congresses whittled away at environmental protections.

□ 1045

Well, we're going to begin to turn that around today and repair America's natural environment and the public health so we can breathe easier.

First, we will make new investments in clean air and clean and safe drinking water. We know that the rate of asthma in children is rising in America, and this bill will help our communities get back on track with enforcement of the Clean Air Act.

On clean water, the residents of the cities of Tampa and St. Petersburg have benefited greatly over the years due to the Clean Water Act and the State Water Revolving Loan Program because my communities have been able to repair sewers, and in my hometown, clean up Tampa Bay and make it safer for swimming, boating, and fishing. But we have more work to do. The National Estuary Program portion of this bill will help, as the bill provides greater assistance to local communities to improve water quality in our national estuaries like Tampa Bay.

I also hope the committee will look favorably upon an amendment relating to the red tide that is affecting the physical environment of our coastal communities and causing respiratory ailments at a time when folks are trying to enjoy their vacation at the beach.

Urban communities like mine also need assistance in cleaning up toxic waste sites and Superfund sites. As a former county commissioner back home, I understand the value of cleaning up old brownfield sites so they do not remain as blights on the community. Oftentimes these polluted industrial sites are located in communities of modest means. So I salute the committee and Chairman DICKS for his commitment to environmental justice to ensure that environmental decisions do not adversely affect minority populations.

This bill also charts a new direction on global warming as well by increasing climate change scientific research, including attention to coastal communities to help us determine how we can best adapt to a warming planet.

This act and rule also provides long overdue funding for our national parks, including the beautiful Florida Everglades. Thanks to Chairman DICKS and the committee for stepping up our efforts to ensure that these valuable environmental resources are protected.

One final issue: This bill maintains the long-standing moratoria on oil and gas drilling off our beautiful gulf coast beaches. Now, I expect that the oil and gas lobby will take a run at this protection today, and I urge my colleagues to hold firm.

In Florida and in other coastal States, drilling threatens our environment, it threatens our health, and it threatens our economic livelihood. Instead of risking our critical coastline for short-term gain, the new Democratic majority is pursuing a long-term energy strategy by investing in energy conservation and alternative fuels.

Granting oil and gas leases and access to our coastline is not the solution to our energy crisis. The current leases that oil and gas companies exploit far off the coastline exist with the help of taxpayers. Allowing drilling closer to our coastline is simply a way for oil and gas companies to maximize their profits. Such actions will have no effect on either the cost of gas or on the future of our energy needs.

I urge my colleagues to beat back this scheme of the oil and gas lobby today, their attempt to kill a ban on coastal drilling that was enacted in response to a 1969 oil and gas bill that blackened 35 miles of California's coast.

Instead of drilling for limited resources, the country needs an accelerated program for alternative fuels, and Congress needs to investigate the oil companies' unseemly profits.

I urge my colleagues to support this legislation and the rule. I salute the leadership of Chairman DICKS, and I thank Ranking Member TIAHRT. This legislation will protect our environment and our public health and focus on renewable energy solutions that are vital to the State of Florida and the future of our great Nation.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I'm pleased to yield 5 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today on behalf of the American taxpayers in opposition to this rule.

A couple of weeks ago we had a lot of debate on this floor about earmarks. At the end of this agreement we were able to have a process that's more open and transparent for the earmark process, and so that was a victory for the American taxpayer. However, it's worth noting that when you look at the spending, for example in 2005, earmark spending was less than 1 percent. So even though the battle was won on earmarks, the war is still on against overspending of the American taxpayers' money.

There are many causes for overspending in this country today, and one of those is the entitlement programs. Those are programs, unfortunately, that this body doesn't even get to vote on. And the fact that the new majority's budget now has an additional discretionary spending of $20 billion does not help the spending problem at all.

I would argue that Congress is failing at another very important issue as well. According to a CQ Weekly article recently, $100 billion in appropriations this year that we will make aren't authorized. Now, the American people know what "authorized" means. If you go down and open up a checking account, people want to know if you're authorized to sign on that account. If you get a credit card, certain people are authorized to use the credit card. I wish we were using a checking account for the American taxpayers, but unfortunately we're using a credit card.

What we're going to have in this bill today, the Interior EPA appropriations bill, is $7.29 billion that's not authorized. What does that mean? That means that the committees of jurisdiction have chosen either not to authorize this spending or to reauthorize this spending, yet the appropriation process is going to go ahead and spend $7.29 billion of the American taxpayers' money. Let me tell you where some of that unauthorized money is going to be distributed; $160 million to the National Endowment of the Arts was last authorized and it expired in 1993. The authorization for this expired in 1993. $1.8 billion of discretionary programs for the Bureau of Land Management. That authorization expired in 2002. $10.5 million for EPA State and Tribal Grants to Alaskan Native Villages. Authorization for this spending expired in 1979. These projects aren't on autopilot. In fact, there is not even a pilot in the cockpit. These are programs that no one has chosen to reauthorize in a number of years.

As Members of Congress, we're entrusted to spend the taxpayers' money wisely. Congress is supposed to continually review these policies and programs to determine, one, are they working; secondly, do they need to be improved; or, third, should they be eliminated altogether.

Get this: House rules require appropriations to go through the authorization program, yet each year the Rules Committee chooses to waive points of order authorizing spending. In other words, that means we have rules in this House to protect the American taxpayer by saying we're not going to fund projects that aren't authorized. But what is the first action that we take? We waive the rules. This is a practice both Republican and Democratic Congresses are guilty of. However, I think it's important to point out this shortcoming as we go into this very important legislative process.

Now, some might argue, well, Congress is just too busy, doesn't have enough time to review all of these program. Well, quite honestly, if these programs aren't important enough for Congress to take the time to review them to determine whether they should be continued to be funded or if they're relevant today, we probably shouldn't be sending billions of dollars of the taxpayers' money for those programs. And to the argument, well, we're too busy, well, we haven't been too busy in the first 6 months of this Congress. In the first 6 months of this Congress we've authorized $828 billion in new programs. So if we have time to authorize $828 billion in new programs, it looks like to me we have time to go through these programs that are going to be funded today in this bill that are unauthorized.

Clearly, Congress needs to do a better job. The first thing Congress needs to do is follow the rules. These were rules that were put in place to put checks and balances on how we spend the American taxpayers' money. And so I would encourage our Members today to vote against this rule and for Congress to follow its own rules, and that is, to make sure that we do not fund unauthorized projects.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend on the Rules Committee, let me clear up something for the American public.

Mr. DICKS and Mr. TIAHRT, in a very responsible manner bringing this appropriations measure to the floor, had to work assiduously to ensure that this is a bipartisan effort and that we are being proper stewards of the environment. There is no question, I don't believe, that anybody can say about that.

But I've listened now for a considerable number of days about the hammering of earmarks. Now, I'm not here as an apologist for anybody, but I think something needs to be understood that is not clear in the minds of many, particularly in the American public because of the confusion that has been put forward by my colleagues on the other side. Let me use as a "for example" in this particular measure some of the so-called earmarks that I say are needed in these communities. And I go specifically to Florida and specifically to Republicans who work on this floor with me.

I support the city of Sarasota's water system placement that Congressman BUCHANAN asks for. I support Congressman CRENSHAW's town of Callahan for the wastewater treatment plant. I support the fourth-ranking member of the Republican Party's request for the city of Brooksville Southwest Florida Water Management District for the Peace and Myakka Rivers. I have fished in those rivers. I have seen them be damaged. They are nowhere near the district that I am privileged to serve, but I support that particular effort of Congressman PUTNAM.

I support the city of Clearwater for wastewater and reclaimed water infrastructure. I have been in Clearwater when it was flooding and the people had problems in that area. That's offered by Mr. YOUNG, the former appropriations Chair, and Mr. BILIRAKIS. Enough already, colleagues. These people need this environmental protection. They need these water treatment facilities. They need the things that Mr. DICKS and Mr. TIAHRT have worked out. And it's wrong for folks to come down here and to try to give the American public the impression that because somebody that is sent here for the purpose of trying to use the budget for the purposes of protecting the environment and the American people, that they have done something wrong.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont, my good friend who is on the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman from Florida and for his ringing endorsement of public spending for public projects.

Two things: first, Democrats readopted in this Congress the principle of pay-as-you-go, acknowledging that we have to pay our bills, and that good intentions are not enough to balance the budget. We will do that as we did before. But in this bill we are proposing to spend 7.5 percent more than the President asked for. And the reason? That spending is necessary and required if we're going to protect the rivers, the waterways, the air and the land of this great country.

Second, the spirit of Teddy Roosevelt is alive and well in this bipartisan bill by Mr. DICKS and by Mr. TIAHRT. We are getting back into protecting the America that we are responsible to hand down to the future. This bill, a bipartisan bill, appropriates $266 million for climate change research across all Federal agencies. This bill creates a commission on Climate Change Adaptation and Mitigation that will review scientific questions that need to be addressed to adapt to global warming and to recommend action. This investment in furthering our understanding of the impacts of climate change is a down payment on our future. If there has been a debate about whether global warming exists, this bill puts an exclamation point that the bipartisan conclusion of Congress is that global warming is real, is urgent, and requires immediate attention.

The spirit of Teddy Roosevelt is also alive and well in this bill in the Forest Legacy Program. And thank you, Mr. Chairman and Mr. Ranking Member. The Forest Legacy Program brings communities together, protecting their forests. In my own State, two very small towns of Fairlee and West Fairlee have been working hard contributing their own money to protect their Brushwood Forest. The increase in the Forest Legacy Program, something that's been overdue, is going to give them a fighting chance to be able to do that.

The spirit of Teddy Roosevelt is alive and well in the bill's commitment to water quality. The Clean Water State Revolving Fund provides all of our States resources for local sewage treatment projects, one of the most important investments in the country towards public health.

□ 1100

The spirit of Teddy Roosevelt is alive and well in the self-help efforts in this bill in the small amount of money, $16 million, that provides for rural water technical assistance. This helps small communities across the State of Vermont and across the country get the technical assistance that they need in order to do locally what is required for the benefit of their own citizens.

Mr. Speaker, I thank the gentlemen on both sides of the aisle for their leadership in this overdue legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to engage in a colloquy with my colleague from Washington, the chairman of the subcommittee.

As the chairman is aware, I have been concerned for some time with the issue of Federal land acquisition due to its effect on local tax rolls. Many of the counties that I represent are heavily federally owned. Some of them have strong reservations about Federal land acquisition.

I would like to say a word or two specifically about the Columbia River Gorge National Scenic Area. As the chairman knows, I represent the northeastern part of the scenic area. The Columbia River Gorge National Scenic River Act, passed by Congress in 1986, authorized $40 million for land acquisition, $10 million for economic development grants, and $10 million for recreation grants for the scenic area. I am concerned that even though it has been 20 years since the Act was passed, the economic development and recreation accounts have yet to be fully funded.

Meanwhile, the Forest Service has spent more than $55 million on land acquisition in the Columbia River Gorge National Scenic Area. I believe we should make it a priority to fund the economic development and recreation accounts as envisioned under the Act.

Mr. Speaker, I am happy to yield to Chairman DICKS for his comments.

Mr. DICKS. Mr. Speaker, I thank the gentleman for yielding.

I share your interest in seeing that the economic development and recreation accounts under the gorge act are fully funded. I will be happy to work with you on this issue which is so important to the communities in your scenic area.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I appreciate the chairman's remarks. I also noted that the committee report includes $1 million for land acquisition in the Columbia Gorge National Scenic Area requested by our colleagues, Mr. BLUMENAUER of Oregon and Mr. BAIRD of Washington. I would like to clarify with the chairman that it is not his intent that these funds would be spent on land acquisition in the part of the scenic area that I represent.

Again, I would be happy to yield to the chairman on this question.

Mr. DICKS. That is correct. The earmark in the committee report is for land acquisition in areas of the scenic area represented by the two gentlemen who requested the funding.

Mr. HASTINGS of Washington. I thank the chairman. I appreciate very much your comments. I look forward to working with you on issues related to the implementation of the Columbia River Gorge National Scenic Act.

Mr. Speaker, yesterday the Rules Committee, by a voice vote, approved an open rule for the consideration of the Department of Interior, Environment and Related Agencies Appropriation Act. I am pleased that this rule keeps with the longstanding tradition of allowing an open debate on spending bills. I support House Resolution 514.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the underlying legislation moves our country in a better direction, providing improvements long overdue to our entire Nation. Our investments today will ensure that our children and grandchildren will have water and air that is cleaner, natural landscapes and historic structures that are protected, and arts and humanity centers that are bolstered.

This bill fulfills past due obligations to our underserved communities and to our entire planet. Republicans in the last Congress and in the current administration have continued to fail to effectively fund the environmental and conservation needs of the American people and its natural resources.

Today, under the Democratic leadership, we are reversing this trend and restoring funding to vital programs and agencies, fulfilling our promise to this Nation and to this Earth. The investments this bill makes are of vital importance today, and their benefits will be felt for years to come.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DICKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2643, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DICKS. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2643 pursuant to House Resolution 514, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2643.

The Chair designates the gentlewoman from Ohio (Mrs. JONES) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. MCNULTY) to assume the chair temporarily.

□ 1106

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. MCNULTY in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. DICKS) and the gentleman from Kansas (Mr. TIAHRT) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have waited 30 years for the honor of presenting an Interior and Environment bill to the House of Representatives as subcommittee chairman. I am very proud to present H.R. 2643 to the committee as my first Interior appropriations bill.

The bill includes $27.6 billion for the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service and Related Agencies under this Subcommittee's jurisdiction. This is an increase of $1.193 billion over the 2007 enacted level, or about a 4.3 percent increase.

Mr. Chairman, the recommendations reflected in the 2008 Interior bill are the product of a very deliberate and bipartisan process. Our Interior and Environment Subcommittee held 38 separate hearings over 3 months with more than 250 witnesses. The printed record of these hearings is included in eight volumes, totaling over 10,000 pages.

During these hearings, we heard from agency officials, Members of Congress and more than 100 Tribal leaders and other public witnesses. This testimony made it clear that substantial increases in environmental and conservation programs were badly needed. These sessions also highlighted the critical health and education needs in Indian country.

While the Office of Management and Budget and other Members of the House may criticize the overall size of the bill, I do not know of one increase in this package which can't be fully justified based on need or on the ability to spend the money wisely. Frankly, I don't think I have to remind Members that this bill started in a deep hole created more than a decade ago.

As Members have heard me say many times, and as this chart clearly demonstrates, in our hearings and other statements on the floor, between 2000 and 2007, based on OMB's own tables, funding for the Interior Department fell 16 percent in real terms. EPA has been reduced by 29 percent, and the Forest Service nonfire budget by 35 percent when adjusted for inflation. Given that history, I believe the 4.3 percent increase in this bill is well justified.

I might just mention that one of the most important powers that Congress possesses is the power of the purse. This is in the Constitution. This is one of Congress' major authorities and one way we can check the actions of the executive branch.

Now, while I do not go into all the details, a few of the increases and decreases deserve special mention this morning.

□ 1115

The bill provides a $223 million increase for our national parks, as proposed by the President, for the 10-year, $3 billion Centennial Challenge effort to restore the parks for the 100th anniversary of the founding of the Park Service in 2016. The additional funds will support 3,000 badly needed new seasonal employees and 590 year-round staff. We also provide $50 million of discretionary funds for Centennial Challenge projects to be matched by private funds. These funds will support enhancements at our parks beyond the funding necessary for core operations.

We provide a $56 million increase for our national wildlife refuges, a 14-percent increase above the fiscal year 2007 enacted level. This will reverse the current staffing shortfall problem on our refuges, which have lost almost 600 staff members since 2004.

The bill provides a total of $5.7 billion for programs serving Native Americans. This is $235 million over the President's request for the Bureau of Indian Affairs and the Indian Health Service. To address one of the biggest issues facing Indian country, Mr. TIAHRT and I have added $35 million above the request for a methamphetamine prevention initiative that spans both the BIA and the Indian Health Service.

The bill provides $2.8 billion for wildfire programs, an increase of $200 million over the current level. The President's budget had proposed more than $100 million in reductions in critical fire preparedness activities, which I believe both sides of the aisle considered completely irresponsible. The bill restores those cuts and provides an increase of $163 million over FY 2007 for wildfire suppression. As we see on television every day, and particularly out in the Lake Tahoe area, this year's fire season is shaping up to be one of our worst. The funds in the bill are the minimum necessary for the wildfire program.

We have also restored basic funding for the Forest Service, providing a total of $2.6 billion for the non-fire programs, which is $92 million above 2007 and $355 million above the President's request. This maintains important science, cooperative forestry programs, and land management, and also includes $65 million for a new Legacy Road and Trail Remediation Program to repair damaged roads and decommission those that receive little use, particularly in areas where we have many endangered species.

We have provided over $8 billion for the EPA, roughly a $900 million increase over the President's completely inadequate request. As Members know, the President had proposed more than half a billion dollars of cuts for the agency. We restore most of the cuts and provide a number of critical increases. Those include a $437 million increase above the request for the Clean Water State Revolving Fund, $52 million above the request to clean up toxic and hazardous waste sites, $220 million for Clean Air State grants, $140 million for sewer and water grants in local communities, and $50 million for the new diesel emission reduction program.

This bill recognizes the importance of protecting and restoring a number of our Nation's most important water bodies by providing an increase of $65 million above the President's request for the Chesapeake Bay, the Great Lakes, Long Island Sound, Puget Sound, and 28 estuaries funded through the National Estuary Program and other grants for other targeted watersheds.

The bill provides an increase of $50 million for our cultural agencies to get them partially back to where they were in 1994. The National Endowment for the Arts will get a $35 million increase to $160 million and the National Endowment for Humanities would get an increase of $19 million for a total of $160 million.

One of our witnesses this spring, actress Kerry Washington, described the role of the arts in offering her a world beyond her inner-city neighborhood and giving her "something to reach for and something to reach with." Hopefully, the money in the bill for the NEA and the NEH will give other young people the same kind of inspiration and opportunity.

Mr. Chairman, I want to draw special attention to our recommendations with regard to climate change. It is now clear that global warming is occurring and that its effects will likely alter how we live in very serious ways. This reality was confirmed at hearings held by the Interior Subcommittee in April where witnesses from the Interior Department, Forest Service and other agencies described climate-related changes already occurring on the Nation's public lands. These impacts include increased wildfires, changing precipitation and water availability patterns, increasing presence of invasive species, changing migratory patterns for many animals and birds and significant loss of habitat for many species.

In response to this challenge, the subcommittee has made a series of recommendations.

First, we included in the bill the same Sense of Congress resolution on climate change which I offered last year and which was accepted by the Appropriations Committee during the 109th Congress. This appears as title V of this bill. It recognizes in statute that climate change is a reality, that human activity contributes to it in significant ways, and that this country must take action to address this very serious problem.

Second, the bill provides $264 million for various climate change activities throughout the bill, an increase of $94 million over the 2007 level: $199 million is provided for EPA climate programs; $67 million for the Department of the Interior, principally for the U.S. Geological Survey; and $22 million for the Forest Service.

Third, we set aside $2 million for the EPA to begin to develop the framework for regulation of greenhouse gases. The Supreme Court ruled in April that the agency has the authority to regulate greenhouse gases under the Clean Air Act. This bill does not mandate the form of these regulations or set a specific deadline for producing the final regulation, but in law it says the process must begin in earnest during 2008.

Lastly, we establish a new temporary 2-year Commission on Climate Change Adaptation and Mitigation and appropriate $50 million for its work. This commission will be chaired by the president of the National Academy of Sciences, Dr. Ralph Cicerone, a world-renowned authority on climate change, and will focus on the science issues related to how the world adapts to the reality of climate change. Its role is essentially that of a public-private advisory committee to identify the highest priorities for climate science investment for 2008 across the government. $5 million is provided to cover the cost of the commission for 2 years, with the remaining $45 million to be distributed to jump-start climate science at the various Federal agencies.

In summary, the message of this bill with respect to climate change is it is time to quit talking about the problem and start doing something about it.

Members should understand that this bill is not all increases. The subcommittee bill includes reductions below the 2007 level totaling over $400 million. This includes $135 million cut from construction programs throughout the bill and termination of a number of programs, including the Land Owner Incentive Program and Private Stewardship Program at the Fish and Wildlife Service.

Mr. Chairman, as Members know, consideration of this bill was delayed for a while as the committee complied with the agreement to include Member projects in committee reports prior to bills being considered on the floor of the House. House Report 110–187, part 2, filed on June 22, fulfills this requirement. This report lists 228 projects requested by the Members of the House with a total cost of approximately $114 million. The financial disclosure certifications for these projects have been made available to the public, and we believe the filing of the report meets all requirements under clause 9 of rule XXI.

Mr. Chairman, I want to emphasize that the $114 million in this bill for projects constitutes only four-tenths of one percent of the roughly $28 billion in this bill. When Senate projects are counted later, the total allocated to such projects will be less than 1 percent, or roughly eight-tenths of one percent.

As I said during the consideration in the full committee last week, many Members will, unfortunately, be disappointed by the project list included in this report. Based on the agreement reached earlier this year with House leadership, funding for Member projects has been reduced by 50 percent compared to funding for similar projects in 2006.

Because of this requirement to reduce funding for projects, Mr. TIAHRT and I agreed to concentrate limited funding, with a few exceptions, on critically needed water and sewer infrastructure grants and historic preservation grants. These are the two areas where we get the most requests. Projects requested in these areas were individually reviewed on a nonpartisan basis by our joint staffs working together to ensure that each project was fully justified based on both the quality of the proposal and the needs of the communities. In the end, however, due to the limited amount of funding, hundreds of worthwhile projects could not be accommodated. I wish we could have done more, but this is the hand we were dealt.

I would just add to that, when Christine Todd Whitman was the head of the EPA, she said the backlog on these sewer infrastructure projects was $388 billion. So we are spending $140 million. It is just a little dent in this huge requirement that we have out there.

Mr. Chairman, before yielding to other Members for remarks, I want to say how much I have enjoyed working with Mr. TIAHRT as the Interior and Environment Subcommittee's new ranking member. We sat together for over 100 hours of hearings over 3 months, and we have met together privately with many of the agencies. It has been very hard work, but I think because of these efforts, we have a very good bill which should be supported by every Member of the House. I look forward to many years as chairman working with Mr. TIAHRT as my ranking member, or vice versa.

I also want to recognize the hard work of our exceptional staff on both sides of the aisle who have worked together as a bipartisan team throughout this process. I want to mention the staff: Mike Stephens, Chris Topik, Greg Knadle, Delia Scott, Beth Houser and Martin Brockman on the majority; Deb Weatherly, Dave LesStrang and Steve Crane for the minority; Pete Modaff and Kelli Shillito on my personal staff; and Amy Claire Brusch on Mr. TIAHRT's staff.

Before I finish here, I just wanted to say that I am very proud of this bill. I think it is a good bill; and as, Mr. Natcher said, it is a good bill and everybody ought to vote for it.

Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Chairman DICKS is to be commended for the reasonable manner in which he has conducted the business of the Interior Appropriations Committee and the personal consideration he has given me in my role as ranking member. It is a reflection of the experience he received while waiting 30 years to become chairman. We should all recognize the patience and expertise that Mr. DICKS brings to the floor of the House.

Mr. Chairman, the subcommittee's work this year has been a bipartisan collaborative effort. But in spite of the comity reflected in much of the subcommittee's work, the minority does have genuine policy differences with the Democratic majority and a divergence of views over the level of funding necessary to address the critical needs of this bill.

Our 38 subcommittee hearings revealed many unmet needs and urgent priorities. Still, while we have an obligation to be good stewards of our Nation's environment and public lands for future generations, we also have an obligation to be good stewards of our tax dollars. In that respect, I believe this legislation falls short.

The 302(b) allocation for this bill is $27.6 billion, a $1.9 billion increase over the President's budget increase and a $1.2 billion increase over the enacted fiscal year 2007 Interior bill. The enacted fiscal year 2007 Interior bill itself was $400 million over what the House passed last fall.

The initial subcommittee allocation, which was $858 million above the fiscal year 2007 enacted level, though very generous, would have resulted, I believe, in a better, more balanced bill. The additional $335 million added to the subcommittee's already charitable allocation is simply unnecessary, and, more importantly, unsustainable. No matter how well-intentioned, this overly generous allocation will cause many of the same problems down the road that this subcommittee has been trying to resolve in recent years, namely, huge backlogs in operations and maintenance.

The circumstance is, in many respects, similar to the homeowner who receives a big bonus and uses these extra funds to buy a bigger house for his family. The bigger bonus is welcome and unexpected. Buying a bigger house seems like a great idea at the time. But down the road he realizes he can't depend on getting a bonus every year, and he finds himself unable to afford living in this new house. He, like this subcommittee, risks becoming overextended and unable to pay the bills. The difference is the homeowner goes bankrupt and a new owner takes over. The government fails to keep up with the new property, and the property soon becomes listed on a maintenance backlog.

It is human nature that we want to create new programs to build new structures, to buy new land. Yet it seems no one worries about the future cost of maintaining them. Over the years, this subcommittee has learned through good oversight that too little money can do real harm. The same is true for too much money.

We believe that the subcommittee should strive for a balance, and that is precisely what the original subcommittee allocation achieved. We ought to provide enough money to allow the agencies to carry out their primary mission. We should focus on taking care of what we presently have in the public trust. We have to give careful, thoughtful consideration before purchasing something new. Again, we must strive for balance. As this bill goes on to conference with the Senate, I am hopeful that the majority will be sensitive and responsive to this challenge.

In many areas this legislation has achieved balance. I applaud Chairman DICKS for his focus on the operating accounts within this bill. There has clearly been an erosion in this area, due in part to the absorption of the pay and fixed costs over the years. However, I believe the subcommittee should move more cautiously in providing funds for new land acquisition and construction. While there are high priority needs in these areas, it is important that we focus on the core mission of these agencies and not become overextended.

The subcommittee risks creating a larger problem down the road by hastily expanding current areas that we cannot oversee or creating new ones that we cannot maintain. Many will recall that when Congress provided these agencies with too much funding too quickly in the early to mid-nineties, they lost focus. The result was a huge backlog, redundant programs and large unobligated balances, many of which still remain, and numerous operational shortfalls. Our job is to provide for core needs, be vigilant about oversight, and avoid the mistakes of the past.

I recognize that Chairman DICKS and Chairman OBEY have a special place in their heart for the great open spaces of this country, and I know that they appreciate the grandeur of our national parks; and I join both chairmen in support of the $198 million increase in the operations budget for the National Park Service.

I am also very pleased with the needed attention in this bill that it provides to the Native Americans. There are many unmet needs in Indian country, in education, healthcare, law enforcement, methamphetamine treatment and other areas; and this bill does a great deal to address those priorities. I also believe it is critically important to restore full funding for Urban Indian Health Clinics, and this bill does exactly that.

While this bill is positive in many respects, I would be remiss if I didn't outline several specific areas where I would have written the bill differently. The fire season is upon us once again and catastrophic fires out west are again commanding national headlines, like the South Lake Tahoe fire just yesterday. It is appropriate that this bill provides additional funding for wildfire preparedness at the Bureau of Land Management and the U.S. Forest Service.

Subcommittee hearings this year demonstrated that there is a great interest and great concern over the ongoing wildfire suppression challenge which is presently burning up about 45 percent of the Forest Service budget. In light of the large subcommittee allocation and the tremendous anticipated need during this fire season, I think the subcommittee could have done even more to address fire preparedness and fire suppression problems, because being prepared can avoid the need for fire suppression.

□ 1130

Mr. Chairman, while reasonable people may disagree over the cause, there is clearly a need for more focused science on climate change. I believe Chairman DICKS would agree that our response to climate change must look at long-term solutions rather than simply trying to provide for a quick fix.

The USGS is the science agency for the Department of the Interior, and I believe they should manage any additional funds directed to address this issue for the department. While I have the greatest respect for Chairman DICKS, I am concerned about the inclusion of the global climate change sense of Congress resolution in this bill. My concern is based on the simple fact that it does not reflect a consensus opinion of many climate change experts who testified before the subcommittee this year. It proposes conclusions and solutions to a problem that is not yet fully understood. Historically, mandatory market-based limits suggested in the language simply have not worked.

I believe we need to make wise, science-based decisions rather than merely respond to the heated rhetoric of political dialogue of the day.

As one agency scientist testified this year, our greatest need is to focus on the gaps in credible scientific information. Without understanding the complete scientific data, we will be unable to solve the problems created by climate change, and it will create a false hope presenting bad solutions to the wrong problems.

America needs to secure its own sources of energy, be it from oil, natural gas, coal, nuclear, renewable or other sources. A strong and vibrant economy and the well-paying jobs that go along with it are closely linked to reliable and preferably inexpensive energy sources.

If we want to help American working families to continue to build and strengthen our economy, we must provide them with the tools they need to pursue reliable sources of energy. I believe responsible use of our resources is precisely the right course. The approximately 43 million outer continental shelf acres under lease generally account for 20 percent of America's domestic natural gas. To address the growing demand for domestic sources of natural gas, the gentleman from Pennsylvania (Mr. PETERSON) last year offered a commonsense amendment in full committee which was supported on a bipartisan basis.

Republicans and Democrats alike agreed that the United States needed to lessen its dependence on foreign sources of natural gas. Mr. PETERSON will soon be offering the same amendment on the House floor, and I urge its adoption.

Many heard me say over the past few months how fortunate I have been to be selected as the ranking member of the Interior, Environment Appropriations Subcommittee. Not only do I have the privilege of working with Chairman DICKS, but I have had the pleasure of working with a fine appropriations committee staff.

First, I would like to thank Debbie Weatherly and Dave LesStrang here beside me on the Republican staff for all of their hard work and dedication not only to crafting this bill, but also preparing me for this new subcommittee in this inaugural role as ranking member. This spring would have been a very difficult learning process but for their guidance.

Many of you know Debbie and her impeccable stewardship of this appropriations bill during the Republican majority. She is also one of the most beloved and respected committee staffers I have ever come across. The fact that Members across the aisle continue to consult her is a testament to her depth of knowledge. I have appreciated all of the time she has spent with me over the past few months. I know that her husband, Glenn, has missed her, and I am glad he will soon get to see her more often.

I am also extremely grateful to Dave LesStrang who has taken on Interior Appropriations as part of his portfolio for Mr. LEWIS. Like Debbie, Dave is one of the most respected and well-liked staffers on the Capitol campus. I thank Mr. LEWIS, and especially Dave's wife, Elaine, and his sons Matthew and Michael for their patience in allowing him to spend so much time on the important work of this subcommittee.

Let me also commend Steve Crane of the minority staff for his guidance on issues related to offshore oil and gas drilling. Steve's expertise on these issues is exceeded only by his knowledge of anything related to the Boston Red Sox.

I am also grateful to the majority staff led by Mike Stephens. They have been cooperative and effective in not only crafting this bill, but also in helping me and my staff become acquainted with the Interior, Environment appropriations process. The entire Interior staff is to be commended for fostering a spirit of teamwork in crafting this legislation. Chris Topik, Delia Scott, Greg Knadle, Beth Houser, and Martin Brockman are bright, friendly, dedicated and among the most knowledgeable staffers on the Hill. I am pleased that once this bill is passed, they will finally have a weekend to themselves.

I would be remiss if I did not also point out the many contributions of Pete Modaff and Kelli Shilito of Chairman DICKS' staff, as well as Jeff Kahrs, AmyClaire Brusch, and Melissa James of my own staff.

In closing, Mr. Chairman, while I have real policy differences and spending concerns related to this legislation, it is our hope that between now and the conference negotiations with the Senate later this year, we can address those issues of disagreement and seek a bipartisan consensus on a reasonable, sustainable subcommittee allocation. Our sincere desire is to work with Chairman DICKS to fashion a responsible, balanced conference report worthy of broad bipartisan support.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CHANDLER) who is a valued member of our subcommittee.

Mr. CHANDLER. Mr. Chairman, it is a pleasure today to rise to my feet to support what I think is a wonderful Interior, Environment Appropriations Act, and it has been a tremendous pleasure to work with Chairman DICKS who, after 30 years of waiting, is now the chairman of this subcommittee and has done a first-rate job on this bill. And the staff, I can't say enough about the staff. They are, as Mr. TIAHRT said, amongst the best on Capitol Hill.

Each year Congress considers anew the needs of many Federal agencies that carry out essential work on behalf of our citizens. This year our subcommittee, under Chairman DICKS' leadership, held extensive hearings on virtually every budget item under the subcommittee's jurisdiction. What we found were serious budget shortcomings that require our immediate attention.

In the area of conservation, this bill does wonderful things for our environment. It protects habitats through a 14 percent increase in funding for national wildlife refuges, and a 10 percent increase in funding for the Forest Legacy Program which enables our private forest owners to have an economically feasible alternative to selling their land for development.

In addition, the committee's bill also directly protects endangered species and migratory birds.

In the area of environmental protection, Mr. Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites.

The increasing frequency and cost of wildfires is consuming more and more of the Federal budget. We take steps in this bill to prevent fires from ever occurring.

This Congress has paid a lot of attention to the issue of climate change, and our subcommittee is no exception. We take steps to advance research concerning this critical issue.

In the area of human health, deteriorating water infrastructure across the country endangers the health of our citizens and that of our environment. This bill will begin to address the problems in our communities by funding the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. Funding these programs will allow States and localities to upgrade their drinking water and wastewater facilities.

In the area of cultural identity, this bill takes steps to preserve our cultural heritage and educate our citizens about our history. The National Park Service sees historic funding increases in advance of its centennial celebration in 2016. The funding levels of the National Endowment for the Arts and Humanities have each been raised by 28 percent to help these programs recover from deep cuts over the last decade.

The fund for historic preservation is provided with $82 million, including $45 million for State historic preservation offices, the highest amount in that account since 2001.

In many ways each of these efforts add significantly to our understanding of who we are as Americans. I believe it is incredibly important to preserve and to celebrate our heritage, and this is a wise investment of the taxpayers' dollars.

Fiscal responsibility. Being good stewards of the taxpayers' money is at the heart of our duty as representatives of the American people. After years of fiscal mismanagement, we have restored pay-as-you-go rules while investing in critical priorities. Investing in critical priorities. Reinvesting our money now, whether through cleaning up a town's drinking water or keeping our ecosystems in balance will save us money in the long run and will make our country a better place to live. That is what being a good steward is all about.

This is a good bill, and every Member should vote for it. Mr. Chairman, I believe that this legislation is a responsible investment in our future. It protects our environment, it protects our health, and it celebrates our heritage.

Chairman DICKS and the excellent staff led by Michael Stephens ought to be commended for working so diligently to produce this bill. It is a tremendous bill. It is, in my view, true stewardship of the resources we have been given, and I am very proud to support it.

Mr. TIAHRT. Mr. Chairman, I yield the gentleman from California (Mr. LEWIS), the distinguished ranking member of the Appropriations Committee, such time as he may consume.

Mr. LEWIS of California. Mr. Chairman, I want to congratulate both the chairman and the ranking member for a fabulous product that is reflected in this bill. The Interior appropriations bill is, by tradition, one of the most bipartisan bills among all of the bills that our committee considers each year. The House is, indeed, fortunate that the work of this subcommittee this year falls to Chairman NORM DICKS and Ranking Member TODD TIAHRT. They are not only good friends, they are capable legislators who recognize the value of bipartisanship. Clearly they do not agree on each and every single piece of this bill relative to policy or funding; but nonetheless, when they disagree, they recognize the value of communication and sharing information.

What makes this relationship even more valuable is it also extends to the professional staff on both sides of the aisle. The working relationship of Chairman DICKS and Mr. TIAHRT, coupled with a reasonable allocation, could produce a very fine product.

In this instance, however, an excessive subcommittee allocation has thrown this bill out of balance. More money does not always guarantee a better bill. In this instance, in fact, just the opposite is true. This subcommittee allocation for this bill is $27.6 billion, a $1.9 billion increase over the President's budget request, and $1.2 billion increase over the enacted fiscal year 2007 Interior bill. This subcommittee allocation represents exactly the kind of unfettered spending that so closely identifies the differences of philosophies between House Republicans and House Democrats.

And who is going to pay for this increased spending? In fiscal year 2004, 50 percent of the total Federal tax burden was shouldered by the 65 million households earning between $24,000 and $65,000 a year. The vast majority of these taxes are being paid by individuals between the ages of 45 and 54, and with incomes between $55,000 and $77,000 a year. These are middle income families, many of them from the sandwich generation shouldering the financial burden of supporting both young children and aging parents.

Middle income families end up paying the bill for expanded government. The 302(b) allocation for this bill guarantees years of payments middle income families do not want it and cannot afford.

Mr. Chairman, the Interior bill has great potential of being a truly bipartisan bill. My hope is that Chairman DICKS and Ranking Member TIAHRT will work with their Senate counterparts in conference to fashion a conference report that the House can support and the President will sign.

Mr. DICKS. Mr. Chairman, it is a great honor for me to yield 3 minutes to my friend, the gentleman from California (Mr. GEORGE MILLER) who has been one of the strongest environmentalists in this House.

☐ 1145

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I want to thank him and the ranking member for bringing this bill to the floor and certainly thanking the staff that has worked with all of the Members on this legislation. I think this is a very good bill. I think this bill reflects the priorities of America, that we would once again start reinvesting in the Clean Water Revolving Fund so that people and communities can meet their obligations for clean water. And as millions of Americans set out across America with their families to visit the national parks, this bill makes legislation about the importance of those national parks, about the value of those national parks and the importance that we lay out a plan over the next 10 years to restore them and to reinvest in them so that the visitors a decade from now will have the same experience or a better experience when they visit the national parks as people do today.

The national parks have far too much neglect in terms of the backlog of projects that need to be done, to enhance them, to improve them and to protect the national parks. The stateside of the Land and Water Conservation allows the Federal Government to be a partner with local communities on their priorities for the protection of open space and the enhancement of recreational opportunities, to improve the quality of life in our communities. We have seen this very, very successful program to enhance the communities, to enrich the experience for families in those communities.

Finally, I would say in the Indian education programs where again as Indian tribes and others have more and more say in the education of their young people, where they're bringing about very innovative programs, to see us again invest in those programs. What we see now is we have a record number of Indian children who have gone on to college, who are enrolled in college, who are getting advanced degrees. We've got to continue to improve that program and this legislation does it.

I also want to thank the committee for recognizing the Rosie the Riveter World War II Home Front National Park. This is a park that's growing in popularity. It tells the incredible and magnificent story of the women who came to the shipyards in California to build the ships to win the war in the Pacific and what that meant to us as country, as a culture, what it meant to the integration of the workforce during World War II, and certainly what it meant in terms of supplying our troops with the materials necessary to win the war in the Pacific.

We have seen women from all across the country come with their daughters, with their granddaughters, with their great granddaughters and explain to them, this is where I worked, this is where we built and launched a ship a week in these shipyards. It's remarkable the ceremonies that are held there, to see these women, to come there and to leave their historical documents, to leave their letters home, to leave their welders' cards and their ironworkers' cards with the museum, and now we will be able to share all of that with the public as part of a greater effort in the National Park Service to develop the home front national park system all across the country where those who were on the home front during the war enabled us to successfully win and prosecute the Second World War.

I want to thank the committee and the members.

Mr. TIAHRT. Mr. Chairman, I would like to yield 4 minutes to the cochairman of the Parks Caucus, who has a great passion for our national park system, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I want to thank the subcommittee chairman and ranking member for plussing up our National Park Service. We are at a very critical junction. We are approaching the 100th birthday, in the year 2016, of the National Park Service.

Why do I say we're approaching? Because there are certain moments in time where you can gather and build public support for something that will last from generation to generation. When the first kind of preserved areas were preserved at Yellowstone and the Yosemite Grant and a few of those in the 1800s, it took dramatic intervention from Theodore Roosevelt and the creation under Stephen Mather of the National Park Service. Then it really took in the World War II era, the Great Depression era, the different relief projects that built much of the architecture in our parks because we put people to work, and much of the historic architecture that we see in our national parks came in the WPA and CCC programs. Then nothing really much happened until it started to approach the 50th birthday. When I say "started to approach," when you did Mission 66 and most of the visitor centers you see in our parks today, most of the lodging that you see, much of it at least in our parks, much of the road infrastructure, the sewage infrastructure, everything, came heavily out of this Mission 66 commitment. But you don't just do that in 1 year. If you wanted to be prepared for the 50th birthday, you started a decade ahead. We are getting inside that decade. If we are going to have a vision of where our National Park Service is going to be at 100 years and where it's going to go, we need to start making the investments now.

I support, as our Parks Caucus does, the Centennial Act, which also would as part of this build a better foundation as to how we're going to fund parks. But this particular bill puts $50 million in above what we would normally get to start this process. Because if we don't start now, by the year 2016 we won't be able to be ready for the 100th birthday. Part of the question which the National Park Service has been going around talking to Americans all over the country is, where do you want our Park Service to be? How is it going to be different? We need to preserve our natural sites. We have preserved many of those, but we can expand that. We need to expand our cultural sites because our history is a constantly evolving thing, just as Congressman MILLER just referred to, the Rosie the Riveter Park and that type of cultural heritage. As we look at Hispanic sites, at African American sites, at Angel Island and various Asian sites, as we look at more urban sites and what's the role of the National Park Service in urban sites, but also how are we going to deal with the Internet age. How can we expand?

The National Park Service has more fish and wildlife, has more natural resources at Carlsbad Caverns with bats. How can we use this at other places with grizzly bears, with wolves, with frogs, with trees? And we can learn much of science. How can we interconnect that with our educational institutions? How can we take the Park Service in its 100th birthday to the next level? What are we going to do with interpretive rangers? What are we going to do with our visitor centers? How can we make our heritage, cultural and natural, something that we can preserve for generations and generations?

To do that, we need to do that now. We need to start laying the foundation in these appropriations bills, what this bill does. We also need to be looking at a permanent way so the Park Service doesn't have the up-and-down cycles, where we pass additional land things, they don't have money to do it. We give them new homeland security things, and they don't have enough money to do it. We say we want this done and that done by a Park Service but don't give them the annual funds to do it.

I'm very pleased that it's in this bill. I hope this is the start of moving towards the 100th birthday. It's a very good start. I thank the chairman and the ranking member for doing that.

Mr. DICKS. Will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Washington.

Mr. DICKS. I just want to commend the gentleman for his leadership on the National Parks Caucus. This issue should never be partisan. I'm glad we can work together with Mr. TIAHRT to strengthen our parks and to enact the Centennial Challenge.

Mr. SOUDER. Thank you.

Mr. DICKS. Mr. Chairman, it gives me great pleasure to yield 4 minutes to the chairman of the Natural Resources Committee, a fellow member of the class of 1976 and also a person who had to wait 30 years to be chairman, my good friend from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished chairman of the subcommittee for yielding me the time and certainly commend him for his leadership as well as that of the full committee chairman, Mr. OBEY.

Mr. Chairman, for over a decade while our Government lingered in Republican control, America's investment in itself, in those programs that provide for the most fundamental needs of our citizens, has been literally on the chopping block. As a result, Americans are coping with diminishing services and declining opportunities. Those programs that fall under the purview of the Natural Resources Committee, which I chair, are no exception. In fact, they have been particularly hard hit. As a result, our ability to preserve for future generations these unique places that are a rich part of America's past is diminishing. Our means of ensuring the thoughtful conservation and balanced development of our resources has been undercut. And our ability to protect our treasured natural vistas and irreplaceable wildlife has suffered mightily.

But this year we have turned the corner and that is due in large part, as I have said, because of the leadership of our distinguished appropriations Chair, DAVE OBEY, and the chairman of the

Interior appropriations subcommittee, my classmate and dear friend, NORM DICKS. I thank and commend Chairman DICKS for his outstanding efforts on the bill before us today. It is a good bill, it's a great bill that will move us in a positive direction.

It is most remarkable for its differences from Interior bills of recent years. It has been a very long time since we have seen a bill that provides funding levels that come anywhere close to providing for the Nation's real and growing conservation needs. And while this bill is constrained by the government's overall budgetary limitations, it is an honest effort that provides needed nourishment to important accounts that were on a forced starvation diet.

I am particularly pleased and encouraged to see that Chairman DICKS has substantially increased funding for our national parks, these national treasures that hold a special place in the hearts of many Americans, but recent funding for them has not reflected their true value. This bill reverses years of disinvestment, helping to ensure that parks funding does not come at the expense of other programs. It also reverses a decline in staffing and visitor services, providing an increase in seasonal and permanent employees.

In addition, support is improved for the endangered species program and other accounts that are critical to saving God's creatures from extinction. This money will go a long way toward ensuring the Endangered Species Act is implemented as it was originally intended.

In what signals one of the most obvious and commendable departures from Republican priorities of recent years, this bill includes a 13 percent increase for the office of the Inspector General at Interior. That increase responds to the kinds of gross problems that I have been probing in our committee hearings this year with respect to Interior's inexcusable failure to collect moneys due the American people from Big Oil.

This appropriation measure also honors our Federal trust responsibilities to Native Americans. It restores badly needed dollars for the Indian Health Improvement Fund and the Urban Indian Health Care Program. It also recognizes, Mr. Chairman, the importance of the Indian Housing Improvement Program by ensuring that the program is not eliminated as the administration had proposed. The tribes have suffered under the bare-bones budget of recent years, but this bill thankfully attempts to set things back on the right course.

Finally, I am very encouraged to see funding increases for the long-neglected Land and Water Conservation Fund as well as for Payment in Lieu of Taxes. The stateside grants, in particular, have suffered greatly at the hands of the administration budget butchers.

Again, I commend Chairman NORM DICKS for crafting a serious appropriation bill that helps our Federal agencies conserve our natural and cultural heritage for generations to come, and I commend the ranking member, Mr. TODD TIAHRT, for his working with our chairman as well.

Mr. DICKS. Mr. Chairman, how much time is there on both sides?

The Acting CHAIRMAN. The gentleman from Kansas has 10½ minutes remaining. The gentleman from Washington has 3 minutes remaining.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I yield the balance of my time to the gentleman from New Mexico (Mr. UDALL), who is also a valued member of our subcommittee and a very good friend, and a great tennis player.

The Acting CHAIRMAN. The gentleman from New Mexico is recognized for up to 3 minutes.

Mr. UDALL of New Mexico. Let me also say that our chairman is an incredible tennis player, and I always like to be on the same side of the net with him rather than on the other side.

I would like to first of all congratulate NORM DICKS and TODD TIAHRT for their leadership and their bipartisan cooperation on this bill. We haven't seen this kind of leadership in a long time, I think it's very impressive, and I want to applaud it.

Let me also say that we have done some very significant oversight in this subcommittee of the appropriations. We have tackled a variety of issues. We've had all the Departments in. We've taken a very, very hard look at the kinds of things that are going on in these Departments. We also haven't seen that in a long time. One of the things that Chairman DICKS and Ranking Member TIAHRT have done is restore the public witness day. That's something that's very important and hasn't been around for about 10 years, where every member of the public can walk in and comment and tell us what their point of view is. Much of those points of views that were reflected in the committee are specifically in this bill.

I also want to thank Mr. Stephens and all of the staff. They've done a pretty incredible job. What this bill is about is the stewardship of our natural resources. This is a bipartisan tradition that started many years ago, over 100 years ago with Teddy Roosevelt and the first chief of the Forest Service, Gifford Pinchot. This was a Republican tradition and started out as a Republican tradition, and we hope that Republicans will join us in a bipartisan way on this bill rather than picking it apart, because this moves the country in a very, very important direction, and this bill also reflects the Nation's values that we haven't seen reflected in the appropriation bill over the last 6 years.

□ 1200

Let's just look at what's happened over the last 6 years. The Forest Service is down, 35 percent. This bill isn't able to restore all of that, but we start working back up. The EPA, a cut of 29 percent.

There we're talking about law enforcement and doing things about cleaning up air and water and toxics, an unconscionable cut in the EPA of 29 percent. This bill moves it back in the right direction to restore those enforcement capabilities, and a cut in the Interior Department of 16 percent over the last 6 years.

This bill once again starts to move us back in the right direction. This bill is about protecting public lands, protecting wildlife, recreation, and clean air and clean water.

One of the other things that I think this bill does that is very important is fund the National Park Service. I urge all of my colleagues, Republican and Democrat, to support this bill. It's a good bill, and they have done a great job at pulling it together.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 2643, the proposed Fiscal Year 2008 appropriations for the Department of Interior, Environment, and other related agencies. I commend Chairman NORMAN DICKS, and his Appropriations Subcommittee for the work he has done in responding to the needs of the Department of Interior in carrying out its mission to protect our Nation's resources.

As Chairwoman of the Natural Resources Subcommittee on Insular Affairs which has jurisdiction over all U.S. territories, I want to especially acknowledge the work of Chairman DICKS to increase funding to Interior's Office of Insular Affairs so it can respond to the changing needs and priorities of our U.S. Insular areas and the relationships we have with the freely associated states in Micronesia.

The Subcommittee on Insular Affairs convened an oversight hearing in February over that portion of the President's proposed Fiscal Year 2008 Interior budget which had a direct effect on the Department's ability to assist our U.S. territories and freely associated states. In addition to the Department officials, the governors of American Samoa and Guam, and the Resident Representative of the CNMI provided testimony in support of the work of the Office of Insular Affairs with a caveat that more resources should be given to them to enhance the work it does for U.S. territories.

I am pleased that the Appropriations Committee was able to increase such resources for the Department to expand its efforts in assisting economic development. I also point out that the increases in this budget will respond to specific requests, such as strengthening the judicial systems in the Pacific, addressing the needs of Marshall Islanders adversely affected by our nuclear testing program carried out in the 1950s.

Notwithstanding the above, I would be remiss if I did not express my strong disappointment that my requests for funding for critical infrastructure needs in my own Congressional District was not included in the bill. While I recognize that the subcommittee had difficult choices to make, I look forward to continuing to work with the Chairman and Ranking Member should there be opportunities to fund additional priority projects as the bill moves forward.

The Department of Interior's budget meant to benefit development and accountability in our U.S. territories is a small portion of what is being considered today. However, the increases carry out the mandate of the Interior Department is significant to improving the lives of our fellow Americans in those outlying jurisdictions. Again, I applaud the work of the Appropriations Committee and urge passage of H.R. 2643.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally-directed projects in my home state of Idaho that are contained the report of the FY08 Interior, Environment and Related Agencies Appropriations Bill.

The project provides $500,000 within the Environmental Protection Agency, State and Tribal Assistance Grants to the City of Twin Falls for the Auger Falls Wastewater Treatment Project.

Funding such as this is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In the case of Twin Falls, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. The State of Idaho, under court order, has implemented Total Maximum Daily Load (TMDL) limits for phosphorus compounds on all significant discharges to the river. The City of Twin Falls Wastewater Treatment Plan, with a daily discharge of approximately 7.1 million gallons of treated wastewater per day, is one of the largest dischargers of phosphorus on the Middle Snake River and periodically exceeds the EPA TMDL limit. The City is planning to meet its TMDL limits through the use of natural treatments on city owned property, in the form of constructed wetlands and habitat creation.

This funding will allow the City of Twin Falls to develop the beneficial wildlife habitats that will function as wastewater treatment systems to further reduce nutrients in City wastewater. This will ensure that the wastewater does not exceed the Environmental Protection Agency's Total Maximum Daily Load mandates for the City's wastewater discharged into the Snake River.

I am proud to have obtained this funding for Idaho and look forward to working with Idaho's communities in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my district and an explanation of my support for them.

(1) $500,000 City of Twin Falls for the Auger Falls Wastewater Treatment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Interior Appropriations Bill; especially do I support the increase in funding for the National Endowment for the Arts.

I know that we have great concern for National Security, Homeland Security, funding for military warlike activities, education, health, other social welfare issues, infrastructure improvements, job creation and all other aspects of life; however, it is not my feeling that these concerns out-weigh the need to keep art and culture high on our list of concerns.

Art is a connector, a bridge builder, a motivator, a stimulator, an activator and a way for people, especially our children to have experience that otherwise they would never ever have the opportunity to have.

Art is, and should be a great part of every child's learning experience and it is our opportunity to make sure that is available.

Mr. MARKEY. Mr. Chairman, I rise in opposition to any amendments that would strike the longstanding existing moratoria on offshore oil and gas drilling along the East and West Coasts.

When you look at these amendments, you see that they are particularly empty of any promise to reduce our dependence on foreign oil. Right now, without these amendments, drilling is already allowed in areas holding roughly 80 percent of the estimated oil and gas resources. In fact, of the 8,000 active leases oil companies hold in the Gulf of Mexico, more than 6,000 have yet to begin producing oil. So if you are worried about making sure that the oil and gas industry has access to the Outer Continental Shelf, stop worrying. They already have more leases than they know what to do with. They have been given the right to drill for the vast majority of oil and gas offshore and are not even producing from the majority of leases they hold in the Gulf. The oil companies should begin producing on the leases they already hold, not looking to acquire new ones in environmentally sensitive areas that do not even have large estimated oil and gas resources.

Moreover, let's not forget the Republican leadership just rammed through an offshore drilling bill in the waning hours of the last Congress as a going out of business bonanza for big oil. That legislation opened up additional areas in the Gulf of Mexico holding 1.26 billion barrels of oil and 5.83 trillion cubic feet of natural gas. But barely six months later, drilling proponents are back for another bite at the apple, once again attempting to give away our important coastal areas away to Big Oil.

G.O.P still stands for the Gas and Oil Party.

It is highly misleading to suggest that we can solve the problem of our oil dependence or high gas prices with more drilling, when the real answer is not more drilling, but using technology to make our cars and SUVs more energy efficient. After Congress mandated a doubling of fuel economy standards from 13.5 to 27.5 miles per gallon, our dependence on foreign oil went from 46.5% in 1977 to 27% in 1985 but we are now back up to 60%.

We should be making our vehicles more efficient, not giving away our public lands to big oil companies that are making record profits. Soon, this House will have an opportunity to go on Record on the Markey-Platts legislation, which would mandate a 35 mile per gallon combined fleet fuel efficiency standard—an improvement that will allow us to reduce our consumption by roughly the same amount of oil that we currently import from the Persian Gulf by 2022.

I am pleased that the underlying bill once again includes language authored by myself and Mr. HINCHEY that would give oil companies a strong incentive to renegotiate the faulty leases from 1998 and 1999. The Government Accountability Office has estimated that these leases could cost the American taxpayers more than $10 billion. The House has gone on record time and time again in overwhelming support of putting real pressure to renegotiate on every company holding these leases. Last year, the House adopted the Markey-Hinchey royalty relief fix that is included in this bill by a vote of 252–165 and earlier this year this body passed the royalty fixes contained in H.R. 6 by a vote of 264–163. It is time to put an end to big oil's free ride. I urge opposition to any amendments that would open up our coastlines to drilling and strongly support passage of the underlying bill.

Mr. UDALL of Colorado. Mr. Chairman, while I am pleased that the Interior and Environment Appropriations bill contains funding for many programs important to Colorado, I am concerned, about the provision in the bill to create a Commission of Climate Change Mitigation and Adaptation.

As has been stated by Science and Technology Chairman BART GORDON and Ranking Member RALPH HALL during the floor debate, this commission replicates a bill that I introduced with my colleague, Mr. INGLIS, earlier this year—H.R. 906, the Global Change Research and Data Management Act of 2007. The bill updates and reorients the current U.S. Global Change Research Program, USGCRP, which coordinates all Federal climate change research and was established by law in 1990.

My bill would strengthen and streamline Federal global change research and make it more user-friendly for State and local governments, planners and researchers. My bill affirms the need for the continued strong Federal support for global change research, and it does map out a new emphasis on production of information needed to inform these important policy debates.

Members of the Science and Technology Committee have been working on improving this legislation since I introduced it earlier this year. The committee received comments from experts on climate change research throughout the country and held a hearing on this issue on May 3, 2007. The bill was marked up in the Energy and Environment Subcommittee on June 6. It is scheduled to be marked up before the full Science and Technology Committee tomorrow.

We all agree that a interagency climate change working group is needed and that the current U.S. Global Change Research Program needs to be updated. My bill, H.R. 906, is the best way to address this issue. I was pleased to hear assurances from Interior and the Environment Appropriations Subcommittee Chairman DICKS to Chairman GORDON that we will address this issue in conference and that the final appropriations bill language will reflect both current law and H.R. 906. I look forward to working with Chairmen OBEY, DICKS and GORDON on the final legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for this opportunity to speak in support of H.R. 2643, the Interior and Environment Appropriations Act of 2008 and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Madam

Chairwoman, I support this bill because it focuses our efforts on global climate change and ensures that America's water and air will be cleaner.

It is said the Arctic region is warming fastest, threatening the livelihoods of indigenous hunters by thawing the polar ice-cap and driving species like polar bears toward extinction by the end of the century. Today, more than one third of the world's population lives. within 60 miles of a shoreline. Thirteen of the world's twenty largest cities are located on a coast. Because of their precarious location and unique meteorology, these cities are particularly vulnerable to the effects of global warming. As industrial and commercial centers, many are also net contributors of greenhouse gas emissions, extending the effects of global warming.

Given the earth is "committed" to rises in temperature over the next 30–40 years, it was only rational these futures be built into business models. But reducing emissions did not need to be at the expense of competitiveness: in fact, carbon trading, clean technologies, and sustainable energy generation all promised new opportunities for skilled jobs and economic growth.

Houston is also experiencing more frequent and more powerful storms and rain fall, in terms of flooding, some of the old structural solutions—the concreted bayous of Houston need additional measures to ensure the safety of the population. Unfortunately, Houston's development pattern had made such weaknesses more acute. The city represented "classic urban sprawl over coastal ecology." With its large, low density population and high density roads and impervious surfaces the city was highly vulnerable to flooding. Before the development arrived, the natural ecology of the Houston delta would have managed increases in rainfall and flooding. But the constructed environment had pushed back forest and wetland ecologies and undermined natural flood alleviation mechanisms.

The major causes of flooding in the Houston basin are due to Houston's highly developed area; the intensity and duration of Texas rainfall; and flat topography with little storage. These conditions led to Houston suffering heavily at the hands of flooding—most recently, the $5 billion price tag after the inundations accompanying Tropical Storm Allison. The flooding heavily damaged the urban infrastructure and, because of the release of human waste from sewers and medical waste from hospitals, posed a severe public health risk.

Improving the security of our nation's drinking water and wastewater infrastructures has become a top priority since the events of 9/11. This legislation takes significant actions in assessing and reducing vulnerabilities relating to the toxic contamination of our water system. The quality of water should be of the utmost importance when it comes to the health and well-being of the people in this country but the effects of storm water compromises this quality. Individuals who swim in front of flowing storm drains are susceptible to earaches, sinus problems, diarrhea, fever, and rashes; these individuals are 50 percent more likely to develop a variety of symptoms than those who swim 400 yards away from the same drains.

In a ranking of environmental risks posed to the metropolitan Houston area, an Environmental Foresight Committee has identified water pollution as having a relatively high risk. Houston needs to address the trash and odor problems in our waterways which. significantly affect quality of life, and economic tourism, development.

Maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries is of great importance to the public's economic health and general well-being. The fact that greater pressures and demands are being placed on the federal government pertaining to security of our water resources makes H.R. 2643 paramount to reexamine the process for ensuring that these important priorities effectively address the maintenance of a proper ecological environment of the bays and estuaries of the nation and the health of related living marine resources.

It is time that we as Americans start becoming more aware and better activists in keeping the air we breathe clean. Air pollution can damage trees, crops, other plants, lakes, and animals. Breathing polluted air can make your eyes and nose burn. It can irritate your throat and make breathing difficult. Each day, air pollution causes thousands of illnesses leading to lost days at work and school. Air pollution also reduces agricultural crop and commercial forest yields by billions of dollars each year.

There are 900,000 children in Harris County alone who are at risk of the health effects from the pollutants in the air. Children are more vulnerable to air pollution than adults because they spend more time outdoors than adults, are usually outdoors most in the summer when air pollution levels are highest, and have immature immune systems.

It is time to put a stop to global pollution, it is time to build a better and healthier earth and we can do so by supporting H.R. 2643.

For these reasons I strongly urge my colleagues to support this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today to thank the Chairman, Ranking Member, and staff of the Interior and Environment Appropriations Subcommittee for their continued support of the Florida Everglades in the FY08 Interior and Environment Appropriations bill.

This legislation includes funding for implementation of the Modified Waters Deliveries Project. This project is critical to Everglades Restoration, and will ensure natural water flows continue through Everglades National Park.

The Florida Everglades is a unique and precious ecosystem that must be preserved for future generations. Everglades Restoration is a long-term investment that will ensure the Everglades is restored and protected.

I am pleased that the Chairman included $72 million for Everglades Restoration, which is so critical to ensuring continuation of this vital project. The Interior share of funding combined with the appropriations made to the Army Corps of Engineers in the Energy and Water Appropriations bill will help to ensure restoration moves forward. This funding is a step in the right direction, showing the continued support of the Committee for Restoration. As the FY08 Appropriations cycle moves forward, I will work to ensure that Everglades Restoration remains a top priority.

I thank my colleagues from Florida for their continued support of the Florida Everglades and Restoration funding. Additionally, I would like to thank the President for his steadfast support as well as the Governor of Florida. Floridians understand the great benefit the Everglades provide not just to our ecological diversity, but also to our economy, which is so dependent upon tourism and ecotourism.

On behalf of the residents of Southern Florida I am so proud to represent, I thank the Chairman, Ranking Member, and their hardworking staff for their support of this funding.

Mr. GENE GREEN of Texas. Mr. Chairman, the report accompanying H.R. 2643 urges the Environmental Protection Agency to study the health and environmental effects of using trona in air pollution control systems. Trona is a naturally occurring, non-toxic mineral widely used in food additives, in glass manufacturing, paper, laundry products and medicine. It is odorless, non-combustible and stable in the air. Trona is a key ingredient of baking soda. In the United States, the Green River Basin of Wyoming is home to the world's largest deposit of this incredibly useful mineral, and the Wyoming trona industry alone produces close to 20 million tons of trona and employs more than 2,000 people every year.

For almost 20 years, trona has also played a critical and growing role in air pollution control at coal-fired power plants, cement plants, municipal incinerators and similar facilities around the country, including Alaska, Colorado, Florida, Virginia and Washington. Texas-based Solvay Chemicals, Inc. pioneered the use of trona in air pollution control systems, and it is the only company in the United States that produces trona products for that purpose.

Trona works in air pollution control systems, and it works well. The EPA, which has repeatedly approved the use of trona in air pollution control systems since 1989, reports that those systems have actually reduced sulfur dioxide emissions by more than 85 percent and hydrochloric acid emissions by 95 percent at several power plants around the country, without increasing particulate matter emissions.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows.

H.R. 2643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $888,628,000, to remain available until expended, of which not to exceed $92,129,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,800,000 shall be available in fiscal year 2008 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I am prepared to yield to my distinguished colleague from Tennessee, the chairman of the Science and Technology Committee.

Mr. GORDON of Tennessee. I want to say that I share the gentleman's concern about the issue of climate change and about the impact that it may have on our Nation.

My committee held three hearings on the working group reports, the Intergovernmental Panel on Climate Change, IPCC, released earlier this year. The Committee on Science and Technology is marking up a bipartisan bill tomorrow authored by Mr. UDALL and Mr. INGLIS, the different Mr. UDALL, H.R. 906, to restructure the U.S. Global Change Research Program to provide more policy-relevant information to Congress and to regional organizations, State and local governments, and to businesses and organizations that are developing and implementing adaptation mitigation strategies.

The Global Change Resource Program authorized in the Global Change Research Act of 1990 has guided our government's climate science agenda for the past 17 years. It has had many successes. Much of the research that has been summarized in the IPCC reports emerge from this program, and I commend the gentleman for producing a bill that makes additional money available for climate change.

I fully support the allocation of an additional $50 million for the important task of developing adaptation and mitigation strategies. We need to lessen the impact of climate change on our Nation.

However, the structure authorized in the bill for determining the research agenda and allocating the funds is not compatible with either the existing structure of the program or the bill the Science Committee will be marking up tomorrow.

Mr. Chairman, I have a responsibility to lead the Committee on Science and Technology in a fashion that produces good, consensus-based legislation. I take that very seriously. In the spirit of cooperation, and in the interest of comity, I will not support a motion to strike the climate change commission language from the bill with the understanding that you will agree to work with our committee as we go forward to allocate these funds in a manner that is compatible with authorizing legislation.

I am confident that H.R. 906 will provide a solid foundation for reaching the goal that you and I share, addressing the challenge of the climate change through applications of a solid foundation of science on adaptation and mitigation.

Mr. DICKS. Will the gentleman yield.

Mr. GORDON of Tennessee. Certainly.

Mr. DICKS. I appreciate your concerns and want to assure the gentleman and his committee that we are very open to making changes to ensure the funds are spent in a manner which reflects the legislation coming from the Science Committee.

I look forward to working with you and your staff over the next few months to coordinate our joint efforts in climate science. I want to congratulate the gentleman on working on a consensus basis. We tried to do that in the interior bill, and the chairman knows that he has my word on this issue, and we will work this out.

Mr. GORDON of Tennessee. Mr. DICKS, we do have a bipartisan bill, and we look forward to working with you in a bipartisan manner to make this good bill even better.

Mr. KIND. Madam Chair, I move to strike the last word.

I just want to take a moment to congratulate the Chair and the ranking member and the entire committee for the wonderful job they did in regards to the stewardship of our public lands.

If you take a look at the budget, and this was eloquently stated by my friend from New Mexico, whether it was the National Park Service, whether it was the National Wildlife Refuge, if you take a look at funding for our public lands in recent years, it has been static at best and having severe consequences in regards to the management of our national park system but also the national wildlife refuges.

As one of the cochairs of the Congressional Wildlife Refuge Caucus, along with my colleagues, JIM SAXTON, MIKE CASTLE, MIKE THOMPSON, we have taken it upon us to try to educate our fellow colleagues in both the House and the Senate with regard to the real challenges that we are facing throughout the refuge system.

While there are over 500 refuges nationwide right now, over 20 percent of them are not staffed and not offering any educational value to visitors, more refuges being prepared to be mothballed in the future, serious staff cuts with the agency budget, given the limitation of funds that they have seen.

Now with this $56 million increase, the first increase since 2003 when we celebrated the centennial anniversary of the creation of the refuge system, this will go a long ways as far as stemming the cuts in personnel, staff, educational opportunities, but also the importance of maintaining and operating these refuges which are currently facing about a $3 billion backlog in routine maintenance and operation.

I commend the committee, again, for their devotion and their attention to this very serious issue. But they are also recognizing we have another centennial anniversary coming up, and that's for the park service in just a few years, and a lot of work that needs to be done to bring that up to par so that they are worthy of the public attention and hopefully the increased visits that will lead up to this centennial anniversary of the national park system as well.

I just want to take a moment to commend one park service person in particular, who my family and I had the privilege of spending Father's Day Sunday with, and that was at the Antietam National Battlefield, just outside of Washington here.

The gentleman's name is Mike Gamble, and he works for the Park Service at the Antietam Battlefield. He was a 30-year history teacher for a local high school. He has been with Antietam Battlefield now for the last 9 years conducting tours and offering services to the visitors.

If there is anyone with greater depth of knowledge of what took place, that crucial battle, the Battlefield of Antietam, the bloodiest day in American history, I don't know who that could be.

He was incredibly well versed, extremely interesting, very educational, and even for my 9 and 10 year-old little boys, he brought that battlefield to life with great personal relevance in their lives. It's people like Mike and those who serve in our park service, whether it's Civil War battlefields or national parks or in our refuges, that really make this the great monuments to civilization that we have in this country.

Mr. DICKS. Would the gentleman yield?

Mr. KIND. I would be happy to yield.

Mr. DICKS. I want to commend the gentleman for his leadership, particularly on the wildlife refuges. We have had a cut over the last few years of over 600 employees. I couldn't believe the testimony this year of the people saying these refuges are in dire need, you have got to do something.

That's why we are trying to put money back into these important areas. It's only a small amount, the work is absolutely essential. I appreciate the gentleman's leadership and his work in presenting our committee with information on the wildlife refuge.

Mr. KIND. Again, I appreciate this gentleman's leadership and the committee's work in regards to refocusing our attention on a great need in our Nation.

I wanted to also mention to my colleagues that I, along with the other cochairs of the Wildlife Refuge Caucus, recently introduced legislation called the Repair Act. We had a nice hearing before the Natural Resources Committee last week that would hopefully provide singular focus on one of the great threats facing our refuge system, and that's invasive species, plants, animals. What we are trying to do is establish an important public and private partnership by working with friends groups, with Federal, State, local agencies, but other nonprivate organizations, so we can develop a battle plan to deal with these invasive species, try to get out ahead of the curve, which is one of the great threats facing the entire refuge system today.

So I would hope my colleagues would take a look at the legislation that we have recently introduced. Hopefully we will have the cooperation of the committee, be able to move it to the floor for consideration, so we can start providing a singular focus and a good plan in place to deal with the invasive species threat that we are facing in this Nation.

Again, I thank the committee for the work that they have done, they have produced a good product here, and I would encourage its passage.

Mr. BISHOP of Utah. Madam Chair, I move to strike the last word.

One of the issues that we are dealing with this in this particular budget deals with the question that we have that deals with both immigration as well as the processes of that immigration. We are talking this time about immigration, and the devastating impact that it has.

One of the things we missed is the impact on land of immigration. Our land managers have documented, pleaded their efforts before and in the past on some of the problems that we seem to be facing with immigration. We have illegal trails that are going across the desert that are leading to erosion. Literally our resources are being washed away.

Where that is not happening, trash is being left behind by illegal border crossers. We are talking about plastic bottles, shoes, cars, even vehicles at some times. That is not necessarily the habitat of endangered species. We seem to be having devastating fires taking place started by abandoned camps.

Even last week, 1,900 acres in the Buenos Aires National Wildlife Refuge was burned, and it is believed that its was started by illegal immigration cooking fire. The Coronado National Forest, in testimony last year before the Appropriations Committee, has 60 miles of contiguous border with the Mexican border. In this national forest, there are 12 separate rangers, eight wilderness areas, 203 threatened and endangered sensitive species, and the staff said that the resources are suffering significant adverse impacts due to illegal border traffic. Even livestock and closure fences, meant to try to separate livestock from endangered species, are being torn down.

Probably the most specific and egregious of all those examples is given by the National Park Service. The Organ Pipe Cactus National Monument, one-third of that monument is closed to visitors because of the threats of assault by AK–47-packing drug runners is too great. Land managers and biologists responsible for the park must be escorted by armed personnel to do their work in the park.

If we had machine-gun toting bandits or terrorists walking through Yellowstone or Yosemite, we would not tolerate that. But that is the reality that we have today, and the land managers are asking for tools to do their job.

That, indeed, is an issue of significance that needed to be addressed in this particular bill. Perhaps at some point in the future we can actually address that particular issue and that difficult problem and see if we can move forward to a resolution of that and establish priorities that we want to have border security and the impact, the negative impact it's having on public lands, we need to make sure that we move forward as a government to stop that and suppress that.

Mr. TIAHRT. Will the gentleman yield?

Mr. BISHOP of Utah. I will be happy to yield to the ranking member.

Mr. TIAHRT. I thank the gentleman from Utah for bringing up this very important issue.

We have heard in testimony in the Interior Committee that not being able to maintain the security of our borders has had an impact on our park service and Interior lands. We need to do a better job of maintaining our borders. I thank the gentleman for his efforts in trying to make this country more safe by maintaining our borders.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members to refrain from trafficking the well while a Member is under recognition.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

On page 2, line 15, insert after the dollar amount "(increased by $11,055,800)".

On page 11, line 21, insert after the dollar amount "(increased by $4,738,200)".

On page 18, line 23, insert after the dollar amount "(increased by $11,055,800)".

On page 67, line 8, insert after the dollar amount "(increased by $4,738,200)".

On page 96, line 14, insert after the dollar amount "(decreased by $31,588,000)".

Mr. BISHOP of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. DICKS. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

☐ 1215

Mr. BISHOP of Utah. Madam Chair, we just mentioned a few things that are significant to this particular issue and tried to mention some of the important points that we are making. We need greater control on the Park Service and BLM land on our border areas that is being devastated by illegal border crossing.

The amendment that I am proposing goes directly to that goal and that purpose by committing $30 million towards law enforcement activities. Actually, it's $31.5 million toward law enforcement activities by agencies who are on our southern border.

We, as a government, have a responsibility to prevent illegal border crossings. We also have a responsibility for land managers to be managing the land in that particular area.

Now, this amendment that I have does move money around. I feel sorry for that. The particular area in which I am transferring the money is something that bothers me personally.

I met my wife during a community theater. When I was in the legislature in Utah, I was the one that instituted a percent for the art programs so that 1 percent of all our construction monies went for arts to be considered. I have been a supporter of the Utah Arts Council.

I also think it's appropriate that local dollars fund art programs so that local control can be there on the process level.

With this particular amendment, it still leaves a $4 million, $4.5 million, roughly $4 million increase in the National Endowment for the Arts over last year's funding base, so there still is an increase. But in addition to that increase, there is $30 million that will go to enforcement of our borders, enforcement of our borders that is necessary to protect the land that is there. It is a matter of priority.

Now, CBO has scored this one. I'm convinced there is probably no PAYGO efforts, but that may be one of the issues we want to talk about. But the bottom line is still this: We need to prioritize what we're doing with this budget. And this is a tremendous area that has been de-emphasized and needs to be re-emphasized. And I contend that this is the appropriate way to put that emphasis there.

POINT OF ORDER

Mr. DICKS. Madam Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DICKS. Madam Chairman, the amendment filed by the gentleman may not be considered en bloc under clause 2(f) of rule XXI. The rule states in part that amendments may only be considered en bloc if they do not increase either budget authority or outlays in the bill.

While the amendments proposed by the gentleman are offset fully in budget authority, the combined effect of the changes would increase outlays by $8 million, in violation of paragraph 2(f). The amendments are, therefore, not in order to be considered en bloc.

The CHAIRMAN. Does any other Member wish to be recognized on this amendment?

The Chair will make a ruling. To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Utah (Mr. BISHOP) proposes a net increase in the level of outlays in the bill as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

In addition, $20,000,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $1,866 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $888,628,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,476,000 to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $18,634,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

Page 4, line 1, after the dollar amount, insert "(reduced by $17,015,000)".

Mr. DICKS. Madam Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. BISHOP of Utah. One of the issues with which we struggle in this legislature deals with simply the concept of prioritization. And what I'm talking about in this particular issue is money put into the budget above and beyond what the President recommended, but money put into this budget for new acquisitions, not taking care of what we already have, but new acquisitions.

Now, I'm going to contend here that what we need to do is prioritize so that what we do is put our money in what we already have and make sure that we are doing the best we have with our parks and public lands.

I have a picture right here of a facility that's not in my district, but it is in my State. Dinosaur National Monument is actually in the Second District of Utah. This particular facility is a beautiful facility. I was there before it was condemned. I was there. So you could go in there with all my kids and look at the dinosaur bones that are still in place in the mountainside as it has been scraped away so you can see the prehistoric history of this country. It's a wonderful place. It is a wonderful exhibit. It's a great learning experience, all of which has been closed because this building has been condemned and we don't have enough money to fix the facility.

This facility should be fixed before we put 17 million new dollars into new programs somewhere else. This facility should be fixed before we expand what we are trying to do. We need to take care of what we have already identified as important and significant and make sure it takes place.

And that, my fellow Members of this House, is the reason I'm proposing this amendment, that we simply reprioritize to do what's most important, and we fix what we have first and make sure that is functioning before we put any new additional money into acquisition of new land, new properties and new proposals.

Mr. DICKS. Madam Chair, I withdraw my point of order on this amendment, but I would like to be recognized for 5 minutes in opposition.

The CHAIRMAN. The point of order is withdrawn.

The gentleman is recognized for 5 minutes in opposition.

Mr. DICKS. Madam Chairman, this amendment, if it were adopted, would eliminate nearly all land acquisitions that are high-priority projects that need to be done. It would leave only $1.6 million in the acquisition account, not even enough to continue to staff the program.

These are not new projects. These are inholdings. These are inholdings within lands that are owned by the Bureau of Land Management, and these are very important from both an environmental perspective and to lock up land. That's why the BLM favors the acquisition of these inholdings.

So I urge a "no" vote on this amendment.

Mr. TIAHRT. Madam Speaker, I move to strike the last word.

I think that the gentleman from Utah (Mr. BISHOP) has made a good point and reinforced what I was saying in my opening statement that we can get overextended in the Park Service and acquire more than we can take care of.

The beautiful building that he used in his example provides a wonderful purpose is now closed because we have not been able to maintain it. My concern, in getting overextended, is that we build new buildings and acquire new land that we are unable to maintain and we get into the same problem that we're trying to correct today.

So I thank the gentleman for offering his amendment, and I think it makes a valid point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

Mr. MURPHY of Connecticut. Madam Chair, I move to strike the last word.

Madam Chair, I was going to offer an amendment today, but would like, rather, to speak on the subject of the amendment.

Madam Chair, I'd like to thank Chairman DICKS for all of his hard work on this bill.

Last week, Madam Chair, I was joined by Representative GERLACH and Representative PITTS as we relaunched the Bipartisan Land Conservation Caucus. And as one of the new co-Chairs of that caucus, I'm thrilled that the Interior Department budget that Mr. DICKS and his subcommittee have put together includes a major new investment in open space preservation funding, and I applaud their work here.

But protecting these spaces, once preserved, is a time-consuming, expensive, and often complex process. We're lucky in this country, especially in New England where I hail from, to have amazing partners in this process, which are local land trusts. These land trusts were started by community members who want to preserve and protect the regional character of their special part of the world. Since their creation, they've grown into full-fledged partners in the conservation effort. Many of these trusts across the country have expanded and now have up to 10 or 20 full-time staff members; however, many still remain very small volunteer organizations with no staff support. For example, of the 128 land trusts in Connecticut, 103 of them are comprised solely of volunteers, the largest number of volunteer trusts in the country. It's these small land trusts that do most of the on-the-ground work, saving historic sites and priceless vistas that are so important to our regional character in New England.

However, in recent years the burden on these small land trusts has grown tremendously. In addition to their original task of seeking out lands to preserve, they are also now bound by IRS red tape and heavy enforcement duties. These land trusts are now responsible for ensuring that any conservation donation qualifies for the tax deduction offered by the IRS. These tax deductions have caused legions of landowners to choose to put valuable conservation easements on their land; however, a local volunteer land trust with no paid staffers cannot be expected to do the IRS's work for them to evaluate and sign off on every donation.

In addition, these small land trusts are now required to enforce and patrol the easements that they already hold. As more and more land is put into easements, more and more burdens are put on local land trusts to make sure that these easements are enforced. In Connecticut, there are now over 24,000 acres of land with conservation easements, and more and more land is added every year.

If the government is going to rely on these land trusts to do the administrative work associated with these easements for programs like the Land and Water Conservation Fund and Forest Legacy, it makes sense that we should partner with them to help them with these administrative duties.

I had planned on offering an amendment that would have allowed 1 percent of all land and water conservation funds appropriated by the Bureau of Land Management to be available to competitive grants to volunteer land trusts across this country. That money could be used in order to help them with some of the administrative costs that have been imposed.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. MURPHY of Connecticut. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman from Connecticut for his leadership on the land trust. This is close to my heart. My youngest son, Ryan Dicks, works for the Cascade Land Conservancy in the State of Washington, and I'm very familiar with the work that these important agencies do.

And I want you to know that in our bill we have $62 million in the Forest Legacy account, and we also have $268 million for land and water conservation grants, of which 50 million is for the Stateside program. And though I can't accept your amendment this year, I want the gentleman to know that I want to work with you and see if there's some way that we can help these important entities do the job that is so important in preserving lands that are important to the American people.

Mr. MURPHY of Connecticut. Madam Chair, reclaiming my time. I thank the chairman very much for his offer to help. This is a historic investment in this bill in open space preservation and land preservation funding. I thank the chairman and his committee for their commitment to this very important issue, and I look forward to working with him to make sure that we are doing all we can to help those land trusts make the best use of this new historic and incredibly important commitment to land preservation and open space preservation.

Mr. SAXTON. Madam Chairlady, I rise to strike the last word.

Madam Chairlady, I would like to engage my distinguished colleague from Washington, Chairman DICKS, in a colloquy regarding funding for an important conservation project in the district I represent.

The State of New Jersey has only 3 percent Federal land ownership and is also the most densely populated State in the country. From national parks and wildlife areas to soccer fields and city playgrounds, our investments in conservation, preservation, wildlife and recreation pay dividends each and every day.

The coastal areas of our Nation are under extreme pressure for development. The Third District of New Jersey, where the Edwin B. Forsythe National Wildlife Refuge is located, is no exception. It is vital that we assist our States and local governments in a true Federal/State/local partnership to purchase tracts of land like the one within the Forsythe Refuge boundary, environmentally valuable land that can be bought now but most likely will be lost permanently for future use in the very near future.

I appreciate the challenges that the subcommittee faced in this difficult budget year; however, I am hopeful that we will recognize the importance of this project to the people that I represent and New Jersey as a whole.

We have a responsibility to our children to ensure that green spaces remain to provide clean air and water and ample opportunities to enjoy wildlife and the great outdoors. The economy of the district I represent depends on a vibrant and healthy economy.

I yield to my friend from Washington.

□ 1230

Mr. DICKS. I appreciate your yielding.

Madam Chairman, I thank my colleague from New Jersey for bringing this important project to my attention. I will be pleased to consider this funding need should additional funds become available in conference. And I also want to congratulate the gentleman for his outstanding leadership on many important issues dealing with conservation and the environment. And I particularly appreciated his cosponsorship of our bill that has just been reported out of the Natural Resources Committee in protecting our wildlife.

The gentleman is certainly an important leader from New Jersey, and we want to work with him.

Mr. SAXTON. Madam Chairman, I thank the chairman very much for his comments, and I appreciate our ongoing partnership and effort on issues such as this.

Mr. LUCAS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I wish to enter into a colloquy with the distinguished chairman of the subcommittee regarding the Indian Arts and Crafts Museum funding within the Department of Interior.

Chairman DICKS, I stand here today in support of the continued funding of the 2008 Interior appropriations bill for the three Regional Indian Arts and Crafts Museums that are currently operated by the Indian Arts and Crafts Board. Congress passed the Indian Arts and Crafts Act, which created and charged the Indian Arts and Crafts Board with promoting the Indian arts and crafts movement and with protecting the integrity of the art from nonIndian counterfeiters selling products advertised as "Indian made." To aid in this mission, the board operates three regional museums including the Southern Plains Indian Museum in Anadarko, Oklahoma; the Museum of the Plains Indian in Browning, Montana; and the Sioux Indian Museum in Rapid City, South Dakota.

In 1935 Congress recognized, under the first Indian Arts and Crafts Act, the unique and culturally rich art of the American Indian is vital to the importance of the economic welfare of tribal communities. The production and sale of these items provide an entrepreneurial opportunity to one of the most economically challenged groups of our society. These three museums play an essential role in promoting the ideals set forth in the Indian Arts and Crafts Act by creating interest in the Native American heritage, helping Indian artisans gain access to an interested market, and bringing members of the Indian arts community together to celebrate and preserve this way of life.

The collections showcased by the museums are extensive in their display of American Indian artwork and artifacts. And to preserve the history and integrity of these priceless collections, the museums must stay intact and the collections under their roofs must stay in Federal control.

I stand today in full support of appropriations to support the mission of the Indian Arts and Crafts Board and insist that the funding and operation of the three Regional Indian Arts and Crafts Museums remain a continued, imperative part of this mission.

Mr. Chairman, it is the understanding of the committee that Congress charged the Indian Arts and Crafts Board with developing and expanding the market for the products of Indian art as well as protecting the integrity of such items through prohibiting and investigating instances of misrepresentation of "Indian-made" products.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Washington.

Mr. DICKS. That is correct.

Mr. LUCAS. Mr. Chairman, it is the understanding of the committee that the funding and operation of the three Regional Indian Arts and Crafts Museums in their housing, preserving, and promoting Native American history, art, and culture is clearly an essential part of the mission that Congress charged the Indian Arts and Crafts Board with.

Mr. DICKS. That is correct.

Mr. LUCAS. Mr. Chairman, I want to clarify that that it is the intent of the committee that the money provided for the fiscal year 2008 Interior appropriations bill for the continued functions of the Arts and Crafts Board does include the operation of those three museums.

Mr. DICKS. The gentleman is correct. It is the intent of the committee to continue the operation of the three museums, and I appreciate the gentleman's interest in artwork on this important issue.

Mr. LUCAS. Madam Chairman, reclaiming my time. I thank the chairman and the ranking member and the committee for their very diligent work this year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,242,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $806,644,000, to remain available until expended, of which not to exceed $4,000,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28 of title 30, United States Code, is amended: (1) in section 28 by striking the phrase "shall commence at 12 o'clock meridian on the 1st day of September" and inserting "shall commence at 12:01 ante meridian on the 1st day of September"; (2) in section 28f(a), by striking the phrase "for years 2004 through 2008"; and (3) in section 28g, by striking the phrase "and before September 30, 2008,".

Sums not to exceed one percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology-procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,104,572,000, to remain available until September 30, 2009 except as otherwise provided herein: *Provided*, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $18,763,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,926,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2007: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $31,653,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,046,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,001,000, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,202,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended, *(16 U.S.C.* 4401–4414*)*, $42,646,000 to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6301–6305), $10,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $85,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2008 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2009, shall be reapportioned, together with funds appropriated in 2010, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,046,809,000, of which $9,965,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $100,164,000, to remain available until September 30, 2009, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, environmental studies, and comprehensive facility condition assessments; and of which $4,000,000 shall be for the Youth Conservation Corps and the Public Lands Corps (Public Law 109–154) for high priority projects.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HASTINGS of Florida:

Page 18, line 23, after the first dollar amount, insert "(reduced by $1,000,000) (increased by $1,000,000)".

Mr. HASTINGS of Florida. Madam Chairman, I rise today to offer an amendment with my good friend, Congressman MICHAEL CASTLE of Delaware, to the Department of the Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2008.

Our amendment designates $1 million of the increase in appropriations to the National Park Service for operations and grants affiliated with the National Underground Railroad Network to Freedom.

Madam Chairman, Members on both sides of the aisle agree that the National Underground Railroad Network to Freedom is a phenomenal resource of the National Park Service. Interest in the network continues to grow within affiliates in 28 States and the District of Columbia now operating since its inception in 1998. More opportunities than ever are now available for families throughout the Nation to engage in interpretive learning experiences related to the significant triumph of the underground railroad.

Madam Chair, the President's request of $493,000 for the operation demonstrates a slight increase for the network, but the true problem lies in the lack of grants for affiliates. The grant opportunities for network affiliates have only been funded three times since the establishment of the network in 1998 and woefully less than the $2.5 million authorized in the establishing legislation.

Our amendment is not just about preserving black history. Madam Chair, it is about preserving American history, and we cannot let our history be forgotten. Indeed, once Congress establishes a phenomenal program such as this, it should be ready to take the necessary action to ensure its perpetuity. This is our past and we must be faithful stewards of it.

I would like to thank Chairman DICKS and Ranking Member TIAHRT for their help in bringing this timely amendment to the floor today.

Madam Chairman, I would like to, at this time, yield to my friend, Mr. CASTLE.

Mr. CASTLE. Madam Chairman, let me thank the gentleman from Florida tremendously for his work on this. And I, too, rise in strong support of the Hastings-Castle amendment expressing congressional intent that the operations and grants budget for the Underground Railroad Network to Freedom program receive adequate funding.

I understand Chairman DICKS and Ranking Member TIAHRT are willing to accept the amendment; so I will be brief.

By helping local communities share the stories of the men and women who resisted slavery through escape and flight in the underground railroad, the Network to Freedom is a tremendous historical resource. Without continued and adequate funding, efforts to operate and provide grants to support a variety of underground railroad preservation and interpretive projects throughout the United States will be greatly diminished.

Promoting programs and partnerships to commemorate this time in history and educating the public about the historical significance of the underground railroad are vital. It is for this reason we offer this amendment today.

Again, I would like to thank the distinguished gentleman from Florida. We in Delaware have a lot of involvement with the underground railroad during that time. I think it is a significant part of our history.

Mr. DICKS. Madam Chairman, will the gentleman from Florida yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Madam Chairman, we are prepared to accept the amendment.

I want to commend the gentleman from Florida and the gentleman from Delaware for their outstanding leadership. This is a very important issue. And as we understand it, this would come out of existing funds within the park service?

Mr. HASTINGS of Florida. That is correct.

Mr. DICKS. With that understanding, Madam Chairman, we accept the amendment.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Kansas.

Mr. TIAHRT. Madam Chairman, I want to thank the gentleman from Florida and commend him on his leadership on this issue and also the gentleman from Delaware (Mr. CASTLE).

I think this is a very important time in American history that we need to capture and preserve for future generations. So congratulations. We have no objection to this amendment.

Mr. HASTINGS of Florida. Reclaiming my time, thank you, Chairman DICKS, Ranking Member TIAHRT, and Governor CASTLE.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MR. WEINER

Mr. WEINER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. WEINER:

Page 18, line 23, insert "(increased by $1,000,000)" after the first dollar amount.

Page 39, line 17, insert "(reduced by $1,000,000)" after the first dollar amount.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WEINER. Madam Chairman, I doubt I will take the full 5 minutes.

As remarkable as it might seem to anyone who is listening to these remarks, there is one national park in our country that was closed after September 11 that remains closed to this day.

We all remember that after September 11, there was kind of a general lockdown. We weren't sure what was going to happen next. National parks throughout the country were closed. That included this building. It included the White House. It included, frankly, monuments, memorials, and parks throughout the country.

Almost immediately thereafter, with some changes to security, some more enhanced like this building, some less so like some national parks, every single one of the national parks and institutions was reopened, except for one: the Statue of Liberty. Perhaps the single most symbolic of all parks, the Statue of Liberty remains closed to this day. It is true you can take a ferry and go around the Statue of Liberty. It is even true that you can go to its base, walk inside, and tap Lady Liberty's toes. But the Statue of Liberty and its iconic stairway that leads to the very top, to the crown, where all of us or so many of us remember standing on our tiptoes to see that regal view, remains closed today.

Now, my colleagues, you might be wondering how could it be nearly 7 years after September 11 the park is still closed? Let me tell you a few reasons why it is not the case.

First of all, there has been plenty of money. This committee and private beneficiaries have raised over $20 million for security enhancements, for changes. In fact, we all remember after September 11 a foundation was formed, Folger's and American Express and all kinds of institutions, the Daily News, my hometown newspaper. Kids were gathering up pennies and dimes and nickles. So there was no shortage of money. But we do know what there appears to be a shortage of, and that is imagination or courage on the part of the National Park Service.

We in this House, by a resounding fashion last year, 266 of us voted to say open up Lady Liberty to her crown. But the National Park Service, after years of kind of thinking about it and scratching their chin and twiddling their hair and flipping through papers, last year, at the urging of Mr. DICKS and others, finally sent this body a letter that said, "we have concluded that the current access patterns reflect a responsible management strategy in the best interests of all our visitors."

☐ 1245

Well, that is bureaucratic speech, saying to Congress and the American people, take a hike, we're going to do what we want. Saying to the chairman of the committee, the ranking member, 266 of us, We don't care what your views are, we don't care about the private donations, we don't care about the reasonable accommodations that can be made, we're not opening up the Statue of Liberty.

And I say reasonable accommodations because there are things that can be done. Look, there is no doubt about it, there are narrow staircases, there are narrow passageways, not as narrow as this building, and there are sensitive locations, not as sensitive as the White House, but we've figured out ways to accommodate visitors, although in a limited fashion, in those places.

My colleague, Congressman SIRES, who is here today to offer this amendment with me and who I, regretfully, have to admit, according to the Supreme Court, that the Statue of Liberty is in his district. Although I would point out that Lady Liberty's caboose faces New Jersey, not her proud crown. But I want to thank him for all that he has done and for seeing that this is a national issue.

Let me just say this in closing: you know, we have heard it thrown around a lot, We mustn't let the terrorists win, We mustn't let the terrorists win. Can you imagine the symbolic sacrifice and the symbolic surrender we have made by saying that, because there are security concerns, we're not going to reopen the Statue of Liberty? How many of us don't remember the experience of climbing those narrow staircases?

So what does this amendment do? This amendment says, you say you can't do it? We're going to give you another million dollars to do it. It takes $1 million and strikes it from the administration's account, puts it in the National Park Service account and says, if you need more money, here it is.

I also want to thank my colleagues on the Resources Committee, subcommittee Chairman GRIJALVA, full committee Chairman RAHALL, for considering and tentatively agreeing to do hearings to look into this.

This is simply wrong. And to my chairman, Mr. DICKS, and to my ranking member, Mr. TIAHRT, there are no stronger advocates for the National Park Service than they, no stronger protectors of the national budget than they.

This is not a frivolous idea. This is Lady Liberty. This is making sure we restore the dignity of our National Park Service everywhere, but particularly in this most symbolic place.

Mr. SIRES. Madam Chair, I move to strike the last word.

I really want to thank Congressman WEINER, this has been an issue that is close to his heart, for offering this amendment.

Let me start my remarks talking a little bit about 9/11. I was the mayor of a small community across from New York, and I was a citizen. I watched as the Towers burned. I will never forget that vision in my mind. It was a symbolic blow to the Nation's spirit. But we have recovered our spirit. Today, America stands strong and proud again. And an important part of the recovery is due to the fact that we were able to get back to work. In short, we got back our lives.

As the Secretary of the Interior, Ms. Norton, said on September 12, 2001 while standing at the Hoover Dam, "Even though atrocities such as those of September 11 can affect us, they cannot close us down." That is why I am cosponsoring this amendment today.

The only national park that remains closed from 9/11 is the crown of the Statue of Liberty. I hope that with this amendment we will open up the crown for visiting once again.

Yes, it is symbolic, but symbols are important. And let me say that there are three sites that most immigrants, when they come to the area, like to look at. One is the Statue of Liberty, the other is going up the Empire State Building, and the other is Niagara Falls. We can go to the other two, but we cannot go all the way up to the Statue of Liberty.

I thank my friend from New York for proposing this amendment and for his time.

Mr. DICKS. If the gentleman will yield, I want to commend the gentlemen from New York and New Jersey for their leadership, and I urge that the committee adopt this amendment.

Mr. WEINER. Will the gentleman yield?

Mr. SIRES. I will yield.

Mr. WEINER. I want to offer my gratitude to the chairman, who has been helpful to us all throughout, and the ranking member, Mr. TIAHRT, for all that they have done.

Mr. DICKS. And by the way, we have a new director of the National Parks Service. I think it may be good to give her an opportunity to review this, too. So I think we ought to give her another chance to look at this.

Mr. SIRES. We do have the Statue of Liberty in New Jersey, and we have the better side facing New Jersey.

Mr. TIAHRT. Will the gentleman yield?

Mr. SIRES. Absolutely.

Mr. TIAHRT. I would like to say I have no objection to this, and I appreciate the gentlemen from New York and New Jersey for attempting to open up the steps of Liberty once again.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

Mr. OLVER. Madam Chairman, I move to strike the last word.

First I want to commend the chairman and the ranking member for bringing forward a very good bill. And I want to also commend the chairman and the ranking member for agreeing to the amendment that has just been adopted. But I want to put that a little bit in context here.

I have to say that I was surprised and somewhat chagrinned by the characterization of the ranking member of the full committee when he described this legislation, this whole legislation, as having an excessive and overgenerous allocation. I don't really think that that is the case, and the Park Service programs within this bill are a perfect example of that.

We are coming up on the 100th anniversary of the National Park Service and have a lot of work to do to bring that up to a state of good repair, the facilities of the National Park Service up to a state of good repair.

The Park Service embarked on a program to try to repair some damage that has been done, particularly in the fiscal years 2005 and 2006. The reduction in budget compared with what would be, including inflation, the necessary funding to keep the maintenance of service in the Park Service programs is close to 20 percent in those two fiscal years. And in fiscal year 2007, we were able to virtually level fund the budget for programs within the Department of the Interior and the Park Service at just no increase. But now this year, with this legislation, there is an additional $105 million in the legislation for the increase in the Park Service's base funding which should allow them to begin to make some additions in the maintenance, the backlog of maintenance, which is so well described in the previous amendment, and the need at one of our greatest, most important national monuments, the Statue of Liberty, to make that available to the public.

We have hundreds of millions of people in total that visit our national parks, our national monuments, our historic sites, our fish and wildlife refuges, and the maintenance backlog is in the billions of dollars level, of which $105 million to deal with the backlog needs in the Park Service's accounts is only a small portion of what is needed to bring up our facilities that serve those hundreds of millions of the public who visit at all these variation locations each year, to bring them up to a state of good repair. So I think that it is important that we provide those monies.

I know there will be other amendments. I will be supportive of those amendments, which also increase the amounts that can go, reasonably, into state of good repair for our facilities under the Park Service for those national parks, historic sites and national monuments that we so badly need in good repair for the visitation and for the education of the public.

The Park Service system is a national treasure, and it must be preserved and valued for our future generations.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 18, line 23, insert "(increased by $100,000,000)" after the first dollar amount.

Page 58, line 3 insert "(reduced by $62,000,000)" after the dollar amount.

Page 59, line 3 insert "(reduced by $160,000,000)" after the dollar amount.

Page 66, line 23, insert "(reduced by $1,000,000)" after the dollar amount.

Mr. DICKS. Madam Chair, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. KING of Iowa. Madam Chair, the amendment that I offer here today is an amendment that reaches out and directs $100 million to the National Parks Service for the purpose of putting up barriers on our border. This comes from one of my multiple trips down to the region where I sat and talked with a number of the park officers and visited the border parks that we have. And I can take you down through the pieces of this argument, but I think the centerpiece of it was addressed by Mr. BISHOP of Utah, when he talked about one-third of the Organ Pipe Cactus National Monument being set aside off limits to American citizens, to American tourists because it has been so inundated by illegals and by drug smugglers and drug traffickers and litter that when I asked to go to that area, they said it's not safe, we don't have the personnel to take you. So it's essential that we protect these national treasures that we have, these national parks and national monuments.

I want to reflect upon an example here, Madam Chair, and that is this poster that I have. This shows the entrance to the lesser long-nosed bat cave. It's one of four maternal bat caves in the United States. And this is an endangered species. This is a location where illegals used to go in and hole up. And their constant presence there drove the bats out. The 4,000 bats that lived here were driven to other places. They found $75,000 in their budget and volunteer labor and went to build and construct this barrier around the bat cave to keep the illegals out. The bats returned, thankfully. But we have other species, and we have this precious area.

And if I can reflect back, Madam Chair, just upon my notes with a meeting with the director of one of our national parks on the border. First, he said we were concerned about disease, hoof and mouth disease, for example, as I am. But from 1978 to 1984, there wasn't much of a problem with illegal traffic. By 1989, activity had picked up. By 1999, 13 miles of fence were stolen. By the year 2002, "everything went haywire." The numbers increased dramatically, 20 to 25 cars at any one time abandoned, litter all over the parks, 20,000 pounds of drugs recovered just on that refuge alone. And his question is not, what are you going to give me? But what can I cut in order to save these national parks?

So I've made a recommendation on what to cut, Madam Chair, and it reaches out into three different areas to come up with $100 million so that we can protect these national parks along our border from this traffic. When it gets so bad that the litter is so bad that we won't let Americans drive by on the road and look, when it gets so bad that a Member of Congress can't get an escort with enough armed personnel to go down into one-third of the Organ Pipe Cactus National Monument, the location where Park Officer Chris Eggle was killed in the line of duty in order to intercept a drug smuggler across the border, I call upon this Congress, Madam Chair, to do something. And the director of this park said to me, a year or two or five ago, I would have said don't build a fence, don't build a wall, I don't want that mark across my monument. Today I say, that's what will preserve the rest of it.

So I think that makes my strongest argument. We need to find the funds to protect our precious national resources. There should be not one square foot of a national park that an American citizen is off limits to because we can't protect it from infiltrators that come from across the border to smuggle drugs and commit crimes.

So I would urge adoption of this amendment.

Mr. DICKS. Madam Chairman, I rise in opposition to the gentleman's amendment.

First of all I want to say that I am a strong supporter of our national parks. And our committee takes a back seat to no one. My problem with this amendment is the source of the offset.

The bill provides a $223 million increase for our national parks, for the 10-year $3 billion Centennial Challenge effort to restore the parks for the 100th anniversary of the founding of the Park Service.

□ 1300

The bill also includes $50 million in discretionary funds for the Centennial Challenge projects. These funds will support enhancements in our parks beyond the funding necessary for core operations. This is the best bill for the parks in decades, but I cannot support a wholesale gutting of the important work done by the Environmental Protection Agency. The gentleman's amendment would severely cut two of EPA's most important programs. He proposes to reduce by $160 million the Superfund program that cleans up toxic waste sites across our country.

Currently, there are over 1,400 Superfund sites. More than 6 million people live within 1 mile of a Superfund site and 76 million live within 4 miles of these sites.

Our bill increases Superfund above the request. Why? Because as the Superfund program matures, the remaining sites are more complex, take longer to clean up, and require more funding. How do we explain the proposed reduction to those 76 million Americans? Do you ask them to wait even longer to remove the hazardous substances in their neighborhoods?

The amendment would also cut EPA's core environmental programs, those funded through the environmental programs and management account.

The account funds the activities which are the backbone of the Nation's environmental programs. EPA sets pollutant abatement standards. It issues permits to control these standards. It enforces those permits to ensure compliance with environmental standards. This account funds programs that control toxic air pollutants which threaten to poison our cities.

This account funds the Energy Star program, a program that most Americans know by name and trust, a program that has saved Americans $12 billion in energy costs in 2005 alone. This account funds the programs which license pesticides that control harmful exposures. This account funds programs which protect children, our most precious resource, from indoor air pollutants. With the geographic programs funded through this account, EPA helps to protect the great, and unfortunately threatened, waterways of our Nation

Madam Chairwoman, I am certainly a great supporter of the parks. I believe the underlying bill is proof of that. But I cannot support an effort to reduce the programs that are the fundamental basis for our Nation's environmental protection.

I urge a no vote on the gentleman's amendment.

The CHAIRMAN. Does the gentleman withdraw his reservation of a point of order?

Mr. DICKS. Madam Chairman, yes, I withdraw my reservation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

CENTENNIAL CHALLENGE

For expenses necessary to carry out provisions of section 814(g) of Public Law 104-333 relating to challenge cost share agreements, $50,000,000, to remain available until expended for Centennial Challenge signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, in-kind services, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,881,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), $81,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2009; of which $20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts and of which $10,000,000 shall be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $201,580,000, to remain available until expended: *Provided*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2008 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $99,402,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $50,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

If the Secretary of the Interior considers that the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, misinterprets or misapplies relevant contractual requirements or their underlying legal authority, then the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims. This court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for possessory interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

A willing seller from whom the Service acquires title to real property may be considered a "displaced person" for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking "2007" and inserting "2009".

Mr. KIRK. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise today just to support this legislation which increases funds, provides programs that protect our national forests and parks and enhance our clean water infrastructure. The bill also provides more than $1.3 billion for Great Lakes restoration and protection programs and an increase of $32 million over fiscal year 2007.

Providing water, jobs, food and recreation for more than 40 million people, the Great Lakes are one of our Nation's most valuable natural habitats. It is critical that we continue to support programs and provide funds that ensure the restoration and preservation of this National treasure.

Now, in this bill we fund the Great Lakes Legacy Act, which is a critical component of this ecosystems restoration. It provides funds for the cleanup of the most polluted sites in the region. There are 26 of these sites designated officially as areas of concern located wholly within the United States and then five more inside Canada. From six of the projects that we receive funding since the program's inception, the EPA estimates that over 1.2 million cubic yards of contaminated sediments will be removed.

Madam Chairman, I really want to thank Chairman DICKS and ranking member TIAHRT for working with me to increase funds above the President's request to provide $37 million for this program, which is an increase of over $7 million last year.

I also want to thank these gentlemen for providing an increase of roughly $3 million to the National Great Lakes

Program Office to fund additional staff to implement the Legacy Act. The aid will help us to eliminate the backlog in reviewing proposals to speed up the cleanup of polluted sites.

Madam Chairman, I just want to thank the two gentlemen. I am in favor of this legislation.

Mr. DICKS. Madam Chairman, if the gentleman will yield, first of all, I appreciate the gentleman's support for our overall bill, but I want to acknowledge his leadership on the Great Lakes. We have some incredible programs in the Great Lakes. The gentleman has come to us and offered a very positive amendment. We are concerned in my part of the world about Puget Sound. Our vice chairman, Mr. MORAN, is concerned about the Chesapeake Bay. We are concerned about all of our National estuaries. But the Great Lakes are particularly important, and I appreciate the gentleman's input on this issue.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I also want to congratulate the gentleman from Illinois for his persistence in pursuing environmental issues in the Illinois area as well as across the United States. It is very important that we have clean air and clean water for our children and grandchildren.

The gentleman's leadership has been excellent. Also I want to acknowledge his special recognition of the Great Lakes and taking care of them. He has been worried about the fish life as well as the quality of the water. I congratulate the gentleman in these efforts there.

Mr. KIRK. Madam Chairman, reclaiming my time, this is a very good bill. I want to thank both these gentlemen. I want everyone who is part of the 40 million Americans that depend on the Great Lakes for their drinking water to know that this appropriations bill is pro-Great Lakes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,032,764,000, to remain available until September 30, 2009, of which $63,345,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $32,150,000 shall remain available until expended for satellite operations; of which $8,023,000 shall be available until expended for deferred maintenance and capital improvement projects; and of which $187,114,000 shall be for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $153,552,000, to remain available until September 30, 2009, of which $82,371,000 shall be available for royalty management activities; and an amount not to exceed $135,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $135,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $135,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal years 2008 through 2010 may retain up to three percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,403,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The eighth proviso under the heading of "Minerals Management Service" in division E, title I, of the Consolidated Appropriations Act, 2005 (Public Law 108-447), is amended by inserting "and Indian accounts" after "States", replacing the term "provision" with "provisions", and inserting "and (d)" after 30 U.S.C. 1721(b).

None of the funds in this Act shall be used to transfer funds from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), before disbursing a payment to a State, the Secretary shall deduct 2 percent from the amount payable to that State and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $117,337,000, to remain available until September 30, 2009: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2008 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $52,774,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,093,545,000, to remain available until September 30, 2009 except as otherwise provided herein, of which not to exceed $80,179,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except that federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $487,500,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2008, and shall remain available until September 30, 2009; and of which not to exceed $66,822,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,060,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2007 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to grantees that enter into grants for the operation on or after July 1, 2007, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a federally-recognized tribe which remain unobligated as of September 30, 2009, may be transferred during fiscal year 2010 to an Indian forest land assistance account established for the benefit of the holder of the funds within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2010.

☐ 1315

AMENDMENT NO. 30 OFFERED BY MR. SHAYS

Mr. SHAYS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SHAYS:

Page 31, line 11, after the dollar amount, insert "(decreased by $1,000,000) (increased by $1,000,000)".

Mr. SHAYS. Madam Chairman, this amendment would designate $1 million for the Office of Federal Acknowledgment, bringing the total for the office from $1.9 million to $2.9 million, enabling the bureau to hire two additional teams of investigators to speed up the review process for petitions. Presently, there are seven active petitions and nine waiting petitions, but there are 79 uncompleted petitions and there are letters of intent for 147.

The fact is in the last 10 years they have granted to only two tribes through the process, and, as I remember, seven tribes were denied, out of a total of nine. This is a long process. It requires individuals with tremendous expertise to evaluate these petitions.

I would note that when we create an Indian tribe, we create a sovereign nation. We create an independent nation within these United States. So this is very serious business.

I would just point out that already this year we have bypassed the Bureau of Indian Affairs in one legislation that created acknowledgment for six tribes, and in a second legislation acknowledging another tribe. The argument was that the Bureau of Indian Affairs simply couldn't act as quickly as it needs to.

Mr. DICKS. Madam Chairman, if the gentleman will yield, the gentleman has raised an important issue here, and we are prepared to accept his amendment.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman from Connecticut for working with the committee on this very important issue. Truly they have a backlog. Without your looking into this issue, we never would have made the kind of progress that is going to be made because of your efforts. So I want to congratulate the gentleman, and I have no objection to the amendment.

Mr. SHAYS. Madam Chairman, reclaiming my time, I just want to acknowledge the good work of both the chairman and ranking member, not just on accepting this amendment, obviously, but the tremendous work in terms of the arts, in terms of our natural resources.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $207,983,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2008, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 107–331, 108–447, 109–379, 109–429, and 109–479, and for implementation of other land and water rights settlements, $39,136,000 to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,276,000, of which $700,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,506,098.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations and regional offices) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any federally-recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding 25 U.S.C. 2007(d), and implementing regulations, the funds reserved from the Indian Student Equalization Program to meet emergencies and unforeseen contingencies affecting education programs appropriated herein and in Public Law 109–54 may be used for costs associated with significant student enrollment increases at Bureau-funded schools during the relevant school year.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $136,413,000, of which $35,262,000 for activities related to the Financial and Business Management System shall remain available until expended, and of which not to exceed $15,000 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

AMENDMENT NO. 14 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. DICKS:

Page 39, line 17, after each dollar amount, insert "(reduced by $5,000,000)".

Page 55, line 22, after the second dollar amount, insert "(reduced by $5,000,000)".

Page 58, line 3, after the dollar amount, insert "(reduced by $5,000,000)".

Page 60, line 24, after the dollar amount, insert "(increased by $15,000,000)".

Page 61, line 16, after the dollar amount, insert "(increased by $15,000,000)".

Mr. DICKS. Madam Chairman, I offer this amendment on behalf of myself and a number of distinguished Members from the Border Caucus. The committee has supported EPA's Mexican Border Program since its inception in 1995. Since that time, we have provided over $800 million for infrastructure projects along the border. I am proud of that and believe this program is an important one.

The bill as reported by the committee included $10 million for water and waste water infrastructure projects along the U.S.-Mexican border. This is the amount requested by the President, but $40 million below the level provided last year. Our committee took this action because of concerns about a slow spending rate in the program. Since that time, a number of Members, including a distinguished member of the committee, Mr. RODRIGUEZ of Texas, have provided new information on this program.

Specifically, the reforms recently made to the design, approval, and construction process will ensure the funds are spent more quickly. Because of that information, I am pleased to offer this amendment on their behalf, which provides an additional $15 million for this program, for a total program of $25 million in fiscal year 2008.

It is never easy to find offsets for these types of amendments. That said, my amendment includes three programs in order to provide the necessary increases for the border program. The reductions are as follows:

Within the Department of Interior Salaries and Expense Account, $5 million from the Financial and Business Management System, which has been delayed by the Department.

Within EPA's Science and Technology Account, $5 million from the new Water Technologies Breakthrough Fund.

Within EPA's Environmental Programs and Management Account, $5 million from Operations and Administration.

With this additional funding, I hope we will see many new water and waste water infrastructure projects along the border. This committee has been and will continue to be very supportive of this important program.

Again, I thank the Members from the border States, especially Mr. RODRIGUEZ, a member of the full committee, for bringing this issue to my attention. I urge a "yes" vote on this amendment.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I do not have any objection to this amendment, and I would commend the chairman on his leadership in this area.

Mr. HINOJOSA. Madam Chairman, I rise today in support of the amendment offered by my friend, Chairman NORMAN DICKS. I want to commend him for the wonderful job he did in putting this bill together. I also want to thank him for his willingness to work with me and the other members of the House Border Caucus to address a serious need in the border region.

This amendment would increase funding for the U.S.-Mexico Border program to $25 million. This program was created under the NAFTA treaty to help border communities cope with the environmental effects of the treaty. Since its inception, the fund has been used to improve wastewater and drinking water infrastructure. It has provided technical assistance to 130 communities. It has eliminated 300 million gallons per day of untreated or inadequately treated discharges, equivalent to that of 6.8 million persons. A recent audit found that for every dollar placed into the BEIF fund, $1.85 has been leveraged from other sources. Every dollar used under the fund by the U.S. is matched dollar for dollar by Mexico.

This funding is desperately needed to begin the planning for new water and wastewater projects along the U.S.-Mexico border. Most of the communities in my district are very small with the majority of residents living below the poverty level. They don't have the financial means to build water and wastewater infrastructure on their own. The U.S.-Mexico Border program is their only avenue to protect the health of their citizens and bring economic development projects to their community.

While the U.S.-Mexico Border program has had some institutional problems, which have hindered its ability to release funds to these communities, Congress has made reforms to the program and funds are finally flowing to communities. All of the funds currently in the program are allocated to projects and by the end of 2008 all of the money will have been disbursed. Without the funds in this amendment, new communities would not be able to begin the 5-year process.

In my district, several communities like Mercedes, Donna, Weslaco, Pharr, and others have received help from the U.S.-Mexico program to build and modernize their wastewater systems. As a result, large economic development projects are underway because the communities finally have the infrastructure to provide services to new employers.

Again, I want to thank Chairman DICKS for offering this amendment and urge all of my colleagues to support it.

Mr. ORTIZ. Madam Chairman, I rise in support of the Interior Appropriations bill before us today which includes money for South Texas to address water and wastewater issues along the Border.

I particularly thank Chairman NORM DICKS—who, on behalf of the Congressional Border Caucus, offered to increase funding for the Environmental Protection Agency's (EPA) Mexican Border program for safe drinking water grants by $15 million, providing a total of $25 million for these important grants.

NAFTA brought both challenges and windfalls to South Texas. As South Texas became the front door for international trade, the unemployment rate—at that time in double digits—fell to its present rate as jobs and opportunities became more widely available.

NAFTA also brought about greater growth and entire new industries, some cross-border industries. Congress' concerns about the border infrastructure for water and wastewater brought about the Border Environment Cooperation Commission (BECC) as part of the North American Development Bank. BECC funding has become a resource for border communities, whose infrastructure now bears the national burden of NAFTA; and NAFTA benefits the entire national economy.

These funds added to the Interior Appropriations bill today assist communities in addressing public health and environmental conditions along the U.S.-Mexico border. This money has been instrumental in getting almost seven million people connected to improved water and wastewater systems, ensuring improved living conditions for the residents of Texas, as well as other border states. Through these funds, 54 wastewater projects and 16 drinking water projects have been built.

In my South Texas district the City of San Benito, the Brownsville Public Utilities Board, Olmito Water Supply, El Jardin Water Supply Corporation and the City of Los Fresnos have benefited from these funds.

Mr. CUELLAR. Madam Chairman, I commend Chairman NORM DICKS and Ranking Member TODD TIAHRT for putting forward a good piece of legislation.

I want to especially thank Chairman DICKS for offering his amendment to increase funds for Border Environment Infrastructure Fund (BEIF).

Since 1997, this important program has provided essential funding support for drinking water and wastewater infrastructure in the U.S.-Mexico border region.

Every project receiving BEIF, whether located in the U.S. or Mexico, has provided an environmental and human health benefit for American citizens.

$491 million of BEIF, 54.2 percent to U.S. projects and 45.7 percent to projects in Mexico, for the implementation of 54 certified projects valued at $1.4 billion, many of which are located in rural communities and designated colonias.

The need in these communities is great.

The projects resulting from the BEIF allocations have provided a direct benefit to around 7.5 million people.

Even with such significant accomplishments, the need for water and wastewater infrastructure continues to exist along the U.S.-Mexico border.

Nearly $1 billion of existing water infrastructure needs have been documented.

Even with the leveraging strength of BEIF, which has historically brought $1.85 to each BEIF $1.00, we anticipate that less than 5 percent of these eligible needs will have an opportunity for funding without this amendment.

Without the opportunity to access these sources of funding, the health and environment of our communities will continue to suffer.

I want to once again thank Chairman DICKS for offering this amendment, and urge my colleagues to support his action.

Mr. REYES. Madam Chairman, I rise today in strong support of an amendment by my friend and colleague, Chairman DICKS, to increase funding for the Border Environment Infrastructure Fund, or BEIF, under the U.S.-Mexico Border Program by $15 million.

I also want to thank Chairman DICKS for producing a good piece of legislation and for being so responsive to me and other concerned Members from border districts. His willingness to listen to and take into account new information regarding the program are. true marking of a fine chairman. As my friend the chairman noted, BEIF has recently instituted measures to ensure that program funds are disbursed more quickly. I am happy that his concerns regarding the balance of obligated but unspent funds have been resolved. It is an efficient program with strong fiduciary controls. I was pleased to work with Mr. DICKS on this amendment.

BEIF, which was created under the North American Free Trade Agreement (NAFTA), makes environmental infrastructure projects affordable for communities throughout the U.S.-Mexico border region by combining grant funds with loans or other forms of financing. It was created with the understanding that a healthy and economically strong border region is critical to a secure border and to the flow of commerce. Economic development rests on a foundation of strong infrastructure. In many poorer border communities, however, the capital does not often exist to build water and wastewater infrastructure. BEIF funds go toward increasing water and wastewater capacity—bringing services to people who have not previously had them, improving public health, supporting economic development in poor border communities, and ultimately strengthening our southern border.

Every million dollars in BEIF water and wastewater investment results in the following over 10 years: $11.1 million in private sector investment, 221 new jobs, $1.7 million in tax revenue, and $52.2 million in goods produced by the private sector. Generally, BEIF and accompanying efforts have aided 185 projects that have benefitted over 7.5 million residents.

In my own district of El Paso, Texas, water and wastewater projects have received about $65 million in funding under the U.S.-Mexico Border Program. That funding has gone toward innovative water planning for a growing city in the middle of the desert, toward technical assistance for smaller waterworks, and toward bringing water and wastewater infrastructure to unincorporated settlements, or colonias. This irreplaceable funding source for border communities must be maintained.

Let's bring water and wastewater to those who don't have it. Let's bring economic development to poor communities in the U.S.-Mexico border region. Let's invest in a strong and secure border. I urge my colleagues to join our chairman, Mr. DICKS, and me in supporting this critical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CANNON

Mr. CANNON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON:

Page 39, line 17, insert "(decreased by $23,000,000)" after the first dollar amount.

Page 44, line 23, insert "(increased by $20,148,000)" after the first dollar amount.

Mr. DICKS. Madam Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. CANNON. Madam Chairman, I rise in support of this amendment that I offered on behalf of myself, Mr. MARK UDALL, Mr. ROB BISHOP, Mr. MATHESON, Mr. HELLER, Mr. SALAZAR, and Mrs. MUSGRAVE. This bipartisan amendment will redirect roughly $20 million in departmental salaries and expenses to the Payment in Lieu of Taxes program to bring the total appropriation to nearly $253 million.

I am pleased to be working with this bipartisan group and thank my colleagues for their support. All of us have something in common. We represent some of the 1,900 counties spread across every State but Rhode Island that have public lands that rely on the Payment in Lieu of Taxes program to mitigate the impact of the lost tax revenue resulting from Federal land ownership.

The Federal Government owns nearly 650 million acres of land, mostly in the West. We have a map here that shows all the land owned or held in the trust by the government in red. It is important to see exactly how much of the land in the West is owned by the Federal Government. In fact, the amount of land owned by the Federal Government is amazing.

This is an amazing amount of Federal ownership and control by the Federal Government. That means that we do not tax those lands and that means that in the Western United States we pay less per child for education, but we tax our people more per family because we are supporting the Federal Government. In other words, we don't tax these lands; we tax ourselves more.

As the chairman of the Western Caucus, I know all too well that my fellow colleagues throughout the West are struggling with these issues, and also in many districts in the East, where there is a great deal of public lands.

It is only fair that we pay a reasonable amount in lieu of taxes to cover this shortfall. The Payment in Lieu of Taxes program was created in 1976 to provide payments to counties to make up for property taxes they were prevented from collecting on Federal lands located within their boundaries.

This year, the administration's budget proposal proposed to cut PILT by $34 million, to a paltry 56 percent of the authorized level. The past few years have seen Congress achieve historic levels of PILT funding. We are grateful to Chairman DICKS and Ranking Member TIAHRT for their efforts to restore PILT to the fiscal year 2007 enacted level.

While the appropriation currently in the bill is significantly above the administration's recommendation, it is far from what it should be, and our counties are bearing the brunt of it. While the Department's administrative budget has nearly doubled since 2001, PILT funding levels have not kept pace, and this is not acceptable.

It is imperative that we raise funding so that our rural counties won't have to continue to foot the bill for lands owned by the Federal Government. I urge all my colleagues to support this bipartisan amendment to bring PILT funding levels to nearly 70 percent of the authorized amount and to support the counties that host public lands.

Although I will continue to fight for full funding for PILT, this amendment is a step in the right direction and adds a modest sum to the PILT program, a sum that is important to Americans who live in public lands communities, as well as to all the visitors who visit our public lands.

Mr. DICKS. Madam Chairman, if the gentleman will yield, I rise to say that we will be willing to accept this amendment.

I do want to point out to the gentleman, though, this bill already funds PILT $43 million above the level requested by the President. We have heard over and over again from various speakers on your side of the aisle that we have to get this bill down, not up.

But this is a very important program in the West, and therefore I am willing to accept it. But I want the gentleman to think about this in that context.

Mr. CANNON. Madam Chairman, reclaiming my time, I very much appreciate the gentleman's point. The fact is, this is much higher than the President's proposal. I appreciate that. Our job here is to balance how we fund these various programs. The inequity that has been perpetrated on Western counties, where you see these massive amounts, including in your State, of public lands that are not adequately supported by a tax base is very important.

I thank the gentleman very much for his support thus far.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I want to thank the gentleman from Utah and also the gentleman from Washington, Mr. DICKS, the chairman of this subcommittee, for understanding the depth of this problem. We do need to put additional funds into PILT, because the Payment in Lieu of Taxes has created shortfalls for school systems, for local municipalities and for counties.

I want to commend the gentleman from Utah for his effort. We have no objections to his amendment.

Mr. CANNON. Madam Chairman, I thank the gentleman, and urge support of my amendment.

Mr. DICKS. Madam Chairman, I withdraw my reservation.

Mr. BISHOP of Utah. Madam Chairman, I move to strike the last word.

Madam Chairman, I appreciate the opportunity of just saying a word on this particular amendment. I am also very grateful to both the ranking member as well as the chairman of the subcommittee for understanding the significance of this important amendment.

Let me say that this is another map that is similar to the one that was already done, except this time I chose the blue color. Everything that is in blue is the amount of land owned and controlled by the Federal Government in each State. You will notice that there is a proclivity of this kind of blue color in the West.

Some of those that don't live in the West don't really understand what the significance or the problem is in dealing with the Federal Government on so much particular land.

I also want you to know that this was not necessarily the way it was supposed to be. When every one of these Western States entered the Union, their enabling act said the land would go to the Federal Government until such time as it shall be disposed and each State was supposed to get a cut of the amount of money gotten by the Federal Government. So this is not the way it was supposed to be.

But it was changed in the 1970s when the Federal Land Management Policy Act was produced. The trade-off in that was for Payment in Lieu of Taxes. So this land would be compensated, in exchange for the Federal Government keeping those lands, without having to go back through the States to deal with it.

Now, we would actually be more happy if we had all the lands. If indeed these Western States that have their lands controlled by the Federal Government could tax them at even the cheapest open value space, this is the amount of money that we would be able to accommodate for ourselves and solve our own problems.

This bill has $232 million for PILT, Payment in Lieu of Taxes right now. So you look at it. If Idaho was simply able to put a tax on the Federal land in their State, they would create more than that money by themselves. Utah could get $116 million every year by ourselves. Nevada $118 million every year by themselves; and that is only for public education. It would be even more for general taxes. So the States could actually handle it themselves.

What I am trying to say is I appreciate everyone finally realizing that PILT money is not free, it is not loans, it is simply not welfare for the West. It is money that was really owed to these particular States and that our goal should not be simply the $22 million more in this particular amendment, but to fully fund PILT, which should be $375 million in the first place, or allow the States to have the flexibility to actually go after the true value of these types of lands that happen to be there.

So I appreciate everyone recognizing the significance of this, and I appreciate everyone realizing that this is money that is owed to the States so they can control and they can actually pay for the services they have to provide, even though they don't have the land resources to deal with it.

Mr. HELLER of Nevada. Madam Chairman, I rise in support of this important bipartisan amendment.

The PILT program compensates counties for the loss of income resulting from Federal lands.

This is something my constituents know a lot about because nearly 85 percent of Nevada's land mass is owned by the Federal Government.

PILT funds are used for critical services on public lands counties such as search and rescue on public lands, infrastructure, education, and many other important functions.

For many years the PILT program has been woefully underfunded.

Again this year, the administration requested a paltry $198 million for this program, which is more than $150 million less than the authorized level.

While the $20 million we are seeking to raise PILT funding by will not entirely make up for the funding shortfall, every penny counts to the counties and families that live in public lands States.

I urge my colleagues to support this amendment, prioritize the PILT program, and take a step towards adequately compensating the communities that host public lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,292,000, of which: (1) $69,816,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $8,476,000 shall be available until September 30, 2009 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Mr. BOREN. Madam Chairman, I move to strike the last words.

Madam Chairman, I would like to engage in a colloquy on the subject of community tribal schools.

In 1969, Congress declared that Indian education programs run by the Bureau of Indian Affairs were a national tragedy and a national challenge. No one could dispute the fact that decades of neglect had left both programs and facilities in shambles.

Starting with the Self-Determination Act of 1975 and tribal local control of programs, the extent of the problem became apparent. Congress, to its credit, stepped up with increased facilities programs for schools serving Indians.

To ensure objective distribution of scant resources and to better serve students, Congress directed BIA to create a priority-based ranking system. BIA did so, but only with a facilities program which assessed then-current programs and looked to the adequacy and safety of facilities. Failure in either area meant an unhoused student ranking and a priority ranking on the list.

After the Tribal Schools Grant Act in 1988, tribes began taking over BIA schools and reworking their programs. They expanded services and also added new attendance areas. These changes had an unanticipated effect. They impacted the BIA ranking system, as the formula did not properly account for new students, listing them as unhoused students and skewing the BIA ranking system.

□ 1330

In 1995, Congress instituted a temporary moratorium on new programs in order to freeze current rankings and to allow the BIA time to catch up to the increasing demand for repairs. The moratorium was to last just one Congress with the BIA making policy recommendations on how to address this growing problem.

The BIA, unfortunately, never made the recommendations and the moratorium preventing modified tribally run academic programs has continued for over a decade.

Madam Chairman, Indian country remains concerned that public school academic programs are not enough for many Native American children who so often have special needs due to family, social, academic, and other problems. There are numerous cases where a tribe is in better condition to operate a school, providing first-class education while also meeting the cultural sensitivity needs these students may have.

But even if the tribe is willing to fund all construction and maintenance costs for a first-class facility, the moratorium prohibits them from being able to operate as a Federal grant school. The BIA has also interpreted the moratorium language as prohibiting the reestablishment of a preexisting program.

Chairman DICKS, children are the future of any nation, including tribal nations, and community tribal schools are an important step for a tribe's successful future. I ask that you would work with me to address this problem and that Congress require BIA to adhere to the fiscal year 2006 Interior Appropriations bill directive to develop recommendations to adjust the ranking system to allow for new schools, new students, and expanded programs.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman's interest in improving Indian education. This is an issue that both Mr. TIAHRT and I have great interest in, and we have made a special effort to increase funding for education programs in this bill.

I would be happy to work with the gentleman on the issue that he has raised here today, and thank him for his dedication to Indian country and better education for young students.

Mr. BOREN. I thank the chairman.

Mr. MORAN of Virginia. Madam Chairman, I move to strike the last word.

Chairman DICKS, I am very appreciative of your willingness to address in the conference report for the fiscal year 2008 appropriations bill a concern that you share with me for the humane treatment and preventive management of wild horses and the condition of western range lands.

I yield to the gentleman from Washington.

Mr. DICKS. Yes, the gentleman is correct, I share his concern.

Mr. MORAN of Virginia. As you know, Mr. Chairman, there have been significant advancements in the development of technologies that allow safe and effective application of contraceptive medicines to wild horses to allow wild horse populations to be maintained at sustainable levels. I believe these medicines have been used in pilot programs running for years as a result of the partnering of private organizations like the Humane Society of the United States with the Bureau of Land Management.

Mr. DICKS. The gentleman is correct.

Mr. MORAN of Virginia. I believe that contraceptives could potentially be effective and also would be a more humane approach to managing wild horses than the current strategy that relies primarily on rounding up wild horses and placing them in pastures where they must be fed for years until they die of old age at a cost of over $20 million a year.

It is also my understanding that the BLM signed a memorandum of understanding in October of 2006 outlining a large scale pilot program that will expand the pilot wild horse management effort.

I would like to thank you for working with me to see that the Wild Horse and Burro Management Program does not get such a large budget cut as was proposed by the administration. It is my understanding that BLM will be able to move forward with that pilot program under this act; is that correct, Mr. Chairman?

Mr. DICKS. Yes, the gentleman is correct.

Mr. MORAN of Virginia. I wish to thank you again, Mr. Chairman, for your help in clarifying these points and for your willingness to address this in conference to ensure more humane and effective management of our treasured wild horse herds, while maintaining our public range lands in a sustainable manner which protects watersheds and native plants and wildlife.

Mr. DICKS. Again, I want to thank the gentleman from Virginia (Mr. MORAN) who is the vice chairman of our committee and very valued and esteemed member and someone whom I have enjoyed working with for many years, going back to our staff days in the other body.

Mr. MORAN of Virginia. The enjoyment is mutual, and I learned so much when you were chief of staff to the chair of the full committee of the Senate, and I could not be more pleased that you are chairing this bill.

Mr. TIAHRT. Madam Chairman, I move to strike the last word.

Madam Chairman, I understand the gentleman from Virginia's concern about Northern Virginia being overrun by horses, but there are those of us in Kansas who do enjoy seeing those flowing manes and hearing those pounding hooves across the plains. So in your attempt to move towards horse contraception, I hope you are not going to be horsing around too much with the population so that we can still have those beautiful animals running across the plains of Kansas.

Mr. MORAN of Virginia. Madam Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. The gentleman's wit is deeply appreciated by the Member from Virginia. I don't think we have a current problem with being overtaken by wild horses in Northern Virginia; but I appreciate your support as well for this humane approach in dealing with the wild horse and burro population.

Mr. TIAHRT. Madam Chairman, reclaiming my time, I am looking forward to working with the gentleman from Virginia in satisfying the needs of controlling our wild horse population.

Mr. SIMPSON. Madam Chairman, I move to strike the last word.

I wish to enter into a colloquy with the chairman of the Interior Appropriations Subcommittee.

Mr. Chairman, I am very pleased that this legislation increases the funding for loan repayment for health professionals within the Indian Health Service. As a dentist, I am keenly aware that the IHS dental program has the highest vacancy rate at 34 percent. The loan repayment program has proven to be a successful recruiting and retention tool for dentists and others. However, there is a related issue that I would like to discuss.

Within the next few years, 65 percent of the IHS dental specialists, including pediatric dentists and oral surgeons, will be eligible for retirement. These dentists are in great demand because Indian people have some of the highest oral disease rates in the world. A 1999 IHS survey found that 79 percent of Indian children 2–4 years old had a history of dental decay; 68 percent of adults had untreated dental decay; and 61 percent of elders had periodontal disease.

The dental specialists are a vital component in the IHS dental program. In addition to treating patients, they also train the general dentists for treating complex cases that arise daily in IHS hospitals and clinics.

I hope it is possible to provide additional support for the dental residency program so they can fill these vacancies before reaching crisis proportions.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for highlighting the issue and for his concern for improving Indian health care. We agree this is an important issue, and we will work with you to address it.

I might mention that one of the programs over the years that I have been a big supporter of is the National Health Service Corps, which allows people to be trained and work in rural areas. I think there is a multitude of ways to attack this problem, and I appreciate the gentleman's leadership on this issue and guarantee him that we will work hard to do as much as we can because we agree with you that the need for dental care is a very high priority in Indian country.

Mr. SIMPSON. I thank the chairman of the subcommittee.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Kansas.

Mr. TIAHRT. I want to thank the gentleman from Idaho for hitting on a topic that was very important in our hearing process because we heard from not only dentists, but also the medical community that we have a shortage in many other parts of the medical industry including nurses, anesthesiologists, et cetera. But dentistry is one area where they had an acute shortage. And so your leadership is very important in this area. We want to work with you in support of these efforts to make sure that we have enough medical providers in Indian country.

Mr. SIMPSON. I thank the ranking member and the subcommittee.

Mr. DINGELL. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of the legislation. I want to commend and congratulate and thank my two good friends, Chairman DICKS and OBEY for their extraordinary leadership. They have produced the finest Interior Appropriations bill I have seen in years, and we owe our two colleagues a great debt of gratitude.

First of all, there is a large increase in the Fish and Wildlife Service to address problems like staffing of refuges of which 221 of the 547 have no staff whatsoever. It will provide $56 million which will give our refuges the staff necessary to keep this wonderful system the national treasure it is.

It is also a wonderful piece of legislation by giving $223 million more to the Park Service, a desperately needed situation. The Clean Water State Revolving Loan Fund is funded at $1.1 billion over the President's request, desperately needed in a time when our Nation is seeing our waters get dirtier and less safe and less enjoyable for our people.

The bill reverses years of budget neglect, and provides much-needed increases for public health programs administered by EPA. It increases funding for Superfund toxic waste cleanups, something which is a massive problem to our people, both in terms of safety and the environment. It brings forward brownfield revitalization efforts and addresses the problem of leaking underground storage tanks and will protect the health and environment of the American people.

I want to tell my good friend how grateful we are and thank him for what he has done. I would also like to express my support for EDDIE BERNICE

JOHNSON's amendment to prevent EPA from finalizing a proposed change in existing rules limiting toxic air pollution.

This is a great bill and I salute the gentleman from Washington (Mr. DICKS) for his extraordinary ability, remarkable hard work, and great service.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. DICKS. I want to thank the gentleman for his extremely kind words. I just want to say to him that I have appreciated working with him over the years; and we in the Pacific northwest appreciate his great efforts on behalf of the salmon recovery initiatives and our Northwest Power Act and all of the other major environmental legislation that the gentleman from Michigan, the dean of the House, has enacted during his long and illustrious career. I am proud to work with him and with anyone else who wants to make the environment of the United States better for all of our citizens. I thank him for his great leadership.

Mr. DINGELL. I thank the gentleman for his kind words.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Kansas.

Mr. TIAHRT. I would like to thank the grand gentleman from Michigan for coming down here and talking about the importance of this bill; and also acknowledge what a leader you have been on environmental issues over the years and we appreciate your service to the country and your leadership here on the floor.

Mr. DINGELL. I thank the gentleman for those kinds words, and I want to utter in return the great respect and affection I have for the distinguished gentleman and for the outstanding work he does here. I am proud he is my friend.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Ms. CASTOR) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,362,000 to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $59,250,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $43,822,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, $182,542,000, to remain available until expended, of which not to exceed $56,384,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2008, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,000,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Office of the Secretary accounts.

DEPARTMENT-WIDE PROGRAMS

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $232,528,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

□ 1345

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Madam Chair, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMBORN:

On page 44, line 23, after the dollar amount, insert "(increased by $160,000,000)".

On page 96, line 14, after the dollar amount, insert "(reduced by $60,000,000)".

Mr. DICKS. I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. LAMBORN. Madam Chairwoman, this amendment would eliminate funding for the National Endowment for the Arts and increase the funding for the Payment in Lieu of Taxes, or PILT program. This amendment recognizes the difficult fiscal situation that our government is facing. Many of my colleagues and I are finding opportunities to reduce funding in areas to offset increases in others, and we are working to trim Federal spending wherever possible. The Interior appropriations bill has the largest increase over the President's request of any of these appropriations bills, and I will support efforts to bring the cost down as they arise.

Now, the opposition to the NEA should not be perceived as opposition to the arts. True art can survive in the private sector without Federal handouts. The NEA did not even exist before 1965, and look at all the wonderful artists in American history who survived and thrived before that time. Artists have a constitutional right to be creative, but free speech does not mean that the taxpayer has to fund it. Even if I did support the NEA agenda, at a time when fiscal restraint is crucial, we must closely examine how and where we are spending taxpayer money. As such, I feel it is not only appropriate but necessary to question some of the funding in this bill and see if it can be either reduced or redirected to more worthwhile programs.

Much of the land contained in the rural counties in Colorado and out west, including much of my congressional district in Colorado, is largely owned by the Federal Government. In fact, more than one-third of Colorado, 24 million acres, is owned by the Federal Government. This removes much of the land in these counties from any ability to generate revenue to pay for basic government services like law enforcement or fighting fires. At a time when we are facing record spending, this commonsense amendment simply lets Americans know that we are willing to make tough choices.

My amendment would reduce all of the $160 million in funding for the NEA while offering a modest $52 million increase to this much-needed PILT program. This still reduces the overall cost of this spending bill by over $100 million and sends a message that in this budget environment we are willing to tighten our belts as any American family or business would.

I know many of my colleagues support the NEA. I simply believe the government has no business funding art with taxpayer dollars, especially in light of our difficult budget circumstances. My colleagues that support the NEA should put their money where their mouth is by making private donations instead of doing so with the hard-earned tax dollars of working men and women.

With that, Madam Chairman, I offer this amendment and I ask for support on it.

Mrs. MALONEY of New York. Madam Chairman, I rise in strong opposition to the Lamborn Amendment, which would cut all funding in the underlying bill for the National Endowment for the Arts.

The NEA has been shortchanged for far too long, and it's time to ensure that it has the resources necessary to carry out its mission of supporting excellence in the arts, bringing the arts to all Americans, and providing leadership in arts education.

Since 1996, Congress has forced the NEA to meet the ever growing demands of our communities on a shoestring budget. Despite gross underfunding, the NEA has continued to promote arts and culture across the country.

With the able leadership of my good friends Rep. SLAUGHTER and Rep. SHAYS, co-chairs of the Congressional Arts Caucus, we've been making steady progress every year in getting back to the appropriate level of funding for the NEA. This amendment represents an enormous and simply unthinkable step backwards for the Arts in our country.

Madam Chairman, I strongly oppose the Lamborn Amendment and urge my colleagues to do the same.

Mr. HODES. Madam Chairman, I rise today to urge my colleagues to vote against Rep. LAMBORN's amendment to the Interior-Environment Appropriations bill which would slash the funding for the National Endowment of the Arts. The NEA has suffered deep cuts over the last decade. It is time for a new direction in supporting the arts in America.

America's global competitiveness relies on a creative, thoughtful citizenry, and funding the NEA has been proven to produce just that by funding artists, arts organizations and arts education.

Students with an education rich in the arts have better grade point averages in core academic subjects, score better on standardized tests, and have lower drop-out rates than students without arts education.

Creative thinkers are our innovators, our visionaries, and our leaders. Investing in their development is an American priority.

Support for the arts means supporting good business. The arts industry: Supports 5.7 million full-time jobs; generates $104.2 billion in household income; generates $7.9 billion in local government revenue; generates $9.1 billion in State government revenue; and generates $12.6 billion in Federal income tax.

But beyond all the statistics demonstrating the importance of the arts in education and in our economy is the clear reality that money spent supporting the arts is a crucial investment in America's lasting legacy. For long after we are gone our artistic creation will survive.

This Amendment is a shortsighted attempt to strangle an agency that does amazing work for the people of this country. I know firsthand what is done with the few dollars awarded through the NEA.

I stand today to ask my colleagues on both sides of the aisle to reject this amendment and fund the NEA, which encourages creative thinking and the creative economy.

POINT OF ORDER

Mr. DICKS. Madam Chair, I insist on my point of order.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays by $140 million in the bill.

The CHAIRMAN. Does the gentleman wish to withdraw his amendment?

Mr. LAMBORN. Madam Chair, I would ask unanimous consent to withdraw this amendment and offer another one in lieu which I hope would satisfy that point of order.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMBORN:

On page 44, line 23, after the dollar amount, insert "(increased by $52,000,000)".

On page 96, line 14, after the dollar amount, insert "(reduced by $160,000,000)".

Mr. DICKS. Madam Chair, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

Mr. LAMBORN. Madam Chairwoman, I won't repeat the points that I just made a moment ago, other than to say that the dollar amounts have been changed in this subsequent amendment and I believe they answer the gentleman's point of order. It is offered for the same reason. Let's take NEA money that can be privately funded through the private sector and put it into the counties that are sometimes losing dollars when so much land is federally owned and let's improve the PILT program by $52 million.

Mr. DICKS. Madam Chairman, I rise in very strong opposition to this amendment. The principal purpose of this amendment is to block the long overdue increase in funding for the National Endowment for the Arts provided in the bill. The gentleman is correct that the bill reported by the committee provides $160 million for the NEA, an increase of $35 million over the 2007 enacted level. I am very proud of that increase which I think is fully justified and broadly supported by the Members of this body.

It is important for Members to realize as they consider the committee's action that the $160 million recommended only partially restores cuts made to this agency a decade ago. In fact, the amount in this bill is still $16 million below the level provided in 1993. After adjusting for inflation, the amount recommended is $100 million below the level in 1993, as displayed on the chart in front of the Members.

As we debate the amendment, Members should also note that the National Endowment for the Arts has been transformed since the arts funding debate of the 1990s. Two gifted chairmen have reinvigorated the NEA into an agency with broad support. Chairman Bill Ivey, appointed by President Clinton, negotiated and then implemented bipartisan reforms in NEA's grant structure to ensure that funds go to activities for which public funding is appropriate. Dana Gioia, the current chairman, then energized the agency with many new programs and a commitment to reach beyond the cultural centers of our major cities. Last year every single congressional district received NEA support through innovative programs such as American Masterpieces, Operation Homecoming and the Big Read. Today, NEA is truly a national program with outreach efforts to every corner of America and every segment of our society.

Each of us has different reasons to support the arts. Some will describe their support in terms of the inherent joy of the arts as a personally enriching experience. Others support the arts as engines of job development and economic growth. It is equally important to emphasize that except for a few members of the Flat Earth Society, there is little opposition to Federal funding for the arts and for the humanities. The culture wars are over. For each of the last 7 years, with the help of many Members in this Chamber, a bipartisan majority of the House has voted to increase funding for the NEA. During the last 2 years, Ms. SLAUGHTER's and my amendments to add funds were adopted by voice vote without opposition.

Madam Chairman, I do not normally include quotes in my floor remarks, but I was struck in preparing for this year's arts debate by a quote attributed to actor Richard Dreyfus at the Grammy awards ceremony:

"Perhaps we've all misunderstood the reason we learn music and all the arts in the first place. It is that for hundreds of years, it has been known that teaching the arts helps to create the well-rounded mind that Western civilization, and America, have been grounded on. America's greatest achievements in science, in business, in popular culture, would simply not be obtainable without an education that encourages achievement in all fields. It is from that creativity and imagination that the solutions to our political and social problems will come. We need that well-rounded mind now. Without it, we simply make more difficult the problems we face."

I believe Mr. Dreyfus is right, and the committee has acted to provide the funding so arts can reach even more broadly into American communities with a richer variety of programs.

I urge defeat of the gentleman's amendment.

POINT OF ORDER

Mr. DICKS. I want to insist on my point of order.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? Or the amendment?

Mr. LAMBORN. Madam Chairwoman, I would ask for a ruling from the Chair because I believe that it is in order.

The CHAIRMAN. The Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Colorado proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,954,000, to remain available until expended: *Provided*, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,224,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 106. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 107. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally-recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2008. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 108. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 109. The Secretary of the Interior may hereafter use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 110. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Kempthorne litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 111. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Kempthorne to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Kempthorne.

SEC. 112. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally-operated or federally-financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 113. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2008 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the federally-recognized tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the federally-recognized tribes or their members.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 115. None of the funds made available in this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

Mr. DICKS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN (Mr. DAVIS of Alabama). Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Page 50, line 3, after the period, insert "The preceding sentence shall not apply with respect to natural gas offshore preleasing, leasing, and related activities beyond 25 miles from the coastline":

Page 50, line 7, after the period, insert "The preceding sentence shall not apply with respect to natural gas offshore preleasing, leasing, and related activities beyond 25 miles from the coastline"

Mr. PETERSON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PETERSON of Pennsylvania. This amendment, I believe, is one of the most important issues that we will deal with in this Congress. It's about having affordable, available, clean, green natural gas, the fuel that we take for granted. It's the fuel that heats about 60 percent of our homes, 70 percent of our businesses, and is the major building block to all the industries that are left in this country.

The petrochemical industry, 55 percent of their operating cost is natural gas. The polymers and plastic industry, 45 percent of their operational cost is natural gas. And fertilizer can be as high as 70 percent of their cost is natural gas because they use it as a fuel and they use it as an ingredient to make their product. It's an ingredient in all those products.

Clean, green natural gas now generates about 20 percent of our electricity. That didn't used to be. Biodiesel consumes huge amounts of natural gas in the production cost. Ethanol, 96 percent of the plants that make ethanol use huge amounts of natural gas. We are consuming more natural gas in this country than we're able to produce.

The chart on the left with the red, that's the gap that's growing, because we as a country, 26 years ago, Congress decided that we shouldn't produce energy offshore. Every country in the world produces both oil and gas offshore. Now, they have setbacks. But they all use offshore production because it's the cleanest, best, safest way to produce energy, and there's huge amounts out there.

Now, for this country to have the highest natural gas prices in the world almost is insanity, because we have lots of it, but we have chosen to lock it up and not produce it. This is the clean, green fuel. It's greener than biofuels. It's what we use to generate electricity when the wind doesn't blow. It's what we use to generate electricity when the sun doesn't shine for solar. It's what we use to make hydrogen for the hydrogen vehicles that are oncoming. It's the bridge to our future because it's clean, it's green. No NO_X, SO_X and a third of the CO_2 that all other energies project. For this country not to open up its Outer Continental Shelf to natural gas, my amendment opens it up from 25 miles on out. That doesn't mean it's going to be drilled. It would still have to be in the 5-year plan, but it would open it up.

Let me tell you, folks, we're going to do this sometime. It depends on whether we do it in time to save the millions of jobs that are leaving. Dow Chemical's energy bill went from $8 billion in '02, natural gas bill, to $22 billion in '06. They came to our committee the last 2 years and begged for release. Produce natural gas. We didn't. They just invested $30 billion that they wanted to invest in America for working men in America and working women in America to have a good job. They're putting it in Saudi Arabia, Qatar and Libya, because natural gas is a fraction there of what it is here. It is absolute insanity for America to starve itself of the clean, green fuel that has never foiled a beach.

California, New Jersey and Florida will protest the most. It will never foil a beach. A gas well has never foiled a beach. It has never washed up on a shore. It's a gas. And they are the three States that are the largest consumers and who have switched their electric generation to gas and helped cause the problem that have protested the production of clean, green natural gas.

My amendment is the amendment that can keep America competitive. It can keep us strong as a nation. It can keep American working people working in their jobs, in their factories. But if we don't pass my amendment, we will lose millions of jobs in this country; in fact, all of the manufacturing jobs. I lost a plant this year that made clay tile. Natural gas prices. I got a letter the other day from a guy who reformed steel, and he said if it continues to go up, it has went up three times in the last 2 years, 300 percent.

□ 1400

He said, if it goes up any further, I am out of business. I can't make sign posts. I can't make bed rail anymore out of recycled steel rail.

Folks, clean, green natural gas is more America's fuel that can keep this country strong and growing and environmentally green.

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this amendment.

I rise in very strong opposition to both amendments by my colleague from Pennsylvania (Mr. PETERSON) which eliminate current protections for sensitive, coastal marine areas for new offshore drill for oil and gas.

Under these amendments, we could literally see the push for new drilling off our coast begin almost immediately. Though oil and gas companies awash in profits from our open constituents profits would have us believe that all the offshore resources are off limits today, that we are only talking about drilling for natural gas and not oil, and also that today's high gas prices demand this new drilling, these arguments don't hold up under scrutiny.

First, the industry already has access to the vast majority of natural gas in the Outer Continental Shelf, already has access to it. Indeed, according to the Bush administration, about 80 percent of the known reserves are located in areas where this drilling is already allowed. Furthermore, the oil and gas industry already owns the drilling rights to more than 4,000 untapped leases in the Gulf of Mexico alone.

Second, there is no such thing as natural gas-only drilling. Drilling for gas, natural gas, means drilling for oil.

Even the Bush administration and the energy industry have dismissed so-called gas-only drilling as unworkable. This is what the American Association of Petroleum Geologists has to say about gas only drilling. This is a quote, "There are a lot of times when you drill for oil, and find gas instead—and the other way around. You never know for sure what you're going to find until you're in there."

Here is another quote from the former head of Minerals Management Service. "While gas-only leasing sounds appealing, as a practical matter, it may remain difficult to implement in a manner that reflects sound public policy."

Now, finally, new drilling off our coast is not going to lower gas prices today or any time in the near future. It would take an estimated 7 years for natural gas from new leases to come online, 7 years. Serious energy efficiency measures, and more use of renewables, this would reduce demand and bring down prices much faster.

Mr. Chairman, President Bush has promised to end our oil addiction. Yet, energy prices and industry profits are at record highs. The predictable result of a strategy of focusing on supply and ignoring demand. The Peterson amendment to drill within miles off Florida, California and other coastal States is just more of the same. With 3 percent of the world's resources, 25 percent of the world's demand, it should be obvious there is no way we are going to drill our way out of this problem.

We need to use energy in smarter ways to improve fuel efficiency of our cars and trucks, invest more of the development of new, cleaner technology. In doing so, we would be generating way more jobs, the kinds of jobs and growth that will ensure our continued preeminence in among the world's economies. Let us not sacrifice our most important treasures, our coastal economies, in a hopeless way to drill our way to energy security. It doesn't work.

I urge all my colleagues to protect our coasts by defeating both Peterson amendments.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, America needs to secure its own sources of energy, be it from oil, natural gas, coal, nuclear renewable or other sources. A strong, vibrant economy with well-paying jobs goes along with it. It's inextricably linked with reliable and preferably inexpensive energy sources.

Sadly, as Mr. PETERSON points out, we pay more now for natural gas than we ever have before in the history of this Nation. If we want to help workers and businesses that employ workers, we must continue to build and strengthen our economy and provide them with reliable energy resources.

If we want to have high-quality, high-paying jobs in America, and I think we all do, then we are going to need additional energy, and we are going to need additional natural gas. Do we have the resources? Yes, we have the resources. Can we produce it safely? Yes, we can produce it safely.

We have been producing gas, natural gas, in Kansas for over 100 years. Natural gas is very versatile. You can make so much from it. You can make fertilizer, you can make make-up, clothing, plastics, ethanol. But we mostly use it to produce energy or electricity, energy in the form of electricity.

I think when we look at this issue, we have to figure out, are we going to make energy available inexpensively, and, if we are, we are going to have to go to where the reserves are. This amendment opens up an area for us to produce natural gas, or it can be produced safely, and it's going to be essential if we are going to continue to grow our economy.

So I urge the adoption of Mr. PETERSON's amendment, because I think we know that we have proven reserves that can produce safely, natural gas. This is the time for us to send this message to America, that we are going to continue to build a strong economy, and we are going to give our economy the tools necessary to produce the jobs we need to continue to provide the hope and a source for continuing to complete dreams here at home.

I urge strong support of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word in opposition to the amendment.

Mr. Chairman, I have heard many times from the gentleman from Pennsylvania the suggestion that drilling for natural gas is low impact compared to oil drilling. In fact, he even called it clean on the floor today. Unfortunately, this opinion runs contrary to scientific findings on the matter. There are drastic and devastating environmental and economic repercussions that come with drilling into the ocean floor, drilling into the ocean floor.

Mr. PETERSON refers to the use of natural gas as a clean fuel, and that may well be true. But what we are talking about here is drilling into the ocean floor so close to our beaches, that is a problem for both my home State of Florida, as well as the rest of the Nation.

According to the Minerals Management Service, once exploratory drilling begins, the toxic impacts are similar for either oil or gas exploration or development. Drilling operations produce hundreds of thousands of gallons of drilling muds that routinely discharge toxic metals such as lead, mercury and cadmium. None of those seem clean to me.

Water discharged from drilling and exploratory operations often contain dangerous levels of carcinogens and radioactive materials such as benzene, toluene and arsenic. None of those seem clean to me either. The impact is not just limited to the off-shore platform. Natural gas drilling requires onshore storage and processing facilities, including miles of pipelines, roads, ports, helipads and dorms.

The gentleman from Pennsylvania seeks to minimize the perception of the impact of drilling for natural gas, when the reality is that it would generate toxic poisons seeping into our oceans, have a significant impact environmentally on our coastline, and be a significant danger to opening the door, not just to gas drilling, but oil drilling as well.

I urge my colleagues to protect the oceans and breaches of the United States and oppose the Peterson amendment, both this one and the next one that is offered.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded that when multiple Members rise for recognition, priority is given, by custom, to Members who serve on the committee.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the passion of the introducer of this amendment. I understand his arguments. I should. We have talked about them at least twice a week for the last 3 or 4 years.

I agree with a lot of his argument, but the problem is that this amendment wouldn't solve most of those problems. It really isn't directed at those problems.

In the outer continental shelf, there are vast areas of the outer continental shelf that are available for drilling for oil and for gas.

But in the Gulf of Mexico, for example, there are some very environmentally sensitive areas that have been protected by this Congress since 1983. This amendment would undo those protections. In recent years, something very important has come about, and this is the military mission line. The Defense Department, the Air Force and the military who exercise and train in areas of the Gulf of Mexico tell us that east of the military mission line it would be disastrous for their training if we allowed drilling for oil or for gas.

Congress spent a lot of time this last year on this very subject, and Mr. PETERSON was part of the effort to come to a compromise. We came to a compromise finally. It wasn't easy.

Mr. PETERSON didn't really like the compromise, and I give him credit for standing up for that, but he agreed to it.

Now, this amendment would undo the compromise that Congress worked so hard on last year. This amendment is not going to solve the problems that the introducer of this amendment suggests exists today, problems that we are all pretty much aware of.

But this amendment could be a disaster for environmentally sensitive areas of the Gulf of Mexico and certainly would cause the degradation of necessary military training east of the military mission line in the Gulf of Mexico.

So I think that while Mr. PETERSON is very passionate, and he certainly understands the issue of natural gas, and the benefits of natural gas, I don't think that he really understands the need to protect certain areas from drilling for oil and for natural gas.

So I would hope that the Congress would once again step up to the plate on this issue, defeat this amendment, and let's get on with this good bill.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. I have no doubt that the gentleman who has offered it is well intentioned, and he is clearly becoming a leader on moving our country to greater energy independence. But we will not get there by lifting the moratorium on drilling off the Atlantic and Pacific coasts. We will, however, invite great harm to established fishing and tourism industries, as well as the environment.

Off the coast of Virginia, we will interfere with the U.S. Navy's Virginia Cape Operations area in a way that the Department of Defense has warned us in unequivocal terms would be totally unacceptable and utterly incompatible with the operations that they are currently conducting. They could not conduct very sensitive essential operations off the coast of Virginia that are ongoing if we were to pass this amendment.

While it's technically feasible to drill for natural gas, there are also some fundamental, legal and economic questions about whether any drilling offshore could be limited to just natural gas.

But I want to focus particularly on the fact that this amendment can't possibly solve our energy problem.

The natural gas and oil estimated to be recoverable from the outer continental shelf will not result in lower natural gas prices. It simply takes too long to develop a natural gas field to affect prices in the short term. We are talking 1 to 3 years at least to develop a field. Natural gas from areas currently off limits to drilling won't reduce prices in the long term either, since there is not enough gas there compared to either annual U.S. production or consumption.

A Department of Energy study compared the price of natural gas with the OCS moratorium areas that are kept out of production, versus the price of natural gas, if all of the moratorium areas were opened for drilling in the 2007–2012 5-year plan.

□ 1415

With all of its supply and demand information, the Department of Energy's model modeling system predicted that the price of natural gas would be $3.26 per thousand cubic feet in the year 2020, without the gas under moratoria, and $3.22 per thousand if we eliminate the moratorium. In other words, we could only save 4 cents if this amendment were implemented.

Moreover, the vast majority, over 80 percent of the Nation's undiscovered but technically recoverable Outer Continental Shelf gas is already located in areas that are open to drilling. And that's according to the Interior Department's 2006 report to Congress.

According to the same report, there is an estimated 86 trillion cubic feet of undiscovered, technically recoverable resources in all the Outer Continental Shelf areas that have been withdrawn from leasing, compared to 479 trillion cubic feet of reserve appreciation undiscovered technically recoverable resources within the total Outer Continental Shelf belonging the United States.

These are technical words and statistics. What it says is that, at best, you can open up 20 percent, and the fact is, it wouldn't make but a pittance of difference in the cost of natural gas. Eighty percent of the Nation's undiscovered natural gas is already open to drilling.

The other thing that we're very much concerned about is what the drilling operations do to our environment. They discharge hundreds of thousands of gallons of what's called "produced water" that contain a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc and toluene, and can contain varying amounts of radioactive material. And tons of air pollutants are emitted. It will also trigger the uncontrolled release of methane hydrates, a greenhouse gas that's 20 times more potent than carbon dioxide.

And then if you look at what drilling has done to the Gulf Coast, you will recognize that it's destroyed hundreds of miles of wetlands and sensitive coastal habitats. When they bring the channel transporting the oil or gas into the shore, it brings the saltwater into the fresh water and destroys the plant life which reduces erosion. Thus we lose several football fields of shoreline every day along the Gulf Coast.

Mr. Chairman, there are a host of reasons this amendment is a bad amendment. It should be defeated. We should follow the lead of the chairman of the subcommittee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I greatly appreciate and respect, frankly, the passion and the consistent passion of the sponsor of this amendment. He's been very consistent and passionate to try to make sure that the United States is as independent from foreign sources of energy as possible.

However, I think we can do that without this amendment because there are many areas that are available for oil and gas exploration without this amendment. And this amendment overturns a longstanding bipartisan moratorium on new natural gas drilling in areas, in certain areas that are too close to sensitive coastlines.

Congress addressed this issue, as the gentleman from Florida had said a little while ago, Mr. YOUNG, year after year, and last year we had a huge battle and, I think, a compromise, which none of us thought was great, but it was a compromise, which I think kind of hopefully settled this issue at least for a while in that compromise.

This amendment would, unfortunately, allow for natural gas drilling way too close to our precious coastlines. It can potentially damage sensitive habitats. Just the byproducts of drilling itself can be potentially damaging, and it can be very damaging to the ecosystem and particularly, for example, to the economy of the State of Florida.

Mr. Chairman, tourism alone accounts for $57 billion to the economy of the State of Florida. Imagine what an impact if we were to do something that jeopardizes that vital industry for Florida, but also for the national economy.

And, again, there are many other areas that are available for oil and gas drilling without this amendment. So I would respectfully, and understanding the passion and where it comes, and obviously I understand that he's trying to do what he believes is right for the country, but I think we can do it in a way that also balances the coastlines' sensitivity to the environment that this will be close to.

I think the bipartisan arrangement compromise that we did last year does that and therefore, very respectfully I would ask for a "no" vote on this amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, before I get into my remarks, let me talk about some of the remarks and the comments that have been made. I know we've heard a study quoted about $3.50 natural gas. Right now if you can find $3.50 natural gas anywhere, we ought to buy it because now it's $6 to $7 per million cubic feet for natural gas right now. And so whatever studies talk about $3, $3.30, whatever, is really not relevant.

I represent a district that we actually have zero emitting natural gas wells in the Gulf of Mexico. Zero emitting for air pollution, zero emitting for water pollution. And I've offered many times to take colleagues who've never been to a natural gas offshore well to just come to the Gulf of Mexico, either off of Texas or Louisiana or maybe Mississippi or Alabama where folks also drill off the coast.

Natural gas is one of the cleanest producing fuels we can use. I'm a strong supporter of this Peterson amendment to allow the Department of the Interior to issue new leases for offshore natural gas in areas 25 miles off the coast. We're not talking about 3 miles off the coast. We're not talking about 10 miles. We're talking about 25 miles.

This amendment has less to do with fossil fuels and everything to do with helping Congress address our climate change and transition America to a clean energy future. If you are for renewables, if you're for cleaner power, if you're for low-emitting vehicles, if you're for reducing greenhouse gas emissions, then you should be increasing the access to the domestic natural gas supplies.

Demand for natural gas is already building across our economy, and proposals pushing cleaner energy will only accelerate the demand. That's because it takes a lot of natural gas to make the materials for our economy that make it more energy efficient. Insulation, weatherization materials, thermal windows, appliances, lightweight vehicle parts, low-resistance tires, compact fluorescent light bulbs, heat reflecting coatings, house wrap, the list goes on and on. All are made from materials that are directly made from natural gas.

It also takes natural gas to make materials that make wind turbine blades and solar panels to run biomass facilities and to run cleaner burn power plants.

One example is right here in the Capitol where our Speaker and majority leader directed the Chief Administrative Officer, our CAO of the House, to develop a green Capitol initiative. The CAO officer announced last week that his strategy to reduce CO_2 emissions from the Capitol power plant was to use natural gas instead of coal, which will lower CO_2 emissions by 30 percent from 2006 level. This is equivalent to taking 1,900 cars off the road each year.

Mr. Chairman, I urge my colleagues to back up their support for addressing both climate change and by supporting domestically produced natural gas in the environmentally responsible Peterson amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and my colleagues, this debate is a perfect example of why we have an energy crisis in the United States, a lot of people talking about energy and not using many facts.

I rise in strong support of the gentleman from Pennsylvania's amendment here to open up gas exploration and extraction of natural gas wells up to 25 miles, I guess would be the limit he proposes.

Let's just go back in history. I was in the Florida legislature on the Select Energy Committee in the State House when we had gasoline shortages and cars lined up. I voted to drill in the Everglades. My opponents remind me about that all the time.

Did you know we still drill in the Everglades? We do it safely, and we're taking oil out of the Everglades without any harmful effects on the Everglades or the environment.

You hear fear, not facts, being proposed here. Damage to the economy. Well, back in the 1990s I participated in a 100-mile set off, and we set that as the policy. That's back in the 1990s.

The technology we have today in extracting natural gas and oil, and this is about natural gas. It's not about oil, but the same holds true. We won't even go into the oil extraction.

But we have technology today they didn't even dream about a decade ago. Off the coast of Scandinavia, they're taking out oil and natural gas. They're using technology. There's nothing above the surface of the water. Twenty-five miles, you won't see that.

Some of the proposals for wind, I challenge you to go to Scandinavia, to some of the other places where they have these huge windmills and see the visual pollution that is created. So it can be done. We have the technology to extract it.

Let me give you the irony of Florida and the history again. So we came back here, and this isn't just a Republican, Democrat issue, people talking about something they know nothing about. We had a Governor Bush, we had a President Bush, and they argued over it and we changed the areas that were eligible for extraction. When you drill for oil, or in this case, gas, it costs you hundreds of millions or billions of dollars to drill.

Are you going to drill when you're playing this hokey-pokey, first we put our right foot out then we put our left foot out. It's going to be 100, it's going to be a 120, it's going to be 150 or you can't do it.

No. It's absolutely incredible that we have a vast supply of natural gas right off of Florida. We can do it; we have the technology to extract it. We built a billion-dollar pipeline, a billion-dollar pipeline. We can't hook up to it. We have the supply.

The trade deficit, nobody's even talked about the trade deficit. Most of the trade deficit is importing oil. Look at the huge part of it. So we're bankrupting the United States, sending our resources overseas.

We've got this in our back yard. It's clean. In Florida, during the 1990s, the Clinton policy for the country was to go to natural gas for energy production for our power plants. Twenty-eight of 34 electrical power plants planned from Florida are designed for natural gas. Now we're switching back to coal and oil. What a crazy, mixed-up policy.

And here the gentleman from Pennsylvania offers us an opportunity to tap into a clean resource that doesn't emit these gas emissions that are detrimental to the environment and, again, this nonsensical debate that takes place.

Stop the politics. We had the gentleman from Florida a few minutes ago. Cuba, 90 miles. Within 45 miles the Chinese will soon be drilling for energy resources. What a goofed-up debate and policy.

Shame on us. And the American people are paying. Wait till they get their bills. It's not going to get better, folks.

They said, well, we'll just wait for some other technology. We have this here. Solar and wind and all these other things are necessary, and we should use them. I'm a big fan of nuclear, but we have a proposal before us that makes sense. Let's adopt it.

Ms. CASTOR. Mr. Chairman, I move to strike the last word in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Peterson amendment and in defense of Florida's economy and natural environment. New, off-shore oil and gas drilling so close to the beautiful Florida coastline and all of our Nation's waters must be voted down today, as it threatens our economy, our natural environment, and our strategy for a new energy policy.

Our economy, in Florida, and many of you know, Mr. Chairman, because so many take the time out of their vacation plans to come down to the State of Florida, enjoy their time away on our beautiful beaches. Our tourism economy in Florida is a multibillion dollar industry. It goes hand in hand with our multibillion dollar fishing industry. And it is absolutely worth protecting here today.

Our beaches, our coastal environment, our marine resources, in addition to our fragile ecosystems, all of this will be put at risk by these amendments here today if they are successful.

□ 1430

I am fortunate in my district to have a wonderful Department of Oceanography located at the University of South Florida. Here is what those researchers have warned:

It would only take 24 hours after a petroleum spill in the eastern Gulf of Mexico for oil to "sully Florida's Panhandle beaches if the spill was swept up by the gulf's powerful Loop Current. This spill could travel around the Florida Keys and contaminate estuaries and beaches from the Everglades to Cape Canaveral." That is from the University of South Florida Department of Oceanography.

In addition to that, one only has to look back a couple of years to know that it is completely unwise to put these types of facilities in hurricane alley. The gulf coast and the east coast, these are the two most coveted offshore areas by the oil and gas industry. That is where the threat of hurricanes is the greatest. It could wreak havoc on what they're trying to do there.

In 2005, in that hurricane season, that was the first year in reported history that we had three category five storms: Katrina, Rita, and Wilma. In 2005 Hurricanes Rita and Katrina caused massive spills of oil and other pollutants that seriously affected production, refinery capacity, and the price of oil in the United States. The storms caused 124 oil spills into the waters of the Gulf of Mexico. During Hurricane Katrina alone, 233,000 gallons of oil were spilled. There were 508,000 gallons of oil spilled during Hurricane Rita. And the U.S. Minerals Management Service reports that Hurricanes Katrina and Rita destroyed 115 petroleum production platforms in the Gulf of Mexico. The storms also damaged 457 pipelines, connecting production facilities in the gulf, and bringing oil and natural gas to shore. A full year after Katrina, BP admitted that a damaged oil well valve in the Gulf of Mexico was still leaking oil. The knee-jerk reaction to throw up more rigs offshore, especially in hurricane-prone waters like Florida's gulf coast and the eastern seaboard is precarious at best and not smart energy policy.

As much as the oil and gas lobby would like us to believe that drilling near our beaches would be a panacea, the experts say that only a couple of weeks of oil and gas are available.

Mr. Chairman, we can be smarter. We can be more strategic. Where is the commitment to conservation in this country?

Just a minute ago, the Senate sent over its new energy bill. Well, it is time for this House to get to work on new alternative energies and not continue to fuel our addiction to oil and gas.

Let's oppose these amendments.

Mr. CONAWAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment, and I am glad to speak on this.

I come from Odessa, Texas, an oil and gas province that produces an incredible amount of our country's natural gas and crude oil, and I make no apologies for that. My colleagues from Florida come from Florida and they defend their beaches, and they make no apologies for that, as they should not.

But let me talk about a couple of things I have heard on the floor this afternoon. One of them was the effect of time to market. In other words, if we drill today, it will take 6, 7, 8, 9 years in order to get that production to our gas pumps. The moratorium that we are talking about, Mr. Chairman, is dated 1998, 9 years ago. Had we been drilling since then, then that production would have, in fact, come to market and would be available to reduce our demand for that product.

We have also heard criticism on this floor this afternoon about oil company profits. They have been roundly criticized from both sides of the aisle in some instances, many times from the other side of the aisle. And the criticisms seem to be that those nasty, vicious, terrible oil companies are going to take those profits and drill, take those profits and try to produce additional crude oil and additional natural gas, as if somehow that is a negative in the way we do things.

That is kind of the free market process. If I make money doing something, then I should be taking those profits and putting them back into the ground to produce additional crude oil and natural gas.

We have also heard comments about the offshore facilities, the production facilities, drilling facilities, and what terrible things they are and the terrible things they do to the environment, on the shorelines and everything else. And that may or may not be true. But what I have not heard is the equal passion for the production facilities that take natural gas into those States. In other words, where is the passion against the gas pipelines, the roads, the infrastructure that takes that natural gas that is produced in Texas, produced in Louisiana, and puts it into your State? Where is that passion for all of that terrible infrastructure that benefits you?

We have also heard an appeal to conservation. Well, okay. If those States who do not want this drilling off their shores would begin to commit today to eliminate their use of natural gas, just simply say, okay, if we are not going to drill off our shores, then we are not going to use it either. Let's see the passion for your commitment to conservation.

We have also heard conversations about the importance of the tourism industry in Florida, and I don't doubt that. An incredible impact on that part of the world, a beneficial impact. How about those hotels that run their air conditioning programs off of natural gas? Where does that natural gas come from? Well, it comes from somewhere else. And what we are saying with the gentleman's amendment is that that vast bureaucracy that runs this process of leasing and coming to conclusions that it can be done safely would be unleashed.

Therefore, Mr. Chairman, I would urge adoption of my colleague's amendment.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to Mr. PETERSON's amendment, which would end the longstanding moratorium of new drilling in the Outer Continental Shelf.

For the past 25 years, bipartisan legislation and executive memoranda have kept this area off limits, preserving one of the most sensitive ecological areas off limits to oil and natural gas drilling. The Peterson amendment would open new areas to natural gas drilling.

Although at first glance natural gas drilling may seem favorable to some, but I urge my colleagues not to be tempted by this fool's gold. There is no guarantee that natural gas drilling will only get natural gas. In fact, according to the American Association of Petroleum Geologists, when drilling for natural gas, "There are a lot of times when you drill for oil and find gas instead, and the other way around. You never for sure what you're going to find until you're in there."

And certainly I think we all understand very clearly what would happen if oil was found instead of natural gas.

Mr. Chairman, as a representative with over 75 miles of coastline along South Florida's east coast, new drilling could be a death knell for our environment, for our economy, and our way of life.

During my time in the Florida legislature, I worked with colleagues from both sides of the aisle to keep the moratorium in place. I pledged zero tolerance then, and I still pledge that same zero tolerance against any attempts to open up drilling off Florida's coast. And, of course, it is not only Florida's coast we are talking about. I said I would not compromise and I would not capitulate; so I am here today with my Florida colleagues to oppose this amendment.

But, most importantly, now that I am here in Congress along with many others, this is a false choice. It is a false choice of saying either we have oil or gas to cool hotels or to provide energy or we do something different. I don't know about many of the other Members of this body, but I think there are a lot of people that have a lot of passion about this issue not only to stop drilling off the coasts but a passion to expand into alternative energy sources.

As a matter of fact, this Congress has already taken steps to say instead of huge billion dollar subsidies for oil companies, let's focus those resources on our scientists, our universities, our business entrepreneurs, whether it is wave power or ethanol, wind power, solar power, coal liquefaction, nuclear power. There are a whole lot of ideas. I don't know if any of them are good and any of them necessarily are not the right answer. But it could be any combination of sources of alternative energy that will get us through this.

So let's not put this as a question of it is either we drill off the coast or we don't have adequate energy for this country. We have the ingenuity. We have the innovation. We are very smart people. And there is nothing that Americans can't do if they put their nose to it.

So I would suggest today that this amendment is not a good amendment and, rather, we should focus our attention, our passion, our science, our energy, and our resources toward alternative energy sources to take this country into the next generation.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment put forth about by my good friend from Pennsylvania (Mr. PETERSON), which would overturn a long-standing bipartisan moratorium on new gas drilling.

Under Mr. PETERSON's amendment, we could see drilling for natural gas as close as 25 miles from our precious coastlines. Despite claims by its supporters, the Peterson amendment is not a viable short-term nor long-term solution to our energy needs. Instead, this proposal could damage sensitive habitats and undermine the economic future of our coastal towns and cities.

In my own congressional district, I am privileged to represent such underwater treasures as the Florida Keys National Marine Sanctuary, the most extensive living coral reef system in the Continental United States.

In addition to its aesthetic value, this marine ecosystem also supports tourism and commercial fishing, the economic livelihood of the Florida Keys. Any offshore oil drilling near this area could place thousands of rare and vulnerable marine plant species in harm's way and could potentially cripple the local economy.

Furthermore, drilling structures along the gulf coast would be located in the middle of hurricane alley. Proponents of this amendment say that current production methods safeguard against any environmental damage resulting from a tropical storm or a hurricane. Mr. Chairman, as many of us know firsthand, sadly, there is no such thing as being hurricane proof. Given the scientific likelihood for stronger and more frequent storms in the gulf and along our Atlantic coast, offshore oil drilling presents a sizable risk of onshore damage and water pollution in the event of the next big one.

I encourage my colleagues' help in making sure that we can protect Florida's coastline as well as our Nation's ecosystem by voting "no" on the Peterson amendment.

My Florida colleague, my good friend (Mr. MICA), who, as he states, favors drilling even in the Everglades, says that it is fear versus facts. Well, Mr. Chairman, the fact is that the Florida Keys depends on the 4 million tourists who come to the area every year for its economic livelihood. The debate is not about fear. It is about economic reality. Our coastal towns and cities will be devastated financially with the adoption of the Peterson amendment.

I urge my colleagues to vote "no" on the Peterson amendment.

Mr. MELANCON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment.

I have heard a lot of facts from both sides for and against. And from a State that has been producing oil and gas off its coast in its coastal waters, on land, and every place else that is possible for well over 50 years, and I think Pennsylvania may have been the only State produced before Louisiana started, if you go back those 50 years, there is a lot that we could see environmentally that should have been done back there that would have protected America's wetlands, the estuaries and the marshes of South Louisiana.

That being said, now looking at today's technology, offshore drilling for oil or for gas is one of the cleanest that you will ever find. Yes, there are muds, there are liquids. But there are also liquids that are made from sugar. So my friends from Florida, we can keep that Florida industry healthy. It is biodegradable. It is something that can and is being used out there.

The thing that scares me the most, as we talk about energy independence, and the information that has been brought to the floor, is that we had, in an energy bill, a 125-mile barrier from Florida in the Gulf of Mexico, if I recall, in an energy bill this past year. While if you go 45 miles off of Key West, where those important fragile areas are down in that area, we have got China and Cuba in control of the oil and gas production. And that scares me even more so. And if you look in the latest weekly news, Russia is basically becoming dominant in the world for energy production, as are the countries in the Middle East.

☐ 1445

If you look at their offshore drilling, I don't hear about all the oil spills. As a matter of fact, I went through Katrina, I went through Rita. And I heard the numbers, and I respect where the Member got the numbers because it was provided by somebody. But the only real oil spills I know of were in Chalmette, Louisiana, at the Murphy Oil Refinery and at the Phillips Petroleum Refinery, which are on land in Plaquemines and St. Bernard. Yes, there were some small oil leaks. There was probably more diesel fuel out of the tanks of some of those rigs that collapsed, but far less than what came out of the gas tanks in the ground in Chalmette, in St. Bernard, in Plaquemines, in Orleans Parishes and probably over on the gulf coast. Far more fuel leaked into the waters that flooded those cities.

As we move forward in this country and talk about energy independence, and when you pull up to that gas pump and you see that $3 figure up there, just remember those folks back home that are on fixed incomes, on Social Security, that are worried about how they pay the utility bill, much less how they fill their gas tank, whether they can buy the loaf of bread and milk or whether they need to have the gas in their car to get to the doctor.

We talk about tourism and fishing. The tourism in Louisiana has been better than it has ever been, particularly now that the industries have the technology. The fishing is phenomenal. Thirty percent of the seafood consumed in this country comes from the waters off Louisiana's coast, and we've been drilling for over 50 years. Deep water, shallow waters, coastal waters, inland waters, land-based, you name it. I implore everyone to think about this.

I respect tremendously my colleagues that have the fear of the environmental concerns. That is something that I share with you. But I've seen these oil companies. I've seen them in the past when they were awful; I've seen them today when they do an excellent job. The technology gets better by the day. The last oil spills that were of any consequence were done by ships hauling oil in from the Middle East, Venezuela and other locations. It wasn't by oil rigs offshore.

We're talking about natural gas. You can perforate a drilling pipe at any point in time or elevation or depth that you want. You can drill through oil, you can drill through water, you can drill through rock, you can drill through whatever is below there and sample what's there before you open it up, and if it's not natural gas, then you keep drilling until you get to the sand that you're looking for, perforate, and, yes, bring only natural gas in.

Mr. Chairman, I thank you for the opportunity. I implore, if we're going to make this country energy independent, we have to find the means. And gas, this amendment, helps us.

Ms. GINNY BROWN-WAITE of Florida. I move to strike the last word.

I rise in opposition to Mr. PETERSON's amendment to allow exploration within 25 miles of the coast.

It was just around this time last year when the Florida delegation finally, most of us agreed to go along with the negotiation that had been hammered out which protected the gulf coast.

The gulf coast in the Tampa Bay area, which Mr. YOUNG and I both represent, was protected some 230-some miles where there would not be any exploration for gas or oil. Why? Because of several issues. Number one, military mission line, where regularly they are doing military exercises. Very, very important area to protect. Then eventually some of us who are very, very reluctant, but who realize that our friends on the other side of the aisle and even some people on this side would never go for anything in ANWR, so we can't stick our heads in the sand, so we agreed to 230 miles out.

But let me tell you that what we are asking for is a disaster here, a disaster in many ways. Will people ever believe us again? We said we came to an agreement that had protected the coast and given some protection to the east coast. Now we have an amendment here which shortens that area to 25 miles.

I represent eight counties; four of them are coastal counties along the gulf coast. Many of them have been hit by hurricanes. To have this kind of exploration this close to the shore, not only in Florida, but along the gulf coast, is asking for trouble. It's a bait-and-switch. It absolutely is a bait-and-switch. Those of us who agreed last year to have some exploration did not agree to the 25-mile amendment. And I guess if you can't get 25 miles, they will try for 100 miles. That's not what we agreed to do our share of exploration for domestic energy sources.

My colleague from south Florida was absolutely right about the tourism and fishing industry that would be affected, but also the very, very fragile habitat that exists, and one that we want to protect. Now, some would say Republicans aren't that concerned about the environment, but I, as somebody who received the Sierra Club award, I disagree. Republicans do care about the environment. That's one reason why we set up buffer zones that were certainly far greater than 25 miles.

And let me express a great fear: if we do this for gas, oil certainly will follow. And, you know, I just don't remember there being a lot of tourism in ANWR. But you're affecting States where there is a lot of tourism.

You know, the citizens' confidence in Congress is at an all-time low. If we do this bait-and-switch as suggested in Mr. PETERSON's amendment, it will be down to zero.

I urge my colleagues to vote against the Peterson amendment.

Mr. ABERCROMBIE. I move to strike the last word.

Mr. Chairman, I'm sure Mr. DICKS wishes by this time that this moratorium would disappear as an issue because it keeps coming up.

Mr. DICKS. Will the gentleman yield?

Mr. ABERCROMBIE. I will certainly yield.

Mr. DICKS. It was in 1984 when the gentleman created the moratorium off the coast of Washington and Oregon. I hope it never goes away.

Mr. ABERCROMBIE. That may be, and that makes my point. I certainly was not among the ones to create it; but I'll tell you, had I been here in 1984, I probably would have voted for it. I voted for these kinds of things before without thinking much about it because it was an easy vote, it was an easy vote as to come and say, well, environmental groups, they all know all about this, why get crossways with them when you have a good environmental record. I've gotten my awards, too, not because of my bright perception, but because I voted the right way without thinking much about it.

Why is this here in the Interior bill on appropriations? Why do we have members of the committee standing up ahead of time? I don't know that anybody on Appropriations knows more about it than the people on Resources or the Energy Committee. But why? Because we legislate on an appropriations bill, that's why.

And we didn't break any agreements down here. If the agreement was what was being broken, why is this moratorium again being put into the bill this year? If we had an agreement last year, you wouldn't need the moratorium.

Mr. DICKS. I have a parliamentary point. Limitations are appropriate on an appropriation bill. I just wanted to make sure the gentleman from Hawaii was reminded of that technical point.

Mr. ABERCROMBIE. And I quite agree on that technical point, that limitations are appropriate. We're trying to put some limitations on some of the fiction that's out here today. I can assure you of that.

I think I know something about tourism. I know that in order to have tourists, you have to have people with jobs that have sufficient discretionary income to be able to come and spend their money. But if we're destroying the industrial structure of this country, which is what we're about right now, there won't be anybody having the jobs to be able to come and spend the money on tourism or anything else.

And if you want them to arrive in automobiles, which we can't do yet because I haven't been able to get an earmark for that bridge from San Francisco to Hawaii, that's a bridge to somewhere, I can assure you, the question then would be, well, what are you going to be paying for your gasoline? You want to have a hybrid car, you're going to have natural gas. You have to have natural gas as the base. You want to have ethanol to be able to do it? You have to have natural gas for the fertilizer that's going to grow the feedstocks in order to create the ethanol.

Natural gas is the natural energy bridge to a natural energy future, to an alternative energy future. If we don't have natural gas, let me tell you what's going to happen. It's happening right now, and there has been references to it already. Europe and Russia are now making a deal to promote natural gas exploration and extrication from Russia to the European economy, to the European Union in the hundreds of billions of gallons in order to be able to compete with us. It's not just mythology that the Chinese, using inferior technology, will be some 45 miles off of Florida right now exploring natural gas, as the Canadians are already doing on the other side of the Great Lakes.

Every single industrial country in this world is producing natural gas right now except us. We are the ones that destroying ourselves, committing suicide on this. This is what is happening; the rest of the world is going to have an industrial base and an industrial complex that's able to compete, and we're destroying ourselves.

You're looking at a convert here. I went into the Resources Committee fully prepared to not only sustain the moratorium that's here, but to vote against Mr. PETERSON when he first brought up the idea of drilling for natural gas. But when I listened to him and I read all the facts involved, I decided that I had the wrong position. And what's required of us now is to become energy independent. We have to produce the energy in this country that is going to allow us to be independent, sufficient to be able to back up that Defense Department that we're talking about. The Air Force right now is spending an enormous amount of money on fuel that we have to import. If we can take the natural gas base for the Air Force right now, we stand a chance of producing fuel that can sustain ourselves.

We have to be energy independent in this country. And that means those of who us who have blindly supported, what were supposedly the right environmental proposals in the past have to take an honest look at where we are today and what we can do to produce clean energy.

Mr. Chairman, I thank you for the time. I hope that when we get past this today, that we will deal with the bill that Mr. PETERSON and I will be bringing forward to produce natural gas in this country to produce a free and independent America.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to this and any amendment that proposes to lift the moratorium on oil and gas leasing off our coast.

The moratorium has been a bipartisan, multi-State, bicoastal agreement for over 25 years, and as mentioned has been renewed annually since the 1980s.

The north coast of California along my district, and I want to point out that my district has the longest run of coastline, the most miles of coastline of any district in the lower 48 States. I want you to know that people don't want this moratorium lifted. And the businesses that operate up there can't afford to have this moratorium lifted. An oil or a gas spill off my district's coast could devastate one of the most unique marine ecosystems in the world, as well as the economy that depends upon it.

My north coast district is part of an upwelling zone found along the west coast. It's one of only four of these upwelling zones in the entire world. These upwelling zones bring nutrient-rich water to the surface, and they support an incredibly abundant and productive marine life, including fish. The ecosystem also supports some of the largest and the most economic fishing industries in the world. A spill in this area would be absolutely devastating.

The north coast of California also supports a large tourism industry, and that industry is vital to our local economy, our State economy, and it contributes mightily to our national economy. It's dependent upon pristine coves, pristine beaches and spectacular views, all of which would be threatened if this moratorium were to be lifted.

In addition, given the rural and rugged nature of my congressional district, an oil or a gas spill would be disastrous to an even greater extent because of the limited accessibility to get in and clean that up, as well as the limited resources that would be readily available for cleaning up a disaster of this magnitude.

Mr. Chairman, the north coast waters provide economic and biological benefits to our entire country, and they must be protected. Lifting this moratorium, as pointed out by previous speakers, does nothing to lessen our dependency on oil and gas. And more important, it does nothing to increase the research and use of alternative energy sources.

□ 1500

This amendment, and all of the other amendments that are proposing to lift this moratorium, need to be rejected.

Mr. GOHMERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate so much my friend from Hawaii across the aisle pointing out what he did. I would like to pick up on that. We are not just talking about lower fuel costs. That is extremely important. We are talking about that.

We are also talking about jobs. In my district alone, we have a huge plant there. Their feedstock is natural gas. They produce plastics. They produce all kinds of great things. If we did an actual test and checked, did a survey, I would bet you that most of the jobs there are held by Democrats. So even if you just looked at it politically, my goodness, we are losing Democrats' jobs by not bringing down the price of natural gas.

On top of that, it does cost other jobs when you raise the price of natural gas. For a country like ours that has natural gas all up and down our coast, east, west, down around the Gulf, there is a tremendous supply west of Florida in the Caribbean. We have all this natural gas. Yet what breaks my heart is that I see we are building new liquid natural gas ports on our coast so we can bring it in and become more dependent on people who don't like us.

It makes no sense at all. It is clean burning. It helps the environment. Yes, my friend indicated that we ought to be drilling in ANWR. Yes, we should. The caribou proliferate when we give them a good warm place to mate, like the pipelines, as has already been shown.

Mr. Chairman, I appreciate my friend, Mr. PETERSON, bringing this amendment. I would like to yield the remainder of my time to him.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman.

Several things have been said that I think must be responded to. Oil and gas spills. Could someone here show me a gas spill? A natural gas spill? There is no recorded history of one. Natural gas comes out of the ocean floor and bubbles into the air all over the ocean all the time. But there is no spill.

The fact is you can't drill for gas without oil. I grew up around it. I have never made money in the oil business. I have never invested a dime in it. But I grew up around it. You drill a hole in the ground. You put a steel casing in the ground. You register every place you go through, coal, gas, oil, rocks. It is actually rocks that have oil and gas in them. Then you notch the pipe where you want to produce.

In Pennsylvania, there were three or four oil sands, and the gas is way below the oil in most places. There was a little bit of gas in the oil, but not a lot. You notch the pipe where you want to produce it. So if you want to produce gas, you notch the pipe and you produce the gas, and that is sand.

Natural gas is the future of America until we can grow our renewables. I am for wind. I am for solar. I am for biofuels. I am for hydrogen cars. But let me show you how small that is; 86 percent of our energy is fossil fuel; 40 oil, 23 gas, 23 coal. That is 86. Eight percent is nuclear. We are now at 94. Six is percent renewables. Listen closely, 6 percent renewables. Five percent is biomass and hydro. Wind, solar, hydrogen, and geothermal, our future, is 1 percent. If we can double it every 5 years, it will cost a lot, but I am for it. But we are still then at 2 percent.

How do we fuel this economy that is growing a need for energy by 2 percent, and we have countries like China and India that are growing at 15 to 20 percent, and their energy consumption is sucking up the world's supply? When the moratorium was put on, we had $2 gas and $10 oil. We were awash in it. It didn't matter.

Oil and gas is scarce today. There is a world shortage. Right now, they are predicting $79 oil this summer, which will be $3.50 gas without a storm in the Gulf, without a country being upset. The Wall Street Journal on Friday reported that if we have a storm in the Gulf and we have a country that gets upset that produces a lot of oil, we could have $85 to $89 oil. Do you know what that will do to home heating this winter? Do you know what that will do to travel costs? Folks, it is crisis time. Clean, green natural gas is the best alternative for a healthy America.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. I appreciate the gentleman's passion on this issue, but I do not agree that this is the time or the place to overturn the 25-year moratorium protecting our Nation's best ocean beaches and fishing areas. I agree that energy supply is vital to our Nation and our economy, but so is the natural environment.

Our committee has looked at this issue closely. The President's budget request and this committee's bill maintains the existing drilling moratoria for oil and natural gas exploration. I want to say that again. The President, who has been the strongest advocate for oil and natural gas development in the history of the country, in his budget opposes lifting this moratorium. I think we ought to listen to him this time. This leaves substantial areas in the Gulf of Mexico and off of Alaska that are available for exploration.

Our bill also continues the exploration and development of public resources onshore on our public lands. We really do not need to lift the moratorium now. The protected areas do not have substantial reserves. The total technically recoverable resources on the OCS are estimated to be about 86 billion barrels of oil and 420 trillion cubic feet of gas. The amount under moratoria, or Presidential withdrawal, after January 9, 2007, is estimated to be 17.8 billion barrels of oil and 76.5 trillion cubic feet of gas.

I also point out, and maybe the gentleman from Pennsylvania disagrees with this, that the industry people I have talked to say it is impractical to pursue natural gas-only drilling, which does not involve oil. It simply is impractical to issue leases only for gas and not for oil, as well.

I think it is important that we do not start major new developments in areas that are entirely lacking drilling and energy infrastructure. These are large areas which are already leased and are available for development. Before we open large, new and sensitive areas to development, we should focus our Nation's efforts in places that already have access to existing pipelines and distribution systems.

Mr. Chairman, the Peterson amendment seems so very simple, but that is not a good approach to such a complicated issue. This amendment would not allow the various States to have meaningful input on drilling activities and the extensive development onshore which would follow.

Please join me and continue our protection of America's priceless coastlines. Please defeat this amendment.

Mr. Chairman, I will ask for a vote on the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Page 49, line 25, insert "and within 100 miles of the coastline" before "in the areas of".

Page 50, line 7, insert "and within 100 miles of the coastline" before "in the Mid-Atlantic".

Mr. DICKS. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, this amendment deals with 100 miles offshore. When we had the debate last year, I wanted to clarify something. Everybody kept talking about a compromise. We passed a major bill in the House that opened up the OCS for both gas and oil. The Senate passed what I call a little small bill in little pieces of the Gulf that President Clinton actually had in the 5-year plan, but never leased it.

In my discussions with the other body, we were always hoping to have a compromise, but we never had one. We never had a conference committee. We reluctantly agreed to take the Senate bill because it was something, and America needs something, so we took this small piece in the Gulf because it is some additional energy for America.

We will soon be 64 percent dependent on foreign, unstable countries. I hear on both sides of the aisle here that people are distressed about that. These are not our friends. These are countries that are not democracies. They are not real stable. We often lose energy when they just have their government topple or be out of favor for a while.

We are dependent on undependable countries of the world who are not our friends. They now set the price. OPEC is back in charge. OPEC turns the spigot and lets big oil make a lot of money. I said to somebody one day, big oil's best friends are Congress and OPEC.

□ 1515

Collectively, we have slowed up the ability to produce oil and gas. And when we slow up the ability to produce oil and gas, the price rises. And if you owned it when it was worth $30 a barrel and were able to produce it and make money, and government restriction of supply and OPEC's restriction of supply raises the price to $70, are you going to make money? You betcha.

If you want to drop prices down, open up supply. Wall Street traders run the price up. They set the price of gasoline, fuel oil, natural gas, oil. Wall Street. Why? Strategizing on it if they can buy it and sell it and make money today or tomorrow. We often pay 15 or 20 percent of our energy prices to Wall Street as they play with it because there are shortages. When it is plentiful, they don't monkey with it.

Folks, we need a plentiful supply of gas and oil for this country. Cuba is going to be producing with China and other countries 35 to 40 miles from the Keys, our most precious Florida parks. And we are going to stay completely 200 miles offshore.

Folks, this is insanity for this country to not utilize its resources, to be dependent on undependable countries who control our destiny. And as we grow the renewables, as we get more wind and more solar and more geothermal, it is going to be years, if not decades, before we have in sufficient quantity, and in the meantime we are going to need fossil fuels, and we need to produce them.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Washington for 10 minutes.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment, and I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I want to support my friend Mr. PETERSON on this amendment.

I indicated in the last amendment, Mr. Chairman, that I had become a convert, not to everything that has to do with it, to just stand up and say, well, if it is going to be oil drilled anywhere or gas drilled anywhere, that I could care less, that doesn't make any difference. That is not true, and it is not the case.

In fact, what I have argued to the oil companies is, and I have said when I had the opportunity, why do you put these stupid ads in the paper that say we only make a return on investment the same as real estate agents? I said, there is a great way to go about saying why you got $30 billion in profits, that real estate agents are the opposition or the comparison.

I say, why don't you get up and say oil is $60 and $70 a barrel. We are rolling in money. We got so much money we don't know what to do with it. I feel like Huey, Louie and Dewey jumping into the piles of money for Scrooge McDuck. We got so much money we can't even begin to figure out how to spend it.

At that kind of money a barrel, what do you think the oil companies are going to make?

We have to have an energy supply in this country, and 100 miles out that is what we are going to have to do, because the opposition keeps on coming here against our energy independence. If we don't have energy independence, we are finished. We are destroying ourselves. Every other country in the world with a natural gas reserve out there, let alone with an oil supply, especially in the Outer Continental Shelves of their respective continents, are taking it and doing it and providing for their industrial expansion. That is what we are up against.

We are now in debt. You only have to go into the papers as recently as yesterday, the next globalization backlash. Wait until the Kremlin starts buying our stocks. We are in hock to the rest of the world, including Japan and China because they are owning this country because we have to import our energy. Energy independence is the key to freedom.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I appreciate very much the gentleman yielding me the time.

This amendment is aimed at the military mission line in the Gulf of Mexico. The only place that has a larger area of Outer Continental Shelf in the moratorium. Where the military mission line runs through the Gulf of Mexico.

Mr. MORAN spoke earlier of the flights that are training around Oceana in Virginia. I will speak to the training areas in the Gulf of Mexico that are used very, very effectively by the United States Air Force to train pilots in some of the newest, highest-technical aircraft that we have. That is what this amendment is about. It goes to violate the military mission line that we agreed on last year.

I don't get offended very often, but I am a little offended by this, for this reason: many of us in this Chamber voted for that bill last year, and we voted for it because it protected the military mission line in the Gulf of Mexico, as well as the environmentally sensitive areas. We voted for it because it provided a permanent solution to this issue of moratorium.

Now if the Peterson amendment passes, it hasn't been very permanent. By the way, Mr. PETERSON, and Mr. ABERCROMBIE, who is one of the architects of this agreement, agreed to this, and so we agreed to it as well because we thought that having a permanent solution was a good idea. But now this amendment goes back on the agreement.

That does offend me somewhat. When I make an agreement, I keep it, and most everybody in this House Chamber, when they make an agreement, they keep it. But these two Peterson amendments violate the agreement that brought most of us to vote for this bill last year.

Just one more point: if anybody thinks that drilling another well, and there are vast areas of the Outer Continental Shelf still available for drilling for oil and for gas, if anybody thinks another oil well in The Gulf of Mexico is going to bring down the price of gasoline, drive up to your gas station. Mr. PETERSON himself mentioned the fact that no matter what the supply would be, that the Wall Street traders control the price.

What are you paying for a gallon of gasoline today? A lot more than we ought to be paying. One more well, two more wells, 10 more wells aren't going to make a difference in the price of gasoline at the pump.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the gentleman for yielding.

This drilling will be conducted in an environmentally sound method. Any time you have got an industrial operation going on, you have got some risks, but these risks have been understood for years and years and years; and this industry is so much better today at drilling and producing crude oil and natural gas than they have ever been. And, quite frankly, they will get better tomorrow than they are today, and they will be better the day after tomorrow than they are today as well.

It is inconsistent to say on the one hand that it is a national security interest for this country to be dependent on foreign sources of crude oil and natural gas, and I agree with that. The inconsistency comes, though, when we say let's do whatever we can to limit domestic production of crude oil and natural gas. That position is inconsistent with each other, and I would argue with my colleagues that they should examine that inconsistency.

The time to market again has been mentioned again, as it was earlier. In 1998, when this moratorium was put in place 9 years ago, today all of that production that would have started in 1998 and 1999 when the price was low would be available to this country to use in hotels for air conditioning, in all of the multiple uses that the natural gas is used for.

So I urge my colleagues to agree with the Peterson amendment and vote for it.

Mr. DICKS. Mr. Chairman, I reserve my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my Pennsylvania colleague for yielding to me.

This is similar to the earlier amendment, although I rise in strong support of this because it is for new leases, offshore natural gas and oil, at least 100 miles of the U.S. coast.

Supply and demand for our energy is out of control and our Nation needs more energy from all sources. Demand for natural gas is already building across the economy and proposals pushing cleaner energy will only accelerate this demand. Natural gas, again, is the most abundant clean-burning fuel to heat and cool our homes and businesses. We also need a lot of natural gas to make the materials that we make wind turbine blades out of and solar blades.

Opening the OCS would save $300 billion in natural gas costs over 20 years for customers and manufacturers. High natural gas costs are sending manufacturing jobs overseas following the cheap gas. When I had the Shell CEO of Western Hemisphere two years ago sit in my office and say they transferred jobs from their chemical facilities in our country to the Netherlands because of the high cost of our natural gas, because the North Sea gas was so much cheaper, that is why we need the Peterson amendments.

Environmentally conscious nations like Norway, Denmark, Canada, Japan and the United Kingdom are safely producing natural gas in their coastal waters. Why can't we do it?

No other country in the world can it do as responsibly as we can. I have been on oil and gas rigs and have seen so few discharges into the ocean. A medium-sized fishing boat will leak more in a year than we will see off some of our rigs.

This amendment is a major opportunity for us to respond to today's energy crisis and the climate change with a national solution. I urge my colleagues to support the oil and gas production on the Outer Continental Shelf and support the Peterson amendment.

The Acting CHAIRMAN. The gentleman from Pennsylvania is reminded that under the unanimous consent agreement, he need not remain standing after he yields during the debate.

Mr. DICKS. Mr. Chairman, I have no further speakers at this point, so I would like the gentleman to finish and then I will finish.

The Acting CHAIRMAN. The gentleman from Washington has the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, as we talk about the production of energy and as we talk about oil being so devastating and gas being so devastating, Norway, Sweden, Ireland, Great Britain, Canada, Australia and New Zealand are all known for being environmentally sensitive countries. They all produce offshore. All of them. We are the only nation in the world that has chosen to close up our energy supply. We are dependent on unstable, unfriendly countries who control our prices and control the future of our economy.

The working people of America are counting on us to give them affordable energy that they can heat their homes with and drive their cars and have a decent competitive job. That is what this is about. And I wish we could do it with wind. I wish we could do it with solar. I wish all of those things were bigger and could grow faster.

Folks, we need to produce energy if we want to compete in the new global economy.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Again, I want to point out to the gentleman that we really do not need to lift the moratorium now. The protected areas do not have substantial reserves. The total technically recoverable resources on the OCS, the areas where we are drilling off of Alaska and in the Gulf are estimated to be about 86 billion barrels of oil and 420 trillion cubic feet of gas.

The amount under moratoria, or Presidential withdrawal, after January 9, 2007, is estimated to be 17.8 billion barrels of oil, which is about one-fifth, and 76.5 trillion cubic feet of gas, which is about one-eighth.

So the reason we have the moratoria is because we think those areas are more important from an environmental perspective, that we need to protect our oceans and beaches. The gentleman from California was here and talked about the north coast of California. I represent the northern coast of Washington State, and I put this moratorium in place, I think, in 1984 for both Washington and Oregon. Mr. AuCoin and I did at the time.

I have yet to have one citizen in my State ever come up to me and say, why don't you let us drill for oil and gas off the coast of Washington? Nobody has ever asked us to do that. They want it protected. It has got fisheries. It is one of the most beautiful beaches and coasts in the entire Nation.

I went up to see what happened with Exxon Valdez and see that oil spill and all that oil in and around the waters up there and how it destroyed the herring reproduction and all of the other species.

I want to protect the coast of Washington. I want to protect the coast of Florida, the coast of Virginia. Yes, we will drill off of Alaska. We will drill off the areas where the oil and gas exists. And if the gentleman from Hawaii is so interested in this, I am sure we can work out something for him out in Hawaii.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I will yield to the gentleman from Pennsylvania briefly.

Mr. PETERSON of Pennsylvania. Do you realize how long it has been since we have actually done a modern seismographic on the OCS? It has not been done in 40 years. We didn't have good seismographics then. We don't really know, but we know there is a lot out there. If we had modern seismographics, it is usually three to four times what we thought.

Mr. DICKS. Mr. Chairman, reclaiming my time, I think we should continue to work in the gulf and off of Alaska where most of the reserves exist.

I urge a strong "no" vote on this amendment.

Mr. COSTA. Mr. Chairman, the House voted to defeat an amendment to H.R. 2643 offered by Mr. PETERSON that would have lifted the moratoria on the Outer Continental Shelf for natural-gas only leasing. While I voted against the amendment, I wanted to elaborate on my views on this matter.

I certainly support the gentleman's goal of increasing our access to domestic supplies of natural gas, and we have demonstrated that it is possible to explore and produce oil and gas in our oceans and remain environmentally responsible at the same time. There are dozens of platforms operating off the coast of California today, producing nearly 30 million barrels of oil and 60 billion cubic feet of natural gas each year while releasing a negligible amount of that into the environment. There hasn't been a spill of larger than 50 barrels since 1996, and there has not been a truly significant spill in nearly 40 years.

This demonstrates that when oil and gas development is done correctly, it can be a tremendous resource with little detrimental environmental impact. I support taking a close look at areas that are currently under a moratorium, so that we understand both the opportunities and the risks of opening up these regions.

Unfortunately, we are sorely lacking up-to-date information on the oil and natural resources of our Outer Continental Shelf. Earlier today I chaired a hearing in the Energy and Mineral Resources Subcommittee, in which the Acting Director of the Minerals Management Service, Walter Cruickshank, testified that the most recent data on the Atlantic and Pacific coasts was collected in the late 1970s. When opponents of Outer Continental Shelf development argue that 80 percent of the oil and gas is already accessible to leasing, they are using badly outdated data.

If we are going to have this discussion, we need to have a much better knowledge of the extent and value of the oil and gas resources of the Outer Continental Shelf. Only then will we be able to really look at the big picture and determine the proper balance between energy development and other important resource values, including tourism, fisheries and national security, to name a few.

My primary concern with Mr. PETERSON'S amendment is that it proposed to allow for gas-only leases.

Unfortunately, this idea is, quite simply, not feasible.

There are various reasons I come to this conclusion. Most fundamentally, however, is the simple fact that oil and gas are often co-located and it is unrealistic to assume or assert that the industry would be interested in buying a lease that would preclude development of any oil found in the leased tract. As the former director of the Minerals Management Service, Johnnie Burton, said in a Senate hearing just last year, the vast majority of comments they received from the oil and gas industry on this idea were negative, because it was, "not terribly practical." The fact is, as Ms. Burton put it, "you never know what you are going to find until you drill."

I maintain that we should certainly be taking a hard look at those areas that are currently off limits, many of which may be appropriate places to explore. As Chairman of the Energy and Mineral Resources subcommittee, I look forward to working with my colleagues to help craft a forward-thinking energy bill that looks at the big picture, and admit that there is no silver bullet for solving our nation's energy challenges. We must increase domestic production of fossil fuels while at the same time focusing on renewables, conservation, and ensuring that we strike the proper balance of development of our nation's abundant resources and good environmental stewardship.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was rejected.

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with my colleague from Texas (Mr. HALL).

I applaud the good work that you have done, Mr. Chairman, to bring this Interior appropriations bill to the floor. There is a provision in the Interior appropriations billing that I fear will do harm to our ability to smoothly transition our Nation's energy infrastructure to the clean domestic energy future that we all desire.

In the debate on the Energy Policy Act of 2005, Mr. HALL introduced and shepherded through to enactment section 999, the Ultra-deepwater and Unconventional Natural Gas Research and Development Program. Today, more than 23 research universities and four not-for-profit research institutions are actively engaged in the implementation of this program.

A draft annual plan of research has been submitted to the Secretary of Energy for review and should be finalized within the next few weeks. That program is designed to foster collaborative research and development work by the best scientists and technologists in the country to develop the technologies that are necessary to find and produce the more than 1,200 trillion cubic feet of technically recoverable, but mostly unconventional, natural gas resources in this country.

I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I want to thank my colleague for those comments, and I would also point out this program will provide new technologies that will allow us to tap nearly 50 billion barrels of technically recoverable oil remaining in this country.

The United States has 55 years of natural gas resources in the lower 48, but much of it requires new technologies in order to produce it. Some 80 percent of these resources are on lands that are not subject to any access restrictions. New technologies will increase domestic energy supplies and increasing supplies will lower energy costs to consumers.

□ 1530

These technologies will enable less expensive, more efficient and more environmentally friendly domestic natural gas production. The universities and research institutions participating in this program are as follows: Colorado School of Mines; Florida International University; Jackson State University; Louisiana State University; MIT; Mississippi State University; New Mexico Institute of Mining and Technology; Penn State University; Rice University; Stanford; Texas A&M; University of Alabama; University of Alaska-Fairbanks; University of Houston; University of Kansas; University of Michigan; University of Oklahoma; University of South Carolina; University of Southern California; University of Texas; University of Tulsa; University of Utah and West Virginia University.

In addition, the following national labs are funded through this program: Idaho National Laboratory; Lawrence Berkeley National Laboratory; Lawrence Livermore National Laboratory; Los Alamos National Laboratory and Sandia National Laboratory.

Mr. LAMPSON. The Energy Information Administration has observed that this program will materially increase domestic natural gas and oil production. That increased production will more than pay for this research and development program by generating more royalty revenue from increased production of natural gas and oil from Federal lands that are already available, already available to be developed.

It is important to note, Mr. Chairman, that as this Congress grapples with the issue of providing robust funding to move toward increased energy independence, our Nation's energy companies are also investing in these similar research activities. Achieving energy independence isn't an easy task. It is going to take a significant investment from both public and private entities to move our Nation forward.

Mr. HALL of Texas. The House favorably voted on this provision in 2001, 2003, and 2005 and again on the conference report in 2005. Additionally, the House overwhelmingly voted last year to uphold the program by voting against an amendment to strike it by a vote of 161–255. These votes send a clear message that Congress supports this research and development program and all the benefits it will bring to the American public.

Like my colleague, Mr. LAMPSON, I have deep admiration and respect for Chairman NORM DICKS, and accept his assurance to work with us in the future for the greatest good for the greatest number.

Mr. LAMPSON. Mr. Chairman, we in this House are working hard on energy legislation to provide the tools that will help the Nation transition to clean domestic energy resources and more efficient use of those resources. We are making progress, but we must not lose sight of the scale of this challenge. We are concerned that by deferring funding for this program in 2008 in this Interior appropriations bill, the work of the program will be jeopardized, the anticipated increases in domestic natural gas and oil production will not be realized, and we will become even more dependent on foreign sources of energy while we are transitioning our Nation's energy infrastructure for the future.

Mr. Chairman, I have an amendment that will resolve this problem in the bill. However, in the spirit of comity, I will not move that amendment if I can have the commitment of the chairman to work to resolve this issue in conference so that this important program can move forward as it is authorized in the Energy Policy Act of 2005.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the concerns you have raised. I commit to you to work with you to resolve this issue in conference so that this program can continue to be implemented as is authorized by the Congress.

And I would also point out to my good friend from Texas, both of my good friends from Texas, that there is still $47 million in 2007 money that has not yet been obligated.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. LAMPSON) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. LAMPSON was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I know that the gentleman is concerned about that, and is working to see that that money is obligated as well. We will work with you on this. It is a very important issue. I appreciate your hard work and interest in this subject.

Mr. LAMPSON. Thank you, Mr. Chairman.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONAWAY:
Strike sections 104 and 105.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. PRICE of Georgia. Reserving the right to object, if I may ask a question as to the form of the unanimous consent request, is it my understanding that this 20 minutes would apply to every amendment to be offered hereafter?

Mr. DICKS. No, no, no, just for this one amendment.

Mr. PRICE of Georgia. I withdraw my reservation.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Texas for 10 minutes.

Mr. CONAWAY. Mr. Chairman, I yield myself such time as I may consume.

We have heard an awful lot of debate already about both of these sections. My amendment is straightforward and simple. It will strike section 104 and section 105 from this bill.

What the effect of that would be is to unleash the Interior Department's bureaucracy to begin running the leasing program that is provided throughout this legislation that is not related to what is being conducted today. This bureaucracy would make sure that the environment is protected and that these drilling operations are conducted in ways that will protect the military training lanes; and that these operations will be conducted in accordance with all of the vast array of regulations and rules that we have in place to protect the environment and protect the coastlines and produce this energy in a proper way.

Reference was earlier made about the oil spill in Alaska, and I would remind my colleagues that was the Exxon Valdez, a ship that ran aground that caused that oil spill and not directly related to the drilling and production phase of finding that crude oil.

As I said earlier, these operations can be conducted through environmentally sound methods. There is a significant amount of oil and gas to be found. I would prefer a 20 percent increase in anything, so to denigrate a 20 percent increase or 20 percent opportunity, I think, is misplaced in our arguments.

Cuba and the Chinese governments, along with other folks, are going to be drilling within 45 miles of Florida. That is not necessarily an excuse for us to also drill, but it is in recognition that the risk associated to the folks in Florida with not drilling are out of our control, and if we can control the drilling within 45 miles in ways that are appropriate, then we ought to do that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Washington.

Mr. DICKS. Under your amendment, would you be able to drill in the Great Lakes or in the Chesapeake Bay or in Puget Sound or in the Long Island Sound?

Mr. CONAWAY. Section 104 and section 105, I don't know that it does the Great Lakes. But Puget Sound, I think we would be able to drill there. It would remove the moratorium that is in place now that prevents drilling in those areas, but I don't know that the Great Lakes is included.

Mr. DICKS. Okay. I knew that I opposed this amendment, but now I will oppose it with even greater fervor.

Mr. CONAWAY. I can include the Great Lakes if that will get you over the hump to agree to it.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS) who has been a strong supporter of the moratorium throughout her career and has been a real leader on this issue.

Mrs. CAPPS. Mr. Chairman, I thank the gentleman for his leadership on this issue.

Mr. Chairman, I rise in strong opposition to these amendments which eliminate, and I think we heard it clearly, eliminate the long-standing bipartisan moratorium that currently protects the Nation's most sensitive coastal and marine areas from new drilling.

I support the current ban not just because I think our coasts are beautiful, and they are, and not just because I believe our coasts provide valuable environmental habitat, and they do, I support the ban because I know our coastlines are the economic engines of our communities and that is being threatened by new drilling.

The people in these communities, I represent them. I know the value of their coastlines, and that is why they are so against new drilling in these areas. These amendments would mean drilling within 3 miles of the beaches of Florida, California, North Carolina, and other coastal States. It also means drilling where there isn't a whole lot of oil and gas, and where tens of millions of our citizens have made it clear they don't want more drilling.

Mr. Chairman, the congressional moratoria has been in place for 26 years and reaffirmed by Presidents George H.W. Bush, Clinton, and George W. Bush, and every Congress since 1992. State officials have also endorsed the moratoria, including Republican Governors Charlie Crist and Arnold Schwarzenegger.

These actions have all been met with widespread acclaim by a public that knows how valuable, environmentally and economically, our coastlines are. I represent a district with over 20 oil and gas platforms off its coastline. I know that drilling has serious consequences for the environment. I see it every day.

I know that drilling generates huge amounts of waste, and significant levels of air and water pollution. These pollutants are a real threat to our public health.

These amendments are just a continuation of the backward thinking energy policies that have gotten us here in the first place. Last year, 279 Members of Congress voted to protect the Outer Continental Shelf moratorium when we defeated a similar amendment to push for drilling off our coast.

Votes against these amendments are the same thing: A vote to protect our coasts and a statement for new thinking on energy. And so I urge my colleagues with all the strength that I have to oppose these amendments and keep our coastline pristine, the economic engines that they are, and a stewardship we will pass on to our children and grandchildren.

Mr. CONAWAY. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. I don't have any additional speakers, and I have the right to close.

The Acting CHAIRMAN. The gentleman from Washington reserves the right to close.

Mr. CONAWAY. Mr. Chairman, I yield myself the balance of my time.

Again, this moratorium has been in place for a long, long time, and the gentlewoman from California went through a litany of opportunities, and she has taken a different look at it.

We have a growing continued dependence on foreign crude oil. So the old adage about the definition of insanity of doing the same thing over and over and expecting to get a different result might apply in this instance.

This amendment would simply allow the Interior Department and its vast array of scientists and bureaucrats and technicians and others who look at this information day in and day out, who know the ins and out of it, to decide how the development of this resource should occur. They will protect the environment. They will protect the military lanes and make sure that all of our codes and rules and regulations are applied to these efforts throughout the time frame that this is conducted. I trust them to do it and do it correctly.

I urge adoption of this amendment to set a new track to provide additional natural gas and crude oil resources, domestic production for our country.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself the balance of my time.

I rise in very strong opposition to this amendment. I hope the House will defeat it resoundingly. This does not make any sense for our environmentally sensitive areas, particularly on the coast of California and Washington and Oregon on the West Coast, and the sensitive areas on the East Coast as well.

I ask for a "no" vote on this amendment.

Mr. GENE GREEN of Texas. I rise today in strong support of the Conaway Amendment.

Supply and demand for energy is out of whack and our Nation needs more energy. Demand for natural gas is already building up across the economy, and proposals pushing cleaner energy will only accelerate this demand.

This amendment is a major opportunity for us to respond to today's energy crisis with a national solution. I feel justified in supporting this amendment because I am from a coastal district. My constituents feel the same way as I do on this issue.

Chemical production and oil and gas exploration, processing, and refining are Texas's top coastal industries. My colleagues from Florida and California think only they have beaches, but coastal tourism is Texas's second largest coastal industry.

That fact alone shows the argument that oil and gas production and coastal tourism are mutually exclusive is just plain wrong. They are acting like Chicken Little, and cannot point to one beach in Texas that has been ruined by oil or natural gas production.

There will be less need for LNG facilities and LNG tankers when we tap our own offshore resources so we can use the safest mode of transportation in the world—pipelines.

My point is not that we can drill our way to cheap oil or drill our way to energy independence. If we allow domestic production to die out, conservation and research will not save us, and we will have to pay a terrible economic price.

I urge my colleagues to support oil and gas production and support the Conaway Amendment.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CONAWAY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as chairman of the Environmental and Hazardous Materials Subcommittee, I rise today in strong opposition to an amendment that was offered earlier today by the gentleman from Iowa (Mr. KING) to cut funding to the Superfund program. The Superfund program addresses public health and environmental threats from uncontrolled releases of hazardous substances.

According to the Center for Public Integrity's May 2007 report entitled "Superfund Today," the Superfund program is desperately short of money to clean up abandoned hazardous waste sites, which has created a backlog of sites that continue to menace the environment and quite often the health of nearby residents.

According to the EPA, one in four Americans live within 4 miles of a Superfund site.

□ 1545

Mr. KING's amendment introduced earlier today would decrease funding for the Superfund program by $160 million. This is reckless when previous EPA Inspector General reports have indicated a shortfall of at least $175 million for remedial action projects. EPA's rate of construction completions at National Priorities List sites has dramatically decreased in recent years, from an average level of 86 per year during the years 1997 to 2000, down to 40 sites per year during years 2002 to 2006, and most recently EPA projected only 24 cleanups in 2007.

These sites present a serious risk to human health and the environment. For example, at the Libby, Montana Superfund site, where a plume of asbestos from a nearby vermiculite mine has enveloped the town, more than 200 people have died from asbestos-related diseases, according to EPA estimates. Cleanup at this site, begun in 2000, has not yet been completed.

Let me congratulate Chairman OBEY and Chairman DICKS on their decision to reverse the years of budget shortfalls for the core EPA programs that protect public health. I thank them and their staff for working closely with the Energy and Commerce Committee to increase the funding for these programs that are badly in need of funding after years of inadequate budget requests from the Bush administration.

This amendment by Mr. KING is shortsighted. Every Member that has a Superfund site in his or her district or State that votes for this amendment could be voting to delay cleanup at that site. At many of these sites, citizens are exposed to uncontrolled hazardous substances. Rather than cutting the funding, we need to support the well-considered funding level in H.R. 2643 for the Superfund program to expedite cleanup of these sites, protect drinking water sources, and allow sites to be redeveloped to spur economic development and create jobs.

I strongly urge all Members to vote against the King amendment later today.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $788,269,000, to remain available until September 30, 2009.

Mr. HERGER. Mr. Chairman, I move to strike the last word for a colloquy with the gentleman from Washington.

Mr. Chairman, over the past several years, we have seen the rise of a very disturbing trend on Federal lands: the creation of a billion-dollar international drug trafficking ring. Organized criminal gangs, headquartered in Mexico, have illegally entered our country and have established large scale marijuana growing operations in our national forests and national parks.

Gang members guarding these illegal "pot gardens" have been armed with automatic weapons and given orders to shoot to kill anyone who trespasses in the area. Hunters, recreators, and Federal employees in my district and others have been shot at when recreating or working on Federal lands. Eight of the Nation's 10 worst national forests in terms of illegal marijuana production are located in California. Three of those eight problem areas are located in my congressional district of northern California: the Shasta-Trinity, the Klamath, and the Mendocino National Forest.

Our Nation's national parks are also victim to illegal occupation by Mexican drug trafficking organizations. Regrettably, my home State of California suffers the worst of the infestation on Park Service lands as well. This includes a very serious problem at the Whiskeytown National Recreation Area in my district where illegal marijuana grows have been discovered within a few hundred yards of popular boating and fishing areas.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Washington.

Mr. DICKS. We want to work with the gentleman on this important issue. We are very concerned about this problem and think it deserves our complete attention.

Mr. HERGER. I thank the chairman and greatly appreciate his efforts and the efforts of Ranking Member TIAHRT to improve public safety on Federal recreation lands.

Is it the committee's intention in granting this increase to ensure that these funds should be used to help dismantle and eradicate Mexican drug trafficking organizations in our national forests and parks?

Mr. DICKS. Yes, that is the intention of this legislation.

I completely agree with the gentleman. The increase is necessary in order to deal with this very serious problem. We will continue to work with the gentleman as we go to conference with the Senate. We will do the best we can to help on this important issue.

Mr. HERGER. Again I thank the chairman for that clarification.

Further, while I believe it would be inappropriate for those of us in Congress to micromanage the efforts of law enforcement as they work to dismantle these illegal drug networks by allocating funds only to specific areas, is the chairman able to clarify the committee's intention with regard to the distribution of funds throughout the Nation? Is it the committee's aim to ensure that the funds allocated are targeted to areas of the country that face the highest concentration of drug trafficking activity in the national forests?

Mr. DICKS. Yes, it is. I appreciate the gentleman bringing this to our attention. We should focus the resources on those areas where the problem is the most severe. If we have any problem with this, I'll be glad to work with the gentleman with the agencies involved to make certain that that happens.

Mr. HERGER. Again, I thank the gentleman from Washington and also the ranking member, Mr. TIAHRT.

AMENDMENT NO. 25 OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. MCHUGH: Page 55, line 22, after the second dollar amount insert "(reduced by $1,000,000) (increased by $1,000,000)".

Mr. MCHUGH. Mr. Chairman, I would like to begin by complimenting the chairman and the ranking member. I have sat on this floor for the last several hours and listened to the very impassioned debate. I think if nothing else it should underscore the fact that the committee and the subcommittee have faced some very difficult decisions. Unless you have had the opportunity, the honor of serving on the Appropriations Committee or perhaps being involved as a general Member of the House, it's difficult to understand how hard the choices are that they are forced to make year in and year out. I commend them for that.

I have come today not to criticize any of the choices they have made but, rather, to offer what I believe, Mr. Chairman, is a very straightforward and relatively simple amendment. It is simply designed to maintain, not increase, not add to but maintain what is a 10-year record of level funding, a 10-year record of level funding to restore $1 million for the CASTNET program, which stands for the Clean Air Status and Trends Network, which would restore that money to allow this program to do some very important work.

What is that work? It would allow the 80 monitoring stations that are maintained under CASTNET to continue operating at the level that they have, as I have said, with level funding over the past 10 years. These are monitoring stations for a very important issue associated with acid rain that operate in some 40 States, from California to Massachusetts, from Maine to Florida and many, many points in between.

I think we can all agree, Mr. Chairman, that for all of the debate that occurs about global warming, for all the debate that occurs about what should be done, one of the critical issues we should engage upon is that of monitoring to make sure that our baseline data, our research is sufficient to make the wise decisions.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I would be happy to yield to the distinguished Chair.

Mr. DICKS. I want to commend the gentleman for bringing up this issue. Based on the additional information that has come to light concerning the impact of this 25 percent reduction to the Clean Air Status and Trends Network, CASTNET, and based on the gentleman's hard work and effort on this, we are prepared to accept his amendment.

Mr. MCHUGH. I thank the gentleman for restoring the cut that was proposed by the administration. I commend him and the gentleman from Kansas for their work.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I would be honored to yield to the distinguished ranking member.

Mr. TIAHRT. I want to thank the gentleman from New York. This is a very important monitoring program. The gentleman from New York has made a very reasonable request. I want to thank him. I know he's been very concerned about environmental issues all across the Nation as well as in New York. I thank him for his leadership. We have no objection to this amendment and thank the gentleman for offering it.

Mr. MCHUGH. I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MCHUGH).

The amendment was agreed to.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

I raise the issue today of Storm Lake, Iowa. It happens to be one of the southerly most glacial lakes in the country, and it's the shallowest one that we have. It has been under a process of removal of that silt for water quality and for environmental reasons. We've done a great job of protecting the siltation in the entire watershed area. There's always ongoing work there, and it's never perfect. But this is a project that has been engaged in with local money, and that means private money, city money, county money, State money and Federal. It's a five-way partnership that has been working here, and we have 700,000 yards of silt to go.

I direct my inquiry to Chairman DICKS. I requested funds to address this challenge through the EPA's EPM account. It is my understanding, Mr. Chairman, that these projects have not been earmarked at this time for that particular account.

Would that be a correct assumption?

Mr. DICKS. If the gentleman will yield, yes, that is correct. There are presently no Member projects within the EPA EPM account within this bill.

Mr. KING of Iowa. I thank the gentleman. Is it the chairman's expectation that these types of projects will be added in conference with the Senate?

Mr. DICKS. While I can't predict the future of negotiations with the other body, I would be willing to take a closer look at the gentleman's specific concern at that time.

Mr. KING of Iowa. I thank the gentleman for his attention to this matter and Ranking Member TIAHRT as well and look forward to those discussions as we move forward to conference.

Mr. DICKS. If the gentleman will yield, one approach might be for the gentleman to go to the EPA with the money that they get that is unearmarked and make a presentation there about the importance of this program. I'm not certain he's going to do that, but that's a suggestion we have from our staff.

Mr. KING of Iowa. Reclaiming my time, I very much appreciate the chairman's recommendation and will happily follow through on that recommendation. I thank your staff as well.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 55, line 22, insert "(reduced by $3,884,000) (increased by $3,884,000)" after the second dollar amount.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the opportunity to offer this amendment.

This amendment would reduce the EPA operations and administrations budget by $3.884 million and increase the EPA's science and technology homeland security water security initiative by that same amount. This area of the EPA program was decreased by $3.884 million below the President's request and $9 million below 2007 appropriations levels.

The operations and administrative appropriations has been increased by $40.8 million from the 2007 level, although that's the administration's request and I commend the committee for meeting that request.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Washington.

Mr. DICKS. We are prepared to accept the gentleman's amendment.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate the chairman recognizing the importance of this initiative. I thank him very much.

I am happy to yield to my friend.

Mr. TIAHRT. I want to thank the gentleman from Georgia. I think it's a very important issue that we test our Nation's water and make sure that we do have a secure water system. This is very timely. We're a little behind schedule now, so I think it's a very appropriate amendment. We have no problems with it, either.

Mr. PRICE of Georgia. I thank the gentleman. I appreciate the individual's understanding and recognizing the importance of this initiative.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMISSION ON CLIMATE CHANGE ADAPTATION AND MITIGATION

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for support of the activities of the Commission on Climate Change Adaptation and Mitigation established by this Act, $50,000,000, to remain available until the termination of the Commission on September 30, 2009: *Provided*, That $5,000,000 shall be available to the Administrator of the Environmental Protection Agency for the direct support of the Commission in reviewing science challenges related to adaptation and mitigation strategies necessitated by climate change, and for identification of specific action steps to address these challenges: *Provided further*, That funding allocated for direct support of Commission activities shall include the salaries and expenses of Commission staff, travel and related costs of Commission members and for the contractual costs of the National Academy of Sciences: *Provided further*, That, not later than July 1, 2008, the remaining $45,000,000 shall be transferred by the Administrator to agencies or offices of the Federal Government with climate science responsibilities for implementation of Commission recommendations.

AMENDMENT EN BLOC OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. GINGREY:
Strike page 56, lines 1 through 23.

Mr. GINGREY. Mr. Chairman, I have two amendments that occur sequentially in the bill, and I would ask unanimous consent that my amendments be considered en bloc.

The Acting CHAIRMAN. Is there objection to considering the amendments as one?

There was no objection.

The Acting CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGREY:
Strike page 56, line 24, through page 57, line 11.

Mr. GINGREY. Mr. Chairman, my amendment strikes the Commission on Climate Change Adaptation and Mitigation from this appropriation bill. I offer this amendment not because I think an interagency climate change science program necessarily is a bad idea, but because it is clearly authorizing on an appropriation bill, and I object to this procedure.

House rule XXI (2) prohibits changing existing law in an appropriations bill. Contrary to this rule, the language included in the EPA section of H.R. 2643 changes existing law by establishing this new Commission on Climate Change Adaptation and Mitigation which is tasked with "reviewing science challenges related to adaptation and mitigation strategies necessitated by climate change."

☐ 1600

An interagency climate change science program that reviews these questions already exists under the Global Change Research Act of 1990. The Office of the Parliamentarian confirms that this provision does violate rule XXI.

Also, Chairman GORDON and Ranking Member HALL of the Science and Technology Committee sent a letter to the Rules Committee outlining these concerns requesting that the Rules Committee not waive points of order against this provision. Yet last night the Rules Committee reported out a rule that waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

Again, I reiterate, I am not opposed to authorizing a strong interagency climate change science program. In fact, on Wednesday, Science and Technology Committee will take up a bill, H.R. 906, that does just that. I plan to vote for it.

H.R. 906 reorients the U.S. Global Change Research Program to produce more policy relevant information about, among other things, adaptation and mitigation. It also emphasizes the need to develop information to help communities make themselves more resilient to climate and other environmental changes. This is nearly identical to the task given to the Commission on Climate Change in this bill, H.R. 2643.

Mr. DICKS. Will the gentleman yield?

Mr. GINGREY. I will be glad to.

Mr. DICKS. I appreciate the gentleman's very constructive approach to this matter. I just wanted to make sure the gentleman knew that the distinguished chairman of the Science and Technology Committee, Mr. GORDON, and I had a colloquy at the start of the day in which I committed myself to work with him to align our approach with the work of the Science and Technology Committee when that legislation is enacted.

I would hope that the gentleman might consider that in making his decision whether to go forward with this amendment, because I do believe we have a commitment to get this important work done.

As the gentleman has mentioned, and I will give the gentleman additional time, if necessary, as the gentleman has mentioned, adaptation and mitigation of the effects of climate change are terribly important to the United States, to our wildlife, to our habitat. In fact, this is an issue that is worldwide in reach and scope.

I would hope that the gentleman might reconsider his amendment to strike and allow us to go forward with a commitment that I have made to the chairman, and I make to you, that we will work this out in a way that is consistent with the authorizing legislation. That's why the chairman was willing to go along with me at this point.

Mr. GINGREY. Reclaiming my time.

The Acting CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. GINGREY was allowed to proceed for 2 additional minutes.)

Mr. GINGREY. Mr. Chairman, I thank the subcommittee Chair. Mr. DICKS and Mr. GORDON are honorable Members, and I am aware of the colloquy that they have had in regard to this matter.

But to me the point is, and I want to go forward with this amendment, because it's not just this authorizing committee that I am concerned with, the Science Committee that I sit in on or the Armed Services Committee, it's all the authorizing committees.

This rule, I think, is very, very important. For the Rules Committee to just waive this, I know that the other side, us, in the 109th, probably did the same thing on occasion.

But at some point we need to draw the line on this, and how do we know that this bill, H.R. 906, that we are going to consider tomorrow, will ever get through the other body, and then we have this bill that's basically an appropriations bill and legislating on that.

I think we ought to, as we go back into our district and talk to middle school students, and explain how this Congress works and what's the purpose of authorizing committees and appropriations committees, so they can understand that. This is just a situation where I feel very strongly about standing for the process, not necessarily what's been worked out between Mr. DICKS and Mr. GORDON.

I respect both of them, I trust them. I know they will try to work this out. But the more we do this, the more confusing it gets.

With all due respect to the chairman, I will not withdraw my amendment, but have a vote on it.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment.

I believe the report language beginning on page 100 very adequately describes and justifies the new Commission on Climate Change, adaptation and mitigation. As I noted in my opening remarks, we have tried in this bill to move the climate change debate beyond talking about whether global warming exists and, instead, focus on what we must do to deal with this as a reality. The recent reports of the international panel on climate change make clear that warming will persist for many years irrespective of any regulatory actions or technology breakthroughs which may occur in the near future.

Testimony before our subcommittee in April describes significant impacts already occurring. These impacts included increased wildfires, changing precipitation and water availability patterns, increasing presence of invasive species, changing migratory patterns for many animals and birds, and significant loss of habitat for many species. The 2-year Commission established in this bill is intended to help identify and jump start the science which can help our country and the world adapt to these changes.

The Commission brings together a panel of 15 of this country's science leaders, and is headed by the president of the National Academy of Sciences, Dr. Ralph Cicerone. Dr. Cicerone, who I have met with personally on this proposal, is one of the world's leaders in climate change studies.

While the use of advisory panels is common in guiding federally-funded science, this panel is different in two ways. First, it cuts broadly across all areas of Federal science in looking at the climate problem. I make no apology for that. This is a national and worldwide problem, and I think we need to think beyond the traditional agency or subcommittee's stovepipe approaches.

Second, the Commission has $45 million to begin implementation of its recommendations. Giving the commission implementation funds will make it both more credible and more effective.

This is not a large amount of money, but we believe it could get a few of the most critical science initiatives going without having to wait for the 2009 funding cycle.

Chairman OBEY has asked our subcommittee to be aggressive and imaginative in approaching the climate change challenge this year. We think that the funding, provided in this bill for the climate change adaptation and mitigation science, responds to that need, and I urge the funds be preserved.

The committee is aware, however, that a number of other committees are working on legislation in this area. Chairman OBERSTAR, from the Transportation and Infrastructure Committee, has written us in support of our Commission, which he believes can be supportive of efforts in his committee.

We are also working closely with the Natural Resources Committee, and we understand how Science, as I mentioned earlier, will mark something up in July. I want to assure the Members that when we get to conference on this bill, presumably in September, I am going to try for July. We will give full consideration to any new legislation which may be adopted as we finalize fiscal year 2008 spending for climate research in our committee.

I think it would be a real tragedy for this House, on the first major amendment this year on climate change, to have a negative vote, to show that we still don't get it, that we still don't realize that the planet is at risk here.

So I urge the committee to stay with us. This was approved in the Appropriations Committee, and I think it's a very good Commission, and I think this thing will work and will help us adapt to the problems that we are going to face because of this. We have these problems on all of our Federal lands. We had a hearing on that.

I think this is an important amendment. I urge everyone to defeat the gentleman's amendment.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to stand up in support of my colleague from Georgia's amendment.

I spent 12 years in the Georgia House in the minority. What I tried to do for that 12 years is change the process, because the process was broken. When the process is broken, the product is flawed.

When I came to Congress, I came as a freshman in the majority, and found that the process was still broken. So I found myself going from being in the minority trying to change the process, to being in the majority trying to change the process that the majority was using.

Now I find myself back in the minority still trying to change the process, because the process in Washington is broken.

I think Mr. GINGREY's amendment highlights that, in that we adopted rules in this House on first day, but we keep waiving those rules when those rules don't fit what we want to do. Now this is not to say anything about a Commission on Climate Change. But when you let public opinion, and you let political winds determine public policy, then the taxpayers of this country pay for it.

That's exactly what the majority party is doing. In fact, Mr. Chairman, we used to have a majority party and a minority party. I think, now, some people in this body think they are a monarchy, that they control everything, that the process should just be overlooked.

The gentleman's amendment talks about this process and who has authorization and who has oversight. If you will remember when we first opened up and we had the first 100 hours or 100 days or 100 amendments or 6 for '06 or whatever it was, we didn't go through any regular process, no regular order. So we have seen this body go from what the minority, now the majority, used to complain about us.

You know, my momma used to say to me, Lynn, if your buddy jumped off the cliff, would you jump after him? Well, I am going to ask, I am going to ask the side over there, if we jumped off a cliff or no matter what we had done, are you saying, well, you all did it. That sounds like a bunch of kids playing in a sandbox.

We need to stop the things that are wrong with the process today, no matter who used to do them. No matter what's been done in the past, let's look at today. Let's see if we can't make a difference.

That's what I ask, that we go through the normal process. I think the gentleman from Georgia's amendment gets us back to that place. It puts the Rules Committee, hopefully, back in a light to where they understand that we are not going to stand for the continual waiving of the rules that this House adopted.

I yield to the gentleman from Georgia.

Mr. GINGREY. I thank the gentleman for his remarks, and I thank him for yielding some time to me to conclude.

Mr. Chairman, I think the gentleman said it just as well as it can possibly be said. Again, I want the gentleman from Washington (Mr. DICKS) to know that it's not in opposition at all to the creation and the format of the committee. I think it's a grand design, a good idea. We all need to work toward climate change problems and solutions. I am just saying that this issue, and Mr. WESTMORELAND pointed out very well, that it's a process issue that we are opposed to, and I thank the gentleman for giving me the opportunity.

In conclusion, I want to urge my colleagues to allow the suitable authorizing committee, the Science and Technology Committee, to complete its consideration of the best way to improve our inter-agency climate science programs by supporting this amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose this amendment, and I hope that this amendment, obviously, will not pass.

In our subcommittee earlier this year, in testimony on the hearings that were held in relation to the park service and the Fish and Wildlife Service and the Forest Service and EPA, people spoke of the challenges to their stewardship, of our lands, basically our public lands, that were caused by climate change.

Then toward the end of our hearing's process, we held a hearing specifically on the issue of climate change and had witnesses who were experts in that field to speak to the issues there, and they testified describing, for instance, how permanent ice coverage in the Arctic has shrunk dramatically at an ever-increasing rate.

It's at an ever-increasing rate because, first of all, because ice coverage reflects sun's heat back to the atmosphere, back to space, whereas water and land absorbed that heat, so that heats, that raises the temperature.

Because methane is released from permafrost, as you take the ice cover off, and the land heats up, ends up expanding the greenhouse gas blanket that is the very cause of global warming. So they are telling us by the year 2050, we will have no ice over a substantial piece of the north polar region that is then contributing to ever more greater global warming.

☐ 1615

They tell us that the Everglades National Park is at risk from rising sea levels and more intense hurricanes. They tell us that the changing climate has allowed invasive species to move into new ecosystems where they have no predators and they can expand explosively, which they're doing, for example, the northern pine beetle in huge portions of the northern forests in the northern U.S. and in Canada over much of the central part of the continent, and increasing severity of droughts that will make our lands more vulnerable to forest fires and such. In any case, regardless of one's opinion on the need to regulate greenhouse gas emissions, it is irresponsible to ignore the impacts that we are witnessing.

For the record, this commission that the amendment would eliminate does not create any new regulations with regard to carbon dioxide emissions or any other greenhouse gas emission. What the commission does would be to review and assess the scientific challenges to the available adaptation and mitigation strategies necessitated by the climate change and simply provide recommendations to the various Federal agencies on how to proceed.

It seems to me that with the importance of this issue of global warming and the climate change that comes with that global warming, that it would be irresponsible for us not to look at those things that are particularly within the jurisdiction of our subcommittee and to seek the ways that we might adapt and mitigate those climate changes.

And so I hope that we will not be tempted here to take a shortcut that will cost us deeply in the future, and I hope this amendment will not be adopted.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

I speak as the ranking member of the Science and Technology Committee, and I support Dr. GINGREY of Georgia. And the problem is the process.

Actually, this committee oversees on some of the most exciting parts of the Federal Government. We hear from astronauts at NASA about new discoveries in space. We work with scientists at the National Institute of Standards and Technology to ensure that the best technology informs decisions, such as new materials, even for bulletproof vests, standards for the nanotechnology industry.

At the Department of Energy, we support research and the technologies to make America energy independent. And I guess through the National Science Foundation, the National Oceanic and Atmospheric Administration, Environmental Protection Agency and other agencies, we oversee the $2 billion interagency climate change science program. In fact, on Wednesday, the Science and Technology Committee will consider a bill, H.R. 906, to reauthorize this very important research program.

This is exactly why I was a little disturbed when I read H.R. 2643 and saw the provision establishing a commission on climate change, which is supposed to review the science challenges associated with adapting to climate change. That mission is the same as already existing interagency climate change science program. Also, establishing an interagency commission clearly violates clause 2 of rule XXI which prohibits changing existing law in an appropriations bill. The current interagency climate change science program was established by a Science Committee bill in 1990, the Global Change Research Act.

Actually, climate change science falls clearly within the jurisdiction of the Science and Technology Committee, and this provision of H.R. 2643 clearly violates clause 2 of rule XXI. For these reasons, I urge all my colleagues to support the rules of the House and the jurisdiction of the committee and vote "yes" for the Gingrey amendment.

The Acting CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was rejected.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Commission established and financed with this appropriation shall consist of the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the United States Geological Survey, the Undersecretary for Science of the Department of Energy, the Administrator of the National Oceanographic and Atmospheric Administration, the Chief of the United States Forest Service, the President of the National Academy of Sciences, who shall serve as the Commission's Chairman, the President of the National Academy of Engineering, and six additional members with appropriate expertise, to be selected by the Chairman.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,375,582,000, to remain available until September 30, 2009, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

AMENDMENT NO. 21 OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. JINDAL:

Page 58, line 3, insert "(reduced by $2,500,000) (increased by $2,500,000)" after the dollar amount.

Mr. JINDAL. Mr. Chairman, every summer an environmental phenomenon occurs off the coast of Louisiana, at times covering over 7,000 square miles off the Gulf of Mexico. This dead zone, or hypoxic zone, in the Gulf of Mexico is an expanse of oxygen-depleted waters that cannot sustain most marine life. This hypoxic zone is caused by excessive amounts of nitrogen pollution delivered to the gulf by the Mississippi River.

The dead zone has become a serious threat to commercial fishing, shrimping and recreational industries. The gulf produces approximately 40 percent of the United States commercial fish yield. The livelihoods of many thousands of people and their communities are at risk, as is the large marine ecosystem on which they depend.

My amendment provides resources to combat the development of hypoxia by directing $2.5 million in additional funding for the Environmental Protection Agency's Gulf of Mexico program. These funds will go to the five Gulf of Mexico coastal States, Texas, Louisiana, Mississippi, Alabama and Florida, local governments, colleges, interstate agencies, individuals and nonprofit agencies. They are used to develop the techniques and science needed to restore and protect the Gulf of Mexico ecosystem and included projects to develop solutions to the dead zone in the gulf, improve water quality, and restore coastal areas.

The Gulf of Mexico program, with a recommended budget of $4.5 million, has again been provided with much less funding than the other great water body programs, for example, the Chesapeake Bay at $30 million, the Great Lakes at $25 million, the Puget Sound at $15 million and the Long Island Sound at $10 million.

With the growth of the dead zone and the dramatic loss of coastal wetlands, my amendment will help to make up for this disparity at a time when funding to develop solutions is needed more than ever.

I urge my colleagues to support my amendment. We must develop the techniques to restore and protect the areas of our gulf coast.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Washington.

Mr. DICKS. I want to tell the gentleman I appreciate his hard work on this issue, and we're prepared to accept his amendment. And having had dead zones off the coast of Washington State, in Puget Sound and in Hood Canal, I can tell you this is a very serious problem, and I'm very pleased the gentleman is working so hard to deal with it and bring it to our attention.

Mr. JINDAL. I thank the chairman for accepting the amendment and thank him for his support.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that shifts funding within the EPA environmental program and management account.

Although the rules of the House prevent me from specifying in the amendment where the funding will go, it is my intention to increase by $2.5 million the funding for grants as part of the Environmental Protection Agency's Gulf of Mexico Program. Grants awarded under this program go to the five Gulf of Mexico coastal states (Texas, Louisiana, Mississippi, Alabama, and Florida), local governments, colleges, interstate agencies, individuals, and nonprofit agencies. They are used to develop the techniques and science needed to restore and protect the Gulf of Mexico ecosystem. They have been used for projects working to develop solutions to the dead zone in the Gulf, improve water quality, restore coastal areas, and educate others about findings to allow better informed decision-making.

The Gulf of Mexico Program, with a recommended budget of less than $4.5 million, has again been provided with much less funding than the other similar great water body programs. For example, the Committee has provided $30 million to the Chesapeake Bay program, $25 million to the Great Lakes program, and $15 million to the Puget Sound program. My amendment will help to make up for this disparity, at a time when grants to develop solutions in the Gulf are needed more than ever.

For example, it is imperative that solutions are found to the Dead Zone problem in the Gulf that are consistent with the economic well-being of the region and our inland states. The dead zone is an area off the Louisiana and Texas coasts in which water contains low amounts of oxygen. It is caused by excessive algal growth. The low oxygen causes fish and shrimp to leave the area, and it kills the marine life that cannot get away. Last year, the dead zone measured over 6,600 square miles, which is about the size of Connecticut and Rhode Island combined.

Another important area where solutions are needed is with restoring our coastal wetlands. Since the 1930s, coastal Louisiana has lost over 1.2 million acres, an area nearly the size of the state of Delaware. This area is critical to fish and wildlife, including endangered species, and to the people of Louisiana.

I urge my colleagues to support my amendment. The Gulf of Mexico produces approximately 40 percent of the U.S. commercial fish yield, and it provides critical habitats for 75 percent of migratory waterfowl traversing the United States.

We must develop the techniques to restore and protect the areas off our Gulf Coast. Increasing the allocations for grants will help to do that.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. CONAWAY:

Page 58, line 3, after the dollar amount, insert the following: "(reduced by $2)" .

Page 58, line 3, after the dollar amount insert the following: "(increased by $1)".

Page 60, line 24, after the dollar amount, insert the following: "(increased by $1)".

Page 61, line 13, after the dollar amount, insert the following: "(increased by $1)".

Mr. CONAWAY. Mr. Chairman, I will be willing to withdraw the amendment, but would first ask unanimous consent to enter into a colloquy with Mr. DICKS on the subject.

Mr. Chairman, I am sure you agree that all people deserve access to affordable drinking water and families in rural communities should not be required to spend thousands of additional dollars each year to comply with unfunded mandates from the EPA.

Mr. DICKS. I certainly agree with the gentleman that rural communities are unfairly burdened by the high costs associated with Federal clean water regulations and that families in such communities are shouldering alarmingly high rates of increase.

Mr. CONAWAY. Mr. Chairman, currently, small community water systems across America are being forced to increase rates to meet clean water regulations, and some of my constituents pay almost 800 percent more for their water than their urban counterparts. While the rules may be well-intentioned and promote public health, we must do a better job of addressing the restraint of small systems and their communities to raise the capital and afford water treatment technology. If we don't, rural, middle-income families will be forced to leave community water systems in favor of water sources they can afford, namely, unregulated shallow groundwater wells and dirt tanks, and that will not advance the cause of clean, safe water for everyone.

I have proposed to take a symbolic $2 from the Office of Ground and Drinking Water, the office which oversees these water regulations, and direct the symbolic funds to two offices which may assist rural water systems comply with these unfunded mandates.

First, the EPA is currently working on revising the Small Drinking Water System Variance Affordability Methodology, which, once completed, will redefine the EPA's definition of "affordable" to more accurately reflect the world in which rural America lives. My amendment would return $1 to the Office of Ground and Drinking Water to facilitate and urge the completion of this urgent report. Once completed, this report should help communities utilize the existing routes to afford more cost-effective technology.

Second, I would have chosen to redirect $1 to the Drinking Water State Revolving Fund, which was established in the Safe Drinking Water Act Amendments of 1996 to highlight the shortfall in funds faced by small community water systems. Although loans are not an ideal way to support unfunded mandates on small water systems, I have been unable to find any other relevant program to build these funds.

I would like to encourage the creation of a significant grant program for Small Community Water Systems using existing funds. I would like this fund to be modeled on the USDA Rural Utility Services and the Clean Water Hardship Grants program. There is an urgent need for some funding, as the Rural Utilities Service currently has a backlog of $3.3 billion worth of program applications, and the EPA estimates that over the next 20 years small water systems will need $34 billion to continue to meet EPA mandates.

To begin the discussion and move us in the direction of clean, safe and affordable rural drinking water, I have recently introduced H.R. 2141, the Small Community Options for Regulatory Equity Act. This bill would further assist rural communities in complying with the cost of clean water regulations by allowing not-for-profit water systems serving less than 10,000 people to request exemptions from the national drinking water standards that are too costly for them to implement. This would return decision-making power to our local communities who are best suited to understand their needs and resources and ensure that rural communities could provide clean enough water without forcing their citizens to completely unregulated water sources.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Washington.

Mr. DICKS. I commend the gentleman for his efforts on the part of his constituents and for all the rural water users who are facing similar problems. I commit to work with the gentleman to see what can be done to address the problems as this legislation moves forward to conference with the Senate.

I might point out that we did put $16 million in the bill for the rural water. There's going to be a competition. This had been an earmark in the past, but it got thrown out in 2007.

☐ 1630

I have been calling over there to Mr. Grumbles at the EPA to try to get this thing moving as fast as possible so that the money gets out to the rural communities. And I commend the gentleman. This is a major problem. I have a lot of rural areas in my district, and every single one of them is having a terrible time getting the money to do the clean water issues.

Now, remember this too: When Christine Todd Whitman did her study, she came up with a backlog of $388 billion. So we are going to need a new authorization program. And I commend the gentleman for having one that focuses on the rural areas. And we have got to at least do that as a priority.

So I commend the gentleman and we will continue to work with him.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. CONAWAY was allowed to proceed for 1 additional minute.)

Mr. CONAWAY. Mr. Chairman, I yield the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Chairman, I thank my colleague from Texas for his work on this issue.

The need for rural water assistance needs continues to increase with the expansion of Federal water regulations. And because of limited local resources, small communities in my district face severe hardships as they comply with the Safe Drinking Water Act and the Clean Water Act.

We need to find ways to work to protect the public health without placing overbearing costs on small communities, and I look forward to the EPA's updates to the Small Drinking Water System Variance Affordability Methodology.

Mr. CONAWAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $43,500,000, to remain available until September 30, 2009.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,801,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,272,008,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2007, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,272,008,000, as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2009, and $26,126,000 shall be paid to the "Science and Technology" appropriation, to remain available until September 30, 2009.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, and for construction, alteration, repair, rehabilitation, and renovation of Environmental Protection Agency facilities, not to exceed $85,000 per project, $117,961,000 to remain available until expended, of which $82,461,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally-recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $17,280,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,391,514,000, to remain available until expended, of which $1,125,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $842,167,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $10,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005, the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $140,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $50,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,113,847,000 shall be for grants, including associated program support costs, to States, federally-recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $25,000,000 shall be for making competitive targeted watershed grants, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for financial assistance to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2008 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2008, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally-recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2008, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that

Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSIONS OF FUNDS)

For fiscal year 2008, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

From unobligated balances to carry out projects and activities authorized under section 206(a) of the Federal Water Pollution Control Act, $5,000,000 are hereby rescinded.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Of the funds provided in the Environmental Programs and Management account, not less than $2,000,000 shall be available to take such actions as are necessary for the proposal of regulations requiring the reduction of greenhouse gas emissions and to publish such proposed regulations.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are some people on their way down here that wanted to talk about a very important issue related to the Department of Agriculture related to Payment in Lieu of Taxes, which is an issue that has been very important to many members of the committee, especially the Western Caucus. And in that problem we have seen several charts that have been brought forward. One of them showed all of the Federal lands that are in the Western States and because of those Federal lands, they are unable to assess taxes for their local communities and including their schools.

So at this point in time, it seems like it is a very pertinent time for us to deal with the PILT issue. And I know, Mr. Chairman, when we heard testimony about Payment in Lieu of Taxes, it was a great hardship on the local communities, especially the schools.

We should give our Members an opportunity to talk about their particular communities and the needs that they have. I think it is important for us to think about how we are going to make an equitable situation for these Western States where they have problems in those areas.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thought the gentleman has been urging me to try to figure out ways to reduce the size of this bill. We have already increased PILT by $43 million. I mean, when does this end?

Mr. TIAHRT. Reclaiming my time, Mr. Chairman, I believe that the concept is to not increase the amount of the bill but to rebalance it so that it is a more balanced bill that would take into consideration some of the needs of the people in the Western States, which I think is a fair debate for us to have on the floor. Some of these local communities have had very difficult times.

But in order to move the bill along, I will yield back the balance of my time so that we can get on with the other issues.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

I just want to say that I am certainly not in favor of, Mr. Chairman, increasing this bill any more. In fact, I think we really need to look at where it is at. At $27.6 billion in discretionary funding, that is $1.9 billion or 7.5 percent more than the President requested, and it is $1.2 billion over fiscal year 2007. So it is about, I guess, $700 million more than the President requested.

We have been on this floor, Mr. Chairman, and have heard the majority brag about how they were spending less than the President requested and that they had actually cut it and it wasn't as much as the President had requested.

Well, here is one that is more than the President requested. And it is adding money for the Climate Change Commission, the sense of Congress. We are looking at maybe not becoming dependent on our own oil supply and requiring and leaning more on the foreign oil supply.

So I hope that we would not look at this as, I guess, doing something that needs to be done. It is a process of spending more money.

If you look at the 302(b) allocations for fiscal year 2008, Mr. Chairman, $83 billion. And most Americans, including myself, don't really understand what $1 billion is. There are very few people in this country that are even worth $1 billion. This spends $83 billion more than the 2007 enacted budget levels.

I have heard the majority say, well, we have got this increase because these programs were starved to death during the last 6 years. They were just starved to death. Well, the reality is domestic discretionary spending has increased 40 percent since 2001.

Let me say this, and I spoke about it before in my last conversation, the process is broken and the product is flawed. Let's recognize that and don't pass another flawed product because the process is not breaking itself; we are breaking the process because we are the ones that the people elect to put in charge of the process to make it run correctly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $295,937,000, to remain available until expended: *Provided*, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

On page 67, line 8, insert after the dollar amount "(increased by $13,000,000)".

On page 96, line 14 insert after the dollar amount "(decreased by $31,588,000)".

Mr. DICKS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Mr. BISHOP of Utah. Mr. Chairman, to paraphrase the misquote of one of my heroes, Yogi Berra, this is "deja vu all over again," this actually was the substance of an amendment that was offered earlier this morning. It was repealed because the numbers did not actually meet the necessities of some of our requirement. This now comes back to you with new numbers in there that I think will meet the necessity of the requirements for our accounting system that happens to be there.

We did, obviously this morning, talk about the extreme necessity of dealing with border security with our public land system. We talked a lot about immigration, but we don't also indicate how this plays a part with our public lands.

We talked about the 1,900 acres that was burned. We suspect it was coming from a campfire by illegals. The gentleman from Iowa has used some of my pictures to show the amount of trash that was left behind in this critical habitat area, once again by illegal immigrants. We have talked about areas in which it is unsafe. One-third of the national monument has been closed down because it is unsafe to go in there by the Park Service personnel without armed guards accompanying them.

In testimony given to the Appropriations Committee, I know last year and perhaps it was replicated again this year, there was a discussion about the national forest area along the 60 miles contiguous with the Mexican border known as the Coronado National Forest. Once again, it has 12 different mountain systems, 203 threatened and endangered and sensitive species, eight wilderness areas that are in this particular area, and they were literally begging for the resources sufficient to address the adverse impact due to illegal border traffic. That is what this amendment tries to do.

I appreciate earlier this morning the many comments, especially from the ranking member, of how significant this issue actually is. It is true we are moving money from a program, in this case, the National Endowment For the Arts, to border security. I would point out that we are not taking, as some amendments have and I am certainly not proposing that, all of the money from NEA to move into helping with border security. We are still leaving a $4 million increase above and beyond what was last year in the appropriated budget for the NEA. So we are trying to do that. Even though this program hasn't been reauthorized since 1992, we are still allowing that type of an increase.

But what our comment is basically saying is whenever we have these budgets, we have to make some kind of prioritization. And my contention is that the committee misprioritized when they put some money opposite others and that this has a higher and more significant need at this particular time.

Perhaps if we were starting over again, both these programs could be funded adequately. But at this stage of the game, there are only certain pots from which the money can be taken, and I still think that this is the effective way of making sure there is still an increase, once again to a program that hasn't been reauthorized since 1992, and at the same time putting a significant amount of resources to our land managers who desperately need those resources to do their job in protecting our southern borders and protecting the land that we have set aside for its sensitive nature and its specific qualities. That has to be there.

With that, Mr. Chairman, that is the specific element of this particular amendment, to try to reprioritize to meet the needs of our southern border, which at this time, when we are talking about immigration, is such a significant issue.

☐ 1645

Mr. DICKS. Mr. Chairman, I withdraw my point of order, and I rise in opposition to the amendment.

The principal purpose of this amendment is to block the long overdue increase in funding for the National Endowment for the Arts provided in the bill.

The gentleman is correct that the bill reported by the committee provides $160 million for the NEA, an increase of $35 million over the 2007 enacted level. I am very proud of that increase, which I think is fully justified and broadly supported by Members of this body.

It is important for Members to realize, as they consider the committee's action, that the $160 million recommended only partially restores cuts made to this agency a decade ago. In fact, the amount in this bill is just $16 million below the level provided in 1993. After adjusting for inflation, the amount recommended is $100 million below the level in 1993 as displayed on the chart in front of the Members.

As we debate this amendment, Members should also note the National Endowment for the Arts has been transformed since the arts' funding debate of the 1990s. Two gifted chairmen have reinvigorated the NEA into an agency with broad support. Chairman Bill Ivy, appointed by Bill Clinton, negotiated, then implemented bipartisan reforms in NEA's grant structure to ensure that funds go to activities for which public funding is appropriate. Dana Gioia, the current chairman, then energized the agency with many new programs and a commitment to reach beyond the culture centers of our major cities.

Last year, every single congressional district received NEA support through innovative programs such as American Masterpieces, Operation Homecoming and the Big Read. Today, NEA is truly a national program with outreach efforts to every corner of America and every segment of our society.

Each of us has different reasons to support the arts. Some will describe their support in terms of the inherent joy of the arts as a personally enriching experience. Others support the arts as an engine of job development and economic growth. It is equally important to emphasize that here in the House we've had votes on this issue year after year after year. In fact, in the last 2 years, the votes on the Slaughter-Dicks amendment have been accepted on voice vote.

As far as I'm concerned, one of the things that I'm proudest of is the fact that we had a hearing this year and brought in artists from all across our country to testify about the arts and what it means not only in terms of educating our youth, but also what it means to the American people.

I'm always surprised that there are some on the other side of the aisle who always want to beat up on the National Endowment for the Arts. In fact, when Mr. REGULA was chairman of the committee, an outstanding chairman, he put into place some very significant reforms which I supported. And what we emphasized was quality, that we don't have enough money to fund every single project, that we must emphasize quality. And that's what Mr. Ivy has done; that's what Mr. Gioia has done. And I want you to know the endowment is thrilled about this increase. They think they can spend this money wisely and effectively.

I just urge the gentleman to reconsider his amendment. I wish he would withdraw it and recognize and join all of us who support the arts here in the United States. I'd like to see us have a bipartisan approval of this bill, and particularly this particular increase for the Endowment for the Arts. And we also increase funding for the National Endowment for the Humanities. The humanities are very important to our country as well.

So I urge that we oppose this amendment and keep moving along.

The Acting CHAIRMAN. Does any other Member wish to be heard regarding the amendment by the gentleman from Utah?

The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

Mr. DICKS. Mr. Chairman, the gentlewoman from New York was on the floor asking for recognition.

Ms. SLAUGHTER. I move to strike the requisite words.

The Acting CHAIRMAN. The gentlewoman will suspend.

Mr. DICKS. I ask unanimous consent that the gentlelady be recognized.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Without objection, the voice vote is vacated.

There was no objection.

The Acting CHAIRMAN. The gentlewoman is recognized.

Mr. BISHOP of Utah. Mr. Chairman, I do have a request before you actually officially announce the voice vote. Does this UC prohibit me from making a request for a recorded vote?

The Acting CHAIRMAN. No. Another voice vote will be taken.

Mr. DICKS. Thank you. I appreciate the gentleman's courtesy.

Ms. SLAUGHTER. And so do I.

Mr. Chairman, I rise in strong opposition to the amendment that will strip $31.5 million for the National Endowment for the Arts.

Nearly 12 years ago, the Republicans slashed the 1988 budget nearly in half.

In 1992, funding for the NEA reached an all-time high of $176 million. However, 4 years later, just 4 years later, they cut the funding to $99 million. Despite obstacles posed by a lack of adequate funding, the NEA persevered, and under the leadership of Chairman Gioia, instituted national programs to engage all Americans in the arts.

Recognizing its accomplishments, Congress began to support it once more and has approved funding increases by voice vote for the last 2 years. That support could not be more deserved, from Shakespeare in American communities to the NEA Jazz Masters, from American Masterpieces to the Big Read, the NEA has made art programs accessible to Americans in every congressional district.

Its programs enrich our culture by inspiring provocative community discussions and energizing the Nation's creative spirit. And every year, we hear more good news from the NEA.

Innovative programs are bringing arts to our schools, our community leaders and even our military bases, with Great American Voices, and are appreciated. This popular program has brought about 24 professional opera companies to 39 military bases across the country.

In 2004, the NEA initiated another program directed to military families called Operation Homecoming. It helped our troops and their families to write about their wartime experiences. The anthology of contributions was published by Random House in September 2006, and I encourage all of my colleagues to read it. The stories of patriotism and courage are truly inspiring.

What's more, the arts are improving our economy. This is terribly important. Americans for the Arts has just released a study on the economic impact of nonprofit art organizations. In 2002, the second Arts and Economic Impact Study told us that nonprofit arts organizations created $134 billion annually in economic activity. Just 5 years later, that number has gone up 24 percent to $166 billion. For the small investment we make, we bring back into the Federal Treasury $166 billion a year. That means that while they pump $63 billion into community economies, audiences are spending an additional $103 billion on local hotels, restaurants, parking, souvenirs, refreshments and other associated costs. And these numbers likely underestimate the total economic impact of the arts. New York City and Los Angeles were not even included so as to avoid skewing the national estimates.

So what do these figures mean for us? That $166 billion in economic activity means $104.2 billion in resident economic income. It means $7.9 billion in local government tax revenues. It means $9.1 billion in State government tax revenues. It means $12.6 billion in Federal Government tax revenues, and 5.7 million full-time equivalent jobs.

To put that in perspective, over 1 percent of the American workforce is employed in an arts-related industry. That is a greater percentage than the number of Americans who are police officers, accountants, lawyers, firefighters, telemarketers, computer programmers, mail carriers or professional athletes. What community in America could afford to lose those jobs?

A generous estimate of the total Federal investment in the arts is $1.4 billion, yet we earn about $12.6 billion. That is a 12-1 return on the Federal investment. No place else, Mr. Chairman, do we see a return like that.

Simply put, in every way, investment in the arts is sound public policy. Cutting funding would ignore everything positive we know about it, and it is the wrong policy.

I want to thank Subcommittee Chairman DICKS and Ranking Member TIAHRT for funding the National Endowment of the Arts at a level that reflects its important role in fostering creativity and making art accessible to Americans.

Mr. Chairman, your leadership and enduring commitment to this issue has been instrumental in keeping arts part of our national priorities. Thank you, and I thank the staff.

Mr. SHAYS. I wonder if the gentlelady would yield?

Ms. SLAUGHTER. Of course I will yield.

Mr. SHAYS. Not to take another 5 minutes, the statistics that you present are what I would want to share. As cochair of the NEA, I want to say how proud I am to be able to vote for a budget that finally is beginning to pay attention to the arts.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. DICKS. I ask unanimous consent that the gentlelady have 1 additional minute.

The Acting CHAIRMAN. The gentlewoman can have 1 additional minute or can conclude her time, and the gentleman from Connecticut can be recognized on his own time.

Ms. SLAUGHTER. Thank you very much for that. I won't take that much time.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Ms. SLAUGHTER. Already?

Mr. DICKS. Mr. Chairman, I just asked unanimous consent for the gentlelady to have 1 additional minute.

The Acting CHAIRMAN. And I stated that the gentlewoman could have 1 additional minute or could complete her time, and the gentleman from Connecticut should have his own time. I asked the gentlewoman from New York what is her preference.

Mr. DICKS. What's the difference? I'm the chairman of the committee. I can ask unanimous consent any time I want.

I ask unanimous consent for 1 additional minute for the gentlelady from New York.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York is recognized.

Ms. SLAUGHTER. I thank everybody, but I certainly want to thank Mike Stevens and Pete Modaff for their work on the decade-long fight to restore funding for the NEA. I encourage my colleagues to support the progress we've made in restoring funding to the NEA.

Mr. DICKS. Will the gentlewoman yield?

Ms. SLAUGHTER. I will yield.

Mr. DICKS. I was somewhat mystified by the gentleman's amendment. He was talking about the border. As we understand it, the money for this amendment would go to Forest Service research, which is, as we understand it, $15.5 million over the old 2007 level, and $33 million over the President's level in our budget. We don't need any more money for the forest research. We've already very adequately and generously taken care of it.

I appreciate the gentlelady for yielding and for her great leadership over many years. I have always enjoyed being your partner on this important amendment, and now we're close to getting back to where we need to get.

Ms. SLAUGHTER. Thank you, Mr. DICKS. Thank you, Mr. SHAYS.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, (Mr. DAVIS of Alabama) Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DICKS. Madam Speaker, I ask unanimous consent that, during further consideration of H.R. 2643 in the Committee of the Whole pursuant to House Resolution 514, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Ms. JACKSON-LEE of Texas regarding historic preservation;

An amendment by Mr. PEARCE striking language related to administrative cost sharing for certain activities performed by the Minerals Management Service;

An amendment by Mr. LAMBORN regarding funding for the National Endowment for the Arts;

An amendment by Mr. RAHALL to strike certain provisions relating to national wildfire refuge management of wild horses;

An amendment by Mr. KING of Iowa regarding funding for the U.S. Forest Service;

An amendment by Mr. NUNES regarding funding for the U.S. Forest Service;

An amendment by Mr. LOBIONDO regarding funding for the Agency for Toxic Substances and Disease Registry;

An amendment by Mr. ELLSWORTH regarding Smithsonian Institution salaries;

An amendment by Ms. GINNY BROWN-WAITE of Florida reducing funding for the National Endowment for the Arts;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 40 minutes;

An amendment by Mr. TOM DAVIS of Virginia striking language expressing the sense of Congress on global climate change;

An amendment by Mr. BARTON of Texas or Mr. SULLIVAN regarding global climate change;

An amendment by Ms. EDDIE BERNICE JOHNSON of Texas regarding Maximum Achievable Air Control Standards;

An amendment by Mr. ANDREWS or Mr. CHABOT regarding the Tongass National Forest;

An amendment by Mr. INSLEE or Mr. LOBIONDO regarding importation of polar bear parts;

An amendment by Mr. SALAZAR or Mr. UDALL of Colorado regarding oil and gas leasing on the Roan Plateau;

An amendment by Mr. UDALL of Colorado regarding oil shale leasing;

An amendment by Mr. UDALL of Colorado regarding RS 2477 road determinations;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. DEFAZIO or Mr. WALDEN of Oregon regarding Secure Rural Schools county payments;

An amendment by Mr. PEARCE prohibiting funds for the continued operation of the Mexican wolf program;

An amendment by Mr. PEARCE prohibiting funds for the expansion of the Mexican wolf program;

An amendment by Mr. DENT prohibiting funds for implementation or enforcement of certain provisions of the Indian Gaming Regulatory Act;

An amendment by Mr. KINGSTON prohibiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration;

An amendment by Mr. UPTON regarding use of Energy Star certified light bulbs;

An amendment by Mr. GARRETT of New Jersey limiting the use of funds for international conferences;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 4.3 percent, which shall be debatable for 40 minutes;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 40 minutes;

An amendment by Mr. GARY G. MILLER of California regarding funding for the San Gabriel watershed study;

An amendment by Mr. BISHOP of Utah limiting the use of funds for nonprofits which are a party to a lawsuit against certain Federal agencies;

An amendment by Mr. BISHOP of Utah limiting the use of funds for land condemnation actions;

An amendment by Mr. DOOLITTLE regarding funding for the Secure Rural Schools and Community Self-Determination Act;

An amendment by Mr. STUPAK regarding funding for the EPA Administrator's security detail;

An amendment by Mr. KING of Iowa prohibiting funds for certain EPA computer modeling activities;

An amendment by Mr. CANNON prohibiting funds for certain oil shale leasing activities in Utah and Wyoming;

An amendment by Mr. CANNON limiting the use of funds to implement restrictions on certain oil and gas leasing activities;

An amendment by Mr. HELLER of Nevada prohibiting funds in contravention of a court decision related to the Southern Utah Wilderness Alliance;

An amendment by Mr. HELLER of Nevada limiting the use of funds for certain Heritage Areas that do not contain private property provisions;

An amendment by Mr. FLAKE prohibiting funds for the Ohio Association of Professional Firefighters in Columbus, Ohio;

An amendment by Mr. FLAKE prohibiting funds for the W.A. Young and Sons Foundry in Greene County, Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Philadelphia Art Museum in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Payne Gallery at Moravian College in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for certain entities related to the Southwest Pennsylvania Industrial Heritage Route;

An amendment by Mr. HENSARLING limiting funds for the Clover Bend Historic site;

An amendment by Mr. HENSARLING limiting funds for the St. Joseph's College Theater;

An amendment by Mr. HENSARLING limiting funds for the Bremertown Public Library;

An amendment by Mr. HENSARLING limiting funds for the Maverick Concert Hall;

An amendment by Mr. CAMPBELL of California limiting funds for Wetzel County Courthouse;

An amendment by Mr. CAMPBELL of California limiting funds for equipment for anadromous fish research;

An amendment by Ms. JACKSON-LEE of Texas regarding urban forestry;

An amendment by Ms. JACKSON-LEE of Texas regarding Smithsonian Institution outreach;

An amendment by Mr. OBEY regarding earmarks;

An amendment or amendments by Mr. DICKS regarding funding levels; and

An amendment by Mr. FEENEY regarding competitive sourcing.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule

XVIII. the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2643.

☐ 1706

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. DAVIS of Alabama (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $280,602,000, to remain available until expended, as authorized by law; of which $8,000,000 is for the International Program; and of which $56,336,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,506,502,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2008 shall be displayed by budget line item in the fiscal year 2009 budget justification.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $480,197,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities, and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in addition $40,000,000 to be transferred from the timber roads purchaser election fund and merged with this account, to remain available until expended: *Provided*, That $65,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs required due to recent storm events: *Provided further*, That up to $65,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2008 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,485,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310.)

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $56,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), $5,053,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,974,648,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $310,258,000 is for hazardous fuels reduction activities, $18,000,000 is for rehabilitation and restoration, $23,500,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,221,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $14,252,000 is for forest health activities on Federal lands and $10,014,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, joint fire sciences, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the

House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $10,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $7,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $24,021,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $5,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps or the Public Lands Corps (Public Law 109–154).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $100,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

□ 1715

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Chairman, I would like to enter into a colloquy with my colleague from Kansas, Ranking Member TIAHRT, and Chairman DICKS.

Mr. Chairman, I would like to bring to light an issue of great importance to southeast Kansas, and I think we have a visual down here that we can point to in a minute.

Treece, Kansas, is a small town of about 150 people. It is part of the Tri-State mining district of southwest Missouri, southeast Kansas and northwest Oklahoma, producing lead, zinc and coal. Much of the lead and zinc that was used in ammunition and equipment to win World War II came from this area. However, this mining has led to incredible environmental problems, to include significant subsidence and health problems from chat piles, otherwise known as mining waste. The photograph that we have here on the easel, those are the chat piles we are talking about.

This problem has been under study for years. In 2004, Senator INHOFE from Oklahoma arranged for the Army Corps of Engineers to conduct a subsidence risk study for northern Oklahoma towns similar to Treece. The results of this study lead to a voluntary buyout program allowing Picher, Oklahoma, residents to move.

The Kansas Geological Survey did a stability study and hazard evaluation of southeast Kansas mining areas in 1983. The report indicated that Treece is "located within the Picher field and is surrounded on all sides by abandoned mine workings and is extensively undermined."

In a letter to me dated March 30 of this year from the EPA in D.C., they note that, "The Treece sub-site is part of the former Picher mining field centered near the town of Picher, Oklahoma." In fact, Treece was originally platted as part of Picher, Oklahoma. It sits right on the Kansas-Oklahoma border and is separated from the town of Picher only by a political boundary. Treece receives its electricity and emergency services from Picher, Oklahoma.

The geology of Treece and mining techniques that were used are the same as in Picher. In fact, and this is the point I would like to make, Treece, Kansas, and Picher, Oklahoma, are in fact the same minefield.

Mr. Chairman, I would like to make two points: First, if we must, we will ask the Army Corps of Engineers to conduct a study similar to the one done in Picher. But we should not have to. The Treece community should be treated the same as Picher.

Second, while Treece is designated as part of the EPA Superfund site, EPA has yet to approve a request for funding that would remove the chat from Treece and other sites along the Kansas-Oklahoma border. This requested funding would allow removal of this dangerous material over a 10-year period.

Addressing both of these issues for the good people of Treece, Kansas, is long overdue, and we certainly appreciate this committee's attention.

Mr. TIAHRT. Mr. Chairman, if the gentleman from Washington will yield, I thank the gentlewoman from Kansas for bringing this to the attention of the House. This is a very important issue.

The community of Treece has been trying to bring this issue to resolution for years. In fact, it was over a decade ago when it first came to my attention, and I had a staff member working on it for some time. I am pleased that the gentlewoman is carrying on the work of her predecessor, Congressman Jim Ryun, and other Kansas officials. Earlier this year, State Representative Gatewood came to my office and asked for some help with the Office of Surface Mining, and we still have the request pending from them as well.

According to the estimates for the State of Kansas, it will cost approximately $8 million to conduct a buyout program, which is not a lot of money in the scheme of things. While we understand that the bill which we are debating today cannot address the buyout program, we both hope that the EPA will speed its approval of the funding to remove the chat and hope that other Federal resources will come to bear to help the people of Treece find relief through a similar buyout program.

I am also hopeful that the OSM and the Army Corps of Engineers will also help the residents in their struggle to improve their communities.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to thank my colleague from Kansas for working on this issue. I understand Treece's frustration and look forward to working with you to see what the agencies within our subcommittee's jurisdiction can do to help. We appreciate your bringing this to our attention.

Mrs. BOYDA of Kansas. Mr. Chairman, I would say thank you to both of the gentlemen. The good people of Treece are very deeply appreciative.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $45,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,023,532,000, to remain available until September 30, 2009, except as otherwise provided herein, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That not less than $561,515,000 shall be for contract medical care: *Provided further*, That of the funds provided, up to $32,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613), shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, nct to exceed $274,638,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2008, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $360,895,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of a federally-recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,117,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,212,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA.

AMENDMENT NO. 24 OFFERED BY MR. LOBIONDO

Mr. LoBIONDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. LoBiondo:

Page 89, line 13, after the first dollar amount, insert "(increased by $1,000,000) (reduced by $1,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. LoBIONDO) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order against this amendment.

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order.

The Chair recognizes the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, I rise today to strongly support this amendment. This amendment would simply put in $1 million and then take back out $1 million for the purpose of directing the administrator of the Agency for Toxic Substance and Disease Research to use these funds to conduct initial long-term testing of children exposed to mercury from mercury-contaminated industrial sites.

Last July, I learned that a daycare center in my district had been opened mistakenly on a site that was previously used by a thermometer manufacturer. The manufacturer had a history of mercury contamination and had not properly cleaned up the site.

The mercury contamination of this site was so egregious that parents spoke of their children coming home from the daycare center with bubbles of mercury clinging to their backpacks. As a result of this, the children who innocently played on the grounds of the daycare center were diagnosed with mercury levels much higher than normal and suffered symptoms of mercury poisoning, such as headaches, sleeping problems and rashes.

As you may know, mercury is a potent neurotoxin that can affect the nervous system.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I am prepared to accept the amendment. We want to work with the gentleman on this a little bit to improve it as we get to conference. But we are prepared to accept it.

Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman's point of order is withdrawn.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman from New Jersey for taking an issue that is so important to his district and really important to the kids in that area that have been exposed to mercury and would join with the chairman in supporting your amendment.

Mr. LoBIONDO. Mr. Chairman, reclaiming my time, I thank the chairman and Mr. TIAHRT.

I would just like to point out that this incident demonstrated that children can, unfortunately, be exposed to mercury from contaminated industrial sites. The amendment will help ensure that funding will be available for any Member in any district that this may take place.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LoBiondo).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,549,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: *Provided further*, that notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary. expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $9,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,297,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $536,295,000, of which $1,578,000 for fellowships and scholarly awards shall remain available until September 30, 2009, including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $116,100,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $101,850,000, of which not to exceed $3,239,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $18,017,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $20,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $23,150,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $160,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $145,500,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,500,000, to remain available until expended, of which $9,500,000 shall be available to the National Endowment for the

Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: *Provided further*, That section 309(1) of division E, Public Law 108–447, is amended by inserting "National Opera Fellowship," after "National Heritage Fellowship".

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,092,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $10,000,000: *Provided*, That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,348,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,265,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $44,996,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,400,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the White House Commission on the National Moment of Remembrance, $200,000, which shall be transferred to the Department of Veterans Affairs, "Departmental Administration, General Operating Expenses" account and be administered by the Secretary of Veterans Affairs.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2008, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2007 for such purposes, except that the Bureau of Indian Affairs and federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. Prior to October 1, 2008, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 414. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2008, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2008 for programs, projects, and activities for which funds are appropriated by this Act.

(2) None of the funds available to the Forest Service may be used in fiscal year 2008 for competitive sourcing studies and related activities.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(d) In carrying out any competitive sourcing study involving Department of the Interior employees, the Secretary of the Interior shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Department of the Interior to effectively and efficiently fight and manage wildfires.

SEC. 415. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking "2006" and inserting "2012"; and

(2) in subsection (b) by striking "2006" and inserting "2012".

SEC. 416. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003, regarding Forest Service cooperative agreements with third parties that are of mutually significant benefit (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for a colloquy.

Ms. SHEA-PORTER. Mr. Chairman, I would like to thank you for your leadership on this bill, in particular for your strong support of increased funding for the National Wildlife Refuge System which protects our valuable natural resources and wildlife and maintains more than 96 million acres of land across the country.

I also want to thank ranking member Tiahrt and the entire Interior and Environment Subcommittee for their tireless work on this bill and, importantly, for including language and funding to help address some of the most pressing problems facing our National Wildlife Refuge System.

Mr. Chairman, the staffing shortages plaguing our wildlife refuges have been brought on by years of underfunding and a lack of commitment to ensuring that these pristine lands are kept safe, secure and properly maintained. The language included in the bill before us is a big step in the right direction, but I think you would agree it is only a first step.

We will need to do more if we want to alleviate the strain put on our refuges, like the Great Bay Wildlife Refuge along the eastern shore of New Hampshire. Great Bay protects a number of both Federal- and State-protected species, including the symbol of our American freedom, the Bald Eagle. However, funding shortages have caused the refuge system to severely cut back on staff at Great Bay over the past few years.

□ 1730

What once was a staff of four has been reduced to one, and now the refuge system has announced that they will be eliminating that position as early as next month. This will leave a major wildlife refuge with no full-time staff and totally unprotected for the large majority of the time. With over 60,000 visitors a year, this lack of staffing could pose a serious threat to the wildlife and ecosystem protected in Great Bay.

Mr. Chairman, I understand that there is strong language in your bill regarding the staffing shortages at refuges across the country. May I clarify that the increased funding provided to the wildlife refuge system through the operations and management accounts is meant to help the system address these shortfalls and ensure that staff is placed where needed to protect these environments?

Mr. DICKS. Yes, that is correct. As written in the committee record, the committee believes it is important to address the shortfalls in staffing around the Nation, and we have provided the largest operational increase in the history of the refuge system to do so.

We have also included language directing consideration to those areas, like Great Bay, that have pressing shortfalls and needs.

Ms. SHEA-PORTER. Thank you, Mr. Chairman. The committee has also included language addressing the problem of complexes. Would the chairman clarify the committee intent to reduce the number of complexes where refuges are consolidated into groups with staff overseeing multiple sites, sometimes with great distances between them?

Mr. DICKS. That is also correct. The committee includes language in our report directing the system to reduce the number of complexes. The increased funding is to be used to address staffing shortfalls, and the committee does not view the use of complexes as a sufficient means for managing refuges.

These complexes move the staff too far from the communities and resources that they serve, and we have asked that the number of complexes be reduced to the maximum extent possible.

Ms. SHEA-PORTER. I thank the chairman, and I appreciate his strong position on protecting these national treasures.

Mr. DICKS. Thank you for your good work on this. Protecting our national wildlife refuges was one of our major priorities in the subcommittee. We are pleased to have your support for the bill and this effort.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GLOBAL CLIMATE CHANGE

SEC. 501. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods, droughts, and wildfires;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SULLIVAN:

Page 110, begining on line 20, strike section 501 and insert the following:

SEC. 501. It is the sense of the Congress that no Federally-mandated steps should be taken to mitigate global climate change if those steps would harm American consumers, workers, or businesses in any way.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, this is a very important amendment. Any thoughtful legislation must ensure four things: That the lights stay on, that driving a car stays affordable, energy prices stay competitive, and that we protect people's jobs. If we think that we can achieve these goals without a continuing role for domestic fossil fuels, we're kidding ourselves.

We are addressing global warming, but we are not doing it in a vacuum. We are also charged with making sure that people in America have energy that power our jobs, and through them, our people's opportunity to succeed. If we do our jobs, people will keep their jobs.

I accept that the science on this matter is uneven, uncertain and evolving. That certainty hasn't changed, but now we seem to be pressuring ourselves, or someone is pressuring us, to legislate first and get the facts later. I hope we don't do that. I want to make sure that we get the best information available so we have a full and accurate definition of the problem before we start making decisions.

We have to be clear about the issues before us. Discussion of mandatory steps to cap CO_2 often misses the essential fact. Carbon dioxide, unlike carbon monoxide, and other compounds ending in "oxide" is not toxic. It is not a pollutant. Not only is it natural, it is indispensable for life on this planet.

What we need to understand is how does CO_2 fit into the atmospheric mix? I am told all CO_2 is only 0.038 percent of the atmospheric gases.

How does the CO_2 from fossil fuel combustion fit into the total annual CO_2 increase in the atmosphere? I am told it is only 0.4 percent of this amount.

How does U.S. fossil fuel consumption fit into mankind's overall share of fossil fuel energy use? I am told it is 22 percent and shrinking. That means if we shut down 100 percent of all fossil fuels in the United States, we would only reduce CO_2 growth in the atmosphere by 0.088 percent. That is 0.0003 percent of atmospheric gases, and China will be filling in the gap and then some.

How much will any legislation we consider actually change the total U.S. emissions and, in turn, change total human emissions and, in turn, affect global greenhouse gas concentrations?

What will it cost? The people who will pay for our policy decisions are taxpayers and consumers and workers. What amount is the right amount to take from them and their families for our policies?

And we need to understand whether well-meaning steps to cap CO_2 here and now will simply drive industry offshore where control of actual pollution such SO_X, NO_X, mercury and particulate is far more lax.

Whether we like it or not, CO_2 correlates to national economic activity. That means jobs and the ability of working families to thrive is defined by jobs. Despite impressive gains in energy intensity over the past few years, a basic reality is that with the technology mix deployed today, to cap CO_2 emissions constraints economic output, jeopardizes economic growth, and eliminates people's jobs.

It is imperative that we reach rational conclusions, based on real evidence, about the reliability of our knowledge that CO_2 has the sort of impact on planetary temperature as people say.

At an Energy and Commerce hearing earlier this year, we learned that a cap-and-trade program added 40 percent to the wholesale cost of electricity in Germany. A cap-and-trade program could lead to real rate shock for electric consumers. High electricity costs will only drive manufacturers overseas, and American jobs will go along with them.

This cap-and-trade approach has been proven unworkable in countries that signed the Kyoto Protocol, and it would be unworkable in the United States. Few participants in the protocol are on track to achieve the international targets for carbon emissions reduction. An increasing number of the countries are unwilling to strangle economic growth through stricter carbon caps in the future.

Another fundamental flaw with the Kyoto agreement is the exclusion of India and China from its reach, particularly when China is soon to claim the distinction of being the largest emitter of carbon dioxide in the world.

The United States cap-and-trade program would fall the same failed trajectory as Kyoto. Its artificially high energy costs would cripple the United States manufacturing base and suppress job creation for working American families. And that's not all. Two of our greatest economic competitors in the world market, India and China, won't have to cap emissions and pay a premium for energy. Those two countries will laugh all of the way to the bank, and the joke will be on us. They will use it as an economic weapon.

What is very important when we look at this very important matter, we need to take our time, we need to gather the facts, and we need to educate other Members. The decisions we make will impact Americans for a long time in the future.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Washington wish to be heard on his point of order?

Mr. DICKS. Mr. Chairman, I insist on my point of order.

The Acting CHAIRMAN. The gentleman from Washington is recognized on his point of order.

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I think to strike this because it authorizes on an appropriations bill would be duplicative of what the current language does. It also authorizes on an appropriations bill, so I think the amendment should be made in order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

The amendment proposes additional legislation to that permitted to remain in section 501 by addressing efforts to mitigate climate change beyond those contained in that section. Such additional legislation violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Barton of Texas:

Strike section 501 (relating to global climate change).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. Barton) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, it is ironic that we just had that point of order offered by my good friend, Mr. Dicks. Under the Armey rule, the former majority leader, the chairmen of the authorizing committees could send letters to the Rules Committee on appropriation bills and any part of the appropriation bill that was actually legislating on an appropriation bill, there was a standing point of order made in order that you could strike it.

So we wouldn't have had the Sullivan amendment and we would not have the amendment that I am about to offer if the current chairman of the Energy and Commerce Committee, Mr. Dingell, had sent such a letter to the Rules Committee asking to reserve the point of order on this section 501. But Chairman Dingell didn't do that, and so it is in the bill and Mr. Dicks can make a point of order that an amendment to it should be struck because it is legislating on an appropriation bill. What a great place this body is that we work in.

So what my amendment does is pretty straightforward. It strikes section 501. That cannot be ruled out of order. It can be voted down, and we will have a vote on this. But the Davis amendment that I am offering on his behalf can't be struck on a point of order.

What is it about this section 501 that is so onerous? Let me briefly synthesize what it says. I think it says some things that are factually incorrect.

It says that the Congress finds that greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability. I think that a factually incorrect statement. It is a true statement that the temperature apparently is rising compared to what it was 150 years ago. In the late 1840s and early 1850s, temperature averages at most places that kept temperature records at that time were 1 to 2 degrees cooler than they are now. And the temperature appears to be going up. That is a true statement.

But I don't think that it is true that the temperature rate increase is outside the range of natural variability. The one thing about climate that is constant is that it is constantly changing.

The second incorrect statement is subparagraph 2 where it says there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation.

Now I think it is indisputable that as we burn many of the hydrocarbons, obviously they are releasing CO_2 which is a greenhouse gas and that is accumulating in the atmosphere. That is a true statement. But whether that is a substantial cause is yet to be determined.

I would point out that the largest greenhouse gas by far is H_2O, water vapor. When you see a cloud in the sky, you are seeing a greenhouse gas accumulation in the sky. And water vapor is over 90 percent of all greenhouse gases. CO_2, carbon dioxide, is less than $^{3}/_{10}$ of 1 percent. So how could something that is such a small percentage be the cause of this temperature increase? It is an interesting theory, but it is yet to be proven.

In any event, because of these first two paragraphs, we get to the meat of the issue in section 501, and that is mandatory steps are required to slow or stop the growth of greenhouse gas emissions. Mandatory. Coercive. You have to do it whether you want to or not. You have to do it whether it makes sense or not.

We are far from a place, in my opinion, where we need to begin to legislate mandatory approaches, and that's what is so bad about this section 501. Now you may argue it is a sense of the Congress what is it going to do. It is just to show where we are. Well, I would point out that in the late 1970s, early 1980s, you begin to have these temporary 1-year moratoriums on drilling off the coast of various parts of our country. They seemed relatively harmless at the time. What could be wrong with that?

☐ 1745

That has grown into such a significant part that it's almost impossible right now to drill anywhere in the United States that we haven't already been drilling for the last hundred years. There's a limit to how many holes we can drill in Texas. We've drilled over 2 million since 1901. We've found a lot of oil and gas, but at some point in time, we've got to drill where we haven't drilled before. In any event, section 501 is bad public policy and this amendment would strike it.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN (Mr. Becerra). The gentleman is recognized for 5 minutes.

Mr. DICKS. Thank you. I appreciate that.

The language in title V of this bill is identical to language added by the Appropriations Committee last year to the FY 2007 Interior bill when the Appropriations Committee was being run by the minority party of today. Since that time, this sense of the Congress has been supported by both an international scientific body and the United States Supreme Court.

First, the sense of Congress states that "there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere." So far this year, the Intergovernmental Panel on Climate Change, a group consisting of hundreds of scientists from 113 countries, has issued two reports on the science of climate change, with a third report to be issued later this year. The panel's first report, issued in February, concluded that there is an overwhelming probability, at least 90 percent certainty, that human activities are warming the planet at a dangerous rate, with consequences that could take decades or centuries to reverse. The panel's second report on the consequences of global warming concluded "with high confidence" that greenhouse gases produced by human activity has already triggered changes in ecosystems on both land and sea. As evidence, the report cited longer growing seasons, earlier leaf-unfolding and earlier egg-laying by birds, traceable to human activity. The report estimates that 20 to 30 percent of the world's species could be in danger of extinction.

I have great respect for the gentleman from Texas, who I think did a good job as chairman of the Commerce Committee, but this is a sense of Congress. It's the authorizing committees that will enact the legislation. What this does is express concern that this problem must be addressed.

Clearly, the sense of Congress correctly captures the state of global change science.

Second, the sense of Congress states that mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere. In April of this year, the United States Supreme Court ruled in a 5-4 opinion that the U.S. Environmental Protection Agency has the statutory authority to regulate greenhouse gases from automobiles. The court also held that EPA has the discretion not to regulate only under very limited scenarios. This decision has been widely interpreted to force the administration to propose regulations to control greenhouse gas emissions. Clearly, the Supreme Court agrees with what I would consider our sense of Congress resolution.

Again, I state my opposition to the gentleman's amendment and urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I just wanted to mention to the chairman and to the House that even though this is a sense of Congress, I think that it is opposed enough in the way it is worded that the amendment should be agreed to and the language should be stricken. For example, in the very beginning, where, number one, it says, "greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability," we had a lot of testimony in this Subcommittee of Interior about this very issue. It was very clear that the scientists that study this say that we have large gaps in the scientific data, and it is still inconclusive.

One of the great examples of this is the ocean itself. The ocean itself is a carbon bank. It retains carbon sometimes. When it gets warmer, it actually allows carbon to go up into the atmosphere in the form of CO_2. That in itself brings the question whether carbon in our atmosphere is a cause of heat or whether heat is a cause of carbon in the air. If you look at the core samples that are found in the Antarctic which have been drilled down to go back and date what our environment was like hundreds of thousands of years ago, we find that there is a high carbon content in our atmosphere when our earth was warmer. And we do know that our earth is getting warmer. In fact, 10,000 years ago, Kansas was covered by a sheet of ice.

Just a weekend ago or so, I was back there playing golf, and I can tell you for sure, there is no ice covering the State of Kansas today. Why? Because the earth is getting warmer. But for us to say that the cause is human-induced raises the question. Even the Intergovernmental Panel on Climate Change when they looked at it this year, revised their estimate of the ocean going up because of climate change, from going up to 36 inches. They revised it downward to only going up 17 inches. So that means that they were half off.

They said that, as far as climate change, it's human-induced, and they have a 90 percent confidence level. Well, if that's based on their estimate of what the water level is going to be 10 years or 50 years from now, then they are admittedly 50 percent off, so that means they've only got a 45 percent confidence level. That means less than half.

My point is that there is no growing scientific consensus on the cause of climate change. In fact, it may be a normal cycle that we're going through. And, in fact, it may be a cycle that is moving us into a cooler climate rather than a warmer climate. So this language, I think, makes assumptions that are based on data that is inconclusive. The scientists tell us there are gaps in the data. It certainly isn't a consensus of Congress from my view. So I would think that we should adopt the gentleman's amendment.

I would yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding.

I just want to comment briefly on what Chairman DICKS said about this being in the bill last year. He is factually correct. We reserved a point of order on it last year. And the member of the committee that I chaired at the time who was supposed to make the point of order was caught in the cloakroom eating a candy bar, and the crafty appropriators closed the title before we could make the point of order. So it was in the bill last year only because we were asleep at the switch when it was our turn to raise the point of order. At least I'm not asleep at the switch this year.

Mr. DICKS. I would hope we're not asleep at the switch again, as the planet is heating up, and climate change is occurring.

Mr. TIAHRT. I agree that the temperature is going up. It's the cause that is a concern for me. The wording here says that we already know what the cause is and we should move forward and try to do something to stop it, and that includes some very drastic types of actions, including caps and market-based limits on incentives, mandatory market-based limits, I might say. It's my view that those things have not been successful in the past. In fact, when we did mandatory limits, I thought we ended up with gas lines and higher gas prices. That's my view.

I would ask that my colleagues here in the House accept this amendment and vote for it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of Utah:

At the end of the bill, before the long title, add the following new section:

"SEC. ___. No funds made available by this Act shall be used to condemn land."

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in my short time as the ranking member on the Subcommittee on National Parks, Forests and Public Lands, I have already heard a number of stories from property owners who have been threatened or bullied with the hammer of eminent domain. Thousands of acres each year are taken from private citizens and against their will in order to expand our national parks and our national forests. This is done in spite of the fact that the Federal Government has so much land it cannot possibly manage what it already has.

Landowners, when faced with the possibility of a long, protracted war against bureaucrats, land managers and legions of Federal lawyers, often choose simply to walk away. What is most outrageous then is the fact that these people are then labeled by us as willing sellers.

This has happened to landowners across our Nation. We've had examples from people living near the Everglades in Florida, to the Cape Cod National Seashore in Massachusetts, to Voyageurs National Park in Minnesota, just a few places where there has been, in my estimation, egregious abuse by the Federal Government.

I have letters from a family in Maine who endured 20 years in a battle with the Federal Government. They wrote that the negotiations between my family and the Park Service over what could have been a simple land donation exceeded 20 years and had a serious, long-term detrimental effect on my family, the ski area they owned, the surrounding community. Eventually, after millions of dollars were lost and countless hours of time from high-ranking State and Federal officials were consumed, strained professional careers of an entire at-risk community and the negative health and financial repercussions of my family members, this issue was finally resolved. For now.

Here is another example of a Franciscan friar who talked about the threats of eminent domain that hanged over his ministry for years and years and years. In his words, again, simply over 118 acres of the friar's property: We offered the National Park Service the opportunity to switch back the trail to the original setting, so that not only the trail could be maintained, but there would be a natural environment for it. But the National Park Service refused this option and threatened to proceed with eminent domain. There is no reason that that friar and his ministry should have had that hanging over his head for years and years and years.

Mr. Chairman, the Secretary of Interior has the power in statute for using this hammer of eminent domain. Even today, when we do authorization bills, we don't even have the sense to try and limit that kind of authority or power. Even in those situations where it is clearly said in the testimony and in the hearings that they do not want to use eminent domain, we do nothing to try and stop that potential authority. If we really say that we don't want to use eminent domain to acquire these lands, we ought as well use the logical step of saying so.

In light of the Kelo decision, so many people are now aware of the potential abuse by government entities on private property through the use of eminent domain, now is the time for us clearly to say that private property is important, and it should be respected by the Federal Government. That's exactly what this amendment tries to do, is to clarify that we do respect private property; we respect it, and we will not use eminent domain to take land away from private citizens.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I withdraw my point of order.

We will accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

Mr. BISHOP of Utah. Mr. Chairman, I ask for a recorded vote on that last motion.

Mr. DICKS. I think the time has expired, Mr. Chairman. This was not done in a timely way.

The Acting CHAIRMAN. The gentleman from Washington is correct. The gentleman from Utah's request was not timely.

Mr. BISHOP of Utah. Let me try one thing here. I will ask under unanimous consent.

Mr. DICKS. I object.

The Acting CHAIRMAN. Objection is heard.

AMENDMENT NO. 7 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

☐ 1800

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, before I begin, I would like to commend the gentleman from Washington and Chairman DICKS and the gentleman from Kansas (Mr. TIAHRT) for their good work on this underlying bill.

The amendment I offered today stems directly from concerns I have over a recently proposed rule by the Environmental Protection Agency that could radically alter the current interpretation of the Clean Air Act and adversely impact public health.

On December 21 last year, 4 days before Christmas, EPA introduced a cleverly timed proposal that would essentially weaken hazardous air pollutant emission standards for major sources of pollution as defined by section 112 of the Clean Air Act. My amendment would prohibit the use of fiscal year 2008 funds by EPA to promulgate this ill-advised and environmentally dangerous proposal.

Currently, major sources, major source polluters, facilities that emit 10 tons per year of a single air toxin or 25 tons per year of any combination of toxic pollutants are required to comply with the Maximum Achievable Control Technology standards, called MACT, permanently, a policy adopted in 1995 known as Once In, Always In."

MACT standards are technology-based area emission standards established under title 3 of the 1990 Clean Air Act amendment. Compliance with MACT standards can require facility owners and operators to meet emission limits, install emission control technologies, monitor emissions and/or operating parameters and use specified work practices.

These public safeguard standards have proven most effective in reducing toxic, harmful, cancer-causing eye pollutants such as mercury, chlorine, benzene, methanol and asbestos. If EPA's proposed rule were to take effect, industrial facilities could emit hazardous air pollutants at levels just below 10/25 major source thresholds and not be subject to the MACT standards.

This move has been criticized by the State clean air agencies, our regional officers, our major metropolitan leaders, as well as the county leaders and environmental groups. A majority of EPA's own regional offices initially excluded from viewing and providing input on the proposed policy have been highly critical of the proposed rule citing health and emission concerns.

EPA has done very little to justify such a dramatic shift in congressional intent or the agency's own long-standing interpretation. Moreover, the Agency has performed very little, if any, substantive emissions analysis, and they have performed no public health analysis for any industrial sector. In my view the Agency's proposed rule represents another installment of regulatory attacks designed to gut the Clean Air Act.

The public health of this Nation should not be forced to take the back seat to the interest of big polluters. The congressional authorities captured in section 112 of Clean Air Act are intended to ensure that major source emitters of hazardous air pollutants are required to comply with MACT standards permanently to ensure that the elimination of air toxics are achieved and maintained in the interest of public health.

In 1995, upon adoption of the "once in, always in" policy, EPA stated the following:

"EPA believes that this once in, always in policy follows most naturally from the language and structure of the [Clean Air Act] statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds.

"Without a once in, always in policy, these facilities could 'backslide' from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major source threshold.

"Thus, the maximum achievable emission reductions that Congress mandated from major sources would not be achieved.

"A once in, always in policy ensures that MACT emission reductions are permanent, and that the health and environment protection provided by MACT standards is not undermined."

In the Federal Register, the Agency raged on and on about how great the proposed rule is for major source polluters, because it will create incentives for industry to reduce emissions.

The Acting CHAIRMAN. The gentlewoman's time has expired.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I yield to the gentlelady from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. When it comes to quantifying the implications of this proposal on the environment and public health of this Nation, the Agency is silent.

The burden of proof regarding soundness of this proposed rule rests squarely on the shoulders of EPA. Thus far, the Agency has failed, at best, to make even a lackluster case.

My constituents in Dallas and the surrounding area are already burdened by the scarlet letter of nonattainment. I refuse to let their public health be subject to another further deterioration from a proposal laced with tortured assumptions. This is an unsound policy that should be stopped.

I urge my colleagues to join me in supporting clean air, a healthy environment, and a strong Clean Air Act. Vote "yes" on the Johnson amendment and the Interior and the Environment Appropriations bill.

While I appreciate the vigor of the opposing side's view on this matter, it is my respectful view that they are simply wrong on this matter.

I would like to amplify an area of concern raised by EPA's own regional offices regarding enforcement should the once in, always in policy be negated.

In a 2005 Regional Memorandum to EPA Headquarters, the regions assert the following:

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them.

Take, for example, a facility that is covered by a MACT standard, and has 3 years from the date the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status.

If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements.

If the facility later announces that it is after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements.

Thus, by continually going back and forth between major and area source status, a facility could be a major source [polluter] for most of its operating life and never have to comply with the MACT standard requirements.

Again Mr. Chairman, these are not my words but those of EPA's own regional offices.

Mr. Chairman, my congressional district lies within the heart of EPA Region 6. Throughout Region 6 there are approximately 3,000 major source polluters according to EPA data.

If EPA's rule were to take effect, based on the guidance of EPA's own regional offices I just referenced, 3,000 major source polluters could continually backslide on a public health safeguard meant to minimize my constituent's exposure to toxic, cancer causing air pollutants.

Clearly, this was not the intent of Congress as reflected in Section 112 of the Clean Air Act.

Mr. Chairman, I include for the RECORD a memorandum dated December 13, 2005, from Michael S. Bandrowski, Chief, Air Toxics, Radiation and Indoor Air Office, Region IX, of the Environmental Protection Agency.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION IX.
San Francisco, CA, December 13, 2005.

REGIONAL COMMENTS ON DRAFT OIAI POLICY REVISIONS

DAVID COZZIE,
Group Leader, Minerals and Inorganic Chemicals Group, Office of Air Quality Planning and Standards.

Thank you for allowing the Regional Offices the opportunity to comment on the draft proposed changes to the General Provisions of 40 CFR Part 63, intended to replace EPA's Once-in-Always-In (OIAI) policy established in a May 16, 1995, memorandum entitled, "Potential to Emit for MACT standards—Guidance on Timing Issues," from John S. Seitz to the Regional Air Directors. A draft copy of the proposed changes, dated November 16, 2005, was received by Region IX on November 30, 2005, and we shared this copy with the Regional Offices. As sub-lead Region for air toxics, we have summarized and consolidated the feedback received from the Regional Offices, and are forwarding these Regional comments and concerns through this memo. Eight Regions provided comments. For your convenience, the original comments from each Regional Office are included as attachments to this memo.

Over the years, many questions and implementation issues have arisen that have initiated the reconsideration of the OIAI policy. The new revisions being planned by OAQPS would essentially negate the original policy, and this change would be codified in the 40 CFR Part 63 General Provisions. This change in policy would have major implications for implementation and enforcement of the maximum achievable control technology (MACT) standards. The Regional Offices, therefore, appreciate the opportunity to review and comment on HQ drafts before the revisions are proposed in the FEDERAL REGISTER for public comment. However, we are disappointed that OAQPS formulated revisions to the OIAI policy without seeking Regional input and was reluctant to share the draft policy with the Regional Offices. This trend of excluding the Regional Offices from involvement in rule and policy development efforts is disturbing. We are requesting that OAQPS establish a means for Regional input during the development of future policies and rules.

With regard to the OIAI policy, all the Regional Offices that submitted comments acknowledged the need for a change from the 1995 guidance in limited circumstances. For example, if EPA finalizes the delisting of methyl ethyl ketone as a hazardous air pollutant (HAP), it would be logical for EPA to allow existing major sources of HAPs to reevaluate their PTE, excluding emissions of methyl ethyl ketone. Likewise, if a source eliminates, or significantly reduces their use of HAPs, then it would be reasonable for EPA to allow such a source to reevaluate MACT standard applicability. In addition, certain pollution prevention benefits may follow in circumstances where a source has an incentive to obtain actual reductions in emissions of HAPs equivalent to or greater than the level required by the MACT standard with less burden and cost. Overall, the Regions support the intent behind the draft proposed amendments to provide incentive to companies for engaging in emission-reducing activities. Several Regions also explicitly stated their support of revising the policy through a public rulemaking process and encouraging sources to explore different control technologies and pollution prevention options to reduce emissions and potential to emit (PTE). One Region was supportive of the change in policy as drafted. However, all other Regional Offices expressed varying degrees of concern about allowing any source to take synthetic minor limits at any time, for any reason. The concerns are described below, followed by suggestions for addressing these concerns while still encouraging existing MACT sources to take actions towards pollution prevention. Our comments are organized as follows:

1. Reversal of Position with Inadequate Justification

The May 16, 1995, Seitz memo regarding potential to emit for MACT standards states: EPA believes that this once in, always in policy follows most naturally from the language and structure of the statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds. Without a once in, always in policy, these facilities could "backslide" from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major-source threshold (10/25 tons per year).

Thus, the maximum achievable emissions reductions that Congress mandated for major sources would not be achieved. A once in, always in policy ensures that MACT emissions reductions are permanent, and that the health and environmental protection provided by MACT standards is not undermined. (See page 9)

Elsewhere, the Seitz memo states: In the absence of a rulemaking record supporting a different result, EPA believes that once a source is required to install controls or take other measures to comply with a MACT standard, it should not be able to substitute different controls of measures that happen to bring the source below major source levels. (See page 5)

While it is true that policy is not set in stone, and that policy decisions may be reversed, the preamble, as currently drafted, does not set forth an adequate rulemaking record to justify this drastic change in interpretation. In 1995, EPA believed that the OIAI policy follows "most naturally" from the language and structure of the statute, and that allowing facilities to backslide would undermine the maximum achievable emissions reductions mandated by Congress. Now, in 2005, EPA is claiming that "there is nothing in the statute which compels the conclusion that a source cannot attain area source status after the first compliance date of a MACT standard" (see page 15 of the draft proposed changes). In order to provide an adequate rulemaking record, the preamble should more clearly articulate why EPA no longer believes that the OIAI policy flows naturally from the statute.

2. Increased HAP Emissions Resulting from Abandoning MACT Control Levels

The Clean Air Act requires the maximum degree of reduction in emissions of HAPs from sources subject to the MACT standards. The reductions anticipated through the MACT program will not be achieved through the strategy described in the draft rule proposal. A key concern is that the draft proposal allows facilities to obtain synthetic minor permits after the MACT standard compliance date by taking potentially less protective requirements than the MACT standard would otherwise require them to install. The proposal, as written, would be detrimental to the environment and undermine the intent of the MACT program.

Many MACT standards require affected facilities to reduce their HAP levels at a control efficiency of 95% and higher. In many instances, the MACT requirements could lead to greater reductions when compared to sources accepting synthetic minor limits of 24 tons per year (tpy) for a combination of HAPs and 9 tpy for a single HAP. Clearly, the intent in promulgating MACT standards was to reduce emissions to the extent feasible, not just to the minor source level. However, under the current draft proposal, the reductions that were intended to be achieved through the MACT standards would be offset by synthetic minor limits that allow sources to emit HAPs at levels higher than those allowed by the MACT standard. The cost of the increased HAP emissions would be borne by the communities surrounding the sources. On pages 15 and 16 of the draft preamble, EPA states:

"A concern has been raised that sources that are currently well below the major source threshold will increase emissions to a point just below the threshold. We believe these concerns are unfounded. While this may occur in some instances, it is more likely that sources will adopt PTE limitations at or near their current levels to avoid negative publicity and to maintain their appearance as responsible businesses."

This statement is unfounded and overly optimistic. Regional experience indicates that sources requesting synthetic minor limits to avoid a MACT standard typically request, and are frequently given, limits of at least 24 tpy for a combination of HAPs and 9 tpy for a single HAP. The Regional Offices anticipate that many sources would take limits less stringent than MACT requirements, if allowed. Thus, the cumulative impact of many "area" sources whose status is derived after the MACT compliance date could be significant. This change in policy would offset the intended environmental benefits of the MACT standards. Although the draft changes could serve to alleviate some possible inequity under the current OIAI policy, or encourage some sources to further reduce emissions to achieve area source status, EPA should look closely at this issue to determine whether the likely benefits would be greater than the potential environmental costs. This analysis should occur before the proposal is put forth for public comment. One Region suggested that EPA should not enact a policy allowing facilities to qualify out of the MACT standards until a strong area source toxics program is in place, or until state, local and tribal air quality agencies have programs that can provide an equivalent level of protection.

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them. Take, for example, a facility that is covered by a MACT standard, and has three years from the date that the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status. If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements. If the facility later announces that it is, after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements. Thus, by continually going back and forth between major and area source status, a facility could be a major source for most of its operating life and never have to comply with the MACT standard requirements. The 1995 OIAI policy recognizes this and states, "The EPA believes the structure of section 112 strongly suggests certain outer limits for when a source may avoid a standard through a limit on its potential to emit." This type of problem must be addressed if the OIAI policy is changed.

MICHAEL S. BANDROWSKI,
Chief, Air Toxics, Radiation and Indoor Air Office, Region IX.

Mr. DICKS. Mr. Chairman, I rise in support of the gentlelady's amendment. EPA's proposed rule would weaken almost every air toxic rule issued since 1990 by allowing some air pollution sources to increase their emissions. EPA purports that the proposed changes would encourage more sources to strive for additional reductions of toxic air pollution. Yet the EPA cannot provide concrete data to support this assumption and has avoided quantifying the environmental impacts of this proposal.

In fact, when given the opportunity to comment on the proposal, EPA's own regional office expressed significant concerns about the increase in emissions that will likely occur from the revisions to the existing policy.

I congratulate the gentlelady on her amendment and urge that the committee accept it.

Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Kansas is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment. The administration proposed the rule, and the reason for it is simple, and it is to provide incentives and to encourage industry to lower emissions. It reminds me of the story when the Kansan went over across the river to visit Missouri.

The story goes that he took the ferry across, and he was picked up by a gentleman who had a cart with a mule in front of it. The gentleman was dangling a carrot in front of the mule. The mule would move forward, and that incentive got the mule to move.

So he went down to the courthouse in Saint Joseph, and he conducted his business. Then he went back out to get a ride back to the ferry, and there was another gentleman with a cart and a mule. So he hopped in the back of the cart and he said, I would like to go back to the ferry.

And the mule skinner said, "Giddyap," and the mule did not move. So he got out of the car and he pulled out a 2 by 4, and he whacked the mule in the head. The guy from Kansas said, "well, why'd you do that." He said, "well, I had to get the mule's attention." He got back in the cart, and he said, "Giddyap."

The man from Kansas said, "Wouldn't it have been better if you gave the mule an incentive, like a carrot," and he explained the whole story.

Well, Mr. Chairman, the companies have no incentives under the old Clinton policy to reduce pollution, because once designated as a major source, they are always designated as a major source. As a result, companies are stuck at certain levels of pollution and not provided with any incentive, no carrot whatsoever to lower their emissions below that level.

Over the last decade, pollution prevention methods have changed, and many companies are now embracing the economics of environmental protection. EPA is currently reviewing the public comments on this proposed rule, and we should allow that process to move forward.

The bottom line is, if there is even a chance that this proposed rule would encourage more sources to strive for additional reductions of toxic air pollution with these new incentives, then we should encourage that action.

I therefore urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of Utah:

At the end of the bill, add the following:

"SEC. . No funds made available by this Act may be made available through a grant to any Internal Revenue Code 501(c)(3) organization who is a party to a lawsuit against the dispensing agency."

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP. Thank you.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The gentleman from Washington's reservation is not timely.

The gentleman from Utah is recognized.

Mr. BISHOP of Utah. Mr. Chairman, there is something that is happening in the Department of Interior that is disturbing. So-called nonprofits, many of them financed by wealthy individuals, are lining up with their hands extended, requesting and accepting government handouts in the form of grants.

Then what do these nonprofits do with the taxpayers' money? They come back and they sue the same agents that wrote them a check.

At the same time, these 501(c)(3)s complain that the agencies are then underfunded. Now it's difficult to see how land management agencies are ever going to have enough money to take care of their responsibilities and appease the nonprofits when a good chunk of their budget is siphoned off yearly by defending themselves against endless lawsuits.

501(c)(3)s have a great system. It's a very efficient business model for them. It does defy logic except in what we call the bureaucracy of the Federal Government. These nonprofits bite the hand that feeds them, and the hand simply can't stop itself from feeding them even more. After biting the hand, they then go out and find more money to continue the assault, line their pockets, all along touting their advocacies on behalf of the hand they had just bitten.

My amendment provides a potential remedy to this disturbing and increasing trend. It would prohibit funds in this bill from being dispersed to 501(c)(3)s that are party to litigation against the dispensing agency. In other words, if you are suing the Department of the Interior, you are not eligible to receive money from the Department of the Interior.

I believe, as everyone does, in the right to sue, but it defies logic that we would ask taxpayers to finance litigation against themselves. The taxpayer ends up paying twice, first in the form of the handouts to the nonprofit, and then when the government's attorney needs to be paid for defending it.

Keep in mind, this also diverts money from critical needs on our public land. The maintenance backlog on our lands is well documented, reaches into billions of dollars, and we can't even say the taxpayers are even hit a third time when they try to access these multiple-use public lands only to find out that the particular activity is currently off limits due to ongoing litigation brought on by so-called nonprofit advocacy groups generously financed by the taxpayers.

Now some may say that there are legitimate reasons to take the government to court. I would agree with that statement. But I would not agree that it's the government's responsibility to fund that complaint, especially the same government entity you are at the same time suing.

This amendment is very simple. If a nonprofit organization can afford to finance elaborate fundraising campaigns to enrich themselves, certainly they can afford to sue the government on their own dime. Don't let these organizations sell you underchronic underfunding of agency X, Y and Z when they, themselves, are draining that agency from resources by the millions. This two-faced scheme must be stopped. It's time for us to show the taxpayers some respect and stop playing this type of a game with their money.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, this amendment, while straightforward is not what it seems. While it seems logical that we should not issue grants to any group that is in litigation with the agency issuing the grant, that could result in far-reaching consequences. Even the gentleman, I don't think, could predict accurately all of the implications of this.

For instance, this amendment could very well impact programs in Indian country. Many tribes choose to create, through separate organizing documents, an entity separate from the tribe that does not have sovereign powers and is organized exclusively for purposes described under IRC section 501(c)(3).

□ 1815

Here are some examples of non-profit groups within Indian Country:

United Tribes Technical College, the Inter-tribal Bison Council, the Affiliated Tribes of the Northwest, the Native American Chamber of Commerce, the National Congress of American Indians.

If organizations such as these were involved in any litigation against the Department of the Interior, they would be ineligible to receive grants. Now, I remind the Chair that many tribal organizations across the Nation are in litigation with the Department of the Interior. Are we to deny the services these groups provide to Indian Country because they have longstanding legal disputes with the U.S. Government?

In addition to Indian Country, there are many wildlife conservation groups whose grassroots members provide thousands of hours of services to agencies in this bill. Groups that help the agencies with natural resource education, wildlife and habitat management, maintenance and upkeep of our national wildlife refuges and parks, and many other important efforts. These groups would be denied grants to provide those services because their parent organizations are involved in litigation regarding a legitimate difference in policy with the United States.

I think this is an ill-advised amendment, and I strongly urge a "no" vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas.

Mr. TIAHRT. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is simple, and it sends a very important message to the United States Congress. As I do that, let me thank the chairman of the full committee and the chairman of the subcommittee and all of those who are prepared to work in a bipartisan manner. I can see that the tone has changed on this particular bill because this is an amendment that was accepted last year.

My amendment is simple, as I said. It emphasizes the importance of urban forests and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

This amendment emphasizes surveys that indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees, a loss of over 600 million trees. Some of it has been lost to devastating natural disasters. For example, in my travels to New Orleans, as the aftermath of Hurricane Katrina, huge numbers of trees, maybe thousands, were seen either strewn around or laying upon piles of debris.

Eighty percent of the American population lives in dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help remove air pollution, filter out chemicals and agricultural waste in water and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation, as it would across the Nation.

In addition, havens of green in the middle of a city can have a beneficial effect on a community's health, both physical and psychological, as well as increase property values of the surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

For those of us who live in areas 50 feet below sea level, as I do, in the gulf region, we know how important it is for trees to be amongst us.

This amendment is very simple. It is an encouragement based upon existing legislation that indicates that trees are important to clean air, it is important to prevent extreme flooding, storm water runoff, and certainly, it is a cooling factor in these days when temperatures are rising enormously high.

I would hope my colleagues would be sensitive to the bipartisan commitment to reforestation and move this amendment forward so that we as a Nation can stand on the record for the greening of America, treeing of America, all over, no matter what region you're in.

Thank you for this opportunity to speak in support of my amendment to H.R. 2643, the Interior and Environment Appropriations Act of 2008, and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution, which operates our national museums including the National Zoo.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment emphasizes the importance of urban forests, and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

Mr. Chairman, surveys indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees—a loss of over 600 million trees.

Eighty percent of the American population lives in the dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help to remove air pollution, filter out chemicals and agricultural waste in water, and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation.

In addition, havens of green in the middle of a city can have beneficial effects on a community's health, both physical and psychological, as well as increase property value of surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration and improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

Trees breathe in carbon dioxide, and produce oxygen. People breathe in oxygen and exhale carbon dioxide. A typical person consumes about 38 lbs of oxygen per year. A healthy tree, say a 32-ft tall ash tree, can produce about 260 lbs of oxygen annually—two trees supply the oxygen needs of a person for a year!

Trees help reduce pollution by capturing particulates like dust and pollen with their leaves. A mature tree absorbs from 120 to 240 lbs of the small particles and gases of air pollution. They help combat the effects of "greenhouse" gases, the increased carbon dioxide produced from burning fossil fuels that is causing our atmosphere to "heat up."

Trees help cool down the overall city environment by shading asphalt, concrete and metal surfaces. Buildings and paving in city centers create a heat-island effect. A mature tree canopy reduces air temperatures by about 5–10 degrees Fahrenheit. A 25-foot tree reduces annual heating and cooling costs of a typical residence by 8 to 12 percent, producing an average $10 savings per American household. Proper tree plantings around buildings can slow winter winds, and reduce annual energy use for home heating by 4–22 percent.

Mr. Chairman, trees play a vital role in making our cities more sustainable and more liveable. My amendment simply provides for continued support to programs that reforest our urban areas.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I would like to ask the gentlewoman from Texas if this is the same language that she offered last year.

Ms. JACKSON-LEE of Texas. To the ranking member, yes. The amendment is the same language. It is a limitation, the same language that was offered last year.

Mr. TIAHRT. Mr. Chairman, I withdraw my point of order.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, we're prepared to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. DENT:

H.R. 2643

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The point of order is reserved.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want to make four points about this amendment that I'm offering here today. First, the expansion of Indian or tribal gambling, particularly off-reservation casino gambling, has gone far beyond what was intended by the Indian Gaming Regulatory Act of 1988.

Twenty years ago, there were no tribal casinos. Today, there are approximately 406 Indian casinos in 29 States.

Revenue from Indian gambling has gone from $0 to $19 billion in 20 years. These extraordinary profits have caused casino interests to form alliances with tribes in order to establish more profitable casinos in locations far removed from existing reservations.

The second point I want to make, and there are very specific examples of "reservation shopping," as we like to refer to this. One, the St. Regis Bank of Mohawk Indians is trying to build a casino 350 miles from its reservation.

The Bad River Band of Lake Superior and St. Croix Chippewa Indians of Wisconsin are trying to build a casino in Michigan, over 300 miles from its existing reservation.

The Pueblo of Jemez of New Mexico are trying to build a casino in Anthony, New Mexico, over 290 miles from its reservation.

The Mohegan Tribe of Connecticut, along with the Menominee Tribe of Wisconsin, is trying to build the largest casino between New Jersey and Las Vegas in Kenosha, Wisconsin, over 1,000 miles from the Mohegan lands in Connecticut.

As of May 2006, there were some 40 applications to approve new casino operations pending at the Bureau of Indian Affairs, casinos that are, for the most part, destined for off-reservation sites.

The third point I want to make is that the expansion of tribal gambling has had a corrupting influence on the political system and has forced local municipalities and homeowners to go to court to essentially protect their properties from casino interests anxious to seize their lands.

Tribal casino profits are high, and regulation of tribal gaming profits is minimal. As a result, Jack Abramoff was able to take an estimated $85 million from the Mississippi Choctaw and other tribes. He was able to use some of this money to bribe entities within the political system, sometimes to further the interest of one client as against those of another.

Casino interests have also allied with local Indian tribes to sue municipalities and landowners. In the 15th District of Pennsylvania, which I represent, the Delaware Nation, which is actually based in Oklahoma, filed in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, near Easton, so that it could build a gambling facility. Its claim was based in part on a conveyance that ostensibly occurred in 1737, well before the establishment of our country.

More than 25 families live on this property, and it is also home of the Crayola Company, which makes the much beloved Crayola crayons that our children all enjoy.

Although the suit was ultimately resolved in favor of the homeowners and the plaintiffs lost in every courtroom, the deep-pocketed interests behind this lawsuit were able to fund this litigation all the way to the United States Supreme Court, causing no small amount of apprehension among the innocent home owners and business owners here.

Tribal organizations do recognize that there are problems with this expansion. Several support meaningful limitations on off-reservation tribal gambling.

And the fourth and final point that I would like to make about this amendment, Mr. Chairman, is that the time has come for Congress to step in. This amendment is the first step towards reforming a system that has simply spun out of control.

The Bureau of Indian Affairs published proposed regulations on October 5, 2006, but these regulations are weak and do not adopt meaningful criteria or standards.

The Congress must step in and reassert its regulatory authority over off-reservation gambling by enacting comprehensive reform of the Indian Gaming Regulatory Act of 1988. Until that's done, we need to have a moratorium on off-reservation gambling, which this amendment will, in effect, accomplish.

The amendment directs specifically that no funds shall be expended to process any applications for off-reservation casinos under section 20(b)(1) of IGRA of fiscal year 2008.

The amendment will have no impact, and let me repeat this: The amendment will have no impact on existing on-or off-reservation casino operations, as they have already gone through the BIA approval process. This will not impact any tribal casino that is currently operating on- or off-reservation.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I understand the gentleman's concern on this complex issue. And I also withdraw my point of order.

I understand the gentleman's concern on this complex issue, but the Bureau of Indian Affairs has a process for putting land into trust. We should not interfere with that process.

When an American tribe decides it wants to engage in gaming activities under the Indian Gaming Regulatory Act on a parcel of land that is not already into trust, it must go through an exhaustive application process that determines if a gaming establishment on newly acquired land will be in the best interest of the tribe and its members, and not detrimental to the surrounding community.

Additionally, the Department is currently drafting regulations that will implement section 20 of the Indian Gaming Regulatory Act by articulating standards that the Department will follow in interpreting the various exceptions to the gaming prohibition on after-acquired trust lands. We need to let that process go forward.

Even if the Department approves a tribe's request, the Governor of the State must also agree. To interfere with this process circumvents the Gaming Regulatory Act, interferes with an established process in the Bureau of Indian Affairs and should not be included in an appropriations bill.

And I want to say that again. This should be in an authorization bill. And if the gentleman is concerned, take it to the Natural Resources Committee or the committee of jurisdiction. That's where this should be worked out, not here on this appropriations bill.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word. I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just wanted to point out the fact that this problem has simply spun out of control in this country. Last session, we attempted to deal with this in a bill that would restrict off-site. Off-reservation tribal gambling was defeated. I think we need to try this again.

The regulations that were mentioned are simply weak and not meaningful enough, in my view, and I think we need the proposed regulations.

□ 1830

I would strongly urge that Congress reassert itself and take control over this issue. I don't believe that the authors of the Indian Gaming Act of 1988 intended that we would have a situation in this country today where 29 States would now have casinos, 406 tribal casinos in 29 States. I don't think that was the intent. I haven't met anybody who voted for that law who thought that was what they were voting for at the time, but that is what we have now.

In my district, there has been great hardship. I mean, a 1737 land conveyance, a 1737 land conveyance, going back to William Penn and the Walking Purchase. That is what we are talking about here, taking land of homeowners, a crayon factory, a much beloved crayon factory, and I think it is time for us to act. It is time for this Congress to act. We have had a lot of time to deal with this issue. We have not done so.

And with that, again, I respectfully ask all my colleagues, and I understand the process that we are engaged in here, but we need this type of a moratorium. It is absolutely essential. I think it will send a message to the authorizing committees, to the Department of Interior that we are serious about this issue, that we have had enough. Enough is enough. Too many people are being displaced or potentially displaced, clouds over the properties to their titles, again, in my case, over a 1737 land conveyance. Again, these were big developers working in concert with the tribes and spending enormous amounts of money and people having to defend themselves. And it really has gotten to the point of being outrageous, and I think we need to act once again. And I respectfully ask for the support of everyone here.

I thank the gentleman for yielding.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise to address the Dent amendment concerning off-reservation casino applications.

Two proposals are currently under consideration in southern Wisconsin on which I have taken a neutral position.

Voting in affirmative on this amendment would violate my position of neutrality. Therefore, I will vote no and remain neutral on these pending applications.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DENT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. KINGSTON:

H.R. 2643

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. DICKS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman of the committee and the ranking member for the opportunity to offer this for consideration. And I do realized that the chairman has reserved a point of order. I hope he doesn't insist upon it, but if he does, I certainly understand, as we share, I think, the same goal of cracking down on illegal aliens.

What this amendment does, Mr. Chairman, is say that if you sell or contract or do business with the Federal Government, then you need to be part of the Social Security verification project known as the Basic Pilot. And the Basic Pilot program is a tool for employers to verify the Social Security numbers of employees.

We all know that the Federal Government is one of the worst offenders of hiring contractors and subcontractors who in turn hire illegal aliens and do a lot of government work. We also know that since the inception of ICE, the Immigration and Customs Enforcement Agency, Julie Myers, the head of it, has stated that there have been hundreds and hundreds of arrests at military installations, power plants, chemical plants, sensitive facilities, and truly this would include a lot of the agencies and a lot of the contractors in work that is done in the Department of Interior for work on our national parks and other land areas.

There was one very high-profile case where a defense contractor had hired illegal aliens to work in a shipyard in Mississippi, another one at an Air Force base in North Carolina, and another one at a Marine base in Virginia. Those are more defense oriented, but this would certainly apply to all Federal agencies.

The success of this program, though, is that 92 percent of the prospective employees have their Social Security number verified within seconds of the work authorization. So this isn't requiring that employers have some cumbersome, unworkable paperwork requirement. In fact, 50 percent of the employers who use this program surveyed have said that it is an excellent, good, to very good program. And 98 percent say that they are likely to continue to use this program. It is a very good tool, I think to crack down on Social Security verification. And as we know, right now the U.S. Senate is debating an enormously unpopular bill which seeks comprehensive immigration reform.

This is a step. The American people have sent a clear signal that they want immigration reform but they would like it in the form of steps rather than comprehensive.

So with that, Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, it is with a very heavy heart, but I must insist on my point of order.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I just want to say as a member of the Appropriations Committee now going on 14 years, I remember several years ago when Congressman David Skaggs of Boulder, Colorado, offered an amendment in the committee which reinstituted the War Powers Act, because at that time we were concerned that President Clinton was getting us involved in a war in Bosnia; so we put it on that bill. And I believe last session we put on the continuation of government on an appropriation bill, and I am a firm believer that we do routinely authorize on appropriation bills. We just need to agree with the authorization.

So I want to say to my friend I have seen things accepted and things rejected.

Mr. DICKS. Is this a discussion on the point of order, Mr. Chairman, or are we wandering around?

Mr. KINGSTON. This is a speech and it is a very good speech.

The Acting CHAIRMAN. Members will refrain from arguing beyond the point of order.

Mr. KINGSTON. In any case, Mr. Chairman, I understand where the distinguished chairman of this committee is coming from and we will continue to work with him, the Appropriations Committee, and all Members of Congress to try to get Social Security verification done by businesses that contract with the Federal Government.

The Acting CHAIRMAN. Does any other Member seek recognition on the point of order? If not, the Chair is prepared to rule.

The amendment would require a determination of whether an entity does or does not participate in a given pilot program under immigration law. This determination is not currently required of the relevant Federal contracting officials. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. Jackson-Lee of Texas) having assumed the chair, Mr. Becerra, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–213) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the Rules Committee is expected to meet the week of July 9 to grant a rule which may structure the amendment process for floor consideration of H.R. 2669, the College Cost Reduction Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 11 a.m. on Tuesday, July 3. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive due consideration.

Amendments should be drafted to the bill as reported by the Committee on Education and Labor. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2643.

□ 1841

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. Becerra (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 23 printed in the Congressional Record offered by the gentleman from Georgia (Mr. Kingston) had been disposed of.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Pearce:

At the end of the bill, before the short title, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. No funds made available in or through this Act may be used for the continued operation of the Mexican Wolf Recovery program.

Mr. DICKS. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. Pearce) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to stop a program that has been a failure. Let the record be clear. After more than 10 years of failed attempts to reintroduce Mexican wolves, it is now time to call an end to this program.

I am speaking of the Mexican Wolf Recovery Program operated by the Fish and Wildlife Service in New Mexico and Arizona. Since the 1998 release of these captive bred wolves into the Blue Range Wolf Recovery area, this program has attempted to restore a population of wolves into the area, all while providing no compensation to ranchers for their livestock losses and all in the face of nearly unified local public opinion against the program.

Promises were made that the wolves would be restricted to the wilderness area of the Gila Mountains, but instead we have seen wolves as far away as Tularosa, New Mexico, almost 200 miles away.

To date this program has spent nearly $14 million and as of today has only 58 wolves in the wild; $14 million, 10 years, and 58 wolves in the wild.

□ 1845

Of these 58 wolves in the wild, we now are on a pace to remove 12 this year because they're problems.

Chart number 1 that I brought up today highlights the increasing rate of removal of the wolves from the wild because they're killing too much livestock and they're endangering people and pets in the district that I represent.

In 2005, the Service removed four problem wolves. In 2006, it removed eight. In 2007, we're on a pace to remove 12 wolves, 12 out of 58. If the Service has to remove 12 wolves this year, 20 percent of the wolves in the recovery area, how can anyone classify as a success a program where this many of the wolves are being a danger to ranchers and livestock?

I would add that the wolves that are released into New Mexico are the wolves that have killed too many animals over in Arizona. So New Mexico gets the benefit of having the most dangerous wolves released into the Second District.

Secondly, I would like to go to a chart that shows the horse, Six. In this shot, on the left side, Stacy Miller, 8 years old, is riding her horse, Six. This picture was taken 2 weeks before this picture. This picture on the right indicates her horse, Six, after the wolves finished with it. You see the ribs have been stripped completely clean. The hide is laying out here. That's 2 weeks after the picture was made. This is in the Second District of New Mexico.

And for those of you who want the feel-good feeling of releasing the wolves into the wild, let us release them into your daggone area instead of the area of southern New Mexico, where they represent a danger to the people of the Second District. If you aren't willing to take them into your district, then why are you going to spend money to put them in our district and endanger our people?

I would like to draw your attention to another tremendous concern, the Durango pack, particularly the female, AF924, which we speak about, is stalking the home of a young woman named

Micha. Micha Miller, not the same, is pictured here. Micha Miller is about 100 yards from her front door pointing to a wolf print that is there in the dirt. What is startling about this picture is the gun which Micha is wearing while she goes about her chores. The Durango pack of wolves have been in and around Micha's house for so long that her parents insist that she carry this gun with her while she does her chores, works or plays in the yard.

I am submitting for the RECORD a letter from Micha asking Congress to end this program that has put wolves in her front yard.

DEAR CONGRESSMAN PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. My parents and I have had the Durango Pack (AF924 & AM 973) in our yard 5 times in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse, bike and walk around outside. Since the reintroduction of the Mexican Wolf I can no longer due any of these things without being afraid.

When we get home after dark my mom has to go feed our dogs and cats because I'm scared to go outside even though I know the wolves are 6 miles down the road and it doesn't make a difference, I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder and being scared all the time. I have even resorted to carrying a firearm, I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes and even a bear and I wasn't as scared as I was every time the wolves were in our yard. The coyotes and bears are more scared of you and will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me and I was so scared I couldn't move. My older sister, A.J., came out and scared the wolf off finally.

I have nightmares about the wolves attacking my family & our pets. The Wolf Program says you cannot shoot a wolf if it is attacking your pet on private property. I don't understand how the wolf program expects people to stand by and let the wolves kill their pets and not do anything to stop them. They think the wolves are more important than anything else, including human life!

Congressman Pearce, I wish there was some way you could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside and play anytime I want without being armed and worrying about wolves being in my yard.

Thank you for your help,

MICHA MILLER.

Mr. Chairman, we will hear folks that will follow me talk about how healthy wolves have never attacked humans; I would say that they're simply wrong. I will submit for the RECORD a list of recorded attacks by wolves on humans. These include healthy captive wolves, domestically bred wolves and wolf-dog hybrids.

WOLF ATTACKS ON HUMANS

(By T. R. Mader, Research Division)

It has been widely discussed whether a healthy wild wolf has ever attacked a human on this continent. In fact, many say such attacks have never occurred in North America. History states otherwise. Although attacks on humans are uncommon, they have occurred on this continent, both in the early years of settlement and more recently. Here is one report:

NEW ROCKFORD, DAK, March 7.—The news has just reached here that a father and son, living several miles northeast of this city, were destroyed by wolves yesterday. The two unfortunate men started to a haystack some ten rods from the house to shovel a path around the stack when they were surrounded by wolves and literally eaten alive. The horror-stricken mother was standing at the window with a babe in her arms, a spectator to the terrible death of her husband and son, but was unable to aid them. After they had devoured every flesh from the bones of the men, the denizens of the forest attacked the house, but retired to the hills in a short time. Investigation found nothing but the bones of the husband and son. The family name was Olson. Wolves are more numerous and dangerous now than ever before known in North Dakota. (Saint Paul Daily Globe, March 8, 1888)

Here an account is reported which included an eyewitness and the family name. Some have reasoned the wolves were rabid. That is unlikely as these animals were functioning as a pack. A rabid wolf is a loner. Our research has never found a single historical account of packs of rabid wolves on this continent. Individual animals are the norm. Further, accounts of rabid (hydrophobic) animals were common in that day and were reported as such.

The winters of 1886-1888 were very harsh. Many western ranchers went broke during these years. The harsh winter could have been a factor in the attack.

Noted naturalists documented wolf attacks on humans. John James Audubon, of whom the Audubon Society is named, reported an attack involving 2 Negroes. He records that the men were traveling through a part of Kentucky near the Ohio border in winter. Due to the wild animals in the area the men carried axes on their shoulders as a precaution. While traveling through a heavily forested area, they were attacked by a pack of wolves. Using their axes, they attempted to fight off the wolves. Both men were knocked to the ground and severely wounded. One man was killed. The other dropped his axe and escaped up a tree. There he spent the night. The next morning the man climbed down from the tree. The bones of his friend lay scattered on the snow. Three wolves lay dead. He gathered up the axes and returned home with the news of the event. This incident occurred about 1830. (Audubon, J.J., and Bachman, J.; The Quadrupeds of North America, 3 volumes. New York, 1851-1854)

George Bird Grinnell investigated several reported wolf attacks on humans. He dismissed many reports for lack of evidence. Grinnell did verify one attack.

This occurrence was in northwestern Colorado. An eighteen-year-old girl went out at dusk to bring in some milk cows. She saw a gray wolf on a hill as she went out for the cows. She shouted at the wolf to scare it away and it did not move. She then threw a stone at it to frighten it away. The animal snarled at her shouting and attacked her when she threw the stone at it. The wolf grabbed the girl by the shoulder, threw her to the ground and bit her severely on the arms and legs. She screamed and her brother, who was nearby and armed with a gun, responded to the scene of the attack and killed the wolf. The wolf was a healthy young animal, barely full grown. Grinnell met this girl and examined her. She carried several scars from the attack. This attack occurred in summer about 1881. (Grinnell, G.B.; Trail and Campfire—Wolves and Wolf Nature, New York, 1897)

In 1942, Michael Dusiak, section foreman for the Canadian Pacific Railway, was attacked by a wolf while patrolling a section of track on a speeder (small 4-wheeled open railroad car). Dusiak relates, "It happened so fast and as it was still very dark, I thought an engine had hit me first. After getting up from out of the snow very quickly, I saw the wolf which was about fifty feet away from me and it was coming towards me. I grabbed the two axes (tools on the speeder), one in each hand and hit the wolf as he jumped at me right in the belly and in doing so lost one axe. Then the wolf started to circle me and got so close to me at times that I hit him with the head of the axe and it was only the wielding of the axe that kept him from me. All this time he was growling and gnashing his teeth. Then he would stop circling me and jump at me and I would hit him with the head of the axe. This happened five times and he kept edging me closer to the woods which was about 70 feet away. We fought this way for about fifteen minutes and I fought to stay out in the open close to the track. I hit him quite often as he came at me very fast and quick and I was trying to hit him a solid blow in the head for I knew if once he got me down it would be my finish. Then in the course of the fight he got me over onto the north side of the track and we fought there for about another ten minutes. Then a west bound train came along travelling about thirty miles an hour and stopped about half a train length west of us and backed up to where we were fighting. The engineer, fireman and brakeman came off the engine armed with picks and other tools, and killed the wolf."

It should be noted that this wolf was skinned and inspected by an Investigator Crichton, a Conservation Officer. His assessment was that the animal was a young healthy wolf in good condition although it appeared lean. ("A Record of Timber Wolf Attacking a Man," JOURNAL OF MAMMOLOGY, Vol. 28, No. 3, August 1947)

Common Man Institute, in cooperation with Abundant Wildlife Society of North America, has done extensive research on wolves and their history for several years. We have gathered evidence on wolf attacks which occurred in North America.

A forester employed by the Province of British Colombia was checking some timber for possible harvest in the 1980s. He was met by a small pack of three wolves. The forester yelled at the wolves to frighten them away. Instead, the wolves came towards him in a threatening manner and he was forced to retreat and climb a nearby tree for safety. The wolves remained at the base of the tree. The forester had a portable radio, but was unable to contact his base, due to distance, until evening. When the call for help came in, two Conservation Officers with the Ministry of Environment were flown to the area by floatplane to rescue the treed forester.

When the Conservation Officers arrived, the forester was still in the tree and one wolf, the apparent leader of the pack, was still at the base of the tree. The officers, armed with shotguns, shot at the wolf and missed. The wolf ran for cover and then started circling and howling near the two officers. After a couple missed shots, the wolf was finally shot and killed.

The wolf tested negative for rabies. It appeared healthy in every respect, but was very lean. The Conservation Officers felt the attack was caused by hunger. (Taped Interviews and a photo of the wolf on file at Abundant Wildlife Society of North America.)

This is but one example from British Colombia. Wolves overran Vancouver Island in the 1980s. Attacks became so common that articles were published in Canadian magazines documenting such attacks. (Copies available upon request.)

Wolf attacks on humans have occurred in national parks, too. In August 1987, a sixteen-year-old girl was bitten by a wild wolf in Algonquin Provincial Park in Ontario. The girl was camping in the park with a youth group and shined a flashlight at the wolf. The wolf reacted to the light by biting the girl on the arm. That bite was not hard and due to the thick sweater and sweatshirt the girl was wearing, she sustained two scratch marks on her arm. The wolf was shot by Natural Resources personnel and tested negative for rabies. (Interview with Ron Tozer, Park Naturalist for Algonquin Provincial Park, 7/25/88.)

Well-known wolf biologist Dr. David Mech took issue with this attack stating it couldn't really be considered an authentic attack since the girl wasn't injured more severely. It was exactly nine years when such an attack would take place.

Algonquin Provincial Park is one of several areas where people are encouraged to "howl" at the wolves in hopes of a response from the wild wolves in the area. In August, 1996, the Delventhal family of Pittsburgh, Pennsylvania, were spending a nine-day family vacation in Algonquin and joined a group of Scouts in "howling" at the wolves. They were answered by the howl of a solitary wolf.

That night the Delventhals decided to sleep out under the stars. Young Zachariah was dreaming when he suddenly felt excruciating pain in his face. A lone wolf had bit him in the face and was dragging him from his sleeping bag. Zach screamed and Tracy, Zach's Mother, raced to his side and picked him up, saturating her thermal shirt with blood from Zach's wounds.

The wolf stood menacingly less than a yard away. Tracy yelled at her husband, Thom, who leapt from his sleeping bag and charged the wolf. The wolf retreated and then charged at Tracy and Zach. The charges were repeated. Finally the wolfleft. Thom turned a flashlight on 11-year-old Zach and gasped "Oh, my God!" "The boy's face had been ripped open. His nose was crushed. Parts of his mouth and right cheek were torn and dangling. Blood gushed from puncture wounds below his eyes, and the lower part of his right ear was missing." Zach was taken to a hospital in Toronto where a plastic surgeon performed four hours of reconstructive surgery. Zach received more than 80 stitches in his face.

Canadian officials baited the Delventhals' campsite and captured and destroyed a 60-lb wild male wolf. No further attacks have occurred since. (Cook, Kathy; "Night of the Wolf" READER'S DIGEST, July 1997, pp. 114–119.)

Humans have been attacked by wolves in Alaska. The late David Tobuk carried scars on his face from a wolf attack on him as a small child. The incident occurred around the turn of the century in interior Alaska. David was playing in his village near a river. An old wolf came into the village and bit David in the face and started to carry him off. Other Eskimos saw the wolf dragging the child off and started yelling and screaming. The wolf dropped the child and was shot by an old Eskimo trapper who had a gun. (Interview with Frank Tobuk, brother, Bettles, Alaska, December 1988.)

Paul Tritt, an Athabascan Indian, was attacked by a lone wolf while working a trap line. Paul was setting a snare, looked up and saw a wolf lunging at him. He threw his arm up in front of his face and it was bitten severely by the wolf. A struggle ensued. Tritt was able to get to his sled, grab a gun and kill the wolf. Nathaniel Frank, a companion, helped Tritt wash the wound with warm water. Frank took Tritt, via dog sled, to Fort Yukon to see a doctor. The arm healed, but Tritt never regained full use of it. Several years later, the arm developed problems and had to be amputated. (Interview with Paul Tritt, Venetie, Alaska, November, 1988)

Two wolf attacks on humans occurred in 2000.

Icy Bay, Alaska.—6-year-old John Stenglein and a 9-year-old friend were playing outside his family's trailer at a logging camp when a wild wolf came out of the woods towards the boys. The boys ran and the wolf attacked young Stenglein from the back, biting him on the back and buttocks. Adults, hearing the boy's screams, came and chased the wolf away. The wolf returned a few moments later and was shot. According to Alaska Department of Fish and Game (ADF&G) officials, the wolf was a healthy wild wolf that apparently attacked without provocation. The boy was flown to Yakutat and recieved stitches there for his wounds. Later, however, the bites became infected and the boy had to be hospitalized. (Reports and Interviews on file and available upon request.)

Vargas Island, British Colombia.—University student, Scott Langevin, 23, was on a kayak trip with friends. They camped out on a beach and, about 1 AM, Langevin awoke with something pulling on his sleeping bag. He looked out and came face to face with a wild wolf. Langevin yelled at the wolf and it attacked, biting him on the hand. Langevin attempted to force the wolf toward a nearby campfire, but as he turned, the wolf jumped on his back and started biting him on the back of his head. Friends, hearing his yells, came to his aid and scared the wolf away. Fifty (50) stitches were required to close the wound on Langevin's head. British Colombia Ministry of Environment officials speculate the reason for the attack was due to the wolves occasionally being fed by humans although there was no evidence that Langevin or any of his party fed these animals. (Reports and Interviews on file and available upon request.)

This is but a brief summary of a few verifiable accounts of attacks on humans by healthy wild wolves in North American history.

Biologists tell us that the wolves of Asia and North America are one and the same species. Wolf attacks are common in many parts of Asia.

The government of India reported more than 100 deaths attributable to wolves in one year during the eighties. (Associated Press, 1985) This author recalls a news report in 1990 in which Iran reported deaths from attacks by wolves.

Rashid Jamsheed, a U.S. trained biologist, was the game director for Iran. He wrote a book entitled "Big Game Animals of Iran (Persia)." In it he made several references to wolf attacks on humans. Jamsheed says that for a millennia people have reported wolves attacking and killing humans. In winter, when starving wolves grow bold, they have been known to enter towns and kill people in daylight on the streets. Apparently, in Iran, there are many cases of wolves running off with small children. There is also a story of a mounted and armed policeman (gendarme) being followed by 3 wolves. In time he had to get off his horse to attend to nature's call, leaving his rifle in the scabbard. A later reconstruction at the scene of the gnawed bones and wolf tracks indicated that the horse had bolted and left the man defenseless, whereupon he was killed and eaten.

A Russian Linguist, Will Graves, provided our organization with reports of wolves killing Russian people in many areas of that country. Reports indicate some of the wolves were diseased while others appeared healthy. (Reports on file and available upon request.)

Reports have also come from rural China. The official Zinhua News Agency reported that a peasant woman, Wu Jing, snatched her two daughters from the jaws of a wolf and wrestled with the animal until rescuers arrived. Wu slashed at the wolf with a sickle and it dropped one daughter, but grabbed her sister. It was then Wu wrestled with the animal until herdsmen came and drove the beast away. This incident occurred near Shenyang City, about 380 miles northeast of Beijing. (Chronicle Features, 1992)

The question arises: "Why so many attacks in Asia and so few in North America?" Two factors must be considered:

1. The Philosophy of Conservation—Our forefathers always believed that they had the right and obligation to protect their livelihoods. Considerable distance was necessary between man and wolf for the wolf to survive.

2. Firearms—Inexpensive, efficient weapons gave man the upper hand in the protection of his livelihood and for the taking of wolves.

Milton P. Skinner in his book, "The Yellowstone Nature Book" (published 1924) wrote, "Most of the stories we hear of the ferocity of these animals . . . come from Europe. There, they are dangerous because they do not fear man, since they are seldom hunted except by the lords of the manor. In America, the wolves are the same kind, but they have found to their bitter cost that practically every man and boy carries a rifle . . ."

Skinner was correct. The areas of Asia where wolf attacks occur on humans are the same areas where the people have no firearms or other effective means of predator control.

But . . . "Biologists claim there are no documented cases of healthy wild wolves attacking humans."

What they really mean is there are no "documented" cases by their criteria which excludes historical accounts. Here's an example.

Rabid wolves were a frightening experience in the early years due to their size and the seriousness of being bit, especially before a vaccine was developed. The bitten subject usually died a slow, miserable death. There are numerous accounts of rabid wolves and their activities. Early Army forts have medical records of rabid wolves coming into the posts and biting several people before being killed. Most of the people bitten died slow, horrible deaths. Additionally, early historical writings relate personal accounts. This author recalls one historical account telling of a man being tied to a tree and left to die because of his violent behavior with rabies after being bitten by a wolf. Such deaths left profound impressions on eyewitnesses of those events.

Dr. David Mech, USFWS wolf biologist, states there are no "documented" cases of rabid wolves below the fifty seventh latitude north (near Whitehorse, Yukon Territory). When asked what "documented" meant, he stated, "The head of the wolf must be removed, sent to a lab for testing and found to be rabid."

Those requirements for documentation negate all historical records!

As with rabid wolves, the biologist can say, "There are no 'documented' cases of wild healthy wolves attacking humans." In order to be "documented" these unreasonable criteria must be met:

1. The wolf has to be killed, examined and found to be healthy.
2. It must be proven that the wolf was never kept in captivity in its entire life.
3. There must be eyewitnesses to the attack.
4. The person must die from their wounds (bites are generally not considered attacks according to the biologists).

That is a "documented" attack.

Such criteria make it very difficult to document any historical account of a wolf attack on a human!

Biologists assume when a wolf attacks a human, that there must be something wrong with the wolf. It's either been in captivity or it's sick or whatever. They don't examine the evidence in an unbiased manner or use historical tests.

Historically, there are four reasons for wolf attacks on humans:

1. Disease such as rabies.
2. Extreme hunger.
3. Familiarity/Disposition—This is an either/or situation. Familiarity is the zoo setting, captive wolves, etc. Disposition is a particularly aggressive wolf which may not fear man as most wolves do.
4. In the heat of the chase and kill—This is where a hiker, trapper or whoever disturbs a fresh chase and kill by wolves. The person walks into the scene only to be attacked by the wolves.

It is our belief that a predator's fear of man is both instinctive and learned behavior. For example, wolves raised as pets or in zoos are well documented to attack and kill humans.

Alyshia Berzyck, of Minnesota, was attacked and killed by a wolf on a chain on June 3, 1989. The wolf tore up her kidney, liver and bit a hole through her aorta. One month later, on July 1, 1989, Peter Lemke, 5, lost 12 inches of his intestine and colon and suffered bites to his stomach, neck, legs, arms and back in another wolf attack in Kenyon, Minnesota. (Reports on file and available upon request.)

Zoos carry abundant records of wolf attacks on people, particularly children. The child climbs the enclosure fence to pet the "dog" and is attacked.

Zoos and domestic settings are unnatural in that they place man and wolf in close proximity and they become accustomed to each other. Consequently attacks occur.

Today predator control is very restricted in scope, and as a result, attacks on humans by predators are becoming more common. In recent years, healthy coyotes in Yellowstone Park have attacked humans. Similar attacks have occurred in the National Parks of Canada.

On January 14, 1991, a healthy mountain lion attacked and killed an eighteen-year-old high school senior, Scott Lancaster, in Idaho Springs, Colorado. The boy was jogging on a jogging path within the city limits of the town when the lion attacked and killed him. (Report on file at Abundant Wildlife Society of North America)

Other Reported Wolf Attacks in the Wild

1. Comox Valley, British Colombia—1986—While driving a tractor, Jakob Knopp was followed by three wolves to his barn. They didn't leave, but kept snarling and showing their teeth. Knopp ran to his barn, retreived a rifle and had to shoot two of the three wolves before the third left the area.

2. George Williams, a retired sailor heard a commotion in his chicken coup one night. Thinking it was raccoons he took his single shot 22 rifle and headed for the coup. He rounded his fishing boat and trailer when a wolf leaped at him. He instinctively reacted with a snap shot with the rifle and dropped the wolf. A second wolf came at him before he could reload and George swung the rifle and struck the wolf across the head, stunning it. George retreated to the house until morning and found the wolf he had shot, the other was gone.

3. Clarence Lewis was picking berries on a logging road about a mile from Knopp's farm when he faced four wolves. Lewis yelled at them, two left and the other two advanced towards him. He took a branch and took a couple of threatening steps at them. They went into the brush and stayed close to him. Lewis faced the wolves and walked backward for two miles until he reached his car.

4. Don Hamilton, Conservation Officer at Nanaimo went to investigate a livestock killing by wolves. Wolves had killed a number of sheep in a pasture and Don went out to examine the kills. He came upon the scene and saw a large gray wolf feeding on one of the sheep. The wolf looked at him, growled and started running towards him at full speed. The wolf was over 100 yards away and never broke stride as it approached Don. At approximately 15 feet, Don shot the wolf to stop its attack. Don, who has many years experience with wolves, stated that he was convinced that the wolf was going to attack him because of its growling, snarling and aggressive behavior.

5. In 1947, a man was hunting cougar on Vancouver Island and was attacked by a pack of seven wolves. The man backed against a tree and shot the leader of the pack. The pack instantly tore the animal to shreds while the hunter made his escape.

6. Clarence Lindley was reportedly attacked by a 125-pound timber wolf. The incident occurred in early November, 1992 on the Figure 4 Ranch in Dunn County, North Dakota. Lindley was hunting horseback when the wolf attacked Lindley's horse causing it to jump and fall. Lindley was able to grab his saddle gun, a lever action Winchester 94, as the horse fell. The horse recovered its balance and Lindley found himself face to face with a snarling wolf. "My heart was pounding," said Lindley, "I could see those big teeth. He was less than five feet away. . . He meant business: he wasn't going to back off." Lindley fired his rifle at point blank range and killed the wolf with a shot to the neck. Lindley left the wolf since he couldn't get his horse close to it. On return to his hunting camp, his hunter friends failed to believe the account. They returned to the scene and skinned the wolf. The pelt was a flawless black and gray pelt measuring seven and a half feet from its feet to its snout. Its bottom teeth measured one and a half inches; top teeth—one and a quarter inches. The North Dakota Game and Fish Department (NDGF) confiscated the hide and head of the wolf and took it to the U. S. Fish and Wildlife Service (USFWS) for determination of its species. Tests revealed that the wolf was non-rabid. The wolf was thought to have come from Canada. (Reports on file and available upon request.)

WOLF ATTACKS ON HUMANS (DOMESTIC INCIDENTS)

1. In the 1970s, John Harris, a Californian, toured the nation with "tame" wolves to promote public sympathy for preserving wolves. In July, 1975, "Rocky," one of Harris" wolves, attacked a one-year-old girl by biting her in the face. The girl was brought close to the wolf for a picture, an action encouraged by Harris.

2. In Maryland, a man kept a wolf in his basement and this animal turned and savagely bit and clawed his two-year-old son.

3. In New York City, a wolf bit a woman as it approached her.

4. At a zoo in Idaho, a little girl walked up to a cage housing a wolf and reached through the bars to pet the wolf. The wolf bit the arm. The arm had to be amputated.

5. Mr. Edward Rucciuti, former curator of publications for the New York Zoological Society and author of KILLER ANIMALS, personally witnessed a 12-year-old boy savagely attacked in the Bronx Zoo. This boy climbed a high fence in order to pet the wolves. The wolves (male and 2 females) immediately attacked the boy, ripping at the boy's clothing and flesh. The boy instinctively curled up in a ball, protecting his head, chest and abdomen. He then crawled into the moat in front of the exhibit with the wolves chewing his back and legs. Once the boy made it to the water, the wolves ceased their attack. The boy crawled out of the moat and collapsed. Mr. Rucciuti was amazed that the boy was still alive due to the severity of the bites.

6. San Diego Zoo (1971) A 15-year-old boy climbed the fence and tried to take a shortcut across the exhibit. He didn't know there were wolves in the exhibit and tried to run when he saw them. The wolves grabbed him by the leg attempting to drag him off. The boy grabbed a tree and hung on. Two bystanders jumped in the enclosure and attacked the wolves with tree branches. The wolves did not attack the two men, but continued to maul the boy. Dragging the boy and swinging their clubs, the boy was pulled out of the enclosure. The wolves in the enclosure were all young animals and it was thought that if the animals were mature, the boy would have died before being rescued.

7. A few months after the attack on the boy (#6), a man scaled the fence and swung his arms in the exhibit to get the attention of the wolves and got it by being bitten severely on both arms.

8. 1973—Another boy tried to cross the same compound and was attacked, a security guard shot and killed one of the wolves, and the other fled as the boy was pulled to safety.

9. 1975—Small zoo in Worcester, Massachusetts, a two-year-old lad was savagely bitten on the leg when it slipped through an enclosure opening. The boy's mother and 2 men could not pull the boy free. The wolves did not stop ripping the boy's leg apart until a railroad tie was thrown in the midst ofthe wolves.

10. 1978—A wolf bit a child in Story, Wyoming. The wolfwas penned at a local veterinary clinic for observation. During that time, the wolf escaped its pen and killed a young calf. Wyoming law prohibits the keeping of wild animals as pets, so the animal was shipped to Ohio, where it had come from. The owner of the wolf went to Ohio and brought the wolf back to Wheatland, Wyoming. It was reported the wolf attacked and killed a child in that area shortly thereafter.

11. September, 1981—A two-year-old boy was mauled to death by an 80-lb, 3-year old female wolf in Ft. Wayne, Michigan. The boy

wandered within the chain length of the wolf.

12. August 2, 1986 (Fergus Falls, Minnesota)—A 17-month-old boy reached and grabbed the fencing which kept his father's pet wolves enclosed. One wolf immediately grabbed the boy's hand and bit it off. The mother was at the scene and received lacerations freeing the child from the wolf.

13. July 1988 (Minnesota Zoo)—A teenage volunteer reached through the wire fence to pet a wolf and was bitten. The wolf was put to sleep and tested for rabies negative.

14. May 15, 1989—2-year-old Timothy Bajinski was bitten by a wolf hybrid in his mother's Staten Island, New York backyard. Mrs. Bajinski has been charged with keeping a wild animal.

15. May 1989—Lucas Wilken was bitten by two wolf hybrids in Adams County, CO (Denver Area).

16. June 3, 1989—Three year old Alyshia Berczyk was attacked and killed by a wolf in Forest Lake, Minnesota. The wolf had bitten her severely and had injured her kidneys, liver and bit through her aorta. Alyshia was playing in a backyard when she got too close to the chained wolf that grabbed her dress and pulled her down, attacking her.

17. July 1, 1989 (Kenyon, Minnesota)—Peter Lemke, age 5, attempted to pet a chained wolf and was attacked. He lost 12 inches of his intestine and colon, suffered a tear in his stomach, and bite wounds on his arms, legs, buttocks and neck. While being life-flighted to the hospital, Pete arrested 3 times but was saved by medical personnel. The Lemkes have incurred over $200,000 in hospital bills. Pete has a colostomy bag, but doctors are hopeful they can re-attach his colon and get it to function normally in later surgeries.

18. September 3, 1989—A wolf and a dog entered a corral belonging to Leona Geppfart of Caldwell, ID and attacked a 6-month-old 400-pound Hereford calf. Geppfart attempted to scare the animals away and they turned on her and she retreated to her house. A short time later, a law enforcement officer arrived and as he approached the corral, the wolf lunged at him. The officer stopped the animal with his shotgun.

Note: This list of wolf attacks is by no means exhaustive. They are simply listed to show that attacks have occurred both in the wild and other settings.

Furthermore, while attacks by healthy wolves may not be common, the deep concern for wolves which have contracted rabies is a real threat. Right now, in Catron County, New Mexico, which is the heart of the wolf program, we have had new outbreaks of rabies among foxes. As everyone who has seen Old Yeller knows, rabies is a devastating disease which can cause tremendous harm. Because of the proximity of wolves to the population of New Mexico this year, the Fish and Wildlife Service took the extraordinary step of publishing a wolf tip card. Now, for the Fish and Wildlife Service to put out a card and distribute it in your district telling you to be careful and telling you what to do if you come up against one of these threats, you would feel that it should not be happening in your district.

Mr. PEARCE. Mr. Chairman, the following material are letters I have received from my constituents and other concerned citizens of southwestern New Mexico and southeastern Arizona regarding the reintroduction of the Mexican Wolf.

Since the reintroduction of the Mexican Wolf in 1998, the residents of my Congressional District have been plagued by problems associated with the release. Not only do ranchers suffer economic hardship due to wolves preying on their livestock, but countless family pets have been lost including dogs and horses. As the wolves become less afraid of man every year, I fear they will eventually prey upon humans.

To date, the program has yielded 58 wolves, 20 percent of which will be removed as problem animals, at a $14 million cost to the taxpayers. That is $242,000 spent per wolf.

These are some of our wolf experiences in the past 7.5 years. I don't think we have had a decent nights sleep since this program began.

2003—Wolf notes Monday May 19 to Tuesday May 28.

TUESDAY, MAY 20, 2003 12:42 p.m.

Subject: Wolves are back

No sooner that I griped to the Game Commission's about the release of our old friend from the Campbell Blue pack, F 592 into the wilderness again that she shows up here again. John Oakleaf called last May 19 about 9 p.m. with the happy news that they were with our cows and calves.

We were missing 2 calves since Friday and wolf tracks are everywhere but everything was OK when I checked this morning and this afternoon nothing but tracks. Life gets just a whole lot more complicated with them around. How many times can you say I told you so to the FWS, they can't stop believing that releasing heavily pregnant wolves into the Wilderness will keep them there, it doesn't and it hasn't and it never will. Changing the name just buffalo's the public into thinking there are new wolves out there. The new name for F 592 and her new mate was the Sycamore pack. The only good news is she should have had her puppies last week or maybe two weeks ago and she probably killed them if she traveled this far.

Ivy, my 14 year old daughter rode her paint mare up to the top of the hill by the house this morning like she always does and met up with both wolves. She said they wouldn't leave her alone and squared off with her at about 30 feet away. She didn't want to turn her back on them so she shot and reloaded and shot her single shot 22 off in the air a couple times and they finally scuttled down the hill into Turkey Run in front of her.

She was pretty excited and not a little scared when she came in. I on the other hand am livid and a lot scared. My kids shouldn't have to be held up by a pair of wolves on a ride ¼ mile from the house.

LAURA.

WEDNESDAY, MAY 21, 2003 1:17 p.m.

Subject: Wolf update Rafter Spear 5-20&21

We caught them on the cows and calves last evening May 20, 2003 around 7 p.m. and they had them bunched up trying to get a calf out the calves were either crying or sucking, we were just in time. We ran them off all of 50 feet and started driving the cows down the canyon on foot.

I left Matt with the cows and the 30–30 and went up the other canyon to check the other cows. On the way, I met Dan the wolf guy and told him to hurry up, the wolves were following Matt and he might just have to shoot one since they are following him so close. I stopped at the house to get a blanket for Miles since it was getting cold and he was asleep in the jeep, thank goodness. I also told the girls to saddle up and go help dad move those cows. Which they did.

Over the ridge I found a bagged up cow with wolf tracks nearby and all the other cows were far enough up the other canyon and still all right with no sign of wolf activity around them. I went on to 74 and check the other cattle thankfully the wolves hadn't been there yet.

By the time I got back to the turnoff to the house, where Matt and the girls left the cows, Matt was way off ahead on the road home and Dan was parked in the flat near the turnoff to our house with our cows. I picked up Matt and he said to go back and let him talk to Dan. He didn't apologize for yelling at him earlier but let it be known he didn't totally blame Dan for the situation. Dan said he was going to stay in the cows all night and we told him to come to the house and eat first. He said OK.

He called an hour later {satellite phone} and said the wolves were in the calves again and he wasn't coming in to eat. By then it was 10 p.m. so I made him supper and coffee and we took it out to him. He said they were all over the cows and calves and howling at him because they were frustrated and he was firing rubber bullets at them. He only had enough light to set one trap though. Since he was OK we went home to sleep because after learning they were in the cattle the night before we pretty much stayed awake all night.

Woke up at 4 a.m. finally got up at 4:30 and Dan showed up at 5:15 with some good news, he caught the male about 20 minutes before in the single trap he had managed to set the evening before. Apparently Dan has been improving as a trapper since our Dec. 99 experience with Campbell Blue pack which included F 592.

Melissa, Ted Turners wolf biologist, was 3 hours away with a cage so we called our neighbor Jack Diamond and he sent his wife Kaye over with a kennel to put the trapped wolf in.

We went back out and the female was still there with the male but not very close, it was breaking daylight by then. Dan gave the wolf a light sedative type drug so he would relax and not hurt himself in the trap. Matt went to check the cows in 74 where I had gone that night and I waited with Dan in case Kaye got there and Dan needed help loading the wolf. She did and Matt and Dan loaded him into the kennel right about the time Melissa showed up, so we sent that wolf home to Sevilletta. I made Dan keep Melissa's kennel in case 592 was caught.

The female 592 ran off but I am sure she stayed somewhere nearby, Dan looked around for her and then tried to sleep a few hours during the day they aren't very active, thank goodness. The wolves had run him from calf to calf and canyon to canyon last night and he didn't get much rest I am just grateful it wasn't me but I may get a turn tonight. These livestock killers and problem wolves should not be turned out at all. 592 is the major stock killer of the pair and they were determined to get a calf. Dan didn't let them and they actually howled at him about it. But they did manage to bite at least two calves before he could hit them with rubber bullets which seemed to have little effect.

We are missing two calves one since about last Friday and one since Monday but haven't found any wolf poop yet to see what is up with that. Probably won't be confirmed though. One was about a week old and one was born Saturday to a cow that has never lost a calf, Matt saw it Sunday evening and it was fine then.

Mad as we are about all this at least we had competent help and we are grateful for that. Why the hell they are re-releasing stock killers is beyond me. It is plain dumb and only makes the program look bad.

LAURA.

Update: Wolves at the rafter spear 5–21–5–23

The last few days the wolf story has slowed down a lot but the aftermath is still ongoing. After trapping the male, the female took off and is about 6 miles to the SW at last flight on Thursday. There are traps everywhere in preparation for her return. I understand they are trapping for her because of the incident with Ivy not the calf killing. I don't care why but glad to hear there is a limit to how badly they can accost our kids. Nick Smith and Dan Stark also have a permit to shoot her if they have to.

My problem is, this animal has a history here and has absolutely no fear it has menaced my daughter and followed my husband, who is not menaceable, or at least he thought he wasn't until he was followed by wolves he was not allowed to shoot. Together they killed and ate two calves before we knew they were here and two bitten calves, they are swelled up and crippled we have shaved measured and taken pictures.

One has more bites, on the flanks, side and head but they are superficial, the calf is in quite a bit of distress from bruising but hopefully will be fine. I imagine the times when Dan heard the cows get up and shined the spotlight on them and saw the wolf, he stopped the attacks. The next day there was a calf with a swollen front knee in the same bunch, after shaving we found wolf bites on the front and back legs. The knee is hot and three times bigger than the other, the wound on it is superficial but the trauma caused the swelling is severe and this calf may be ruined. Both calves were in the bunch Dan guarded Tuesday night. If he hadn't been there would probably be 4 missing calves and four tight bagged cows. I am glad he got to experience the mayhem one pair of wolves can attempt to wreck in just 12 hours.

On a side note there is another injury from a calf caught in a trap this morning, nobody is to blame for that, We are grateful to have the traps out, but still, another injury.

There was a small bunch of 11 cows and calves that were harassed by the pair, not including the two that lost the calves.

It has been some week. I have a dramatic picture for every day of the week. Yesterday the FS backburned from behind my house and it was pretty scary kind of like a volcano going off on your back door. The results should be good though. We had good representation from our government yesterday though. FWS, FS RITF and APHIS all on the porch at once. If we can find a piece of the space shuttle maybe NASA will come pay us a visit.

It is hard to know where to begin since our emotions have run the gamut the past few days. Traps were set Tuesday after the male was caught and the female left for several days, she ended up on the Diamond Bar where Nick Smith tracked her for several days. He found one bitten calf probably from the trip over here a week prior. The calf was a month or two old so that is probably why they were still shy about killing it and staying there.

The weekend was pretty good though. I went to town, 74 miles away on Saturday and bought groceries so the guys could be fed halfway decently while they worked and believe me they worked. Matt took Miles, he is 5 and clipped cages below the house and Dan checked his traps and made a 20 mile circle hiking into diamond creek on foot trying to get a signal. He was unsuccessful but Nick Smith found her signal later that night west of the Links camp on the Diamond Bar. On Sunday, Matt and Dan rode into Round Mountain and packed salt. That afternoon everyone rested a bit between checking traps and gardening, painting, watching Kristie and her boyfriend and various other normal pursuits.

She was back here Monday morning. Dan woke up checked his equipment, got a signal and took off. When I checked cows that day I got a signal that seemed pretty strong right in the cows up 74 draw and Dan's truck was nearby. She pretty much stayed there all day with Dan tracking her along with Nick Smith who came in to help him. Dan came in that evening to make some phone calls and get something to eat. While he was on the phone, Matt and I went out and looked after the cows, one of us on either end of the bunch. She was there the whole time but we didn't have a directional antenna and felt our job was to look after the cows not the wolf.

Monday night and Tuesday, yesterday. Dan was up all night with her, most of the cattle were west about a mile he felt OK about leaving her alone until light, really there wasn't much choice since she didn't seem to be doing anything but hanging out in that area and it was pretty thick. Near morning he could hear coyotes making a heck of a ruckus in the draw she was up and thought that it was weird since he has been taught all his life that such wolf/coyote fraternizing behavior was abnormal.

He hadn't remembered or taken us seriously when we had told him the coyotes saved her life in the winter of 1999/2000 when she was here last. She had nearly starved to death until she started hanging around with the coyotes. Kristie who was 15 at the time had ridden up on her and the wolf followed her part way back to the house. Kristie was really mad because she could see the wolf was half dead from hunger and going bald. It was so cold that winter she would cry on the mountain behind the house and we would hear her at night. She was there for 5 months until she moved to the neighbors on Canyon Creek and killed her first calf. Later that summer she moved to the Adobe which is north of us met with her old mate and really went to killing cattle. Those coyotes saved her life though and she was used to being around them.

Anyway, Dan hiked into the draw to see what was up as soon as there was enough light and a cow with a full bag of milk met him on his way in. The bad news is 592 was on a cow that had calved a day or two before and she had killed the calf. The coyotes had found her and were trying to steal the carcass from her. He ran both the wolf and the coyotes, off the calf, found two pieces and packed them to the truck and brought them in to the house put them in the barn and called Wildlife Services. As Dan has found out, sometimes there is just nothing you can do about the killing even when you are watching just as close as you can and not sleeping or eating to do it. The wolf has every advantage even if you do have the technology. We were very lucky he found any remains of this calf.

The calf was killed by the wolf, Wildlife Services verified it the hemorrhaging was way too bad to be coyote and the bite marks measured out. At least the few that weren't eaten away. The calf was in two pieces it was a new heifer and had walked on it's feet quite a bit before it was killed. The cow was one we were concerned about because she had taken off to have the calf as they all do. Apparently she didn't hide well enough to fool the wolf. But as Dan can attest to, she was hidden from all human eyes pretty darned well.

I had to go to Winston and get gas, so I took Dan and Nick some Orange juice that afternoon, Dan looked like crap and they were still tracking her. Dan was waiting for Nick to radio him and was trying to catch a catnap under the truck when I pulled up, so much for that nap. Johnny Anglin with Wildlife Services arrived the same time I did. We left them to their business about 30 min later. On my way home I found a brand new calf in the same bunch of cows that the wolf had been living with the past couple days. I took pictures of it in case the calf showed up on a milk carton in the next day or two. The cow was eating her afterbirth in the pictures so she was doing her best to keep baby safe instinct is an amazing thing. It was a big old baby too.

The wolf was shot this evening, the poor little old thing was laid out on the tailgate. She had big feet, a big head and big teeth and an extremely full belly. She did have a really ugly unhealthy looking coat in my opinion for something that had only come out of captivity a few weeks earlier. It had done nothing but follow her own survival instinct as successfully as possible. This was a dumb mistake and a bad situation that didn't have to happen.

We all spent a week living and breathing this tragedy that resulted in three dead calves, 3 wolf injured calves a bunch of stressed out people one trapped wolf and one pathetic shot wolf. It cost us a full week away from earning any income milling and we are way behind, broke and extremely tired. It cost Dan his peace of mind and taught him the hard way what we have to deal with. Thankfully he retained his integrity in spite of the mess and stress going on all around him.

Thank goodness it is over for now. However I know the Francisco Pack will be re-released soon and am sure the same set of problems on a larger scale will be imminent as soon as that release takes place. Re-releasing habitual stock killers is poor management and is only asking for trouble. Unfortunately so many of the employees agree with the environmentalists that the wolves should be out on the ground no matter how many of our cows they kill so they just keep using problem and habituated wolves in the program. When the wolf kills too many cattle they just re-write their policy to allow them to leave it out longer and hurt us ranchers more.

Update: June 5, Sherry Laney found a calf with a big bite in it's behind the bite is 1 and ½ inches, wolf width. It is healing but mildly infected. I guess she wasn't so shy over there after all.

JUNE 2004.

A single wolf has been moving around 74 draw all month. Matt found a small calf with his hind end totally mauled. We already had his mother here at the house, that cow never ever loses a calf so Matt had been looking for the calf, the calf found him actually ran to him bawling for help. We cut away the dead and infected flesh and found bites in all the same places as last years calves, WS came out but they didn't do a thorough job examining it. I was gone so nobody insisted on a thorough job like I would have. I did it myself later. This is a wolf attack the bites measure out and the injuries are in the same place and there were wolf tracks.

People don't realize wolves are not efficient killers and they aren't at all humane about what they do. They simply get something down and start eating and the prey dies of shock and blood loss. It is very difficult for someone who raises livestock to see their hard work tortured to death in this manner, especially the pregnant cows and the baby calves. This wolf was inexperienced and the calf got away. He nearly died of the infection though and weighed about 150 pounds less than the other calves. I guess when he finally went to the market he was considered a wolf friendly beef.

Summer 2005 wolf tracks up and down 74 draw again. Watching all the cattle all the time no time for school or anything else. Kristie got married in July so we are glad the wolves didn't show up until after the wedding anyway. No kills that we know of except to a bear which we were allowed to take care of so that ended that problem.

OCTOBER 2006.

At least two separate wolves moving in and out of the area. These wolves do not have tracking collars. FWS will not investigate. WS showed up and documented tracks so we can do something if there is a kill. Nothing so far that we were able to find just a lot of lost time and a huge amount of fuel and a lot of lost time. Bought two Pyreneese pups in September, we can't afford to feed them but we have to do something progressive.

We have also purchased water rights and are going to the huge expense of putting an irrigation system into the old fields on this place so we can bring cows into the deeded land if necessary and wolves get into them again. We have to be able to defend our cattle and the rules only allow us to do so if they are on deeded land.

We have also built kennels at a 4000 dollar cost that we also cannot afford but we can't allow wolves to come into the deeded land and kill our valuable cow dogs. We can't operate in this rough country without them.

DECEMBER 26, 2006.

Pyraneese puppies who are 5 months old now gone. The other one is hiding under the porch and there are wolf tracks everywhere. We had them penned up in the yard but they found a way out. The kids are devastated. We looked everywhere but the puppy is gone. The wolf just carried him off. All that dog food we have in him wasted all those kid hugs and effort just eaten up like it was nothing.

We will have to replace him, his brother can't be alone with these animals around. I guess we just have to get used to living with death and destruction and still we are supposed to be happy people and living under the requirements of the law. It is sickening.

2007.

June 11 on our way home from town we saw three wolves, one had a collar but two did not. They were in Brian Carters cows on the side of the road just about two miles from the Poverty creek subdivision. They were just laying in the tall grass with the cattle waiting for it to get a little darker. Matt and I ran them off the cows and called our neighbors to tell them the wolves were in the cows. It didn't help, the next day we went over with our monitor and there was no signal for the collared animal so he is probably has a non functioning collar. This is a whole other pack FWS do not believe exist.

Found wolf poop two different piles of it. One had calf teeth in it. FWS never even bothered to come out or do anything at all and there is no telling where these animals are now.

Our closest neighbor Jack Diamond has the horse killing aspen pack on him in his roughest pasture they are having pups there and are now feeding his yearlings to the pups. I went over and gave moral support while they confirmed the first kill that the Diamonds were able to find. They are out there every day but like I said it is rough country and they won't know how many they lost until it is time to ship the yearlings.

Nearly 2 year old heifer eaten alive at water tank on Diamond's place. All three wolves involved only the male has a strike towards removal. The rule doesn't say only one wolf gets the strike. FWS are cheating the people out here of proper and fair management to leave killer wolves out on the ground.

MAY/JUNE 07.

I once again have two sets of wolf tracks and no signal in our cow pasture. I am watching the cattle like a hawk.

The Boy Scout camp has moved in and that seemed to have driven the animals out for now. Now I am just worried sick about the kids so I warned, mentioned is a better word the wolves to the scoutmasters. How do you tell them that wolves that attacked a dog in front of an 8 year old girl are here within a half days walk of your camp. I didn't tell them all that, didn't want them to feel uncomfortable out here. I want them out here while it is still possible, within a year or two, nobody will be comfortable camping out here with kids. So I told them to come and use my phone for anything they needed and I am checking in on them every day or two. It is nerve wracking but they are making quite a bit of noise so things should be ok.

We are exhausted and financially strapped from all the re-vamping of our operation and we are demoralized by all the un-collared wolves we are seeing and finding tracks for. Mostly it is so disheartening that nobody even cares about our neighbors and ourselves. That we are all going broke supporting this program and those kids running it are getting huge salaries and don't end up losing anything, ever. Why us why is it our responsibility to shoulder this program's foolishness? Why are we being allowed to go bankrupt? Why can't I finish my college education? Why can't my youngest daughter go off to school too? She feels like she needs to be here to help us keep our home and help us keep our family ranch in business.

My son never got to be raised at the creek playing with minnows and frogs like his sisters did before wolves. He hasn't gotten to ride with his dad hardly at all either, he just turned 9 and his whole life has been affected by wolves. At least our girls were able to be raised out here the way we intended. Our son is locked into a yard and has to be watched constantly.

I have to attend every single meeting I can scrape together gas money for, and we can't afford to any more. But if we don't go, FWS and the groups that support this program and who get paychecks to go to these meetings will come up with another plan to harm us further.

I pray every night that this program will go away, before it is too late for us before it is too late for the game and the whole country is too dangerous to live in the way it used to be.

Sincerely

LAURA.

MARCH 14, 2007.

Subject: Grant County Farm and Livestock Bureau urging support for a Grant County Commissioners' wolf management resolution or ordinance.

GRANT COUNTY COMMISSIONERS,
Grant County Administrative Center,
Silver City, NM.

On behalf of the Grant County Farm and Livestock Bureau, this letter is written in support of Grant County Commissioners passing a resolution or ordinance that will uphold the Constitutional rights, insure citizens safety and reduce the economic impact of the introduction of the Mexican Grey wolf into Grant County.

As the Government closest to the people, the county is obligated to take a stand on how the wolf introduction project is operated within their jurisdiction so that the following problems are overseen. Property rights (compensation for any losses due to the wolves), safety for human lives, public health concerns such as rabies, and to insure that rural economic pursuits are not jeopardized.

Active participation of the county commissioners and county law enforcement personnel with the U.S. Fish and Wildlife Service and the New Mexico Game and Fish Department is absolutely necessary in order to manage the wolf introductions and insure that Grant County citizens rights are not violated. In the final analysis we feel very strongly that there is no animal on this planet worth the life of a single child. It is the right and responsibility of Grant County Commissioners to insure that the lives of our children are never at risk from wolves.

Sincerely,

JOHN C. YORK,
President.

WOLF SIGHTING ON THE N CROSS RANCH

On March 13, 2007, between 7:15 and 7:45 a.m., I Ryan Jameson had a threatening encounter with several Mexican Grey Wolves. I was working on the N Cross Ranch in Cliff, New Mexico, and beginning to saddle a horse at our barn. All seven of the horses were in the stalls, when suddenly they began frantically snorting and stomping. I looked towards the south and noticed that several objects were running due west, approximately 150 to 200 yards away from the barn. As I continued watching, I realized that the moving objects were a pack of wolves! I was filled with fury as I watched these ferocious animals sprint directly towards two of our bulls. I knew that I had to take control immediately in order to not only protect these two defenseless bulls, but also the other twenty-two three- to six-year-old bulls in Pitt's Pasture. I jumped on the four-wheeler, rushed up to my grandmother's house, and got a means of protection. Then just as quickly as I had come, I raced back towards the area in which I had spotted the wolves. My goal was to run them off of our bulls as quickly as possible. As I neared their location, I noticed that five wolves were circling the two bulls. I decided to go at them head on, which caused two of the predators to break off. However, three of the wolves persisted and continued circling. They did not break away until I was only about twenty yards away. Two of the wolves then headed northwest towards my grandparents' house. Luckily I was able to redirect them towards the direction of the other three wolves, after alarming them with my hollering and the four-wheeler. Next the wolves went under a nearby fence, into Pitt's Pasture. After dismounting from the four-wheeler, I jumped over this same fence. This maneuver made me a barrier between the five wolves and the bulls. At this point I was only about ten to fifteen feet away from the dangerous pack, and I realized that they all looked full as if they had just come from a kill. I began shouting and waving my arms, and slowly four of the wolves ran away. The fifth wolf lurked behind the others; though, and he confidently stared right at me. I stood my ground and continued creating a ruckus, which caused the animal to trot in the same direction as the others. The five wolves climbed to the top of a hill and sprawled under a tree.

I knew that I should proceed by reporting the incident to the officials; however, I did not want to lose contact with the pack. I had to be sure that they did not cause any further damage to our cattle. After riding the four-wheeler back to my grandparents' house, I called my grandfather and mother, inquiring about which officials I should call. They informed me that they would make all of the necessary calls, and I was instructed to watch the wolves very closely. We did not want the wild animals to attack any of our cattle. The wolves were close enough to my grandparents' house that I was able to watch them from this location. This is exactly what I did for about twenty minutes. During this time the wolves were sniffing around and moving amongst the trees on the hill. However, they then began to move out over the hill, which prevented me from seeing them. I immediately got back on the four-wheeler and raced to the top of the hill, in order to be sure that the predators were not harassing or harming any of the cattle in Pitt's Pasture. When I arrived at the top of the hill, the wolves were only about fifteen to twenty feet away and four of them were already circling three bulls. I jumped off the four-wheeler and ran towards these wolves. They eventually broke off and trotted away from the scene. However, as I looked over my shoulder I noticed that the fifth wolf was only about six feet away and was circling me. The male wolf was in a crouching position and its hair was standing on end. After it did about three-fourths of a circle around me, I charged the wild animal. This seemed to be my only choice as I was overwhelmed with fear for my life. As soon as I began to charge, the wolf trotted off towards the other four wolves. I ran to my four-wheeler, in hopes to catch up with the pack. I wanted to see where they were headed, but unfortunately I lost sight of them.

Two hours after this horrific incident, a plane flew over our ranch in the exact direction that the wolf pack had run off to. The plane made three to five tight circles above this area. I was for certain that the person or people in the plane were tracking the wolves, because I had seen a collar on one of the wolves. I also believe that the other four wolves wore collars as well. However, due to the emotional intensity of the events, I was not focusing on specific characteristics of the wolves or their collars. I was intent on protecting our livestock!

Later in the day, about early to mid afternoon, a USDA official, Pat Finch, came out to our ranch to investigate the wolf incident. I took him to the location of the first encounter with the wolves, which was nearby the barn. Mr. Finch examined and measured the tracks. I recall these measurements being roughly 4.5 inches long by 3.5 inches wide. He then stated that the tracks were wolf tracks. At this point I told him the unforgettable story that I have recorded here. My family has yet to hear any further information regarding the Mexican Grey Wolves. There has not been a single government official contact us since the day of our encounter with these threatening animals, March 13, 2007.

RYAN T. JAMESON.

MONDAY, JUNE 4, 2007

From: Jim Taylor.
Subject: Wolf program cost.

We are involved in a small mother-cow operation, and fortunately are fairly well removed from the areas wolves have been introduced to. However, we did sight a pair on our property (17 miles east of T or C, NM) and this sighting was confirmed by our neighbors to the east of us and all the way south to the Cutter area.

We reported this sighting to US fish and game—several months later, one of their reps came by asking about the sighting . . . as if they really cared. We attended one "wolf meeting" in T or C—hosted by fish and game I guess. Forest Svc, State fish and game, US fish&game, and some more reps from other govt agencies there. I did some rough, unqualified math in my head in relation to what all these talking heads with the govt agencies were making (salaries, expenses, transportation, etc) then added what their employees (field grunts) were making—then the cost of equipment, feed, medicine, etc, then the scariest part—what their bosses (the politicians, lobbies, and other general carpet baggers) were milking us (the tax paying public) for.

I stated to the chair of that meeting that I surely didnt begrudge anybody employment, but I felt our tax dollars—and their educations, could certainly be put to better use than feeding a bunch of wild dogs. Seemed pretty darn silly to be messing with obsolete evolution while we have so many socio-economic challenges in this country—(the homeless, the hungry, the uninsured, just to scratch the surface). Instead of feeding a wild dog, why not channel that money and all the "brain power" these wolf activists and their lackeys control to a very evident and more worthwhile endeavor. I dont like the tax burden I carry, but if I've got to pay those taxes, I hate to see them squandered on the wolves. From where I sit, the whole program stinks—I think it's about how many dollars the carpet bagging activists can garner, and the wolves are no more than a vehicle for them to reach that end. And at the taxpayers expense.

I also believe the wolf program is a poorly masked assault on the livestock industry and possibly even conspires to a future land grab, as ranchers are forced out of business. Sorry, but I cant find much nice to say about the program.

JIM TAYLOR,
Engle, NM.

FRIDAY, JUNE 15, 2007 12:46 P.M.

From: Micha Miller,
Subject: Letter about wolves

DEAR MR. PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. We, my parents & I, have had the Durango Pack (AF924 & AM 973) in our yard 5 time in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse & bike & walk around outside, for that I wish we could get the wolves out permantly!

When we get home after dark my mom has to go feed our dogs & cats because I'm scared to go outside even though I know the wolves are 6 miles down the road & it doesn't make a difference, I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder & being scared all the time. Even carrying a firearm I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes & even a bear & I wasn't as scared as I was everytime the wolves were in our yard. The coyotes & bears are more scared of you & will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me & I was so scared I couldn't move. My older sister, A.J., came out & scared the wolf off finally.

I have nightmares about the wolves attacking my family & our pets. The Wolf Program says you cannot shoot a wolf if it attacking your pet on private property. I don't understand how the wolf program expects people to stand by & let the wolves kill their pets & not do anything to stop them. They think the wolves are more important than anything else, including a human life!

I wish there was someway you could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside & play anytime I want without being armed & worrying about wolves being in my yard.

Thank you for your help,

MICHA MILLER.

FRIDAY, JUNE 15, 2007 3:59 P.M.

Subject: Mexican Gray Wolf

I would like to share with you my out look on the Mexican Gray Wolf. It makes me sick to see what damage this program of Dumping the Wolf off here on the New Mexico and Arizona border has done. I don't see how this got passed because there is not but two people here in Reserve NM. that I have talked to that would even consider this wrong doing, Why didn't the people in the surrounding towns and Ranches get to vote on this matter?

The Cost to the American people for this wrong doing is way over its bounds when you want to give this matter some real down home thought. . . . What were the Endangered Species Act and The Defenders of Wildlife thinking Let alone our elected officials doing? Thinking back that was about the time Bill Clinton and Monica Lewinsky was spending too much time in the oral office. What was all the other elected officials doing at that time? Makes me wonder. When this Wolf matter should of been the main topic, instead of watching our President stand before America and lie like he did on television about his affair with Monica.

What is going to be done about this Wolf Reintroduction Program, that should be called Dumping the Wolf along the NM./AZ. border. There was a lot more food for the Wolf a 100 yrs. ago and the Wolf didn't make it then, Why is it that the Organizations that got the wolf dumped here now seem to have over looked this part, are they going to bring back the Buffalo that use to run on the ranges back to? The wolf is going to need a large food source soon from the way I see things, The wolf and all other predators are over taking what use to be. The poison that use to keep the predators thinned down is no longer used now and there should of been some other means of taking care of this problem, Now the Wolf is here eating and killing what few Deer there is left and the Elk, What is going to happen when the Elk herds keep falling off? Is that just OK because the Wolf needs to eat to. I feel that the groups that wanted the Wolf here should make some other means of feeding it, there use to be over 50,000 head of sheep in the Gila National Forest surroundings and now there is nowhere that amount, The Deer are all but gone as to what use to be here even 10 yrs ago. Since the Organization's of Organized Crime that got the Wolf Dumped off here along the NM. AZ. border, Why don't they bring back the Dinosaur's, Buffalo. I would rather see Charles Manson back cruising the streets of LA. California. And Grizzly Bears in Time Square NY. my self, it would keep crime rate down.

Any Way you want to look at this matter our country is not doing good when a Group of people can dictate what goes on here in the South West and not even live here, It is wrong. Why don't they put the Wolf in there own back yard or keep them in the pen next to where the Buffalo that use to Rome here are being kept, and continue to hand feed the Wolf that didn't make it 100 yrs ago and will not make it now, if you look at this with common sense, the Wolf is going to run out of food to eat!!! Then What?

Some people say that the Wolf wont attack humans well there is a book out that will give you a different out look on this matter it is called Wolves in Russia and you can get your copy at www.wolvesinrussia.com http://www.wolvesinrussia.com/

I'm very disappointed in how the Wolf Dumping went, and I feel this matter is going to get a lot worse before it gets any better, What do you think is going to happen when little red riding hood or little johnny gets off the school bus and gets attacked by the Big Bad Wolf on there way home from school? then what do you think is going to happen, How long is it going take for the American people that have to live with this situation everyday and wake up some morning and decide to take the Law into there own hands? What is going to stop everybody that lives in surrounding towns to get together and decide to open a wolf hunt and everyone go wolf hunting?

How would you like to wake up and have Wolves around your house all day waiting to attack the family pet/livestock,

When the Wolf gets hungry enough there is nothing going to stop it from killing what ever it can to stay alive, That could be a good time for all the Organizations and People that wanted and got the Wolf here for them to go on a family camping trip to see there first wolf in the wilderness and to here there first wolf howl, they will have to get out from behind there desk. I sure hope they bring plenty of dog food and leave there guns at home, Just maybe they can have there first hands on situation with a pack of Wolves and see how they like the Ida then.

GREGORY SCOTT.

From: Micha Miller.
Friday, June 15, 2007 12:46 p.m.
Subject: Letter about wolves

Dear Mr. PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. We, my parents and I, have had the Durango Pack (AF924 and AM 973) in our yard 5 times in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse and bike and walk around outside, for that I wish we could get the wolves out permanently!

When we get home after dark my mom has to go feed our dogs and cats because I'm scared to go outside even though I know the wolves are 6 miles down the road and it doesn't make a difference. I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder and being scared all the time. Even carrying a firearm I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes and even a bear and I wasn't as scared as I was everytime the wolves were in our yard. The coyotes and bears are more scared of you and will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me and I was so scared I couldn't move. My older sister, A.J., came out and scared the wolf off finally.

I have nightmares about the wolves attacking my family and our pets. The Wolf Program says you cannot shoot a wolf if it is attacking your pet on private property. I don't understand how the wolf program expects people to stand by and let the wolves kill their pets and not do anything to stop them. They think the wolves are more important than anything else, including a human life!

I wish there was someway you Mr. PEARCE could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside and play anytime I want without being armed and worrying about wolves being in my yard.

Thank you for your help.

MICHA MILLER.

Dear Sir: I am Samuel Montoya, a Viet Nam Veteran and a life resident of New Mexico. I was born in Las Cruces, and was brought up to enjoy the outdoors and the abundant hunting privileges, shared by and with many generations of my family.

Since the wolf program has been active in our state, the enjoyment of the outdoors has stopped; and our hunting has become unsafe.

In 2006, myself and some friends were on an elk hunt in the Gila, specifically units 16A and 16D. A total of 4 elk were killed. Two of the hunters were my friends that came in to hunt were from Indiana. They paid out of state license fees. We were bow hunting and they stuck their elk in the evening and lost the blood trail when it got dark. I told them we would get up early and continue to track. Well, we found them and a wolf was on them and had eaten over half the elk. I ensured they tagged it which is in accordance with NM Game and Fish laws. They went home paying the state $766.00 and all their expenses getting here and then going home without the elk they had killed.

I am also a landowner at Elk Springs. Is it sad that I can't do anything to protect my property and pets, on my own property, from the wolf. This is the policy of the Federal and State Government. I have had wolves on my property and so have other neighbors in the subdivision.

In reading our Constitution of the State of New Mexico, Page 2, Article II. Bill of Rights Section 2-3-4, Popular Sovereignty and Right of Self Government and Inherent Rights, we no longer have these rights; they have been taken away from us. The most important to me are sections 3 and 4. I cannot govern what happens on my property with the wolf, and in section 4, I cannot enjoy and defend my life and liberty of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness, as long as the wolf is present.

Our game—elk, deer, etc., will no longer be what it is today, due to the wolf. I don't know how our Federal Government could bring the wolves into New Mexico and feed them with our state game. The hunters have paid for our elk population, by purchasing licenses. Our Game & Fish are supposed to take care of our game, but are doing a bad job.

What I would like to see done is to give back the care of our forest and game to the State Police, and get rid of our NM Game & Fish. I think they have forgotten who pays for their jobs. The wolves should be removed and relocated to White Sands Missile Range, since there is no one living there, and let the Federal Government fence them in and feed them. This will allow us to get our rights back on our property, and our freedom to walk in our back yard without having fear of the wolf.

Thank you for listening and your assistance is appreciated.

SAMUEL E. MONTOYA.

TUESDAY, JUNE 12, 2007 11:44 A.M.

From: Laura Schneberger.
Subject: More kills on Durango not that it matters

Durango is howling all around the Garcia all night, a cow was bawling like crazy so in the morning they went looking and found the calf. They are examining it now. Probably will be confirmed but then the female will be spared a strike and she already has two of them. The male has none in the past year that I know of, so he will get this strike and probably the next two, then at the very end of the strike process, they will finally admit there is a problem anywhere from 3-15 cows later and issue removal orders.

They have been killing all along it is big country though and the cowboys are spread so darned thin. It really stinks that they are responsible for 90% of wolf management or they can just suck up the losses. I have no idea what FWS does anymore other than pander to the Defenders of wildlife and their pals and go to the bar in Alpine at night. Oh yes, they go to meetings where they plot and plan on how to make sure the people out here are impacted as badly as possible.

Ranchers can't afford to go not even to defend themselves anymore we don't get per diem for the 3.50 a gallon gas and if we leave the kills escalate and are found even less often.

So now the bites found on the calf are 35 mm, way to big to be a coyote but not your normal wolf spread either. So something is going on here that isn't very kosher. a small female wolf can be about 35 mm but usually they are 38-42 and the males a bit bigger. a large coyote is 28. The new WS guy who wants to be friends with everyone is making noise about putting this kill on coyotes. Even though the Durango were there when it happened, the bites are all over the back of the 250 pound calf. I have never seen a coyote kill a 250 pound calf, 100 is about the limit unless there are three or four coyotes then maybe 150.

Someone needs to get the biological stats and specifically the width of these released wolves teeth out to us. FWS knows exactly how wide their teeth are but they sure won't offer any information.

Just the latest in the ongoing saga.

LAURA SCHNEBERGER,
Gila Livestock Growers Association.

WEDNESDAY, JUNE 20, 2007 1:26 P.M.

Subject: Wolf.

When we were hunting in the Gila last year we killed an elk cow. We killed our cow went packing out our meat, took the first of it out, came back for more. About 1 hour latter, the wolves had been their and ate the rest of the meat. It is not right we paid for the meat and the wolf gets it. It is harder to get a permit now, because of the wolf. It is not fair. Why do we have to bring them back?

EARL AND KATHLEEN HILLS.

SUNDAY, JUNE 17, 2007 12:54 P.M.

Subject: Wolf problems from Ground zero.

Dear Congressman PEARCE: My name is Preston Bates: I own the N Bar Ranch and am permittee on the T Bar grazing allotment on top of the mountains near Reserve, New Mexico. I am "Ground Zero" of the Mexican Wolf recovery area. They have literally destroyed my life and here is my story. I came to Catron country in 1992 with a background of horses, cattle and tourism. My goal was to start a guest ranch and breed cattle and horses. I had no deep pockets but I had plenty of determination and some good luck. I found the N Bar Ranch and after some discussion with the absentee owners I leased it in 1994 later making a purchase in 1997.

I started on a shoestring, tents for accommodations, 40 head of old cows, and some rented horses. I grew up on the east coast and I knew what people wanted in a western vacation and I knew where they were coming from and how they wanted to be treated. We were not the typical "Dude" ranch. We found a small niche to fill by being a hands on, jump in, get dirty, get real, working ranch.

The business took off, the tents became cabins, our cowherd grew and developed with careful selection and purchase of quality stock. The same with our horses, we bought good horses and started breeding and training our own. By 2000 we had over 300 guests per year, with a return guest rate of 73 percent while the industry average was 12 percent. At this time I employed three people full time and three others for summer help. I bought locally supporting the Reserve community; between payroll and doing business locally I put at least $150,000 annually back into Catron County.

Back when the wolf reintroduction program was first being discussed and later when initially implemented I was probably the most wolf tolerant rancher around. The reintroduction of the Mexican wolf has been devastating to our lives in so many ways.

Financially: I first started seeing wolves in 2000 on my allotment and around my house. I suffered my first loss in 2000. As I am sure you are very aware the cooperation was nonexistent, as was the compensation. My calf crop started showing significant reduction by 2002 and continued until 2005 dropping from an average of 82 percent to 49 percent. In 2005 at 49 percent my cow herd should have been at it's peak of production as the average age of my cows was five years old and I was running a ten to one ratio of cows to bulls. I estimate in 2005 alone I suffered $50,000 in losses and even with confirmed kill reports for both cattle and horses, I have never been compensated one cent from Defenders of Wildlife. They are quick to pay the people on the fringe of the recovery for their own P.R. but are slow or don't pay those of us at ground zero knowing it is a burden we cannot bear long. D.O.W. should not be the ones responsible for the compensation. This is a Federally funded program and congress should be the ones making the payments for their decision to fund this failing program.

I have a mortgage of $78,000 per year. From the beginning my business plan called on the cattle to pay the mortgage and the guest business to pay all other expenses and improvements. By 1999 I had reached this goal. In 2005 with the horrific losses I suffered the calf income would not meet my mortgage. I had no other choice but to sell most of my horses to cover the difference. As a result I could no longer accommodate the ten guests per week. We could only take four guests. I could not just go out and by some cheap horses and expect to continue the safe, quality operation I had established. So in just one year I lost 50K in income from cattle and 60 percent of my future income. I have had to let go all of my employees.

Management: I have the Luna pack on my range and they have been here for years now, I also estimate I have 11 uncollard wolves. I have had to change my management of my cattle to attempt to reduce my losses. I now have to bring in all my cows with calves to my private land and feed them through the winter. This results in an additional feed expense of $4,000 to $6,000 per year plus the several hours a day spent feeding and watering them, which takes away from other tasks. I also now use a feed supplement on the open range for the other cattle to attempt to control their movement thus making it a bit easier to check my cattle daily in the 14,000 acre pasture in which they winter. This supplement has cost me $6,200 each year for the last three years. There is $12,000 new expenses directly caused by the wolves.

I also have to stay out in a camp during March and April and make rounds at night during calving season. Camping out this time of year at 8,000 ft elevation is not a lark. We don't have nice camp trailers, ours have no heat or water and at 50 years old it takes its toll. I continue living with my cattle until late November, on average I stay in camp 250 nights a year. Staying out at camp and keeping my pastures busy has helped with my losses, I have seen a gain in my calf numbers but it has taken away the quality of life we once enjoyed.

SAFETY

We have wolves around our house constantly. I don't mean just a few times a year, it is rare we do not see them every day. They have no fear of us. They have attacked horses in my corrals 50 yards from my house. They have killed newborn colts and injured young horses. They have spent days digging up our horse cemetery just a couple hundred yards from the house, eating years old carcasses. They are in the corrals every night in the winter eating frozen cow manure. They sit on the hill a hundred open yards from our house at noon and bark at us when we are outside. Up close and personnel encounters are common. I have had them in my camp during the day, eye to eye at 15 feet being given a challenge. I have been stalked for miles while horseback. One of my cowboys was stalked as well. While changing a tire on the main forest road I had one come up behind me without my knowing till I turned around and he was so close I was able to throw a handful of road gravel in his face. My 11-year-old son will not nor will I let him go hiking or adventuring away from the house and barns. No more playing in the woods near the house building forts and doing things a kid should do. He is emotionally and mentally held captive by the wolves. He has seen up close the killing they do. He was with me when full of excitement we went to see if the mare had foaled that night only to find it half devoured. We can longer go for walks with our dogs for fear the wolves will attack. My wife won't walk or hike alone anymore even down the driveway. I never use to carry a weapon. I do now even when doing chores around the house. Weekly I have to fire off shots both day and night when the wolves are just too close to the house. It has gotten that they don't run until the third or forth shot and often only go a few hundred yards. I have chased them a foot yelling, tried cracker shells, whistlers, not much scares them anymore they are use to it all. These are not wild animals.

The difference between this wolf recovery effort and that done in the northern Rocky Mountain States is they started with wild wolves. These wolves here are human raised animals that relate people to food and safety. That is why we see so many more wolf/human interactions here than up north.

The management practices of the wolf recovery team put public safety at the bottom of the list. They have allowed wolves to den within a mile of the most recreated campground and lake in the entire Gila national forest. They have signs posted along the wilderness boundary about the wolves but there are no wolves in the Wilderness area. They are all up in the general forest area. There are no warning signs posted in these areas where people camp concerning the wolves and safety of pets and children. This is done to perpetuate the commonly held idea that the wolves pose no public safety risk if you don't go into their habitat. I talk to campers all the time who have had wolves come into their camps and they never even knew they were in wolf habitat.

These wolves will kill a child soon.

As I write this, my guest business is no longer operating I had to sell the last of my horses. I am trying to hold on to the place working 300 cows and 125 sections of land by myself hoping I can sell it as a ranch before I have to subdivide my private land, which would only cause more human/wolf conflicts.

The Mexican wolf has destroyed everything I have worked for years. I am the first to go down as a direct result of the Mexican wolf introduction, I will not be the last unless something is done to stop this program which will never work but will cost many people in this community their livelihoods before it is decided to have been a failed effort.

Thank you for all your efforts, for this we all commend you.

Sincerely,

PRESTON BATES.

BEAVERHEAD RANCH,
Winston, NM, May 2, 2007.

NEW MEXICO DEPARTMENT OF GAME AND FISH.

Within the last two weeks Alpha Female 667 began to den in Taylor Creek. Accompanying her is male 863 and female pup 1046. Our family owns a private parcel in the bottom of Taylor Creek and like most homesteads it was established at a permanent spring. The majority of property sits in the bottom of the canyon and the water rises at the lower end of the property. This spring is not only a source of water for wildlife, but also for our livestock. It is the only source of water in the bottom of the canyon within a 2 mile radius.

According to recent activity and wolf locations, we believe the female may be denning on our private property or within 1/4 of a mile of our private property. In order for her and the other two wolves to drink, they have to enter our private property and cross directly in front of our house. Our recent discovery of these wolves is of great concern to us. First, uninformed and unaware of the locations of these wolves, we moved yearlings to this exact pasture just one week ago. As the canyon sits in the middle of this pasture, cattle use the canyon as a crossing to get to each side as well as a funnel to water on our private property. When we are grazing this pasture we use our house there as a residence and a place to keep our horses.

Shortly after releasing our cattle, a cow elk carcass was found 25 yards from the house. Suspicious of the kill, we returned with a radio collar tracking devise (on loan from the USFWS) to track wolf locations. Before entering the canyon we received strong locations on two of the wolves. As we dropped off into the bottom of the canyon we spotted Male 863 on our private property. Investigating closer, we spotted numerous tracks on and around the spring. We have spent the last three days with our cattle to avoid any depredations. With all of our time and resources concentrated in one area, we have no time to tend to remaining cattle elsewhere on the ranch also threatened by nearby wolves.

Our family has fully cooperated and maintained a working relationship with the wolf program up to this point. We had informed the U.S. Fish & Wildlife Service when cattle were turned out on our allotment. We have asked and were assured that we would be informed of wolf locations on or near our allotment. We do not understand why a collared wolf was allowed to den so close or possibly on our private property.

Time is of the essence; a major problem is quickly developing. We request that these wolves be immediately removed before any livestock depredations occur. If possible, we would like to request that a representative from the New Mexico Department of Game and Fish assist us with a solution to this problem. Our family ranch has been fully cooperative and hopes that the right decisions are quickly made in this matter.

Thank you for your prompt attention and action.

THE DIAMOND FAMILY.

ADOBE RANCH,
NM DEPARTMENT OF GAME AND FISH.
May 1, 2007.

We have lost 5 cows and 10 calves to wolves on the Adobe Ranch since January 2007. These confirmed kill reports have been sent to the Defenders of Wildlife and we have not received payment for any of these depredations. No payment has ever been received for any of our numerous 2006 depredations to date.

Currently there are 3 packs on the Adobe Ranch. The Durango pack was within twenty feet of one of our cowboy's house all night last night, May 1, 2007 confirmed by Wildlife Services.

We have lodged complaints with NM Dept. of Game & Fish representatives and the Federal Fish & Wildlife Service recovery team, and have received no response from either. The recovery teams response on past complaints has been that they have neither the time nor personnel to investigate these incidents.

The situation with the wolves is getting way out of hand in this area both financially and with habituated wolves hanging around our houses. The loss of game and livestock in this area will soon reach catastrophic levels. Your attention to this matter is urgently requested

Thank You.

GENE,
Manager Adobe Ranch.

Los Lunas, New Mexico, February 6, 2007.

DEAR REPRESENTATIVE PEARCE: There is a situation in Catron County, New Mexico, involving many of the residents there, their children, their horses, cattle and pets, and the reintroduced Mexican grey wolves. It seems to be reaching crisis status, and yet nothing is being done.

Apparently, while these wolves are protected by law so that no one may harm them, they are also far too habituated to humans and have no fear of approaching human dwellings and properties. People are finding wolf droppings on their front porches! They are watching while their dogs are being killed by the pack, unable to lift a finger to stop the slaughter. Cattle and horses are likewise being preyed upon, and in one instance, a child was surrounded by the pack for several minutes. Fortunately for everyone, in that case the wolves eventually decided to leave, but it doesn't always end that way.

I am a bona fide "tree-hugger", and have long been happy to send letters, sign petitions and even donate money—when I have any to spare!—in order to further the cause of wolves being assisted in reclaiming much of their former territories. I firmly believe that there must be a way for all of us to share this planet and live our lives. Indeed, I have learned enough about nature to understand that each element is necessary for a healthy ecosystem, and devastating "domino effects" occur when one species is extirpated and the balance is upset. But no one can argue that a wolf that learns to view humans as non-threatening becomes a very grave threat to humans and all other animals in our charge. For quite some time now, the National Forest Service has made huge efforts to educate the public about the dangers of bears becoming relaxed about approaching human-inhabited areas looking for food in garbage. It invariably results in someone having to shoot the bear because it endangered human life. It hardly needs a college degree to realize that wolves are equally dangerous when they lose their natural shyness of human, and certainly no one can argue about their intelligence. This means you have a number of smart, fearless and frighteningly capable predators claiming areas as their own when people already live there.

Something needs to be done, and sooner than later. I cannot express my dismay to think that my support of wolf protection programs might have in any way helped this dreadful circumstance come into being. I think if many of the Catron County residents were asked, you would find that they are not against a wolf reintroduction program, but clearly they weren't expecting wolves who can't be bothered to stay away! Domestic animals represent some easy kills, and we cannot blame the wolves for making that choice. But waiting until they attempt to take down a human is beyond irresponsible, it's criminal.

I am hoping I can count on you to take some immediate action on this urgent issue. The people responsible for the wolves being released in Catron County aren't residents there and don't have to live every day with the consequences, but they simply cannot be allowed to let the situation continue. I appreciate the time you have taken to read this letter.

Sincerely,

EVELYN BAILEY.

WOLVES ON A KILLING SPREE PROMPT COUNTY TO TAKE ACTION

(By Lif Strand)

CATRON COUNTY, NEW MEXICO. Wolf incidents in Catron County are on the rise and Catron County's Commissioners, who declared an emergency situation in February, 2006, are now determined to take firmer action to protect the citizens here.

"These wolves are on a killing spree," said Catron County Commission Chairman Ed Wehrheim recently. "They killed a horse on Whitewater Mesa just the other day, the second horse in just one month."

Wehrheim is gravely concerned because these are just more incidents in what appears to him and the other Commissioners to be a never-ending spiral of killings of animals that the Commissioners feel will ultimately end with the attack by a wolf on a human being.

The County passed the emergency declaration last year primarily to put a halt to the economic devastation caused by the presence of Mexican wolves which not only hunt wild game, but also kill cattle, horses, dogs, cats and other domestic animals.

Now it appears that the situation has become more than an economic emergency and has escalated to a high level of risk for human lives in Catron County.

At base is the problem that many of these wolves are habituated to humans. This means that, unlike normal wild animals, habituated wolves are unafraid to be around humans and areas where humans spend time. It becomes more and more difficult to haze away habituated wolves when they have their sights set on an easy meal—which may be a family pet.

This is just what happened with the Miller family on their Link Ranch in Catron County south of Wall Lake—not far from a dude ranch where families with children vacation. Last November, the Millers' 8 year old daughter went out to the corral near the house to let the horses in to feed them grain. Right in front of her, the alpha male of the Aspen wolf pack attacked the family dog which had accompanied her to the corral. The wolf was unfazed by the Millers' attempts to chase it off the dog, which was only saved from death by the fact that it was wearing a large collar. This was the second attack on one of the Miller's dogs in just weeks.

Then, early in January, wolves trapped the Miller's daughter's horse, Six, in the same horse pen, where Six had run for safety. There was blood everywhere. If this was a typical wolf kill, Six would have been torn apart and eaten while still alive. Hopefully the Miller's daughter is unaware of that fact. The wolves continue to stalk the rest of the Miller horses, sometimes chasing them for miles.

"The horses are back at our house but so are the wolves," Mark Miller reported last week. "As of this morning, the wolves are all around the house and the horses are huddled in a corner of our property."

Miller went on to express his concern for his daughter's emotional health, since at eight years old, she cannot help but be aware that if her dogs can be attacked and her horse killed, she might be the next victim. Any child would have nightmares about that.

Miller and his wife are both walking around in nightmares of their own, as are many ranchers and others who live in the wolf reintroduction area. They all are anxious about the safety of their families and their pets, and are facing tough decisions about whether they should abandon their homes and their livelihoods for somewhere else where predators have more protections than humans. But, of course, who would buy a home surrounded by wolves that would make you and your loved ones prisoners inside?

Is this any way to live?

The Catron County Commissioners don't think so. They know that in a killing frenzy a wolf can attack a person who happened to be nearby. This is not the idle speculation by wolf haters, but simple science. Sharks do it, hyenas do it, so do wolves. The Miller's little girl could so easily have been killed weeks before Six was.

There have been quite a few wolf killings of dogs, cats, horses and other domestic animals in Catron County. While many people often feel that losing some cattle is not too much to pay for reintroduction of wolves in the forests of the southwest, people who live here don't feel it is fair that they should pay the price they are paying for this wolf program. And it looks like the price is becoming more than economic—it looks like it might become the blood of a child.

People from out of this area have little idea of what it is like to be constantly anxious and fearful because of wolves. Many don't believe that there really is a problem in Catron County.

"When a wolf howls and you know it's threatening your family, your livelihood, the whole custom and culture of where you live, you don't have a warm and fuzzy feeling," said Charlie Gould, ranch manager from northern Catron County.

The Catron County Commissioners agree, and they feel it is time that they do something about it. The County has worked hard with U.S. Wildlife Service and other agencies in charge of the wolf program, but the Commission—and the people of Catron County—believe they just aren't taken seriously when they express their fears about the risks to human life from so many non-wild, human-habituated wolves in the area. And they don't want to wait for the death of a child to have someone take them seriously.

The Commission, charged with protecting the health, safety and welfare of the citizens of Catron County, will have before them on Wednesday, February 7, an ordinance which lets them exercise their police powers granted under New Mexico State Statute, when there is a threat to human life. This ordinance will allow the Commission to issue a "Dispatch Order", an instruction issued by the Catron County Commission for physical removal of a wolf by lethal means from within the borders of the County by an authorized individual. If the U.S. Wildlife Service doesn't do it, then the Commission will, because the Catron County Commission is taking this situation very seriously.

"I want to be somewhere where my kids are safe." Katy Leist, rancher, mother. July 2006.

PARAGON FOUNDATION, INC.,
Mesilla Park, NM, April 6, 2007.

Alfredo Montoya,
Chairman, New Mexico State Game Commission, San Juan Pueblo, NM.

DEAR MR. MONTOYA: I am once again appealing to you and the New Mexico State Game Commission to help me find some relief for the people, all citizens and taxpayers of New Mexico, who unfortunately live and work within the Blue Range Wolf Recovery Area and are suffering the consequences of the Mexican Wolf Reintroduction Program.

There is not one person who lives within the BRWRA that has not been impacted by this wolf recovery program, the vast majority of whom have been impacted negatively. I can assure you that most people who live within the BRWRA have had their fill of wolves and want this program to end now.

Further evidence of the disruption this incredible program has created in the lives of hundreds of people, is not necessary. You have seen and heard enough and are fully aware of the dilemma these folks are forced to live with each and every day.

Also, Mr. Montoya, every elk hunter I see is now starting to see the impacts of the wolf program on the elk herd in the Gila and, likewise, wants the program to end today. Dr. Thompson may tell you otherwise, but people who live and work in the Gila National Forest are seeing a severe decline in the numbers of elk throughout the forest. I do not need to remind the commission of the huge economic benefits the' elk hunting industry brings to the state at many levels.

We know the wolves are killing lots of elk. I spoke to one property owner in the Gila who counted over 100 elk carcasses in the area he hunted in last fall and another saw 17. A rancher on the northern edge of the Gila has seen an 80 percent decline in the numbers of elk that he normally will see on the ranch. He also told me that he sees lots of elk carcasses and he's sure they were killed by wolves. He also believes that for every elk that is killed by wolves, four or five vacate the area and move to the north. So, if that is the case, then the elk herd is being reduced by 4 to 5 elk for every one that is killed by wolves.

Another rancher told me that when a pack of wolves moves into an area that is inhabited by elk, as soon as the wolves apply depredation pressure, the elk will move out of the area and it is not unusual for them to travel 20 to 50 miles to get away from the wolves.

So, in order to try and confirm this movement of elk out of the Gila, I called two ranchers in the Grants/Gallup area. I asked first if they knew of any wolves in that region of the state and they told me that they had not heard of any. I then asked them what the situation was with the elk numbers in that area. They both said that the elk numbers were increasing and that there were a lot of elk in the region.

Both ranchers told me that the elk were putting a huge amount of grazing pressure on the available forage in the region and that the Forest Service was trying to reduce livestock numbers on grazing allotments to compensate. This might be fine if the Forest Service were willing to compensate the ranchers for the lost production, but we all know that is not going to happen. This is the same scenario that the ranchers in the Lincoln National Forest are struggling with too many elk competing with livestock for the available forage in the region.

The Forest Service sure doesn't have a problem forcing ranchers to reduce livestock numbers but won't hold the Department of Game and Fish to the same standard. If the Forest Service was truly interested in protecting the resources, then they should hold the Game Department to the same standard as they do the ranchers who own the grass.

Anyway, my point is, the wolves are applying so much pressure on the elk herds in the Gila, and aside from the elk they kill, they are causing elk to move completely out of the Gila and into other areas to the north. There is no other direction for them to go.

So now what happens as the elk numbers decline in the Gila? What will replace the elk as a primary prey base for wolves? There are no deer. The only thing left will be the livestock. Cattle are being killed on a fairly regular basis anyway and will continue to be at risk. Horses are extremely vulnerable because they respect fences and cannot leave the country like the elk can. Is this part of the plan?

The wolves have had 10 years to reach some kind of acceptable balance and get established in the Gila. They're not even close. I offer to you that it is not within reach. An acceptable balance of wolves, prey base and people in the BRWRA is impossible and the program is already a dismal failure.

At what point will, whoever is in charge of this program (I'm not sure any of us know), say: "OK. I guess that's enough . . .this ain't gonna work".

Where is that sacrificial threshold? Will it be when a child is lost? Or maybe it's more than one.

All I'm asking for is honesty. What do the people you have sworn to serve, have to do to end this unbelievable injustice? Just tell us the truth.

Thank you for your time.

JOE DELK.

TUESDAY, JUNE 05, 2007 7:44 p.m.

From: Kim Tricky.
Subject: Wolf incident

DEAR CONGRESSMAN PEARCE: Here are a few wolf encounters we have experienced first hand here on the H-V ranch. The ranch straddles the Arizona/New Mexico line with the bulk of the ranch in Catron County. The first incident is about a large domesticated wolf that wandered into the ranch. This happened about three years ago.

It was a very LARGE wolf, but obviously domesticated. Macky saw him drinking out of the horse water trough and watched him for quite awhile trying to decide what to do. The wolf showed no fear but was not threatening at all—just very thirsty. It then sort of followed him to the front of the corral and went chest deep into to duck pond where it continued to drink. When it came out of the water Macky threw a loop made of baling twine around its neck and tried to lead it to the trailer—it didn't lead very well, so was sort of a half-lead and half-drag kind of deal. He had to lift it into the trailer (yes, he really is that crazy!). We called the wolf people and J Brad Miller, who called me back. I told him the animal was obviously someone's pet, and absolutely huge!!! Very wolf looking with no decernable dog traits. He couldn't believe the size of the wolf when he came to pick it up—He said it was a timber wolf—like from Canada! They did take it in and do the DNA tests and the last I heard some lady came and claimed him. I'm sure someone had turned him out and he was looking for someone to take him home! He appeared to be older and had calluses on his elbows like he had been laying on concrete for quite a while. We have had several other wolf/dog episodes here around our house— all have proven to be hybrids turned loose.

Another episode was when we had three large black wolves hanging around our corral on the hill. We had several cattle in the corral and they were acting aggressive towards Macky when he showed up. He scared them off and called the Game and Fish. They determined that they were hybrids and tried to trap them but were unsuccessful and finally were able to shoot them. We lost a good cowdog the night before Macky saw these wolves. My son had left him out of the pen overnight and he simply disappeared. We never saw any sign of him afterwards.

The third event happened last summer in August. The San Mateo pack had been on our allotment since their release in March. They had killed a calf in one of our upper pastures (which was documented by the game and fish) but the calf belonged to a neighbor, not us. Then they were suspected in a couple of killings on the Arizona side of the line above our house. We noticed one of our good ranch geldings did not come in with the other horses and went to investigate. We found him dead and pretty decomposed and eaten out. Macky looked at his legs for signs of predation but could not tell anything, and because he was my son's horse and my son was very distraught over the death (at the time we assumed maybe he had been hit be lightning or something) that we buried him with the backhoe. The next day when Macky went out to catch one of the younger horses to work with him he discovered wounds and bite marks all over him. We called Game and Fish and they confirmed a wolf attack on this two year old thoroughbred colt (grandson of Seattle Slew). The colt has since recovered, but is very frightened of dogs now. We strongly suspect the other horse had been run and killed by the wolves also.

The second spring after the wolves were released we received a call from the Game and Fish about one collared wolf and two uncollared wolves jumping up and running calves in the Spur Lake Basin. They had tried to chase them off the calves with the plane and had called Macky to report. We then rode everyday over there with a USGF person looking for possible kills. All we ever found were tight bagged cows missing their calves. We would often see a cow ready to calve and the next day see her again without a calf and obviously tight bagged and bawling for the calf. When we gathered this pasture to brand we noticed we were at least 20 calves short of what we would normally expect to gather. These cows were all preg tested in the Fall and pregnant at the time they were turned out to this pasture.

TUESDAY, JUNE 05, 2007 1:48 P.M.

From: Mary Macnab.

Subject: Attacking the people—The Mexican wolf

This area has been inhabited for thousands of years and is still laced with living communities. The landscape has absolutely no "core" peopless area for wolves to recover in. Respected wolf biologists Ed Bangs and Stewart Brecht of the No. Rocky. Mt Wolf Recovery have recognized this and stated that it can never work here. The wolves were dumped right on top of us. Not "over there" or "beside", but right on top of our backyards, towns, communities, children, schools and the sensitive grazing/calving areas that support the small family ranches which form the basis for our regional, sustainable and generational economy here.

I am especially disturbed by the callous lack of concern the involved government functionaries have regarding incidents where wolves stalk and circle our children in the woods, in their yards, and walking home from school. One county is seeking funds for wolf-proof cages so children can wait for the schoolbus in relative safety. Small children cannot be let out of sight, even in their back yard, as many incidents of "prey testing" (staring at, stalking/following, showing no fear) have been experienced here, especially with children. Children old enough to venture out on their own and all others, to be safe, must carry a firearm when leaving home.

This unconscionable situation of irresponsible lawlessness in complete lack of respect for our foundational legal protections for safety, happiness, and right to protect private property have been thrown out the window in favor of alien agendas contrary to all the participating officials oath of office which (state and federal) upholds the most important and supreme duty—the protection of the rights of the people. ANYONE AWARE OF WHAT IS ACTUALLY OCCURING HERE SHOULD BE VERY ALARMED! This percedent of callous governmental disregard for the welfare of the people in favor of an agenda which is alien and extremely dangerous to them does not bode well for anyone's future in the United States.

Such careless disregard can destroy our communities, our families, our economies, our whole world.

The "pogrom" personnel, whilst receiving their relatively posh paychecks are flagrantly and regularly breaking federal law in the form the rules and regulations supposedly governing this program especially regarding the safety of the people and their livelihoods—many illegalities are protected by cover-ups. This is a program with no where to go but cultural genocide (by wolves/land torpedoes) or, mercifully, away.

I recently witnessed a dangerous dog attack another's pet in an urban area. Witnessed by several people, the response was immediate and loud. That dangerous animal "should not be out where it could threaten" others or their pets. One man said that if that dog ever threatened him or his dog "it would be dead". It was quite obvious that these urbanites would broke no dangerous animals ranging their and their pets' territory.

Here in pogromland we have no recourse. Cattle on the range are fair game unless you see the wolf attack which almost never happens. Compensation is a joke. Children can be stalked and monitored by known dangerous wolves daily with no real legal recourse to protect their safety until the wolf "touches" (read attacks) the child's body. One bite of these powerfully jawed animals can break the leg of a 1,200 lb. elk in half. Reporting incidents is fruitless as these are downplayed to nonexistance to make the pogrom look good to the higher-ups and the masses.

All is skewed or covered-up, by massive public information campaigns with the actual ground zero reality carefully censored. To these truly misinformed urbanites these perception development operations make the pogrom seem not only palatable, but charismatically desirable. This leads to the "public support" so often used as the pogrom's justification for existance.

THERE ARE MANY SIMILARITIES BETWEEN DUMPING KILLER PREDATORS IN PEOPLE'S YARDS AND COMMANDEERING AIRPLANES AND FLYING THEM INTO BUILDINGS. In both cases the targets are people, not government.

These federal functionaries who illegally and/or unsafely dump killer predators are not attacking the U.S. government. They are attacking average citizens in our homes and on our properties.

Will you appeal to the Department of Justice to explain why cover-ups and the breaking of federal law and rules leading to illegal predator dumping is not terrorism, and why they are shirking their duty? Will you please prevail upon the U.S. Attorney to explain to the world why planned and deliberate acts of terror directed against the people are of no concern to his office, if indeed this is the case?

Sincerely,

MARY MACNAB,
Blue, AZ.

JUNE 5, 2007.

MR. PEARCE: Here is our testimony regarding the Mexican Wolf problem up to 2006. Since the beginning of 2007 we have had another confirmed Cow kill along with her missing calf. Our ranch is for sale now as we cannot sustain such financial losses. Hope this will help.

Thanks for your efforts.

Narrative Statement of Our Claims, March 2, 2006:

The US Fish & Wildlife Service (USFWS) wolf management program and actions adversely affect our civil rights and property rights and investment-backed expectations and way of life. We describe, below, the destruction of our property rights, disregard for our rights and privileges and the significant negative stress on our family.

In April of 2004, after many years of hard work and planning we were at last able to purchase our life long dream, a small business of our own, the Deadman Allotment we call it the V Bar Ranch. In the Fall of '04 we started finding lots of wolf tracks up and down the north fork of Negrito in the area where our cattle were watering. This was a concern to us as we had over $50,000.00 worth of cattle inventory, and the future for our new business depended on that inventory of cows and bulls. We soon found out that the US Fish and Wildlife Service (USFWS), Mexican Wolf Blue Range Reintroduction Projects (MWBRR), San Francisco Wolf Pack was in our area. The pack was causing much havoc on our neighbors, the Blairs, Rainey Mesa, Y-Canyon, N Bar, and the Tackman Ranches, and now we too were experiencing the same problems. To add to everyone's wolf problems, in the early part of 2005, the USFWS Wolf People re-released the Ring Pack back into our area. (Note: the pack had been removed 365 days earlier because of livestock depradation.) Ring female was pregnant and ready to have her pups, in which she denned up in our Eagle Peak Pasture to have them. These factors set the stage for the disastrous spring of 2005.

In March of '05 we found 5 dead cows within a one mile radius. Three of those cows were wolf kills, but we were unable to have them confirmed because by the time we found the carcasses in our rough terrain, they were too dry and eaten up to verify wolf teeth marks. We went on the topical evidence, wolf tracks, wolf scat, area, and position of where and how the cow was laying. It was a positive of the three out of five cows. So, there was $3600.00 worth of livestock down the tubes, not to mention the $1500.00 worth of calves the cows would have raised that summer.

As we continued into the spring of '05 the wolf situation got worse. The Y Canyon Ranch had their cattle in the Collins Park Pasture which neighbors our Collins Park holding pasture. All of the Collins Park area is easy open landscape. It is because of the topography of the area that our neighbors were finding wolf kill after wolf kill in their cattle in which were confirmed wolf kills by the USDA Animal & Plant Health Inspection Service (APHIS). Meanwhile all we were finding in our Eagle Peak Pasture (very rough terrain) was wolftracks, wolf scat with cow hair in it, and about six tight bagged cows minus their calves. Another $3,000.00 worth of calves lost. Adding all the topical signs up we knew what was taking place; our new business's assets were literally being eaten up by the wolves.

As we started gathering the cattle off the mountain into our Collins Park holding Pasture to brand and vaccinate the calves, we were very nervous about moving them down to where even more slaughter was taking place. So we were working as fast as we could. After gathering everything we came up seven cows short, and that was not counting the five cow carcasses we had found in early March. So, that added another $4,600.00 more to our losses thus far.

In mid June branding day at the Collins Park Corrals revealed that we had sixteen calves to brand out of 91 cows. Out of those 16 calves there were four that were injured. So we caught 2 of the calves and had Richard Grabbe with APHIS (Note: APHIS works hand in hand with USFWS Wolf Project) inspect the calves with us. Our suspicions were confirmed, there were indeed wolf bites and abrasions on the calves. Mr. Grabbe wrote a report on one of the calves as to confirming a non lethal wolf attack. So, here we were with 4 gimpy calves, two of which never fully recovered from their injuries, costing us another $800.00. (Note: understandably cattle buyers do not like to buy crippled livestock.)

During our spring '05 round up time, the USFWS Wolf people had taken out (Captured, and removed, not killed) the female and one yearling pup of the San Francisco Pack thinking this would relieve the livestock massacres taking place in our area. (Much to their (USFWS) dismay, the killings did not stop.) Simultaneously, the USFWS Wolf People were trying to catch the Ring Pack Male, so we figured if the Wolf Project Folks would do that it would break up the killer packs even more and perhaps we would see some relief in sight from the livestock losses. Unfortunately, when John Oakleaf (the Wolf Project field team leader) was asked what their plan was when they caught the Ring Male, he told us that the male Rings radio collar was not working and that they would re-collar the animal and turn him loose. That's when we decided to remove our 16 cow/calf pairs in an effort to save what calf crop we had left. This was a hard decision to make because we had such good feed and water right there on our own little V Bar Ranch, after all that's what we bought it for. The extra cost of a hauling expense and pasture rent of around $1500.00 seemed ridiculous, but we felt we had to salvage what we could.

The pasture we moved our cattle to was on the F Bar D Ranch, 20 miles away, out of the Wolf Recovery area. It is owned by our employer, Frank DalMolin. (We hold this job in order to add income for improvements to our V Bar Ranch, so that when we retire our small business would be up and running.) Our safe pasture was to be short lived. Not even one week later after our cows were barely settled into their new pasture on the F Bar D, we found a F Bar D calf killed by a wolf less than 250 yards away from the livestock drinker. We were shocked, as the wolf people assured us when we reported to them, that the lone wolf sighted, was a scavenger and not a livestock killer and was probably just passing through. The wolfs number was 859, and he stayed, killed, and he dined on an F Bar D calf Here was a wolf in the private land sector, out of the recovery range, killing. A loss to our employer of around $700.00. Wolf #859 was trapped that night off the kill and promptly removed, but only to be re-released in the very near future, the spring of 2006. We now realize, that not only the businesses inside the wolf recovery areas are being destroyed but we were seeing what the future would hold for other businesses outside the MWBRR project areas. All businesses in our rural areas will be destroyed by this Wolf Project, because every business in a rural area upholds one another financially. It will indeed have a dominoe effect.

In January of 2006 at our V Bar Ranch (Deadman Allotment), we started the year off with a fat full grown cow (probably heavy bred), found dead, stretched out across a boulder, about 50 yards from our lick tub. It was a confirmed wolf kill costing us yet another $1500.00. Mr. Grabbe with APHIS set a trap and caught an uncollared male wolf. The MWBRR Project protocol was to collar the wolf and turn the thief loose to go about his wolfly business of killing. The newly collared #1008 wolf was now on record. Since then we have found the leg bone of a calf, 2 crippled calves, 1 crippled bull, and 2 tight bagged cows missing their calves. Estimated cost at this time is around $3700.00.

With the new year starting off with more wolf depradation we are reminded of what John Oakleaf, field personel with the MWBRR Project told us, he said, according to his studies from the wolf project in Idaho, for every wolf kill you find, there are 8 more that you are not finding. With this in mind, we realize our small business cannot sustain such financial losses and we will be put out of business by the Mexican Wolf Blue Range Reintroduction Project. We have spoken with a realtor about selling the ranch and were told that because of wolf problem we would not be able to market our place as a viable working ranch. So, all we are left with is the 115 acres of private land worth an estimated $115,000.00. This would leave us well over $140,000.00 short of our investment. It would seem like a small amount for a lot of people, but to us, this was our life savings and dream eaten up by the Mexican Wolf Blue Range Recovery Project.

In conclusion, the Mexican wolf introduction will make it impossible for us to stay in business, to cover our operational expenses into the next year, and it would significantly restrict our ability to get loans. Unless there is immediate relief from the actions by the FWS. We are being denied our basic rights and liberties, including restraint of trade and denial of pursuit of happiness.

Submitted by,
JIM AND SHERRI HAUGHT,
V Bar Ranch (Deadman Allotment) Owners.

DOBSON FAMILY FARMS,
SHEEP SPRINGS SHEEP CO.,
June 5, 2007.

Hon. STEVE PEARCE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE PEARCE: I recently received an email that was forwarded us from Laura Schneberger, Winston, NM. In the email, Laura asked for testimony on experiences related to the Mexican Wolf Program. As an Arizona neighbor, we are facing the same problems. I hope this letter and accompanying documentation will help you in your battle to set things right.

On April 30th of this year, I visited Washington DC and was able to meet with most of the Arizona legislators and discuss several topics of concern with regard to the agriculture and livestock issues facing our family business operation. Among these topics of conversation was the reintroduction of the Mexican wolf into Arizona and New Mexico.

As I told the Arizona delegation, I firmly believe the money being spent on this endeavor is not only a waste of taxpayer's dollars, but will in fact make it impossible for future generations to make a living raising livestock on the forest grazing permits. I am 68 years old. It is my intention to turn my livestock operation over to the 4th generation of the Dobson family. However, if things continue as they are now, the 4th generation of Dobsons will no longer be able to raise livestock. Wolves are currently being reintroduced into areas less than ¾ of a mile from our private property. Cattle and sheep graze on this property during the summer in our breeding season. The wolves, if they are allowed to attack and kill our livestock, will prevent us from having a normal breeding season.

Enclosed is a current report from the U.S. Fish and Wildlife Service who confirmed a sheep kill by a Mexican Wolf on our private property. This is what we are up against if the wolves are allowed to remain in the area.

I have just this week sent this information to each of the Arizona delegates and welcome your support in helping to remove these wolves from our forest grazing permit. My family and I greatly appreciate your assistance in this matter and offer any assistance that we can provide to help you in New Mexico.

Respectively submitted,
DWAYNE E. DOBSON,
Sheep Springs Sheep Co.,
Dobson and Dobson Livestock.

TUESDAY, JUNE 05, 2007 9:30 A.M.

Subject: FW: What has the wolf program cost you?

MONDAY, JUNE 04, 2007 5:32 P.M.

Subject: Fwd: What has the wolf program cost you?

Arizona needs to pitch in and tell our story too! Pass this to your friends and neighbors who have been effected.

Send a letter, your testimonial. Thanks, your true story is needed.

DARCY ELY,
Four Drag Ranch @ Eagle Creek.

From: Laura
To: Laura

Mon, 4 Jun 2007 8: 17 a.m.

Subject: What has the wolf program cost you?

All, If you have had Mexican wolf experience, whether it is related to livestock, recreation, personnel, or anything relating to your home life or your children's and your own well being, please write it out and send it via e-mail or snail mail or fax, to Tim Charters at the above address. This Must be done within the next two weeks.

Congressman Pearce is collecting actual incidents that have caused people to be affected by Mexican wolf program problems in their day to day lives. This program and it's managers are adept at sweeping things under the rug and downplaying the seriousness of the problems on the ground. Therefore, Your testimony is needed at the congressional level. Congressman Pearce wants a stack of letters to support his actions.

This is something that you can also help your neighbor do, if your neighbors don't have internet, please please print this and take it to them. Also, I have a lot of addresses, but not every address of folks who have been impacted by this program, so please call your neighbors and let them know about this effort.

It is vital that this is done and the hundreds of incidents and wolf problems are in the congressman's hands as soon as possible. Even if you have written it all out before, please do it one more time. If you have any questions please contact me.

LAURA SCHNEBERGER,
Gila Livestock Growers Association.

TUESDAY, JUNE 05, 2007 1:45 P.M.

From: Mary Macnab.

Subject: Mexican wolf crises.

DEAR CONGRESSMAN PEARCE: This wolf program will affect every person in this country whether they have livestock, hunt, or like to hike in the woods or not as it is yet another illegal, treasonous act by a corrupt government designed to dispossess the citizens of their property and turn them into a nation of helpless victims.

Supposedly we don't live in a country where the government can do this to people.

This country has a constitution which is sacred and the highest law of the land and cannot be violated without committing treason, the highest crime of a civil nature of which one can be guilty. The Constitution simply does not allow majority rule over the constitutionally protected rights of others. This is the main point I wish to make although the wolf (dog) program has affected people in Catron County in many ways.

We are watching our communities and our culture die. At public meetings we see first hand the looks of glee on the faces of the evil fascists who are perpetrating this destruction.

This all takes us back to the dark ages when people were constantly under siege.

Children are afraid to walk home from their bus stops. Parents must now see that they are safely attended and safely escorted both going and coming.

What happened to our safety, peace, prosperity? This is oppression! A war on the people!

Sincerely,

TOM MACNAB
Catron County, NM.

MONDAY, JUNE 04, 2007 1:21 PM

From: Jim Taylor.
Subject: Wolf program cost.

We are involved in a small mother-cow operation, and fortunately are fairly well removed from the areas wolves have been introduced to-however-we did sight a pair on our property (17 miles east of T or C, NM) and this sighting was confirmed by our neighbors to the east of us and all the way south to the Cutter area.

We reported this sighting to US fish and game—several months later, one of their reps came by asking about the sighting . . . as if they really cared. We attended one "wolf meeting" in T or C—hosted by fish and game I guess. Forest Svc, State fish and game, US fish&game, and some more reps from other govt agencies there. I did some rough, unqualified math in my head in relation to what all these talking heads with the govt agencies were making (salaries, expenses, transportation, etc) then added what their employees (field grunts) were making—then the cost of equipment, feed, medicine, etc, then the scariest part—what their bosses (the politicians, lobbies, and other general carpet baggers) were milking us (the tax paying public) for. I stated to the chair of that meeting that I surely didn't begrudge anybody employment, but I felt our tax dollars—and their educations, could certainly be put to better use than feeding a bunch of wild dogs. Seemed pretty darn silly to be messing with obsolete evolution while we have so many socio-economic challenges in this country—(the homeless, the hungry, the uninsured, just to scratch the surface). Instead of feeding a wild dog, why not channel that money and all the "brain power" these wolf activists and their lackeys control to a very evident and more worthwhile endeavor. I don't like the tax burden I carry, but if I've got to pay those taxes, I hate to see them squandered on the wolves. From where I sit, the whole program stinks—I think it's about how many dollars the carpet bagging activists can garner, and the wolves are no more than a vehicle for them to reach that end. AND AT THE TAXPAYERS EXPENSE. I also believe the wolf program is a poorly masked assault on the livestock industry and possibly even conspires to a future land grab, as ranchers are forced out of business. Sorry, but I cant find much nice to say about the program.

JIM TAYLOR,
Engle, NM.

MONDAY, JUNE 04, 2007 12:49 PM

From: Frank Morris.
Subject: The wolf in the yard.

SIR: In 2005 I suffered a broken ankle and was home in a cast. (No dramatic story here, I just fell over) on a March morning at approximately 10 a.m. I heard both of my dogs (ACDs) barking furiously on the front porch. struggling from my chair I opened the front door. There, not ten yards away was a Mexican wolf looking directly at me. The dogs nearly knocked me over getting into the house. The wolf looked at me for a full thirty seconds before turning and trotting away absolutely unconcerned. The animal was a full grown adult male and did not appear to be collared. It was in fact a wolf, not a coyote. I know this not only from my observation but also from my dogs reaction, typicly they run a single coyote off the place.

I live far outside the "Wolf study area" at the very southern most point of the Gila approx. 7/10 of a mile north of hwy.152 @ MM10 bordering Nat. Forest.

FRANK "TWO JUMP" MORRIS,
Hanover, NM.

MONDAY, JUNE 04, 2007 2:23 PM

Subject: Point of Cattle on San Carlos Apache Reservation.

DEAR SIR: We reported in the recent review that our cost estimate on losses has been over $300,000.00 in cattle lost. This was several years ago and just recently, we have reports of 2 more cattle being killed by wolves. This has been reported to FWS and hopefully we can get compensated for these losses. Our reservation has 82% unemployment rate. Many people do not work and Apaches have a host of social problems from this cycle of poverty that we are in and the economic harm caused by wolves eating our cattle herd compounds the problem to a dispossessed people. Here an animal, through federal policy, disposses us of income and causes economic deprivation to Apaches on the reservation.

Thanks,

STEVE M. TITLA,
Globe, AZ.

FRIDAY, JUNE 8, 2007.

From: jwolkins.
Subject: The Wolf Program.

TO REPRESENTATIVE STEVAN PEARCE: We understand that you are collecting incidents where citizens have encountered wolves, since the reintroduction of the wolves into the Arizona-New Mexico border area. We are ranchers on the Blue River, just over the state line (Az. side). Since the outset of the program, we have lost one pet dog to the wolves. However, we have had several other unpleasant episodes with the wolves. With the dog, it dragged into the yard with puncture wounds in the hip and leg. The evening before there had been 3 wolves in our meadow by our barn. When I took the dog to the vet, Dr. Duncan, he said the wounds were consistent with a large canine attack. The dog had to be put down, but later John Oakleaf (with the wolf program) went to look at the dog and said it looked like it had been hit by a car! The dog had no access to the highway so we knew that didn't happen! This is how the wolf personnel always respond when a wolf is implicated. We had the wolves chase our cows and calves in the same meadow, but we always drove them off. Later, we moved to a different ranch on the Blue River (partly because of the wolf problems). At this ranch, all our cattle are right near us and not on Public lands. So when the wolves were dropped into the Blue and immediately started attacking home-owners' dogs, etc. we knew we would soon have them at the back door. Sure enough, three of them came and tried to attack two of our dogs through the fence. Once again, we drove them away, but now the fear is always there, that the wolves will be back. The Aspen pack terrorized our close-knit community for weeks, but the wolf program still insists that they want to put 100 more wolves into the Blue. There is no prey base here for the wolves, except cattle, horses, pets and people. I have followed this program from its very beginnings, and know that millions and millions of taxpayer dollars have been spent, and to date, there are no more than 2 or 3 breeding pairs. In my estimation it has been a total failure, and has hurt the economy of our ranching and tourist industries very badly. I truly hope you can do something in your office to help people that are in a lot of stress because of this predator which should never have been put into a populous area.

Thank you for all your efforts.

MR. AND MRS. DERRILL O. WOLKINS,
J Lazy W Ranch, Blue, AZ.

INHERENT POTENTIAL FOR PTSD AMONG CHILDREN LIVING IN AREAS WHERE THE MEXICAN GRAY WOLF IS BEING "REINTRODUCED"

In the spring of 1998 the Mexican Gray Wolf, who was on a list of "endangered species", "reintroduced" into ranching country in west-central New Mexico and east-central Arizona. The wolves in question had been primarily breed and "hand raised" in captivity. The species was most probably "endangered" because the wolves had been systematically eliminated, over a period of 150 years, by ranchers who were settling the area and developing herds of beef cattle to support themselves and their families. The cattle industry in the west had become big business in the mid 1800s when, during the civil war, the governments of both the North and the South were buying beef to feed their armies.

It was very apparent to the ranchers that wolves and cattle aren't gregarious companions! It was also very apparent that wolves were also NOT compatible with the normal activities of "family life" within the ranching areas!

Ranchin continued to be both a way of life and a profitable business in the areas above described until the concept of "turning back the clock" became popular.

Americans are proud of their heritage. It is admirable to want to remember the past and preserve species that played a role in our lives. However, reintroducing wolves in the Southwest is about as intelligent as it would be to "reintroduce" smallpox!

Within a few years it became very apparent to the inhabitants of eastern Arizona and western New Mexico that the "reintroduction" of the Mexican Gray Wolf was contributing to the demise of their lifestyle and their communities!

Of paramount concern to the population was the effect of the wolf "reintroduction" on the children in the region!

As a Medical Doctor with a background in both Pediatrics and Child Psychiatry, I was asked to meet with ranching children and their families within the "reintroduction" area to ascertain the psychological effects of the wolf reintroduction program upon the children.

I was able to compare the results of the parent questionnaire which I had constructed for parents in the wolf reintroduction area with questionnaires circulated to ranching families in New Mexico and Arizona who do NOT reside in "Wolf" country.

This was made possible through the efforts of the Cattle Growers Associations in New Mexico and Arizona, thus obtaining a control group for evaluating my findings.

In my study group each child was seen face to face and personally interviewed by me between February 1 and March 15 of 2007. Children were seen either in the schools which they attended or in their homes. Questionnaires were completed by their parents.

Weaknesses in this study include:

1. The lack of "random selection" of subjects from the wolf "reintroduction" area. (All the ranches in this area had been visited by wolves.)

2. Possibility of "prejudice" on the part of the author, relative to her residence on a ranch within the "reintroduction" area.

3. The relatively small numbers in each group. It should be noted that because the study involves "ranching" the total population interviewed within the "reintroduction" area includes at least 90 percent of all families with children living on actual "working ranches" within the area.

Results of the Study:

To date questionnaire have been obtained from equal numbers of children living on ranches in both the wolf "reintroduction" area and the ranching areas of Arizona and New Mexico where the Mexican Gray Wolf has NOT been "reintroduced". Several returns were not calibrated because of technical concerns (e.g.: reports about children 3 years of age or less).

Within the "reintroduction" area parents report that:

93 percent of their children startle more easily (than prior to the wolves arriving).

87 percent of the children believe that the wolves are presenting a danger to themselves or family members. [Due to depredation of livestock and family pets, this IS a VERY REALISTIC concern!!]

80 percent of the children realize that they are HELPLESS to control or stop the events they see occurring around them because of wolves in proximity to their homes. One child watched her horse attacked and killed in the barnyard. She then ran up to the ranch house with one of the wolves in hot pursuit!

80 percent of children in the "reintroduction" area . . . who previously slept in their own beds/bedrooms through the night, now frequently get out of their beds during the night and come into their parents' room, wanting to get in bed with their parents.

73 percent of the children awaken in the night crying or screaming because of nightmares, not present prior to the wolf "reintroduction".

73 percent of parents state that they believe that the "wolf events" which have occurred involving their children have been very traumatic for the children.

67 percent of parents whose children have been involved in "wolf events" report that their children have "become more clinging." [Among the children who have NOT been exposed to wolves (control group) 10 percent are reported to have experienced recent traumatic events. None of these children are reported to have become more clinging.]

53 percent of the children who have experienced traumatic events involving wolves now appear to be unable to remain focused during activities which they participated in for age appropriate lengths of times prior to their exposures to wolves.

None of the youngsters exposed to wolves are reputed to have exhibited any of the symptoms described above prior to their exposures to the Mexican Gray Wolf.

It is definitely noteworthy that the behaviors/symptoms described above constitute the major symptoms involved in the diagnosis of Post Traumatic Stress Disorder.

None of these children are reported to have exhibited any of the symptoms described above prior to the "reintroduction" of the Mexican Gray Wolf in the area of their homes.

Questionnaires returned from ranches outside of the wolf "reintroduction" area indicate that 40 percent of these youngsters have "experienced one or more recent traumatic events NOT involving wolves". 20% of these children have recently developed a fear of snakes. 10 percent are having trouble staying focused on events they were usually able to stick with for age appropriate periods.

Post Traumatic Stress Disorder is a major psychiatric illness. While it may exist "short term", and dissipate when the precipitating factors (e.g.:—wolves) are removed, the disorder frequently becomes permanent, and, occurring in childhood it may impede the child's normal psychological development. Certainly, ongoing exposure to the events which led to the original symptoms can be expected to interfere with development of a stable psychological outlook.

The serious psychological problems currently being expressed by children in the wolf "reintroduction" areas of Arizona and New Mexico can best be addressed by the immediate re-location of the offending wolf population!

In researching the "reintroduction" project it is apparent that the ranching families within the area were NOT consulted prior to reintroduction of the wolves!

As a physician who has dealt with children now for 50 years. I am convinced that concerns for the welfare of the children involved MUST take precedence over any and all concerns for the "wolf project"!!!

JULIA MARTIN, M.D.,
LUCE RANCH,
Blue, AZ.

WEDNESDAY, JUNE 13, 2007 1:51 PM

From: Tom & Jeanie Hutchison.

Subject: Mexican Grey Wolves.

When the Aspen Wolf Pack was terrorizing the Blue River residents, we had several incidences with them as they went back and forth, many times, through our property. One incident in particular sticks in my mind.

It was early January and I was home alone. My husband's mother had suffered a stroke and he was in Tucson to tend to her. It had been raining and snowing quite a bit, and the river was in quite a flood stage. All of my neighbors on this end of the river were gone, and the flooded river made it impossible for me to get out, or for anyone to come in. So not only was I home alone, I could expect no outside assistance if I should need it.

I had not been sleeping well because of the constant wolf harassment of our dogs and our small flock of Barbados Sheep. The wolves would always come in in the middle of the night, and thankfully, my dogs were a great "early warning system". It was about 12:30 in the middle of the night when I heard an awful dog fight right in my front yard. I jumped out of bed and ran out the front door barefoot and in my pajamas, and into the snow. I know that my dogs don't have a chance against a wolf, but my brave dogs don't know that. As I was running out the front door I started yelling . . . I can't even tell you what I was yelling, only that I knew I had to break up the fight and protect my dogs. The alpha pair of the Aspen Pack were at my front gate, fighting with my 2 dogs through the wire fence. The wolves ran away to the north toward my neighbor's home. One of my dogs had sustained a bloody cut on the top of his nose, but that was all the damage, that time. (Note: On another occasion, my dogs fought with the Alpha male wolf through a back fence about 50 feet from our back door, and just over the fence from my sheep. That time, the same dog suffered some cuts to his muzzle. The "rag-box's" battery had gone dead.)

I came back into the house for a robe, slippers, flashlight, wolf radio-collar monitor, and my shotgun with "cracker shells" in it. I knew the falling snow would soon fill the tracks, so I quickly went into the road to confirm my sighting. Indeed, the two adult wolves had walked right down the road in front of my home and confronted my dogs at the gate, then ran on up the road when I went out. As I was walking toward the pens behind my house to check on our livestock, I heard the "rag box" that the Wolf Program people had provided, begin to flash and sound off. This is a battery-operated system that starts making lots of noise and flashing lights whenever it picks up a radio-collar signal from the collared wolves. They were so close to me that I didn't even have the antenna on the radio receiver, and the signal was coming through very loud and clear on my hand-held radio. I knew the wolves had circled back and were coming in on my sheep! I began to run again and started yelling and shooting "cracker shells" into the dark. I heard their radio-collar signal lessen and fade as they headed north again.

Needless to say, I came back into the house in a sorry state. I'm in my 60's and far too old to be out chasing wolves through the snow in the middle of a winter night. If anything had happened to me, wolf-caused or not, I wouldn't be here writing this story. I immediately phoned all the Wolf Program people I had phone numbers for. One had the nerve to ask me if I was SURE it was wolves!! Unless they've started radio-collaring very large coyotes . . . yes, it was wolves . . . two of them. Another asked me, well, what did I expect them to do about it?? I suspect I singed his ear hairs with my reply.

JEAN HUTCHISON,
Blue, AZ.

MR. PEARCE: Few things relating to economic impacts on the lake Roberts community, program issues I see (tip if the iceberg) and the affects on my horses with 1 wolf showing up on my property and the affects this had and will have on the Lake Roberts community. The Lake Roberts community is bounded on all sides by the Gila National Forest. Our community has a general store and 4 lodging/hotels. All but one have recently changed hands and are going through renovations. Additionally our community has many retirees and horse ranchetts. The majority of the families here have about 3 or 4 horses and may from time to time have a foal. Our community is very tourist based. People enjoy the lake, head to the cliff dwellings, camp and enjoy the amazing beauty of this area. This is a good community of good people. Everyone here pitches in to help each other. We are all concerned here about wolf impacts. Some people are concerned about speaking up.

I was at a meeting in Silver City this spring where FWS admitted they do not have funding and personnel to properly manage this program but are going to continue to expand. The complaints I have heard and stories continue to horrify me. The lack of investigation, destruction of evidence, bending of rules to suit the program mangers and truthful reporting seems to be always in question.

From a program management standpoint this program has been mishandled on so many levels and I find it hard to believe they are under funded and unable to handle the wolves they have now. Yet they are going to expand. That is a RED Flag to me.

It also appears that they have trouble holding on to quality personnel or have hired dysfunctional personnel or that personnel are shifting between agencies and extreme environmental groups. Not to forget the abuse and lack of customer focus. The customers would be the people with the people living with these wolves being the major customers. I feel all the managers and the people working for them should be focused on the people living with the program first and the wolves second. That is not what has occurred.

I am concerned about the attitudes of the high level wolf managers when they say things like a kid being attacked and killed by a wolf is no different than dieing on the highway . . . we do not stop building highways. What? I see the need for transportation and the safety that has been incorporated into highways and cars and the necessity of travel and transportation differently that the desire for having wolves and the lack of safety considerations of the wolf personnel. This bias of not considering or dismissing child safety very concerning to me. I wonder if they discount my life just as easily or the lives of my four legged family members.

There is also a need transportation and a desire by some for wolves both are not needs. Wolves are not needed in our community of Lake Roberts and I am sure in other communities in and around the Gila and AS National Forests. We function just fine without wolves.

I could go on here but the key is no oversight. Would you fly in a plane that was not independently certified? Would you feel that the airplane developers could be trusted or do you think oversight would be necessary? I feel this program as any that has safety implications should have independent oversight. I also feel the wolf program has been run in a very insensitive way for the people forced to live with the program and writing that up could take pages.

The things I see show signs of a very dysfunctional organization in the wolf program.

I do hope for additional funding for USDA wild life services as it appears they are very under funded to do the investigations necessary. The trails here in the forest are also a mess, dangerous and in disrepair. It would have been nice if the wolf program money had been put into a more positive use where all could enjoy the forest.

I with another local person, organize horse clinics where people come from all over the west to attend. This has a very positive economic impact on the Lake Roberts community as the hotels are filled and meals and other local purchases on non holiday weeks. We do 2 or 3 of these during the summer. Usually June, July and August for more than a week each time. If one wolf incident happens . . . and that would be as much as a horse spooking or being unsettled these clinics will be over. One howl and done forever!

No one wants to come to a beautiful place to put their horse in danger. These are also very expensive horses. The thousands of dollars of positive economic impact to the community will be lost. I worry now about all the horses when they are here.

I can also no longer take my dog on trail rides. He is very sad and depressed about this as am I. My dog has been useful to my safety in the past where he has assisted in running off a bear and lion. Not bad for a little lab mix. I am concerned when I am working my dressage horses in the arena and my dog is not in sight that something bad might happen.

I also breed my horses to expensive warmblood stallions and the foals are often worth more that 7,000 when born. One wolf accident and it is a full economic loss. Often you have to feed the lame horse for the rest of its life. A horse costs at a minimum $1200 to feed and for shots every year. When I raise a foal it is one a year. A lot rides on one foal. This is also true for my neighbors. We have lots of small horse farms here and many of us raise only 1 foal a year. But is more than economics . . . it is really about the loss of safety and enjoyment of my property and the protection of my four legged family members.

While my wolf incident is very minor compared to others they still have had an economic and safety concerns within my family.

After the millers horse "Six" was slaughtered. I asked to be educated on how to live with wolves as Defenders say I should. I grew up in Canada and thought I knew but I am always willing to learn. This call was placed to Bruce Thompson about the middle of January 2007. It is now June I am yet to be educated on how to live with wolves. I have directly asked Bruce Thompson head of NM Game and Fish 3 additional times even stating I would get other horse owners in the area together. Still the only call I got was the call I will describe below. I have asked 4 times to Bruce and 1 time to a NM game official. It is now June. My local Game and Fish guy (not part of the wolf program and I think he feels bad) says he is going to try and put something together for me and others to help. He is a good guy and I am disgusted with the rest.

I also asked Bruce Thompson about oversight and other issues with the program and he went into how that is not needed and how FWS, AZDGF and NMGF all work together as one big happy family. I feel with no independent oversight then abuse will occur and it appears with this program that has occurred.

The end of January I did get a call from Saleen Richter (not sure of spelling) from NM Game and Fish she made it clear that she was busy and did I really want educated because wolves would probably not be in Lake Roberts. She went on to discredit the Millers and state how they lived way out there and this is why they had had the wolf problem, and that they leave their horses for weeks at a time. I understand from the millers this is not so. She definitely implied the Millers were not good people and implied they were responsible for the wolf slaughtering their horse and that she was busy there protecting the wolves from their other horses. I said to her what about my injured horse that cannot run as fast as the others, or my neighbors older horse or my other neighbors lame horse or the foals . . . and that often I am gone for weeks at a time on business and I have someone caring for my horses does that make me a bad person? She then made it clear in her implications that she did not want to come out to educate me as to how to live with wolves. All and all a very weird and unprofessional conversation with this NM Game and Fish official and I am offended to be paying for this program.

Then on February 21, I left my home office to put my horses in the barn for the night. I got to my horses and my dog refused to leave the truck. I cannot remember when he has ever not happy bounded out off the truck. My horses were frantic and were racing around their paddock and nervously looking up our mountain which borders with the national forest. They had already run through the electric tape fence that divides two of the paddocks. No horses were seriously injured but my mare that is lame for life with a broken hip did injure her hip again. I did have to administer pain killers (butte) for about 1 week due to this re-injury.

I opened the gate and the horses blasted towards the barn. They never go in their stalls at night until they are clean and hay is in their waiting for them. My one mare later left her stall ran back past me to return to her corral and in my presence kept stepping forward and nodding with her nose in pointing type behavior looking up the mountain. I did not see a wolf. My eyesight is bad and the mountain has lots of vegetation. I think the wolf was about 100 yards up the hill which is 20 feet from the edge my paddock fence.

I then went to toss a lead rope over her neck and was preparing to halter her when she blasted out (she never does this) and back to the barn. She was covered in a sticky panicky sweat and all my horses were very upset but did calm down when I closed the barn doors. I could have been injured with my mare's serious panic and was lucky that I did not get run over by a 1000 horse.

Horses are prey animals and usually do not like to be confined but on this day they felt their barn was the safest place for them. I found this very interesting and had not experienced this behavior before. Maybe this is why the Millers horse Six ran to his corral . . . he was so panicked he thought it was the only safe place for him. My horses like their barn but often they enjoy being out even in the worst weather.

For the next few weeks not only were they more on edge and looking up the mountain constantly. One horse was always more on watch more than normal. They also lost weight for two weeks and were not eating well during the day when turned out. My horses were not rideable for a week and I even canceled going to a small show (no entry fees lost) due to their upset.

For over a month when my horses were let out of the barn in the morning they walk to the main door and look up the mountain and cautious step out of the barn. In the past they would be let loose from their stalls and confidently trot out of the barn never even looking.

It is summer now and my horses are still in the barn at night. This is extra expense of shavings of over $100 per month. I will be spending 800 more dollars this year on shavings. Also the time to clean the stalls which is more time consuming that cleaning paddocks.

My fencing has to be repaired at a cost of $175 due to this wolf panicking my horses. I can easily see this wolf program is costing me more than $1000 per year not to mention the time expenditure. I do not feel I am getting any benefit from this program only a huge headache and I am not even in a constant wolf impact area like Reserve and Winston New Mexico.

I need to treat the wood in my barn again and make various repairs. I do need to leave the horses out but I am in fear of if that is the night that the wolves come through again? Will I need to board them somewhere again at an additional cost and gas expense.

I can also no longer take 2 horses out leaving one at home without putting that horse in the barn. Where as before my horse would remain at home calmly and eating now they are unhappy, pacing in the stall and not eating. This might seem minor but there has been a major shift in how I work with my horses.

On this day that the horses were upset saw and heard the wolf plane. It is a rarer sighting here . . . and never a good thing to see either. It circled south of my home which is south of Sapillo Creek. The flight report for that day shows the wolf was north of sapillo creek based on the locations given. I did not observe this plane circling north . . . while it could have also I find in interesting that a few hours later there was a wolf on my place.

My horses have seen lion and bear . . . even ridden up on them on the trail. The fear level and panic with this predator was different. When a lion is around the horses will be a bit bothered and I call on of the outfitters and let them know something is around. The predator usually ends up leaving one way or another. Having the right to treat the wolf like the lion and the bear would a helpful start as wolves should not be hanging around my place.

I do worry about the direction of this program and I consider the majority of these wolves very habituated. I am very concerned about children and the people that come out here to camp and trail ride. The tourists that come here want to be safe and have fun. The hunters here (I am not a hunter nor is my family) also have a very positive impact on the communities. I benefit by these business being located in my community. They are a positive economic impact to the communities. I have not yet met one person at the local restaurants or that has stopped to ask directions that were here to see wolves. If they asked about dangerous wildlife they are nervous at the idea of lions let alone wolves.

Thanks again for your time and understanding my story here. I know it was a bit long winded but I wanted you to understand the impact that appears so small is really pretty big.

BARB DAWDY.

THE WOLF AT THE DOOR!

Here's one of those stories as told by Michele White, a friend of Brittney's:

On November 30, 2004, about 8:00 P.M., Brittney Joy and I (Michele White) were sitting in the family room watching TV and we heard one of the dogs, named Tessa, pawing at the door. Then, what we thought was a dog fight was the sound of something much more. Brittney and I ran to the back door and opened it quickly to realize that it was not two dogs fighting, but was a big wolf standing five feet from the door opening. The wolf jumped on the one dog named Tessa, which is five years of age. While we were yelling at the dogs and motioning her inside, the older dog, named Angel, which is 7 years of age, jumped and hit the wolf with her chest. Once the wolf was off Tessa, it started to run the opposite direction which the two dogs followed. Then the wolf turned around and headed toward the house chasing the two dogs. We then slightly closed the door in fear that it would run inside, but the wolf stopped about ten feet from the door and went the other direction. The one dog, Tessa, came in the house and we lost sight of the other dog, Angel, as she was still chasing the wolf. We called and called, and at this point Cassie Joy, Brittney's mother, who was just getting out of the shower when the incident took place, ran out the other door with her pistol. She was wet, barefoot, and in her pajamas. She fired four shots in the air. When Cassie came back in the house, is when Angel came back. Both dogs are spayed females.

Cassie came back in for another gun and a flashlight, plus shoes and a jacket. Then she went out to the corrals, making sure the mare and foal were all right. At this point, Dale Beddow joined her and they came back to the house to use the tracker. This tracker was loaned to them by the wolf office in Alpine because members of the Aspen wolf pack had previously been frequenting the Joy's home and had attacked two of their other dogs in October. (Reported and verified in the Field Notes.—Barbara Marks).

They received no signal and Brittney told them she saw the wolf heading up Bush Creek, so they went back out to haze the wolf away. They found the wolf about 250 yards away. It turned and ran up the hill. They searched for about 20 minutes and couldn't find the wolf, so they fired the gun three times in the air, then returned home.

During this time, Cassie's other daughter, Dustie, was trying to calm her sister down and then made phone calls to get phone numbers of wolf office staff.

There was a foul smell on the one dog, Tessa. It was so bad that we had to put them outside again. At this point, we called Shawn Farry who is in charge of the wolf activity. Cassie told him everything that had happened and he told her he would call Shawna Nelson who was on duty at the time to come right up and investigate.

Approximately 30 minutes after the initial report of the incident, Shawna and Valerie of the "wolf patrol" arrived. Shawna then proceeded to inquire about the incident. The residents at the Joy household told Shawna the story that is in the first part of this paper. Shawna then asked if the Joys were sure that the animal that attacked their dogs and invaded their home was a wolf or "just a common coyote". They were sure it was a wolf, but did not see a radio collar on it. When they told Shawna about the foul smell on Tess, Shawna smelled the dog. She said no foul odor was identified. No investigation of the surrounding area was done at this point. The 2 women went up Red Hill Road (Forest Road 567) to see if they could get a signal on any of the radio collared wolves.

Cassie then made a call to John Oakleaf of the U.S. Fish and Wildlife Service on her neighbor's suggestion to confirm that a report would be filed. After conveying to him the incident that occurred, he told Cassie that it could have been one of the uncollared wolves that had invaded their privacy. He would have Shawna and Valerie return to the Joy residence to fire off some 'cracker' shells to try and avoid another conflict, which they did.

The following morning, at about 8:00 A.M., Cassie observed the wolf running across an opening up Bush Creek about two hundred fifty yards from their residence and livestock. Jimmy Joy and their neighbor went to investigate. After a short investigation, fresh wolf tracks were found close to where the sighting had occurred. Cassie then called Shawna to report another wolf sighting within sight of their home. About one full hour later, Valerie came to the Joys to now investigate. Cassie then showed Valerie the wolf tracks that were found earlier, and where the sighting had occurred. Valerie could not find the tracks at first. Valerie told Cassie that she thought that the wolf in question was the uncollared male pup from the Aspen pack. Upon returning to the house, Tessa was spotted napping in the sun. At this point, Valerie then confessed to Cassie that the foul smell that Cassie had pointed out the night before was obvious. She also said it came from scent glands wolves have. Cassie asked Valerie if they could come back and fire off some more 'cracker' shells because she thought that the wolf was still nearby.

That evening, Shawna and Valerie returned to perform a short investigation. That evening, Shawna returned to take a written report.

JUNE 13, 2007.

MR. PEARCE: We would like to justify why our 13 year old daughter, Micha Miller has to carry a firearm everytime she steps outside. It is because the Durango Pack has been in our yard four times in five weeks, within feet of our door two times & the other two times they have been within 70 yards of the house. That is a little too close for comfort & Micha needs a way too protect herself when she's outside. Micha is very capable of handling a pistol or any other firearm, for that matter, extremely safely. She has taken her Hunter's Safety & passed with a 98%, she has also been around firearms all her life & enjoys hunting. I can honestly say she is safer carring a weapon than she is walking out of the house without it because of the habituated Durango Pack.

The Pack was released the last of April & they were in our yard on the 1st of May. The Wolf Recovery Program released them at Miller Springs about 40 miles south of our house & they were here on the ranch in two days. The reason they came up here is because AF924 was in our yard multiple time from September 2006 until November 2006 when she was captured & her mate was shot for 3 depredations. AF924 still has 2 depredation strikes against her as does her new mate AM973.

We are not ranch owners, but we have lived & worked on the Adobe Ranch for 9 years, this is our home. My husband, Mike Miller, takes care of about 500 head of mother cows on about 100 square miles. He has to check one pasture twice a day to make sure the Durango Pack has not killed a cow or calf, as the Pack is denned up in the middle of it. The cattle may not be Mike's but he is in charge of taking care of them & has to answer to the manager of the ranch if anything happens to them. Mike's hands are tied when dealing with the Wolf Recovery people directly.

When we were kids we didn't have to worry about carrying firearms or anything stalking us, we could just enjoy being kids. Our daughter & the other kids in the Recovery area don't have that privilege. They have to watch over their shoulders & stay close to their homes & not venture out to explore their own backyards. The fear of having a wolf attack them is so great that they can't have fun anymore. It is unfair to our kids what the Wolf Program & Bill Richardson has done to them!! They have made our kids prisoners in their own homes! They need to be told "The wolves are NOT more important than our children's lives & well being!!!" What I'm afraid of is one of our children getting seriously hurt or even killed before the program & Richardson will open their eyes to how wrong this whole program is.

The Durango Pack are not the only wolves close to our home. There is a black collared wolf that John Oakleaf, with the wolf program, claims to know nothing about. They say they don't have a black wolf. We are not the only one's to have seen it, two neighbors have also seen it. This isn't the first time we've heard that they don't have a certain wolf. We had a real light colored wolf in our yard & Dan Stark, another with the wolf program said to us & I quote, "That's not one of our wolves!" There are more wolves out there than the Wolf Program is admitting.

The wolf program people are supposed to be watching this Durango Pack to keep them out of our yard. When the workers are out here they are sneaking around, they go by the house & turn around just over the hill from the house or sometimes in the driveway, then drive away real fast thinking no one has seen them, instead of coming up to the house & letting us know if the wolves are in the vicinity or if we might have information that could help them track the wolves.

The Durango Pack has totally disrupted our lives! The things we did without worry, like working in the yard or mowing the grass, we now have to be armed & very aware of our surroundings. The Durango Pack are not "problem" wolves or "nusance" wolves, they are habitual wolves. They will not stop coming up into yards & hanging around people no matter how many times they are captured & re-released. The only way to stop a habitual wolf is to permanently remove them by any means necessary!

Thank you, Mr. Pearce, for informing everyone that the Wolf Program is not as wonderful as the Program wants them to believe. We appreciate your concern about the families in the Recovery Area. Thank you for all your help.

Sincerely,

MIKE, DEBBIE, & MICHA MILLER.

NEW MEXICO WOOL, GROWERS, INC.,
June 15, 2007.

Hon. STEVE PEARCE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN PEARCE: We are writing to you today on behalf of the membership of the New Mexico Wool Growers, Inc. the state's oldest livestock trade organization, in reference to the Mexican wolf reintroduction program. First we would like to thank you for everything you and your staff have already done on this issue. There is no question that you are committed to your New Mexico constituents and the livestock industry. With all that you have already done we know that you understand the pain, anguish and loss that has and is being suffered here in New Mexico.

We are seeing that folks have become hopeless in the face of a predator placed in their midst by their own government. That our government has been unwilling or unable to address the needs of the citizens whose lives they are destroying. It is not sensationalism to point out that children are not even safe in their own yards or in walking back and forth from their homes to the school bus. Life in America has changed since the introduction of this program and children and families should not have to be afraid to go outside. With that said, we are writing to once again ask you to do whatever you can to reduce the impact of the program on children and families as well as livestock and pet owners in the recovery area.

The public has been mislead for nearly a decade with the theory that no one is suffering losses at the mouths of wolves and that if there are losses they are being amply compensated. Nothing could be further from the truth. Any paltry compensation is not coming from the government that caused the loss, nor does it begin to cover the costs to private property owners. Furthermore, there is no way to put a monetary value on human pain and suffering. Americans deserve to feel safe and they deserve to be paid for what the government has so willingly taken from them.

The Mexican wolf program is termed "experimental and non-essential." There is ample documentation that the experiment has failed and it must be terminated. There are wolves in the country and they need to be allowed to survive, or not, on their own. Families and property owners must have the ability to protect themselves without fear of fine or prison.

In the early years as settlers moved west, the prey base was limited and wolves turned to what was available—livestock. That holds true today under the conditions we are experiencing, but livestock is not the only prey, pets, children and families are part of the prey today.

There appear to be only two options for the program at this point. One is to totally withdraw funding and let the animals compete for survival just as other wildlife must do. The other is for the government to come up with an appropriation to cover the very real costs of the program on the people who are forced to live with these government owned and managed killing machines every day.

Once again we are thankful for all your work on this and other issues. If we can be of service to you, please do not hesitate to contact us.

Sincerely,

MIKE CORN,
President.

NEW MEXICO FEDERAL LANDS COUNCIL,
Roswell, NM, June 15, 2007.

Hon. STEVE PEARCE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN PEARCE: We are writing to you today on behalf of the membership of the New Mexico Federal Lands Council, which represents ranchers who utilize federal and state lands. This letter is in reference to the Mexican wolf reintroduction program. We are very fortunate that you understand the pain, anguish and loss that has and is being suffered here in New Mexico. Your commitment to your constituents and the ranching industry has been a great attribute in dealing with this program. Thank you to you and your staff for the interest you have shown and the assistance that you have already given.

Life in New Mexico has changed since the start of the Mexican wolf reintroduction program. Residents in parts of New Mexico are not safe to let their children go outside in the yard to play or even to walk to the bus stop from their home. This is truly a tragedy. We are seeing that folks have become hopeless in the face of a predator placed in their midst by their own government. That our government has been unwilling or unable to address the needs of the citizens whose lives they are destroying. With that said, we are writing to once again ask you to do whatever you can to reduce the impact of the program on children and families as well as livestock and pet owners in the recovery area.

For nearly a decade the public has been misled with the theory that no one is suffering losses at the mouths of wolves and that if there are losses they are being amply compensated. Nothing could be further from the truth. Any paltry compensation is not coming from the government that caused the loss, nor does it begin to cover the costs to private property owners. Additionally, there is no way to put a monetary value on human pain and suffering. Americans deserve to feel safe and they deserve to be paid for what the government has so willingly taken from them.

The Mexican wolf program is termed "experimental and non-essential." There is ample documentation that the experiment has failed and it must be terminated. There are wolves in the country and they need to be allowed to survive, or not, on their own. Families and property owners must have the ability to protect themselves without fear of fine or prison.

When people started settling in the west, the prey base was limited and wolves turned to what was available—livestock. That holds true today under the conditions we are experiencing, but livestock is not the only prey pets, children and families are part of the prey today.

There appear to be only two options for the program at this point. One is to totally withdraw funding and let the animals compete for survival just as other wildlife must do. The other is for the government to come up with an appropriation to cover the very real costs of the program on the people who are forced to live with these government owned and managed killing machines every day.

Once again we are thankful for all your work on this and other issues. If we can be of service to you, please do not hesitate to contact us.

Sincerely,

MIKE CASABONNE,
President.

MONDAY, JUNE 25, 2007 11:00 A.M.

From: Robert Flowers
To: Charters, Tim.
Subject: WOLF ENCOUNTER.

In Sept. 06 bow elk hunt I was hunting with a freind in the upper edge of 16c. The opening morning the bulls were sounding off and very close to camp. We stalked the herd for several hours until they got down into lower, open country. That night we caught them going back to higher ground. We could not catch up with them and noticed some very large, fresh "k-9" tracks. The next morning we expected to intercept the herd in the same area, but not a bugle one. We decided to go up higher ground to find them. We drove on a road that skirted the adobe and follwed it into a creek that washed the road out. We then walk to the bottom of the draw to look for sign. We found sign!!! A freshly killed calf elk. Blood was still wet and the carcas warm. We found large, fresh "k-9" tracks, and long strands of grey hair in the brush. We must have run the wolves of the kill. Needless to say we saw, nor heard any more elk the remainder of the hunt.

ROBERT D. FLOWERS,
Dexter, NM.

WEDNESDAY, MAY 30, 2007 2:23 P.M.

From: Jeannie Jones.
Subject: Hello Wolf!!

As I was in the yard cleaning out a pickup a WOLF caming trotting thru the meadow! I ran for a camera and binoculars (for the collar). He crossed to the road and disappeared. NO picture.

It looked like it might have had a collar but not for sure.

So much for them laying around in the heat of the day! The time was exactly 1:30 PM and it was 78 degrees.

Guess the poor thing was hungry and hunting for the next innocent thing to kill or cripple.

May 29, 2007.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. The restoration of wolves in the United States is a conservation success story. Wolves in the Great Plains and the Northern Rockies have made a dramatic comeback.

Mr. PEARCE. Will the gentleman yield?

Mr. DICKS. I will not yield. The gentleman had his 5 minutes. I am going to take my 5 minutes.

Mr. PEARCE. I thank the gentleman, who has no wolves in his district.

Mr. DICKS. And we need to let the Mexican wolf population have the same chance.

There is no doubt that there have been problems with the reintroduction, but we cannot cancel the entire program because of these isolated problems. There are programs in place that compensate livestock operators when wolves prey upon their stock. I am in favor of working to streamline and expand these programs. I am also in favor of pushing the U.S. Fish and Wildlife Service to work more closely with the affected livestock operators.

Finally, I believe we cannot interfere with the Endangered Species Act, and that's what the gentleman is attempting to do here. His amendment would overturn the Endangered Species Act, something that we have never done on this House floor that I can remember, and I don't think we should start today.

I have experience with the Red Wolf Program at Point Defiance Zoo in the State of Washington where we regenerated the population, and then we introduced them into North Carolina. That program has worked very successfully. We have wolves in Alaska. We have wolves in Canada. There were wolves in New Mexico. And this is part of nature.

I think the gentleman is completely overreacting to this. I urge him to withdraw his amendment and not to try to overturn the Endangered Species Act here on the floor of the House.

I urge all my colleagues to vote strongly against this ill-considered amendment.

The Acting CHAIRMAN. Does the gentleman from Washington continue to reserve his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIRMAN. The gentleman withdraws his point of order.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, there are really two ways to proliferate wolves, one is in the wild, where they respect their distance from humans, and the other is in captivity, where they have no respect for humans. The Mexican wolves have been propagated and proliferated in captivity, and as a result, they encroach into areas that put humans at risk.

I think the gentleman from New Mexico has brought up a valid concern because these isolated problems are now coming home to people who live in this area and having to carry firearms with them everywhere they go.

I would like to yield to the gentleman from New Mexico to let him complete his point.

Mr. PEARCE. I would thank the gentleman for yielding.

Recently, in Catron County, the local county commissioner started posting signs like this, "Dangerous Wolf Area." It just is a continuation of the theme that we're trying to accomplish something in the Second District of New Mexico that you're not willing to accomplish in your own districts.

I will tell you that we heard testimony in the Resources Committee that described the most provocative sound to a wolf is a crying baby or a laughing baby. It's a matter of time until these wolves, which will stalk for weeks and weeks and weeks at a time around local homes, it's a matter of time until a wolf catches one of these children. Their blood will be on your hands, my friend, because we've had the testimony in committee.

I would say that this has nothing to do with endangered species but instead has to do with protecting the lives of the people and the livestock of the Second District.

Mr. DICKS. Mr. Chairman, I would like to have a ruling from the Chair whether the gentleman's comments about blood on my hands is a violation of the House Rules.

The Acting CHAIRMAN. Does the gentleman demand the gentleman from New Mexico's words be taken down?

Mr. DICKS. Yes, I do.

The Acting CHAIRMAN. The gentleman will suspend.

The Clerk will read the gentleman's words.

Mr. PEARCE. Mr. Chairman, I would ask unanimous consent to withdraw my words.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Acting CHAIRMAN. The gentleman may proceed.

Mr. PEARCE. Thank you, Mr. Chairman.

We again have the issue of depredation. There is no fund that pays ranchers when their livestock is killed. So we have the livestock, which in these days of ranching, ranching is a very hard business, and we have the livestock which is killed by these predators that continue to eliminate more and more livestock each year, with no payments being made from Fish and Wildlife Service.

I would simply point out, and I would thank the gentleman from Kansas for yielding, that this program is restricted to only two very rural parts of America. It is wrong; it is wrongheaded.

I would thank the gentleman from Washington for his suggestion to withdraw the amendment but would instead ask for a vote on the amendment.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 19 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me again offer my appreciation to the chairman of the subcommittee and the ranking member of the subcommittee for the courtesies of both of their staff.

This amendment was offered last year. It is a continued commitment I have to the Smithsonian and the value of its programs and outreaching across America.

My amendment is simple, and it simply has the Congress on record to encourage and not limit outreach programs administered by the Smithsonian Institution, as I indicated, an identical amendment that was offered last year.

What are these outreach programs? These outreach programs involve reaching out to communities, African American communities, Asian American communities, Latino communities, Native American communities, and yes, New Americana. It is a program dealing with Kindergarten through college age museum education outreach opportunities. It enhances the K–12 science education programs and facilitates the Smithsonian's scholarly interactions with students and scholars at universities. Some would say that it brings the scholars of America out of the attics of America.

In addition, it has a program called the Mobile Museum, an exhibit that can visit up to three venues per week in the course of only 1 year, at no cost to the host institution or community. The net result is an increase by 150 the number of outreach locations to which SITES shows can travel annually. And in addition, through its flexibility in making short-term stops in cities and towns from coast to coast, a mobile museum has the advantage of being able to frequent the very locations where people live and work.

I believe America is a great country. We have a very rich history, and that history sometimes is lost because of the lack of technical assistance and education of our community. For example, may I share with my colleagues, the community in Houston called Freedmen's Town? It is a community that was settled by freed slaves. It now has a few remaining structures after urban revitalization. Part of the complexity of it is a lack of education, understanding of the value. Artifacts, museums, preservation, all of that is part of the work of the Smithsonian outreach that educates the community about the precious jewels that they have. Cobblestone streets that were laid by slaves, churches that were built by slaves, and a variety of other facilities, like an old school that was attended by freed slaves.

The Smithsonian's outreach program educates us about our history, provides mobile museums, connects America, connects us to this fabulous and extensive museum's holdings of the Nation's history by visual scenes. And so I would ask my colleagues to consider the importance of reaffirming, if you will, the value of the outreach program of the Smithsonian.

Mr. Chairman, thank you for this opportunity to speak in support of my amendment to H.R. 2643 the Interior and Environment Appropriations Act of 2008 and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the Smithsonian Institution, which operates our national museums, including the Air and Space Museum; the Museum of African Art; the Museum of the American Indian; and the National Portrait Gallery. The Smithsonian also operates another national treasure: the National Zoo.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment provides that none of the funds made available in this act be used to limit outreach programs administered by the Smithsonian Institution. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

Mr. Chairman, the Smithsonian's outreach programs bring Smithsonian scholars in art, history, and science out of "the nation's attic" and into their own backyard. Each year, millions of Americans visit the Smithsonian in Washington, DC. But in order to fulfill the Smithsonian's mission, "the increase and diffusion of knowledge," the Smithsonian seeks to serve an even greater audience by bringing the Smithsonian to enclaves of communities who otherwise would be deprived of the vast amount of cultural history offered by the Smithsonian.

The Smithsonian's outreach programs serve millions of Americans, thousands of communities, and hundreds of institutions in all 50 States, through loans of objects, traveling exhibitions, and sharing of educational resources via publications, lectures and presentations, training programs, and websites. Smithsonian outreach programs work in close cooperation with Smithsonian museums and research centers, as well as with 144 affiliate institutions and others across the Nation.

The Smithsonian's outreach activities support community-based cultural and educational organizations around the country; ensure a vital, recurring, and high-impact Smithsonian presence in all 50 States through the provision of traveling exhibitions and a network of affiliations; increase connections between the Institution and targeted audiences (African American, Asian American, Latino, and native American, and all of America); provide kindergarten through college-aged museum education and outreach opportunities; enhance K–12 science education programs; facilitate the Smithsonian's scholarly interactions with students and scholars at universities, museums, and other research institutions; and publish and disseminate results related to the research and collections strengths of the Institution.

The programs that provide the critical mass of Smithsonian outreach activity are: the Smithsonian Institution Traveling Exhibition Service (SITES), the Smithsonian Affiliations, the Smithsonian Center for Education and Museum Studies (SCEMS), National Science Resources Center (NSRC), the Smithsonian Institution Press (SIP), the Office of Fellowships (OF) and the Smithsonian Associates (TSA), which receives no federal funding.

To achieve the goal of increasing public engagement, SITES directs some of its federal resources to develop Smithsonian Across America: A Celebration of National Pride. This "mobile museum," which will feature Smithsonian artifacts from the most iconic (Presidential portraits, historic American flags, Civil War records, astronaut uniforms, etc.) to the simplest items of everyday life (family quilts, prairie schoolhouse furnishings, historic lunch boxes, multilingual store front and street signs, etc.), has been a long-standing organizational priority of the Smithsonian.

SITES "mobile museum" is the only traveling exhibit format able to guarantee audience growth and expanded geographic distribution during sustained periods of economic retrenchment, but also because it is imperative for the many exhibitors nationwide who are struggling financially yet eager to participate in Smithsonian outreach. As economic downturn and uncertainty continue to erode the ability of museums to present temporary exhibitions, the "mobile museum" promises to answer an ever-growing demand for Smithsonian shows in the field. A single, conventional SITES exhibit can reach a maximum of 12 locations over a 2- to 3-year period.

In contrast, a "mobile museum" exhibit can visit up to three venues per week in the course of only 1 year, at no cost to the host institution or community. The net result is an increase by 150 in the number of outreach locations to which SITES shows can travel annually. And in addition to its flexibility in making short-term stops in cities and towns from coast-to-coast, a "mobile museum" has the advantage of being able to frequent the very locations where people live, work, and take part in leisure time activities. By establishing an exhibit presence in settings like these, SITES will not only increase its annual visitor participation by 1 million, but also advance a key Smithsonian performance objective: to develop exhibit approaches that address diverse audiences, including population groups not always affiliated with mainstream cultural institutions.

SITES also will be the public exhibitions' face of the Smithsonian's National Museum of Mrican American History and Culture, as the planning for that new Museum gets under way. Providing national access to projects that will introduce the American public to the Museum's mission, SITES in FY 2008 will tour such stirring exhibitions as NASA ART: 50 Years of Exploration; 381 Days: The Montgomery Bus Boycott Story; Beyond: Visions of Planetary Landscapes; The Way We Worked: Photographs from the National Archives; and More Than Words: Illustrated Letters from the Smithsonian's Archives of American Art.

To meet the growing demand among smaller community and ethnic museums for an exhibition celebrating the Latino experience, SITES will issue a scaled-down version of the National Museum of American History's 4,000-square-foot exhibition about legendary entertainer Celia Cruz. Two 1,500–square-foot exhibitions, one about Crow Indian history and the other on basket traditions, will give Smithsonian visitors beyond Washington a taste of the Institution's critically acclaimed National Museum of the American Indian. Two more exhibits, In Plane View and Earth from Space, will provide visitors in the field with a taste of the Smithsonian's recently opened, expansive National Air and Space Museum Udvar-Hazy Center.

Several exhibit tours will be extended by popular demand. The most important of them are The American Presidency and Our Journeys, Our Stories, the original itineraries of which could not accommodate multiple exhibitor requests.

For almost 30 years, The Smithsonian Associates—the highly regarded educational arm of the Smithsonian Institution—has arranged Scholars in the Schools programs. Through this tremendously successful and well-received educational outreach program, the Smithsonian shares its staff—hundreds of experts in art, history and science—with the national community at a local level.

The mission of Smithsonian Affiliations is to build a strong national network of museums and educational organizations in order to establish active and engaging relationships with communities throughout the country. There are currently 138 affiliates located in the United States, Puerto Rico, and Panama. By working with museums of diverse subject areas and scholarly disciplines, both emerging and well-established, Smithsonian Affiliations is building partnerships through which audiences and visitors everywhere will be able to share in the great wealth of the Smithsonian while building capacity and expertise in local communities.

The National Science Resources Center (NSRC) will strive to increase the number of ethnically diverse students participating in effective science programs based on NSRC products and services. The Center will develop and implement a national outreach strategy that will increase the number of school districts (currently more than 800) that are implementing NSRC K–8 programs. The NSRC is striving to further enhance its program activity with a newly developed scientific outreach program introducing communities and school districts to science through literacy initiatives. Some of NSRC's goals are:

Double the number of school districts implementing NSRC K–8 programs, growing from an estimated 15 percent of the school population to 30 percent

Significantly expand national outreach programs to ethnically and culturally diverse school districts through the work of the NSRC's three centers of excellence

Engage 125 school districts—representing an additional 5 percent of the United States K–8 student population—bringing the impact of the NSRC's work from 20 percent to 25 percent of the nation's youth

Continue to develop and bring first-class educational resources to the nation by forging partnerships with school systems, educators, education and museum professional associations, and others to expand opportunities for development and dissemination of Smithsonian-based education resources

Through a collaborative effort with other Smithsonian education units, expand the educational opportunities available throughout the country, particularly in the area of science education reform

Expand the number of science materials currently available to school districts for grades K–3 and continue pursuing newly-published children's books, which will enhance science education programs throughout the country

Continue to develop and bring first-class educational resources to the nation by forging partnerships with school systems, educators, education and museum professional associations and others to expand opportunities for development and dissemination of Smithsonian-based education resources.

In addition, through the building of the multicultural Alliance Initiative, the Smithsonian's outreach programs seek to develop new approaches to enable the public to gain access to Smithsonian collections, research, education, and public programs that reflect the diversity of the American people, including underserved audiences of ethnic populations and persons with disabilities.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

Mr. DICKS. If the gentlewoman would yield, we are prepared to accept the gentlelady's amendment. We accepted it last year. We think it's a positive amendment.

Mr. TIAHRT. Will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. TIAHRT. I wanted to congratulate the gentlewoman on a fine amendment. We have no problems with it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I conclude by thanking both the chairman and the ranking member, and I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 34 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Clover Bend Historic Site.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Mr. Chairman.

First I want to thank the chairman of the committee. I especially want to thank the ranking member, my friend from Kansas, for all their good work on this bill. I know a lot of good work went into this.

For one, I am still concerned that our overall spending levels in growing this bill are roughly twice the rate of inflation, I think 7.6 percent over the President's request. But I know a lot of good work has gone into this.

My amendment specifically would ensure that none of the funds in the bill would go to fund the Clover Bend Historic Site in Clover Bend, Arkansas, which, again, is one of the earmarks that is place in the bill. I don't mind admitting before this House that I am not a huge fan of earmarks. I am certainly not here to say they are all bad. Many are worthy. Many do good things.

But too often, as I look at the earmarking process, too often we see a triumph of the special interest over the public interest. Too often we see a triumph of seniority over merit. Mr. Chairman, up until recently, too often we saw a triumph of secrecy over transparency.

I will be the first to admit that this particular amendment and earmarks, in general, are a very small portion of the Federal budget. But, Mr. Chairman, I fear they are a very large portion of the culture of spending in this institution.

Mr. Chairman, I've been a veteran of several of these earmark debates. They tend to follow several different lines of argument. Typically a Member will come to the floor to defend his earmark and say he knows his district better than anybody else. That is true. They typically come to the floor. They will say, well, good things can be done with this money.

I am prepared to concede both of these points. I know the Member who offered this project knows his district better than I do. I know good things could be done with this money.

But let's put this expenditure in context, Mr. Chairman. We still have a deficit. It is declining, but we still have a deficit, which means that until we balance the budget, we are raiding the Social Security trust fund. In addition, spending is exploding. Look at what is happening in entitlement spending, which threatens to bankrupt future generations. Right now, we are on a fiscal path to either double taxes on the next generation or to have little Federal Government besides Medicare, Medicaid and Social Security. Yet, as I look around, almost every single State in the Union is running a surplus.

So, Mr. Chairman, I ask myself a simple question. There are a number of earmarks submitted in this bill. Again, I am sure good things can be done with this money. But can we continue, given this context, to fund earmarks of this type simply because, one, we have done it before, simply because we are creative and we can think of these things, simply because it is a good project?

I am not here to necessarily say it is a bad project. But given the entitlement crisis, given the fact that our Democratic colleagues in their budget resolution voted for the single largest tax increase in American history, I just ask myself this question, is it truly a priority? Not is it bad, not is it wasteful, but is it truly a priority? Because every time we plus up some Federal budget, we are having to lower some family budget.

Again, I know the gentleman from Arkansas knows his district better than I do, but I know my district better than he does. Taxpayers from the Fifth District of Texas are going to have to help fund this particular earmark.

Mr. Chairman, I just fear that if we end up saying yes to everyone's program today, it is just a matter of time before we end up saying no to our children's future tomorrow. It is a small step. It is a small earmark. I understand this. But if you are going to lead, you need to lead by example. This is one small step we can take for fiscal sanity.

Mr. Chairman, I yield back the balance of my time.

Mr. BERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. McDERMOTT). The gentleman from Arkansas is recognized for 5 minutes.

Mr. BERRY. Mr. Chairman, I want to thank Chairman DICKS and the ranking member, Mr. TIAHRT, for their leadership on this subcommittee and for their bipartisan approach to these issues. I rise in opposition to the Hensarling amendment. I respect his right to offer the amendment.

I find it interesting that we have a sudden attack of fiscal responsibility on the other side of the aisle after adding $3 trillion in the last 6 years to the national debt. I find it interesting that we suddenly have an attack of fiscal responsibility after a Democratic administration had created almost a $6 trillion surplus, and that has been squandered by the Republicans across the aisle.

I think it is sad that we would object to a small community in rural Arkansas that has put tens of thousands of dollars into this project to preserve a little bit of history and a little bit of heritage in this wonderful community.

Clover Bend was one of the earliest settlements in Lawrence County, serving as a significant river landing for the area's bustling cotton and timber industry. Remote as the settlement was, it clung to existence. In 1829, steamboats were finding their way to its landing. The settlement was established as an important landing in river travel. Some years later, the actual town was moved from the river to the present site about 2 miles east.

The Clover Bend Historic Preservation Association was formed in 1983 at the historic site located on the former Clover Bend school campus. In 1937, a transaction was made through the Resettlement Administration to buy the plantation and establish 86 farmsteads from the original Clover Bend plantation. It gave 86 families in the depths of the Great Depression a new start, a new chance. It created a wonderful rural community where people came together for the common good to get the job done. It is something that is well worth preserving.

On the morning of May 4, 1939, after a decade of near starvation for many Lawrence County farmers, some 36 families gathered on the banks of the Black River to receive keys to their new homes. These were the first families chosen from the many to buy about 45 acres with a house on it. The site contains ten structures and was added to the National Register of Historic Places as an historic district in 1991. Clover Bend is a multipurpose site with a wide range of historical significance. The ultimate goal for Clover Bend is to become a fully functional museum and education center.

Funds will be matched by the State of Arkansas. This assistance is needed in order for the Preservation Association to continue to maintain and promote Clover Bend to the region and to preserve what is there and what the heritage of that place is. Through the countless hours of volunteers in the region and the support of the State, this request will allow the goal of the Preservation Association to become a reality.

As is the case so many times, there is one person, a wonderful woman named Viola Meadows, that has held all this together. Through tons of sweat equity, she has made it possible for us to be here today to see this entire project come to fruition. It is not like they are asking us to pay for the whole thing. They are asking us for just a little bit of help. I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I make no apology for the amount of money in this bill to address problems in Member districts or the process through which projects were selected. I just want to tell the gentleman from Texas, Mr. TIAHRT and I did this on a bipartisan basis. We worked this out. Our staffs worked together. We went through these projects very carefully. We only approved one out of every ten projects that were requested by the Members.

Now, I would remind the gentleman that in the Constitution of the United States, the most fundamental power of the United States Congress is the power of the purse, the power of the Congress to redress grievances of the American people, to help on projects that are important to the Members' districts.

Now, in this budget, we also laid out all the projects that are requested by the President. I would just, as one example, point out to the gentleman that in 2004 in terms of STAG grants, there were $533 million; in 2005, $513 million. These are all earmarks.

☐ 1915

In 2006, $282 million. In 2007, zero. In 2008, $140 million. This is responsible. The administration even says we met their test on earmarks. We went through these projects carefully, we looked at them closely, and we did it in a professional way.

So I would urge the gentleman to consider these facts. We are not going to be doing this the way it was done in the past, but we have the right to do it. And even the gentleman from Texas can't give away the power of the purse, because it is in the Constitution of the United States, and the Founding Fathers of this country stated that this was one of the most important powers that the Congress possessed. Throughout history, the British Parliament worked feverishly over the years to gain the power to be able to decide and limit the executive, the king in this case, of Britain. That was one of the most important powers that the Parliament developed over many hundreds of years.

So I am here tonight to defend our right to take care of our constituents, and I defend the process by which we did this. We did it in a professional way. We did it with both parties sitting in the same room looking at all these projects, helping each other, so we didn't make any mistakes.

I just want the gentleman to know how strongly I feel personally about this. We did a good job, and we cut it way back, and I thought the gentleman from Texas would be here applauding what we did, not attacking it.

Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 44 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the St. Joseph's College Theatre.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would restrict funding for the St. Joseph's College theater renovation located in Indiana. Again, I want to follow up on some of my earlier comments and address comments that the chairman made. If he was listening to my earlier comments, I started out complimenting much of what I see in the bill, and to the extent I see a reduction in the number of earmarks, I take that to be a very good thing.

But I was elected by the people of the Fifth District of Texas, and with all due respect to all of my colleagues, I yield my voting card to no one or my judgment to no one. So I am not here to impugn the judgment of the chairman, but I may have different concerns, and the people of the Fifth Congressional District of Texas may have different concerns as well.

I believe that historical preservation is a very good thing, but I know that much of the funding that has come from the Save America's Treasure program, what started out ostensibly geared toward Betsy Ross and the Declaration of Independence, has ended up funding so many other different projects.

Do you know what? I have got a lot of worthy historical and cultural projects in my own district, in the Fifth Congressional District of Texas. I am just not sure, at a time when Members, many who have come to this floor and said they would not raid the Social Security trust fund; as long as we are running a deficit, and we are doing that; recently the Democrat majority in their budget resolution voted to increase the debt ceiling; in their budget resolution, they voted for the single largest tax increase in history; all I question is, given all that background, government will be paid for. Sooner or later, government will be paid for, either by this generation or the next.

So I am not saying these are necessarily bad projects, but I do question whether or not, given the context, particularly the entitlement spending crisis that is looming, if they are truly a priority. Clearly they are a priority in the mind of the chairman, and I sincerely respect his opinion, but they are not necessarily a priority to me or the people of the Fifth District of Texas.

In my district, I have the Grand Saline Salt Palace. It sits on top of one of the largest salt mines in the entire United States of America. It is a very unique museum, actually made of salt. They give away free salt samples so people won't go and lick the walls. This is something that is unique in America, but is it truly a priority that we should have Federal funding for? I don't necessarily think so.

Now, there has been a debate in this body before about the history of the hamburger. Well, in the State of Texas, they say the birth of the hamburger was in Athens, Texas, which happens to be in the Fifth Congressional District that I have the honor of representing. It was invented in the 1880s by Mr. Fletcher Davis at 115 Tyler Street in Athens. Maybe that is something that is worthy of Federal expenditure to preserve this.

The Texas State Railroad that takes people on an old steam locomotive throughout beautiful Piney Woods of east Texas has been in existence since the 1800s. It has some funding challenges. It is something that I think is worthy of preservation. But, again, given the context of the largest tax increase in American history, given that people are still raiding the Social Security trust fund, it is not something I personally feel comfortable coming to this body and requesting that we use Federal funds for these purposes.

These are great historical and cultural locations within my district, but I am not sure they rise to the occasion to meet the National Treasures Act language, particularly when, again, all this spending has to be paid for.

So, I understand that people are experts on their district, that they want to defend their projects. But, again, it is taxpayers from, among other places, the Fifth Congressional District of Texas, that are having to pay for all this. Therefore, they start to lose their American treasures, their ability to buy a home, their ability to send their children to college, their ability to start a new business. I am still working to preserve those American treasures, and that is why I submitted this amendment, and I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and I rise in strong and adamant opposition to the gentleman's amendment. During my remarks, I would like to make three points and also indicate that this project is in the City of Rensselaer, Indiana, at St. Joseph's College. It is for the restoration of a historic theater that continues to be used by the faculty and students of the school, as well as the constituents and citizens of Rensselaer and Jasper County, Indiana.

The total cost for the renovation of this project is about $965,000. The request and approval by the subcommittee was for $100,000. I would want to thank the chairman of the subcommittee, Mr. DICKS, as well as the ranking member, my good friend, Mr. TIAHRT, for their consideration of this very important project.

The first point I do want to make is that this has great value to the community in which it is situated. While the gentleman who offered the amendment enumerated a whole series of other possible projects in another State, that is not the subject of this amendment. It is the restoration of a historic theater at St. Joseph's College in Rensselaer.

It was built in 1914 and designed in revival style, referred to as Collegiate Gothic. It is located in the college's historic district, and the goal of the project is to restore the theater as an attractive, useful centerpiece for the college and the City of Rensselaer while retaining its notable contribution among historic sites and structures in the great State of Indiana.

The second point I would want to make, and I would take off on the remarks made by the chairman, is he suggested that we have a right to spend this money. I agree with that assertion. I would take it a step further and say, we have a responsibility to make an investment in this country. We need to invest to preserve the past so we can continue to learn its lessons. We need to invest in this country for our present and for those who live here today. We need to invest in this country and its infrastructure for the future of this Nation and for the children of this generation and those yet to come. We have a responsibility as well as a right.

The gentleman from Washington, Mr. DICKS, also mentioned we are here to help each other out. I would conclude by stressing that point.

While I have a great deal of respect for the gentleman from the Fifth District of Texas, I happen to represent the First District in Indiana, and the last time I looked, society and the purpose of us joining together in a free government is to help each other out and to look out for each others' interests.

It is not the government that is paying this money, as the gentleman indicated; it is the people of this country who are paying for this project in Rensselaer, Indiana, that has value, which is the same reason why I think it is absolutely appropriate that taxpayers in places like east Chicago, Indiana, and Hobart, Indiana, expend some of their tax moneys as individuals to help the City of Dallas, for example, with their floodway to ensure that there is not property damage in the future, that there is not loss of life, that there is not injury to others in this country.

It is why I think there is a noble reason to ask people who live in Lowell, Indiana, and Chesterton, Indiana, and Gary, Indiana, to help fund research taking place at Oak Ridge in Tennessee. At first blush, why should we have an interest in making that investment? Because it inures to the benefit of not only everyone who lives in the United States, but everyone worldwide.

We should get over this concept that we have to be parochial in what we do and get over this concept that we should be selfish about what we are about. We are here to make an investment, and, as the gentleman from

Washington rightfully pointed out, to help each other out.

So I strongly oppose the gentleman's amendment. I absolutely think it is bad policy, and I would ask my colleagues' support.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

Mr. Chairman, I want to say to my friend from Indiana, who has been a valued member of our committee for many years, that I strongly support his project. Our committee evaluated it. We looked at all the details. We think it is a worthy project that should be supported.

I urge my colleagues to oppose the gentleman from Texas' amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 56 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Maverick Concert Hall.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would prohibit funds in the bill from being used for Maverick Concert Hall preservation located in Woodstock, New York. I think the committee report provides $150,000 for this particular local project.

Again, the debate that I want to present now is similar to one I presented on some of the other earmark funds. I do want to address some of what I have heard earlier in the debate.

I would like to make it very clear to the chairman of the committee and to all my colleagues, I do not question the right to spend this money. I don't question the right of this body to expend these funds. I simply question the wisdom of expending these funds given that the Nation continues to run a deficit, given that we have a looming entitlement spending crisis. The Comptroller General of America has stated we are on the verge of being the first generation in American history to leave the next generation with a lower standard of living.

I question the wisdom of the expenditure, given the fact that we just had a budget resolution passed, against my vote, passed against, contrary to the debate I offered on the floor, that would present the largest tax increase in American history, an average of roughly $3,000 per American family.

Now, I heard one gentleman early on, in defending his particular earmark, say it was a small amount of money. Relative to the Federal budget, I am sure it is a small amount of money. But for those of us who have consistently throughout our careers come to this floor to debate protecting the family budget from the Federal budget, to come to this floor and debate more freedom and less government, you got to start somewhere.

I don't understand the argument. It is either, well, this is such a small amount of money, why are we bothering, or I hear the argument sometimes, it is such a huge sum, we can't do that. That would be Draconian.

I kind of feel like, well, especially since I have small children and I read them bedtime stories, it is kind of like Goldilocks and the Three Bears. Either the porridge is too cold or it is too hot. When is the amount just right?

I heard one of the earlier speakers talk about responsibility to future generations. I agree. I spend a lot of time thinking about future generations. Again, I am the father of a 5-year-old daughter and a 3-year-old son, and I know everybody in this body loves their children and loves their grandchildren. But I think a lot about the debt and the tax burden that is going to be passed on to future generations. And, again, I fear that although earmarks represent a small portion of the Federal budget, they represent a large portion of the culture of spending that has now led to over $50 trillion of unfunded obligations in the Medicare, Medicaid and Social Security programs alone.

So, where do the steps, the baby steps towards fiscal responsibility, start?

□ 1930

I just believe again that with this looming entitlement crisis, that we need to do more. We need to set even a higher standard. We need to set even a higher bar for the expenditure of these funds. And I am sure these are interesting and worthy sites, although I haven't visited them. I am not sure if they are worthier or are more interesting than many of the sites in my own district.

Again, I start to think about the people who will have to pay this. I think about their American treasure. I think about a guy named Bruce in Garland, Texas, in my district. And when I asked him what is this tax increase going to do, and it is going to be a tax increase or debt that is going to pay for these earmarks, he said, "Congressman, in my particular case, an additional $2,200 in taxes would cut into the finances I use to pay for my son's college education. I really believe that given more money, Congress will spend more money, so that is not the answer. A control and reduction of spending is what is needed."

And so I think about Bruce in Garland and about all of the Bruces in Garland. You are talking about $100,000 here and $100,000 there, and to paraphrase the late Everett Dirkson, pretty soon you're talking about real money.

When we are helping each other out, let's think about future generations who are going to end up paying for all of these earmarks.

Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. First of all, before I begin, I want to express my deep admiration and appreciation to the chairman of this Environment and Interior Subcommittee, for the marvelous job he has done in putting this bill together. It is extraordinary in all that it does and improvements that it makes.

Also, I express my appreciation to the ranking minority member, Mr. TIAHRT, and all of the good work he has done and his responsibility on this committee, and particularly with regard to this bill.

Ironically, I want to express my appreciation to the gentleman from Texas because he gives me an opportunity to talk a little bit about the Maverick Concert Hall.

This small amount of money in this bill would provide for the restoration work on this Maverick Concert Hall. The Maverick Concert Hall was handbuilt in 1916 in a very unique rustic style. It was done so by famed Maverick Art Colony founder and philosopher Hervey White. Local carpenters put the building together, along with a band of resident "maverick" artists and volunteers.

The Maverick Art Colony was a key element in the emergence of Woodstock, New York, as a nationally influential art colony.

Now on the National Register of Historic Places, the hall is the home of the oldest continuous summer chamber music series anywhere in the United States. For 91 years, America's leading professional artists have presented summer concerts at the hall. The acoustics in this rural building are nearly perfect. Maverick concerts became the prototype for other summer music festivals, taking music from the cities and bringing them into rural, bucolic settings.

True to the egalitarian spirit of the original colony, the concerts are offered to the public and free for children and at very affordable prices in a lovely wooded surrounding for adults.

It is a marvelous place, and I am very proud to be the sponsor of this piece of this bill which would provide this very modest amount of funding for this particular project in the town of Woodstock, New York.

With regard to some of the things that the author and the sponsor of this amendment have put forward, I think it is important for all of us to recognize that he is very grossly mistaken in some of the things that he said. For example, there are no tax increases in this budget, and no tax increases in any of the things that we are dealing with here today.

In fact, what we are trying to do, this new Democratic majority in this House of Representatives and in the Senate as well, what we are trying to do is to rebalance the budget because in the several terms that my good friend from Texas, the sponsor of this amendment has been part of, we have increased the national debt by a huge amount of money. We have almost doubled the national debt while he was in the majority party and voting for all of those things that brought about that increase in the national debt, almost doubling it.

He has been responsible, along with some others, really placing future generations deeply, deeply in debt.

He talks about the need to be responsible in the way we provide Federal financing for issues across the country. I would simply remind the sponsor of this amendment that on a per capita basis, far more Federal money goes into the State of Texas than goes into the State of New York, for example.

So with that fact in mind, if he was really sincere and serious about what he is saying, then he would be recommending that the people in his district reject the Federal funding that they are receiving. I don't advise him to do that, but I do advise him to be more serious, be more sincere, be more knowledgeable and understanding about your responsibilities here, the kinds of things that we are obliged to do, particularly in the context of the way we are authorized under the Constitution to provide for the people of this country. To spend the money appropriately, intelligently, doing good things for all of the people.

Mr. TIAHRT understands that. It is quite clear in the way that he has helped put this bill together. And, of course, Mr. DICKS understands it very well. And we understand it, too. That is why we are going to be supporting this bill very enthusiastically and why I ask everyone here to reject this amendment from our friend from Texas.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I want to commend the gentleman from New York for his participation on our subcommittee and for all of his good work during the year.

I must say, a performing arts facility in a town can be such a fantastic thing. One thing I hope my colleague from Texas remembers is that the local community has to match the money. I think in this case this is a grant of $150,000 to Save America's Treasures which clearly this is one of. And then the local community has to raise $150,000, and out of that there are improvements to the facility and the structure that are done over a period of time.

Again, as we analyzed all of these projects, this is exactly what we had in mind. This legislation was authorized by Congress. And I would mention also that Mrs. Bush has her program, the Preserve America Program, which our committee has supported. Mr. TIAHRT has been a strong supporter of that program. I saw Mrs. Bush the other night and I told her we were working hard together up here to try and preserve this program, which does exactly the same things as Save America's Treasures. There may be a nuance or two, but basically it is the same thing.

So again, I support the Hinchey project and oppose the gentleman from Texas's amendment. I appreciate the good work of my colleague from New York over all of the years we have been on this committee together.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 74 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 74 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Bremerton Public Library.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Bremerton Public Library Restoration Project in Bremerton, Washington. The supplement to the committee report provides $150,000 for this project.

According to a 2001 article in the Kitsap Business Journal, restoration of the building previously received a $100,000 grant from the Bill and Melinda Gates Foundation. An equal amount was provided by the local government. The building is described in the same article as being a unique art deco style building. The Bill and Melinda Gates Foundation has an endowment apparently of over $30 billion, and as of April 2007, the State of Washington was projected to have the eighth largest surplus in the country at $1.23 billion.

So, again, I question not that good things can't be done with these Federal funds, not that this is not a project worthy of preservation and restoration, I simply question the wisdom again of using Federal taxpayer funds on such a project given the background. And I will respectfully disagree with the gentleman who spoke before me, the gentleman from New York, given the largest tax increase in history. He may not believe it is the largest tax increase in history, but The Washington Post, not exactly a bastion of conservative journalism wrote: "And while House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of these cuts expire on schedule in 2010."

It may be an expiration to the gentleman from New York, but to the people of the Fifth Congressional District of Texas, it smacks of a big tax increase.

And as I look at all of the different projects that have been brought forth tonight, I just ask myself a question: Is there any good project back home that apparently is not worth a Federal subsidy? If we say "yes" to all of these projects today, I fear we will be saying "no" to our children's future tomorrow.

Again, where is this money coming from? Government will be paid for. Either you are increasing taxes on the American people through the largest tax increase in American history, or you are going to pass on taxes even further by not doing anything to reform entitlement spending. That is the real fiscal tragedy. That is where the real scandal is. It is in the $50 trillion of unfunded obligations and not one word, not one word, Mr. Chairman, in the Democrat budget about what to do in entitlement spending.

Instead we have, again, local project after local project after local project. Maybe we have fewer than we had last year, and I assume the chairman is accurate when he says that and I salute him for that. But still, given the fact that the Federal Government is spending roughly $23,000 per American family, the largest level since World War II, given that the Democrat majority, over the course of 5 years, is about to impose a $3,000 increase in taxes on those same families, and given that we still have a Federal deficit that I have fought against since I have been here, often battling with my own party leadership, something I wish some of the people on the other side of the aisle who espouse a similar philosophy, I wish they would raise their voices occasionally.

Again, I would like to say that as worthy as many of these projects are, America's true treasures are the treasures to be found in the family, those dreams that are discussed around the kitchen table. That dream of launching that first small business, that dream of being able to finally send the first child to college. That dream of actually being able to afford the health care premiums to make sure that the family is well. Those are America's true treasures, and those are the treasures that I am trying to preserve.

We have to go further in changing the culture of spending and not expending funds for any purpose simply because we think of it or because we say good things can be done. Better things can be done when the taxpayers keep their own money.

□ 1945

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This is an amendment that affects a project in my hometown of Bremerton, Washington.

The downtown Bremerton library building opened in August 1938. Now, that may sound recent, but, remember, Washington has only been a State since 1889. The building was funded under the Works Progress Administration. The WPA was one of Franklin Roosevelt's principal public works programs that helped America recover from the Great Depression. The building is constructed in an art deco style which was a signature style during the twenties and thirties and a favorite today of preservationists across the country. The building has a large rotunda with skylights. Because of its distinctive style, the library remains one of the most attractive buildings in downtown Bremerton. Like many art deco buildings, the library has a very bright color, in this case a vibrant yellow.

The downtown Bremerton library was constructed on land that has housed a library for nearly a hundred years. When this library opened in 1938, it served as the main library. The City of Bremerton and Kitsap County combined their library system in 1955. In 1978, a new headquarters library was built for the regional system and the downtown library became a branch library.

The library in downtown Bremerton has been undergoing rehabilitation for the last 1½ years. The city invested $100,000 last year in general fund money and $100,000 from its community development block grant funds. These were matched with $100,000 from Kitsap County and $100,000 from the Gates Foundation. The moneys were spent replacing windows and doors, remodeling bathrooms, rebuilding the roof and other structural improvements which brought the building, to a reasonable degree at least, up to current building codes and took care of pressing life/safety concerns. This year, the city is spending an additional $200,000 in general fund money to replace the existing heating, cooling and air ventilation system, to remove asbestos from the heating plant and associated piping, replace much of the building's plumbing, and to rewire the entire building for additional electrical capacity and other modern communication equipment.

When I was a kid growing up in Bremerton, Washington, this was the library that I used to go to with my mother and father and my younger brother, Les. Bremerton is a city where we have the Puget Sound Naval Shipyard, probably the most effective and productive shipyard in the United States. We have about 10,000 workers working there, and we have thousands of sailors who are home-ported in Bremerton and at the Trident submarine base at Bangor. I would like to think that this facility would be available to those men and women serving us in the military and for all of those thousands of government employees who work in the Kitsap County area. This is a good project. The money that we are providing, $150,000, will be matched by the city of Bremerton. They've already put in a lot of additional money. And this is a partnership. This is one of those good projects where there's a partnership.

I urge my colleagues to strongly oppose this amendment and to support this worthy project.

I would also say, again, to the gentleman, this is such a dramatic reversal, what we have done on this side of the aisle on earmarks from the comparison when the other side took power. In 1994, there were about a thousand earmarks. In 2006, there were 13,000 earmarks.

The other thing I would suggest, too, it's one thing to go after the projects of your colleagues, but the President has what we would call earmarks, executive branch earmarks in this budget. If the gentleman was evenhanded in his approach, and I think he has been very fair in how he has selected these projects, but if he was evenhanded, he would go after some of the things that the President requests. As I said, the Preserve America Program is almost identical to Save America's Treasures, but I don't notice the gentleman offering an amendment on that particular project. No, I don't want to incentivize him, but I guess we can't because there is a unanimous consent agreement.

But, again, I appreciate what the gentleman is saying, and it is important. Dealing with the entitlements where two-thirds of our spending is has got to be done, and I hope that we can approach those problems just the same way as the gentleman from Kansas (Mr. TIAHRT) and I have approached this problem, with approving only one in ten of the projects that were requested from our colleagues.

Again, it is our power. Don't give up Congress's power of the Constitution, which is the power of the purse. That would be a tragic mistake that would haunt this House for many years.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. ANDREWS) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

S. Con. Res. 25. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

At the end of the bill (before the short title), add the following new section:

SEC. 4 . None of the funds made available in this Act may be used to plan, design, study, or construct, for the purpose of harvesting timber by private entities or individuals, a forest development road in the Tongass National Forest.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the gentleman from Alaska, who no doubt will oppose this amendment, is a principled and fierce advocate for his constituents. And over the years, the taxpayers of the country have financed the construction of 5,000 miles of roads which facilitate industrial and community activity in his district which he strongly and understandably believes in.

I respectfully submit, Mr. Chairman, that we have financed this enough. Since 1982, the taxpayers of the country have expended over $1 billion to finance the construction and maintenance of these 5,000 miles of roads. The economic result of this investment has been an average annual net loss of $40 million a year. I believe that this is not sustainable. Yes, jobs have been created, and this is very important for anyone in anyone's district. But the average cost of this job creation has been $200,000 per job.

Now, this amendment does not say that the existing roads cannot be used. It does not say that the existing roads cannot be maintained. It does not say that the existing roads cannot be used for the purposes for which they were originally intended, for development and commerce. What this amendment does say, Mr. Chairman, is that we will not invest more money in more roads. We will not invest more money at a rate of $40 million a year to extend this system.

For reasons of fiscal good sense, for reasons of environmental good sense, for a precious national resource. I believe that this House should revert to the language which is included in last year's bill and prevent the expenditure of more funds for the extension of this 5,000-mile road system in order to save the public money and in order to preserve this important national treasure.

This is a bipartisan amendment. I am pleased that my friend from Ohio (Mr. CHABOT) is my cosponsor. It has received bipartisan support in the past. I would respectfully ask my colleagues to vote "yes."

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, speaking to my point of order, this amendment constitutes legislation on an appropriations bill in violation of clause 2(c) of rule XXI because it will impose substantial new duties on the Secretary of Agriculture. Under Deschler's Precedents, volume 8, chapter 26, section 50, where an amendment seeks to impose on a Federal official substantial duties that are different from or in addition to those already contemplated in law, then it is considered legislative in nature and violates clause 2(c) of rule XXI.

Moreover, under Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence or make judgments or determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

This amendment will require the Secretary of Agriculture to make investigations and compile evidence not otherwise required under existing law, as well as make a substantive determination not required by any law applicable to his authority. See 8 Deschler's Precedents, chapter 26, section 52.38.

The amendment bars planning and studying of certain roads, those used for timber harvesting by individuals or private entities in the Tongass National Forest. Roads used for other purposes and by other entities are not affected. In addition, the amendment bars the use of funds to "construct" such a road. Under volume 23 of the U.S. Code, section 101(a)(c), "construction" is defined to include reconstruction of roads. This definition is reflected in the Forest Service budget, which differentiates between construction/reconstruction of roads and maintenance of roads. This is also reflected in the road provisions affecting all roads, including those in the Tongass National Forest. I cite pages 7-36, 7-33 and 4-115, "Road and Bridge Construction/Reconstruction," of the draft proposed Tongass Forest Plan relating to roads to reflect this understanding. Therefore, this amendment will apply to not only proposed roads but also to the 3,653 miles of permanent roads already in the Tongass National Forest. Some of these roads are not currently used for timber harvesting but could be in the future.

Under the National Forests Roads and Trails Act (16 U.S.C. 532–538), the U.S. Forest Service constructs forest development roads "within and near" national forests that "will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development and management thereof, and for the utilization of the other resources thereof."

Under the current Forest Service Transportation Planning Handbook and the Tongass Forest Plan, the Secretary does not identify or track roads by the character of their use nor is such a determination required for reconstruction of existing roads. A road in a national forest may have multiple purposes, including recreation access, subsistence hunting access, vehicle use for emergencies, travel routes, utility maintenance or egress to Forest Service ranger stations or other structures.

Moreover, a road could be used for timbering operations by multiple participants, including the Forest Service itself, the State of Alaska, local governments, mining corporations with mining permits, private contractors or Native Alaskan tribal entities. According to the Forest Service, these landowners take between 80 million and 100 million board feet of timber from their lands in a year.

□ 2000

Some of these users would not be barred by the Chabot amendment. No current law requires the Secretary to differentiate between users of Forest Service roads. In support of this assertion, I quote from a recent letter from Under Secretary of Agriculture for Natural Resources and the Environment: "Because the Forest Service does not distinguish roads on the basis of who uses them, implementation of the proposed Chabot amendment on the Tongass National Forest would require new processes, policies and additional work to ensure that, if the Forest Service is spending funding on roads, such roads are not utilized by individuals or private entities in support of harvesting timber on Federal or non-Federal lands."

Under the terms of the amendment, the Forest Service would have to make an initial determination that the road proposed for construction or reconstruction would not be used for impermissible uses by impermissible people. For existing roads proposed for reconstruction, this would mean first monitoring the road to see how it is used and by whom over some period of time.

In addition, the Secretary would also have to monitor and enforce compliance with the limitation after the road is built or reconstructed. Enforcing this restriction would be burdensome. The Tongass National Forest, and the Nation's largest public forest, is 16.7 million acres, approximately the size of the State of West Virginia. It is comprised of scattered lands located along the mountains of Alaska's southeastern coast, and portions are remote and difficult to get to.

Within the forest are approximately 128,000 acres of State, Alaska Native Corporation and private land are accessed only through the Tongass National Forest roads. According to the Forest Service, 3,653 miles of permanent miles of roads have been constructed in the Forest, and these roads are used for travel, forest management, recreation, subsistence access, remote community connections, as well as the timber harvest.

Only 570 Forest Service personnel are assigned to the forest, one employee for every 45,000 acres. The majority of these employees do office work and are not out in the field, so the Secretary would have to make substantial hires and reassign these personnel to patrol roads. I cite eight Deschler's Precedents, Chapter 26, section 52.22 regarding the imposition of duty to monitor actions of recipients as transforming a limitation amendment into legislation.

For those reasons, I ask you to sustain my point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard on this point of order?

Mr. ANDREWS. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. ANDREWS. I would simply urge the Chair to overrule to the point of order on the grounds that precedent, that identical language was found to be in order in the last Congress.

The Acting CHAIRMAN. Do any other Members wish to be heard on this point of order?

The Chair will rule.

The amendment turns on the purpose of the Forest Service in preparing for or building a road. If the justification for the road includes the harvest of timber by private entities, the limitation would apply. If not, the limitation would not apply. Nothing on the face of the amendment would require the Forest Service to monitor continuing use of the road.

As noted in volume 8 of Deschler's Precedents, section 51.13, a limitation may deny the availability of funds even if resulting in circumstances suggesting a change in applicability of law. It is also possible to restrict funds even if contracts may be left unsatisfied as a result.

The fact that this amendment requires those who would plan a road to know the purposes for which they are doing so is not a new duty or determination but, rather, a mere incident of the limitation. Second-order consequences do not render the amendment a violation of clause 2 of rule XXI.

The point of order is overruled.

Mr. ANDREWS. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Alaska is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I first want to compliment the gentleman from New Jersey, and the gentleman, Mr. CHABOT, of Ohio. This was sprung on me 2 years ago, and I was quite upset, and I'm still upset, but you are being gentlemen about it.

I will return that favor. Last time, it was very unhappy and very ugly.

But, again, I urge my colleagues to vote against this. Let's be clear about this amendment. This amendment is not about fiscal responsibility, in all due respects. It's a giveaway to the radical and environmental groups that want to treat the Tongass and all southeast Alaska as their taxpayer subsidized playground.

The problem with the timber harvest program is that environmental groups have purposely driven up the costs of managing it by filing multiple, multiple frivolous lawsuits and appeals. Now that they have successfully created the problem, they're offering a solution: target a Member of Congress unfamiliar with Alaska and the Tongass, and express concern that the Tongass timber program has become uneconomical and should not be funded by the taxpayer, request that they offer an amendment, threaten Members with negative score on their annual report cards for failing to support the amendment.

This is like a personal injury lawyer who sues lawyers over living, and then complains to Congress about the high cost of medical care. As long as you are talking about taxpayer dollars and fiscal conservatism, it should be noted that the lawsuits and appeals responsible for the high cost of doing business in the Tongass are all funded by the American taxpayer under the Equal Access to Justice Act, which says if you are an environmental fundraising group in the ninth circuit, you file lawsuits by piece work and get your money back for every one you file.

This is the "taxpayer waste" we should be discussing here today, taxpayers waste. If not for the never-ending onslaught of frivolous, taxpayer-funded lawsuits and appeals, the U.S. Forest Service could be managing a timber program at a net profit.

In addition to putting a Federal stamp of approval on these groups' antics, a "yes" vote on this amendment will cripple what's left, what's left of the several hundred Alaskan jobs. At one time, I had 15,000 jobs in my State that's been taken away. You have outsourced them.

The timber industry supports the best-paying year-found jobs in southeast Alaska, or they did. Even though environmentalists have already succeeded locking up over 96 percent of the Tongass, and eliminating most of these jobs, they are now after the remaining 4 percent, the last few hundred jobs, 15,000 versus 400, and this is America? This is nothing economic. This is economic terrorism. What's worse, the American taxpayer has been paying for it.

If supporters of this amendment would like to join me in restricting the frivolous timber appeals and lawsuits filed by the environmental trial lawyers against every timber sale and every road in the Tongass, we could lower the cost of timber harvest and return the profit to the taxpayer.

Very frankly, I believe this amendment is a job-killing bill, supposedly protecting taxpayers, but it's about fooling them. It's about forcing my constituents out of work and removing people from the Tongass so the environmentalists have a 17 million acre taxpayer subsidized playground for themselves.

I want to remind people, I have been through this in 1980. This Congress took away 16.5 million acres of Tongass. They took it all away but 10 percent. We were told there would be peace in the valley, yet same groups, same trial lawyers, same environmental groups are trying to take that last 4 percent away, 400 jobs, out the drain.

Each one of you were talking about how bad the economy is in the United States, how you outsourced your jobs, you and your industrial States, and yet you are doing this to the State of Alaska, the jobs that Alaskans have. It's a disservice to this body to continue to pander to a group that knows nothing about it other than the fact they want their playground. It's the wrong thing to do to us.

I know the why the two gentlemen are introducing this amendment. I understand it. But think of what you are doing to your Americans. The workers are left. Let us manage the timber. We would have had a profitable area, but asked by your supporters of this amendment have stopped our ability to manage the forest in a profitable way and driven those jobs overseas, into Canada, into South America, where they defoliated the forests.

We have done a disservice to a renewable resource, a terrible disservice to a renewable resource. This Congress has not managed its force, because they want to supposedly protect the trees, and those trees are dead trees, my good friends, they are dead. They should be harvested.

All I am asking is not to impose this on them so we can get that little, final 4 percent available for the Alaskan workers and for this Nation. That's not asking much. I am urging my colleagues to vote, very strongly, a no on this amendment. It's the wrong thing to do. It's the wrong thing to do for this Nation, wrong thing to do for the State of Alaska, but it's the wrong thing to do for the Americans of this great Nation.

Mr. ANDREWS. Mr. Chairman, I first appreciate the very respectful manner which our friend from Alaska carried on the debate.

I yield the balance of our time to my friend from Ohio, who is the cosponsor of this amendment, Mr. CHABOT.

Mr. CHABOT. I want to once again commend the gentleman for offering his leadership on offering this amendment this year.

Mr. Chairman, since 1982, the Forest Service has lost nearly $1 billion subsidizing private timber in the Tongass National Forest. That's a $40 million loss every year. If anyone wonders why our national debt is as large as it is, and it's currently about $8.8 trillion, yes, that's with a "T," trillion, one needs to look knew further than taxpayer boondoggles like this one. They add up.

There are thousands of miles of roads in the Tongass. The Forest Service acknowledges that existing roads are "sufficient to satisfy local demand for roaded recreation, substance, and community connectivity needs and demands in most districts." Yet year after year, the Forest Service spends millions of tax dollars building roads for private timber companies that, by the Agency's own admission, aren't really necessary.

To make matters worse, the Forest Service has a nationwide road and maintenance backlog of about $10 billion, tens of millions of which are in the Tongass. Incredibly, the Forest Service isn't maintaining existing roads, yet they want to build more, even though they admit that there are already enough. Does that make any sense? Of course not.

This is a simple, straightforward amendment. It would simply prohibit the Forest Service from building logging roads for timber companies subsidized by the American taxpayer in the Tongass. It does not stop timber companies from building their own roads.

I know that there are some who want you to believe differently, but this amendment has nothing to do with the roadless rule or interfering with the Tongass land management plan. It is everything to do with good government.

Opponents of this amendment will argue that the massive losses in the Tongass are due to litigation. Taxpayer dollars are ending up in the pockets of trial lawyers. I am not usually accused of being a darling of the trial lawyers but they did a study to find out how much of the appeals and litigation cost was a factor. Only 2 percent of cost was because of litigation.

Opponents of this amendment have argued many things in the past. The fact is that there are now only 200 jobs, and every single job, as the gentleman from New Jersey mentioned, is costing the taxpayer $200,000 in subsidies for each one of these. It makes absolutely no sense. That's why groups like Citizens Against Government Waste, the National Taxpayers Union are strongly in favor of this amendment, because they know that it makes no sense anymore to have tax dollars going in the amounts that they have been going. We spent almost $1 billion now subsidizing the building of roads in the Tongass.

Again, I am not opposed to logging when it's done on the timber company's dime. But in this case, they are using the American taxpayer to subsidize these 200 jobs at the tune of $200,000 per job. That just makes no sense, and that's why I strongly urge my colleagues to support this amendment.

I want to once again thank the gentleman from New Jersey for his leadership on this amendment.

Mr. ANDREWS. Mr. Chairman, I would urge a "yes" vote, and I yield back the balance of our time.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I oppose this amendment. I am also a fiscal conservative, but I think this amendment is misdirected. We should not limit the funds to do proper forest management on the Tongass.

Some limited road building is needed to take care of the land. The Tongass National Forest is, indeed, a wonderful place. But under the existing forest management, approximately 90 percent of the 16.8 million acre forest, over 15 million acres is roadless and undeveloped.

Only 4 percent of the forest is suitable for commercial timber harvest, and only half of that area is within the inventoried roadless areas.

The amendment would prevent the Forest Service from doing road maintenance on a large area of southeast Alaska. Most of these communities have no road access to the outside world, but they need the Forest Service roads to get around during their daily activities.

This amendment would also harm a variety of forestry, recreation and wildlife conservation activities by preventing the proper road maintenance. The existing forest plan allows timber harvest on only 300,000 acres, only about 2 percent of the more than 15 million total acres of roadless area on the forest.

I have a letter here from the United States Department of Agriculture, and it's from a person called the forest supervisor up in Tongass. He said we have heard the figure today that there was $40 million lost each year. He says from fiscal year 2005 to 2006, the Tongass spent $2.4 million less on roads, reducing the level from $10 million to $7.8 million; from 2006 to 2007, the program reduced further to $6.1 million. All told, over the past 3 years, the forest has cut spending by $4.1 million to less than 50 percent.

So I don't know where the $40 million per year figure came from when they are only spending $6.1 million this year on the roads. In addition, when you add up all the jobs, according to the Forest Service, it's about 1,000 jobs that are at risk with this legislation.

This, by also prohibiting roads, also makes the forest more vulnerable to forest fires. So if you love the forest, if you love the bounty, if you love the beauty, then oppose this amendment.

Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for his comments.

I would ask the authors of this amendment if they would respond to the question.

Will you respond, Mr. CHABOT and Mr. ANDREWS?

I am going to introduce legislation to allow the forest to be sold to the State of Alaska. If you are fiscally conservative, we will raise about $4.5 billion, we will pay you for it.

Then we can manage it as we should manage it, because right now it's not being managed. When I introduce that bill, are you willing to get on my bill to sell that forest to the State of Alaska so we could manage it as it should be managed.

Would you be willing to sponsor that bill?

☐ 2015

Mr. ANDREWS. If the gentleman would yield, I, of course, could not commit to a bill I haven't read. But I will say this. If there are sound management environment principles, it's an issue I'd have to take under consideration.

Mr. YOUNG of Alaska. I appreciate that because it's very simple to say the Tongass will be sold at fair market value to the State of Alaska. And I think that would solve our problem.

Mr. ANDREWS. If the gentleman would yield, I would certainly have an open mind to his idea should he introduce such a bill.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. CHABOT. The gentleman from Alaska has so many years of distinguished work and experience in this House that he if he offered a bill like that. I would certainly be willing to closely read that bill and seriously consider cosponsoring it.

Mr. YOUNG of Alaska. Again, I just hope you understand, this is a national forest. It only has 4 percent available. A national forest that has 4 percent.

And the gentleman, the ranking member, has mentioned the fact that there's no $40 million being spent.

And by the way, this is on national land because the comment was made about the roads could be built by the persons that's doing the logging. That's true. But if it's built by that person, those roads are no longer available to the general public. And what has happened, we've built a network of roads on Prince Wales Island primarily that provide, for all the local communities, communications capability that tie in with the ferries. Those roads still belong to the United States, just not the State of Alaska. They're part of the United States road system.

And so I'm just suggesting that these roads, if it was done by just a contractor, then that right wouldn't be there. Those roads would have to be pulled up, put to rest back to the original contour.

So, again, I know who's asking you to do this. I understand it. But it's really being a little disingenuous. In fact, the roads themselves are in a different area that was on private land. This is on Federal land, not private land.

And so I respectfully again ask for a "no" vote on this amendment because it's the wrong thing to do for the State of Alaska and for the United States.

Mr. TIAHRT. Mr. Chairman, I also would request my colleagues to vote "no" on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARY G. MILLER of California:

At the end of the bill, before the short title, insert the following:

TITLE VI — ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available by this Act may be obligated or expended to conduct the San Gabriel Watershed and Mountains Special Resource Study (authorized by the San Gabriel River Watershed Study Act (Public Law 108-42)) in the cities of Diamond Bar, La Habra, Industry, Chino Hills, and the community of Rowland Heights in Los Angeles County, California (as defined by the following boundaries: the City of Industry on the north, Orange County on the south, the City of Diamond Bar and California State Route 57 on the east, and the City of La Habra Heights and Schabarum Regional Park on the west.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise to offer an amendment to restrict funding in this bill from being used to conduct the San Gabriel River Watershed and Mountains Special Resource Study in certain cities within my Congressional district and one neighboring city.

The difference between my amendment and the other amendments, everybody's been trying to strike funding in somebody else's district. I'm saying, don't spend it in my district.

This amendment is simple. It only affects communities within my district who do not want to be subject to a Federal National Park Service study.

I appreciated Mr. DICKS' support of this amendment last year when the House passed it by voice vote and urge the House continued support of this amendment.

In 2003, Congress authorized the National Park Service Watershed and Mountains Special Resource Study to survey the San Gabriel River and its tributaries and the San Gabriel Mountains, north of and including the city of Santa Fe Springs to determine if any resources are available to National Park Service designation.

Let me be clear. My district is not in the San Gabriel Mountains nor does it contain tributaries, and it is not north of Santa Fe Springs. It is east of this area that is authorized to be studied.

I did not oppose the original authorization of this study because, according to my interpretation of the language, my district would not be affected. However, it appears that the NPS has interpreted this language too broadly.

I strongly believe that the inclusion of cities in my district in the NPS study went beyond the scope of the Congressional authorization.

Several cities have contacted me and the National Park Service in extreme opposition to their inclusion in this special resource study. I have reached out to the NPS on numerous occasions to ask them to remove these cities from the study. They have refused.

I come to the floor today to ask that you support efforts to ensure that cities are not forced to be part of a study that was not intended to include them.

This amendment does not affect any other city in the study other than those in my district (plus the City of Industry) that have asked to be excluded. If other Members want their cities to continue to be included in the study, then the amendment will not affect them.

The bottom line is that I represent these cities, and they have told me they do not want to be included in this study.

The cities in the 42nd Congressional District, which I represent, have worked hard to address the challenges associated with rapid pace of growth in our region, including finding innovative solutions to manage future development, alleviate traffic congestion and preserve open space.

These cities are in the best position to make decisions regarding land use within their boundaries, and I am opposed to any Federal action that may compromise the local authority in the future.

The results of the study could ultimately be used to compromise the ability of local governments to decide what is best for their communities. Land management responsibilities and decision making should be made at the local level where officials have a clear understanding of community needs.

Existing land-use management by local municipalities is preferable to Federal involvement in a rapidly growing region.

I urge my colleagues to support my efforts to protect the communities that I represent by removing them from this study. A vote in favor of this amendment is a vote for local control and against Federal intervention where it is not welcomed or needed.

Once again, I ask my colleagues to support this simple, straightforward amendment to ensure the Federal Government does not reach beyond congressional intent.

Mr. DICKS. Mr. Chairman, I reluctantly rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. The gentleman is correct. Last year, when Mr. TAYLOR was chairman and I was the ranking member, Mr. TAYLOR wanted to accept this amendment, and I went along with Mr. TAYLOR.

However, this year, I am the chairman, and the Congresswoman, Ms. SOLIS, is concerned about this amendment and is opposed to it.

And let me just give you a little text of what she said. This amendment is based on a fundamentally flawed understanding of the study process incorporated in the legislation which she authored, which was signed into law on July 1, 2003, and would result in a change in the study design.

The San Gabriel River Watershed Study Act was signed into law on July 1, 2003, after a lengthy effort to build consensus, an effort which included outreach to and coordination with all the members of the San Gabriel Valley delegation, including representatives of Diamond Bar, La Habra, Industry, Chino Hills and the unincorporated areas of Los Angeles County and the community of Rowland Heights. As a result of this effort, the legislation passed the U.S. House of Representatives with broad support.

Congressman RADANOVICH noted in a letter to the editor on August 4, 2002, that, "legislative process works best when those with differing views get together to resolve those differences and arrive at solutions that are responsible, workable and widely acceptable. That is what happened in this instance." The process by which this legislation was drafted and enacted was iterative and compromising. In fact, upon passage, Representative Pombo noted that this bill enjoys the broad support of both the majority and the minority and urged his colleagues to support it.

During this process, the boundaries of the study were clearly defined. According to the legislative text, the Secretary of the Interior shall conduct a special resource study of the following areas: the San Gabriel River and its tributaries north of and including the City of Santa Fe Springs, and the San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, as defined in section 32603 (c)(1)(c) of the State of California Public Resource Code.

This study was directed to be done in consultation with Federal, State and local governments, including the San Gabriel and Lower Los Angeles River and Mountain Conservancy and other appropriate Federal, State and local government entities. These areas were chosen for their importance in the regional watershed.

During consideration of this legislation, the Department of Interior recognized the need for this study. It noted that:

"The watershed of the San Gabriel River contains important natural resources which are disappearing throughout Los Angeles County. Continuous greenbelt corridors provided by the river serve as a habitat for breeding, feeding, resting or migration birds and mammals, which allows migration to take place throughout developed areas. The rugged terrain of the higher reaches of the watershed contain different vegetations, including rock outcroppings and vegetation native to the Pacific Coast foothills. This area also has a rich cultural heritage, which is evident by the large number of historically significant properties within the proposed study area. Among them is the Mission San Gabriel Archangel, founded in 1771 by the Spanish missionaries who were moving up the coast of California."

The Department of the Interior also noted that this study would have to examine a number of alternatives for protecting resources in the area. Specifically, the Department of the Interior stated:

"Alternatives to Federal management of resources are often considered in a special resource study for this type of area including national trail designations, national heritage area designations, and the provision of technical assistance to State and local governments for conservation of rivers, trails, natural areas and cultural resources. A study of an area where land ownership and jurisdictional boundaries are as complex as they are in the San Gabriel River Watershed would likely emphasize public-private partnerships."

What I can't do here, because the gentleman and the gentlelady from California have not been able to work this out, I can't accept this amendment when the gentlelady is in opposition to it. And I think what she's basically saying is that you should not be able to take out all of your jurisdictions from this study because they need to be in there to do a comprehensive study. That's how I view it.

Mr. GARY G. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. Just so that we make sure the record is straight, and I appreciate your courtesy and your time and I do understand the situation you're in.

When Mr. Pombo made that statement, it was accurate because he came to me and I said, is my district included in this area; and they said, no, it would not be. And based on that understanding I said, well, then, I support what she's doing because if she wants to do it in her district, I have no problem with that. Then after the fact, when the amendment came last year and we agreed to it, Mr. Pombo also said that he did not believe my district should have been in there originally.

But I understand your situation. I understand your courtesy, and all I can do is ask for support of my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was rejected.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amount otherwise provided by this Act for "NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION" is reduced by $32,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer this amendment today to cut the pay raise that is included in the bill for the National Endowment For the Arts.

Mr. Chairman, we have many problems facing us in Congress today. We have a Federal deficit of $8.8 trillion. We still haven't built the fence along the border, and we still don't have enough people out there protecting our borders. Yet, my colleagues on the other side of the aisle are pushing forward bills that would amount to the largest tax increase for Americans in American history.

As a matter of fact, in my district, in Florida, it will mean about a $2,400 tax increase, not this year, but in the future years, in 2 years, when some of the tax breaks expire. That's $2,400 more that my constituents will have to pay.

And now we hear that they want to fluff up the National Endowment For the Arts by almost $36 million more. That's more than last year. This is the same public tax dollar funded National Endowment of the Arts that boasts that they are the largest funding organization for arts in the United States, using our tax dollars, of course.

This is the same NEA that provided a grant for the production of the Dinner Party, which is a 140-foot triangle depicting the imagined genitalia of 39 historically important women, including Susan B. Anthony and Georgia O'Keefe.

This, Mr. Chairman, is the same NEA that provided a grant for a program entitled, "Not For Republicans," which addressed several topics, including sex with Newt Gingrich's mom. To the average American taxpayer, this is not art. This is smut.

The National Endowment of the Arts has funded works of art, and I put "art" in quotes, that are so controversial, offending and downright disgusting that, quite honestly, I could not mention them on the House floor.

☐ 2030

And for their work in promoting this smut, the leadership, the Democrat leadership, now wants to reward the NEA by giving them a $36 million raise over last year and a $32 million raise over what the President has requested. That's right. The NEA was funded at $125 million last year, the President requested $128 million dollars; yet in this bill, in the Interior Appropriations bill, we see that the NEA will be funded at $160 million dollars.

How many Americans get almost a 40 percent pay raise for offending most of the Nation? This is the case of rewarding bad behavior with tax dollars.

My amendment strikes only the increase included in this bill and brings the funding back in line with the President's request of $128 million. Again, let me remind my colleagues that this is a $3 million increase if we go back to the President's level.

Mr. Chairman, Americans need art in their lives and I recognize art is subjective enjoyment. Whenever possible, back in my district, I support the arts, but I do it with my dollars, not with tax dollars, where the average American does not agree with some of the "art" that is being funded with their tax dollars. Americans are tired of wasteful Washington spending and are unwilling to pay for this so-called art with their tax dollars.

Don't reward the National Endowment for polishing trash and call it art. Vote in favor of my amendment to bring NEA funding back to the President's level of $128 million. Again, that is even $3 million more than last year.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I would be delighted to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I love the introducer of this amendment, but I don't love her amendment. It would reduce a much-needed funding increase for the National Endowment for the Arts from $160 million in the bill to the President's requested level of $128 million.

I first want to compliment the chairman and ranking member again for putting together a good bill that adequately funds our key priorities. Our national parks, the environment, and the arts receive strong support, and the bill takes a critical step to addressing climate change and global warming.

We owe both of you a debt of gratitude for your good work here.

The NEA has been shortchanged for too long, and it is time to ensure that it has the resources necessary to carry out its mission of supporting excellence in the arts, bringing the arts to all Americans, and providing leadership in arts education. With much-needed incremental increases since 2001, the NEA has developed widely popular programs, including the Big Read and Shakespeare in American communities, to encourage Americans to participate in cultural experiences. What is impressive is that it is in every community practically in the country: large communities, small communities, urban communities, rural communities.

The arts improve the lives of so many people including children, the elderly, and those on limited budgets who might otherwise not have the opportunity to see some very beautiful, spiritual, and enriching performances. Federal funding helps enable talented individuals to pursue careers in the arts.

Besides the obvious cultural benefit, the economic impact of the arts is real and impressive. As of January, 2007, there were 2.7 million people employed by over 546,000 arts-centric businesses, which represent 2 percent of our Nation's total employment.

In Connecticut's Fourth Congressional District, there are 2,841 arts businesses that employ 14,711 individuals. Last year all 435 congressional districts received at least one grant. For every dollar of Federal investment, each grant typically leveraged $7 of State and private investment.

I grew up in an arts family. My parents, both performing actors, met in the theater. Listening to my father play the piano each night and hearing stories from their days on the stage gave me a profound appreciation for creative expression, an appreciation that I know so many of my constituents and I share and love.

With that I would urge defeat of this amendment. We are spending a meager amount, candidly, on the arts on the Federal level. This is a noble attempt by the chairman of the committee to do what needs to be done, and I hope that we maintain what is in the budget.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, reclaiming my time, I thank the gentleman from Connecticut for his strong statement in support of the funding for the National Endowment for the Arts.

I would point out to my colleagues that in 1993 we had a $176 million budget for the NEA. That was cut by almost 50 percent, and over time this budget has been built back up. We have had many votes on this. The Slaughter-Dicks amendment has been voted on many times by the Congress and in strong support of the National Endowment for the Arts.

Now, we didn't do this frivolously. Mr. REGULA, when he was chairman, and I worked together and came up with some guidelines for the NEA. And I think the NEA has done a better job under Bill Ivey, Dana Joya, Jane Alexander, who have all been outstanding leaders of the Endowment.

This is important for the education of our children. This is also important because, as the gentleman from Connecticut mentioned, all 435 districts received a project. And when I was first on the committee, it was the big cities that got funding for the National Endowment for the Arts. That is no longer the case.

Also, it is a very major economic tool. The gentlewoman from New York has pointed out many times how the funding for the arts has caused a tremendous economic expansion in the country. And I think it is a very important point.

So let's continue to support the National Endowment for the Arts. I wouldn't want you all to go home and have to explain why you made this terrible, outrageously big cut on the arts.

But I just wanted to say that this is an important amendment. . These groups all over the country are excited about Congress stepping up and increasing the funding.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself the balance of my time.

I believe that our constituents would much rather support the arts with their dollars instead of channeling this additional increase through Washington where Lord only knows of that dollar that gets up sent up here how much actually goes back into the District for the arts. Yes, my district has received some funds. But, additionally, they don't want to have the concurrent tax increase that goes along with the increase in spending.

The amount that the President has requested certainly is sufficient for the National Endowment for the Arts, and I encourage the Members' support for this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Chairman, this seems a familiar job for both Mr. DICKS and me and certainly for our cochair, Mr. SHAYS.

For a while, we thought we were over the years of mugwumpery when people thought the National Endowment for the Arts was something that they could kill without any cause. And as has been pointed out several times, the last 2 years, it has passed by voice vote, but it has certainly come back with a vengeance this year.

Let me talk about something for a minute that I don't believe has been discussed today, and that is the effect on our school children of art. We know for a fact that every school child in secondary school that has art for 4 years goes up 57 points on their verbal SATs, and we know it is attributable to art. We know that the days that art is in the schools that there is no absenteeism. We know that children that learn to create don't destroy. We know that in developing minds, the effect that art and dance and movement have on that. As a matter of fact, I think the University of California Davis has done extensive study showing the correlation between studying a keyboard and computers, between studying modern dance and math. We have all seen it over and over again. And we worry all the time about, one, how are we going to keep our children in school and, second, how are we going to make better students of them? This is cheap at the price, Mr. Chairman.

And Ms. GINNY BROWN-WAITE was saying that her district didn't get much back. I happen to have the figures here. As of January, 2007, her district is home to 967 arts-related businesses that employ 2,565 people who will be really sorry if she is successful here tonight.

Let me repeat again what we have said today because it has gone up exponentially every year. In 1992, we had $36.8 billion coming back into the Treasury. In the year 2000, we had $53.2 billion, with an audience expenditure of $80.8 billion. In 2005, which are the last figures we have, $63.1 billion organization expenditures and $1.31 billion audience expenditures. And if somebody can tell me one other thing that we do in this Congress that costs us less than $200 million that brings that kind of return back into the Federal Treasury, I will be astonished. I have been asking that for years. Nobody has ever come up with anything that is even close.

It is so important that we maintain these programs. It is so important that in the small communities that the regional theatres are kept alive. It is seriously important that children in all parts of this country are exposed to education through music and dance, that they are able to develop their own talents. But, moreover, I want to go back to what I said at the beginning. We know the effect of art on the developing brain. It is so important that many governors make sure that babies born in their States go home from the hospital with a CD of Mozart. We should try to make sure that we can continue this. It is important. Even to this day, even with this increase, we will not be up to the amount of money that we had in this budget when I came here in 1987.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, if we were just at a cost-of-living increase, we would be at $259.2 million. We are at 160. We are fighting to get back to where we were, but we have got a long ways to go.

Ms. SLAUGHTER. And, reclaiming my time, the return we get on it is enormous, Mr. Chairman, not just in money to the Treasury, which, of course, is important; not just in the myriad of jobs that it creates in every single district because that is terribly important too; but it is important because it says who we are. We work in a work of art, frankly, but it is the artists that have gone before us that tell us who we were, and it is the artists who will tell us who we are now, who we are going to be.

Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I am sure that the gentlewoman from New York did not mean to misquote me. I did not say my district did not receive very much money. I said my district does receive some money, but I did not say that they did not receive very much money. I just wanted to make sure that the record was corrected on that.

And, yes, thankfully, I do have an arts community that is alive and well. And I have communities that will support that arts community. But what we don't want to see is digging ourselves further in the "let's just pile more money on various agencies" model, which only will drive up our deficit. That was the point that I was trying to make.

If my constituents have a choice of maybe encouraging their friends and neighbors to go to an event to increase the revenue, but we are sending the money up here to Washington only to have it sent back with this increase. They would prefer to have that money generated at the local level.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment and would like to thank Representative DICKS for providing over $320 million for the National Endowment for the Arts and National Endowment for the Humanities.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, is the hallmark of great civilizations. History has shown that religious and political freedoms go hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that we can guarantee our children learn.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, there are close to 2,000 arts-related businesses, providing more than 9,000 jobs. This creates a substantial economic impact. Nationally, the arts industry generates $134 billion in economic activity, sustaining over 5.7 million jobs.

Even more significant is the return on the investment for the American taxpayer. While the federal government spent just over $250 million on the NEA and NEH in Fiscal Year 2007, it collected over $24.4 billion in tax revenue related to the arts industry. Federal funding for the NEA and NEH is crucial to the arts community, helping leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, by voting to properly fund the NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form by rejecting this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong opposition to the Brown-Waite Amendment, which would cut funding for the National Endowment for the Arts by $32 million dollars, eliminating the much-needed funding increase for the NEA.

Since 1996, Congress has forced the NEA to meet the ever growing demands of our communities on a shoestring budget. Despite gross underfunding, the NEA has continued to promote arts and culture across the country.

With much-needed incremental increases since 2001, the NEA has developed widely-popular programs, including the Big Read and Shakespeare in American Communities, to encourage Americans to participate in cultural experiences.

In 2006, the NEA awarded 1,744 grants in 435 congressional districts—that's every single Congressional district in the nation.

In addition, because of the NEA's partnership with state and local art agencies, NEA grants are typically leveraged 7 to 1 for every dollar of federal investment.

Mr. Chairman, the cost of cutting funding to the NEA is so much more than the savings. I encourage my colleagues to support the NEA and oppose the Brown-Waite amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

□ 2045

AMENDMENT NO. 51 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Wetzel County Courthouse, New Martinsville, West Virginia.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this amendment is dealing with an earmark for $140,000 for the Wetzel County Courthouse in New Martinsville, West Virginia.

Now, Mr. Chairman, I actually looked up on a Web site to see the Wetzel County Courthouse, and it is a building that was built sometime between 1900 and 1902, and it looks like a very fine historic building. I actually am personally into historic preservation. I personally support, through charitable contributions, the preservation of various historic buildings around California, actually, and around the Nation.

I believe that we ought to keep our historic buildings and keep them up and appreciate them and treasure that history that we, as a fairly young country, are just beginning to build. So that's not why I am proposing to strike this earmark from this bill.

It's not that this isn't a historic building; it clearly is. It's not that perhaps it requires some renovation; I don't know, but perhaps it does. But the question is, is this really the sort of thing upon which we should be spending our scarce Federal tax dollars?

Let me point out again that this is a county courthouse. It's not a Federal courthouse; it is a county courthouse in West Virginia. Now, I'm sure that there are taxes, property taxes, whatever, in that county, and perhaps those tax dollars, if the local magistrates felt it was appropriate, could be used for this, or perhaps city dollars in that city or that area, or perhaps State dollars, or perhaps charitable dollars, a preservation society is set up or becomes set up, or whatever, to support this courthouse.

But it just seems completely inappropriate to me, Mr. Chairman, that we are spending scarce Federal dollars on this sort of thing. Now, I have a county courthouse in my county; it was built around the same time. It's old also. I'm sure we could use $140,000 for it. I'm sure we could use $140,000 for any number of county courthouses that are old and historic across this country. Are we going to fund them all? Is it the Federal taxpayers' responsibility to restore them all or to make some contribution to them all? I really don't think so.

And it's not, as I say, that perhaps this isn't a need, but I just don't think it's appropriate to spend Federal tax dollars on this sort of very local objective and local project that has no Federal nexus.

Now, my friends on the other side of the aisle spent a lot of time the last few days talking about PAYGO. But one of the things to point out is that this bill is not subject, the entire bill basically, all of the spending in the budget is not subject to PAYGO because there is a 4.5 percent increase in total spending in this appropriations bill that we're debating tonight. And there is no offset for that 4.5 percent. There is no other spending that is reduced by 4.5 percent. So every dollar we spend on this bill tonight is a dollar that adds to the deficit. Every single dollar contributes to further raiding the Social Security surplus.

So the question is, is this $140,000 that we believe we should increase the Federal deficit by $140,000 for this courthouse, should we raid the Social Security surplus by an additional $140,000 for this courthouse, or should we not spend the taxpayers' money on something like this local project?

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the opportunity the gentleman offering the amendment gives me to speak in favor of the funding for the Wetzel County Courthouse.

This amendment, Mr. Chairman, would strike funding needed to repair the Wetzel County Courthouse, a very valuable historic structure in that community. It was built, Mr. Chairman, in the first decade of the 20th century. This courthouse is listed on the National Historic Register, and this courthouse serves as the centerpiece for New Martinsville's efforts to preserve its legacy and expand new tourism opportunities.

Wetzel County, Mr. Chairman, is one of the smallest counties in my district, and the county has very limited funds available for capital improvements and repairs to its structures. They need this grant to help protect this important historic property.

Finally, Mr. Chairman, it's important to note that the Wetzel County Courthouse is not just a historic building, however historic and what a grand legacy it has in the county; it still functions as a courthouse and a county office complex.

Mr. Chairman, I urge a "no" vote on the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. MOLLOHAN. I will yield to the gentleman from Washington.

Mr. DICKS. I want to rise in strong support of the gentleman's project. Our committee looked at it very carefully. We think it is an outstanding project and one that deserves to be funded.

I urge a "no" vote on the Campbell amendment.

Mr. MOLLOHAN. Mr. Chairman, I thank you and Mr. TIAHRT both for your careful review of this project and the opportunity to input it in the process.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

If I may continue, then. I appreciate the comments from the gentleman from West Virginia. And I frankly don't dispute or have any basis upon which to dispute anything the gentleman said, but that wasn't my point. My point was that it is not appropriate to use Federal funds for this sort of thing, regardless of how great the local community may find this to be a local need.

The Federal tax dollars cannot support every little local project, every local need, every historic building everywhere that we need.

To close, I would like to quote, if I could, Mr. Chairman, Thomas Jefferson, just to let people know that this is not a new issue. And he said, "Have you considered all the consequences of our proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to Members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of post office revenues, but other revenues will soon be called into their aid. And it will be a scene of eternal scramble among the Members as to who can get the most money wasted in their State. And they will always get the most who are the meanest."

Thomas Jefferson is right. I would ask you to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I have an amendment at the desk on behalf of Mr. UPTON, Mr. LIPINSKI, Mr. INGLIS of South Carolina and me.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 Offered by Ms. HARMAN: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISION

SEC. 601. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Thank you, Mr. Chairman.

This is a bipartisan amendment offered by Mr. UPTON, Mr. LIPINSKI, Mr. INGLIS and me. We've offered it to every appropriations bill so far and it's been accepted by voice vote to every appropriations bill so far. We're hopeful that the excellent chairman of the Interior Appropriations Subcommittee will accept it in this case.

I do want to commend him, by the way, for putting a superb bill on the House floor, especially in support of the arts and several other projects that I consider very significant.

At any rate, our amendment, bipartisan amendment, asks the government to set an example for the rest of the country by purchasing energy-efficient light bulbs. Existing law requires Federal agencies to buy products that meet Department of Energy, Energy Star or Federal Energy Management Program standards. This amendment adds teeth and says that no fund shall be expended unless this occurs.

Mr. Chairman, it takes about 18 seconds to change a light bulb. In 18 seconds, each of us can change our energy future by changing that light bulb to one of these Energy Star or energy-efficient light bulbs. I'm sure that my coauthor, Mr. UPTON, will offer more specifics on this right now.

Mr. Chairman, I'm pleased to yield to Mr. UPTON.

Mr. UPTON. Mr. Chairman, I might say that, as the gentlelady said, we've offered this amendment that has passed on every appropriation bill thus far.

We know the Federal Government is the largest purchaser of light bulbs in the world. By requiring that only Energy Star light bulbs are purchased, beginning October 1, in fact, we know that we will save the taxpayers hundreds of millions of dollars this next year in terms of energy savings.

We also know that if every home did what the Federal Government is going to do, based on the testimony that we had in the Energy and Air Quality Subcommittee, we would save as a Nation $65 billion, billion, B-as-in-big, kilowatt hours of electricity, which is the equivalent of 80 coal-fire electric plants every single year.

This is a good amendment. It has been bipartisan. We've appreciated the relationship that we've had with the chairman and ranking members of not only the full committee but the subcommittee. I would like to think that we would be able to pass this amendment again by a voice vote and make a stand that in fact the entire government is going to be saving billions of dollars at the end of the day based on the amendment that we're offering today.

Mr. DICKS. Will the gentlelady from California yield?

Ms. HARMAN. I would be happy to yield to the chairman.

Mr. DICKS. We are prepared to accept this amendment. We spent $52 million in EPA's budget for the Energy Star Program, so we agree with you that this is a worthy cause. Energy conservation is a big part of our initial effort on climate change and global warming. I appreciate your leadership on this important issue, and we're prepared to accept the amendment.

Mr. TIAHRT. Will the gentlelady yield?

Ms. HARMAN. I would be happy to yield.

Mr. TIAHRT. I want to congratulate the gentlewoman from California and the gentleman from Michigan for bringing this amendment here. The Energy Star Program has been a very successful program, and it has saved the American taxpayers many, many dollars already. I think this program, again, will get into the billions. It's something that we need to have as part of an overall comprehensive energy plan.

So I commend them on their amendment and encourage the passage of it by voice.

Ms. HARMAN. Reclaiming my time, I would like to thank both the chairman and the ranking minority member and my partner, Mr. UPTON, for our work together. This is a good example of the Federal Government setting a good example and a bipartisanship working in this House. I'm very pleased to be a part of it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Conte Anadromous Fish Laboratory.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

What this amendment proposes to do is basically to strike $150,000 of an earmark that is in the bill to provide equipment for the anadromous fish research in Falls Turner, Massachusetts.

Now, again, I did look up, even though I didn't look up the pronunciation, I did look up enough to know that anadromous fish spend their lives in salt water but migrate to fresh water to reproduce, like salmon. And I'm sure that studying their habits, or whatever this is going to study, is a worthy, I'm going to presume, at least, that it is a worthy intellectual exercise and that perhaps it has value for researchers or people studying fish or whatever it is. And again, like in the last amendment that I offered, that is not my point in proposing that we not use tax dollars to fund this.

□ 2100

But my point instead is with limited tax dollars, limited to $3 trillion, but limited nonetheless, of Federal tax dollars, with a deficit that we have that all of these appropriations bills will increase, not decrease, with the fact that we are still raiding Social Security surplus, is buying equipment for this study in this place something that should command $150,000 of taxpayers' money?

Again, as I mentioned before, I have heard Members on the other side of the aisle constantly refer to their PAYGO as how they are attempting to be fiscally responsible. But yet this bill increases spending by 4.5 percent over last year. There is no PAYGO there. There is no other appropriations bill that is reduced by 4.5 percent to save this money. There are no structural reforms in the entitlement programs, which we all know are scheduled for disaster, to save this money.

So this $150,000 is not just an amorphous $150,000 in a gigantic budget that means nothing. It is a real $150,000 that is using taxpayers' money but will increase the deficit and further raid the Social Security surplus by $150,000.

So the question before the body is not whether this research is interesting, or even whether it is useful to some people. But the question is, is it worth increasing the deficit by $150,000 to fund this? Is this sort of research the sort of thing the Federal Government should be involved in? If we are involved in this, why are we not involved in many, many other forms of research that are going on in my district or the district of every other Member who is here? The reason is because we can't afford to do that.

So I would respectfully suggest that we strike this money.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment by the gentleman from California that would cut valuable research at the Silvio Conte Anadromous Fisheries Laboratory. It is a Federal fisheries laboratory now under the jurisdiction of the U.S. Geological Survey, though when it was built a couple of decades ago, it was under the aegis of the Fish and Wildlife Service. So it is a Federal function in the first place.

This research benefits commercial fisheries and sports fishermen across the Nation. As we now know, the word "anadromous" describes any fish species, such as the Atlantic salmon, that is spawned in fresh water but spends the majority of its adult life in salt water before returning to fresh water streams or lakes to spawn and then die.

In the Northeast, as in many other areas of the United States, during the 1800s, dams which altered the stream flow sometimes completely stopped the process of spawning, and pollution degraded the water quality and ended up virtually destroying this fish species that must navigate hundreds of miles of man-made obstructions in order to reach their spawning grounds.

That is exactly what happened to the Atlantic salmon, which was a major sports fishery and commercial fishery in Colonial times in all of the rivers from the Hudson River northward along the coast which included the Housatonic, the Connecticut, the Kennebunk, the Androscoggin and the Merrimac Rivers, those being probably the more major rivers up that way.

Ironically, the Silvio Conte Anadromous Fish Research Lab was established by Congressman Silvio Conte. For those who served with Congressman Conte, he was a Republican ranking member of the Appropriations Committee for all of the years of the 1980s and well into the 1990s, at least a couple of years into the 1990s. He was remembered as quite a remarkable gentleman and quite a remarkable and colorful figure within the Republican Party.

This fisheries research laboratory was created in response to the disappearance of the Atlantic salmon in these Northeastern rivers and the strong regional desire to see a restoration of those salmon runs as a great sports fishery.

The premier laboratory for research on Atlantic salmon and other anadromous fish in the eastern part of this country, at least, I am not sure how one deals with that on the western coast, but on the eastern coast, has been this laboratory in Turners Falls, Massachusetts.

The lab performed the basic and applied research for the improvement of fish passages, for the health and preservation of endangered fish species, and ultimately for the economy and the environment of the Connecticut River watershed, and by connection to the other watersheds where the restoration of the Atlantic salmon has been attempted.

It has been somewhat successful, not wholly successful. The salmon runs are not what they were. A few hundred salmon return to each of these rivers each year. But that is how the thing got started.

The research at the Silvio Conte Fisheries Laboratory improves the understanding of the impact of dams, the effect of the altered flows in the water quality, the various effects of pollution, contaminants on the ecology and migration success of anadromous fish species, and also on the genetics of all those species.

The research includes testing of fish passage designs to facilitate the movement of migratory fish over major dams. And the research is valuable to the region.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend from Massachusetts. He said that so beautifully. I want to hear more.

Mr. OLVER. Mr. Chairman, the research is valuable to regional professionals and policy makers who are involved in the management of sport and commercial fisheries and are attempting to stop and reverse declines in those commercial fish populations across the country.

By the way, the $150,000 that is involved in this amendment is for the acquisition of scientific equipment necessary to this research, which has impacts up and down the eastern coast of the United States for all of the anadromous fisheries. But it was centered in the Atlantic salmon by Congressman Conte.

So I urge the rejection of the amendment by the gentleman from California.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would just like to add that I served with Silvio Conte. He was the ranking Republican member of the Appropriations Committee. I had the chance to pursue anadromous fish in Alaska in Mr. YOUNG's district with Mr. Conte. There was no more avid fisherman than Silvio Conte. But he wasn't just a fisherman who liked to catch fish. He was also someone who cared about the resource and wanted to see the resource restored in the Atlantic States.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I am sure that the gentleman from Alaska (Mr. YOUNG) would remember that Silvio Conte has a very plush hunting lodge named for him somewhere in the Kodiak, I think it is, that I am sure you have visited, Mr. YOUNG.

Mr. DICKS. Mr. Chairman, reclaiming my time, I wanted Mr. CAMPBELL to know all this history so that tonight he will just say, how could I have done it? How could I have done it to old Silvio? Let's have a "no" vote on this amendment.

Mr. Chairman, I yield back my time.

☐ 2115

Mr. CAMPBELL of California. Mr. Chairman, I appreciate the gentleman from Massachusetts' reasoned defense of this. We are just going to have to disagree. He said in part of his comments that this is something which is of great interest to commercial fishermen and sports fishermen, so it begs the question of, is that what we are in the business of doing with Federal tax dollars, in increasing the deficit, et cetera, in order to provide research and information for sports fishermen and commercial fishermen? I happen to think we are not.

Mr. Chairman, I yield the balance of my time, except for 15 seconds, to my friend the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I remember serving with Silvio Conte, and he did love fish, but he also didn't like some of the boondoggle subsidies. You will recall he used to go to the floor with a pig's nose on every year and talk about the subsidy to beekeepers. So he saw some things that weren't supposed to be utilized for Federal funding, and the gentleman understands that.

I would just say, if we are worried about endangered species in the Northeast, maybe we could restore at least one Republican in Massachusetts in the name of Silvio Conte.

Mr. CAMPBELL of California. Reclaiming my time, I guess perhaps Silvio Conte might have said this same thing, but in 1822, President James Monroe said that Federal money should be limited to "great national works only, since if it were unlimited, it would be liable to abuse and might be productive of evil."

Mr. Chairman, I would ask for support of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to Mr. FOSSELLA.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding. I would like to engage Mr. DICKS in a colloquy.

Mr. Chairman, I would like to thank the chairman and the ranking member, Mr. TIAHRT, for their willingness to work on an important issue to my district in Staten Island.

In recent years, forests in Staten Island and other parts of New York, yes, New York City does have forests, have been under attack by the Asian Longhorned Beetle. The beetle has already eliminated 8,400 trees and, according to a recent New York Times article, Federal and State officials are expecting to eliminate 10,000 trees on Staten Island and Pralls Island due to the infestation of this invasive species. This does not include the additional 13,000 trees that are going to be sprayed with pesticides. In the United States, 35 percent of all urban trees are at risk, at a combined replacement value of $669 billion.

An infested silver maple tree located on a private wooded lot in Bloomfield in Staten Island is the first evidence of Asian Longhorned Beetle found. It was detected on March 22nd of this year. Thankfully, its early detection gives hope that the threat can be contained before it spreads to the nearby Staten Island Greenbelt Forest. However, without having the proper control mechanism in place by the July hatching period, Staten Island's 2,800 acre Greenbelt is in peril.

In May of this year, after the discovery of this on Staten Island, I wrote to the Secretary of Agriculture urging him to direct the U.S. Forest Service to develop a plan to address the Asian Longhorned Beetle in New York City.

The Greenbelt is one of the largest natural areas within the five boroughs of New York City and provides the most extensive system of connected trails within it. In contrast to other parks, such as Central Park and Prospect Park, the Greenbelt is maintained in a more natural state, both in the forested hills and the low-lying wetlands, and provides New York City residents a place to camp without having to drive 2 hours or more upstate.

In 2001, the United States Department of Agriculture forecast that the Asian Longhorned Beetle would be eliminated by 2009, but, unfortunately, due to a lack of funding, the Department of Agriculture now estimates it will take at least until 2033 to eradicate this 1½ inch beast. These funding setbacks reveal that the beetle will not only stick around in areas in which they currently reside, but they will also spread to new urban forest areas.

The bill before us today increases the Cooperative Lands Forest Health Management program by $9 million over the President's request of $47 million. With these additional funds, it is my hope that the United States Forest Service will dedicate some of these additional resources to fighting the beetle and eventually eliminate it from our forests.

Mr. Chairman, this is an urgent and serious problem for Staten Island and the rest of New York City's forests. I look forward to working with you to make sure the Forest Service has the necessary funding to eliminate this beetle and protect the trees that have thus far survived the beetle but may not be able to live much longer.

I would like you to be willing to work on this issue.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would like to thank Mr. FOSSELLA for joining with me in this colloquy today and for bringing up this issue of national importance. The Asian Longhorned Beetle not only impacts forests in the northeast but also has been discovered until several cities, like Chicago. Invasive species like the Asian Longhorned Beetle are a serious problem, and I will urge the Department of Agriculture and the Forest Service to develop a plan to control the beetle. I also recommend using portions of the additional funding in the development of this plan.

AMENDMENT NO. 4 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I will attempt to be mercifully brief. My amendment would simply do this: Our rules and the way we function here would prevent all of the hard work that goes on in attempting to reduce spending. All of the efforts on behalf of many of my colleagues to actually trim things out of this spending plan really, they labored in vain. Because the mechanics of the system are that should we prevail in any of these votes later on tonight or tomorrow to actually reduce spending, then that money stays within the 302(b) category and is reallocated at some other point in the future and does not really reduce spending.

I understand this is a futile effort and the point of order will be sustained, so I don't intend to push it further than this, simply to use this time to bring my colleagues' attention to a failure in our system to in effect protect us from ourselves.

I have a standalone bill that would mechanically allow that any reductions in the spending that occur as a result of the hard work here in this Chamber on this bill that would go against the deficit to reduce the deficit, or should we ever get back into a surplus circumstance, would actually increase that surplus.

So, Mr. Chairman, I bring this to the attention of my colleagues. I do not intend to push it to a vote.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. KING of Iowa.
An amendment by Mr. PETERSON of Pennsylvania.
An amendment by Mr. CONAWAY of Texas.
An amendment by Mr. BISHOP of Utah.
An amendment by Mr. BARTON of Texas.
Amendment No. 7 by Ms. EDDIE BERNICE JOHNSON of Texas.
Amendment No. 13 by Mr. DENT of Pennsylvania.
An amendment by Mr. PEARCE of New Mexico.
Amendment No. 34 by Mr. HENSARLING of Texas.
Amendment No. 44 by Mr. HENSARLING of Texas.
Amendment No. 56 by Mr. HENSARLING of Texas.
Amendment No. 74 by Mr. HENSARLING of Texas.
An amendment by Mr. ANDREWS of New Jersey.

Postponed votes on other amendments will be taken at a later time.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 274, not voting 7, as follows:

[Roll No. 551]

AYES—156

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Mahoney (FL)
Ortiz
Payne
Sessions

☐ 2141

Mr. CRAMER and Mr. ALTMIRE changed their vote from "aye" to "no."

Mr. BAKER and Mr. RADANOVICH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HULSHOF was allowed to speak out of order.)

IN MEMORY OF THE LATE HONORABLE WILLIAM HUNGATE

Mr. HULSHOF. Mr. Chairman, this past Friday, the great State of Missouri and the country lost a truly distinguished man, Congressman Bill Hungate, a man who previously represented the very seat that I am now privileged to currently occupy passed away.

Bill Hungate was a devoted husband and father. He was a decorated soldier. He was a talented and thoughtful jurist, and a gifted author and musician. But above all else, he was a man dedicated to public service.

After earning his bachelor's degree from the University of Missouri in 1943, Bill answered the country's call at the onset of World War II and enlisted in the Army. He fought bravely in the European theater over the course of the next 3 years, and received numerous decorations and awards.

After the war was over, he returned home and earned his law degree from Harvard and after a short time in the private sector, he embarked upon a long and distinguished career in public service. He started first as a county prosecutor, then was a special assistant for the Missouri attorney general, and in 1964, he was elected as a Member of the 89th Congress, representing the 9th Congressional District of Missouri, and I see some of my colleagues nodding along who served with this great man.

As a Member of this body, he carried himself and conducted our business in a manner that befits this historic Chamber. Many of you may acknowledge or remember that as a member of the Judiciary Committee, his tenure in Congress will always be defined by the Watergate investigation of which he played an integral part. He not only authored one of the articles of impeachment brought against President Nixon, but he also chaired the hearings that investigated and ultimately upheld President Ford's ensuing pardon.

After serving the people of Missouri for 12 distinguished years, he left this Chamber with the same values and integrity that he walked in with. A few years later, he was called again to serve, this time by President Carter as a United States District Court judge, and the indelible marks he left on that institution are still felt today. And my colleague will probably remember the landmark decision of his which eventually led to the voluntary desegregation of the St. Louis county and city school districts.

Judge Hungate was a man on his worse day who was better than most people on their best. He never wavered in his principles, and was a firm believer in the promise of our country. He was a servant in the truest sense of the word.

I hope it is of some solace to his wife, Dorothy, his daughter Katie, his son William and his four grandchildren to know that so many people were affected by his life and are mourning his passing, and our thoughts and prayers are with them.

I yield to my very good friend and the dean of the Missouri delegation, the gentleman from Lexington, Mr. SKELTON.

Mr. SKELTON. I thank the gentleman for yielding and giving me this opportunity to memorialize and to remember a truly outstanding Missourian and American.

Bill Hungate was elected to Congress in 1964 and served until my class of 1976 arrived. Undoubtedly one of the most popular Members of this body, warm, jovial, a musician, he always had a good word and a cheery smile. He will be remembered for his work in Congress, but I think remembered most as a warm and decent human being.

After leaving Congress he became a Federal judge, and did quite well in that position. Whatever he did, he did well, as well as make friends and did an awful lot for our wonderful State of Missouri.

So I ask, Mr. Chairman, if we may pause for a moment of silence remembering the late Bill Hungate.

The Acting CHAIRMAN (Mr. BECERRA). All Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 233, not voting 8, as follows:

[Roll No. 552]

AYES—196

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Doolittle
Doyle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jordan
Kanjorski
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—233

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gillibrand
Gillmor
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Petri
Pomeroy
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Reichert
Rogers (AL)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Davis (KY)
Davis, Jo Ann
Garrett (NJ)
Gilchrest
Meek (FL)
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in the vote.

☐ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BARTON of Texas was allowed to speak out of order.)

CHARITIES ULTIMATE WINNERS IN ANNUAL ROLL CALL CONGRESSIONAL BASEBALL GAME

Mr. DOYLE. Mr. Chairman, reserving the right to object, could I ask my friend what the subject is?

Mr. BARTON of Texas. I tell my dear friend from Pennsylvania that the subject is the object before me, the coveted Roll Call congressional baseball trophy.

Mr. DOYLE. Mr. Chairman, in the interest of comity, I am going to remove my objection and let the gentleman proceed.

Mr. BARTON of Texas. I thank my good friend from Pennsylvania.

Last night at RFK Stadium we had the 46th Annual Congressional Charity baseball game. The beneficiaries are the Washington Literacy Council and the Washington D.C. Boys and Girls Club. Those two groups will receive in the neighborhood of $90,000 thanks to the Members of Congress on both sides of the aisle.

It was a hard-fought game. There were excellent plays on both sides, but when the dust had cleared, for the seventh time in a row, the Republican team, playing on a level playing field with fair rules won a hard-fought 5-2 victory.

JOHN SHIMKUS and CHIP PICKERING were our MVPs, but the entire Republican team, every member of the Republican team got into the game through pitching, batting or running. Some did better than others in those endeavors, but we had a good time and nobody was hurt.

I would like to yield to my good friend, MIKE DOYLE, the distinguished manager of the Democratic team.

Mr. DOYLE. Or as my colleagues on the Democratic side have referred to me, the former manager of the Democratic team.

I want to say that I agree with my good friend, JOE BARTON, on one thing: The real winners last night were the charities, the Washington Boys and Girls Club and the Washington Literacy Council. This is a great tradition in its 46th year.

It was a hard-fought game. We have this very charitable gift on the Democratic side where we manage to have one inning where we completely fall apart and give the Republicans a bunch of runs. Last night was no exception.

Mr. BARTON of Texas. We thank you very much for that.

Mr. DOYLE. We had a stellar performance from JOE BACA who walked no batters, struck out four and only gave up one earned run of those five. The other four were compliments of the rest of the Democratic team.

I want to publicly apologize to those members who came out to practice every day and didn't get a chance to play. That is the one thing I do feel bad about. We will try to do better next year.

Our congratulations to the Republicans.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. CONAWAY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CONAWAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 264, not voting 6, as follows:

[Roll No. 553]

AYES—167

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Cooper
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Flake
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hoekstra
Holden
Hulshof
Hunter
Issa
Jefferson
Jindal
Johnson, Sam
Jordan
Kanjorski
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Radanovich
Regula
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (AK)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 2159

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 270, not voting 11, as follows:

[Roll No. 554]

AYES—156

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly

Garrett (NJ)
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pomeroy
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—270

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Buyer
Christensen
Davis (KY)
Davis, Jo Ann
Farr
Gilchrest
Gutierrez
Ortiz
Payne
Sessions
Stark

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 2202

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 274, not voting 10, as follows:

[Roll No. 555]

AYES—153

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey

Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bachus
Davis (CA)
Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Schwartz
Sessions
Welch (VT)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining to vote.

☐ 2206

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 178, not voting 7, as follows:

[Roll No. 556]

AYES—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

☐ 2210

Messrs. SKELTON, WELCH of Vermont and LYNCH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. DENT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DENT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 236, not voting 7, as follows:

[Roll No. 557]

AYES—194

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Conaway
Cooper
Costello
Crenshaw
Cubin
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Duncan
Ehlers
Ellsworth
Emerson
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Lamborn
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Baca
Bachmann
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Ros-Lehtinen
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute left to vote.

☐ 2214

Mr. SCHIFF changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 258, not voting 7, as follows:

[Roll No. 558]

AYES—172

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge

Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 1 minute to vote.

☐ 2218

Mrs. BIGGERT changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 34 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 8, as follows:

[Roll No. 559]

AYES—98

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Goodlatte
Graves
Hall (TX)
Hastert
Heller
Hensarling
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—331

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Davis (KY)
Davis, Jo Ann
Gilchrest
Herger
Norton
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute remaining in this vote.

☐ 2221

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 44 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr.

HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 12, as follows:

[Roll No. 560]

AYES—97

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Brady (TX)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Christensen
Costello
Davis (KY)
Davis, Jo Ann
Fortuño
Gilchrest
Kaptur
Ortiz
Payne
Pickering
Sessions
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute to vote.

☐ 2224

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 56 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 7, as follows:

[Roll No. 561]

AYES—114

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOES—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake

Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Gutierrez
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute to vote.

☐ 2228

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MEEHAN was allowed to speak out of order.)

HAPPY BIRTHDAY TO CONGRESSMAN NEIL ABERCROMBIE

Mr. MEEHAN. Mr. Chairman, I rise to congratulate our colleague, Mr. NEIL ABERCROMBIE, today on his 69th birthday.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will resume.

There was no objection.

AMENDMENT NO. 74 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 333, not voting 6, as follows:

[Roll No. 562]

AYES—98

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler

Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2232

Mr. CAPUANO changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 145, not voting 9, as follows:

[Roll No. 563]

AYES—283

Ackerman
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bordallo
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Perlmutter
Petri
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Rodriguez
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—145

Abercrombie
Aderholt
Alexander
Bachmann
Baker
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Culberson
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Everett
Fallin
Feeney
Forbes
Fortuño
Fossella
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson, Sam
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mollohan
Musgrave
Neugebauer
Nunes
Oberstar
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Porter
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Ruppersberger
Salazar
Sali
Sarbanes
Serrano
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—9

Clay
Davis (KY)
Davis, Jo Ann
Gilchrest
Gutierrez
Ortiz
Payne
Rogers (AL)
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2236

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Chairman, on Tuesday, June 26, 2007, I was absent from the House for a familial medical emergency.

Had I been present I would have voted:

On rollcall No. 551—"aye"—King (IA) Amendment to H.R. 2643.

On rollcall No. 552—"aye"—Peterson (PA) Amendment to H.R. 2643.

On rollcall No. 553—"aye"—Conaway Amendment to H.R. 2643.

On rollcall No. 554—"aye"—Bishop (UT) Amendment to H.R. 2643.

On rollcall No. 555—"aye"—Barton Amendment to H.R. 2643.

On rollcall No. 556—"no"—Bernice Johnson Amendment to H.R. 2643.

On rollcall No. 557—"aye"—Dent Amendment to H.R. 2643.

On rollcall No. 558—"aye"—Pearce Amendment to H.R. 2643.

On rollcall No. 559—"no"—Hensarling Amendment to H.R. 2643.

On rollcall No. 560—"no"—Hensarling Amendment to H.R. 2643.

On rollcall No. 561—"no"—Hensarling Amendment to H.R. 2643.

On rollcall No. 562—"no"—Hensarling Amendment to H.R. 2643.

On rollcall No. 563—"no"—Andrews Amendment to H.R. 2643.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HALL of New York) having assumed the chair, Mr. BECERRA, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2643) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

THE NATIONAL DEBT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I have with me a sign that I am proud of tonight. This is entitled the Blue Hound Dog Coalition because it is such a great idea to keep reminding the majority of what the debt is.

These are great signs, very similar to some we see around the halls. I know some people in our body are not wanting their signs to be brought to the floor; so I had to have one made up special myself. But it is a great thing to remind the majority of what the debt is because Democrats are in the majority. It is no longer Republicans that can be blamed for running up the price of gasoline. It is no longer Republicans that can be blamed for running up the debt.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GOHMERT. I yield to the gentleman from Maryland.

Mr. HOYER. How did it get to be $8.8 trillion? When you took over, it was only at $5 trillion. How in heaven's name over the last 6 years could you possibly be so irresponsible to take it from $5.5 trillion to $8.8 trillion? I am amazed, shocked, chagrined, and saddened.

Mr. GOHMERT. Reclaiming my time, it is like my momma used to say, you are responsible for what you are responsible for. The numbers are going up every day and it is on your watch. And I congratulate the gentleman. The numbers continue to climb, and I look forward to seeing what you do with them.

THE NATIONAL DEBT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, Mr. GOHMERT clearly doesn't realize that under Mr. Reagan we had a $1.41 trillion deficit. Under Mr. Bush 1, we had a $1.04 trillion deficit. Under Bush 2, we had a $1.69 trillion deficit, for a total of $4.14 trillion under Republican administrations. Under Mr. Clinton, we actually had a $62.9 billion surplus.

So I would like to ask the gentleman who is truly responsible for the national debt?

I yield to the gentleman.

Mr. GOHMERT. Mr. Speaker, I appreciate the gentleman's yielding for the answer. I know we are all grateful to the Republican Congress since 1994 and 1995 and the great strides that were made in reducing the deficit. It has gone up since the war, and I look forward to seeing if you continue to increase it or help some of the rest of us bring it down.

FOREIGN DEBT

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I might also add to my good friend, the gentleman from Texas, that this President, our 43rd, has racked up more foreign debt than all 42 previous Presidents combined.

So if we are going to discuss who it is that is responsible for the numbers on your mock-up chart, let's ensure that we put the full blame on the 43rd President who is fully responsible for the number on that chart and fully responsible for the debt that has been accumulated more than the 42 other Presidents combined.

□ 2245

THE NATIONAL DEBT

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. I think it's important that when we're talking about the debt, that we be up front with the facts for the American public. Yes, the war has certainly cost a great deal, but it's off budget. It's off budget, just like a host of items that are off budget, specifically designed in that way.

The largest single segment on the debt is the interest on the debt, which is 6 percent and growing rapidly. And it's true that we've acquired more debt in the last 42 years than the previous 41 Presidents than this President has accomplished in his last 6 years.

So I think it's important that we be up front with the American people when we're talking about the debt and the figures that are involved there.

Yes, we've got to turn this ship around. It won't come overnight, but it will come with the bipartisan cooperation that I think we saw took place with President Clinton's administration, and that's what we ought to be doing.

WHO IS RESPONSIBLE FOR THE NATIONAL DEBT

(Mr. SALI asked and was given permission to address the House for 1 minute.)

Mr. SALI. Well, Mr. Speaker, and ladies and gentlemen that are here, there has been a great discussion about who is actually responsible for all this debt, which team it is. And I think at the end of the game, the conclusion has to be that, by golly, maybe you just can't trust anybody around here. And so I would encourage the good majority leader to make sure that a balanced budget amendment gets passed through this House this year so that the next time that the Republicans take control of this body, by golly, they won't engage in any deficit spending.

There is the challenge to the majority right now, to make sure that you keep the Republicans under control.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HALL of New York). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RADIO FREE AMERICA AND THE SPEECH POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it is written, "Congress will make no law respecting the establishment of religion or prohibiting the free exercise thereof, or bridging the freedom of speech or the freedom of press or the right of the people to peaceably assemble and to petition the government for redress of grievances." Of course, this is the First Amendment to the United States Constitution. And Mr. Speaker, it is first because, without these first principles, the rest of the following amendments are meaningless. These are rights that Americans take very seriously, particularly in regard to freedom of speech and freedom of the press.

There are some in Washington, D.C., however, that feel if someone is saying something they don't like, they ignore this freedom of the right to speak and try to control speech. This is where the so-called Fairness Doctrine comes into play.

In the early 1940s, the Federal Communications Commission, or the FCC, established the so-called Fairness Doctrine. It was instituted in an attempt to ensure that all broadcast station coverage of controversial issues be fair and balanced. This mainly applied to radio stations. This means allowing equal time for each side on an issue. If a radio station wanted to talk about the need to secure the borders, they would have to grant the same amount of time to individuals who wanted open borders.

The Fairness Doctrine was considered by many journalists a violation of the First Amendment right to freedom of speech and freedom of press. And I agree with this assertion. It even led many journalists to avoid reporting on controversial issues to protect themselves from having to report on the other side of the issue. This led to the opposite effect of the doctrine that the FCC had intended. It actually stifled free speech.

So, by 1987, the FCC revoked the Fairness Doctrine, realizing the gross error in their ways in total disregard for the freedom of speech. There have been several attempts by speech-control advocates to reenact the Fairness Doctrine, and all of these attempts have continued to fail. But this decision still does not sit well with many in Washington, D.C., who feel that broadcast talk radio is one-sided. What it really means is that talk radio largely boasts conservative views and not liberal viewpoints. Liberal radio doesn't go over well with Americans, and these stations generally fail financially and with the American listeners. So the critics of conservative radio have started a movement to eliminate conservative talk radio unless equal time is allowed for liberal viewpoints. Basically, they want a reinstatement of the unfair Fairness Doctrine. But what the critics may really be irate about deals more with illegal immigration than it does with talk radio, because that is the current controversial issue on talk radio stations.

Since their voices are so rarely heard in Congress, the American public has come to express their opinions by talk radio, especially on this issue of illegal immigration. The backroom, closed-door meetings the Senate has had to reach a deal on amnesty that the American public certainly doesn't want has encouraged talk radio shows to inform the public of this absurd nonsense of amnesty.

Talk radio has been one of the only vehicles that has kept the public informed about the "give America away" amnesty program and the political pandering and preference policies for illegals that the Senate bill is advocating.

So because the amnesty crowd doesn't like what they hear on the radio, they want the Federal Government to control this speech by forcing radio stations to give them free air time. If the liberals don't like talk radio, it is patently unfair to force radio stations to pay for and give away air time to them. You see, liberals can't make their case on their own radio station because no one listens to them.

So, Mr. Speaker, the Constitution protects free speech, not equal speech. Congress is to make no law abridging the freedom of speech whether we like the speech or not.

It's simple, Mr. Speaker, speech is to be free, not fair. Fair is too subjective a word. Our grandfathers guaranteed us free speech, not fair speech, and there is a big difference.

Congress is to stay out of the controlling of speech business because it says so in the U.S. Constitution. Our ancestors wrote the First Amendment mainly to protect two types of speech, political speech and religious speech. Those are the most controversial of all types of speech and the most important types of speech. That's why they are protected in our Constitution.

By trying to regulate what is said on the airways, the Federal Government and the speech police are speaking out of line.

And that's just the way it is.

DEMOCRATS NOT MOVING TOWARDS ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

Mr. SALI. Mr. Speaker, every Member of this body recognizes the honor our constituents have reposed in us in allowing us to serve them here. For me to represent the people of my hometown, my home county, the entire western part of my State in the House of Representatives is an extraordinary honor.

Like all my colleagues, I try to remember why my constituents sent me here. Perhaps Thomas Jefferson captured best what our service here as Members of Congress should really be about, and I quote. "A wise and frugal government, which shall leave men free to regulate their own pursuits in industry and improvement, and shall not take from the mouth of labor and the bread it has earned." This philosophy is not reflected in the priorities of the new majority which, interestingly, celebrates Thomas Jefferson as its founder.

It has appeared to me over the past 6 months the priorities of the new majority are increasing government spending, growing the Federal bureaucracy and deepening America's dependence on foreign fuels.

In the past 3 months of the second quarter of this year, the new majority has approved more than $80 billion in new spending, new spending for programs, including a proposal to spend Idahoans' hard-earned tax dollars to pay off the student loans of practicing attorneys. At a time when the national debt is out of control, authorizing $80 billion in new spending just cannot be seen as fiscally responsible.

This new majority has also proposed an increase in Federal bureaucracy. Just recently I was in a hearing discussing legislation that would add yet another layer of red tape to Federal agencies in order to improve customer service. Adding another layer of government bureaucracy is far from frugal, but more ironically, since when has more government ever improved government? Since when has adding more government ever improved government?

Another priority of the new majority is the energy bill, which I've been calling the "no energy" bill. America should be moving towards energy independence. America's economy growth, Idaho's manufacturing and agriculture future and our families' ability to make ends meet are all intertwined. The new Democrat majority, however, is not moving towards energy independence. Rather, the "no energy" bill will only serve to increase America's dependence on foreign fuels.

In their bill, our friends across the aisle propose to curtail nearly all forms of domestic exploration and development, including resources of ANWR, natural gas reserves, offshore drilling reserves, oil shale deposits, nuclear power and hydropower. Such a policy can only increase America's reliance on foreign fuel. Instead, America should be fully engaged in exploration and development of domestic energy.

This exploration and development should be coupled with the development of alternative energy. The majority, however, proposes to bury the development of alternative biomass energy in a myriad of legal challenges and bureaucracy surrounding the so-called Clinton administration Roadless Rule.

The new majority's assault on energy development does not end there, instead extending the assault to one of the most green energies, wind energy. The new Democrat majority recently held a hearing to give ear to complaints that wind energy causes fatalities among the bird and bat populations of this country. Now, holding a hearing on bird and bat fatalities from wind energy does not just sound absurd; it is, particularly when you consider that many more times birds are killed by office windows, cars and trucks, and, of course, cats than by windmills. What's next, outlawing sky scrapers? Outlawing cars and trucks?

America's energy crisis must be solved. Continued reliance on foreign energy while simultaneously curtailing domestic development and exploration will only result in higher and higher fuel prices at the pump. That is an unacceptable result, and Congress must be committed to pursuing policies to reduce our dependence on foreign fuel.

Unfortunately, the priorities of the new majority, as evidenced over the second quarter, are not Idaho's priorities, and consequently, they are not my priorities. In my view, Congress must make it a priority to cut spending, making the tough choices to live within its means. Congress must make it a priority to shape bureaucracy in Federal Government. And Congress must work to solve the energy crisis by providing for domestic exploration and development.

□ 2300

HONORING LT. COL. KEVIN SONNENBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, I rise to honor the life of Lt. Col. Kevin Sonnenberg of the Ohio National Guard, another American war hero who was laid to rest today in his beloved State of Ohio. His peers have noted that Col. Sonnenberg will be remembered as a fearless fighter pilot who perished before his time serving the Nation he loved.

Col. Sonnenberg died on the 15th of June, 2007, when his F–16 Fighting Falcon crashed near Balad Air Base in Iraq, shortly after takeoff.

He had just departed on a mission to provide air support to Coalition ground forces fighting anti-Iraq forces.

Colonel Kevin Sonnenberg was an instructor pilot and C Flight Commander assigned to the 112th Fighter Squadron in Toledo, Ohio. He had numerous deployments with the unit, including Operation Northern Watch, Turkey; Operation Southern Watch, Kuwait; Operation Enduring Freedom, Qatar; and Operation Iraqi Freedom, Iraq. He truly is an American hero.

Colonel Sonnenberg was well decorated for his service during these missions, receiving awards and decorations including: The Bronze Star, Meritorious Service Medal with Valor, the Air Medal, the Aerial Achievement Medal with two Devices, the Air Force Achievement Medal with two Devices, the Joint Meritorious Unit Award with Gold Border, the Air Force Outstanding Unit Award with one Device, the Combat Readiness Medal with four Devices, the National Defense Service Medal with one Device, the Armed Forces Expeditionary Medal, Iraq Campaign Medal, Global War on Terror Service Medal, the Air Expeditionary Ribbon with Gold Border, the Air Force Longevity Service Award with three Devices, the Armed Forces Reserve Medal with four Devices, the Bronze Hourglass "M", Arabic four, Small Arms Expert Marksmanship Ribbon with one Device, the Air Force Training Ribbon, the Ohio Distinguished Service Medal with Valor, and the Ohio Faithful Service Ribbon with two Devices.

A 1983 graduate of Napoleon High School, Kevin Sonnenberg earned a Bachelor of Science degree from Bowling Green State University in 1987. He graduated from the Academy of Military Science in 1991, followed by the Squadron Officers School in 2001 and the Air Command and Staff College in 2007.

An Instructor Pilot of F–16s with more than 1,900 hours flown, Lieutenant Colonel Sonnenberg served several assignments in his tenure with the Ohio Air National Guard, including his most recent with the 112th Fighter Squadron.

A traditional member of the Ohio National Guard, Lieutenant Colonel Sonnenberg was also a commercial pilot and farmer. He had been a commercial airline pilot with Delta Airlines since from 2000 until his death. He grew up farming with his father and remained devoted to their partnership.

In the Great War of the last century, the poet Alfred Noyes penned his thoughts about English fighter pilots in "To the Royal Air Force." His words written so long ago capture the spirit of today's F–16 fighter pilots and Kevin Sonnenberg when he wrote,

"Whether at midnight or at noon,
"Through mist or open sky,
"Eagles of freedom, all our hearts
"Are up with you on high . . .
"From realms beyond the sun
"And whisper, as their record pales,
"Their breathless, deep, Well Done!"

His fellow airmen wrote that, "Lieutenant Colonel Sonnenberg will be remembered as a Renaissance man, able to maneuver America's most advanced aircraft in a perilous war zone one week and then discuss corn and soybean crops with Henry County farmers the next. And he did both with his natural, down-home nature that endeared him to so many across Ohio, the Air Force and the world. He should be honored as a patriot whose commitment to his country was surpassed only by his devotion to God."

Lieutenant Colonel Kevin Sonnenberg was a man of action, a man of character, a man who revered God and country and family. He drank deep from the cup of life and lived the journey well, though too short. I imagine he would concur with the words of Christina Rosetti in her poem, "Remember":

"Remember me when I am gone away,
"Gone far away into the silent land;
"When you can no more hold me by the hand,
"Nor I half turn to go yet turning stay.
"Remember me when no more day by day."

I would like to close my remarks by paying tribute to him on behalf of the F–16 fighter pilots of the 180th Tactical Fighter Squadron in our region, to their support staff, to all the members of the Ohio National Guard, to their families and all Buckeyes who truly revered this man's life.

Just about a month and a half ago, I wished off that unit with over 350 members of the Ohio National Guard to fly to Iraq to join their colleagues who have been based there for several months. I gave Kevin Sonnenberg a hug before he left, as I did to every F–16 pilot that left.

This F–16 unit is the best that America has. They rank at the top of every single measure that this Nation has. He was among the finest of the finest in our country. He gave his all to us. He did all he was asked to do. He died loving his family, his country and his God; and we love him and his family and his country and our God.

Mr. Speaker, it is fitting that we end this evening in tribute to the life of a great American airman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. SALI, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today, and June 27 and June 28, 2007.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PEARCE and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,696.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; to the Committee on Foreign Affairs.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 27, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2315. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Attain; State of Arizona, Phoenix Nonattainment Area; State of California, Owens Valley Nonattainment Area; Particulate Matter of 10 Microns or Less [EPA-R09-OAR-2007-0091, FRL-8322-5] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2316. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Youngstown, Ohio to Attainment of the 8-Hour Ozone Standard [EPA-

R05-OAR-2006-1022; FRL 8324-9] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2317. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [EPA-R07-RCRA-2006-0923; FRL-8322-6] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2318. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements [EPA-HQ-OAR-2001-0004; FRL-8324-6] (RIN: 2060-AN92) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2319. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard-Notice of Reconsideration [EPA-HQ-OAR-2003-0079, FRL-8324-3] (RIN: 2060-AO00) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2320. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01] (RIN: 0648-XA45) received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2321. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 070215036-7107-02; I.D. 012307A] (RIN: 0648-AU79) received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–212). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 517. Resolution providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–213). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. HINOJOSA, and Mr. PLATTS):

H.R. 2857. A bill to reauthorize and reform the national service laws; to the Committee on Education and Labor.

By Mr. TERRY:

H.R. 2858. A bill to promote the production and use of ethanol; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. HINCHEY, and Ms. SCHWARTZ):

H.R. 2859. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Education and Labor.

By Mr. POMEROY (for himself, Mr. WALDEN of Oregon, Mr. STUPAK, Mrs. EMERSON, Mr. THOMPSON of California, Mr. MORAN of Kansas, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. ALLEN, Mr. BERRY, Mr. CAMP of Michigan, Ms. HERSETH SANDLIN, Mr. MCINTYRE, Mr. TANNER, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD of Florida, Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. DAVIS of Alabama, Mr. EDWARDS, Mr. ETHERIDGE, Mr. GILCHREST, Mr. GRAVES, Mr. HARE, Mr. HASTINGS of Washington, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. LAHOOD, Mr. LUCAS, Mr. MATHESON, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. MCNULTY, Mr. MELANCON, Mr. OBERSTAR, Mr. PAUL, Mr. PICKERING, Mr. RAHALL, Mr. REHBERG, Mr. RENZI, Mr. SALAZAR, Mr. SIMPSON, Mr. TIAHRT, Mr. WELCH of Vermont, Mr. WILSON of Ohio, Mr. YOUNG of Alaska, Mr. THORNBERRY, and Mr. ROSS):

H.R. 2860. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 2861. A bill to forgive certain loan repayments of teachers of limited English proficiency students, to direct the Commissioner of the National Center for Educational Statistics to study educational achievement performance measures of limited English proficiency children, and for other purposes; to the Committee on Education and Labor.

By Mr. CASTLE (for himself and Mr. MCKEON):

H.R. 2862. A bill to amend the Elementary and Secondary Education Act of 1965 to establish an accurate and reliable graduation rate for measuring student academic achievement; to the Committee on Education and Labor.

By Mr. DEFAZIO:

H.R. 2863. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. GRIJALVA (for himself and Mr. EHLERS):

H.R. 2864. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Ms. ROS-LEHTINEN, and Mr. LANTOS):

H.R. 2865. A bill to award a Congressional Gold Medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mrs. MALONEY of New York:

H.R. 2866. A bill to suspend temporarily the duty on stick and golf umbrellas; to the Committee on Ways and Means.

By Mr. MCHENRY:

H.R. 2867. A bill to authorize the Secretary of Energy to establish a program for making prizes for advanced or transformational technologies for the production, consumption, and distribution of nonpetroleum-based alternative energy and energy efficiency; to the Committee on Science and Technology.

By Mr. MEEKS of New York (for himself, Mr. FOSSELLA, Mr. TOWNS, Mr. KING of New York, Mr. DAVIS of Illinois, Mr. CLAY, and Mrs. MALONEY of New York):

H.R. 2868. A bill to eliminate the exemption from State regulation for certain securities designated by national securities exchanges; to the Committee on Financial Services.

By Mr. PITTS:

H.R. 2869. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H.R. 2870. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. GUTIERREZ, Mr. ELLISON, and Ms. SCHAKOWSKY):

H.R. 2871. A bill to amend the Truth in Lending Act and the Federal Deposit Insurance Act to prohibit payday loans based on checks drawn on, or authorized withdrawals from, depository institutions and to prohibit insured depository institutions from making payday loans, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS:

H.R. 2872. A bill to prohibit the Secretary of Transportation from approving under subtitle VII of title 49, United States Code, any project for the relocation of Runway 24R at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida (for himself, Mr. WEXLER, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. FEENEY, Mr. CRENSHAW, and Mr. BILIRAKIS):

H.R. 2873. A bill to amend the Internal Revenue Code of 1986 to exempt disaster relief distributions from retirement plans from the penalty for early withdrawal; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child; to the Committee on the Judiciary.

By Mr. MEEKS of New York (for himself and Mr. SESSIONS):

H. Res. 518. A resolution recognizing the 50th anniversary of Malaysia's independence; to the Committee on Foreign Affairs.

By Mr. REYES (for himself, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SNYDER, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. THORNBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mr. BUTTERFIELD, Mr. PEARCE, Mrs. TAUSCHER, Mr. BOREN, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. WATERS, Mr. PRICE of North Carolina, Mr. DICKS, Mr. HALL of Texas, Mr. CALVERT, Mr. SMITH of New Jersey, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. WILSON of South Carolina, Mr. HAYES, Mr. CLYBURN, Mr. MEEHAN, Mr. SKELTON, Mr. SPRATT, Mr. RANGEL, Mr. COSTELLO, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. MCDERMOTT, Ms. KAPTUR, Ms. DEGETTE, Ms. HOOLEY, Mr. THOMPSON of Mississippi, Mrs. LOWEY, Mr. BARTLETT of Maryland, Mr. BACA, Mr. BECERRA, Mr. PASTOR, Mr. PATRICK MURPHY of Pennsylvania, Mr. WATT, Mr. BISHOP of Georgia, Mr. LEVIN, Mr. RUPPERSBERGER, Mr. CRAMER, Mr. MANZULLO, Ms. GIFFORDS, Mrs. BOYDA of Kansas, Mr. UDALL of New Mexico, Mr. MCHUGH, Mr. BRALEY of Iowa, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MILLER of Florida, and Mr. JONES of North Carolina):

H. Res. 519. A resolution honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 76 memorializing the Congress of the United States to provide resources to address the colony collapse disorder affecting honeybees; to the Committee on Agriculture.

88. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 07-005 memorializing the Congress of the United States to pass the federal "Gestational Diabetes Act of 2006"; to the Committee on Energy and Commerce.

89. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1506 urging the Congress of the United States to timely reauthorize the State Children's Health Insurance Program to assure federal funding for the Florida Kidcare program; to the Committee on Energy and Commerce.

90. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1348 memorializing the Congress of the United States and the Federal Communications Commission to forego imposing a cap on federal universal service fund support for Maine's rural wireless carriers; to the Committee on Energy and Commerce.

91. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1346 memorializing the President of the United States and the Congress of the United States to fully appropriate the money for radioactive waste management; to the Committee on Energy and Commerce.

92. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1698 urging the Congress of the United States to engage the international community to take action in the effort to bring a just and lasting peace to the people of Darfur; to the Committee on Foreign Affairs.

93. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Joint Memorial No. 3 urging the Congress of the United States to encourage the formation of democratic institutions, multiparty participation, progressive social change and respect for human rights in Ethiopia; to the Committee on Foreign Affairs.

94. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 15 urging the President of the United States and the Congress of the United States to continue to support the participation of the Republic of China on Taiwan in the World Health Organization; to the Committee on Foreign Affairs.

95. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 18 urging the Congress of the United States to support a proposed off-highway vehicle park in Clark County; to the Committee on Natural Resources.

96. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 7 urging the Secretary of the Department of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead; to the Committee on Natural Resources.

97. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 9 urging the Congress of the United States to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks; to the Committee on Natural Resources.

98. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 38 urging the Congress of the United States to call a convention pursuant to the terms of Article V of the Constitution of the United States for proposing one or more amendments to the Constitution; to the Committee on the Judiciary.

99. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 6 urging the Congress of the United States to repeal the REAL ID Act of 2005; to the Committee on the Judiciary.

100. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 2770 urging the Congress of the United States to fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and to provide funding for the federal share of the full and equal partnership; to the Committee on Transportation and Infrastructure.

101. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 25 memorializing the Congress of the United States and the Internal Revenue Service to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program; to the Committee on Ways and Means.

102. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 16 urging the President of the United States and the Congress of the United States to support a free trade agreement between the Republic of China on Taiwan and the United States; to the Committee on Ways and Means.

103. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 10 urging the Congress of the United States to reevaluate the "fast track" approval of international trade agreements; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. PETERSON of Minnesota.

H.R. 174: Ms. MCCOLLUM of Minnesota.

H.R. 176: Ms. BORDALLO.

H.R. 303: Mr. PETERSON of Minnesota.

H.R. 354: Mr. HARE.

H.R. 369: Mr. HALL of New York.

H.R. 405: Mr. ELLISON.

H.R. 503: Mr. MITCHELL, Ms. MOORE of Wisconsin, and Mr. BARRETT of South Carolina.

H.R. 524: Mrs. LOWEY.

H.R. 615: Mr. NUNES.

H.R. 616: Mr. NUNES.

H.R. 623: Mr. MCNULTY and Mr. ABERCROMBIE.

H.R. 624: Mr. SERRANO, Ms. CARSON, Mr. ISRAEL, Mr. HINCHEY, Mr. MEEKS of New York, and Mr. FARR.

H.R. 654: Ms. LINDA T. SÁNCHEZ of California, Mr. ABERCROMBIE, and Mr. ETHERIDGE.

H.R. 676: Mr. JEFFERSON.

H.R. 726: Mr. HIGGINS.

H.R. 734: Mrs. BOYDA of Kansas.

H.R. 743: Mr. CUMMINGS, Mr. PICKERING, Mr. EHLERS, Mr. FEENEY, Mr. PITTS, and Mr. ROHRABACHER.

H.R. 822: Mr. RODRIGUEZ.

H.R. 887: Mr. HARE.

H.R. 891: Mr. HOLT.

H.R. 969: Mr. DELAHUNT.

H.R. 980: Mr. CRAMER and Mr. NADLER.

H.R. 997: Mr. FRANKS of Arizona.

H.R. 1023: Mrs. BLACKBURN, Mr. FEENEY, Mr. RAHALL, Mr. KLEIN of Florida, Mr. BUTTERFIELD, Ms. CASTOR, Ms. GRANGER, Mr. PEARCE, Mr. CRAMER, Mr. CLEAVER, Mr. BISHOP of Utah, Mr. MORAN of Kansas, Mr. CARNEY, and Mr. ARCURI.

H.R. 1026: Mr. CONAWAY and Mr. ALEXANDER.

H.R. 1038: Mr. ELLISON.

H.R. 1064: Mrs. CAPITO, Mr. SAXTON, and Mr. MEEHAN.

H.R. 1069: Mr. BILBRAY.

H.R. 1078: Mr. RODRIGUEZ.

H.R. 1093: Mr. PUTNAM.

H.R. 1110: Mr. PETERSON of Minnesota.

H.R. 1120: Mr. BRADY of Texas, Mr. CAMPBELL of California, Mr. TOM DAVIS of Virginia, Mr. FERGUSON, and Mr. SMITH of New Jersey.

H.R. 1134: Mr. WESTMORELAND.

H.R. 1142: Mr. TIM MURPHY of Pennsylvania, Ms. ESHOO, Mr. ANDREWS, Mr. DICKS, Mr. TOWNS, and Mrs. WILSON of New Mexico.

H.R. 1153: Mr. PRICE of Georgia.

H.R. 1188: Mr. KING of New York.

H.R. 1228: Mr. SCOTT of Georgia.

H.R. 1230: Mr. MCGOVERN.

H.R. 1232: Mr. ALLEN, Mr. LATHAM, and Mr. MCHUGH.

H.R. 1268: Mr. CAPUANO.

H.R. 1307: Mr. PRICE of Georgia.

H.R. 1310: Mr. MCNULTY.

H.R. 1338: Mr. HOYER, Mr. ROSS, Mr. MEEK of Florida, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. MATHESON, Mr. INSLEE, Mr. KUCINICH, Ms. MOORE of Wisconsin, Ms. HARMAN, Mr. DAVIS of Alabama, Mr. CLEAVER, Mr. KANJORSKI, Mr. HODES, Mr. HIGGINS, and Mr. BLUMENAUER.

H.R. 1379: Mrs. CHRISTENSEN.

H.R. 1415: Mr. HODES, Mr. DOYLE, Ms. MATSUI, and Mr. DOGGETT.

H.R. 1416: Mr. KUCINICH, Mr. DOYLE, and Mr. DOGGETT.

H.R. 1418: Ms. NORTON.

H.R. 1430: Mr. POE and Mr. STEARNS.

H.R. 1458: Mr. LEWIS of Kentucky.

H.R. 1459: Mr. SERRANO, Mr. ARCURI, Mr. DAVIS of Illinois, and Mr. SALAZAR.

H.R. 1464: Mr. KING of New York and Ms. WOOLSEY.

H.R. 1474: Mr. BACHUS, Mr. MCNERNEY, Mr. FORTENBERRY, Mr. PUTNAM, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. PITTS, and Mr. THORNBERRY.

H.R. 1498: Mr. PASTOR.

H.R. 1514: Mr. WELCH of Vermont.

H.R. 1524: Mr. BOUCHER, Mr. BRADY of Pennsylvania, and Mr. YARMUTH.

H.R. 1540: Ms. MCCOLLUM of Minnesota.

H.R. 1567: Mrs. LOWEY.

H.R. 1582: Mr. BILBRAY.

H.R. 1586: Mrs. WILSON of New Mexico.

H.R. 1596: Mr. MCCOTTER.

H.R. 1647: Mr. BERMAN.

H.R. 1671: Mr. BLUMENAUER, Mr. SARBANES, and Ms. KAPTUR.

H.R. 1687: Mr. BAIRD.

H.R. 1727: Ms. LEE, Mr. HINCHEY, and Mr. LYNCH.

H.R. 1759: Mr. SNYDER.

H.R. 1774: Mr. CARTER, Mr. DAVIS of Kentucky, Mr. HOEKSTRA, and Mr. RAHALL.

H.R. 1781: Mr. COHEN and Mr. LAMPSON.

H.R. 1814: Mr. TERRY.

H.R. 1818: Mr. TIAHRT and Mr. LATHAM.

H.R. 1823: Mr. DAVID DAVIS of Tennessee.

H.R. 1838: Mr. PRICE of Georgia.

H.R. 1845: Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. ENGLISH of Pennsylvania.

H.R. 1849: Mr. SCOTT of Georgia.

H.R. 1852: Mr. WYNN.

H.R. 1869: Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, and Mr. HARE.

H.R. 1927: Mr. PAUL and Mr. LEWIS of Georgia.

H.R. 1929: Mr. LAMPSON.

H.R. 1932: Mr. BRADY of Pennsylvania and Mr. LEWIS of Kentucky.

H.R. 1971: Mr. DOYLE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. ORTIZ.

H.R. 1975: Mr. HODES, Mr. COHEN, and Mrs. LOWEY.

H.R. 2003: Mr. BURTON of Indiana and Mr. DELAHUNT.

H.R. 2005: Mr. HINCHEY.

H.R. 2015: Mr. UDALL of New Mexico, Mrs. GILLIBRAND, Mr. STARK, and Mr. COURTNEY.

H.R. 2017: Ms. CARSON.

H.R. 2040: Mr. MORAN of Virginia, Ms. BALDWIN, Ms. MATSUI, and Ms. WOOLSEY.

H.R. 2050: Mr. PICKERING, Mr. GORDON, and Ms. BERKLEY.

H.R. 2060: Mr. BRADY of Pennsylvania.

H.R. 2066: Mr. RAMSTAD.

H.R. 2075: Mr. BAKER, Mr. PRICE of North Carolina, and Mr. CHABOT.

H.R. 2104: Mr. MILLER of Florida and Mr. PENCE.

H.R. 2108: Mr. SCHIFF, Mr. PRICE of North Carolina, and Mr. HOLT.

H.R. 2111: Mr. DAVIS of Illinois, Mr. ARCURI, and Ms. CARSON.

H.R. 2126: Mr. ELLISON.

H.R. 2158: Mr. LEWIS of Kentucky.

H.R. 2161: Mr. RANGEL.

H.R. 2164: Mr. THORNBERRY.

H.R. 2167: Mr. HODES.

H.R. 2183: Mr. CONAWAY, Mr. CHABOT, Mr. HAYES, Mr. LINCOLN DAVIS of Tennessee, Mr. KUHL of New York, and Mr. HALL of Texas.

H.R. 2189: Mr. CAPUANO.

H.R. 2223: Mr. LEWIS of Kentucky.

H.R. 2231: Mr. PRICE of North Carolina.

H.R. 2234: Mr. HIGGINS, Mr. BERRY, Mr. ELLISON, Mr. MCCAUL of Texas, Ms. SCHAKOWSKY, Mr. LAMPSON, and Ms. BORDALLO.

H.R. 2290: Mr. ENGEL.

H.R. 2293: Mr. SHERMAN.

H.R. 2295: Mrs. EMERSON.

H.R. 2303: Mr. BUCHANAN and Mr. POE.

H.R. 2327: Mr. CONYERS.

H.R. 2352: Ms. CARSON.

H.R. 2364: Mr. ELLISON and Mr. WELCH of Vermont.

H.R. 2384: Mr. CARNAHAN and Ms. CARSON.

H.R. 2405: Mr. PASTOR and Mr. GRIJALVA.

H.R. 2417: Mr. LEWIS of Georgia.

H.R. 2443: Mr. PATRICK MURPHY of Pennsylvania and Mr. THORNBERRY.

H.R. 2449: Mr. FILNER.

H.R. 2452: Mrs. LOWEY and Mr. WAXMAN.

H.R. 2468: Mr. DOOLITTLE.

H.R. 2484: Mr. HERGER.

H.R. 2495: Mr. DAVID DAVIS of Tennessee.

H.R. 2503: Mrs. CAPPS.

H.R. 2508: Mr. CAMPBELL of California and Mr. ALEXANDER.

H.R. 2514: Mr. ARCURI, Mr. SHERMAN, and Mr. CARNAHAN.

H.R. 2538: Mr. LARSON of Connecticut.

H.R. 2547: Mr. GILLMOR.

H.R. 2549: Mr. HERGER.

H.R. 2581: Mrs. CAPPS, Mr. MCDERMOTT, Ms. MATSUI, and Mr. WILSON of Ohio.

H.R. 2591: Mr. LAMPSON and Mr. ARCURI.

H.R. 2634: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. RANGEL, Ms. CARSON, Mr. MORAN of Virginia, and Mr. MCGOVERN.

H.R. 2668: Ms. LEE and Mr. MEEK of Florida.

H.R. 2674: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2677: Mr. DELAHUNT and Mrs. CAPPS.

H.R. 2706: Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mr. SHADEGG, and Ms. ROS-LEHTINEN.

H.R. 2708: Ms. SCHAKOWSKY, Mr. MCNULTY, Ms. KAPTUR, Mr. MCDERMOTT, Mr. SNYDER, and Ms. ROS-LEHTINEN.

H.R. 2712: Mr. BARRETT of South Carolina.

H.R. 2715: Mr. WAXMAN.

H.R. 2720: Mr. MORAN of Virginia, Mr. REYES, and Mr. WYNN.

H.R. 2723: Ms. SCHAKOWSKY.

H.R. 2727: Mr. MILLER of Florida, Mr. GOHMERT, and Mrs. CUBIN.

H.R. 2740: Mr. HALL of New York, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. STARK.

H.R. 2744: Mr. FILNER, Mr. MITCHELL, Mr. ISRAEL, Ms. LINDA T. SÁNCHEZ of California, and Mr. DEFAZIO.

H.R. 2762: Ms. HERSETH SANDLIN, Mr. RANGEL, Mr. WAXMAN, Mr. WU, and Mr. GORDON.

H.R. 2778: Mr. SERRANO and Mr. MCNULTY.

H.R. 2798: Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. PAYNE.

H.R. 2803: Ms. MOORE of Wisconsin.

H.R. 2819: Mr. BERRY, Mrs. MALONEY of New York, Ms. KILPATRICK, and Ms. SCHAKOWSKY.

H.R. 2827: Mr. BOSWELL.

H.R. 2831: Mr. BRALEY of Iowa.

H. Con. Res. 27: Mr. DEAL of Georgia and Mr. LEWIS of Georgia.

H. Con. Res. 89: Mr. STARK.

H. Con. Res. 91: Ms. MCCOLLUM of Minnesota.

H. Con. Res. 104: Mr. MCGOVERN.

H. Con. Res. 108: Mr. WATT.

H. Con. Res. 131: Mr. PRICE of Georgia.

H. Con. Res. 136: Mr. INGLIS of South Carolina.

H. Con. Res. 140: Ms. HIRONO.

H. Con. Res. 162: Mr. MCDERMOTT.

H. Con. Res. 169: Ms. SOLIS, Mr. TOWNS, Mr. NADLER, Ms. CARSON, Ms. KILPATRICK, Mr. WATT, Mr. MEEKS of New York, Mr. WAXMAN, and Mr. ENGEL.

H. Res. 106: Mr. KINGSTON, Mr. MARSHALL, Mr. DAVIS of Alabama, Mr. RODRIGUEZ, Mr. SERRANO, Mr. CUELLAR, and Mr. WICKER.

H. Res. 111: Mr. PRICE of Georgia.

H. Res. 121: Mr. HIGGINS, Mr. PASCRELL, and Ms. ROS-LEHTINEN.

H. Res. 128: Mr. CROWLEY.

H. Res. 208: Mr. REICHERT and Mr. SHERMAN.

H. Res. 241: Mr. GONZALEZ, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.

H. Res. 282: Mr. PRICE of North Carolina, Mr. MAHONEY of Florida, and Mr. PETERSON of Minnesota.

H. Res. 426: Mr. SHERMAN.

H. Res. 449: Mr. PETERSON of Minnesota.

H. Res. 482: Mr. CAMPBELL of California, Mr. SHERMAN, and Mr. MCCOTTER.

H. Res. 489: Mr. PAYNE and Mr. FATTAH.

H. Res. 497: Mr. HOLT, Mr. UDALL of Colorado, and Mr. WOLF.

H. Res. 500: Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. MILLER of North Carolina, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. FORTENBERRY, Ms. WATSON, Mr. ACKERMAN, Mr. DREIER, Mr. ROSKAM, Mr. GRAVES, Mr. BOOZMAN, Mr. PENCE, Mr. THOMPSON of Mississippi, Mr. COBLE, and Mr. LAHOOD.

H. Res. 501: Mr. CONAWAY and Mr. GONZALEZ.

H. Res. 504: Mr. DUNCAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2643

OFFERED BY: MR. FEENEY

AMENDMENT NO. 222: Page 108, beginning on line 9, strike section 414.

H.R. 2643

OFFERED BY: MR. GINGREY

AMENDMENT NO. 223: Strike page 56, lines 1 through 23.

H.R. 2643

OFFERED BY: MR. GINGREY

AMENDMENT NO. 224: Strike page 56, lines 24, through page 57, line 11.

H.R. 2643

Offered By: Mr. King of Iowa

Amendment No. 225: Page 18, line 23, insert "(increased by $100,000,000)" after the first dollar amount.

Page 58, line 3 insert "(reduced by $49,500,000)" after the dollar amount.

Page 59, line 3 insert "(reduced by $49,500,000)" after the dollar amount.

Page 66, line 23, insert "(reduced by $1,000,000)" after the dollar amount.

H.R. 2643

Offered By: Mr. King of Iowa

Amendment No. 226: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. No funds made available in Act shall be used by the Environmental Protection Agency to run computer model WinTR-55.

H.R. 2643

Offered By: Mr. Lamborn

Amendment No. 227: None of the funds in this Act may be used for the National Endowment for the Arts.

H.R. 2643

Offered By: Mr. Stearns

Amendment No. 228: Page 2, line 15, insert (increased by $2,600,000) after the dollar amount.

Page 93, line 11, insert (reduced by $2,600,000) after the dollar amount.

H.R. 2643

Offered By: Mr. Stearns

Amendment No. 229: Page 96, line 14, insert "(reduced by $31,588,000)" after the dollar amount.

H.R. 2829

Offered By: Mr. Garrett of New Jersey

Amendment No. 3: At the end of title VI, insert the following:

Sec. . None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2-02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

H.R. 2829

Offered By: Mr. Cardoza

Amendment No. 4: Page 65, line 17, insert after the first dollar amount "(reduced by $14,295,000)".

H.R. 2829

Offered By: Mr. Cardoza

Amendment No. 5: Page 65, line 17, insert after the first dollar amount "(reduced by $5,000,000)".

Page 65, line 25, insert after the first dollar amount "(increased by $5,000,000)".

H.R. 2829

Offered By: Mr. Conaway

Amendment No. 6: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2829

Offered By: Mr. Tom Davis of Virginia

Amendment No. 7: Page 48, line 15, insert after the dollar amount the following: "(increased by $1,000,000)".

Page 48, line 17, insert after the dollar amount the following: "(increased by $334,000)".

Page 48, line 19, insert after the dollar amount the following: "(increased by $333,000)".

Page 48, line 22, insert after the dollar amount the following: "(increased by $333,000)".

Page 78, line 19, insert after the dollar amount the following: "(reduced by $1,000,000)".

H.R. 2829

Offered By: Mr. DeFazio

Amendment No. 8: Page 80, line 23, after the dollar amount, insert "(reduced by $10,000,000)".

Page 81, line 10, after the dollar amount, insert "(increased by $10,000,000)".

H.R. 2829

Offered By: Mr. DeFazio

Amendment No. 9: At the end of the bill (before the short title), add the following new title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds appropriated or otherwise made available by this Act may be used by the Selective Service System to prepare for, plan, or execute the Area Office Mobilization Prototype Exercise.

H.R. 2829

Offered By: Mr. Ellsworth

Amendment No. 10: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. ___901. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

H.R. 2829

Offered By: Mr. Hulshof of Missouri

Amendment No. 11: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

Sec. 901. The amounts otherwise provided by this Act are revised by reducing the amount made available under "Election Reform Programs" for election assistance grants and by increasing the amount made available for "Federal Drug Control Programs, High Intensity Drug Trafficking Areas Programs" by $8,000,000.

H.R. 2829

Offered By: Mrs. Musgrave

Amendment No. 12: Page 146, after line 22, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act may be used to implement any pay adjustment under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)).

H.R. 2829

Offered By: Mrs. Musgrave

Amendment No 13: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

Sec. 901. Each amount appropriated or otherwise made available by this Act (including Federal funds contained in titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2829

Offered By: Mr. Wolf

Amendment No. 14: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

Sec. 901. (a) There is hereby enacted into law H.R. 473 of the 110th Congress, as introduced in the House of Representatives on January 16, 2007, and appropriated for the Commission thereby established, $1,500,000.

(b) The amount otherwise provided in this Act for "**INDEPEDENT AGENCIES**—Election Assistance—election reform programs" (for the amount specified under such heading for programs under the Help America Vote Act of 2002) is hereby reduced by $1,500,000.

H.R. 2829

Offered By: Mr. Sessions

Amendment No. 15: Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

H.R. 2829

Offered By: Mr. Flake

Amendment No. 16: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act to the Small Business Administration may be used for Detroit Renaissance for a business district.

H.R. 2829

Offered By: Mr. Flake

Amendment No. 17: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Fairplex Trade and Conference Center, Pomona, California.

H.R. 2829

Offered By: Mr. Flake

Amendment No. 18: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program.

H.R. 2829

Offered By: Mr. Flake

Amendment No. 19: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Mitchell County Development Foundation, Inc. for the Home of the Perfect Christmas Tree project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Oil Region Alliance of Business, Industry and Tourism.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the San Francisco Planning and Urban Research Association, SPUR Urban Center.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the West Virginia University Research Corporation for renovations of a small business incubator.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Youngstown Warren Regional Chamber, Salute to Success, Business Entrepreneurship Incubator.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the City of Charlotte, NC, Belvedere Business Park Project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the City of Los Angeles, Adams-La Brea Retail Project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Historic Downtown Retail Project, Valley Economic Development Center.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for SEKTDA [SE KY Tourism Development Association] for economic and small business development.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Advantage West Economic Development Group, Certified Entrepreneurial Community Program.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Boston Chinatown Neighborhood Center Workforce Development Initiative.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 30: Page 48, line 4, insert after the dollar amount the following: "(reduced by $500,000)".

H.R. 2829

OFFERED BY MR. JORDAN

AMENDMENT NO. 31: At the end of bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. Each amount appropriated or otherwise made available by this Act (including titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 8.9 percent.

H.R. 2829

OFFERED BY: MR. GOODE

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the Federal funds made available in title IV or VIII may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, section 32-701 et seq.).

H.R. 2829

OFFERED BY: MR. GOODE

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the Federal funds made available in title IV or VIII may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, section 32-701 et seq.).

H.R. 2829

OFFERED BY: MR. LUCAS

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the United States Government to seize or otherwise take possession of, other than for value given in a sale or exchange, any coin, medal or numismatic item made or issued by the United States Government before January 1, 1933, that, as of the date of the enactment of this Act, is not already in the possession of the United States Government.

H.R. 2829

OFFERED BY: MR. POE

AMENDMENT NO. 35: Page 33, line 11, insert after the dollar figure the following: "(increased by $10,000,000)".

Page 41, line 10, insert after the dollar figure the following: "(reduced by $10,000,000)".

H.R. 2829

OFFERED BY: MR. TERRY

AMENDMENT NO. 36: Page 129, after line 21, insert the following:

SEC. 744. For purposes of the provisions of law amended by subparagraph (B) of section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), relating to compensation of Members of Congress, no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 2008 in the rates of basic pay for the statutory pay systems.

Page 129, line 22, strike "744" and insert "745".

EXTENSIONS OF REMARKS

IN HONOR OF BRITTANY HULINGS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Brittany Hulings, who has been selected as a 2007 Presidential Scholar. Ms. Hulings lives in Sewickley Hills, Pennsylvania and recently graduated from Quaker Valley High School. She is an exemplary citizen and a wonderful example of what our students are capable of achieving.

Since 1964, the Presidential Scholars program has honored the nation's most distinguished graduating high school seniors. Applicants are judged based on their performance in the classroom, their commitment to the ideals of service and their aptitude for leadership. Recipients must excel in all of these areas. Earning this recognition is so competitive that of the over 3 million seniors who graduated this year, only 141 were chosen as Presidential Scholars.

In addition to her excellent academic record, Ms. Hulings has distinguished herself as a student athlete. Due to both her scholastic achievements and her skills as a golfer, she was selected as the Pittsburgh First Tees Scholar for 2007, and she also earned the Pritchett Young Ventures Scholarship. She also boasts a proven record of service, having been active in the state YMCA.

I am honored to have the opportunity to recognize Ms. Hulings's exceptional achievement of becoming a Presidential Scholar. Additionally, I would also like to recognize Ms. Hulings's parents, teachers, coaches and other role models, whom I am sure played a significant role in molding such a remarkable young woman.

RECOGNIZING LIBRARY DAY ON THE HILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize Library Day on the Hill during the American Library Association's (ALA) Annual Conference in Washington, DC. On June 26th, 2007, library supporters and sponsors will gather on Capitol Hill to display the diversity of library resources available in the United States. I am glad to support this initiative and look forward to celebrating the wealth and freedom of information that we have in this great country.

Information resources are the foundation of effective research, reporting and analyzing. Our libraries serve as a principle medium through which our communities access educational resources and electronic databases.

In New York, the Federal Library Services and Technology Act (LSTA) supports our local libraries and provides funds for New Yorkers to access electronic databases through NOVELNY, our first statewide virtual library. LSTA is also focused on strengthening the relationship between library organizations and policy makers in order to facilitate better communication and collaboration. In line with the New York State Education Department's mission "to raise the knowledge, skill, and opportunity of all the people in New York," targeted library support will ensure the greatest benefit of library resources to all New Yorkers.

I encourage my colleagues to join me in supporting Library Day on the Hill, June 26th, 2007. The services provided by our libraries are inimitable and by raising awareness of our library collections we display the freedom of information resources available in America.

CELEBRATING THE 35TH ANNIVERSARY OF TITLE IX

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. SCHAKOWSKY. Madam Speaker, June 23, 2007 marked a significant event in American history; the 35th anniversary of the passage of Title IX of the Higher Education Act. In celebrating the 35th anniversary of the Title IX law, I am pleased to honor the principle of equal opportunity before the law and applaud the amazing contributions made by women.

Title IX's impact on college sports has been well documented. However, its influence on women extends well beyond the playing field and into the classroom. When the law was passed in 1972, 46 percent of female high school students enrolled in college immediately after graduating. In 2005, that figure had risen to 70 percent and the share of bachelor's degrees earned by women had increased from 44 to 57 percent.

Title IX has also affected my life in a very personal way. I have seen how Title IX has changed the experiences of the women in my own family. When I was in school, there was no Title IX and opportunities were limited. When my daughter, Mary, was in school, Title IX was in its infancy, but it opened the door to her and her classmates to a number of options in not only sports, but careers as well. I am so excited that now that my granddaughters, Isabel, Lucy, and Eve are growing up in a time when a whole new world is available to them.

As a member of Congress I am dedicated to ensuring that Title IX remains in tact. We have made great progress as a Nation in the last 35 years; however, we must make certain that Title IX remains a bedrock principle in America. The progress we have seen in the country is just the beginning.

HONORING TAMRA TIONG

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to honor Tamra Tiong, a distinguished teacher who was voted the 2007 New Mexico Teacher of the Year, an honor bestowed by the Council of Chief State School Officers. She was also one of the four finalists chosen to receive the National Teacher of the Year award, presented at the White House. Tamra is the special education teacher for kindergarten through second grade at Dulce Elementary School on the Jicarilla Apache Indian Reservation in northwest New Mexico. She received her nomination and award for her outstanding teaching strategies, her contribution to professional development, and her community involvement.

Tamra Tiong graduated from Santa Clara University with a Bachelor of Arts degree in English. She later received a Special Education Alternative License from Northern New Mexico Community College and graduated with a 4.0 GPA. Tamra began teaching in September of 1996 at Santa Clara University as an academic tutor and mentor for student athletes. She then taught at various places, such as Americorps Corporation for National Service and Hidden Villa Environmental Education program, before arriving at Dulce Independent Schools in September of 2002.

In addition to her extensive education experience, she is a member of numerous professional associations, such as the Educational Kinesiology Foundation, Sigma Tau Delta International English Society, Alpha Sigma Nu National Jesuit Society, and Phi Sigma Tau International Philosophy Honor Society.

Tamra always knew she would one day be involved in education and recalls that when she was three years old, she would sneak worksheets and books out of her big sister's backpack and hand them out to her stuffed animals. Tamra would even grade their papers with red crayon, drawing happy faces when they "tried their best." She recognizes Mrs. Thoren, her fifth and sixth grade teacher, as the reason for her passion and devotion to education. Mrs. Thoren created a safe and embracing environment in which everyone enjoyed the journey of learning. Tamra took much of her experience from Mrs. Thoren's class and adapted it into her teaching methods and ideology.

In addition to prioritizing community service as her top priority, inclusion is the core of Tamra's teaching philosophy. She has stated:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Inclusion, to me, is not just about placement of students receiving special education services; it is a word that implies acceptance and validation of all students in a classroom, school, local and global community." Her philosophy of education, which also involves recognizing, valuing, and addressing the needs of students of various cultural, linguistic, and socio-economic backgrounds, is mirrored in her teaching style, ethics, and community involvement.

Tamra listens to each student individually and addresses behavioral issues in an attempt to get to the root of each student's problem. She believes her greatest accomplishments have been small. An excellent example was helping an insecure kindergarten student adapt to the school environment by eating lunch with her every day for an entire year, until she was comfortable enough to enter the cafeteria alone. She also recalls turning a child with a significant aggression problem on to reading so that he is now rarely seen without a book in his hand.

Tamra was previously exposed to the difficulties of attending school as a minority child, similar to the special-education students she teaches. Her prior experiences taught her to adapt to each situation separately, and upon arriving on the Jicarilla reservation, she adapted to the community by becoming a part of it. She lives on the reservation, rides her bike to school and through town, walks and runs in the neighborhood, and grows a vegetable garden in her front yard in order to share the produce with members of the community. Tamra's passion for her teaching and love of her community are demonstrated every day of her life.

Madam Speaker, Tamra Tiong is an exceptional teacher and a deeply caring member of her community. I am honored to stand here today to ask my colleagues to join me in congratulating her for receiving the 2007 New Mexico Teacher of the Year award and for being one of four finalists nationwide. I am proud to say that Tamra is a teacher in my Congressional district and that our children will be able to benefit from her passion and devotion to her students.

IN SUPPORT OF NEGOTIATING PEACE IN NORTHERN UGANDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I stand today to express my support for House Concurrent Resolution 80, introduced by Congressman HANK JOHNSON. This is the first action to be taken by the House concerning the continuing conflict in northern Uganda which has claimed so many lives. I am a proud cosponsor of a resolution calling for an unprecedented and historical effort to peacefully resolve the Ugandan conflict and garner international support for an ongoing peace process.

Jan Egeland, former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has described the crisis in Uganda as "the biggest forgotten, neglected humanitarian emergency in the world today." Twenty years of conflict has afflicted Uganda's innocent civilians, including women and children, with experiences of torture, displacement, rape, murder and enslavement. The ensuing violence impedes trade, development and democracy, and prevents humanitarian workers from providing much needed assistance to the region. Peace talks last year appeared promising; however, the ceasefire has expired and there is concern about the possibility of a return to armed conflict between the government of Uganda and the Lord's Resistance Army (LRA).

We live in a global society. This conflict and its aftermath are an international responsibility. Immediate action must be taken to ensure that the peace talks continue in northern Uganda. House Concurrent Resolution 80 calls on the Ugandan government and LRA to recommence peace talks and urges the U.S. and international community to support the peace process. I commend these efforts, endorse this bill, and look forward to a day when armed conflict and human rights violations no longer afflict our world.

CONGRATULATING THE 2007 GRADUATING CLASS OF SENN HIGH SCHOOL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. SCHAKOWSKY. Madam Speaker, today I rise to congratulate the 2007 graduating class of Senn High School. At a time when immigration reform is at the forefront of America's conscience it is important that we take a moment to recognize the important role immigrants have played in the growth of this country and the vital part they will continue to have in our development as a society.

The graduates of Senn High School represent this bright future. Demonstrating that the American dream is alive and well, the graduating class is made up of students from 60 different countries and speaks 46 different languages. The diversity and richness that these students bring from their families' culture adds so much to our community.

Like so many Americans, I am a first-generation American and I believe that we need to continue our tradition of welcoming immigrant groups from all over the world into our communities. I am so very proud of each and every one of these exemplary graduates, many of whom, in addition to be the first in the family to graduate from high school, plan to attend college as well.

Madam Speaker, as we continue to debate the merits of immigration reform, I hope that we will not lose sight of what is truly important, and that is the profound impact that immigrants have on all of us, making this country a richer and better place to live.

THE CONTRIBUTION OF AMERICA'S LIBRARIES

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. HONDA. Madam Speaker, I rise today to pay tribute to the work of America's librarians and the service of America's libraries.

Over the course of American history, libraries have established themselves as national treasures; and not just in the ways that may first come to mind. While it is true that every public library, whether small or large, is a valuable repository of books, periodicals, and electronic media, the greatest asset of all libraries is the people who work there. From local public libraries to the Library of Congress, America's libraries provide vast resources to people of all walks of life. Any individual can go into a public library and know that he or she will be treated with respect and care. Whether library patrons need help with sorting through an avalanche of information resulting from an Internet search, or ideas for a good book to read their child, or encouraging words as they struggle to write their résumé or maybe even the next great American novel, librarians are there to provide quality, individualized service. With this in mind, we know that any public institution is only as good as its people. Thus, we are fortunate in the U.S. to have more than 100,000 public libraries serving our residents with experienced, highly skilled librarians.

In the 21st century, librarians have established themselves as critical interlocutors between the knowledge we seek and the plethora of locations in which that information resides. It is important to recognize the American Library Association (ALA), which has preserved the functions of our libraries since 1876. The ALA's mission has been "to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all." Importantly, the ALA has provided professionals with Master's degree programs at nearly 60 universities all over the country.

It is imperative that we recognize the service of our American libraries and their workforce. These institutions have made great contributions to the education and progression of our society. With our continued support, libraries will continue to serve as an important resource for centuries to come.

HONORING THE LIFE AND DEDICATION OF MAJOR GENERAL GEORGE WALTER TITUS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to honor a life of service and achievements. Major General George Walter Titus passed away this month at the age of 81.

Major General Titus started his military career as a private in the 354th Infantry, 89th Division. He saw action in the European Theatre during World War II where he crossed the Rhine River at Remagen. Later, as a Lieutenant Colonel, Mr. Titus held command of 2 Battalions in succession: the 2/143rd Field Artillery and the 1/143rd Field Artillery. As a Colonel, Mr. Titus went on to serve as Commandant of the California Military Academy, from which he retired in 1981.

Upon retirement, the Governor of the State of California promoted Colonel Titus to Brigadier General and assigned him as Commander of the Second Infantry Brigade, California State Military Reserve. Thereafter, the Governor promoted Brigadier General Titus to Major General and bestowed the command of the entire California State Military Reserve.

Among MG Titus' major awards are the Legion of Merit, the Meritorious Service Medal (third award), and the Order of California. Major General Titus was an honor graduate of the United States Army Command and General Staff College.

General Titus was a life member of the Association of the United States Army. Walt, and his beloved Lucie Marx Titus, through their leadership in the William F. Dean Chapter of the Association of the United States Army, demonstrated a true devotion to the men and women of our armed services, both in our community, and throughout the country.

Today, I am humbled to recognize General Titus' numerous achievements, and I share my deepest sympathies with his wife Lucie and children Matthew and Chris.

TRIBUTE TO THE CARIBBEAN AMERICAN MEDICAL AND SCIENTIFIC ASSOCIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I stand today to pay tribute to and show appreciation for the Caribbean American Medical and Scientific Association, CAMSA, and to enter into the RECORD an article from CaribNews entitled "Saying Thanks and Recognizing the Contribution."

Health care is an integral component of our Nation's well-being, yet many communities are left without the resources to access that care or receive health services that are not compatible with their cultural needs. CAMSA is on the cutting edge of health care delivery, providing culturally competent research and solutions concerning Caribbeans who have emigrated to the United States. CAMSA is creating significant professional alliances with non-Caribbean American health professionals, developing skills and strategies to better provide resources to their communities in both the United States and Caribbean nations.

I value CAMSA's contribution at a time when policy makers and health professionals are seeking ways to deliver health care and culturally relevant social services to communities that disproportionately bear the burden of disease yet lack the health care they need. CAMSA is improving the delivery of health care, making it more accessible to our Nation's Caribbean population; and I applaud their contribution to the health field.

HONORING THE JASPER HIGH SCHOOL BULLDOGS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BRADY of Texas. Madam Speaker, I rise to honor the Jasper High School Bulldogs on their 3A Texas State Baseball Championship. Jasper, TX, is an enchanting town in southeast Texas and a proud part of the Eighth Congressional District.

The Bulldogs stormed through the State Tournament outscoring their opponents 25–7, including a 14–4 victory in the final game to set a record for most runs in the 3A State Championship game. This was their first trip to the finals, after semi-final runs five previous times.

Every member of the team contributed over their championship run and Ryan Ellis was named the most valuable player of the state tournament after he drove in four runs with three hits and pitched the final 2⅓ innings in relief of starter Aaron Stephenson. The Bulldogs played with a team mentality the entire season, and they should all be proud to call themselves champions.

Members and staff of the Championship winning team include: Head Coach: Shawn Mixon; Assistant Coaches: Steve Smith, David Ford, Joey Brown; and Players: Malcolm Bronson, Ryan Ellis, Taylor Hart, Justin Parsons, Chantz Pryor, Blake Weller-Alexander, Jaylon Clotiaux, Robert Shellhammer, Aaron Stephenson, Cord Yates, Travis Reagan, John Bradley, Garrett Harrell, Fermin Gonzalez, Parker Phillips, Tyler Ernest, Ty Parker, Matthew Daniel, and Marx Marcantel.

Madam Speaker, please join me in honoring the Jasper Bulldogs as they continue to be champions both on and off the field.

HONORING DR. DAVID L. EUBANKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor a Tennessean who truly embodies the Volunteer spirit of my home State of Tennessee.

On June 30, 2007, Dr. David L. Eubanks of Knoxville, TN, ends a remarkable run as president of Johnson Bible College in Knox County, TN.

David's journey began 54 years ago as a student at the school. His is a story of a man who was called to a higher service, not one of a man who was seeking it.

Following his own graduation from Johnson Bible College in 1953, David decided his work there was far from over. He signed on to teach at the school, and it was his work as an educator that showcased his character, purpose, and devotion.

When the trustees of the school offered him the job of president in November of 1968, it was out of the blue. But David said yes, and went on to serve as the school's leader for 39 years.

Under his leadership, Johnson Bible College has undergone a multimillion-dollar expansion and grown to over 850 students. It's a legacy that will be hard to match.

Today I honor the career Dr. David L. Eubanks, who held the title not only of president, but also of teacher, pastor, and friend to so many in the Johnson Bible College community.

Madam Speaker, in closing, I urge my colleagues to join me as I salute Dr. Eubanks and wish him the best as he enters a well-deserved retirement. I know he will continue to lead many toward higher education, and a closer relationship with God.

IN COMMEMORATION OF THE 100TH ANNIVERSARY OF SAVINGS BANK LIFE INSURANCE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. DELAHUNT. Madam Speaker, I rise today to commemorate the 100th Anniversary of a financial service product that was unique to the United States when created in Massachusetts in 1907. I refer to Savings Bank Life Insurance, which was the brainchild of Louis D. Brandeis, then a prominent Boston attorney and subsequently, of course, an Associate Justice of the United States Supreme Court. Legislation authored by Brandeis that created Savings Bank Life Insurance of Massachusetts was signed into law 100 years ago today by Massachusetts Governor Curtis Guild, Jr.

At a time when life insurance was often too expensive for ordinary citizens and especially recent immigrants to afford, Louis Brandeis examined the "delivery system," as we would call it in modern parlance, and concluded the Commonwealth's mutual savings banks could best fill this unmet need by selling life insurance policies directly to their depositors. Now, of course, financial services companies routinely offer banking and insurance products, but in 1907, this was a bold experiment. Indeed it was not until 1999 that this Congress passed legislation formally allowing banks and insurance companies to affiliate throughout the United States.

In the 100 years since its establishment in Massachusetts, Savings Bank Life Insurance has gained broad consumer acceptance to the point where the Savings Bank Life Insurance Company of Massachusetts has become the leading provider of ordinary life insurance in Massachusetts. The company, headquartered in Woburn, Massachusetts, has nearly $2 billion in assets and $70 billion of life insurance in force.

I am especially pleased to note that, as the centerpiece of its centennial celebration, the Savings Bank Life Insurance Company of Massachusetts has underwritten the production of a documentary entitled "Louis Brandeis: The People's Attorney," that traces the life and achievements of Justice Brandeis through the use of archival footage, images and reenactments, and features commentary by U.S. Supreme Court Justice Stephen Breyer, U.S. District Court Judge Mark Wolf, and several noted Brandeis scholars, as well as personal recollections by his three grandchildren. Produced by Emmy-award-winning Stuart Television Productions, the documentary will air on selected PBS television stations later this year.

Gerald T. Mulligan and Robert K. Sheridan, who serve respectively as chairman and chief executive officer of the Savings Bank Life Insurance Company of Massachusetts, deserve our appreciation not only for being the stewards of what Justice Brandeis called his greatest achievement, but for their efforts in the form of this new documentary to preserve and promote the life story of Justice Brandeis himself.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. WESTMORELAND. Madam Speaker, I stayed at home due to an ongoing medical condition of a family member. As a result, I missed a number of votes. Had I been present, I would have voted the following:

Aye on H. Res. 189, expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established. (Rollcall No. 549)

Aye on H.R. 2546, to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center." (Rollcall No. 550)

INTRODUCTION OF PAYDAY LOAN REFORM ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Payday Loan Reform Act of 2007. I want to thank original cosponsors LUIS GUTIERREZ, KEITH ELLISON, and JANICE SCHAKOWSKY for their support on this issue.

Payday loans are short-term cash loans based on the borrower's personal check held for future deposit or electronic access to the borrower's bank account. These loans range in size from $100 to $1,000 and average about 2 weeks in length. Finance charges can range from $15 to $30 for a $100 loan and the average annual percentage rate on payday loans ranges from 390 to 780 percent for a 2-week loan. Let me repeat that: the average annual percentage rate on payday loans ranges from 390 to 780 percent.

It is well known that payday lending is rapidly expanding. In fact, at the end of 2006, the Center for Responsible Lending reported that the approximately 25,000 payday loan outlets in the country had an annual loan volume of at least $28 billion. These lenders charged over $4 billion in loan fees to consumers.

All someone needs to get a payday loan is an open bank account in fairly good standing, a steady source of income, and a form of identification. Full credit checks, or even questions asked to establish if a person can afford to repay the loan, are rarely conducted. I believe lending that fails to assess a borrower's ability to repay, that requires consumers to write checks on insufficient funds, and that encourages perpetual debt is unacceptable.

As such, we are introducing this bill today, which addresses important aspects of payday lending. First, it addresses "rent-a-banks," which are banks that partner with payday lenders to make single-payment and installment loans. These arrangements are designed to allow payday lenders to evade small loan laws in their respective states. This bill prohibits insured financial institutions from making payday loans, either directly or indirectly. Second, this bill prohibits payday loans based on checks drawn from depository institutions. Basing loans on personal checks that will be deposited to repay the loan on the next payday can be a key to the coercive collection tactics. This bill will prohibit the holding of a check as security for a loan and can help end these practices.

Congress has enacted legislation to address the personal responsibility of lenders and while I believe that individuals must take greater responsibility for their debt, the lending industry must also be held accountable for targeting those individuals who are unable to payoff their debts. Last Congress, as part of the National Defense Authorization Act, we included language that provided these important protections to members of the armed forces. I urge my colleagues to support this legislation to ensure that these protections are given to all consumers.

HONORING FAIRFAX AND PRINCE WILLIAM COUNTY PUBLIC LIBRARIES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to celebrate the efforts of public libraries in Fairfax and Prince William Counties.

Public libraries have always been a great source of knowledge for the community. Recognizing the importance and need of public libraries, Benjamin Franklin, founder of the United States' first public lending library, once said that "an investment in knowledge always pays the best interest." Public libraries enrich our lives by providing society with educational resources, a communal gathering place, free access to the internet and interactive services that engage the public in the joys of reading. Libraries allow people of every age to independently self educate themselves by taking advantage of the great programs and services offered.

Madam Speaker, in closing, I would like to take this opportunity to commend public libraries in Fairfax and Prince William Counties for the invaluable services they provide to the community.

RECOGNIZING THE ACCOMPLISHMENTS OF BILL DEARMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Bill Dearman of Alexandria, VA. Bill Dearman's retirement will mark the conclusion of 10 years of extraordinary and dedicated leadership as executive director of the Alexandria Redevelopment and Housing Authority.

Mr. Dearman's professionalism and commitment to making quality homes affordable to Alexandria's neediest citizens has led to a number of great accomplishments. Among these was the redevelopment of the Samuel Madden Housing Project into what is now the nationally recognized award-winning Chatham Square. In addition he oversaw the development of various scattered site public housing replacements in middle class neighborhoods such as, Braddock Road, Quaker Hill, Cameron Valley and the rehabilitation and refinancing of Jefferson Village.

Mr. Dearman has improved the quality of life and economic opportunity of all Alexandrians by contributing in a major way to Alexandria's economic and racial diversity and affordability.

Mr. Dearman should be deeply appreciated by all Americans for his years of service to the city of Alexandria. I wish all the best to him on his retirement with his family in Atlanta, GA.

INTRODUCTION OF THE "PREPARE ALL KIDS ACT" OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am pleased to introduce the "Prepare All Kids Act," which would assist states in providing at least one year of high quality, full-day pre-kindergarten education to all children, targeting children from low-income families. Introduced in the Senate by my colleague on the Joint Economic Committee, Senator CASEY of Pennsylvania, I am happy to be introducing this House companion bill along with original cosponsors Representative HINCHEY of New York and Representative SCHWARTZ of Pennsylvania.

Tomorrow Senator CASEY and I will hold a hearing on the economic case for early childhood education. According to a landmark study on life outcomes of children who attended the Perry Preschool Program in Michigan, every dollar invested, high quality early education programs saves more than $17 in other costs, including crime, welfare and education costs.

Clearly, children are our Nation's greatest resource. The "Prepare All Kids Act" is not only the right thing to do for our children; it's a wise investment in our future.

FREEDOM FOR JOSÉ GABRIEL RAMÓN CASTILLO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about José Gabriel Ramón Castillo a political prisoner in totalitarian Cuba.

Mr. Ramón Castillo was a respected professor of mechanical theory at Álvaro Barriel Cruz Polytechnic. As a professor, he was committed to his students and to helping them advance in their studies. After becoming more and more aware of the propaganda mandated by the dictatorship, he was unable to continue with the charade of manipulating young students with the lies and treachery of a tyrannical regime. Because of his strong belief and commitment to truth and democracy for the Cuban people, Mr. Ramón Castillo eventually became the director of the Independent Culture and Democracy Institute. As part of his efforts to bring international attention to the crimes committed against the people of Cuba, he began to work as an independent journalist to chronicle the reality of deprivation and misery that characterizes life under the totalitarian regime.

Mr. Ramón Castillo was repeatedly subjected to persecution and harassment by the dictatorship from the beginning of his involvement in the movement to make possible a free and democratic Cuba. On March 19, 2003, Mr. Ramón Castillo was arrested as part of the dictatorship's monstrous crackdown of that year on peaceful pro-democracy activists. In a sham trial, he was unjustly "sentenced" to 20 years in the tyrant's sub-human dungeons.

Confined in the infernal squalor of Boniato prison in eastern Cuba, Mr. Ramón Castillo currently suffers from numerous medical afflictions, afflictions only worsened by the grotesquely inhuman quarters in which he is forced to survive. In November 2005, Mr. Ramón Castillo was diagnosed with cirrhosis of the liver. His family pleaded to prison officials that he be conditionally released to attend to his rapidly deteriorating health. Their pleas went unanswered and in February 2007 prison personnel explained that he would be scheduled to undergo a laparoscopic biopsy of his liver; a procedure that Mr. Ramón Castillo had already endured in 2005 and that the prison thugs knew he would be forced to refuse because he is too weak to undergo the procedure because of malnutrition, lack of medical attention, and the seriousness of his diabetes and other illnesses.

It is unconscionable for any man to be confined in the grotesquely inhuman Castro dungeons for his belief in democracy. Mr. Ramón Castillo is one of the many heroes of the Cuban pro-democracy movement who are chained in the dungeons of the dictatorship for their beliefs. Mr. Ramón Castillo represents the best of the Cuban nation, a nation oppressed but not destroyed, bound and gagged but not resigned to live in tyranny.

Madam Speaker, it is intolerable that Mr. Ramón Castillo is languishing in the totalitarian gulag 90 miles from our shore simply because he believes in freedom and democracy. He is a symbol of freedom and democracy who will always be remembered when freedom reigns again in Cuba. My colleagues, we must demand the immediate release of José Gabriel Ramón Castillo, and every prisoner of conscience suffering in totalitarian Cuba.

PERSONAL EXPLANATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ISSA. Madam Speaker, on Monday, June 25, 2007, I was absent from the House.

Had I been present I would have voted: On rollcall No. 548—"yea"—H. Res. 189—Expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established. On rollcall No. 549—"yea"—H.R. 2546—To designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center."

A TRIBUTE TO FORMER NEW JERSEY STATE SENATOR BYRON BAER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ROTHMAN. Madam Speaker, I rise today to pay tribute to my good friend, Byron M. Baer, a successful and beloved figure in New Jersey politics. Mr. Baer died Sunday, June 24, 2007 of complications from congestive heart failure.

Byron Baer, a 50-year resident of Englewood, NJ, was a legendary figure in Bergen County, and indeed, the entire Garden State. He served 11 terms in the New Jersey State Assembly before winning the District 37 State Senate seat in 1993. He served in this capacity with great distinction until illness forced his resignation in September 2005.

He is perhaps best known for legislation he introduced in 1974, the "Open Pubic Meeting Act" (or Sunshine Law), an Act requiring that official business be conducted in public forums and not behind closed doors. As a champion of open government, Byron Baer worked tirelessly with the media and his colleagues in the State government to ensure that open meetings would become a national model for all States. He was singularly honored in 2006 when the Act was renamed the "Byron M. Baer Open Public Meetings Act." He was also inducted in the Open Government Hall of Fame on the recommendation of the National Freedom of Information Coalition and the Society of Professional Journalists.

Among his many notable legislative accomplishments were the enactment of the Toxic Catastrophe Prevention Act, a law establishing safeguards to prevent chemical industry disasters; a truth-in-pricing law; and reestablishment of the Office of the Child Advocate, an independent watchdog of the state's child welfare system; and he was a primary sponsor of New Jersey's Identity Theft Prevention Act.

His passing will leave an enormous void in the New Jersey political arena. Although declining health contributed to his retirement two years ago, he remained a respected and revered resource for state legislators in Trenton. Byron Baer was devoted to his constituency, and he was a full-time lawmaker. As such, he understood every word and nuance in the legislative process and he never gave up in his efforts to fight for the environment, organized labor, children, migrant workers, and the less fortunate in our society.

I join with his many friends and colleagues in mourning his passing and I extend my heartfelt condolences to his beloved wife, Linda, his brother, Donald, his children David Baer and Laura Baer Levine, his stepchildren Lara Rodriguez and Roger Pollitt, and his three grandchildren. He was a great man and he will be greatly missed.

EDMUND MUSKIE AWARD FOR NANCY PELOSI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. ESHOO. Madam Speaker, the following remarks were delivered by Peter Kovler, Chairman of the Board of the Center for National Policy in Washington, DC, on June 19, 2007, on the occasion of Speaker Nancy Pelosi being the recipient of the Center's prestigious Edmund Muskie Award.

In the entire history of the United States, I believe there have been three powerful Speakers of the House during moments of war. Henry Clay in the nineteenth century, Sam Rayburn during World War II and now Nancy Pelosi during our simultaneous wars on terror and the war in Iraq.

But there is one stark difference between Speaker Pelosi and Speakers Clay and Rayburn; and that is she has an opposing view to the contemporaneous President of the United States on how those wars should be run; and her courage and her steadfastness in those views arguably make her the single most significant Speaker in our Nation's history.

How did Nancy Pelosi get to this point; and how this nation is so fortunate to have her; and how an award named for Ed Muskie is so appropriate are a few of the points I would quickly like to address.

In my view Nancy Pelosi has come to be our most important foreign policy Speaker in part because of how she served in the House before her rise to this position. As a 10 year member of the House Permanent Select Committee on Intelligence, she was its longest continuous serving member. The experience and knowledge gained there has made her able to deal with these issues in a sophisticated way, rather than just guessing or speculating at what might be important. No wonder she had the knowledge and skepticism that comes with knowledge to oppose initially the Iraq invasion and occupation, even when that kind of vote was so difficult in those political and cultural circumstances. And no wonder she knew so much about terrorism issues that she would have the confidence to make implementation of the 9/11 Commission recommendations her very first piece of legislation in her first five months.

How fortunate are we to have her as the Speaker of the House is one way to pose a question, but a second way is to ask what it would be like if we had a speaker who had no background in foreign policy analysis or in intelligence analysis and not even any curiosity about the subject. I think the answer is obvious, and we would have a House of Representatives that was at best disinterested, but most likely passive in the face of the Executive Branch and passive in the face of an American public that is crying out for better alternatives.

Finally, I would like to address why the Muskie Award is especially appropriate for Speaker Pelosi.

For those of us in this room of a certain age, we know that Ed Muskie's public life was inextricably tied to the Vietnam War. He wrestled with that as the vice presidential candidate in 1968. It happened again in his seeking the presidential nomination in 1972. And though not getting wide public notice, he did so again in the 1980s when as chairman of this organization he ran numerous meetings on Vietnam policy, led a delegation to Hanoi and, though still controversial, advocated a new policy towards that country that included their recognition.

I bring this up because the Vietnam War has played such an enormous part in our thinking on the Iraq War. For better or worse, it is the single most significant historical parallel we use in trying to come to grips with the Iraq War.

And I believe that I can say with enormous confidence that Ed, first a believer in the Vietnam mission and then a skeptic about the choices we made, would have been so very proud to have Speaker Pelosi as the recipient of an award named after him.

Ladies and Gentlemen, I present to you this year's winner of the Center For National Policy's Edmund Muskie Award, Speaker Nancy Pelosi.

TRIBUTE TO KIMBERLY HIGH SCHOOL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. PETRI. Madam Speaker, I want to pay tribute to Kimberly High School, located in Wisconsin's Sixth Congressional District, for accomplishing a feat unprecedented in the history of the Wisconsin Interscholastic Athletic Association (WIAA).

The Kimberly High School Papermakers were victorious in the WIAA Division 1 championship in both girls' softball and boys' baseball, marking the first time in Wisconsin history that this title has been won in the same year by two sports teams from one high school. For these high school students to have achieved this is nothing short of remarkable.

During the season, the softball team celebrated a 23–4 record, capturing the state title and earning the Fox Valley Association Conference title. Equally as impressive, the baseball team posted a 20–6 record, winning the WIAA Division 1 Boys' Baseball State Tournament.

The hard work, dedication and teamwork of these young men and women is commendable and enabled them to become the best softball and baseball teams in the State of Wisconsin this year. These students are a source of pride and inspiration for the Village of Kimberly and the entire Kimberly Area School District.

Madam Speaker, it is because of this unique accomplishment that I extend congratulations and celebrate the championship wins of the Kimberly Papermakers.

TRIBUTE TO MR. RICHARD J. (JIM) BAILEY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Richard J. (Jim) Bailey, who will retire from the Defense Logistics Agency's (DLA), Defense Supply Center Richmond (DSCR), Richmond, VA, on July 31, 2007. Mr. Bailey's distinguished government career spans 32 years, and his record of achievement during this period reflects greatly upon himself and upon the organizations with which he has served. His contributions to national defense will be missed as he moves on to new and exciting opportunities.

Mr. Bailey was appointed to the Senior Executive Service position of Deputy Commander, DSCR in July 2000. The DSCR is DLA's Managing Center for the Aviation Supply and Demand Chain that manages more than 25 percent of DLA's 4 million consumable items. He provided leadership to more than 2,900 civilian and military personnel, located at 11 different locations, performing logistics support management for over 1.25 million national stock numbers. The customer base for the Aviation Supply and Demand Chain reaches worldwide with over 24,000 customers throughout the Department of Defense (DOD), other government agencies, and foreign militaries.

A native of Philadelphia, PA, Mr. Bailey has followed a diverse career path of increasing responsibility culminating in his appointment as Deputy Commander. In 1975, he entered the Federal service as an inventory management specialist trainee a the Defense Industrial Supply Center in Philadelphia, PA, where his assignments included inventory management specialist, supply systems analyst, and senior supply systems analyst. In 1986, Mr. Bailey moved to the Defense Supply Center Richmond to serve as the Chief of the Requirements Systems Management Branch of the Supply Operations Directorate. He subsequently held positions as Chief of the Distribution Systems Management Branch, the Logistics Programs Division Chief, and Deputy Director.

In 1995, Mr. Bailey became the Director of the Business Management Directorate, where he served for 2 years. He moved to become the Director of Planning and Resource Management in 1997. Mr. Bailey was selected as Deputy Executive Director for Procurement in 1998 and then Deputy Director of Business Operations. He also served as the Deputy Administrator of the Information Processing Center, Richmond, before this mission was transferred to the Defense Information Systems Agency.

In 1999, Mr. Bailey was appointed as DSCR's Business Supply Manager and served as DSCR's representative on the core integrated processing team for Business Systems Modernization. In this capacity, he played an important role in developing a recommendation for using Commercial-Off-The-Shelf software for an Enterprise Resource Planning (ERP) system to replace the Standard Automated Material Management System. Today, DLA is the only agency in the entire Department of Defense that has a successful ERP implementation, and Mr. Bailey played a critical role throughout the entire process.

Mr. Bailey attended St. Joseph's University in Philadelphia, graduating in 1973 with a bachelor of science in Marketing-Management. He earned a master of business administration from La Salle University in 1988. He attended the Office of Personnel Management Federal Executive Institute in 1995 and the Senior APEX Orientation Program in 2002. He is the recipient of numerous special achievement and performance awards.

Madam Speaker, I am honored to ask my colleagues to join me in congratulating Jim Bailey on his retirement from Federal civil service. He is a remarkable public servant who has served our Nation, the Department of Defense, and the Defense Logistics Agency and continually epitomized the dedication and professionalism that make our Federal Government a model all over the world.

HONORING MAJOR GENERAL SCHUYLER BISSELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the life of MG Schuyler Bissell, USAF (Ret.), who passed away on June 13, 2007 at the age of 76. Major General Bissell lived his life with honor. He exemplified dedication, and he committed himself to serving others. This is the inheritance he leaves his family and all those who knew him.

A fellow native of my hometown of Laurel, MS, General Bissell began his service in the Air Force in 1952. He would eventually complete 119 combat missions over North Vietnam at the controls of his F–4C Phantom. For his heroism he received three Distinguished Flying Crosses and was awarded the Air Medal a remarkable 10 times. A Command Pilot, he would eventually accumulate over 5,500 flying hours.

After several commands in the fighter community, General Bissell transitioned into the field of military intelligence. He would go on to serve as the U.S. Defense Attaché in Israel, as Deputy Assistant Chief of Staff of the Air Force for Intelligence, and would conclude his career as the Deputy Director of the Defense Intelligence Agency.

General Bissell and his wife Polly settled in the Nashville area in 1992 as he began a second career in service to our community. At St.

George's Episcopal Church, he served as a lay Eucharist Minister, as an usher and greeter, as Chairman of the Parish Life Committee, and as a member of the Capital Campaign Committee. General Bissell would found a group called Champions in Christ at St. George's in 1999. His leadership led to the exponential growth of this program. Most recently, he felt God's call to begin working on a Pastoral Healing Ministry.

General Bissell was dedicated to his country and community, but above all to his family. In addition to Polly, he leaves behind two daughters and six grandchildren.

Madam Speaker, I ask my colleagues to join me in celebrating the life of MG Schuyler Bissell.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. NEUGEBAUER. Madam Speaker, on Monday, June 25, I was absent from rollcall votes 549 and 550 due to a weather-related flight delay.

Had I been present, I would have voted "yea" on rollcall vote 549 in favor of H. Res. 189, expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established.

On rollcall 550 on passage of H.R. 2546, designating the Charles George Department of Veterans Affairs Medical Center, I would have voted "yea."

IN HONOR OF LOU FALCONI

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor Mr. Lou Falconi. Lou was born and raised in Farrell, Pennsylvania, a small steel town located in my district. After Lou attended college and served a tour of duty in Vietnam, he returned home to Farrell and began what would become a long and successful career as a teacher and a football coach.

Named as the Farrell High School head football coach in 1980, Lou spent the next 27 years raising the spirits of Farrell residents through his team's excellence on the field. Lou compiled a career record of 210 wins versus 91 losses and 6 ties. Under Lou's leadership, the Farrell Steelers won two PIAA Class A State Championships, four WPIAL Championships, and a District 10 title. Lou was named Coach of the Year three times by the Pennsylvania Scholastic Football Coaches Associated and was recognized as Conference Coach of the Year eight times by his coaching peers.

On June 19th, 2007, Lou received the ultimate reward for his distinguished career—an induction into the Pennsylvania Scholastic Football Coaches Association Hall of Fame.

I want to commend Lou for his commitment to the community of Farrell both in the classroom and on the football field and congratulate him on this well deserved achievement.

IN RECOGNITION OF METLIFE CHAIRMAN OF THE BOARD, PRESIDENT AND CHIEF EXECUTIVE OFFICER C. ROBERT HENRIKSON'S 35TH ANNIVERSARY AT THE COMPANY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to congratulate C. Robert (Rob) Henrikson upon the occasion of his 35th Anniversary with MetLife. Mr. Henrikson has been a remarkable corporate executive who has excelled at leading one of our Nation's premiere insurance companies while at the same time helping to shape the national dialogue about retirement security.

Mr. Henrikson is one of the rare executives to have risen through the ranks to lead the company. Currently, chairman of the board, president and chief executive officer of MetLife, he started his career at the company as a sales representative. He began by selling individual polices to consumers and soon was selling multi-million dollar insurance and investment contracts to the largest employers in the country. His talent was quickly recognized and he was promoted to roles of increasing breadth and responsibility, eventually heading up MetLife's pensions business, group insurance and retirement and savings businesses, auto and home, asset management and MetLife Bank.

A leader of great vision, Mr. Henrikson has been the architect of aggressive growth and strategic investment for MetLife and has greatly aided its expansion and dominance as one of the world's premier and successful companies. With great intelligence, skill and insight, Mr. Henrikson has been instrumental in maintaining MetLife's supremacy in an increasingly competitive global market. Throughout his career, he has earned the admiration, esteem and affection of his colleagues.

Mr. Henrikson received his B.A. degree from the University of Pennsylvania and a J.D. from Emory University School of Law. His dedication to both institutions continues, and he is currently serving as chairman of the board of Wharton's S.S. Huebner Foundation for Insurance Education, and as a member of both the Emory Law School Council and the Emory Campaign Steering Committee.

Mr. Henrikson has been a leader in the success and evolution of the insurance industry today. He was an active member of the Committee on Economic Development's Subcommittee on Social Security Reform and a guest speaker at the Economist-sponsored international convention on that topic in Madrid, Spain. At a 2004 hearing of the House Education and the Workforce Committee, Mr. Henrikson testified about the degree to which Americans have underestimated the amount of savings they need for retirement and overestimated the rate at which they can safely withdraw from savings if they want to make their money last throughout their retirement. Mr. Henrikson is a board member of the American Council of Life Insurers and a board member emeritus of the American Benefits Council.

While Mr. Henrikson has contributed much to the Nation in his professional life, he has also been dedicated to his community in his private life. Mr. Henrikson serves on the National Board of Advisors at the Morehouse School of Medicine, the board of directors of The New York Botanical Garden, the board of directors of the New York Philharmonic and is a trustee of the American Museum of Natural History.

Madam Speaker, I ask my distinguished colleagues to join me in congratulating Mr. Henrikson for his 35 years of service at MetLife and to recognize the dedication and commitment Mr. Henrikson has shown to our great Nation throughout his esteemed career.

CONGRATULATING THE ASTOR RESTAURANT ON ITS 50TH YEAR IN OPERATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ORTIZ. Madam Speaker, I rise to congratulate the Astor Restaurant in south Texas, and its owners, on the restaurant's 50th anniversary.

In reaching its 50th year in operation, the Astor stands as both a symbol of Corpus Christi's commercial growth and as a tribute to the city's hospitality and diversity.

Opened by Bill Sissamis and his father Louis, on Father's Day, June 16, 1957, just 10 years after their emigration from Greece, the Astor offers recipes that are unique to the Corpus Christi area. The family-owned restaurant is renowned for its mesquite-broiled steaks that are basted with a secretly blended sauce and its owners' hospitality.

The restaurant has remained successful during its 50-year history because its owners have remained part of the kitchen and the front counter, ensuring that family members are always part of the food and service.

The Astor exemplifies the importance of diversity in a community. It is the oldest of several Greek-owned Corpus Christi restaurants. The small society of Greek-American restaurateurs within the city represents the genius and industriousness of America and the immigrant families who improve our Nation every day.

Greek-American restaurateurs now employ hundreds of Corpus Christi residents while offering great food and spirit. This community of entrepreneurs is an inspiration to millions of immigrants worldwide but especially to those in south Texas who stand to contribute to their new home and benefit through hard work and discipline.

I commend the owners of the Astor on this special moment in their history, for being part of the economic development in Corpus Christi, and for five decades of making special food and occasions for their customers in south Texas.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. FORTENBERRY. Madam Speaker, on Monday, June 25, 2007, I was unavoidably detained and thus I missed rollcall votes Nos. 549 and 550. Had I been present, I would have voted "yea" on both votes.

TRIBUTE TO WORTHINGTON LIBRARIES

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. PRYCE of Ohio. Madam Speaker, it is a distinct honor to rise and recognize Worthington Libraries, recently named the 2007 Library of the Year by Library Journal and Gale.

The roots of Worthington Libraries can be traced to 1803 and the small town of Granby, CT, where a group of 100 men, women and children set out to begin a new life in Worthington, OH, bringing their collections of books with them. The library which was formed to manage those books was the first in Franklin County and only the third in Ohio.

The first building to actually house the collection came in 1927 when Elizabeth Jones Deshler donated money for a library building on the northeast corner of the Village Green, the area set aside by Worthington's founders for the public pursuit of learning and education. Mrs. Deshler dedicated the building to the memory of her grandfather, Worthington founder James Kilbourne. In 1931, Mrs. Deshler funded the addition of north and south wings on the James Kilbourne Memorial Library Building.

With a new location and an additional building, the current Library offers the world-class service and learning environment to match its storied past. The library is still the focal point of the community, emphasizing accountability to its patrons through rigorous, forward-looking planning and quality service that embraces not just adults but also children and teens. The community returns the compliment with strong financial support, giving the library 65.5 percent of its funding, even though three-quarters of Ohio's public libraries get most or all of their funding from the State.

Innovations which contributed to Worthington Libraries' selection for Library of the Year included a roving reference librarian, new ways to promote high-traffic items like popular fiction, a teen blog and "MySpace" page, adult programming that extend to forums sponsored with the town's Council for Public Deliberation, and strong e-assets that include not only 164 top-notch electronic resources and more than 8,000 full-text periodicals but also TumbleBooks, which provides animated stories for children.

It is an honor to represent a community which prides itself upon the pursuit of knowledge, and the Worthington Libraries nobly provides that endeavor for its residents. Congratulations to all the staff of Worthington Libraries for continuing to find new ways to promote reading and learning.

CHARLES W. LINDBERG—AMERICAN HERO

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RAMSTAD. Madam Speaker, I rise to pay special tribute to Charles W. Lindberg, who passed away Sunday in Minnesota. Today would have been Chuck's 87th birthday.

Chuck Lindberg was a real American hero and a great patriot. He was a Marine who carried a 72-pound flamethrower into some of the most horrific battles in the Pacific during World War II. He earned the Silver Star for valor, was shot in the arm and was honored with the Purple Heart.

Chuck was a true profile in courage. And if you do not know his name, I guarantee you know of one of his heroic acts. Chuck Lindberg, you see, helped raise the first American flag atop Mount Suribachi on February 23, 1945, during the Battle of Iwo Jima. That historic moment is captured in the famous sculpture at the Marine Corps Memorial by the Pentagon.

Chuck Lindberg truly represented the best of Duty, Honor, and Country and personified our nation's commitment to freedom.

On a personal level, I considered Charles Lindberg a good friend and very much appreciated and enjoyed our visits over the years. I was deeply inspired by hearing about his historic flag raising on Iwo Jima. I will always remember Chuck and that famous depiction of the flag raising will keep his spirit alive forever.

Madam Speaker, Chuck Lindberg will go down in history as one of the greatest Minnesota patriots of all time. He was the last survivor among the men who raised that first flag. Before Iwo Jima, Chuck Lindberg bravely fought at Guadalcanal and Bougainville as part of Carlson's Raiders, an elite unit that operated behind enemy lines.

Chuck was a hero in every way, and he never stopped being a hero. He dedicated his life to raising awareness of the sacrifices made by our Nation's brave fighting men and women.

He reached out to other veterans and he spoke to veterans' groups and at schools. The Minnesota Legislature has passed a resolution in Lindberg's honor and Chuck is mentioned on several Minnesota war memorials.

Madam Speaker, Chuck Lindberg was a modest man, like so many members of the Greatest Generation. Today, in Minnesota and here in our Nation's Capital, we honor him by not being so modest about his great accomplishments. We are deeply grateful for his many selfless contributions to our freedom and liberty.

Our thoughts and prayers go out to Chuck's wife of 59 years, Violette, and daughters Diane Steiger and Karen Davidson and sons Rod, Rick, and Jeff.

IN COMMEMORATION OF CAPTAIN ALLISON D. WEBSTER-GIDDINGS' NAVY CAREER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. STARK. Madam Speaker, I rise today to commend CAPT Allison D. Webster-Giddings, U.S. Navy, for an exemplary and honorable Naval career. Captain Webster-Giddings, a native of Birmingham, MI, is a 1984 graduate of the United States Naval Academy.

After earning her Naval Aviator wings in January 1986, Captain Webster-Giddings deployed to Helicopter Combat Support Squadron SIX, NAS Norfolk, VA, where she completed tours to the Mediterranean Sea aboard SNS *Sirius*, USS *Concord* and USNS *Saturn*. In 1989, Captain Webster-Giddings was assigned to the Commander, Naval Air Force, Atlantic, Air Operations Staff. In 1991, she was selected for Class 101 of the USN Test Pilot School, NAS Patuxent River, MD. Upon completion, she was assigned as the Dynamic Interface Department Head and H–46 project pilot of Rotary Wing Aircraft Test Directorate.

In 1994, Captain Webster-Giddings transitioned into the Aerospace Engineering Duty Officer community and was assigned as the Avionics Systems Project Officer for H–60/H–3/H–3 aircraft at the Naval Air Systems Command. During this tour, she led the PMA–299 avionics team for the MH–60R/S aircraft and existing fleet avionics programs. Captain Webster-Giddings returned to the Test Pilot School in 1997, this time as an instructor.

Captain Webster-Giddings commanded the Defense Contract Management Agency, Lockheed Martin Systems Integration, Oswego, NY, from 1998–2001. Her command was responsible for the oversight and esxecution of $4 billion of Defense Department contracts. During this tour, the command received the DCMA Flight Award "Small Activity" and the Federal Service John N. Sturdivant Award.

In October 2001, Captain Webster-Giddings returned to the United States Naval Academy. She currently serves as the Director, Faculty and Staff Programs, Center for Ethical Leadership. She has served as Deputy Director, Officer Development Division and Associate Chairman of the Weapons and Systems Department. She has taught several engineering, ethics, and leadership courses. She has served as the Officer Representative of the Women's Crew team and the Captain Joy Bright Hancock Organization (a women's professional organization).

Captain Webster-Giddings education includes a master's degree in aviation systems from the University of Tennessee, Space Institute, with qualifications in test and evaluation, program management, systems engineering and production, and maintenance and quality assurance.

Her personal awards include the Defense Meritorious Service Medal, the Navy Commendation Medal (three awards), and the Navy Expert Pistol Medal. She has been lauded twice by the National Aviation Club at its annual "Women in Aviation" recognition ceremony. Over the course of her career, Captain Webster-Giddings has logged over 2200 flight hours and flown over 35 different aircraft, including the first flight on the SH–60S. She holds commercial aviation ratings in helicopter, single-engine fixed-wing, and dual-engine fixed-wing aircraft.

I would like to personally thank and congratulate her for her distinguished service to our Nation.

LIST OF PROJECTS REQUESTED TO RECEIVE FEDERAL FUNDING AS PART OF THE FY08 APPROPRIATIONS PROCESS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. LOFGREN of California. Madam Speaker, I rise today to submit into the CONGRESSIONAL RECORD a list of projects that I have requested receive federal funding as part of the FY08 appropriations process. The projects requested in the list below were presented to me by constituents, local groups and local governments.

Project Name: AACI Community Health Clinic. While approximately 30 percent of Santa Clara County residents are Asian, AACI provides the only Asian-focused community health clinic in the County. Funding would help create negative pressure rooms, and create infection control and respiratory protection equipment. It would also help to retain staff, help them advance professionally, and ensure that they are knowledgable about best practices in the field.

Project Name: Advanced IED Jammer Research & Development Program. The Advanced IED Jammer Research & Development Program will substantially advance the U.S. Military's ability to combat and defend our troops against roadside bombs.

Project Name: Anti-Microbial Nanomaterial for Battlefield Medical and Dental Use. Funding will help in developing an anti-microbial nanomaterial which would be used to destroy bacteria and fungi affecting U.S. service members

Project Name: ATTWR Special Module. The Advanced Tactical Threat Warning Radio (ATTWR) Special Module Project will provide Special Operations Forces with the ability to clandestinely identify and locate IED bomb making factories, terror cells, and insurgent commanders.

Project Name: Blossom Hill/Monterey Highway Crossing, San José. This funding will complete construction of a pedestrian overpass across railroad tracks and a four-lane highway in the vicinity of Blossom Hill Road and Monterey Highway (State Route 82), which divide rapidly growing residential and commercial sites into four quadrants.

Project Name: Bus Rapid Transit Alternatives Analysis. This funding request is for conducting an alternatives analysis to allow the Santa Clara Valley Transportation Authority (VTA) to develop an integrated Bus Rapid Transit (BRT) network that would link major activity and employment centers throughout Santa Clara County, and offer high-quality public transit service to areas that are not served by VTA's light rail system.

Project Name: California Bay-Delta Restoration Program. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta System.

Project Name: Collaborative Affordable Homes for San Jose Families. These funds would be used for the building of homes for low income families and providing vocational skills to at-risk young men and women.

Project Name: Collaborative Response to Victims of Domestic Violence. This project will initiate a new model of collaborative education, training and community response to victims of domestic violence.

Project Name: Coyote and Berryessa Creek Project. The Coyote Creek project provides protection to the area downstream of Montague Expressway in Milpitas and San Jose where potential damages from a 1 percent flood exceed $250 million.

Project Name: Coyote Creek Watershed Study. The Coyote Creek Watershed Study will examine ways to provide flood protection for the cities of San Jose, Milpitas, and Morgan Hill, including a major portion of the Silicon Valley's high-tech area.

Project Name: Development & Testing of Advanced Paraffin-based Hybrid Rockets for Space Applications. SPG will use the requested funds to design, build and initiate testing of 24-inch diameter, 30,000 pound thrust-class motors.

Project Name: DeWitt Avenue S-Curve Realignment, Santa Clara County. The project would straighten an S-Curve on DeWitt Avenue to enhance the line of sight for motorists, bicyclists, and pedestrians, thereby improving overall safety.

Project Name: Digital Heads-Up Display (DHUD) Upgrade for the ANG F–15s. The Heads-Up Display (HUD) system was designed to provide a pilot with the ability to acquire superior Situational Awareness (SA) by projecting critical flight information into the pilot's forward field of view serving as the aircraft's primary targeting system.

Project Name: Drug Court Discretionary Grant Program. This language supports restored funding to the Drug Court Discretionary Grant Program.

Project Name: Early Childhood Development Initiative-National Hispanic University. Funding will enable creation of a National Hispanic University (NHU) program in early childhood development to formalize the process of certifying "Smart Start" graduates, improving the number and quality of early childhood educators in San José.

Project Name: Early Warning IED Detection System. The Early Warning IED Detection System program will develop an advanced IED detection system that not only can detect the presence of IED's hidden along roadsides, but can also do so in a low profile and disguised manner.

Project Name: East Wing expansion—Guadalupe River and Silicon Valley History Project. This project would create a 30,000 square foot outdoor exhibit gallery with interactive exhibits and educational program spaces.

Project Name: Electronic Warfare Concept Demonstrator for the Littoral Combat Ship. The Electronic Warfare Concept Demonstrator (EWCD) will integrate commercial off the shelf Electronic Warfare antenna/receiver technology, the ES 3701 Tactical ESM System, with the Navy's current display and control systems.

Project Name: Fire Disaster Recovery project. This will provide the Foothill Family Community Clinic with a permanent home for its community health center program in the high need area of east San Jose.

Project Name: First-time Homebuyer Assistance Program. The First-time Homebuyer Assistance Program provides interest free closing cost loans to low and moderate income households for their first home purchase in the county.

Project Name: Guadalupe River Flood Control Project. The project extends through downtown San Jose from Interstate 880 to Interstate 280 and protects the area from $576 million in damages from a one percent flood.

Project Name: High Power Fiber Laser Program. This years funding request will drive the power output and improved beam quality of fiber lasers to technological levels that have never previously been met, providing new and unique capabilities to our warfighting personnel.

Project Name: Job Training for the Homeless Initiative. Funding will enable development and implementation of a job training and placement initiative to provide homeless persons in San Jose with remedial education, peer counseling, access to temporary shelter, transportation, childcare, vocational training, and job placement assistance.

Project Name: Llagas Creek Project. It will serve a 104 mile watershed by providing flood protection for 1,100 homes, 500 businesses, and over 1,300 acres of agricultural land in Santa Clara County.

Project Name: Martin Luther King, Jr. Library Community/Teen Center. Federal funding will support the redesign, construction, and equipping of a 2,600 sq. ft. Community and Teen Center, co-located with the San Jose main library, to provide a combination educational, performance, and public gathering space, with special attention to the needs and interests of teens.

Project Name: Mounted Warrior Equipment for the 4th Stryker Brigade. The Mounted Warrior Soldier System (MWSS) is the U.S. Army's integrated soldier fighting system, which permits the vehicle commander and driver to view the Force XXI Battle Commander, brigade-and-below (FBCB2) display, Driver's Vision Enhancer (DVE), and Remote Weapon System (RWS).

Project Name: National Transportation Security Center. This language directs the Secretary of Homeland Security to establish a National Transportation Security Center of Excellence at San Jose State University.

Project Name: OPAL (Optically Pumped Atomic Laser for Defense Microelectronics). OPAL will develop sub 200nm light source technology known as Optically Pumped Atomic Lasers (OPALs). Funds will be used for the demonstration of the sub 200nm at Newport-Spectra Physics and will be used to design the semiconductor inspection tool into which it will be integrated for inspection of advanced silicon chips.

Project Name: Roll-to-Roll Microelectronics Manufacturing in Support of the Flexible Display Initiative. The U.S. Display Consortium is under contract to the Army Research Laboratory (ARL) to organize the commercial display industry to develop the materials and supply chain required to enable volume production of flexible displays.

Project Name: San Francisquito Creek Flood Damage Reduction and Ecosystem Restoration Project. The study is examining possible flood protection measures for the cities of Palo Alto, East Palo Alto, Menlo Park and portions of San Mateo and Santa Clara Counties.

Project Name: San Luis Reservoir Low point Improvement Project. The San Luis Reservoir Low Point Improvement Project is to increase the operational flexibility of storage in San Luis Reservoir and ensure a high quality, reliable water supply for San Felipe Division contractors.

Project Name: San Jose Courthouse. This money would be used for site acquisition for a new Federal Courthouse in San Jose.

Project Name: San Jose Area Water Reclamation and Reuse Project. The San Jose Water Reclamation and Reuse Program will increase water supply reliability and protect endangered species by reducing wastewater discharges into San Francisco Bay.

Project Name: San Jose BEST Gang Intervention Program Expansion. B.E.S.T. coordinates and funds a continuum of prevention, intervention, and suppression programs targeted at youth demonstrating at-risk, high-risk, and gang-involved behaviors.

Project Name: San Jose Steam Railroad Museum. The funding will be used to help pay for the first two phases of construction of the San Jose Steam Railroad Museum.

Project Name: San José/Santa Clara Wastewater Pollution Control Plant Solar Research and Development. This project will demonstrate how municipalities around the country can improve air quality and reduce pressure on the electrical grid while saving taxpayers' dollars and reducing dependence on foreign fuel supplies.

Project Name: San Jose Women's Business Incubator and Training Center. Women's Initiative will own and operate a fully bilingual and culturally-competent Women's Business Incubator and Training Center in San Jose, where low-income and immigrant women in Silicon Valley can access business plan training and ongoing support.

Project Name: Santa Clara County HIV Test Counseling Program. In partnership with the Santa Clara County Department of Public Health, the DeFrank Center developed a pilot fixed-site HIV counseling and testing program to serve Santa Clara County.

Project Name: Santa Clara County: Juvenile Detention Reform: Evening Reporting Center (South County). The Evening Reporting Center is a comprehensive community-based intervention program designed to further Juvenile Detention Reform goals.

Project Name: Semiconductor Focus Center Research Program (FCRP). Funding will continue to support The Focus Center Research Program (FCRP) which conducts mid- to long-term (8–12 year time horizon) basic research in semiconductor technology at 38 universities across the country.

Project Name: ShotSpotter Gunshot Location and Detection Systems. The requested legislative language would broaden DHS' research and development priorities to include gunshot detection and qualifier systems.

Project Name: ShotSpotter Individual Protection System (SIPS). DOD R&D funding is needed for work to reduce the size and enhance the capability of the ShotSpotter Individual Protection System (SIPS). The sensor identifies the gunshot and radios the information back to a portable base station where the location is displayed on a lap top or PDA screen.

Project Name: Sobrato House youth facility. The Sobrato House will be able to provide 10 bed shelter for homeless, runaway youth. Also available will be a multi Service Center that is open daily for homeless youth, providing medical care, food, case management and other basic services.

Project Name: South San Francisco Bay Salt Ponds Restorations (FWS). The project will restore the health of the San Francisco Bay. The project will also provide tidal and fluvial flood protection in the Bay, including approximately 42,800 acres, 7,400 homes and businesses and significant urban infrastructure including major highways, parks and airports.

Project Name: South San Francisco Bay Salt Ponds Restorations (USGS). This funding request would provide $900,000 to the United States Geological Survey. USGS would use these funds to conduct interdisciplinary monitoring (biological, hydrological, and water quality studies) of Salt Ponds in San Pablo Bay and San Francisco Bay.

Project Name: South San Francisco Bay Shoreline Study. The project will restore the health of the San Francisco Bay, one of the nation's largest estuaries, by creating the largest restored wetlands on the West Coast.

Project Name: Student Partners Reaching Kids. The Students Partners Reaching Kids (SPRK) program serves more than 1,000 young adolescents through a series of offerings which form a continuum of opportunities throughout the year for students in the fourth through ninth grade age range such as: Discovery Youth, Getchy.com, CDMedia Studio, Safe Nights and Summer of Service.

Project Name: The Japanese American Experience: Making it Available. This museum will allow the broader community better access to and, understanding of the history, culture and arts of Japanese Americans in Santa Clara Valley.

Project Name: Trades JOBS for At-Risk Out-of-School Youth. The Center for Employment Training's Building Trades JOBS Program will provide comprehensive occupational skills training and employment services to 50 at-risk out-of school youth (age 17–24) and place 85% of them in demand jobs in the building trades.

Project Name: Upper Guadalupe River Flood Control Project. All proposed flood protection improvements include long-term environmental benefits for fish and wildlife habitat and continuous creekside trail access. The Upper Guadalupe River Flood Protection project will provide flood protection for 7,500 homes in Santa Clara County with potential damages from a 100-year flood event exceeding $280 million.

Project Name: Upper Penitencia Creek Project. The Upper Penitencia Creek Flood Protection project will provide flood protection to over 5,000 homes, schools and businesses in Santa Clara County, specifically the communities of San Jose and Milipitas.

Project Name: Yu-Ai Kai/Boys & Girls Club Senior Youth Wellness Center. The funds will establish a Senior Youth Wellness Center. The new Senior Youth Wellness Center will offer the following programs: preventive health programs through education, i.e., stroke prevention, diabetes prevention, cognitive wellness, nutrition education, heart disease prevention, etc.; therapeutic support groups and recreational activities; caregiver support groups with short term individual and family counseling, outreach, prevention and resource referral; M.D. and nurse visits/consultation for foot care/diagnosis, and preventive education; physical therapist visits/consultation and alternative health programs such as Tai-chi, Qi-gong, Yoga and Reiki; and indoor and outdoor physical fitness programs.

Project Name: Yu-Ai Kai/Boys & Girls Club Senior Youth Wellness Center Gymnasium. The new Senior Wellness Center and the Boys & Girls Club gymnasium will offer the following programs: physical fitness programs for seniors from the Minority Senior Providers Consortium; recreational and physical rehab programs for seniors, i.e., basketball, volleyball, handball, badminton, etc.; physical fitness for youths; recreational programs for youth, i.e., basketball, volleyball, badminton, handball, indoor soccer, indoor flag football, etc.; alternative health programs such as Tai-chi, Qi-gong, Yoga and Reiki; annual cultural events, i.e. Keiro Kai (honoring seniors 75 years and older), Bonen Kai (end of the year party for seniors), Shinnen Kai (Recognition of the New Year); and offer the gym to Japanese American youth who have tournaments and practice during the evenings and weekends.

HONORING THE MEMORY OF MRS. DOROTHY MOORE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama, recently lost a dear friend, and I rise today to honor her memory and pay tribute to her for a lifetime of exemplary service.

Mrs. Dorothy "Dot" Moore, a dedicated mother, grandmother, and great grandmother was a devoted family matriarch. A native of Pensacola, Florida, Dot attended Leinkauf Elementary before attending Murphy High School in Mobile.

Dot's professional career began in the steamship business where she worked as a secretary. She then went on to become a registrar at the University of Alabama Expansion Center. While working for the Expansion Center, she was offered a job with the U.S. Corps of Engineers and the U.S. Air Force. Dot then went on to open "Dot's Dress Shoppe." It was in this dress shop where she met a radio personality and TV chef who helped her launch her radio and television career.

Dot was a receptionist at WABB in 1958, and it was this position that led to her speaking before a wide radio audience. With her trademark low tone voice, Dot was the voice of many radio and television commercials, and she later became the host of WALA's daily half-hour program "Channel 10 Kitchen."

On May 14, 1963, "Dot Moore & Company" went on the air, and viewers across the central gulf coast welcomed Dot into their homes. The show remained on the air with various names, including "The Dot Moore Show" well into the 21st century. Dot also became well-known for her coverage of Mobile's Mardi Gras celebration for over 33 years on WALA.

For five decades, Dot was a fixture on Mobile's WALA–TV, and she was an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts in making Mobile and south Alabama a better place.

Mrs. Dorothy "Dot" Moore will be deeply missed by her family—her son, Robert J. Miller Jr.; her grandson, Robert J. Miller III; and her great grandson Carter B. Miller—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

A TRIBUTE TO BATTLE FOR IWO JIMA VETERAN CORPORAL CHARLES W. LINDBERG

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and accomplishments of Cpl Charles W. Lindberg (Retired). Corporal Lindberg is one of six United States Marine Corps servicemembers that climbed Mount Suribachi on Iwo Jima and raised the American flag. At 10:20 a.m. on February 23, 1945, the 3rd Platoon, E Company, 2nd Battalion, 28th Regiment, 5th Marine Division were the first group of Americans during World War II to raise the American flag on Japanese soil. This momentous occasion demoralized the Japanese and signaled the beginning of the end of the war in the Pacific Theater.

According to several accounts, Corporal Lindberg along with about 40 other members of the 3rd Platoon climbed Mount Suribachi to secure the highest point on the island. Despite clear danger to life and limb, Corporal Lindberg, carrying a 72-pound flamethrower and his platoon captured Mount Suribachi, forcing many enemy combatants out from their entrenched positions in tunnels on the hill. After raising the flag, Corporal Lindberg and members of the platoon continued to fight Japanese forces to gain complete control of the strategic location. Nearly a week later, on March 1, 1945, Corporal Lindberg was shot in the stomach while fighting on other parts of the island. Corporal Lindberg received a Purple Heart for his injury and Silver Star Medal for valor for his heroism on Iwo Jima. He was a member of the elite Carlson's Raiders, a group of Marines that operated behind enemy lines, and was also a part of the Guadalcanal and Bougainville campaigns.

History was not always fair to the 3rd Platoon. History has immortalized the second raising of the U.S. flag rather than the first raising. The well-known photo taken by Associated Press Photographer Joe Rosenthal occurred nearly 4 hours after the initial raising of the U.S. flag and has been commemorated by the United States Marine Corps Memorial and is depicted in history books across the Nation. After his discharge from the United States Marines in January 1946, Corporal Lindberg returned to Grand Forks, North Dakota, and eventually Minneapolis, Minnesota. He began to raise awareness of the initial raising of the U.S. flag but was rebuffed time after time. Finally, in 1995 the United States Marines officially set the record straight and had Corporal Lindberg flown to a reunion of war veterans on Iwo Jima.

Corporal Lindberg's heroism in securing Mount Suribachi from Japanese forces symbolized the strength, perseverance and fortitude of American servicemembers during World War II. Raising the American flag demoralized the enemy and gave hope to the beleaguered Marines on the beach. The hope rallied the U.S. Marine forces to fully secure the island by March 26, 1945. The efforts of Corporal Lindberg are also similar to the efforts of other United States Armed Forces when they liberated Guam and the Mariana Islands in July 1944. Let us pause and honor another outstanding member of the Greatest Generation and his contributions to our Nation's defense. His patriotism, bravery, and sacrifices for our country should never be forgotten.

HONORING THE ACADEMIC ACHIEVEMENTS OF JOSHUA MICHAEL BROWN

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to celebrate the accomplishments of Joshua Michael Brown, the world's first person to earn a bachelor's degree in nanosystems engineering. Brown, a native of West Monroe, LA., graduated from Louisiana Tech University in Ruston, LA., May 19, earning a degree in electrical engineering in addition to his history-making degree in the up-and-coming field of nanotechnology.

Few universities in the United States offer a curriculum in nanotechnology, the science of manipulating materials on an atomic or molecular scale to build microscopic devices, and I am proud to say that Louisiana Tech, located in the 5th Congressional District of Louisiana, is one of those pioneering universities.

In 2005, Louisiana Tech launched its nanosystems engineering degree program, becoming the first university in our Nation to offer such a degree. Recently, Louisiana Tech was ranked 10th in the Nation for commercializing nanaotechnology inventions by Small Times magazine, a trade periodical for micro and nanotechnologies.

Surely, Brown's efforts as a Louisiana Tech scholar were a factor in the university's gaining this honor. While working toward his degree, Brown, along with Tech professor Chester Wilson, co-invented a device that is currently in the process of being patented. The invention is a nanocatalyst considered superior to those currently being used in the production of biofuels from biomass waste, an invention that is both exciting and inspiring as our Nation's top scientists and researchers continue to search for ways to increase the production of quality biofuels in the quest to lessen the United State's dependence on oil.

Madam Speaker, I ask my colleagues to join me in honoring Joshua Michael Brown, whose knowledge and dedication to this revolutionary technology will be a great asset to the future of this field and to our longstanding commitment of keeping the United States on the forefront of science and technology.

HONORING AMERICA'S JUNIOR MISS ON THE OCCASION OF ITS 50TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to America's Junior Miss on the occasion of the 50th anniversary of America's Junior Miss scholarship program. This year's national finals will be held June 28, 29 and 30th in Mobile, Alabama.

America's Junior Miss scholarship program has been vital to young women across the United States. Founded in Mobile, Alabama, in 1958, by the city's Junior Chamber of Commerce, the program held its first national program with 15 states represented. Participants are evaluated in five categories: interview, talent, scholastics, self-expression and fitness.

America's Junior Miss aims to promote self-esteem through its "Be Your Best Self" program. This program, adopted in 1987, is a way for Junior Miss participants to share a positive, personal approach to young people and help them lead successful and productive lives. The program encourages making a commitment to self-improvement with a focus on education, community service, proper nutrition, staying fit, living by moral principles, setting goals, and striving to reach those goals.

Since its founding, over $87.7 million has been awarded to over 700,000 contestants. Last year, more than $2 million was awarded in cash scholarships with almost 200 universities and colleges offering college-granted scholarships to participants. Former participants in the program include Diane Sawyer, Deborah Norville, E.D. Hill, Kim Basinger, Dr. Linda Rutledge Delbridge, and Debra Messing.

It is my sincere hope that America's Junior Miss will continue to be a source of inspiration to young women across the United States for another 50 years. I rise today to salute this organization and the many contributions it has made toward the enrichment of young women across the United States.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. POE. Madam Speaker, due to delays in air travel coming back from my Congressional district yesterday, I was one of six Members on a flight that was delayed by several hours in arriving to Washington, DC. I unfortunately missed recorded votes on the House floor on Monday, June 25, 2007.

Had I been able to vote that day, I would have voted "yea" on Rollcall votes Nos. 549 and 550.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, on Thursday, June 21, 2007, I accompanied President George W. Bush to the State of Alabama to tour a nuclear facility and was subsequently absent for 22 votes on June 21 and June 22. Had I been present, I would have voted "nay" on rollcall No. 542 and "nay" on rollcall No. 548.

RECOGNIZING WORTHINGTON LIBRARIES

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. TIBERI. Madam Speaker, it is a distinct honor to rise and recognize Worthington Libraries, recently named the 2007 Library of the Year by Library Journal and Gale.

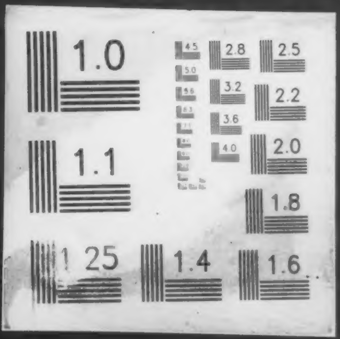
The roots of Worthington Libraries can be traced to 1803 and the small town of Granby, Connecticut, where a group of 100 men, women and children set out to begin a new life in Worthington, Ohio, bringing their collections of books with them. The library which was formed to manage those books was the first in Franklin County and only the third in Ohio.

The first building to actually house the collection came in 1927 when Elizabeth Jones Deshler donated money for a library building on the northeast corner of the Village Green, the area set aside by Worthington's founders for the public pursuit of learning and education. Mrs. Deshler dedicated the building to the memory of her grandfather, Worthington founder James Kilbourne. In 1931, Mrs. Deshler funded the addition of north and south wings on the James Kilbourne Memorial Library Building.

With a new location and an additional building, the current Library offers the world-class service and learning environment to match its storied past. The library is still the focal point of the community, emphasizing accountability to its patrons through rigorous, forward-looking planning and quality service that embraces not just adults but also children and teens. The community returns the compliment with strong financial support, giving the library 65.5 percent of its funding, even though three-quarters of Ohio's public libraries get most or all of their funding from the state.

Innovations which contributed to Worthington Libraries' selection for Library of the Year included a roving reference librarian, new ways to promote high-traffic items like popular fiction, a teen blog and "MySpace" page, adult programming that extends to forums sponsored with the town's Council for Public Deliberation, and strong e-assets that include not only 164 topnotch electronic resources and more than 8000 full-text periodicals but also TumbleBooks, which provides animated stories for children.

It is an honor to represent a community which prides itself upon the pursuit of knowledge, and the Worthington Libraries nobly provides that endeavor for its residents. Congratulations to all the staff of Worthington Libraries for continuing to find new ways to promote reading and learning.


1.0
1.1
1.25
1.4
1.6
1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0
4.5
5.0
5.6
6.3